

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

Tuesday, September 8, 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
Finance Director/Treasurer
Community Services Director
City Planner
Communications Director
Recording Secretary

Kenneth R. Podolski
Mary A. Kotowski
Robert D. Ihrle
Tim Haney
Chris Rayes
Liz Koto
Mary Jane D'Herde
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.

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. PROCLAMATIONS & PRESENTATIONS

a. Presentation of new Senior Center van by SMART

Ms. Sue Fickau, Senior Center Coordinator, and Mr. Steve Brown, SMART General Manager, were present this evening to formally present the new Senior Center SMART Bus, which is a fourteen passenger, wheel chair accessible vehicle. It will replace the oldest of four existing vehicles.

SMART leverages Federal funding for local transportation programs including buses and operating funds. SMART's Community Partnership Program helps local municipalities provide transit programs for their residents including; operating expenses, bus purchases, maintenance, and loaner vehicles.

Mr. Brown stated they are proud to bring the new SMART bus, purchased under the Community Partnership Program. Mr. Brown introduced his team that attended the meeting with him.

Mayor Hison said this is a huge help to seniors and those who are disabled. He thanked Steve Brown and SMART for helping the community.

Ms. Fickau said there are two dispatchers on staff, Monday – Friday, from 8:30 a.m. – 4:00 p.m. for residents to call and request transportation. They provide 16,000 rides annually to our senior population who would otherwise be homebound.

b. West Shores Home Owners Association 50th Anniversary

Mayor Hison presented the West Shores Home Owners Association with a proclamation in celebration of its 50th Anniversary. The six members of the association that were present to receive the proclamation were; Marcel Verstraete, Evelyn Frederick, Lillian Zaporski, Jackie Yost, John Fennell, and Betty Fennell.

Mr. Verstraete mentioned the different ways the association contributes to the community. He encouraged more people in the area to join the association and explained the benefits of joining.

c. Constitution Week, September 17 – 23, 2009

Mayor Hison presented Mrs. Joan Alsever, Elizabeth Bienaime Chapter of the National Society Daughters of the American Revolution Chairperson, with a proclamation and congratulated Mrs. Alsever.

Mrs. Alsever accepted the proclamation with gratitude. She encouraged everyone to read the Constitution and to vote.

d. Presentation by Waterfront Environmental Committee on new Fishing Line Recycle Program

Mr. Joe St. John, Waterfront Environmental Committee Co-Chair, said the St. Clair Shores Waterfront Environmental Committee with financial help from the Shorewood Kiwanis Club has brought the "Fishing Line Recycle Program" to St. Clair Shores. The idea was brought to our committee by a St. Clair Shores resident, Jackie Girard and spearheaded by Peter McInnes who is a member of the committee. Mr. St. John introduced Lakeview High School Team Green President, Kristen Kiluk.

Since 1990, Berkley, a fishing supply manufacturer, has recycled over one million miles of discarded fishing line. To date, 15,000 recycling tubes have been installed throughout the United States.

The recycling tubes are made from white six inch PVC pipes and are three feet tall. The Waterfront Environmental Committee has installed the recycling tubes at three locations in St. Clair Shores; the foot of Nine Mile Road, at the Blossom Heath Park fishing pier and at Veteran's Memorial Park and two more will be installed.

Ms. Kiluk explained how Team Green will clean out the fishing line from the tubes on the last Friday of each month. Team Green has been informing local fishermen about the tubes. She explained that Lakeview High School's goal is to obtain Michigan green school status and are currently working on the twenty points. Team Green has forty members total and fifteen active members.

Mayor Hison thanked the Committee and the members of Team Green for a job well done.

e. Requests from Kiwanis (Master Sponsor) to hold a St. Clair Shores Funfest & Appreciation Day Saturday September 26, 2009 at the South Lake Stadium from 11 am to 3 pm

Mr. Bryan Mazey, Lac St. Clair Kiwanis Club, is requesting to hold a St. Clair Shores Funfest and Appreciation Day on Saturday, September 26, 2009 at the South Lake Stadium from 11:00 a.m. to 3:00 p.m. He listed the many vendors that are involved in making this event possible; Vietnam Vets Honor Guard Post 154, the Optimists Club, the Lions Club, C.A.R.E., the St. Clair Shores Activities Committee, the Shores area Jaycees, S.N.A.P. Drug and Alcohol Program, Nautical Mile Merchants, Wally's Frozen Custard, St. Clair Shores Canine Unit, etc.

