

**MINUTES
CITY COUNCIL MEETING
CITY OF ST. CLAIR SHORES
27600 JEFFERSON CIRCLE DRIVE
ST. CLAIR SHORES, MI 48081**

Monday, January 19, 2009

PRESENT:

Mayor
Council Members

Robert A. Hison
Matthew S. Ahearn
Ronald J. Frederick
Beverly McFadyen
Mark J. Moffitt
David J. Rubello
Kip C. Walby

ALSO PRESENT:

City Manager
City Clerk
City Attorney
Communications Director
Finance Director
Traffic Lieutenant
Recording Secretary

Kenneth R. Podolski
Mary A. Kotowski
Robert D. Ihrie
Mary Jane D'Herde
Tim Haney
Tom Willette
Ayla Klein

1. CALL TO ORDER, ROLL CALL AND PLEDGE OF ALLEGIANCE

Mayor Hison called the meeting to order at 7:00 p.m. Ms. Kotowski, City Clerk, called the roll with a quorum present. The Pledge of Allegiance was recited by those in attendance.

2. PRESENTATIONS – ST. CLAIR SHORES GOODFELLOWS

Mr. Robert Holesak stated on behalf of the St. Clair Shores Goodfellows he thanked Mayor, Council, all residents, and volunteers for a successful year for the Goodfellows to keep their mission statement of, "No Kiddie without a Christmas".

3. REQUEST FROM ST. JOAN OF ARC TO HOLD IT'S 40TH ANNUAL SPRING FESTIVAL May 15-17, 2009 AND TO CLOSE SEVERAL STREETS AND CHANGE SPECIFIC HOURS AS FOLLOWS: MAY 15-16 CLOSE ENTERTAINMENT TENT AT 1 AM, BANDS ENDING AT 11:30 PM; MAY 17 CLOSE MIDWAY RIDES, BINGO AND ENTERTAINMENT AT 8 PM.

Mr. David Kesner requested permission to hold St. Joan of Arc's 40th Annual Spring Festival on May 15-17, 2009. One deviation that he requested this time from previous years is to request the entertainment tent Friday and Saturday to stay open until 1:00 a.m. instead of 12:00 a.m. Beer sales would continue until 12:30 a.m. and the band would end at 11:30 p.m. The midway will close and all lights will go out at 11:00 p.m. The Vegas facility will remain open until 1:00 a.m., staying the same as it is inside of the building and had not been a nuisance to the neighbors. The festival would close earlier on Sunday, 8:00 p.m. instead of 10:00 p.m. He also requests a waiver of the electrical inspection fee.

Mr. Moffitt stated that he wanted to clarify that St. Joan of Arc pays \$17,000 – \$19,000 every year for Police for these services.

Motion McFadyen, seconded by Moffitt to approve the request to hold 40th Annual Spring Festival at St. Joan of Arc on May 15 – 17, 2009 with the following hours: May 15-16 close entertainment tent at 1 am, bands ending at 11:30 pm; May 17 close midway rides, bingo and entertainment at 8 pm; and approval of barricades at four intersections: Greater Mack and Overlake, Goethe and Old Eight Mile, Edmunton and Old Eight Mile, and Greater Mack and Edmunton, and grant a waiver of the electrical inspection fee.

Ayes: All - 7

4. **REQUEST FROM THE TRAFFIC LT. TO AMEND TRAFFIC ORDINANCE 21.482 ENTITLED STOPPING, STANDING, PARKING RESTRICTIONS ON CERTAIN STREETS.**

a. **Schedule section 15B-52 (j) Rockwood Avenue to read West side thereof from Martin Rd. to Meier Rd. No Stopping, Standing, Parking School Days Only 7 a.m. to 4 p.m.**

Lieutenant Willette stated that for the last several years the ordinance did not allow parking on the East side of the street and only allowed parking on the West side of the street. He was asked by St. Germaine School for help with this parking problem. He and Mr. DeCorte, TIA, reviewed their concerns and recommend to flip the East side and West side signage on Rockwood Street so students will not have to cross the street when they are dropped off for school.

