

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

Monday, August 24, 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 (arrived at 7:03 p.m.)

**ALSO PRESENT:**

City Manager  
City Clerk  
City Attorney  
Finance Director/Treasurer  
Community Development Director  
Communications Director  
Waste Management  
Recording Secretary

Kenneth R. Podolski  
Mary A. Kotowski  
Robert D. Ihrle  
Tim Haney  
Chris Rayes  
Mary Jane D'Herde  
Pat Greve  
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 role with a quorum present. The Pledge of Allegiance was recited by those in attendance.

Councilmember Walby arrived at 7:03 p.m.

Mayor Hison announced that a former Mayor and Council Member of St. Clair Shores, Marcel Werbrouck passed away recently. Mr. Werbrouck served on St. Clair Shores City Council for fourteen years, has served on many boards and commissions for twenty years, and was presently serving on the Housing Commission. Mayor Hison asked for a moment of silence for Mr. Werbrouck.

Mayor Hison explained that the new location of the podium is for speakers to view the new digital timer that will be used for the two minute time limit and five minute time limit for the audience participation.

**2. AUDIENCE PARTICIPATION ON AGENDA ITEMS (2 MINUTE TIME LIMIT)  
[SUBMIT FORM TO CITY CLERK PRIOR TO START OF MEETING]**

Jim Garvin, 22931 Playview, referred to agenda item #4 on suggestions he wanted to make to improve this process. He developed a new snow removal product and for the last year he kept a thorough record of the frequency and amount of snowfall. He received a snow removal bill from the City in February of 2009 and he doubts its accuracy.

**3. WASTE MANAGEMENT PRESENTATION BY PAT GREVE**

Mr. Greve stated fuel prices are down significantly since Waste Management and the City entered into their new contract last year. Mr. Greve discussed the spreadsheet that he handed out and how it shows the types of services that they offer and the price changes. He discussed the total of the prior cost per month which was \$191,485.36 verses the total of the current cost per month which is \$187,134.32. The fuel price decreased nearly 30% from July 1, 2008 to June 30, 2009. On July 1, 2009 the rate was adjusted for fuel and CPI changes with a net result of 2.27% rate decrease. The formula was recalculated using the 2.27% decrease in the rates from July 1, 2009 to June 30, 2010 which amounted to a savings per year of \$52,212.44. This savings is for the same service a year ago and is based on the same formula that was used in the contract a year ago.

Mr. Greve stated that Waste Management has encouraged recycling in schools in the City by supplying the schools with ninety-six gallon recycling containers. Some schools that are participating have recycling bins in

### **3. WASTE MANAGEMENT PRESENTATION BY PAT GREVE (Cont'd)**

every classroom. Sometimes Waste Management would receive a rebate for the materials that they collect from the schools, but by offering this free service to the schools, it is cutting down on what the schools have to pay for waste pickup. He thinks the students are actively participating because they are informed of how good it is for the environment and the students may be getting class credits. Mr. Greve thinks this will correlate to students recycling at home which is great for the community.

Mayor Hison stated that he is glad fuel prices are going down and is giving us \$52,212.44 in savings a year this year. He said recycling is great for the environment and is glad Waste Management is encouraging recycling in the community. He commended Mr. Greve and his staff on a job well done.

Mr. Rubello stated it seems like there would be a larger amount in savings but in the formula that is used the gasoline was only 12% of the entire formula which reflects a savings of \$52,212.44. Mr. Rubello asked Mr. Greve if there are any recycling programs that other communities are partaking in that St. Clair Shores could benefit from.

Mr. Greve said the Recyclable Bank Program that Waste Management offers gives rewards or discount coupons based on the amount of recycling that is done by one home or business. The system keeps a record of how many times that home or business's cart is dumped into the truck and how many times the truck is dumped.

Mr. Rubello asked Mr. Greve to discuss the size limits of waste cans and bags. He asked if Mr. Greve would look into free waste audits and give City Council more information on it at a later date.

Mr. Greve stated a thirty-two gallon container and sixty pounds is the maximum allowed. He will check into free waste audits to see what is available and bring his findings back to City Council.

Mr. Walby questioned if our new base rate is \$6.80 when Waste Management recalculates the formula for 2010-2011. Mr. Greve replied that this is correct.

Mr. Frederick noted the fuel surcharge being discussed was diesel fuel. Mr. Greve replied that is correct.

Mr. Greve said that the large brush program started late in the year so there were one hundred, forty-five people that used the program from September to October of 2008 and four hundred, ten people have used the program so far this year.