The event expenses will be paid for by sponsors paying \$100 for each 2'X4' sign that will be displayed in the stadium.

Ms. Sue Fickau was present on behalf of Mr. Greg Esler, Parks and Recreation Director, to express that Parks and Recreation is supporting this event and will be present to highlight their program.

Motion by Frederick, seconded by McFadyen to approve the request to hold a St. Clair Shores Fun Fest and Appreciation Day on Saturday September 26, 2009 from 11 am to 3 pm and waive the electrical inspection fee and subject to naming the city as an additional insured for the event.

Ayes: All - 7

3. AUDIENCE PARTICIPATION ON AGENDA ITEMS (2 MINUTE TIME LIMIT) - NONE

4. REQUEST FROM ST. GERMAINE'S PARISH TO HOLD ANNUAL FAMILY FUN FESTIVAL SEPTEMBER 18 – 20, 2009

Mr. Marty Peters, Festival Chair, requested to hold the Our Lady of Hope Festival on St. Germaine grounds on September 18 – 20, 2009 at 28301 Little Mack. Their hours would be the same as last year: Friday 6:00 p.m. to 1:00 a.m., Saturday 12:00 p.m. to 1:00 a.m. and Sunday 12:00 p.m. to 10:00 p.m.

4. **REQUEST FROM ST. GERMAINE'S PARISH TO HOLD ANNUAL FAMILY FUN FESTIVAL SEPTEMBER 18 – 20, 2009 (Cont'd)**

Motion by Ahearn, seconded by McFadyen to approve request from St. Germaine's Parish to hold annual Family Fun Festival September 18 – 20, 2009, Friday 6:00 p.m. to 1:00 a.m., Saturday 12:00 p.m. to 1:00 a.m. and Sunday 12:00 p.m. to 10:00 p.m. and waive fee for electric inspection.

Ayes: All - 7

5. **REQUEST FROM THETA NU XI MULTICULTURAL SORORITY, INC. TO SOLICIT DOOR-TO-DOOR FOR A BOTTLE/CAN DRIVE TO RAISE MONEY FOR CHARITIES ON SEPTEMBER 19, 2009 AT 9 MILE & 10 MILE AND HARPER TO JEFFERSON**

Ms. Saran Walker, Theta Nu Xi Multicultural Sorority, Inc. President, explained that their chapter started at Wayne State University in 2005 and in 2006 their sorority won for donating over \$5,000 to charities.

Ms. Walker requested to hold a bottle/can drive in the City. The volunteers will collect bottles/cans from residents between the area of Nine Mile to Ten Mile, Harper to Jefferson. The times will be from 10:00 a.m. to 2:00 p.m. Annually their sorority raises money to help support breast cancer research, AIDS campaigns, Girls for a Change, Michigan Round Table, etc.

Motion by McFadyen, seconded by Rubello to approve the Request from Theta Nu Xi Multicultural Sorority, Inc. to Solicit Door-to-Door for a Bottle/Can Drive to Raise Money for Charities on September 19, 2009 at 9 Mile & 10 Mile and Harper to Jefferson with the hours of the event to be 10:00 a.m. to 2:00 p.m.

Ayes: All - 7

6. **REQUEST FOR REZONING OF PC 09-08, FROM O-1 OFFICE TO LI LIGHT INDUSTRIAL (DALBY AND CAMPBELL EASTLAWN SUBDIVISION, LOTS 362, 363 AND 364 ONLY), AT 20020 9 MILE ROAD, PETITIONER, MARIO BIONDO**

Mr. Mario Biondo, property owner, 38812 Gainsborough, Clinton Twp., explained that his parcel at 20020 Nine Mile Road used to be zoned light industrial until it was rezoned to O-1 to meet his tenants usage and then the project did not go forward. In order to enhance the capability of a future tenant he was requesting to have the area zoned as light industrial again. The parking lot is the area that needs to be rezoned.

Ms. Koto explained that fifteen years ago the piece of land was rezoned to office. It remained the office zone until today. Two years ago his tenant requested a variance from the Zoning Board of Appeals. A new tenant could display cars out front, but for example, if a construction company leased the building and had two company trucks and wanted to park them there, they would not be allowed to under the current zone. It is best to bring the entire site into conformance of light industrial. The worst scenario in LI zoning would be outdoor storage of vehicles but the lot would have to be screened. LI zoning allows for all lesser intent uses.

