

**MINUTES
ST. CLAIR SHORES CITY COUNCIL MEETING
FEBRUARY 16, 2010**

Regular Meeting of the City Council, held in the Council Chambers, located at 27600 Jefferson Circle Dr., St. Clair Shores, Michigan.

Present: Mayor Hison, Council Members Frederick, McFadyen, Rubello, Rusie and Walby

Absent & Excused: Council Member Rubino

Also Present: City Manager Podolski, City Clerk Kotowski, Directors D'Herde, Haney and City Attorney Ihrie

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 noted that Mr. Rubino asked to be excused from this meeting.

Motion by McFadyen, seconded by Frederick to excuse Council Member Rubino from tonight's meeting.

Ayes: All – 6

The Pledge of Allegiance was recited by those in attendance. Mayor Hison noted that items 4 and 5 have been removed from the agenda.

2. PROCLAMATIONS & PRESENTATIONS – none

3. AUDIENCE PARTICIPATION ON AGENDA ITEMS (2 MINUTE TIME LIMIT) – none

4. REQUEST FROM ROBERT P. ZUVER, ON BEHALF OF LAMAR ADVERTISING COMPANY, FOR A 40 FOOT HEIGHT VARIANCE AND 372 SQUARE FOOTAGE PER FACE VARIANCE FOR A BILLBOARD SIGN AT 23001 W. INDUSTRIAL DR. (rescheduled to 3/1/2010 meeting at petitioner's request)

5. BIDS/CONTRACTS/PURCHASE ORDERS – REQUEST TO AWARD BID FOR WAHBY PARK COLUMN REPAIRS (BIDS OPENED 2/9/2010)

6. CONSENT AGENDA

Motion by Frederick, seconded by Rusie to approve the Consent Agenda items a – e as presented, which include the following:

a. Bills

| | |
|-------------------|----------------|
| February 16, 2010 | \$2,684,279.57 |
|-------------------|----------------|

To approve the release of checks in the amount of \$2,684,279.57, of the report that is 23 pages in length and of the grand total amount of \$2,684,279.57, \$611,125.50 went to other taxing authorities.

b. Fees

| | |
|-----------------|------------|
| Roumell & Lange | \$6,038.82 |
| Ihrie & O'Brien | \$8,714.00 |

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

c. Progress Payments

| | |
|----------------------------------|-------------|
| Galui Construction Company, Inc. | \$35,125.27 |
| Galui Construction Company, Inc. | \$9,272.10 |
| Doetsch Environmental Services | \$6,015.60 |

To approve the above progress payments, subject to audit.

6. **CONSENT AGENDA cont'd.**

d. **Approval of Minutes**

To approve the following minutes:

Minutes

City Council Workshop

City Council

Meeting Date

January 30, 2010

February 1, 2010

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

To receive and file the following minutes:

Minutes

Dog Park Committee

Older Persons Advisory Committee

Sign Arbitration Committee

Board of Fence Appeals

Board of Fence Appeals

Communication Commission

Police & Fire Pension Board

Police & Fire Retiree Health Care Trust Board

Waterfront Environmental Committee

Zoning Board of Appeals

Meeting Date

November 5, 2009

November 19, 2009

December 3, 2009

May 7, 2009

January 7, 2010

January 13, 2010

December 17, 2009

December 17, 2009

January 12, 2010

January 7, 2010

Ayes: All – 6

Absent: Rubino

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

- **PCB's** – Mr. Podolski noted the City is in touch with the DEQ and the EPA in regard to the Federal Super Fund application process for the PCB clean-up. The City, the County or the State does not have the funds available; and therefore, we will need to rely on the Federal government for this clean-up.
- **2010 City Calendar** – Mrs. D'Herde has not received a bill from Target Distribution yet. As soon as she does, Mrs. D'Herde will be in touch with the City Attorney to decide a course of action for the calendar distribution issues. Initially, the City ordered more than enough calendars for all residents and businesses, but now Mrs. D'Herde is out of calendars. Mayor Hison suggested having Target Distribution print more calendars as part of the final negotiation.
- **9 Mile Water Main** – Mr. Podolski stated the project is progressing on schedule without any problems, heading west toward Harper.
- **Department of Public Works** – Mr. Smith noted the investigation is ongoing by the St. Clair Shores Police Department. He has contacted the local FBI and the State Police, and both agencies indicated they would be happy to be involved if there was a real conflict of interest. The two agencies will monitor the investigation and will be in contact with the St. Clair Shores detectives. A number of employees have been interviewed and additional incidents came up, which are being investigated. Currently, Mr. Houtekier and staff are handling Department of Public Works' functions and are doing an outstanding job.
- **Snow Event and Snow Emergency** – Mayor Hison stated that a Snow Event and a Snow Emergency were declared on Wednesday, February 10, 2010 at 8:00 a.m. He complimented staff and residents for clearing the streets and sidewalks. About 250 homes were tagged for not clearing their sidewalks within the first 48 hours. Half of those cleared their sidewalks within the next 24 hours, and the other half were shoveled by the contractor and will be billed. As a result, 99.6% of the City cleared their sidewalks of snow.

