

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

Monday, December 21, 2009

PRESENT:

Mayor
Council Members

Robert A. Hison
Ronald J. Frederick
David J. Rubello
Peter Rubino
Candice B. Rusie
Kip C. Walby

ABSENT & EXCUSED:

Beverly A. McFadyen

ALSO PRESENT:

City Manager
City Clerk
City Attorney
Community Services Director
City Planner
Communications Director
Recording Secretary

Kenneth R. Podolski
Mary A. Kotowski
Robert D. Ihrle
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 and informed Council that Mrs. McFadyen had requested to be excused from the meeting due to illness.

Motion by Frederick, seconded by Rubello to excuse Council Member McFadyen from the meeting.

Ayes: All – 6

The Pledge of Allegiance was recited by those in attendance.

Mayor Hison asked for a moment of silence for the passing of Mr. Ihrle's mother. Mayor Hison stated that our thoughts and prayers are with the family.

2. PROCLAMATIONS & PRESENTATIONS

a. Continental Amateur Baseball Association (CABA) award for Site of the Year

Mr. Gerrit Ketelhut, President of CABA, explained that the teams consist of teens ranging from the ages of thirteen years old to eighteen years old. He is here to announce that Kyte Monroe was recognized out of a total of forty sites as the National Site of the Year. Mr. Ketelhut thanked Council, the City, and local businesses for their support and for doing an outstanding job of maintaining the site. This is the second time in five years that Kyte Monroe has received this award. He then presented Mayor Hison with an award to the City for Kyte Monroe.

b. Dancer's Workshop

i) Donation to COPS for Kids

Ms. Mary Lou Barnes and Ms. Suzette D'Andrea presented a \$5,000.00 check to Officer Jeff Goode for COPS for Kids program. The funds were raised at their 15th Annual Christmas Show.

Officer Goode accepted the check with gratitude and said that many families and children will benefit from this generous donation.

ii) **Proclamation**

Mayor Hison presented a proclamation to Ms. Barnes and Ms. D'Andrea for Dancer's Workshop.

Ms. Barnes explained that this is the 15th year that Dancer's Workshop has made a donation to COPS for Kids.

3. **AUDIENCE PARTICIPATION ON AGENDA ITEMS (2 MINUTE TIME LIMIT)**

Ms. Sarah Roberts, State Representative, spoke on agenda item #11 to provide information on House Bill 5558 and 5559 increasing tipping fees at Michigan landfills. She said that 30% of the trash that goes into Michigan's landfills is from surrounding states and Canada. She stated that many surrounding states and Canada choose to dump their trash in our landfills because we have a charge of only twenty-one cents per ton which is very low compared to other states. She feels that this will hurt us in the future when the landfills are filled and we have to drive further distances to dump our trash. One problem is trash cannot be regulated because it is protected under certain laws. She asked Council to Table this item until they see the final legislation.

4. **REQUEST TO TRANSFER ALL RIGHTS TO RENEW A 2009 RESORT CLASS C LICENSED BUSINESS WITH DANCE PERMIT LOCATED AT 23018 GREATER MACK FROM EASTSIDE HOWARDS INC. TO FIFTH THIRD BANK WITH LICENSE TO BE HELD IN ESCROW**

Mr. Ken Mattson, Fifth Third Bank attorney representative, explained that the Class C license from Eastside Howards Inc. is part of the Bank's collateral as described in the Circuit Court Order received by the City today. Fifth Third Bank requests the license to be transferred to them and the license to be held in escrow until sold.

Mr. Mattson explained that Fifth Third Bank does not intend to operate a bar or restaurant and would sell the license to any purchaser in or out of St. Clair Shores since this license is able to be transferred within the state and does not have to stay in the City as it is a Resort license that had been transferred into the City.

Mr. Ihrie said it is the normal process that City Council must approve all transfers of licenses. This situation is a little different since Fifth Third Bank is a lending institution that is taking the license back as collateral. He explained that this is a resort license that was created by the State of Michigan and this is not one of the Class C licenses that St. Clair Shores is allotted. This license is one of the 150 licenses that can be transferred anywhere in the State of Michigan. Mr. Ihrie stated he had been asked if the normal application fees should be charged to the bank for a temporary transfer. We could possibly charge, but it would ultimately be charged to the new owner who would operate the business.

Ms. Kotowski said this license was originally transferred into the City from Mt. Clemens to answer how the resort license came into the City.

Motion by Walby, seconded by Rubello that the request to transfer all rights to renewal of 2009 Resort Class C Licensed business, issued under MCL 436.1531 (2), with Dance permit, located at 23018 Greater Mack, St. Clair Shores, MI 48080, Macomb County, from Eastside Howards Inc. to Fifth Third Bank with license to be held in escrow, be considered for APPROVAL and that it is the consensus of the legislative body that this application be RECOMMENDED for issuance "above all others".

Ayes: All – 6
Absent: McFadyen

5. **REQUEST FOR PLANNING COMMISSION CASE PC 09-16, AT LAKESHORE PRESBYTERIAN CHURCH, 27801 JEFFERSON FOR SITE PLAN APPROVAL FOR A PROPOSED ENCLOSED HANDICAP RAMP, WITH SHINGLED ROOF**

Mr. Richard Swanquist, Swany Construction, said he is representing Lakeshore Presbyterian Church on this item. He is requesting a site plan approval for the addition of a covered handicap ramp for the existing church at 27801 Jefferson. The addition is proposed to be five feet wide and forty-one feet long, with an eight and one half foot by nine and one half foot vestibule area. The exterior finish material is siding with an asphalt shingle roof to match the existing building. Mr. Swanquist said the church had a ramp and last fall the ramp came down in a storm and that is why they are asking to replace the ramp.