Mayor Hison questioned the address in 4b. Lieutenant Willette stated he knew this was the schools address and would confirm it to the Clerk for the ordinance language.

Motion by Rubello, seconded by Frederick for approval of the request from the Traffic Lt. to amend Traffic Ordinance 21.482 Entitled Stopping, Standing, Parking Restrictions on Certain Streets; Schedule Section 15B-52 (j) (1) No person shall park, stop or permit to stand any vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic control device, in any of the following places: Rockwood Avenue, west side thereof from Martin Road to Meier Road to include No Stopping, Standing, Parking School Days Only 7 a.m. to 4 p.m. as follows:

THE CITY OF ST. CLAIR SHORES ORDAINS THAT CHAPTER 21.482 (SECTION 15B-52) ENTITLED "STOPPING, STANDING, PARKING RESTRICTIONS ON CERTAIN STREETS; SCHEDULE" SHALL BE AMENDED AS FOLLOWS:

21.482 Stopping, standing, parking restrictions on certain streets; schedule.
Sec. 15B-52.

(j) Same; certain streets--No person shall park, stop or permit to stand any vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic control device, in any of the following places:

(1) Rockwood Avenue, west side thereof from Martin Road to Meier Road.

Shall be amended to read as follows:

(j) Same; certain streets--No person shall park, stop or permit to stand any vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic control device, in any of the following places:

(1) Rockwood Avenue, west side thereof from Martin Road to Meier Road, **No Stopping, Standing, Parking School Days Only 7 a.m. to 4 p.m.**

Any ordinance or parts of any ordinance in conflict with any provision of this ordinance are hereby repealed.

The ordinance shall become effective upon publication by the City Clerk.

This ordinance shall be published by posting the same in three (3) public places within the City of St. Clair Shores and the Clerk is hereby ordered to post the same upon the bulletin boards in the Police Station, 27665 Jefferson Avenue, the Fire Hall, 26700 Harper Avenue, and the City Hall, 27600 Jefferson Circle Drive.

STATE OF MICHIGAN)) ss
COUNTY OF MACOMB)

We hereby certify that the foregoing ordinance is a true copy of an ordinance as enacted by the City Council on the 19th day of January 2009, and that the necessary Charter provisions have been observed.

ROBERT A. HISON, MAYOR

MARY A. KOTOWSKI, CITY CLERK

a. **Schedule section 15B-52 (j) Rockwood Avenue to read West side thereof from Martin Rd. to Meier Rd. No Stopping, Standing, Parking School Days Only 7 a.m. to 4 p.m. (CONT'D)**

I, Mary A. Kotowski, Clerk of the City of St. Clair Shores, hereby certify that the foregoing ordinance was published by posting true copies of the same in each of the following places: Police Station, 27665 Jefferson Avenue, Fire Hall, 26700 Harper Avenue, and City Hall, 27600 Jefferson Circle Drive on the 23rd day of January 2009.

MARY A. KOTOWSKI, CITY CLERK

Ayes: All - 7

b. **Schedule section 15B-52 (193) Rockwood Avenue to read "NO PARKING" on the East side of Rockwood from the South property line of 28250 Rockwood to Martin Rd.**

Motion by Rubello, seconded by Frederick for approval of the request from the Traffic Lt. to amend Traffic Ordinance 21.482 Entitled Stopping, Standing, Parking Restrictions on Certain Streets; Schedule Section 15B-52 (193) Rockwood. No stopping, standing, parking, 7:00 a.m. to 4:00 p.m. school days only on the east side of Rockwood from the south property line of 28250 Rockwood to Martin Road to read Rockwood. No Parking on the on the east side of Rockwood from the south property line of 28250 Rockwood to Martin Road to read as follows:

THE CITY OF ST. CLAIR SHORES ORDAINS THAT CHAPTER 21.482 (SECTION 15B-52) ENTITLED "STOPPING, STANDING, PARKING RESTRICTIONS ON CERTAIN STREETS; SCHEDULE" SHALL BE AMENDED AS FOLLOWS:

21.482 Stopping, standing, parking restrictions on certain streets; schedule.
Sec. 15B-52.

(193) Rockwood. No stopping, standing, parking, 7:00 a.m. to 4:00 p.m. school days only on the east side of Rockwood from the south property line of 28250 Rockwood to Martin Road.