The house that is south of the building is owned by the same property owner of 20020 Nine Mile Road. The property owner confirmed he has no intentions of making changes to the house's zoning.

Motion by McFadyen, seconded by Walby to approve a request for rezoning from O-1 Office to LI Light Industrial, at 20020 9 Mile Road (Dalby and Campbell Eastlawn Subdivision, Lots 362, 363 and 364 only) as recommended by the Planning Commission, as presented, noting 1) The Planning Commission and City Council understand that your presence here tonight constitutes that you are a legal representative of the petitioner for Planning Case 09-08. Each statement of intent, promise and/or pledge, made by you, the petitioner or agent, either orally or in writing, if permitted by Ordinance, shall be binding upon the petitioner and shall be a condition of said rezoning and site plan approval which reads as follows:

THE CITY OF ST. CLAIR SHORES ORDAINS THAT ZONING ORDINANCE 15.000 SHALL BE AMENDED BY THE FOLLOWING REZONING:

(167) Rezone from O-1, Office to LI, Light Industrial.

20020 9 Mile Road – Lots 362, 363 and 364 only of Dalby and Campbell Eastlawn Subdivision, as recorded in Liber 7, Page 75 of Plats, Macomb County Records, Macomb County, Michigan, shall be

6. REQUEST FOR REZONING OF PC 09-08, FROM O-1 OFFICE TO LI LIGHT INDUSTRIAL AT 20020 9 MILE ROAD (Cont'd)

rezoned from O-1, Office to LI, Light Industrial. This property is located on the south side of Nine Mile Road at the southwest corner of Nine Mile Road and Pallister Avenue.

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

This Ordinance shall become effective 7 days after publication and copies of this ordinance are available at the Office of the City Clerk 27600 Jefferson Circle Drive, St. Clair Shores MI, 48081 during normal business hours 8:00 am - 4:30 pm Monday through Friday.

STATE OF MICHIGAN)
) ss
COUNTY OF MACOMB)

We hereby certify that the foregoing ordinance is a true copy of an ordinance as enacted by City Council on the 8th day of September 2009 and that the necessary Charter provisions have been observed.

Robert A. Hison, Mayor

Mary A. Kotowski, City Clerk

I, Mary A. Kotowski, City Clerk of the City of St. Clair Shores, hereby certify that the foregoing ordinance was published in the Sentinel Newspaper on September 16, 2009 and shall become effective on September 23, 2009.

Mary A. Kotowski, City Clerk

Ayes: All - 7

7. REQUEST FOR PLANNING COMMISSION CASES: PC 09-09 AND 09-09A AT 24535 JEFFERSON, TO ALLOW MEDICAL OFFICE USE, PETITIONER MICHAEL G. TAYLOR, M.D.

a. Request for Special Land Use in the Central Lakefront District, to allow medical office use, at 24535 Jefferson, petitioner Michael G. Taylor, PC 09-09

Mr. Jay Parks, Skyline Property Group, is representing Michael Taylor, M.D. who is the petitioner. He is requesting Special Land Use approval in the Central Lakefront District to allow for a proposed physician's office at 24535 Jefferson Ave. He explained there are three full-time employees and the surgeon that will occupy the building. This office will be used for pre-operation and post-operation visits only.

The Special Land Use approval request is brought before Council as they are the governing body for the Central Lakefront District.

Motion by Walby, seconded by McFadyen to approve a request for Special Land Use PC 09-09 In the Central Lakefront District to allow medical office use, at 24535 Jefferson, as recommended by the Planning Commission and as presented as follows: 1) The Planning Commission and City Council understand that your presence here tonight constitutes that you are a legal representative of the petitioner for Planning Case 09-09. Each statement of intent, promise and/or pledge, made by you, the petitioner or agent, either orally or in writing, if permitted by Ordinance, shall be binding upon the petitioner and shall be a condition of said special land use approval.

Ayes: All - 7

b. Request for site plan approval for proposed medical office, at 24535 Jefferson, petitioner, Michael G. Taylor, PC 09-09A

Mr. Parks explained some of the changes that were made to the property, such as putting a curb which limits the potential to cut through the parking lot and landscaping that was added.

Council had been provided a letter from Mr. and Mrs. Marklin of 22604 Trombly whom live next to the property and were in attendance to let Council know that they do not want a brick wall to be put up between their property and the property at 24535 Jefferson.