### **4. DISCUSSION ON ORDINANCE AND POLICY FOR SNOW**

Mayor Hison acknowledged that this meeting was scheduled as a follow-up regarding the current ordinance language pertaining to snow maintenance on the sidewalks. We have an internal policy that residents had thirty-six hours after the snowfall to clear the snow on the sidewalks. The purpose of this discussion is to allow Council to comment on the ordinances and policy and then we will allow the audience to express their feelings.

Mr. Rayes recited the charter and ordinance that are used to enforce the current policy, 10.317 Sidewalks; snow, ice, obstructions; removal, and 30.012 Accumulation of snow, ice, rubbish, etc., prohibited:

#### **10.317 Sidewalks; snow, ice, obstructions; removal.**

Sec. 12.7. The Council may by ordinance require property owners to remove snow, ice, filth and other obstruction from the sidewalks adjacent to their respective properties and in event of the failure of any person to do so, such ordinance may provide that the city may perform such work and charge the cost thereof to such property owner and to assess him and his property therefore as in this charter provided

(char. eff. Jan. 15, 1951).

#### **30.012 Accumulation of snow, ice, rubbish, etc., prohibited.**

Sec. 33-2.

(a) Each owner or occupant of any premises abutting a sidewalk shall remove all snow and ice from said sidewalk and keep the same free from obstructions, encroachments, encumbrances, filth, rubbish and other substances likely to cause injury to any person.

(b) No person shall deposit or place snow from private property on any public sidewalk, street or right-of-way; nor shall any person deposit or place snow from public sidewalks onto public streets or rights-of-way.

#### **4. DISCUSSION ON ORDINANCE AND POLICY FOR SNOW (Cont'd)**

- (c) No person shall deposit, place, shovel or plow snow in such a manner as to block passage of pedestrian traffic on public sidewalks, streets or rights-of-way.
- (d) No person shall deposit, place, shovel or plow snow in such a manner as to hinder or interfere with the ability to see pedestrian or vehicular traffic. In this regard, snow shall not be deposited, placed, shoveled or plowed to exceed 4 feet on any property (chap. 33 eff. Dec. 3, 1968; amend. eff. Oct. 8, 1996).

Mr. Rayes noted that there are deficiencies in this ordinance compared with the weed ordinance which defines notification, the fee structure, and the administration fees.

Mayor Hison noted that Ordinance 30.012 has been in effect since December 3, 1968, was only amended once on October 8, 1996 and the original charter provision has been in place since 1951. This past winter was an unusually heavy snow fall where there were snow removal concerns with many vacant homes, resident complaints on sidewalks not cleared, post office complaints, and school complaints for student paths. The City's responsibility is to enforce the ordinance. A violation of this ordinance is a civil infraction and a ticket could have been issued. The City chose instead to have a contract vendor clear the walkways and charged the cost to the property owners.

City Administration has worked through a process that will allow for invoices to go out timely in the future, so residents will not experience the delays in billing that occurred last winter and their possible assumption that a neighbor or their landscaper shoveled.

A review of other municipalities' ordinance, enforcement, notification provisions and cost if they clear walkways was reviewed. Our thirty-six hours to clear was longer than others with a twelve to twenty-four hours period, and some tag a notice and others do not, those that enforce do charge an administration fee.

Discussion on amendments to this ordinance to define when the residents must have their walkways shoveled, definition of the fee to charge, like the weed ordinance (contractor fee and administration cost) and what source to base the number of hours from snow fall start.

It was noted that many could not recall a past winter where this was such a problem. It was noted that the excessive snow fall, increase in the number of vacant homes, more students walking to school due to bus route being shortened all had an effect on this process last winter. It was noted Council could not remember in the past ten years the City going into the neighborhoods to shovel walkways.

A door notice to be placed first requesting immediate action was considered. No changes to the existing ordinance are needed as this was an unusual winter was discussed. Review of the post office criteria of when they would not deliver mail was requested. It was also noted that the Post Office complaints had some discrepancies as they were noting safety issues for their staff and then the carriers were walking across front lawns with more snow accumulations than the sidewalks.

Questions that were raised were - How can the City's enforcement policy be considered discriminatory when snow covered sidewalks were complaint driven? What were other municipalities doing with Post Office complaints? Do we really want to deputize a contractor's employee to go into the neighborhoods to ticket violators?

Administration was asked to provide Council with the number of repeat offenders, number of complaints filed, number of residential homes shoveled and an estimated cost to tag with a notice to shovel. Items to be considered are clarification in the ordinance on the number of inches that the City would enforce shoveling, the number of hours to shovel by and what source the time limit to shovel will be counted from. There was consideration of allowing twenty-four or thirty-six hours after the City completes cleaning the streets if we tag or continue no tagging.

