

**MINUTES  
ST. CLAIR SHORES CITY COUNCIL MEETING  
AUGUST 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, Rubello, Rubino, Rusie and Walby

Absent & Excused: Council Member McFadyen

Also Present: City Manager Hughes, City Clerk Kotowski, Directors Babcock, D'Herde, Esler, Koto, Rayes and City Attorney Ihrle

**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 Ms. McFadyen asked to be excused. The Pledge of Allegiance was recited by those in attendance.

**Motion by Walby, seconded by Rubino to excuse McFadyen from tonight's meeting.**

Ayes: All – 6  
Absent: McFadyen

Mayor Hison asked for a moment of silence for the passing of Frank Fowlds, a past St. Clair Shores Golf Course employee. He also asked residents to keep Brian Baulch and his family in their prayers, a Detroit firefighter who has been in critical condition since Friday morning's blaze. He is the son of DPW Employee Bob Baulch.

**2. PROCLAMATIONS & PRESENTATIONS – LAKEVIEW GOLF TEAM**

Mayor Hison presented David Murray and the Lakeview Golf Team the following proclamation:

*PROCLAMATION  
to  
LAKEVIEW HIGH SCHOOL HUSKIES  
BOYS GOLF TEAM*

*WHEREAS, the Mayor and Council of the City of St. Clair Shores deem it fitting and proper to publicly recognize and express our pride and appreciation to the LAKEVIEW HIGH SCHOOL HUSKIES BOYS GOLF TEAM on the occasion of celebrating an outstanding 2010 golf season; and*

*WHEREAS, the LAKEVIEW HIGH SCHOOL HUSKIES BOYS GOLF TEAM, honorably coached by Dave Murray, was led by Junior Luke Trocchio, Senior Co-captains Danny Mahoney and Danny St. George, Sophomore Danny Schwarzwaldner and Seniors Kory Walsh, Kyle Adcock, Matt Wojtkowski and Brendan Hass; and*

*WHEREAS, the LAKEVIEW HIGH SCHOOL HUSKIES BOYS GOLF TEAM played in the M.A.C. Blue Division, started with a strong dual match record of 10-0 and steadily improved through the year finishing first place at Bello Woods Golf Course shooting 315, and first in the District Tournament at Lakeview Hills Golf Course with a 327; and*

*WHEREAS, the LAKEVIEW HIGH SCHOOL HUSKIES BOYS GOLF TEAM played in two tournaments shooting 327 at both and finishing eighth in the Macomb County Tournament at Timberwood Golf Course and fourth at the Evans/Gill Invitational Tournament at Romeo Golf Course; and*

*WHEREAS, the LAKEVIEW HIGH SCHOOL HUSKIES BOYS GOLF TEAM not only played golf well, they respectfully represented their school and community and was able to gain confidence entering the Regional Tournament at Huron Meadows Golf Course shooting a remarkable 300 for a first place finish then went on to the MHSAA State Finals and placed twelfth;*

*NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the City of St. Clair Shores, on behalf of all its citizens, extend our congratulations and best wishes to the LAKEVIEW HIGH SCHOOL HUSKIES BOYS GOLF TEAM for their achievement of celebrating a successful 2010 golf season and wish them many more years of continued success.*

*Presented this 16<sup>th</sup> day of August 2010.*

**2. PROCLAMATIONS & PRESENTATIONS – LAKEVIEW GOLF TEAM cont'd.**

Mr. Murray talked about their outstanding season and thanked Mayor and Council for the proclamation.

Mr. Hughes informed the audience that this past weekend there have been 14 emergency water breaks. The water breaks began Friday evening. Mr. Hughes explained that the water coming from Detroit is transported via a large water main with a pressure of approximately 80 psi. Friday, the pressure abruptly increased to 105 psi; the brief spike in the water pressure, caused many water main breaks. The breaks were sporadically throughout the City. Crews were called on the scene right away; the repair work is estimated at a total cost of approximately \$60,000. The City is working with the Detroit Water and Sewer Department to seek reimbursement and investigate the cause of the increase in pressure.

Mr. Schwanger led the two crews that worked all weekend to repair the mains. Mayor Hison thanked the workers for coming in on the weekend and for a job well done.

Ms. Rusie noted the Facebook updates in real time were really helpful to all.

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

Jim Goodfellow, St. Clair Shores resident, agenda items 8b and 9f. Mr. Goodfellow asked for a report of each NSP home as they are completed disclosing costs, amendments and sale prices. He commented on the consent agenda request to set a public hearing for the Brownfield plan before the committee's decision on this issue.

Joseph Backus, St. Clair Shores resident, agenda item 7. Mr. Backus encouraged Council to place a moratorium on marijuana facilities in the City.

**4. REQUEST FROM THE SHOREWOOD KIWANIS TO HOLD THEIR ANNUAL HARPER CHARITY CRUISE ON HARPER, BETWEEN OLD 8 MILE AND BAYSIDE AVE., ON AUGUST 25, 2010 FROM 5:00 P.M. TO 9:00 P.M.**

Mr. Lou Hough, Shorewood Kiwanis, requested permission to hold the annual Harper Charity Cruise on August 25, 2010 from 5:00 p.m. to 9:00 p.m., on Harper Ave., between Old 8 Mile and Bayside.

The Shorewood Kiwanis is an international service club, servicing the children of the world. The club is made up of 40 members that meet every Tuesday. The Kiwanis sponsor and support many charities, mostly for children. The Harper Charity Cruise brings in about 60,000 people to the event. The club raises donations on the day of the event and before hand with their canisters and T-Shirt advertisements.

Mr. Hough talked about Roy O'Brien's surprise for the cruise day and thanked all participants for their support.

**Motion by Rusie, seconded by Rubino to approve the request to hold the 2010 Kiwanis Harper Charity Cruise on August 25, 2010, from 5:00 p.m. to 9:00 p.m., the route to be on Harper Avenue, between Old 8 Mile and Bayside Avenue.**

Ayes: All – 6  
Absent: McFadyen

**5. PUBLIC HEARINGS ON THE CREATION OF INDUSTRIAL DEVELOPMENT DISTRICTS (IDD) AND ADOPTION OF RESOLUTIONS TO CREATE THE INDUSTRIAL DEVELOPMENT DISTRICTS FOR LAND SITUATED IN THE PROPOSED INDUSTRIAL DISTRICTS AS FOLLOW:**

Mr. Vandermergel, City Assessor, stated the creation of Industrial Development Districts is an economic development tool. Its objectives are to stimulate development of new industrial property, to acquire new assets, and/or to renovate and replace blighted properties in industrial areas. The City has three primary industrial areas: north end where the Fisher Company owns property, next to the Civic Arena, and south of the City's garage.

The first district was created in the north end of the City. The process has been instrumental and the City would like to follow with the other two districts. The proposed districts are a tool to attract investments in our industrial parcels/buildings.

Mr. Vandermergel noted that IDD's do not cost taxpayers any money and no funds would be taken out of the General Fund. The City is giving industrial taxpayers a discount tax rate for future investments only. The City would be getting less of something we are not currently taking in at all.

**5. PUBLIC HEARINGS ON THE CREATION OF INDUSTRIAL DEVELOPMENT DISTRICTS (IDD) cont'd.**

Each district has different possible objectives due to existing conditions. The Stephens District has a 2:1 relationship between real and personal property, and therefore the goal might be to renovate existing buildings. On the other hand, the Industrial Drive District has a 5:1 relationship between real and personal property, which means the buildings are under utilized (not being productive at their full possibility). The objective for this district might be to occupy vacant buildings and to acquire new equipment.

**a. Industrial Drive Park IDD – including both Industrial Drive East and West from the I-94 freeway to the South Lake stadium**

Mayor Hison opened the Public Hearing at 7:53 p.m.

Joseph Backus, resident of St. Clair Shores, emphasized the need for the districts in the City to attract new businesses and to occupy the vacant buildings.

David Dewitt, owner of property within the district, inquired about examples of how the districts can help the current businesses in the area.