There was also traffic concerns if the Trombly driveway curb cut (which has been chained) were opened. The Planning Commission recommends that this driveway be curbed.

Mr. Parks said they will do whatever it takes to keep the City and the residents happy and is open to putting up a fence. He stated they will not need a dumpster.

If a new business moves in and wants to put up a wall or if a new resident purchases the home next to this property and wants a wall to be put up, it will have to come before Council. Mr. Ihrie noted a new business would be subject to the current ordinance requirements at that time, but a new resident could not change existing usage.

The request for signage will come before Council at a later time because it is a separate issue than the construction.

Motion by Frederick, seconded by Ahearn to approve the request for Site Plan Approval PC 09-09A in the Central Lakefront District for a proposed medical office, at 24535 Jefferson; as recommended by the Planning Commission and subject to the City Planner's report, including: 1) If dumpster is desired, location to be discussed with staff before installation, and it must be properly screened on all sides, 2) Sign permits must be obtained for any proposed signage in property and building; no signage permitted in any required setback, 3) that City Council grants a variance to the installation of the 6 foot concrete wall along the west end of the property abutting the residential property,(as requested by the residential property owner abutting this location cyclone fencing and landscaping to remain), 4) that the ingress and egress to the site from the existing curb cuts on Trombly be curbed subject to CDI Final inspection; and 4) The Planning Commission and City Council understand that your presence here tonight constitutes that you are a legal representative of the petitioner for Planning Case 09-09A. Each statement of intent, promise and/or pledge, made by you, the petitioner or agent, either orally or in writing, if permitted by Ordinance, shall be binding upon the petitioner and shall be a condition of said land use approval.

Ayes: All – 7

8. REQUEST FOR SITE PLAN APPROVAL AT 26001 AND 22300 E. JEFFERSON, FOR PROPOSED CANOPY ADDITION OVER MAIN ENTRANCE AT SHORE POINTE NURSING CENTER (FORMERLY BEAUMONT NURSING CARE CENTER, FORMERLY BON SECOURS LAKELAND CENTER), PETITIONER, TIMOTHY SPIRO, OF PREMIER HEALTH CARE MANAGEMENT, PC 09-10

Mr. Jim Pappas, Architect, Fusco, Shaffer & Pappas, Inc. Architect, 30800 Northwestern Hwy., Farmington Hills, presented two display boards with diagrams and a three dimensional power point display of the new canopy at the center entrance for Shore Pointe Nursing Center (formerly Beaumont Nursing Care Center, formerly Bon Secours Lakeland Center) at 26001 and 22300 E. Jefferson.

The canopy is a three story addition that faces into the parking lot. The request this evening would be subject to the Zoning Board of Appeals granting a height variance. Mr. Pappas believes that this canopy will enhance the exterior appearance of the building while providing a safe area for people to exit and enter vehicles. He noted the existing building is three stories and the canopy will direct visitors to a central entrance area. Once the required approvals are secured the project would precede in early spring due to the upcoming fall season building conditions.

Motion by Moffitt, seconded by Ahearn to grant site plan approval for a proposed canopy addition over the main entrance at Shore Pointe Nursing Center, 26001 and 22300 E. Jefferson PC Case 09-10 as recommended by the Planning Commission and subject to the conditions of the City Planner's report, including: 1) A height variance to be obtained from ZBA, 2) The Planning Commission and City Council

8. REQUEST FOR SITE PLAN APPROVAL AT 26001 AND 22300 E. JEFFERSON, FOR PROPOSED CANOPY ADDITION OVER MAIN ENTRANCE AT SHORE POINTE NURSING CENTER (Cont'd)

understand that your presence here tonight constitutes that you are a legal representative of the petitioner for Planning Case 09-10. Each statement of intent, promise and/or pledge, made by you, the petitioner or agent, either orally or in writing, if permitted by Ordinance, shall be binding upon the petitioner and shall be a condition of said land use approval.

Ayes: All - 7

9. REQUEST FOR METRO ACT APPROVAL FOR AMERICAN TOWER, FOR A DISTRIBUTED ANTENNA SYSTEM

American Tower is proposing to install a distributed antenna system (DAS) that runs through Grosse Pte. Woods, to southern St. Clair Shores. Staff has met with American Towers and they have re-routed the lines along the primary utility poles, as opposed to the street lighting along Marter Road.