Mr. Ihrie noted the City should be concerned with selective enforcement items raised. City Charter gives the City the right to maintain sidewalks and keep them clear. The City needs to make a decision if it wants to make a law to keep its sidewalks clear. In the past years previous Council enacted this City law.

Also of concern is that complaint generated enforcement only could be considered selective enforcement. This could lead to one neighbor on the block shoveled by the City contractor and not the other neighbor down the block with no complaint filed. When the City has limited resources (staffing and funding a program) a certain number would get cited and a certain number would not if we go to complaint driven only. We would then open ourselves up to selective enforcement.

#### **4. DISCUSSION ON ORDINANCE AND POLICY FOR SNOW (Cont'd)**

The reason no notice was required, the past City Council who enacted this ordinance did not put this ordinance into the nuisance ordinance section but put it into Section 30.012 with a section heading of Accumulation of snow, ice, rubbish, etc., prohibited. The previous Council felt health and safety issues/concerns and not nuisance ordinance were the concern and is why this existing ordinance does not require a notice. The law (ordinance) itself is the notice for an ordinance for health and safety issues. It was stated that it is noted on the back of the tax bills.

It was noted that communities to the north of St. Clair Shores have more motorized postal routes and it is hard to compare township services to a City's. Two of the local school districts thanked the City for the enforcement on student routes to schools.

Staff was also asked to provide estimated costs for sidewalk blowers for the City to clean the sidewalks. Grosse Pointe cleans residential sidewalks so find out their cost and triple for our size.

Mayor Hison stated he would open the audience participation here and he knew there were residents waiting to speak on this issue and then return the item to Council.

#### **5. AUDIENCE PARTICIPATION**

Jim Garvin, 22931 Playview, explained his suggestions for improving the policy. He believes that accurate records should be kept and residents should be able to discuss their concerns about mistakes in documentation and records with a tribunal or appeal board. He believes that Council and City staff have been fair and thinks the fairness should continue.

Beverly Aron, 26705 Jefferson, was upset because the plow came through and left a big pile of snow at the end of her driveway on several occasions. She thinks that thirty-six hours is enough time for residents to clear the sidewalks. She stated that the area at Lake Ct. and Louis is never clear for passage.

Sue Jesion, 21308 Raymond, said she would like to see people continue to keep the standards high. She thinks that the St. Clair Shores newspaper should have an issue in November with the guidelines. She doesn't feel that there has been effective communication and asked if a notice can be sent to the banks that own the vacant homes.

Candice Rusie, 23149 N. Rosedale Ct., said there should be an ordinance of accurate record keeping. Notices should be put on doors. She believes that a timeline should be put into effect.

Jim Goodfellow, 22476 Lakeland, asked what the City's policy on plowing the streets is. He feels that the policy should be for the residents to have twenty-four to thirty-six hours after the City has plowed the streets to shovel their sidewalk.

Kelly Vandermolen, 19600 Parkside, said that approximately 3,000 bills were sent out this winter. She feels discriminated against because she has a foreclosed home on her street and feels that this brings attention to her street and feels that the other homes will most likely be ticketed when the vacant home is being ticketed. She was upset because at one time there was eight inches of snow on her street and the City shoveled her sidewalk and issued her a bill. She said for the City to put the reminder on the water bills instead of the tax bills because they are more frequent.

Greg Breakey, 19600 Parkside, agrees that having an ordinance will help keep the sidewalks clear because there are many more vacant homes than in the past. He works different shifts and feels that a longer time will give the residents a chance to clear the sidewalk.

Duane Michno, 20913 Ardmore Park Dr., believes that thirty-six hours is a reasonable timeline. Putting notices on doors is an issue because some people may claim that they never received the notice. If nothing is done the situation will get worse.

Mayor Hison stated that a listing of the comments and suggestions this evening has been compiled and they will be provided to the MAP Committee. This committee will take all the information and make a policy and/or ordinance amendment recommendations to be brought back to the City Council shortly after the November Election for the Council elect to act on.

After listening to residents this winter and this evening the main issues of concern were that residents felt there was a lack of notice, (even though the ordinance has been in place many years), the dollar amount charged, concerns over the contractors records, a consistent measure in place, number of inches when the City would

5. **AUDIENCE PARTICIPATION (Cont'd)**

send out a contractor, and consistency on when it had to be completed by, for example, number of hours and from what point.

6. **ADJOURNMENT**

**Motion by McFadyen, seconded by Frederick to adjourn the meeting at 9:10 p.m.**

Ayes: All (7)

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

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ROBERT A HISON, MAYOR

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MARY A. KOTOWSKI, CITY CLERK