Motion by Walby, seconded by Rusie to approve the request for site plan approval PC 09-16, for a proposed enclosed handicap ramp, with shingled roof, at 27801 Jefferson as recommended by the Planning Commission and noting 1) The Planning Commission and City Council understand that your

5. REQUEST FOR PLANNING COMMISSION CASE PC 09-16, AT LAKESHORE PRESBYTERIAN CHURCH (Cont'd)

presence here tonight constitutes that you are a legal representative of the petitioner for Planning Case 09-16. 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 site plan approval.

Ayes: All – 6
Absent: McFadyen

6. REQUEST FOR APPROVAL OF THE SALE OF A PARCEL OF LAND ON THE SOUTH SIDE OF EDGEWATER STREET, WEST OF JEFFERSON, TO THE ADJACENT BUSINESS OWNER, AT 32225 JEFFERSON

Ms. Koto, City Planner, explained that the City owns a twenty foot wide by one hundred, thirty-five foot deep parcel that is immediately adjacent to the commercial business at 32225 Jefferson. The parcel is maintained by the City including grass cutting and snow shoveling. Because the parcel is owned by the City, no taxes are collected. The City Attorney and Assessor have issued opinions on the value of the parcel, and the benefit that it would bring to the City and the proposed buyer were it sold. The parcel could not hold a structure because an easement must be maintained to service the overhead utilities that run through it. The underground sanitary sewer line located within the parcel serves only 32225 Jefferson, and if the property were sold to the commercial owner, the City would abandon its ownership rights and maintenance of the sanitary sewer. The commercial property owner at 32225 Jefferson would use the parcel for additional parking because of a proposed expansion to the existing convenience store. The adjacent Edgewater resident has been notified of the request for purchase, and was given the opportunity to be a part of the proposed transaction. No response was received from the property owner on Edgewater; however, staff understands that the Edgewater property owner may have been contacted to purchase a portion, or the entire parcel, in the past, but declined.

Ms. Koto stated should this request be approved, it should be combined with the other parcel so it cannot be separated at a later time. Ms. Koto said the City is spending approximately \$3,000 a year to maintain it, which includes grass cutting and snow removal on the sidewalks. She noted that the owner would have to remove the cement wall in order to follow through on his plan for the parcel.

Motion by Rubino, seconded by Frederick to approve a request for approval for the sale of a parcel of land on the south side of Edgewater, west of Jefferson, to the adjacent business owner, at 32225 Jefferson and maintaining an easement for the private utilities.

Ayes: All – 6
Absent: McFadyen

7. REQUEST FOR PLANNING COMMISSION CASES: PC 09-15, 09-15A AND 09-15B AT 32225 JEFFERSON

a. Request for rezoning, PC 09-15B, to rezone SUPERVISOR'S PLAT OF EDGEWATER PARK SUB (LIBER 3, PAGE153),THE WEST 20.0 FT OF LOTS 3 AND 4; south side of Edgewater Street, 200 ft west of Jefferson, 200 ft south of Masonic, from RA-Single Family Residential to P-1 Vehicular Parking District

Ms. Koto, City Planner, on behalf of the City as petitioner, is requesting to rezone the property that was just sold to the owner in order for the owner to follow through on his plan. She said that should this request be approved this would be rezoned to B-1 for parking. The petitioner is interested in building an addition on his business and would result in adding ten parking spaces.

Motion by Rubello, seconded by Walby to approve a request to rezone Supervisor's Plat of Edgewater Park Subdivision (Liber 3, Page 153), the west 20.00 feet of Lots 3 and 4 (Tax Identification #14-02-452-023) as recommended by the Planning Commission with the conditions that: 1) Mr. Elias combines this property and his current property to one parcel and maintains the easement, 2) 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 09-15B. 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 to adopt the zoning ordinance amendment which reads as follows:

a. Request for rezoning, PC 09-15B, to rezone SUPERVISOR'S PLAT OF EDGEWATER PARK SUB (Cont'd)

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

(168) *Rezone from RA, Single Family Residential to P-1, Vehicular Parking District.*

Vacant Edgewater Street (identified as tax parcel 14-02-452-023) – the west 20.00 feet of Lots 3 and 4 of Edgewater Park Subdivision, as recorded in Liber 3, Page 153, of Plats, Macomb County Records, Macomb County, Michigan, shall be rezoned from RA, Single Family Residential, to P-1, Vehicular Parking District. This property is located on the south side of Edgewater Street, 180.00 feet west of Jefferson Avenue and 195.00 feet south of Masonic Boulevard.

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)
)
COUNTY OF MACOMB) ss

We hereby certify that the foregoing ordinance is a true copy of an ordinance as enacted by City Council on the 21st day of December 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 December 30, 2009, 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 and shall become effective on January 7, 2010.

Mary A. Kotowski, City Clerk

Ayes: All – 6
Absent: McFadyen

7. **REQUEST FOR PLANNING COMMISSION CASES: PC 09-15, 09-15A AND 09-15B AT 32225 JEFFERSON (Cont'd)**

Mayor Hison asked Ms. Koto to review item #7c before item #7b because he feels that item #7b, the request to allow outdoor seating, can only be considered if Council approves item #7c, the request for the addition, first.

c. **Request for Site Plan Approval, PC 09-15, for a proposed addition to an existing retail space and for a proposed outdoor seating area (taken out of order)**

Mr. Steve Elias explained that the old building will be re-bricked and will match the brick on the addition. This will create the appearance that the existing building and the addition is one new building. He said he is installing a step down wall between his property and his neighbor's property to accommodate his neighbor's request that the wall start dropping down at an earlier point so he has visibility of the lake. He stated that new pole lights will be installed on the outside skirts of the wall and will shine only on his property.