Motion by Frederick, seconded by Walby to POSTPONE a request for Metro Act approval for American Tower, for a distributed antenna system until the next meeting of September 21, 2009, as no petitioner was present.

Ayes: All - 7

10. REQUEST TO ADOPT AN AMENDMENT TO LIQUOR LICENSE ORDINANCE 19.650 SECTION 19.654 SECTION 4

In April 2009 City Council adopted amendments to this ordinance which allowed for applicants not meeting the 150 seating requirements to apply for a class C license subject to additional conditions with there being more than six licenses available.

Mr. Ihrle explained that there was a small amendment that was made to the liquor license ordinance, 19.650 Section 19.654 Section 4. He thinks that the word "establishment" in the ordinance is too vague. He is asking Council to amend the ordinance and change the verbiage to read "the building/tenant space was constructed within the previous ten (10) years". This would help clear up any confusion.

Motion by Ahearn, seconded by McFadyen to approve Adoption of Ordinance Amendment to the Liquor License Ordinance 19.650 Section 19.654 Section 4 (8) (2) b, which reads as follows:

19.650 LIQUOR LICENSE ORDINANCE Ord. Effective: March 13, 2001

This article shall be known and may be cited as the "St. Clair Shores Liquor License Ordinance."

19.654 Applications for new license.

Sec. 4.

(8) *Restrictions on licenses.* No license shall be issued to:

- (1) A person, co-partnership or corporation unless the premises of the proposed business shall seat a minimum of 150 persons. This provision shall apply to newly issued quota licenses only.
- (2) The City Council may issue a license to an applicant who owns an existing business that has fewer than the minimum seating requirement if all of the following conditions are met:
 - a. The City holds more than six (6) un-issued quota licenses,
 - b. The petitioner has invested at least \$50,000 in the real property within the 36 months preceding the application, or agrees to invest at least \$50,000 in the real property within the 24 month(s) after the granting of the license with approved improvement plans submitted with the application, unless the establishment is less than ten (10) years old.
 - c. The establishment meets the current parking requirements. City Council shall be the body to grant a parking variance which shall be submitted with the application.
 - d. The establishment has operated continuously for at least five (5) years within the City of St. Clair Shores.
 - e. The petitioner has at least five (5) years experience as an owner/operator of a restaurant.
 - f. At least 90% of usable restaurant/bar floor space is devoted to dining (as opposed to bar).
 - g. Any other factors that City Council considers important to protect the health, safety and welfare of the City and its residents.

SHALL BE AMENDED AS FOLLOWS:

(8) *Restrictions on licenses.* No license shall be issued to:

10. REQUEST TO ADOPT AN AMENDMENT TO LIQUOR LICENSE ORDINANCE 19.650 SECTION 19.654 SECTION 4 (Cont'd)

- (1) A person, co-partnership or corporation unless the premises of the proposed business shall seat a minimum of 150 persons. This provision shall apply to newly issued quota licenses only.
- (2) The City Council may issue a license to an applicant who owns an existing business that has fewer than the minimum seating requirement if all of the following conditions are met:
 - a. The City holds more than six (6) un-issued quota licenses,
 - b. The petitioner has invested at least \$50,000 in the real property within the 36 months preceding the application, or agrees to invest at least \$50,000 in the real property within the 24 month(s) after the granting of the license with approved improvement plans submitted with the application, unless the building/tenant space was constructed within the previous ten (10) years.
 - c. The establishment meets the current parking requirements. City Council shall be the body to grant a parking variance which shall be submitted with the application.
 - d. The establishment has operated continuously for at least five (5) years within the City of St. Clair Shores.
 - e. The petitioner has at least five (5) years experience as an owner/operator of a restaurant.
 - f. At least 90% of usable restaurant/bar floor space is devoted to dining (as opposed to bar).
 - g. Any other factors that City Council considers important to protect the health, safety and welfare of the City and its residents.

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 8th day of September 2009, and that the necessary Charter provisions have been observed.

ROBERT A. HISON, MAYOR

MARY A. KOTOWSKI, CITY CLERK

I, Mary A. Kotowski, City 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 11th day of September 2009.