8. **COMMENTS BY INDIVIDUAL COUNCILPERSONS**

Council Member Rubello announced weekly open painting sessions hosted by the Lakeside Palette Club on Tuesdays from 10:00 a.m. to 3:00 p.m. at the St. Clair Shores Adult and Community Education Building.

Mr. Rubello talked about the St. Clair Shores Facebook page and the NIXLE Community Notification Service. The service provides communication to people who live, work or visit the Shores. The Police Department will send text messages and e-mail alerts to subscribers in a specific area; registration can be done at www.scspsdcrimewatch.org.

8. COMMENTS BY INDIVIDUAL COUNCILPERSONS cont'd.

Mr. Rubello noted that residents are concerned about coyotes in the City. Residents should be in touch with the Police Department and the Animal Control if they spot any coyotes.

Council Member Frederick announced upcoming events and congratulated the Lake Shore High School bowling team on their win.

Mr. Frederick noted that any active adults, 50+, interested in hiking should contact the Senior Center at (586) 445-0996 to enroll in the spring/summer hiking program. The Parks and Recreation Department is accepting applications for the Spring Co-Ed Softball and Women Softball teams. Anyone interested in boat wells, should call the Parks Department at (586) 445-5350.

Council Member Walby asked what the plan of action is for all the tickets issued after the last Snow Emergency was declared. Mr. Podolski noted that many residents were not aware of the Snow Emergency because it was called at 8:00 a.m., when most people are already gone for work. The current language does not allow discretion of time and therefore a proposed amendment to the ordinance has been discussed to allow residents twelve hours to be informed of a Snow Emergency. The tickets that have been issued the first day will be waived. Mr. Ihrie added that the Court will notify those residents informing them of the waiver and a refund will be issued to those that have already paid their tickets.

Mr. Walby stated that the City is working on draft language for ambulance fee hardships and the City Manager Search Committee is looking for a well experienced Forensic Auditor to recommend to City Council next meeting.

Mr. Walby announced vacant seats on City Boards, Commissions and Committees and the application process.

Council Member McFadyen announced VFW Bruce Post's Fish Fry Fridays; for more information call (586) 772-1146. She stated the Shorewood Kiwanis is hosting a fundraiser for Peyton Aleman at Premier Bowling Alley, New Baltimore, on March 13, 2010; (586) 255-6616.

Council Member Rusie would like to see a report on the recent HUD homes sales. She inquired more information about the current policy for City vehicles in need of repair. Mr. Smith responded that when a City vehicle needs body work, the City sends an e-mail to a list of vendors in the tri-city area (Eastpointe, Roseville and St. Clair Shores) inviting them to look at the vehicle and submit a quote. The quotes are then analyzed. If prices are really close, consideration is given to the St. Clair Shores vendors.

Ms. Rusie asked what the FBI and the State Police meant by no real conflict of interest. Mr. Smith responded the State Police asked the City three questions: is there a reason to believe illegal activity, would whatever findings be submitted to the prosecuting attorney and is there a real conflict of interest, not just a perception of a conflict of interest. Because Mr. Dumas is neither the Mayor nor the DPW Director at this time, there is no real conflict of interest. Based on the discussions with the State Police and FBI, the City went ahead and started investigations through the St. Clair Shores Police Department, who will thoroughly investigate the case.

Ms. Rusie noted that the Parks and Recreation Department, the Beautification Commission and the Cool Cities Committee are meeting to host a Green Fair tentatively on September 25, 2010 at the Veterans Memorial Park. More volunteers are needed; e-mail rusiec@scsmi.net and fickaus@scsmi.net.

Ms. Rusie talked about a non-profit pet rescue organization, All About Animals. It operates in southeast Michigan, fosters animals and provides a low cost veterinarian clinic; for more information www.allaboutanimalsrescue.org.

She thanked Celina's Polish Kitchen for donating paczkis for tonight's meeting.

Mr. Frederick asked for an update on the fire damaged house on California Street.

Mayor Hison noted there will be a Council Workshop on Saturday, February 27, 2010; details will be posted at City Hall.