Mr. Rubello clarified that there would be no left turn onto Edgewater.

Mr. Elias explained that a no left turn would create more traffic problems. It would force traffic to drive on Post Street which would create traffic problems for the residents on Post Street and would not solve the problem of slowing the traffic flow on residential streets.

Mayor Hison stated that restricting the left turns would only hurt the residents that live on Edgewater Street.

Mr. Rubino said that he doesn't feel that there is a need to restrict left turns because there isn't a lot of traffic on Edgewater Street because the way the street is set up. This is a unique block as there are homes only on one side of the street and the backyards of the homes from the next street line the other side of Edgewater Street.

Motion by Rubello, seconded by Walby to approve a request for site plan approval for a proposed addition to an existing retail space and for a proposed outdoor seating area, PC 09-15 as recommended by Planning Commission for site plan approval and subject to the conditions of the City Planner's report, including: 1) Engineering drawings, showing pavement sections and drainage, must be submitted and approved, 2) All lighting should be shielded from neighboring residential properties, 3) A landscape plan must be submitted and approved, and all landscaping must be irrigated, 4) Windows are to remain clear, 5) All mechanical equipment must be properly screened, 6) Hours of operation will be limited to 11:00 p.m., 7) Council eliminated this condition that a sign is to be installed, prohibiting left turns on to Edgewater, 8) Dense shrubs, in lieu of a kneewall, on Jefferson, 9) 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 09-15A. 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 site plan approval.

Ayes: All – 6
Absent: McFadyen

b. **Request for Special Land Use, PC 09-15A, to allow outdoor seating for a future commercial space (taken out of order)**

Mr. Elias, petitioner, request is to build an addition to the existing building that he owns at 32225 Jefferson. The addition is approximately twelve hundred square feet. The addition will be thirty feet by forty feet and would be used as an ice cream shop with a patio. This would be for seasonal use and would only be open from Memorial Day to Labor Day.

Mr. Elias stated his original plan was to tear down the entire building and rebuild it, but has reconsidered for financial reasons.

Mr. Elias explained his plan to put landscaping around the patio area. They would not be open after 11:00 p.m. The Planning Commission requested that he not have any music, but he is requesting to have soft music during the day and until 9:00 p.m. The seating will be limited to fifty people.

Ms. Rusie clarified that it would be an open patio with no canopy and he would have to go before planning if he wanted to make any changes in the future. Mr. Elias responded that was correct.

b. Request for Special Land Use, PC 09-15A, to allow outdoor seating for a future commercial space (taken out of order) (Cont'd)

Mayor Hison said no music or televisions are permitted for outdoor seating areas.

Mr. Rubello asked if it would be possible to allow Mr. Elias to have music for a trial period before any final decisions are made.

Mayor Hison said that process has not been practiced in the past.

Mr. Walby stated that the City has a number of businesses that have outdoor seating areas with music or televisions and he feels Mr. Elias should be allowed to play music until 9:00 p.m.

Mayor Hison asked Mr. Ihrie about the fact that Mr. Elias had financial problems with the original plan to rebuild and what would happen if he ran into financial problems for the addition and if the outdoor seating would be approved on its own if there were no additions made to the existing building.

Mr. Ihrie said the approval of the outdoor seating is conditional on the addition to the building.

Mr. Elias feels that the outdoor seating and the addition to the building is one project because if the addition doesn't happen then he will not have a need to have outdoor seating.

Motion by Walby, seconded by Frederick to approve a request for special land use, to allow outdoor seating for a future commercial space, PC 09-15A as recommended by the Planning Commission for Special Land Use approval and subject to the conditions of the City Planner's report, including: 1) Hours of operation will not exceed 11:00 p.m. from May 1st to labor day 2) Soft music allowed until 9:00 p.m. and no tvs are permitted in outdoor seating area, 3) All furniture must be stored inside, or off-site, during the off-season, 4) Trash must be contained and maintained at all times, 5) 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 09-15A. 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 – 6

Absent: McFadyen

8. PRESENTATION ON CITY OWNED HUD HOMES

Mr. Rayes updated Council on the status of the HUD acquired homes. He stated the HUD has a median family size and income limit requirements for a prospective purchaser. We intend to sell the homes with a range of sales pricing of \$36,900.00 - \$68,000.00. This creates a possible estimated revenue of approximately \$440,000.00. He said that he and staff are currently seeking realtors to give us an estimated price and will bring the information before Council when they receive it.

Mr. Rayes stated that there are a number of homes that need to be demolished and the property could be sold. The recommendation is to award the demolition of the homes on Francis, Avalon, Rosedale, and Grand Lake to International Construction. He does not anticipate that any of the homes will have asbestos which could cause the price to increase.

Mr. Rayes said that we can then sell the vacant lot to anyone who wishes to build a new home or we can sell the lot to the neighbors who would want to extend their property. In this current market we could possibly get \$15,000.00 per lot.

The National HUD home program became an available option to the City just last year as prior to this there were none in the City. HUD sold these homes to the City for \$1.00 each because they couldn't receive the minimum amount of money required for these homes, so they offer the homes to the local municipality first.

Mr. Rayes said he walked through and inspected these homes and some are decent. These homes will be available through a realtor and will be listed in the near future on the website. There are certain criteria that a purchaser has to meet which makes it so that not just anyone can purchase them. The goal is to keep them owner occupied instead of rented for profit.