MARY A. KOTOWSKI, CITY CLERK

Ayes: All - 7

11. BIDS/CONTRACTS/PURCHASE ORDERS

a. Request to award bid for 2009 Gaffke Park Fence Installation (Bids opened 8/25/09)

Mr. Rayes stated on August 25, 2009, the City received bids for the 2009 Gaffke Park Fence Installation Project which included clearing of the brush. There were eight bids total and only two of them were from businesses in St. Clair Shores. The low bidder is Noble Fence Co., at \$25,564.20. The bids ranged from around \$18,000 to around \$50,000. Their recommendation is that the bid be awarded to Noble Fence Co., at \$25,564.20 which is well under the \$35,000 that was budgeted for this project.

CDBG funding is being used to pay for this project. This is one of the areas in the City that qualifies to use this funding source. Work has also been done on other parks in previous years as well that did not qualify under CDBG guidelines.

It was noted that the bid was published in the Sentinel newspaper, on the City's website, and with the Builders Association of Michigan.

Mr. Podolski stated that the City will retain this list of bidders for other similar projects in the future.

Notices will be sent to residents in the area of Gaffke Park notifying them of the project.

Motion by Frederick, seconded by Ahearn to approve a request to award bid for 2009 Gaffke Park Fence Installation to Noble Fence Co., the low bidder, in the amount of \$25,564.20.

Ayes: All - 7

b. Request approval of purchase order for Police Department to purchase wireless in-car-video equipment and a server

Sgt. A. Pietrzak said the Police Department currently utilizes twenty in car DVD cameras. Seven of the cameras are over five years old while ten others are over four years old and they suffer from frequent breakdowns. The eleven new systems are being purchased from VisionHawk with JAG Grant funds. The Police Department has been allocated \$98,491 through the grant. The remaining \$5,473 is budgeted for in 101-300-930. The eleven systems will account for half of the police vehicles replacement.

This purchase was under the GSA bid pricing. Mr. Ihrle noted that purchase amount requires bids but our ordinance allows us to utilize the GSA bids and purchase under it.

Sgt. Pietrzak said the City will try to sell the old systems to a Police Department that does not have the funding to purchase new systems. Certain supply companies will be contacted to possibly sell the systems for parts.

Motion by Frederick, seconded by Ahearn approval of purchase order for the Police Department to purchase 11 VisionHawk Wireless in-car video cameras and a server in the amount of \$103,964 from International Police Technologies using JAG grant funding with what remained from the Police Department budget.

Ayes: All - 7

12. CONSENT AGENDA

Motion by Ahearn, seconded by Walby to approve the Consent Agenda items as presented, which include the following:

a. Bills

August 27, 2009

\$12,144,219.67

To approve the release of checks in the amount of \$12,144,219.67, of the report that is 39 pages in length and of the grand total amount of \$12,144,219.67, \$7,131,700.61 went to other taxing authorities.

12. **CONSENT AGENDA (Cont'd)**

b. Fees - None

c. Progress Payments

D&M Contracting, Inc.	\$133,833.20
TR Pieprzak Company	\$ 25,841.00

To approve the above progress payments, subject to audit.

d. Approval of Minutes

To approve the following minutes:

City Council	August 17, 2009
City Council Study Session	August 24, 2009

e. Receive and File Boards, Commissions and Committee Minutes

To receive and file the following minutes:

<u>Minutes</u>	<u>Meeting Date</u>
Beautification Commission	June 10, 2009
Beautification Commission	July 8, 2009
Cool City Committee	July 8, 2009
Cultural Committee	July 8, 2009
General Employee Pension Board	July 21, 2009
Library Board	July 17, 2009
Parks and Recreation Commission	July 9, 2009
Water Resources and Advisory Board	July 7, 2009
Zoning Board of Appeals	July 9, 2009
Brownfield Redevelopment Authority	June 16, 2009
Police and Fire Pension Board	July 30, 2009
Police and Fire Retiree Health Care Trust Board	July 30, 2009
Tax Increment Finance Authority	July 16, 2009
Corridor Improvement Authority	August 5, 2009
Employee Civil Service Commission	August 20, 2008
Sign Arbitration Committee	May 28, 2009
Sign Arbitration Committee	June 25, 2009
Waterfront Environmental Committee	July 21, 2009

f. Approve three year Renewal of AT&T Centrex Agreements

This item has cost savings estimated annually of \$13,000.

g. To receive and deny the claims Nancy A. Gino v St. Clair Shores etal. and refer to legal counsel.