9. CITY MANAGER'S REPORT – AMENDMENT REGARDING THE SNOW EMERGENCY ORDINANCE, SECTION 21.804

Mr. Ihrie has been asked to propose an amendment to the Snow Emergency Ordinance 21.800, Section 21.804 Towing, impounding of vehicles, to prohibit the towing or ticketing of vehicles within the first twelve hours after a Snow Emergency has been declared.

9. CITY MANAGER'S REPORT cont'd.

Under the current ordinance language, cars have to be removed immediately after the Snow Emergency is declared. The amendment will allow residents twelve hours to be informed and remove their cars off the residential streets. After that, the City has the right to remove and/or ticket residents.

Motion by McFadyen, seconded by Rubello to approve a request to amend Ordinance 21.800 Snow Emergency, Section 21.804 Towing, impounding of vehicles, which reads as follows:

The City of St. Clair Shores ordains that Chapter 21.800 Towing, impounding of vehicles of the Code of Ordinance, shall be amended as follows:

21.800 SNOW EMERGENCY ORDINANCE (Ord. Effective: February 1, 1999)

21.804 Towing, impounding of vehicles.

Sec. 4. The St. Clair Shores Police Department is hereby authorized to remove any vehicle and/or trailer which is parked on any street during a declared snow emergency and to transport the same to an impound facility designated by the City. Towing, storage and impound fees shall be charged to the owner of the vehicle and/or trailer impounded.

Shall be amended to read as follows:

21.804 Towing, impounding and ticketing of vehicles.

Sec. 4. The St. Clair Shores Police Department is hereby authorized to *ticket and/or* remove any vehicle and/or trailer which is parked on any street during a declared snow emergency and to transport the same to an impound facility designated by the City. Towing, storage and impound fees shall be charged to the owner of the vehicle and/or trailer impounded. *Such ticketing or towing may not occur until twelve (12) hours after the snow emergency has been declared. (Amended 2/16/2010)*

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 16th day of February 2010, and that the necessary Charter provisions have been observed.

ROBERT A. HISON, MAYOR

MARY A. KOTOWSKI, CITY CLERK

I, Mary A. Kotowski, Clerk of the City of St. Clair Shores, hereby certify that the foregoing ordinance was published by posting true copies of the same in each of the following places: Police Station, 27665 Jefferson Avenue, Fire Hall, 26700 Harper Avenue, and City Hall, 27600 Jefferson Circle Drive on the 18th day of February 2010; which is the effective date of this ordinance.

MARY A. KOTOWSKI, CITY CLERK

(ord. amendment eff. *February 18, 2010*)

Ayes: All – 6
Absent: Rubino

10. AUDIENCE PARTICIPATION (5 MINUTE TIME LIMIT)

Mr. Smith announced that the City will be interviewing the City Manager finalists on March 6, 2010 Special Council Meeting beginning at 8:30 a.m. and will be aired live. Residents are invited to meet the candidates following the interviews at a 7:00 p.m. reception at the Golf Course.

Mr. Smith talked about the reason behind the Snow Emergency Ordinance. The neighbors of those who do not remove their cars will have feet of snow piled up in front of their driveways after the plow truck comes through.

Chris Vitale, 28701 Grant, spoke about the Rat Abatement Program and his opposition to having the contractor bait his back yard. He requested a legal opinion on opting out of the program.

Kevin Filary, 21712 Maple, thanked the City Manager for waiving the Snow Emergency tickets and noted that St. Clair Shores was not listed on Channel 4 or www.clickondetroit.com. He added that the answering machine at the Department of Public Works gives out the same number to call.

Eleonore Ellero-Groth, 21618 Stephens, announced an upcoming spaghetti dinner at South Lake High School on February 23, 2010, 4:30 p.m. to 6:30 p.m., to aid the Drama Department with funds to host a musical this year; for more information, (586) 567-0162.

Jack Doerr, 22407 Bayview, inquired about any new PCB contaminated sites. He encouraged residents that live on the contaminated canals to meet with the Board of Review regarding their property values.

Mr. Podolski responded the City is not aware of any other locations. When the canals were assessed for the Super Fund, very low levels of PCB's were found at Bayview, Lakeshire and Rio Vista. At the last PCB meeting, it was decided to inform the public, but it was clearly stated that the sites are not heavily contaminated, and below the clean-up levels.

11. ADJOURNMENT

Motion by McFadyen, seconded by Frederick to adjourn at 8:10 p.m.

Ayes: All – 6
Absent: Rubino

ROBERT A HISON, MAYOR

MARY A. KOTOWSKI, CITY CLERK