8. PRESENTATION ON CITY OWNED HUD HOMES (Cont'd)

Motion by Walby, seconded by Rubello to approve a request to award the contract to International Construction to demolish four HUD acquired homes.

Ayes: All – 6
Absent: McFadyen

9. APPROVAL OF BUDGET AMENDMENT 10-01

Mayor Hison stated that this item was brought back to Council with additional information provided.

Mr. Walby said that they have reviewed this Budget Amendment and the only item that changed was to remove the carryover money from the Meter Fund for \$1,500,000.00. He would like to have further clarification for the carryover money for the Court and questioned if they could be charged to the Court's Building Fund.

Mr. Walby questioned Ms. Koto about the funding for the floor at the Senior Center and if these items could be charged to the NSP Program.

Ms. Koto responded no to NSP, but we have replaced the dance floor in the past with block grant funding and it may be possible to replace the flooring in other areas at the Senior Center with block grant funding and will look into it. She stated that she has looked into getting money from the State for repairs to the Senior Center since it is used as an emergency center, but found out that we cannot get any money for the repairs.

Ms. Rusie stated that she was pleased to find out that the City Clerk received the election software free saving the City the \$10,000.00 expense on this carryover item.

The two wall repairs at the Fire Station and Senior Center were also removed from this amendment.

Motion by Walby, seconded by Rubino to approve the budget amendment 10-1 as follows:

Fund/ Dept.	Account	Previously Budgeted	Description	Increase	Decrease
BUDGET AMENDMENT 10-01					
101	GENERAL FUND				
Rev	531.000	Y	CDBG Revenue (for Gaffke Park)	15,000	
140	930.000	Y	COURT Repairs & Maintenance (carpet)	1,200	
140	980.023	Y	COURT Capital Outlay (security equipment)	10,000	
140	980.007	Y	COURT Capital Outlay (document imaging)	10,000	
201	930.000	Y	FINANCE Repairs & Maintenance (Munis maintenance)	7,700	
201	980.020	Y	FINANCE Capital Outlay (automated time & attendance software)	14,000	
215	980.101	Y	CLERKS Capital Outlay (renovations)	15,000	
215	980.005	Y	CLERKS Capital Outlay (software)		
215	980.000	Y	CLERKS Capital Outlay (cubicle additions)	2,400	
255	950.000	Y	BOARDS & COMMISSIONS Miscellaneous (Cool Cities)	9,500	
258	750.000	Y	INFORMATION SYSTEMS Operating Supplies	12,000	
258	810.000	Y	INFORMATION SYSTEMS Services	10,000	
258	980.021	Y	INFORMATION SYSTEMS Capital Outlay (WAN)	10,000	
266	930.000	Y	BUILDING MAINTENANCE Repairs & Maint (cubicle additions)	1,500	
266	980.342	Y	BUILDING MAINTENANCE Capital Outlay (parking lot repairs)	21,000	
266	980.719	Y	BUILDING MAINTENANCE Capital Outlay (roof)	37,000	
300	950.150	Y	POLICE Miscellaneous (donation purchases)	6,825	
300	980.342	Y	POLICE Capital Outlay (parking lot repairs)	5,000	
300	980.101	Y	POLICE Capital Outlay (locker room update)	20,000	
300	980.302	Y	POLICE Capital Outlay (bullet-proof vests)	7,700	
300	980.305	Y	POLICE Capital Outlay (RCM computer)	8,600	
340	750.000	Y	FIRE Operating Supplies (badges)	3,400	

9. APPROVAL OF BUDGET AMENDMENT 10-01 (Cont'd)

340	980.000	Y	FIRE Capital Outlay (south & central bay heat)	9,000	
340	980.345	Y	FIRE Capital Outlay (wall repairs)		
340	980.451	Y	FIRE Capital Outlay (intercom for ambulance)	3,200	
520	810.000	Y	SANITATION Services (pest control)	37,000	
705	980.082	Y	PARKS Capital Outlay (park improvements)	10,700	
705	980.081	N	PARKS Capital Outlay (Memorial park improvements)	19,000	
705	980.707	Y	PARKS Capital Outlay (Brys park improvements)	40,000	
705	980.708	Y	PARKS Capital Outlay (baseball field improvements)	10,000	
705	980.718	Y	PARKS Capital Outlay (fences & backstops - CABA)	8,500	
705	980.722	Y	PARKS Capital Outlay (Gaffke Park)	15,000	
706	980.345	Y	SENIOR CENTER Capital Outlay (wall repairs)		
706	980.709	Y	SENIOR CENTER Capital Outlay (floor)	10,000	
730	810.000	Y	LIBRARY Services (RF ID Project)	25,000	
730	930.000	Y	LIBRARY Repairs & Maint (wall repair)	750	
730	950.150	Y	LIBRARY (book and target grant funds)	1,200	
730	985.000	Y	LIBRARY (books)	9,000	
910	911.000	Y	INSURANCE Reserves	194,008	
Fbal	390.002		Fund Balance - Carryover		590,183

To establish a budget for carryover items from FY 08-09.