Ayes: All - 7

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

- **Ten Mile Water Main** – Mr. Rayes said the Ten Mile water main is complete and site restoration begins tomorrow.
- **Harper Street Scape Project** – Mr. Rayes said the project should be completed before the end of the year. The project to install two pocket parks per mile on Harper Avenue between Fourteen Mile Road and Eight Mile Road will hopefully be completed by the end of the year. The pocket park will include park benches and landscaping.

14. COMMENTS BY INDIVIDUAL COUNCILPERSONS

Council Member Walby questioned the status of Clean Water Initiative Milleage reduction. Mr. Haney met with the County and as soon as the audit is done it will be presented to Council for the next fiscal year's budget on the proposed reduction.

Mr. Walby mentioned the two "Meet the Candidates" meetings upcoming before the City General Election.

Council Member Frederick mentioned the upcoming Coffee Hour with Sarah Roberts. He congratulated West Shores Home Owners Association. He liked the fact that Council held a Study Session to discuss the snow removal ordinance and he wants to continue to do Council Study Sessions for ordinances. He feels there should be a Community Committee that will work with Mr. Rayes and Mr. Ihrie.

It was discussed that waiting until November to make changes to the snow removal policy will be too late and a policy change should happen as soon as possible. It was mentioned that the snow removal issue should go before the Mayor's Advisory Panel (MAP) before it is discussed by Council at another Study Session.

Mayor Hison stated that a well thought out ordinance will be brought before Council the second meeting of November and a moratorium can be put into place that it will not happen again until there is a decision and an ordinance.

Motion by Frederick seconded by McFadyen to refer the Study Session item of snow removal ordinance to the Citizen MAP Committee who will bring recommendations to Council by the second meeting in November.

A roll call vote was taken.

Ayes: Ahearn, Frederick, McFadyen, Hison

Nays : Moffitt, Rubello, Walby

Motion carried.

Mr. Walby asked for a point of order through the Mayor to the City Attorney questioning if two Council members requested an agenda item does the motion this evening prevent their placement. Mr. Ihrie responded, no.

Council Member Rubello mentioned that the Historical Society is looking for volunteers. He asked for an update on HUD homes.

Mr. Podolski said the purchasers of HUD homes make all the necessary repairs. The City will be taking the highest bids. The City will be announcing the program and the details in the next three weeks or so.

He asked about FEMA flood maps and if signage could be put up at the pool concession stand.

Mr. Rayes said that he would have to discuss the signage with Mr. Greg Esler.

Council Member McFadyen mentioned the St. Clair Shores Senior Center's upcoming events.

Council Member Moffitt asked what can be done about the tall grass that is on the Mile Roads and I-94. He would like the City to mow the grass and bill the state.

Mr. Podolski said that the state sent notices to all municipalities that due to budget cuts they would only cut the grass two times this summer.

Council Member Ahearn stated that Mr. Henry Cornillie passed away last week. Mr. Cornillie was a great friend to this City. He congratulated the West Shores Home Owners Association.

Mayor Hison mentioned the Art Fair at Veteran's Memorial Park and the Car Show at Blossom Heath parking lot that are both on September 19 and 20, 2009.

15. CITY MANAGER'S REPORT

Mr. Podolski stated that legislation to Amend PA 312 binding Arbitration was introduced last week in the State House.

Mr. Podolski made an announcement that he and his wife are celebrating their fortieth anniversary on Friday.

16. AUDIENCE PARTICIPATION (5 MINUTE TIME LIMIT)

Joe Degens, 31033 Couchez Ct., asked why the sidewalk in front of his house was marked after he and his neighbors fixed the sidewalks twice.

Vic Hicks, 22930 Masonic, has lived in the City for sixty-four years and would like help with his water bill issue.

Sal Cucinella, 22313 Visnaw, is upset because he has to power wash his house from the smoke smell from wood burners. He feels that the City should prohibit outdoor wood burners

Rick Swanquist, 21815 Bon Brae, thanked the Chamber of Commerce for holding the "Meet the Candidates" event. He feels the City should have the same bid process as the City of Roseville and allow for businesses in the City to receive a five percent leeway when bidding. He feels that a moratorium should be put in place until a final decision is made.

Paul Gagner, 21531 Maxine, disagreed with the fact that some residents were accused of misleading other residents in the past.

Erin Stahl, 20113 Avalon, announced the next I-94 entrance ramp clean up. She requested a legal opinion from Mr. Ihrie concerning a former City employee running for Council.

17. ADJOURNMENT

Motion by Ahearn, seconded by Walby to adjourn at 9:50 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