Mayor Hison closed the Public Hearing at 7:55 p.m.

Mr. Vandermergel explained that opportunities are different for obsolete buildings and vacant parcels. For the rehabilitation of buildings there would be a tax freeze for up to 12 years on the renovation costs. For the development of new buildings or purchase of new equipment, the City would offer 50% tax abatement on new acquisitions.

Mr. Rubello asked about the vacancy rate in the two areas and the difference between an Industrial Development District and a Plant Rehabilitation District. The vacancy rate is approximately 50% (taking into account the number of parcels and the number of property taxpayers). The main difference between the two types of districts is that an IDD covers only new facility projects and a PRD is designed primarily for rehabilitation projects and requires a finding that 50% or more of the industrial property within the district is obsolete.

The Industrial Drive IDD includes Comcast, but excludes the DPW buildings and the South Lake property. The south side of 9 Mile was not included because of the Master Plan objectives and the size of the buildings which are not feasible for manufacturing.

Ms. Rusie questioned how the City will market new industrial businesses. The City will be in contact with the Macomb County Planning Department who has an aggressing team working with industrial companies.

Mr. Rubino inquired of any tax abatement available for commercial property. Mr. Vandermergel responded the commercial abatements are not so comprehensive; they are in the forms of tax increment financing and reimbursement plans. Other programs tend to hinge on distressed communities; however, St. Clair Shores has not been qualified as a distressed community.

Mr. Frederick asked if the Mocerri business on Industrial Drive can benefit from abatements when building their new truck docks. Mr. Vandermergel replied that the business has to be manufacturing/making products for retail goods. Mocerri and Sons is more for transit activities. However, there can be mixed use at one property and qualify a portion of expenses for the abatement.

**Motion by Walby, seconded by Frederick to adopt a resolution to create the Industrial Drive Park Industrial Development District, which reads as follows:**

**Resolution Establishing the Industrial Drive Park Industrial Development District**

**WHEREAS, pursuant to P.A. 198 of 1974, as amended, this St. Clair Shores City Council has the authority to establish an Industrial Development District within the City of St. Clair Shores; and**

**WHEREAS, the St. Clair Shores City Council has decided to establish an Industrial Development District on property located in the City of St. Clair Shores hereinafter described; and**

**WHEREAS, construction, acquisition, alteration, or installation of a proposed facility has not commenced at the time of filing the request to establish this district; and**

**5a. Industrial Drive Park IDD – including both Industrial Drive East and West from the I-94 freeway to the South Lake stadium cont'd.**

WHEREAS, written notice has been given by mail to all owners of real property located within the district, and to the public by newspaper advertisement in the St. Clair Shores *Sentinel* on August 11, 2010; and

WHEREAS, on Monday, August 16, 2010 a public hearing was held at which all of the owners of real property within the proposed Industrial Development District and all residents and taxpayers of the City of St. Clair Shores were afforded an opportunity to be heard thereon; and

WHEREAS, the St. Clair Shores City Council deems it to be in the public interest of the City of St. Clair Shores to establish the Industrial Development District as proposed; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of St. Clair Shores, that the following described parcels of land situated in the City of St. Clair Shores, Macomb County, and State of Michigan, to wit:

Parcel Number: 14-28-378-003  
Property Address: 23001 Industrial Drive West  
Legal Description: FREEWAY INDUSTRIAL URBAN RENEWAL PLAT SUBDIVISION (LIBER 56, PAGES 43-44), LOTS 63 THROUGH 65  
- and -

Parcel Number: 14-28-378-004  
Property Address: 22955 Industrial Drive West  
Legal Description: FREEWAY INDUSTRIAL URBAN RENEWAL PLAT SUBDIVISION (LIBER 56, PAGES 43-44), LOTS 61 AND 62  
- and -

Parcel Number: 14-28-378-006  
Property Address: 19611 Nine Mile  
Legal Description: FREEWAY INDUSTRIAL URBAN RENEWAL PLAT SUBDIVISION (LIBER 56, PAGES 43-44). THE WEST ONE-HALF OF LOT 57  
- and -

Parcel Number: 14-28-378-007  
Property Address: Vacant Nine Mile  
Legal Description: FREEWAY INDUSTRIAL URBAN RENEWAL PLAT SUBDIVISION (LIBER 56, PAGES 43-44), THE EAST ONE-HALF OF LOT 57  
- and -

Parcel Number: 14-28-378-008  
Property Address: 19669 Nine Mile  
Legal Description: FREEWAY INDUSTRIAL URBAN RENEWAL PLAT SUBDIVISION (LIBER 56, PAGES 43-44), LOT 56  
- and -

Parcel Number: 14-28-378-013  
Property Address: 22931 Industrial Drive West  
Legal Description: FREEWAY INDUSTRIAL URBAN RENEWAL PLAT SUBDIVISION (LIBER 56, PAGES 43-44), LOT 60 EXCEPT THE SOUTH 20.00 FEET THEREOF  
- and -

Parcel Number: 14-28-378-015  
Property Address: 19675 Nine Mile  
Legal Description: FREEWAY INDUSTRIAL URBAN RENEWAL PLAT SUBDIVISION (LIBER 56, PAGES 43-44), LOTS 54 AND 55 EXCEPT THAT PART TAKEN FOR NINE MILE ROAD  
- and -

Parcel Number: 14-28-378-016  
Property Address: 22901 Industrial Drive West  
Legal Description: FREEWAY INDUSTRIAL URBAN RENEWAL PLAT SUBDIVISION (LIBER 56, PAGES 43-44), ALL OF LOTS 58 AND 59, AND THE SOUTH 20.00 FEET OF LOT 60  
- and -

Parcel Number: 14-28-379-001  
Property Address: 22960 Industrial Drive West  
Legal Description: FREEWAY INDUSTRIAL URBAN RENEWAL PLAT SUBDIVISION (LIBER 56, PAGES 43-44), LOT 39  
- and -

**5a. Industrial Drive Park IDD – including both Industrial Drive East and West from the I-94 freeway to the South Lake stadium cont'd.**

**Parcel Number:** 14-28-379-002  
**Property Address:** 22950 Industrial Drive West  
**Legal Description:** FREEWAY INDUSTRIAL URBAN RENEWAL PLAT SUBDIVISION (LIBER 56, PAGES 43-44), LOT 40 AND THE NORTH ONE-HALF OF LOT 41  
 - and -

**Parcel Number:** 14-28-379-003  
**Property Address:** 22926 Industrial Drive West  
**Legal Description:** FREEWAY INDUSTRIAL URBAN RENEWAL PLAT SUBDIVISION (LIBER 56, PAGES 43-44), THE SOUTH ONE-HALF OF LOT 41 AND ALL OF LOT 42  
 - and -

**Parcel Number:** 14-28-379-004  
**Property Address:** 22904 Industrial Drive West  
**Legal Description:** FREEWAY INDUSTRIAL URBAN RENEWAL PLAT SUBDIVISION (LIBER 56, PAGES 43-44), LOT 43  
 - and -

**Parcel Number:** 14-28-379-007  
**Property Address:** 19771 Nine Mile  
**Legal Description:** FREEWAY INDUSTRIAL URBAN RENEWAL PLAT SUBDIVISION (LIBER 56, PAGES 43-44)), LOTS 48 AND 49 EXCEPT THAT PART TAKEN FOR NINE MILE ROAD  
 - and -

**Parcel Number:** 14-28-379-008  
**Property Address:** 19795 Nine Mile  
**Legal Description:** FREEWAY INDUSTRIAL URBAN RENEWAL PLAT SUBDIVISION (LIBER 56, PAGES 43-44), LOTS 46 AND 47  
 - and -

**Parcel Number:** 14-28-379-010  
**Property Address:** 19813 Nine Mile  
**Legal Description:** FREEWAY INDUSTRIAL URBAN RENEWAL PLAT SUBDIVISION (LIBER 56, PAGES 43-44), LOTS 27 AND 28  
 - and -