Shall be amended to read as follows:

(193) Rockwood. **No Parking** on the on the east side of Rockwood from the south property line of 28250 Rockwood to Martin Road at any time.

Any ordinance or parts of any ordinance in conflict with any provision of this ordinance are hereby repealed.

The ordinance shall become effective upon publication by the City Clerk.

This ordinance shall be published by posting the same in three (3) public places within the City of St. Clair Shores and the Clerk is hereby ordered to post the same upon the bulletin boards in the Police Station, 27665 Jefferson Avenue, the Fire Hall, 26700 Harper Avenue, and the City Hall, 27600 Jefferson Circle Drive.

STATE OF MICHIGAN)) ss
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ROBERT A. HISON, MAYOR

MARY A. KOTOWSKI, CITY CLERK

b. **Schedule section 15B-52 (193) Rockwood Avenue to read "NO PARKING" on the East side of Rockwood from the South property line of 28250 Rockwood to Martin Rd. (CONT'D)**

I, Mary A. Kotowski, Clerk of the City of St. Clair Shores, hereby certify that the foregoing ordinance was published by posting true copies of the same in each of the following places: Police Station, 27665 Jefferson Avenue, Fire Hall, 26700 Harper Avenue, and City Hall, 27600 Jefferson Circle Drive on the 23rd day of January 2009.

MARY A. KOTOWSKI, CITY CLERK

Ayes: All - 7

5. **BIDS/CONTRACTS/PURCHASE ORDERS**

a. ~~Request approval of the 2009 Fire Works Contract~~

This item was removed from the agenda

b. **Request to award bid for the Library Café (Bids opened 11/25/08)**

Ms. Rosemary Orlando, Director of the Library, stated that on November 25, 2008, 6 proposals to operate the Library Café were submitted at the Clerk's office. Five out of six were interviewed and 1 asked to be removed. The Library Board and the interview panel are recommending that the award go to Mr. and Mrs. Economopoulos. The interview committee consisted of Human Resource Director Mike Smith, Library Board Secretary Judy Eggly, Library Board Trustee Joe Krutell, and Library Director Rosemary Orlando. Once the contract is signed, they will begin business within 30 days. The proposed name is Dockside Café. It is a one year contract, with a 2 year extension option.

Mr. Rubello called several of the references that Mr. and Mrs. Economopoulos provided and they came very recommended. He asked if we would consider allowing Mr. and Mrs. Economopoulos to put up a sign at either the front of the library or in back of the library to help promote their business. He also asked if passing flyers out to the people at the marina would be permissible. Mr. Podolski stated the pool concessionaire contract would need to be reviewed regarding the marina clientele.

Mr. Ihrie said that the contract period would be 1 year from execution with the option to extend for an additional 2 years. Mayor Hison said that the idea is to review with them so that we have a mutual agreement.

Motion McFadyen, seconded by Frederick to request to approve awarding the Library Café to Mr. and Mrs. Economopoulos as a 1 year contract and authorize the City Manager to execute the concession agreement, a copy of which shall be attached to the original minutes of this meeting.