120 LOCAL STREET FUND - Street Department

451	930.001	Y	STREETS Repair & Mnt. (concrete replacement-local)	5,000	
451	930.002	Y	STREETS Repair & Mnt. (concrete replacement-major)	113,000	
451	930.009	Y	STREETS Repair & Mnt. (street millage maintenance)	159,000	
451	980.199	Y	STREETS Capital Outlay (various streets under the millage)	337,000	
451	980.202	Y	STREETS Capital Outlay (Harper Avenue)	119,000	
451	980.204	Y	STREETS Capital Outlay (chip sealing)	39,000	
451	980.230	Y	STREETS Capital Outlay (sound retaining wall)	184,000	
451	980.258	Y	STREETS Capital Outlay (road replacement - CDBG)	428,000	
451	980.259	Y	STREETS Capital Outlay (TIP projects - 10, 12, & 13 Mile)	844,000	
451	980.260	Y	STREETS Capital Outlay (Little Mack repairs)	132,000	
451	980.261	Y	STREETS Capital Outlay (I-94 resurfacing - Masonic to M29)	34,000	
451	980.879	Y	STREETS Capital Outlay (10 Mile I-94 to Harper Resurfacing)	294,000	
451	808.000		STREETS Offset		2,688,000

To establish a budget for carryover items from FY 08-09.

120 LOCAL STREET FUND - Act 51

Rev	531.000	Y	CDBG Revenue	428,000	
455	803.000	Y	ACT 51 Maintenance	5,000	
455	980.000	Y	ACT 51 Capital Outlay (chip sealing)	39,000	
455	980.000	Y	ACT 51 Capital Outlay (Road replacement - CDBG)	428,000	
455	989.000	Y	ACT 51 Construction (street millage construction)	337,000	
455	989.600	Y	ACT 51 Construction (street millage maintenance)	159,000	
Fbal	390.000		Fund Balance - Local Streets		540,000

To establish a budget for carryover items from FY 08-09.

110 MAJOR STREET FUND - Act 51

455	803.000	Y	ACT 51 Maintenance (concrete-major)	113,000	
455	980.000	Y	ACT 51 Capital Outlay (Harper Avenue)	119,000	
455	980.000	Y	ACT 51 Capital Outlay (sound retaining wall)	184,000	
455	980.000	Y	ACT 51 Capital Outlay (Little Mack repairs)	132,000	
455	980.000	Y	ACT 51 Capital Outlay (TIP projects - 10, 12, 13 Mile)	844,000	

9. APPROVAL OF BUDGET AMENDMENT 10-01 (Cont'd)

455	980.000	Y	ACT 51 Capital Outlay (I-94 resurfacing - Masonic to M29)	34,000	
455	980.000	Y	ACT 51 Capital Outlay (10 Mile I-94 to Harper Resurfacing)	294,000	
Fbal	390.000		Fund Balance - Major Streets		1,720,000

To establish a budget for carryover items from FY 08-09.

590 RECREATIONAL REVENUE FUND

855	980.101	Y	GOLF Capital Outlay (Renovations)	13,000	
855	980.723	Y	GOLF Capital Outlay (Irrigation)	73,000	
Fbal	390.000		Fund Balance - Recreational Revenue Fund		86,000

To establish a budget for carryover items from FY 08-09.

590 UTILITY FUND

Rev	690.000	Y	Bond Proceeds	9,035,000	
452	930.004	Y	STORM SEWER Repairs & Mnt. (emergency repairs)	95,000	
452	930.010	Y	STORM SEWER Repairs & Mnt. (catch basin & storm cleaning)	132,000	
452	980.453	Y	STORM SEWER Capital Outlay (Alexander pump station)	9,000	
860	810.000	Y	WATER Services (cross connection program)	4,000	
860	810.000	Y	WATER Services (soil removal and supplies)	24,000	
860	930.000	Y	WATER Repairs & Mnt. (water meters)	2,000	
860	930.000	Y	WATER Repairs & Mnt. (repair parts)	60,000	
860	930.005	Y	WATER Repairs & Mnt. (contracted concrete work)	34,000	
860	980.014	Y	WATER Capital Outlay (water pipe line)	400,000	
860	980.202	Y	WATER Capital Outlay (Harper Avenue)	2,085,000	
860	980.217	Y	WATER Capital Outlay (10 mile watermain)	229,000	
860	980.860	Y	WATER Capital Outlay (residential watermain)	2,231,000	
860	980.862	Y	WATER Capital Outlay (10 Mile storage facility)	949,000	
860	980.874	Y	WATER Capital Outlay (meter replacement)		
860	980.876	Y	WATER Capital Outlay (9 Mile Harper to Greater Mack)	787,000	
860	980.877	Y	WATER Capital Outlay (9 Mile Greater Mack to Jefferson)	1,143,000	
860	980.878	Y	WATER Capital Outlay (11 Mile I-94 to Little Mack)	1,000,000	
860	980.879	Y	WATER Capital Outlay (10 Mile I-94 to Harper)	626,000	
870	930.006	Y	SANITARY SEWER -Repairs & Mnt. (contracted sewer repairs)	71,000	
870	930.008	Y	SANITARY SEWER -Repairs & Mnt. (concrete replacement)	39,000	
Fbal	390.000		Fund Balance - Utility Fund		885,000

To establish a budget for carryover items from FY 08-09.

661 MOTORPOOL FUND

602	930.000	Y	MOTORPOOL Repairs & Maintenance	3,000	
602	980.001	Y	MOTORPOOL Vehicles (zero-turn lawn mower)	12,800	
602	980.602	Y	MOTORPOOL Capital Outlay (GPS System)	60,000	
Fbal	390.000		Fund Balance - Motorpool Fund		75,800

To establish a budget for carryover items from FY 08-09.