**Parcel Number:** 14-28-379-011  
**Property Address:** 19815 Nine Mile  
**Legal Description:** FREEWAY INDUSTRIAL URBAN RENEWAL PLAT SUBDIVISION (LIBER 56, PAGES 43-44), LOTS 25 AND 26  
 - and -

**Parcel Number:** 14-28-379-012  
**Property Address:** 19825 Nine Mile  
**Legal Description:** FREEWAY INDUSTRIAL URBAN RENEWAL PLAT SUBDIVISION (LIBER 56, PAGES 43-44), LOTS 25 AND 26  
 - and -

**Parcel Number:** 14-28-379-013  
**Property Address:** 19801 Nine Mile and 19803 Nine Mile  
**Legal Description:** FREEWAY INDUSTRIAL URBAN RENEWAL PLAT SUBDIVISION (LIBER 56, PAGES 43-44), LOTS 23 AND 24  
 - and -

**Parcel Number:** 14-28-379-014  
**Property Address:** 19807 Nine Mile  
**Legal Description:** FREEWAY INDUSTRIAL URBAN RENEWAL PLAT SUBDIVISION (LIBER 56, PAGES 43-44), THE EASTERLY PART OF LOTS 44 AND 45, BEING 59.25 FEET ON THE SOUTH SIDE AND 58.51 FEET ON THE NORTH SIDE  
 - and -

**Parcel Number:** 14-28-379-015  
**Property Address:** 19717 Nine Mile  
**Legal Description:** FREEWAY INDUSTRIAL URBAN RENEWAL PLAT SUBDIVISION (LIBER 56, PAGES 43-44), LOTS 50 THROUGH 53  
 - and -

**5a. Industrial Drive Park IDD – including both Industrial Drive East and West from the I-94 freeway to the South Lake stadium cont'd.**

**Parcel Number:** 14-28-402-002  
**Property Address:** 23015 Industrial Drive West  
**Legal Description:** FREEWAY INDUSTRIAL URBAN RENEWAL PLAT SUBDIVISION (LIBER 56, PAGES 43-44), LOTS 4, 5, AND 66

- and -

**Parcel Number:** 14-28-451-001  
**Property Address:** 23000 Industrial Drive West  
**Legal Description:** FREEWAY INDUSTRIAL URBAN RENEWAL PLAT SUBDIVISION (LIBER 56, PAGES 43-44), THE NORTH 5.00 FEET OF LOT 32 AND ALL OF LOTS 33 THROUGH 38

- and -

**Parcel Number:** 14-28-451-002  
**Property Address:** 22935 Industrial Drive East  
**Legal Description:** FREEWAY INDUSTRIAL URBAN RENEWAL PLAT SUBDIVISION (LIBER 56, PAGES 43-44), LOT 32 EXCEPT THE NORTH 5.00 FEET

- and -

**Parcel Number:** 14-28-451-003  
**Property Address:** 22929 Industrial Drive East  
**Legal Description:** FREEWAY INDUSTRIAL URBAN RENEWAL PLAT SUBDIVISION (LIBER 56, PAGES 43-44), LOT 31

- and -

**Parcel Number:** 14-28-451-004  
**Property Address:** 22919 Industrial Drive East  
**Legal Description:** FREEWAY INDUSTRIAL URBAN RENEWAL PLAT SUBDIVISION (LIBER 56, PAGES 43-44), LOT 30

- and -

**Parcel Number:** 14-28-451-005  
**Property Address:** 22903 Industrial Drive East  
**Legal Description:** FREEWAY INDUSTRIAL URBAN RENEWAL PLAT SUBDIVISION (LIBER 56, PAGES 43-44), LOT 29

- and -

**Parcel Number:** 14-28-451-007  
**Property Address:** 19945 Nine Mile  
**Legal Description:** FREEWAY INDUSTRIAL URBAN RENEWAL PLAT SUBDIVISION (LIBER 56, PAGES 43-44), LOTS 19 AND 20

- and -

**Parcel Number:** 14-28-451-008  
**Property Address:** 19931 Nine Mile  
**Legal Description:** FREEWAY INDUSTRIAL URBAN RENEWAL PLAT (LIBER 56, PAGES 43-44), PART OF LOTS 21 AND 22, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 22; THENCE NORTH 21\*00'13" EAST 180.61 FEET; THENCE SOUTH 89\*47'17" EAST 60.23 FEET; THENCE SOUTH 13\*51'50" WEST 173.75 FEET; THENCE NORTH 89\*47'17" WEST 83.33 FEET TO THE POINT OF BEGINNING (CONTAINING 12,119.38 SQUARE FEET OR 0.278 ACRES OF LAND, MORE OR LESS)

- and -

**Parcel Number:** 14-28-451-009  
**Property Address:** 19933 Nine Mile  
**Legal Description:** FREEWAY INDUSTRIAL URBAN RENEWAL PLAT (LIBER 56, PAGES 43-44), PART OF LOTS 21 AND 22, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 22; THENCE SOUTH 89\*47'17" EAST 83.33 FEET TO THE POINT OF BEGINNING; THENCE NORTH 13\*51'50" EAST 173.75 FEET; THENCE SOUTH 89\*47'17" EAST 127.03 FEET; THENCE SOUTH 00\*12'45" WEST 66.00 FEET; THENCE SOUTH 21\*00'13" WEST 110.00 FEET; THENCE NORTH 89\*47'17" WEST 128.99 FEET TO THE POINT OF BEGINNING (CONTAINING 22,901.31 SQUARE FEET OR 0.526 ACRES OF LAND, MORE OR LESS)

- and -

**Parcel Number:** 14-28-452-001  
**Property Address:** 23060 Industrial Drive West

**5a. Industrial Drive Park IDD – including both Industrial Drive East and West from the I-94 freeway to the South Lake stadium cont'd.**

**Legal Description:** FREEWAY INDUSTRIAL URBAN RENEWAL PLAT SUBDIVISION (LIBER 56, PAGES 43-44), THE NORTH 200.44 FEET OF LOT 2 EXCEPT THE EAST 50.00 FEET OF THE NORTH 50.00 FEET

- and -

**Parcel Number:** 14-28-452-002

**Property Address:** 23050 Industrial Drive East

**Legal Description:** FREEWAY INDUSTRIAL URBAN RENEWAL PLAT SUBDIVISION (LIBER 56, PAGES 43-44), LOT 2 EXCEPT NORTH 200.44 FEET

- and -

**Parcel Number:** 14-28-452-003

**Property Address:** 23040 Industrial Drive East

**Legal Description:** FREEWAY INDUSTRIAL URBAN RENEWAL PLAT SUBDIVISION (LIBER 56, PAGES 43-44), LOT 6

- and -

**Parcel Number:** 14-28-452-004

**Property Address:** 23030 Industrial Drive East

**Legal Description:** FREEWAY INDUSTRIAL URBAN RENEWAL PLAT SUBDIVISION (LIBER 56, PAGES 43-44), LOT 7

- and -

**Parcel Number:** 14-28-452-007

**Property Address:** 22940 Industrial Drive East

**Legal Description:** FREEWAY INDUSTRIAL URBAN RENEWAL PLAT SUBDIVISION (LIBER 56, PAGES 43-44), LOT 11

- and -

**Parcel Number:** 14-28-452-008

**Property Address:** 22930 Industrial Drive East

**Legal Description:** FREEWAY INDUSTRIAL URBAN RENEWAL PLAT SUBDIVISION (LIBER 56, PAGES 43-44), LOT 12

- and -

**Parcel Number:** 14-28-452-009

**Property Address:** 22920 Industrial Drive East

**Legal Description:** FREEWAY INDUSTRIAL URBAN RENEWAL PLAT SUBDIVISION (LIBER 56, PAGES 43-44), LOT 13

- and -

**Parcel Number:** 14-28-452-010

**Property Address:** 22900 Industrial Drive East

**Legal Description:** FREEWAY INDUSTRIAL URBAN RENEWAL PLAT SUBDIVISION (LIBER 56, PAGES 43-44), LOT 14 AND THE NORTH ONE-HALF OF VACATED PUBLIC ALLEY LYING ADJACENT THERETO