Ayes: All - 7

6. **CONSENT AGENDA**

Motion by Ahearn, seconded by McFadyen to approve the Consent Agenda items a - f as presented which read as follows:

a. **Bills**

January 9, 2009 \$2,758,945.89

To approve and release of checks in the amount of \$2,758,945.89, of the report that is 16 pages in length and of the grand total amount of \$2,758,945.89, \$664,525.62 went to other taxing authorities.

b. **Fees**

Roumell, Lange & Cholack, PLC \$13,262.44
Ihrie & O'Brien \$8,083.00

6. **CONSENT AGENDA (CONT'D)**

- c. **Progress Payments – None**
- d. **Approval of Minutes**

To approve the following minutes:
City Council

January 5, 2009

- e. **Receive & File Boards, Commissions & Committee Minutes**

To receive and file the following minutes:

Minutes

Tax Increment Finance Authority/Corridor Improvement
Authority Joint Meeting
Corridor Improvement Authority
Parks and Recreation Commission
Waterfront Advisory Committee
ZBA

Meeting Date

November 18, 2008
October 1, 2008
December 11, 2008
December 16, 2008
December 4, 2008

- f. **Request by the Lake Shore, Lakeview, South Lake, L'Anse Creuse, Macomb Intermediate and Macomb Community College school districts to levy 100% of their 2009 tax levy July 1, 2009**

Ayes: All - 7

7. **UPDATES AND FOLLOW-UPS FROM COUNCIL MEETING**

- PCB UPDATES – Mr. Podolski stated that the content report looks promising and should be posted on the website Wednesday or Thursday and the cleanup should be done by June.
- PEG UPDATES – Ms. D'Herde said that President Obama sent a letter draft to the Federal Cable Commission to delay the changes until June 2009 instead of February 2009. St. Clair Shores Local Matters will have updates periodically.
- EPOKE SYSTEM – The St. Clair Shores Local Matters show was aired to inform residents on the capabilities of this system on ice and snow.

Mr. Podolski stated that the County could not enter into the agreement to allow the City to take over the winter maintenance of Harper. They are experiencing the same salt inventory/purchase issues as we are. Mr. Podolski stated the winter we are experiencing has already caused us to use over ½ of the salt inventory.

Mr. Podolski stated there was a point some time ago when we spoke about the number of employees we have in comparison to others and we are the leanest in southeast Michigan. Administration made the decision with limited staff to allow them to rest on Sunday and to go into the neighborhoods to plow on Monday. Part of that decision was because schools were closed and some businesses due to the Federal Holiday.

Mrs. McFadyen said that there is a program called "Helping Hands" that will help seniors with snow removal.

8. **COMMENTS BY INDIVIDUAL COUNCILPERSONS**

Council Member Rubello – He wanted it to be known that just because we put something out to bid doesn't mean that the person who currently holds the contract loses it. He questioned why we can't call different contractors on the phone for the bids that we currently have for the sidewalk and landscaping projects. Mr. Podolski replied that we can't call contractors or businesses because it would appear as favoritism.

He asked where St. Clair Shores stands to benefit from programs that will be offered with the new President coming into office. Mr. Podolski stated that we may qualify for construction projects. He has already requested a meeting with Congressman Sander Levin to discuss programs that the City may qualify for. We have made the proper contacts to see if we can get our fair share.

8. COMMENTS BY INDIVIDUAL COUNCILPERSONS (CONT'D)

Council Member Frederick – Call our Recreation Department to secure a boat well at our marinas. Try to keep the snow off of the streets when plowing your driveway and sidewalk and clear the snow away from the fire hydrants.

Council Member Walby – We jeopardize our case to not go into closed session to discuss this item, so he will vote to go into closed session, but he won't vote for a deal and he wants to see this resolution at a Council meeting so light is shined on it for the public regarding Jefferson Beach Marina Tax Tribunal appeal.

Council Member McFadyen – Thanked the residents for keeping the sidewalks clear and wants them to continue to keep them clear and salted.

Council Member Moffitt – Would like Mr. Podolski to look into getting together with other surrounding communities to devise a plan for keeping the sidewalks clear at the overpasses at 8 Mile, 9 Mile, and 10 Mile. He questioned why we are not receiving the amount of salt that we are ordering and asked for a report.