Ayes: All – 6
Absent: McFadyen

10. BIDS/CONTRACTS/PURCHASE ORDERS

a. Request to award bid for the 9 Mile Road Water Main Replacement, Harper Avenue to Jefferson Avenue (Bids opened 12/15/09)

Mr. Rayes stated that on December 15, 2009, the City received twenty-one bids for the 9 Mile Road Water Main Replacement Project. We recommend awarding the bid to C&P Construction Co., Inc. who was the low bidder with a bid of \$652,907.50. Mr. Rayes noted that we have done business with this company in the past.

a. **Request to award bid for the 9 Mile Road Water Main Replacement, Harper Avenue to Jefferson (Cont'd)**

Mr. Walby said the original estimated cost was approximately \$1,930,000 and requested that Anderson, Eckstein and Westrick, Inc. provide additional information on this project as there was a significant range to the actual bid tabulations.

Mr. Rubello questioned the engineering cost of the project and if all the companies that put a bid in can be contacted for other future projects.

Mr. Rayes explained that the inspection and contingency cost of 39% is based on the normal expectancy. He said that they could contact the companies for future projects that put a bid in for this project.

Mr. Rayes spoke with Anderson, Eckstein and Westrick, Inc. today about the bidding and usually their estimates are high but not significantly high. He said we are going to work on expediting our other projects as stimulus money becomes available and before this causes pricing to rise.

Mayor Hison stated that the work will begin in January on this project and residents have been notified.

Mr. Frederick asked if we are moving the sidewalks during the 9 Mile water main replacements.

Mr. Rayes said that the sidewalk at the curve on 9 Mile just west of Malvern will be moved. Notices will be sent out to inform the residents about the project.

Motion by Rubino, seconded by Rusie to approve a request to award bid for the 9 Mile Road Water Main Replacement, Harper to Jefferson to C&P Construction Co., Inc., in the amount of \$652,907.50.

Ayes: All – 6
Absent: McFadyen

b. **Request approval for the purchase of 20 mobile printers for CLEMIS E-ticket application**

This item is being purchased in a joint venture between the Police Department and the 40th District Court. The Police Dept. has \$10,500 budgeted in account 101.300.980 and the Court has \$10,000 in account 101-00-140-000-980000. This will computerize traffic citations between the Police Department and the Court.

Lt. Pietrzak said CLEMIS is a system that will help the Court and Police Department manage tickets, mug shots, fingerprints, and dispatch information. It started in Oakland County. The system will save money on paper and staff hours because all the reports are electronically transferred. The officer would scan the license and the ticket would automatically be in the system and would save a lot of time for the ticket to go through the different departments. People would have the option to pay the ticket online. For every person that pays the ticket online, the Police Department would get \$1.50 back and this would help recoup some money. It is relatively a new system so it's difficult to determine the amount of money we would get back from people choosing to pay online.

Mayor Hison clarified that the direction of the E-ticket is to save staff hours because they won't have to input the information numerous times.

Ms. Rusie clarified that this was already accounted for in the budget.

Lt. Pietrzak noted that after the CLEMIS system is a proprietary system, they tell you what product you can or cannot put on the system. This is why our purchase will be made under the Oakland County bid award.

Motion by Walby, seconded by Rubello approval of purchase order for the Police Department to purchase 20 Zebra RW420 mobile printers and accessories. The purchase will be made through APS Inc in the amount of \$18,858.84.

Ayes: All – 6
Absent: McFadyen

c. Request to approve contract with DTE, to replace lights on 9 Mile, from Helen (Alice) to Jefferson

Mr. Rayes said the proposal is for DTE to replace the over head lights as part of the reconstruction of 9 Mile Road from Alice to Jefferson. The cost of the street lighting project would be \$84,952.49.

Ms. Rusie asked if the money will come from the street fund and not the general fund and if this is the last part of the 9 Mile Road project.

Mr. Frederick mentioned that Helen Street does not run into 9 Mile Road.

Mr. Rayes noted that the correct street is Alice Street to Jefferson and not Helen Street to Jefferson.

Mr. Rubello asked if this would be the best lighting for the area, especially for pedestrians.

Mr. Rayes said this is definitely better lighting and a better spread of lighting. We have reviewed warranty replacements and issues. We have a grant for the LED project with DTE and it should be awarded in February. Installing LED lighting on 9 Mile Road is not an option.

Mr. Rayes explained that the project will start in January with the water main and then the street paving will be through November to the road way. The goal is to finish the road way by the end of 2010.

Motion by Rubello, seconded by Rubino to approve a request to approve contract with DTE, to replace lights on 9 Mile, from Alice to Jefferson.

Ayes: All – 6
Absent: McFadyen

11. CONSIDERATION OF ADOPTION OF A RESOLUTION IN OPPOSITION OF HOUSE BILLS 5558 AND 5559 INCREASING TIPPING FEES

Mr. Walby noted this issue was brought up at the December 7, 2009 Council meeting for future Council action.

House Bills 5558 and 5559 call for an amendment to the existing Natural Resources and Environmental Protection Act (MCL 324.101 – 324.90106) which would impose a \$7.50 per-ton state tipping fee on solid waste dumped at landfills and municipal incinerators. The current surcharge is \$0.21 per ton.

Mr. Frederick said he would be in favor of how it is written right now. The sooner the landfills get filled the more it will cost us in the long run. The goal is to charge more for trash coming in from Canada and other areas. We can do a lock box to have any money returned to us.

Mayor Hison stated the SEMCOG executive board resolution presented to Council this evening was not in opposition to recycling but increasing costs to municipalities at a time they cannot afford it.