- and -

**Parcel Number:** 14-28-451-011

**Property Address:** 20005 Nine Mile

**Legal Description:** FREEWAY INDUSTRIAL URBAN RENEWAL PLAT SUBDIVISION (LIBER 56, PAGES 43-44), LOT 18 AND THE SOUTH ONE-HALF OF VACATED PUBLIC ALLEY LYING ADJACENT THERETO

- and -

**Parcel Number:** 14-28-452-012

**Property Address:** Vacant Pleasant

**Legal Description:** FREEWAY INDUSTRIAL URBAN RENEWAL PLAT SUBDIVISION (LIBER 56, PAGES 43-44), THE EAST 50.00 FEET OF THE NORTH 50.00 FEET OF LOT 2

- and -

**Parcel Number:** 14-28-452-016

**Property Address:** 22909 Stadium Boulevard

**Legal Description:** FREEWAY INDUSTRIAL URBAN RENEWAL PLAT SUBDIVISION (LIBER 56, PAGES 43-44), LOT 15

- and -

**Parcel Number:** 14-28-452-017

**Property Address:** 22901 Stadium Boulevard

**5a. Industrial Drive Park IDD – including both Industrial Drive East and West from the I-94 freeway to the South Lake stadium cont'd.**

**Legal Description:** FREEWAY INDUSTRIAL URBAN RENEWAL PLAT SUBDIVISION (LIBER 56, PAGES 43-44), LOT 16 AND THE NORTH ONE-HALF OF VACATED PUBLIC ALLEY LYING ADJACENT THERETO

- and -

**Parcel Number:** 14-28-452-018

**Property Address:** 20025 Nine Mile

**Legal Description:** FREEWAY INDUSTRIAL URBAN RENEWAL PLAT SUBDIVISION (LIBER 56, PAGES 43-44), LOT 17 AND THE SOUTH ONE-HALF OF VACATED PUBLIC ALLEY LYING ADJACENT THERETO

- and -

**Parcel Number:** 14-28-452-020

**Property Address:** 20000 Pleasant

**Legal Description:** FREEWAY INDUSTRIAL URBAN RENEWAL PLAT (LIBER 56, PAGES 43-44), LOT 1; ALSO DALBY & CAMPBELL'S EASTLAWN SUBDIVISION (LIBER 7, PAGE 75), LOTS 322 THROUGH 327, ALL OF VACATED PALLISTER AVENUE (25.00 FEET WIDE) LYING ADJACENT THERETO, AND ALL OF VACATED BROADWAY AVENUE (50.00 FEET WIDE) LYING SOUTH OF LOT 327

- and -

**Parcel Number:** 14-28-452-023

**Property Address:** 23010 Industrial Drive East

**Legal Description:** FREEWAY INDUSTRIAL URBAN RENEWAL PLAT SUBDIVISION (LIBER 56, PAGES 43-44), LOTS 8 AND 9

- and -

**Parcel Number:** 14-28-452-024

**Property Address:** 23000 Industrial Drive East

**Legal Description:** FREEWAY INDUSTRIAL URBAN RENEWAL PLAT SUBDIVISION (LIBER 56, PAGES 43-44), LOT 10

are established as an Industrial Development District pursuant to the provisions of PA 198 of 1974, as amended, to be known as the Industrial Drive Park Industrial Development District; and

BE IT FURTHER RESOLVED that the St. Clair Shores City Council has set the Application fee for Plant Rehabilitation Districts and/or Industrial Development Districts at a fee of \$500.

Ayes: All – 6  
Absent: McFadyen

RESOLUTION DECLARED ADOPTED.

I, Mary A. Kotowski, the duly qualified and appointed City Clerk of the City of St. Clair Shores, Macomb County, Michigan do hereby certify that the foregoing is a true and complete copy of a resolution adopted at a regular meeting of the City Council held on Monday, August 16, 2010 the original of which is on file in my office.

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Mary A. Kotowski, MMC  
St. Clair Shores City Clerk

**b. Stephens Industrial Corridor IDD – all properties on Stephens between Little Mack and Ursuline**

Mayor Hison opened the Public Hearing at 8:12 p.m.

There were no comments.

Mayor Hison closed the Public Hearing at 8:13 p.m.

Mr. Frederick noted that 70% of the district backs up to residential properties and for this reason, to be cautious when approving development in the area.



**5b. Stephens Industrial Corridor IDD – all properties on Stephens between Little Mack and Ursuline cont'd.**

Motion by Rubino, seconded by Walby to adopt a resolution to create the Stephens Industrial Corridor Industrial Development District, which reads as follows:

**Resolution Establishing the Stephens Industrial Corridor Industrial Development District**

WHEREAS, pursuant to P.A. 198 of 1974, as amended, this St. Clair Shores City Council has the authority to establish an Industrial Development District within the City of St. Clair Shores; and

WHEREAS, the St. Clair Shores City Council has decided to establish an Industrial Development District on property located in the City of St. Clair Shores hereinafter described; and

WHEREAS, construction, acquisition, alteration, or installation of a proposed facility has not commenced at the time of filing the request to establish this district; and

WHEREAS, written notice has been given by mail to all owners of real property located within the district, and to the public by newspaper advertisement in the St. Clair Shores *Sentinel* on August 11, 2010; and

WHEREAS, on Monday, August 16, 2010 a public hearing was held at which all of the owners of real property within the proposed Industrial Development District and all residents and taxpayers of the City of St. Clair Shores were afforded an opportunity to be heard thereon; and

WHEREAS, the St. Clair Shores City Council deems it to be in the public interest of the City of St. Clair Shores to establish the Industrial Development District as proposed; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of St. Clair Shores, that the following described parcels of land situated in the City of St. Clair Shores, Macomb County, and State of Michigan, to wit:

Parcel Number: 14-28-257-025  
Property Address: 20301 Stephens  
Legal Description: ASSESSOR'S PLAT NO. 12 (LIBER 14, PAGE 43), THE SOUTH 205.00 FEET OF LOT 7

- and -

Parcel Number: 14-28-257-050  
Property Address: 20451 Stephens  
Legal Description: STAR VALLEY SUBDIVISION (LIBER 32, PAGES 44-45), OUTLOT A

- and -

Parcel Number: 14-28-277-044  
Property Address: 20527 Stephens  
Legal Description: STAR VALLEY SUBDIVISION (LIBER 32, PAGES 44-45), THE EAST 60.00 FEET OF OUTLOT B EXCEPT THE NORTH 20.00 FEET THEREOF

- and -

Parcel Number: 14-28-277-046  
Property Address: 24304 Star Valley  
Legal Description: ASSESSOR'S PLAT NO. 12 (LIBER 14, PAGE 43), THE SOUTH 180.00 FEET OF LOT 9 EXCEPT THE WEST 30.00 FEET

- and -

Parcel Number: 14-28-277-048  
Property Address: 20515 Stephens  
Legal Description: STAR VALLEY SUBDIVISION (LIBER 32, PAGES 44-45), OUTLOT B EXCEPT THE EAST 60.00 FEET OF THE SOUTH 100.00 FEET; AND ALSO THE SOUTH 26.00 FEET OF OUTLOT C

- and -

Parcel Number: 14-28-278-029  
Property Address: Vacant Little Mack  
Legal Description: LAKEWOOD GARDENS SUBDIVISION NO. 1 (LIBER 7, PAGE 52), LOT 121

- and -

Parcel Number: 14-28-278-045  
Property Address: 20601 Stephens  
Legal Description: LAKEWOOD GARDENS SUBDIVISION NO. 1 (LIBER 7, PAGE 52), LOTS 108 AND 109