Council Member Ahearn – Requested that residents do not shovel their snow right back in the streets and for residents to help their neighbors by shoveling for them.

Mayor Hison - The 19th Annual Firefighters Bowling Tournament is coming up on April 4th at Shores Bowling Alley on Harper and 13 Mile Road.

We have had inquiries about what our policy is and should it change regarding snow and asked Mr. Ihrle to explain the ordinance. Mr. Ihrle explained that landscapers are not supposed to pile snow in the line of vision or sight lines. Streets and sidewalks must be continually maintained for safe passage. The City gets more complaints on the fact that resident's can't walk on sidewalks safely than complaints about the ordinance enforcement. The City has an internal policy for the enforcement of this ordinance. At the 36 hour point the City sends out a contractor to shovel and bills the homeowners. There were 300 shoveling violations which is significantly less than the vacant homes in the City (if it was thought these were all vacant homes).

Snow cannot be piled in a manner to hinder the line of sight (over 4 feet) by contractors at business locations.

Mr. Podolski stated that letters were sent to all businesses and contractors regarding this issue at driveways sight lines. Due to the excessive snow fall we have given them time to resolve it. He also noted at the first snow fall we cut the administration fee in half to get their attention and the numbers dropped dramatically.

9. CITY MANAGER'S REPORT – NONE

10. AUDIENCE PARTICIPATION

Jim Goodfellow, 22476 Lakeland, complimented the DPW on the great job they did snowplowing.

Paul Palozzolo, Men's Auxiliary 1146 said that last years Chili Cook-off was a success and this years Chili Cook-off will be on March 5. The doors will open to the general public at 6 p.m. Go to www.chiliwars.com for more information.

Peter Rubino, 22016 Shady Lane, thanked Council for answering his concerns about the snow. Surrounding cities list an approximate time frame for snow removal and he wishes that St. Clair Shores would do the same. One way to alleviate concerns for residents is to have an Ethics clause.

Rick Swanquist, 21815 Bon Brae, requested Council consider amending the charter for the bid process to allow a local business or resident of the business to be granted a 5% variance like Roseville.

Chris Vitale, 22903 Larchmont, wanted to clarify that he is upset that there are no guidelines for the snow removal. He questioned Larchmont street in front of 11 Mile Road just East of I-94, if it was the City's property and why it wasn't shoveled.

Jamie Victory, 32069 Williamsburg, questioned if the neighbor should shovel the snow for a neighbor who is on vacation.

10. AUDIENCE PARTICIPATION (CONT'D)

Keith Bammel, 23163 Gladhill, raised his concerns regarding the snow plows. They are coming so fast down the street that it covered the sidewalks. Residents are getting fined for not shoveling their sidewalks but the plow pushed the snow back on the sidewalks after they have shoveled them.

11. REQUEST TO ENTER CLOSED SESSION AS PERMITTED BY STATE STATUTE MCLA 15.268 SECTION 8(e) TAX TRIBUNAL CASES STATUS

Mr. Rubello stated that he is not in favor of giving a business or resident anything that they cannot offer to everyone.

Motion by Ahearn, seconded by Frederick to enter Closed Session at 9:08 p.m.

A roll call vote was taken.

Ayes: All – 7

Motion by Rubello, seconded by Moffitt to return to Open Session at 10:40 p.m.

Ayes: All – 7

Motion by Moffitt, seconded by Walby to direct administration to proceed to 312 Arbitration on the Firefighters contract negotiations.

Ayes: All – 7

12. ADJOURNMENT

Motion by Moffitt, seconded by Rubello to adjourn the meeting at 10:42 p.m.

Ayes: All - 7

(THE PRECEDING MINUTES ARE A SYNOPSIS OF A CITY COUNCIL MEETING AND DO NOT REPRESENT A VERBATIM RECORD.)

ROBERT A HISON, MAYOR

MARY A. KOTOWSKI, CITY CLERK