Motion by Walby, seconded by Rubino to approve the adoption of the Resolution in Opposition of House Bills 5558 and 5559 increasing Tipping Fees, which imposes a \$7.50 per-ton state tipping fee on solid waste, which reads as follows, and direct the City Clerk to forward this Resolution to the Governor, the members of the Michigan House and Senate which reads as follows:

NOW, THEREFORE, BE IT RESOLVED, that the City of St. Clair Shores City Council opposes House Bills 5558 and 5559 for the following reasons:

- The surcharge likely represents a violation of tests established by the Michigan Supreme Court that clarifies a fee versus a tax, subjecting local governments to legal consequences.
- Inviting the State of Michigan to place a surcharge on services that are provided by local government as a means of generating dependable, predictable revenues for local governments in poor policy.
- The fee will increase costs for many local governments at a time when they can least afford it.
- Even if a local government receives these funds when they are disbursed, use of the funds is restricted in the law.

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to the Governor, as well as to members of the Michigan House and Senate.

Ayes: All – 6
Absent: McFadyen

12. CONSENT AGENDA

Motion by Walby, seconded by Rubino to approve the Consent Agenda items a – h as presented, which include the following:

a. Bills

December 10, 2009 \$2,640,029.57

To approve the release of checks in the amount of \$2,640,029.57, of the report that is 23 pages in length and of the grand total amount of 2,640,029.57, \$181,642.16 went to other taxing authorities Fees.

b. Fees

Roumell & Lange \$ 7,268.69
Ihrle & O'Brien \$ 10,855.00

To approve the above attorney payments to Roumell & Lange, PLC and Ihrle & O'Brien subject to audit.

c. Progress Payments

Pro-Line Asphalt Paving Corporation \$ 18,452.10
Galui Construction Company, Inc. \$ 68,487.28
Galui Construction Company, Inc. \$ 23,538.89
DN West Enterprises, Ltd. \$ 44,312.50
Florence Cement Company \$ 192,004.65

To approve the above progress payments, subject to audit.

d. Approval of Minutes

To approve the following minutes:

<u>Minutes</u>	<u>Meeting Date</u>
City Council	December 7, 2009

e. Receive & File Boards, Commissions & Committee Minutes

To receive and file the following minutes:

<u>Minutes</u>	<u>Meeting Date</u>
Compensation Commission	November 8, 2007
Cool Cities Committee	November 18, 2009
Historical Commission	November 3, 2009
Planning Commission	October 13, 2009
Sign Arbitration	September 24, 2009
Cultural Committee	November 4, 2009
General Employees Pension Board	November 17, 2009
Parks and Recreation Commission	November 12, 2009
Waterfront Environmental Committee	November 17, 2009

f. Compensation Commission recommendation

To receive and file the decision of the Compensation Commission to continue the pay rate of \$10,600.81 annually for Mayor and \$8,352.47 annually for City Council, which is not an indication of Mayor and Council's value, but reflects the poor economic times.

g. Request to Approve the Renewal of Agreement for the Macomb County Animal Shelter Service

To approve the Renewal of Agreement for the Macomb County Animal Shelter Services.

12. CONSENT AGENDA (Cont'd)

h. Consideration of Appointments/Re-Appointments of Council Liaisons to City Boards, Commissions and Committees

To Appoint/Reappoint the Council Liaisons to City Boards, Commissions and Committees as follows:

Board/Commission/Committee	Voting/Non-voting	Meeting Days	2009-10
Animal Ordinance Committee	Voting alternate	Upon petition request	Rusie
Beautification Commission	Non-voting	2 nd Wed - 7:00 pm	Rubello
Building Prop. Maintenance Board of Appeals	Voting	Upon petition request	Rubino
Communications Commission	Voting	2 nd Wed - 6:30 pm	Frederick
Computer Committee	Voting	Meets as needed	Hison
Cool Cities Committee	Voting	2 nd Wed - 7:00 pm	Rusie
Council Sub-Committee on Boards, Commissions and Committees	3 Voting 1 Alternate	4 th Tues - 7:00 pm	Walby - Chair Frederick, Rusie Rubino – Alt.
Cultural Committee	Non-voting	2 nd Wed - 6:00 pm	Rubino
Dog Park Committee	Non-voting	1 st Thurs - 6:30 pm	Rubello
Economic Development Corporation	Voting	Upon petition request	Hison
Fence Arbitration Committee	Voting	3 rd Wed - 2:00 pm	McFadyen
General Employees Pension Board	Voting	3 rd Tues - 3:30 pm	Hison, Rubino
Gen. Retirees Health Care Investment Bd.	Voting	3 rd Tues Quarterly - 2 pm	Hison
Golf Course Committee	Voting	3 rd Tues - 10:30 am	Hison
Historical Commission	Non-voting	1 st Tues - 7:00 pm	Rubello
Housing Board of Appeals	Voting	Upon petition request	Rubino
Library Board	Non-voting	3 rd Thurs - 9:30 am	McFadyen
Michigan Municipal League Representatives	Voting		McFadyen Frederick - Alter.
Mayor's Advisory Panel	Voting	Meets as needed	Hison, Walby
Minimum Standards	Voting	Upon petition request	Hison, Walby
Older Persons Advisory Committee	Non-voting	3 rd Thurs - 2:00 pm	McFadyen
Parks & Recreation Commission	Voting	2 nd Thurs - 7:00 pm	Frederick
Police & Fire Pension Board	Voting	Last Thurs - 4:00 pm	Rusie
SEMCOG	Voting		Hison
SMDA & SEMSD	1 Voting, 1 Alternate		Hison Rubello – Alter.
Sign Arbitration Committee	Voting alternate	4 th Thurs - 9:00 am	Walby
TIFA and Brownfield Redevelopment Authority	1 Voting 1 Voting Liaison	3 rd Thurs Quarterly - 7 pm	Walby Rusie
Waterfront Environmental	Non-voting	3 rd Tues - 6:30 pm	Rubello

Ayes: All – 6
Absent: McFadyen

13. UPDATES AND FOLLOW-UPS FROM COUNCIL MEETING

- **PCB's** – Mr. Podolski stated that the PCB meeting was very informative for the residents and he was glad to see so many residents attend the meeting. He clarified the confusion about is our drinking water safe. This system is a pressurized system to ensure no contaminations enter the drinking water system and it has been tested many times to ensure that contaminates do not enter this system during repairs. Information will be available at the Library and on our website regarding PCB updates.