- and -

**5b. Stephens Industrial Corridor IDD – all properties on Stephens between Little Mack and Ursuline cont'd.**

- Parcel Number:** 14-28-278-046  
**Property Address:** 20643 Stephens  
**Legal Description:** LAKEWOOD GARDENS SUBDIVISION NO. 1 (LIBER 7, PAGE 52), LOTS 110 THROUGH 120, EXCEPT THE SOUTH 10.50 FEET OF LOTS 110 THROUGH 118, AND ALSO EXCEPT THE EAST 27.00 FEET OF LOTS 118 THROUGH 120  
- and -
- Parcel Number:** 14-28-426-002  
**Property Address:** 20200 Stephens  
**Legal Description:** ASSESSOR'S PLAT NO. 73 (LIBER 47, PAGE 29), LOT 12  
- and -
- Parcel Number:** 14-28-426-003  
**Property Address:** 20220 Stephens  
**Legal Description:** ASSESSOR'S PLAT NO. 73 (LIBER 47, PAGE 29), LOT 11  
- and -
- Parcel Number:** 14-28-426-007  
**Property Address:** 20420 Stephens  
**Legal Description:** ASSESSOR'S PLAT NO. 73 (LIBER 47, PAGE 29), THE WEST 85.00 FEET OF LOT 8 AND THE EAST 50.00 FEET OF LOT 9  
- and -
- Parcel Number:** 14-28-426-010  
**Property Address:** 20520 Stephens  
**Legal Description:** ASSESSOR'S PLAT NO. 73 (LIBER 47, PAGE 29), LOT 4 AND THE EAST 20.00 FEET OF LOT 5  
- and -
- Parcel Number:** 14-28-426-014  
**Property Address:** 24145 Little Mack  
**Legal Description:** ASSESSOR'S PLAT NO. 73 (LIBER 47, PAGE 29), LOT 1  
- and -
- Parcel Number:** 14-28-426-035  
**Property Address:** 20400 Stephens  
**Legal Description:** ASSESSOR'S PLAT NO. 73 (LIBER 47, PAGE 29), THE WEST 50.00 FEET OF LOT 9 AND ALL OF LOT 10  
- and -
- Parcel Number:** 14-28-426-036  
**Property Address:** 20600 Stephens  
**Legal Description:** ASSESSOR'S PLAT NO. 73 (LIBER 47, PAGE 29), THE WEST 150.00 FEET OF LOT 3  
- and -
- Parcel Number:** 14-28-426-037  
**Property Address:** 20610 Stephens  
**Legal Description:** ASSESSOR'S PLAT NO. 73 (LIBER 47, PAGE 29), LOT 3 EXCEPT THE WEST 150.00 FEET  
- and -
- Parcel Number:** 14-28-426-041  
**Property Address:** 20500 Stephens  
**Legal Description:** ASSESSOR'S PLAT NO. 73 (LIBER 47, PAGE 29), THE WEST 80.00 FEET OF LOT 5, ALL OF LOTS 6 AND 7, AND THE EAST 15.00 FEET OF LOT 8  
- and -
- Parcel Number:** 14-28-426-042  
**Property Address:** 20650 Stephens  
**Legal Description:** ASSESSOR'S PLAT NO. 73 (LIBER 47, PAGE 29), LOT 2

are established as an Industrial Development District pursuant to the provisions of PA 198 of 1974, as amended, to be known as the Stephens Industrial Corridor Industrial Development District; and

**BE IT FURTHER RESOLVED** that the St. Clair Shores City Council has set the Application fee for Plant Rehabilitation Districts and/or Industrial Development Districts at a fee of \$500.

Ayes: All – 6  
Absent: McFadyen

RESOLUTION DECLARED ADOPTED.

**5b. Stephens Industrial Corridor IDD – all properties on Stephens between Little Mack and Ursuline cont'd.**

I, Mary A. Kotowski, the duly qualified and appointed City Clerk of the City of St. Clair Shores, Macomb County, Michigan do hereby certify that the foregoing is a true and complete copy of a resolution adopted at a regular meeting of the City Council held on Monday, August 16, 2010 the original of which is on file in my office.

\_\_\_\_\_  
Mary A. Kotowski, MMC  
St. Clair Shores City Clerk

**6. REQUEST FOR PLANNING COMMISSION CASES PC 10-14 AT 21515 HARPER LAKE, PETITIONER KEITH SOCIA, STAHL'S BROTHERS**

**a. PC 10-14 Rezoning of a portion of 21515 Harper Lake from RA-1 Single Family Residential to P-1 Parking**

Mr. Keith Socha, Stahl's Brothers, stated they purchased a house behind their property on Harper to enlarge their parking lot. Their request is to rezone 40' of the 100' parcel on Harper Lake to a parking district. The purchase agreement for the Harper Lake house is pending tonight's approval. The home has an attached garage; Stahl's proposes to demo the garage and build a detached garage in the back. The home will not be demolished; it will be fixed and placed on the market to sell.

Ms. Koto noted that the moratorium on walls between districts is valid for existing violation. Any new site plan approvals require the knee wall.

Ms. Rusie spoke of a resident's concern about emergency service access after vacating the alley between the two properties. Mayor Hison responded the alley was not designed for emergency vehicles and they do have access to both streets.

**Motion by Walby, seconded by Rubino to approve a request to rezone a portion of 21515 Harper Lake, from RA-1 Single Family Residential, to P-1 Parking, as recommended by the Planning Commission, noting that 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 10-14. 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 approval; adopting the zoning ordinance amendment, which reads as follows:**

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

**(171) *Rezone from RA-Single Family Residential to P-1 Parking at 21515 Harper Lake.***

**21515 Harper Lake – the west 42 feet of Lot 5 of the Jefferson – Harper Superhighway Subdivision, as recorded in Liber 9, Page 13, of Plats, Macomb County Records, Macomb County, Michigan, from RA-Single Family Residential to P-1 Parking.**

**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 a.m. – 4:30 p.m. Monday through Friday.**

STATE OF MICHIGAN    )  
  )  
COUNTY OF MACOMB    )            ss

6a. **PC 10-14 Rezoning of a portion of 21515 Harper Lake from RA-1 Single Family Residential to P-1 Parking cont'd.**

We hereby certify that the foregoing ordinance is a true copy of an ordinance as enacted by City Council on the 16<sup>th</sup> day of August 2010 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 1, 2010, 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 September 8, 2010.

\_\_\_\_\_  
Mary A. Kotowski, City Clerk

*(ord. amendment eff. September 8, 2010)*

Ayes: All – 6  
Absent: McFadyen

**b. PC 10-14B Site Plan Approval for a new parking lot at 23900-23910 Harper**

Ms. Koto stated the building at 23900-23910 Harper is general office use and they are considered non-conforming use for parking requirements because they have always been non-conforming. Any added parking spaces would be a bonus to the building.

The petitioner agreed to install dense landscaping instead of the masonry residential wall. Dense landscaping consists of plants (boxwood, evergreen, etc.) that do not lose leaves at any time during the year.

Mayor Hison asked the Planning Commission recommendation of #4 be changed to read dense landscaping or a brick kneewall.

**Motion by Rubino, seconded by Rubello to approve a request for site plan approval for a new parking lot, at 23900-23910 Harper, as recommended by the Planning Commission, subject to the conditions of the City Planner's report, including: 1) A 6 ft masonry wall is required between 21515 Harper and the parking lot, 2) Engineered drawing for all parking areas must be provided, and all parking areas must be paved and drained according to ordinance, 3) All new lighting must be reviewed and approved by the Community Development Department, 4) Dense landscaping or a brick kneewall is required on the Harper Lake side of the parking area, 5) The parcel proposed for parking is to be legally combined with the vacated alley and the parcels that contain 23900-23910 Harper as one parcel, 6) 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 10-14B. 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

**c. PC 10-14A Request to set a public hearing to vacate the alley adjacent to 21515 Harper Lake and 23900-23910 Harper on September 20, 2010**

Mayor Hison noted there is an alley between the two properties and a public hearing is required to vacate the alley. The public hearing is set to be on September 20, 2010.

**6c. PC 10-14A Request to set a public hearing to vacate the alley adjacent to 21515 Harper Lake and 23900-23910 Harper on September 20, 2010 cont'd.**

Motion by Walby, seconded by Rubino to approve a request to set a public hearing to vacate the alley adjacent to 21515 Harper Lake and 23900-23910 Harper, on September 20, 2010, as recommended by the Planning Commission, noting that 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 alley vacation.

Ayes: All – 6  
Absent: McFadyen

Mayor Hison responded to Mr. Goodfellow's early comments regarding the Brownfield Public Hearing. The item is presented before Council because of timeframe requirements. If Brownfield denies the plan, then the public hearing would be canceled.

**7. CONSIDERATION OF A REQUEST TO ADOPT A RESOLUTION PLACING A MORATORIUM ON THE LOCATION OF MEDICAL MARIJUANA FACILITIES IN ST. CLAIR SHORES**

Mayor Hison stated that placing a moratorium or banning medical marijuana facilities has been a topic in many communities. The proposal passed in November 2008, but there are many unanswered questions regarding these facilities.

Mr. Ihrie noted the law was voted in by the voters; the legislature promulgated rules in 2009 which leaves gaps for municipalities. It allows people who are suffering in pain to register a caregiver to supply and grow up to five plants of marijuana. The law is silent on many issues and communities are awaiting answers and possible amendments to the regulation. Meanwhile, the City is recommended to place a moratorium on locating such facilities within St. Clair Shores for at least 120 days.

Mayor Hison suggested at least 180 days and noted that other communities have banned these facilities objecting the state law, because the federal law prohibits marijuana uses under all circumstances.

Ms. Rusie stated that banning a request permissible under state law might open up a challenge, and therefore a moratorium is a safer route.

Motion by Walby, seconded by Frederick to adopt a resolution placing a moratorium on the location of medical marijuana facilities in St. Clair Shores, which reads as follows:

**A RESOLUTION MAKING FINDINGS AND ADOPTING A MORATORIUM ON THE ESTABLISHMENT AND OPERATION OF MEDICAL MARIJUANA DISPENSARIES**

**RECITALS**

**WHEREAS, on November 4, 2008, Michigan voters approved a ballot initiative that legalized medical marijuana;**

**WHEREAS, on December 4, 2008, Michigan's medical marijuana law took effect (MCL 333.2641 et seq.);**

**WHEREAS, the marijuana law required the Michigan Department of Community Health to adopt rules within 120 days;**

**WHEREAS, on April 4, 2009, rules were adopted to implement the Act;**

**WHEREAS, there remains a great deal of uncertainty among municipalities as to how best to regulate the dispensing of medical marijuana;**

**WHEREAS, the City of St. Clair Shores Ordinance and Zoning Codes are silent with regard to the regulation and location of medical marijuana dispensaries;**

**WHEREAS, the City of St. Clair Shores has received inquiries regarding the permitting, establishment and/or operation of medical marijuana dispensaries within the City;**

**7. CONSIDERATION OF A REQUEST TO ADOPT A RESOLUTION PLACING A MORATORIUM ON THE LOCATION OF MEDICAL MARIJUANA FACILITIES IN ST. CLAIR SHORES cont'd.**

WHEREAS, other communities which have permitted the establishment of medical marijuana dispensaries have recognized an increase in crime, such as burglary, robbery and sale of illegal drugs in the areas immediately surrounding such medical marijuana dispensaries;

WHEREAS, in order to address both community and statewide concerns regarding the establishment of medical marijuana dispensaries, it is necessary for the City of St. Clair Shores to study the potential impact such facilities may have on the public health, safety and welfare, and, further, explore how best to regulate the dispensing of medical marijuana, which will require extensive study in terms of possibly amending the zoning ordinance pertaining to land uses as to zoning classifications and other requirements, and

WHEREAS, based on the foregoing, the City Council finds that issuing permits, business licenses or other applicable entitlements providing for the establishment and/or operation of medical marijuana dispensaries, prior to the completion of the City's study of the potential impact of such facilities, poses a current and immediate threat to the public health, safety, and welfare, and that therefore a temporary moratorium on the issuance of such permits, licenses and entitlements is necessary.

NOW, THEREFORE IT IS RESOLVED by the City of St. Clair Shores, as follows:

**A. Initiation of Study of Potential Impact of Medical Marijuana Dispensaries.** Staff is hereby directed to study the potential harmful secondary effects associated with medical marijuana dispensaries and the current and immediate threat such secondary effects pose to the public health, safety and welfare. Staff shall also study possible amendments to the City's Zoning Code related to medical marijuana dispensaries that may mitigate the potential threat to the public health, safety and welfare.

**B. Moratorium Imposed.** For the period commencing on the date of this Resolution, August 16, 2010, and terminating 180 days from the date of this Resolution, February 12, 2011, there shall be no consideration or action taken by the City, its employees, or agents, on a proposal for the establishment of a medical marijuana facility in the City. That during the 180 days moratorium medical marijuana dispensaries shall not be permitted in the City of St. Clair Shores.

Ayes: All – 6  
Absent: McFadyen

RESOLUTION DECLARED ADOPTED.

STATE OF MICHIGAN    )  
                                  ) ss.  
COUNTY OF MACOMB    )

I, Mary A. Kotowski, the duly qualified Clerk of the City of St. Clair Shores, Macomb County, Michigan, do hereby certify that the foregoing is a true and complete copy of a Resolution adopted by the City Council of the City of St. Clair Shores on the 16<sup>th</sup> day of August, 2010, the original of which is in my office.

\_\_\_\_\_  
Mary A. Kotowski, MMC  
St. Clair Shores City Clerk

**8. BIDS/CONTRACTS/PURCHASE ORDERS**

**a. Request to award bid for Reservoir Upgrades (bids opened 8/3/10)**

Mr. Hughes advised Council that the City has been exploring ways to potentially save money by lowering the Detroit water rates. The water tank at 10 Mile and Harper is currently not operating. It was retained from Detroit a couple years back. At the base of the tank there is a pump station that makes the tank operational. One of the water rate setting factors is the highest amount of water use on a particular day. By using our own water tank, we can reduce the water usage during peak times, which will in turn, lower the water rate. To make the tank operational, the pumping station needs to be upgraded. The project would be paid from the Water Utility funds instead of bonding the project.

**8a. Request to award bid for Reservoir Upgrades (bids opened 8/3/10) cont'd.**

Mr. John Chown, AEW consulting engineer, noted the City solicited bids through the MITN system. The project includes the demolition of the existing pumping station and the purchase and installation of a new prefabricated station. The plans and specifications for the pumping station were prepared using a basis of design from Engineered Fluid, Inc. The specifications allowed for alternate manufacturers to become pre-qualified, however none were submitted. Five alternate bids were solicited with the base bid. The first alternate was for the new connection of two offsite services to the sanitary sewer being installed to the new pumping station. The second was for the replacement of the water mains between the site and the large diameter water mains on Harper. The third was for the installation of a stand by generator. The fourth was for the extension of the pump station enclosure to include the generator. And the fifth was for an extended warranty for the pumping station for one to three years. It was concluded that only the three year extended warranty appeared to be justified at this time.

The base bid includes a two year warranty that covers all equipment, components, controls, software, or installation services provided under this contract by the pumping station manufacturer.

The City received six bids and was recommended to award the contract to the low bidder Posen Construction, Inc. in the amount of \$1,508,008.24.

Ms. Rusie inquired whether the Drinking Water Revolving Fund can be used for this project and the status of our application for the fund. Mr. Babcock responded the City received the priority list for this year, and St. Clair Shores is quite a ways down the list, not a top priority. We will remain on the list for next year's consideration. The project would be completed sometime in November of this year.

Conservatively, the City would be saving approximately \$200,000 per year. In previous years, the savings would have been greater because of more water usage. Because of the economy, the water usage has decreased approximately 17%.