14. COMMENTS BY INDIVIDUAL COUNCILPERSONS

Council Member Rusie mentioned that she is unhappy with how there was minimal information submitted with the packets for an item. She said it is easier to make informed decisions to spend taxpayers' money

14. COMMENTS BY INDIVIDUAL COUNCILPERSONS (Cont'd)

when there is a sufficient amount of information on the item. She was upset that she had to make phone calls and use the internet to find out more information. She does not feel that less is more when it comes to making important decisions. She also asked for the detailed attorney bills to be sent to Council via email in the future.

Council Member Rubino asked Mr. Rayes about cleaning up the asphalt that is all over Harper Road south of 9 Mile Road. He asked what residents can do when their garbage can is damaged by Waste Management.

Mr. Rayes has been in contact with Harper Woods on cleaning up their end that has tracked onto our side. The asphalt is difficult to clean up and he feels that we might have to come up with an alternative way to clean it up.

Mrs. D'Herde stated that Waste Management will replace the can or the resident can call the Department of Public Works and pick up a new garbage can.

Mr. Rubino mentioned that it is everyone's responsibility to let their representative know what they want and how they feel when it comes to the tipping charge.

Council Member Walby asked Mr. Podolski about the status of the home on Yale that was destroyed by fire.

Mr. Ihrie spoke with the attorney that represents the estate of the deceased owner of the home. The attorney said he has no issue or objections with the home being demolished.

Mr. Walby mentioned the Macomb County Senior Program that will help seniors that need their snow shoveled. This program is only for the elderly and special needs people. It is paid through the Community Block Grant Program.

Mr. Walby wished everyone a Merry Christmas and a Happy New Year.

Mayor Hison mentioned that Sue Fickau has been encouraging people who need help to call the Helping Hands at the Senior Center.

Council Member Frederick congratulated Lake Shore High School for being voted "One of the Best Schools in Michigan." He wished everyone a Merry Christmas and advised everyone to forgive and forget and lead by example. He is happy that the PCB meeting was video taped and glad with the turnout of residents that attended the meeting. He thanked all the businesses for advertising in the calendars.

Council Member Rubello mentioned Shorewood Kiwanis Club's 2nd Annual Wild Game Dinner. He asked Mr. Rayes to provide Council with a listing of what Contracts are expiring within the next three months. He asked Mr. Podolski if we have salt ready for the streets. He mentioned that all new businesses coming into the City should contact Mr. Rayes for assistance.

Mr. Podolski re-iterated how critical it is for a new business to contact Mr. Rayes or Ms. Koto before they sign a lease.

Mr. Rubello mentioned that there is also a tar mess on Greater Mack and he asked if there is any way to hold the construction companies accountable when they leave a tar mess in the streets.

Mr. Rubello wished everyone a Merry Christmas.

Mayor Hison announced that City Offices will be closed on Christmas Eve, Christmas Day, New Years Eve, and New Years Day. He wished everyone a Merry Christmas and a Happy Healthy New Year.

15. CITY MANAGER'S REPORT

Mr. Podolski mentioned that the first Charter Commission meeting was held today. The City Attorney will provide a request to Council as to areas they would like proposed revisions.

16. AUDIENCE PARTICIPATION (5 MINUTE TIME LIMIT)

James Kelly, 23142 Rosedale Ct., asked if a 20" path through the snow is sufficient enough for passage on his sidewalk. He stated that if it is decided that the snow removal issues are complaint driven, anonymous

16. AUDIENCE PARTICIPATION (5 MINUTE TIME LIMIT) (Cont'd)

complaints shouldn't be acted on. He asked if there are certain hours in a day that a person cannot use a snow blower and can a commercial vendor blow residential areas at 2:00 a.m.

Mayor Hison said that all the snow issues will be discussed. The noise ordinance is 11:00 p.m. to 7:00 a.m. and applicable to use of a snow blower.

Mr. Ihrle will review this ordinance and provide a response.

Mr. Ihrle will look into it and will get back with an informed response.

Phil Cantin, 23018 Playview, brought up some concerns that he had about the PCB's and where they originated from. He spoke with an elderly resident who used to work for Detroit Edison and claims that Detroit Edison buried all the old transformers in the 10 Mile and Greater Mack area.

Mr. Podolski reassured Mr. Cantin that this information was passed on to EPA.

Paul Long, 22324 Alexander, is upset that Michigan Law makers are pushing these house bills.

Chris Vitale, 28701 Grant, announce an upcoming taxpayers against waste meeting on January 6 at the Library.

Tom Gerrit, 1039 Woodbridge, questioned why there is a winter tax bill for \$35.00 when it could be tacked onto the summer tax bill.

17. ADJOURNMENT

Motion by Frederick, seconded by Walby to adjourn at 9:44 p.m.

Ayes: All – 6
Absent: McFadyen

(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