Per Plante Moran, a safe level to drop to in the Utility Fund is \$6 million. With the Harper Water main, Local Paving and the Reservoir Upgrades projects, the balance would be \$5.1 million. The finance team felt confident that this is a safe number and the City can quickly rise to the recommended amount.

Mr. Hughes stated the AEW design and administration costs are estimates which were provided to have an idea of the grand total. Tonight, City Council is approving the bid award amount only.

This project will replace the pump house and some cosmetic work to the tank. There is also training of staff on the operation.

Mr. Rubello inquired about maintenance costs of the tank and the pump house. Mr. Babcock noted the annual savings of \$200,000 identified earlier is after taking off \$100,000 a year to maintain and inspect the site, which is paid for out of water bills (Water Utility Fund).

Mr. Frederick suggested that Administration considers advertising on the tank as a revenue source.

**Motion by Walby, seconded by Frederick to award the bid for Reservoir Upgrades to Posen Construction, Inc., in the amount of \$1,508,008.24, and direct Administration to provide Council with the final costs and projected cost savings in the future year after a cycle of operation.**

Ayes: All – 6  
Absent: McFadyen

**b. Request to award contracts for renovations at 21704 Colony, through the NSP program (bids opened 8/10/10)**

Ms. Koto presented the final NSP home in need of rehabilitation. The home was purchased by the City, it is 829 square feet and it has a Michigan basement (not full height). The bid was solicited through the MITN website; 450 companies received notice, 23 accessed the documents and 5 submitted bids.

The low bidder was questioned if all renovations noted in the addendum can be done for their submitted bid amount. The bidder indicated they did not review the addendum presented the day before the bids were due. Ms. Koto was able to verify through MITN that he did not review the addendum documents. He was given a chance to review the addendum and submit a new bid amount within 24 hours. MGM's new bid amount is \$57,200, remaining the lowest.

**8b. Request to award contracts for renovations at 21704 Colony, through the NSP program cont'd.**

**Motion by Rubello, seconded by Walby to award a contract for renovations at 21704 Colony, through the NSP program, to MGM Restoration in the amount of \$57,200.**

Ayes: All – 5  
Nay: Rusie  
Absent: McFadyen

**c. Request to award bid for Tree Stump Removal (bids opened 7/27/10) (postponed from 8/2/10)**

Approval of the Tree Stump Removal contract was tabled from the last meeting because the two lowest bidders were unable to provide references. The lowest bidder, Sod Solutions, was able to be verified. One of their references was City of Livonia who is happy with their service.

Mr. Rubello clarified that the contract does not include the removal of woodchips. Mr. Smith replied that re-landscaping is the owner's responsibility and they can choose what to do with the woodchips.

**Motion by Walby, seconded by Rubino to award the bid for removal of stumps from public right of ways to the lowest bidder Sod Solutions, LLC in the amount of \$37,000.00.**

Ayes: All – 6  
Absent: McFadyen

**d. Request for renewal of the National Coney Island contract for operations of the restaurant at the St. Clair Shores Country Club**

Mr. Esler talked about National Coney Island's (NCI) history in the City. Their first restaurant was opened in 1969; they now have 23 restaurants, of which three are in St. Clair Shores. National Coney Island is very involved in the community through programs such as the Wigs 4 Kids and the Special Needs Program.

In 2005, the City was able to reach an agreement to occupy the Country Club restaurant. The current lease extension expires at the end of 2010. They have expressed a desire to sign another three year lease with two – one year options to renew. The current agreement calls for the City to assume 100% of the utilities capped at \$50,000. NCI is responsible for utility costs over this amount.

The Golf Course Committee has discussed this topic and is very much in favor of renewing their lease. They have done a tremendous job operating the restaurant, added a patio service and have made the golfers their first priority. In 2008 and 2009, NCI spent \$45,000 on repairs to the building. The only change to the agreement is to lower the rent calculation that is based on gross sales, from 600 to 430 gross sales.

The Golf Course had previous tenants that did not work out; however, the committee and administration are pleased with the progress that has been made over the last five years with NCI operating the restaurant and recommend renewing their lease agreement.

Mr. Rubello talked about restaurant type businesses needing longer contracts because it takes a couple years to build a regular clientele.

Ms. Rusie agreed with the comments made and appreciates the job well done by NCI, however she is against contract extensions. She noted she campaigned on not renewing contracts without bidding and this is no reflection on NCI, so she will be voting no.

Mayor Hison stated that this contract has been out for bid numerous times, but unfortunately it did not work out. That's why each contract has to be reviewed individually and see what's best for the City.

Mr. Walby agreed with Ms. Rusie but noted he would bend on this one as he was here for the big debacle with previous tenants.

**Motion by Frederick, seconded by Rubino to authorize a three year renewal of the contract with National Coney Island for operation of the restaurant at the St. Clair Shores Country Club, with a two – one year option to renew (1/1/2011 – 12/31/2013).**

Ayes: All – 5  
Nay: Rusie  
Absent: McFadyen



**e. Request for approval of a modification to the collective bargaining agreement with the City and the Professional Employees' Association (PEA) UAW Local 412, Unit 44**

Mr. Smith noted the proposed changes to the current collective bargaining agreement, removing the lieu of overtime language that was previously presented, as follows:

1. Effective with all days worked on and after July 1, 2010 reduce wages of all bargaining unit members by five (5%) percent.
2. Modify the current language permitting employees to receive payment for not more than a total of ten (10) days of unused sick and/or vacation time during a fiscal year. (Currently employees may request payment for not more than five (5) sick and five (5) vacation days each year. This change would not increase the maximum number of days for which an employee could receive payment.)
3. Freeze employee pension contributions at the rate in place as of August 1, 2010.
4. Provides one (1) additional "Personal" day to an employee each calendar year.

These changes are made in addition to the changes to the agreement that were approved in October of 2009. Changes made at that time included the following:

1. 3 year extension through June 30, 2013
2. Imposed a wage freeze for the remainder of the agreement.
3. Increase in Employee contribution to the Defined Benefit pension system by 1% of pensionable wages on July 1, 2010. (Results in an increase in Employee contributions to the pension system of approximately \$15,000 in 2010)
4. Eliminated the benefit of retiree health care (estimated annual cost of \$7,700 per employee per year) for all new hires and replaces that benefit with a Retiree Health Savings plan (RHS) with a one (1%) Employee contribution and a two (2%) percent Employer contribution (estimated annual cost per employee of \$1,400 per year) (Resulting estimated savings of \$6,300 per employee per year).
5. Effective 1/1/2010 – Replaced the current Community Blue plan with a Healthy Blue Incentive Plan. (Estimated savings approx. \$47,000 annually).
6. New hires shall be limited to health and dental insurance coverage to the employee and spouse only. (Reduces potential cost to City by as much a \$3,700 each employee annually).
7. Limited health insurance coverage for future retirees to employee and spouse only. (Reduces potential cost to City by as much a \$3,000 each retiree annually).
8. Eliminated the longevity benefit for all new hires.

**Motion by Walby, seconded by Rubino to approve request to modify the collective bargaining agreement between the City Of St. Clair Shores and the City of St. Clair Shores Professional Employees Association (PEA) which will expire on June 30, 2013.**

Ayes: All – 6  
Absent: McFadyen

9. **CONSENT AGENDA** – All items listed on the consent agenda are considered to be routine and will be enacted by one motion and approved by a vote of City Council. There will be no separate discussion of the items unless the Mayor and or a Council Member so requests, in which event the item will be removed from the general order of business and considered under the last item of the Consent Agenda.

**Motion by Frederick, seconded by Walby to approve the Consent Agenda items a – f as presented, which include the following:**

**a. Bills**

**August 16, 2010**

**\$4,648,837.75**

9. **CONSENT AGENDA cont'd.**

To approve the release of checks in the amount of \$4,648,837.75, of the report that is 20 pages in length and of the grand total amount of \$4,648,837.75, \$2,717,284.44 went to other taxing authorities.

b. Fees

Roumell & Lange	\$ 378.00
Ihrle & O'Brien	\$10,383.00

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

c. Progress Payments

Tiseo Brothers, Inc.	\$ 98,312.53
Tiseo Brothers, Inc.	\$132,244.20
Pro-Line Asphalt Paving Corporation	\$ 4,300.00
C&P Construction Company, Inc.	\$ 76,352.88

To approve the above progress payments, subject to audit.

d. Approval of Minutes – none

e. Receive & File Boards, Commissions & Committee Minutes

To receive and file the following minutes:

<u>Minutes</u>	<u>Meeting Date</u>
Brownfield Redevelopment Authority	May 4, 2010
Cool City Committee	May 12, 2010
Cool City Committee	June 9, 2010
Cool City Committee	June 21, 2010
Corridor Improvement Authority	July 7, 2010
Dog Park Committee	July 1, 2010
Planning Commission	June 8, 2010
Police and Fire Pension Board	June 24, 2010
Police and Fire Retiree Health Care Trust Board	June 24, 2010
Tax Increment Finance Authority	May 4, 2010
Water Resources and Advisory Board	July 6, 2010
Waterfront Environmental Committee	May 18, 2010
Zoning Board of Appeals	July 8, 2010

f. To adopt a resolution to set a Public Hearing on September 7, 2010 at 7:00 p.m. for consideration of the adoption of a Brownfield Plan for the City of St. Clair Shores pursuant to and in accordance with Michigan Public Act 381 of 1996, as amended for the parcel(s) of property having the address of 25225 Jefferson, (west side of Jefferson, north of 10 Mile Road) legal description of Maple Park Subdivision (Liber 7, Page 22) Lots 128 through 131 and all of vacated Public Alley adjacent.

Ayes: All – 6  
Absent: McFadyen

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

- **PCB's** – the EPA will hold two public meetings on August 26, 2010; 1:00 p.m. at the Library and 7:00 p.m. at Lakeview High School auditorium.
- **9 Mile Street Replacement Project** – Mr. Rayes stated the contractor will be completing the cleaning behind the curb; they have paved all of the gaps and will be putting down the brick pavers at Jefferson this week. We anticipate that the traffic will be flipped to the south side on 9 Mile by August 23. 9 Mile will be two way traffic from Harper to Cavalier Drive and one way traffic, east bound from Cavalier to Jefferson. There is not enough width to maintain two way traffic the entire length during construction.
- **Harper Water Main** – letters were mailed out to businesses letting them know about upcoming construction.

**10. UPDATES AND FOLLOW-UPS FROM COUNCIL MEETING cont'd.**

The start date for the project was today. The project starts at Rose's Café to north of 14 Mile Road. The work will be mainly done in the right-of-ways, only closing the curve lane for truck traffic.

- **Department of Public Works** – Mr. Hughes noted four people were interviewed for the DPW Director position and a job offer will be made this week. The City has asked for an update from the County prosecutor ten days ago, but no update was obtained yet.
- **10 Mile & 12 Mile Speed Limit increase** – Mayor Hison talked about surrounding communities being against the speed limit increase because the roads are mostly residential. Staff will be meeting with the Macomb County Road Commission this week to review their data that justifies the speed limit increases and ask them to consider a reversal.

**11. COMMENTS BY INDIVIDUAL COUNCILPERSONS**

**Council Member Walby** requested an update on the outstanding bargaining unions that have unresolved contracts. Mr. Hughes responded the AFSCME, Police Command Officers and Police Patrol Officers. Administration has two upcoming negotiation meetings to hopefully move forward. For the Police Command Officers, they were unable to agree through mediation, and will have to take negotiations to arbitration.

**Council Member Frederick** asked about the legality of donation containers around the City as they are an eye sore. The City is aware of the containers and notices of violation were sent to the owners.

Mr. Frederick congratulated his daughter and her husband on their wedding and announced upcoming recreation events.

**Council Member Rubello** announced the Oktoberfest sponsored by the Kolping Center and the St. Clair Shores Figure Skating Car Wash.

Mr. Rubello inquired about additional signage for businesses during construction on 9 Mile Road. Mr. Hughes noted that staff will work with the Communication Department to notify the public about future construction projects.

Mr. Rubello asked about the sidewalk repair hardship program. Ms. Koto replied that over \$50,000 is available and residents should contact Rosanne Minne for qualification.

Mr. Rubello announced community events and wished his neighbor a happy 90<sup>th</sup> birthday.

**Council Member Rusie** thanked the Water Department for their hard work this past weekend and pointed out the importance of all City workers to the safety of our residents.

Ms. Rusie announced upcoming events at the Senior Center and congratulated For Paws One Heart, a new animal rescue organization.

Ms. Rusie apologized to Mr. Maloof on the use of his name in her comments made at the last meeting and commented on the public misunderstanding her position.

**Council Member Rubino** announced the upcoming Fine Art Show at the Jefferson Yacht Club and inquired how residents can report dim street lights. Mayor Hison responded that residents can get the pole number off the tag on the pole and report it on our website. The City then forwards the information to DTE.

Mr. Rubino thanked the PEA union for coming back with suggested revisions to their contract.

Mr. Rubino raised his concerns about shutting down an engine at the Central Fire Station because the allowed overtime for this fiscal year has been used up. He suggested continuing the same service and postponing action until more information is collected and a decision is made at the next Council meeting.

**Motion by Rubino, seconded by Rusie to keep the overtime intact for the Fire Department until a decision is made at the September 7, 2010 Council meeting.**

Ayes: All – 6  
Absent: McFadyen

**11. COMMENTS BY INDIVIDUAL COUNCILPERSONS cont'd.**

Mr. Hughes stated that more funding can be allocated through a quarter budget amendment asking to draw money from salary of two vacant positions in the department or to draw money from the rainy days fund. The overtime figures have been higher than normally because of vacant positions; once those are filled, overtime will go back to normal.

**Mayor Hison** announced the upcoming VIP Soccer League for special needs kids; for more information 586-771-9109 or www.region158.com.

**12. CITY MANAGER'S REPORT**

Next City Council meeting is three weeks away on Tuesday, September 7, 2010. City offices are closed on September 6, 2010 in observance of Labor Day.

**13. AUDIENCE PARTICIPATION (5 MINUTE TIME LIMIT)**

Shari Raby, St. Clair Shores resident, talked about cutting down police service at the 2010 Fireworks and of how much garbage was left after the event. Ms. Raby commended Officer Heather Kowalczyk for finding the purse snatcher. She talked about businesses needing to clean their sites and suggested charging an entrance fee for future fireworks.

Mario Como, St. Clair Shores resident and business owner, announced the party at Realty Executives Select with live music in conjunction with the Harper Cruise on August 25, 2010.

Ronald Palmquist, Southfield resident, representing the Michigan Association of Police, talked about negotiations that took place between the City and the Police Command Officers since March 2009.

David Micallef, St. Clair Shores resident, thanked Council for responding to his comments in regards to police and fire services.

**14. REQUEST TO ENTER CLOSED SESSION AS PERMITTED BY STATE STATUE MCLA 15.268 SECTION 8(e) ST, CLAIR SHORES V MARSHALL MARINE CONTRACTING**

**Motion by Frederick, seconded by Rubino to enter Closed Session as permitted by State Statute MCLA 15.268 Section 8(e) St. Clair Shores v Marshall Marine Contracting at 10:36 p.m.**

A roll call vote was taken.

Ayes: All – 6

Absent: McFadyen

**Motion by Walby, seconded by Rubino to return to Open Session at 10:40 p.m.**

Ayes: All – 6

Absent: McFadyen

**Motion by Walby, seconded by Rubino to proceed as presented by the City Attorney regarding St. Clair Shores v Marshall Marine Contracting.**

Ayes: All – 6

Absent: McFadyen

**15. ADJOURNMENT**

**Motion by Walby, seconded by Rubino to adjourn at 10:42 p.m.**

Ayes: All – 6

Absent: McFadyen

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ROBERT A HISON, MAYOR

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MARY A. KOTOWSKI, CITY CLERK