

**MINUTES
ST. CLAIR SHORES CITY COUNCIL MEETING
NOVEMBER 1, 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: Assistant City Manager Smith, City Clerk Kotowski, Director Rayes, 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. Council Member McFadyen asked to be excused from the meeting.

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

Ayes: All – 6
Absent: McFadyen

Ms. Kotowski, City Clerk, called the role. The Pledge of Allegiance was led by Eagle Scout Lucus Smith and recited by those in attendance.

2. PROCLAMATIONS & PRESENTATIONS

a. Lucus Smith, Eagle Scout

Mayor Hison presented Lucus Smith with the following proclamation:

**PROCLAMATION
To
LUCUS SMITH**

WHEREAS, the Mayor and the Council of the City of St. Clair Shores wish to acknowledge and honor **LUCUS SMITH**, who has earned his Eagle Scout rank with Boy Scout Troop 1999 in St. Clair Shores and by his accomplishments is an example to others; and

WHEREAS, **LUCUS** is in eighth grade at Kennedy Middle School and has always been very studious, ambitious and was able to keep himself motivated to reach his self set goal to become an Eagle Scout by the age of fourteen; and

WHEREAS, **LUCUS'S** Eagle Scout project was renovation and repairs to the Erin Grove Cemetery where he repaired and painted the shed, built and painted benches, planted six Junipers, and cleaned 1,072 feet of fence line enhancing the property's appearance; and

WHEREAS, **LUCUS** will be going on to High School next fall and then plans to join the Air Force to work with simulation and electronics; and

WHEREAS, **LUCUS** has proven to be an outstanding member of the Boy Scout Troop 1999 which will follow him throughout life and will be a beacon to others of leadership quality and commitment he has shown;

NOW, THEREFORE, BE IT RESOLVED that the mayor and Council of the City of St. Clair Shores, on behalf of all our residents, do hereby congratulate **LUCUS SMITH** for achieving the rank of Eagle Scout, and in recognizing his fine accomplishments, wish him the very best in all his future endeavors.

Lucus Smith introduced his family and other members of his Troop. His mother, Mrs. Smith, explained that it is the 100th anniversary of the Boy Scouts this year. Lucus stated it took him three days to finish his project at the cemetery. Mayor Hison congratulated Lucus on his accomplishments.

b. Presentation by Metro East Chamber of Commerce on People's Choice Light the Shores Contest

Blair Gilbert, Chris Fitzsimmons and Barry Nannini, representing business members of the Metro East Chamber of Commerce, explained it was important to bring businesses in St. Clair Shores together and support each other. This is how the contest idea of Lighting up the Shores for Christmas came about. Mr. Gilbert stated they have had three meetings so far to put ideas together to get businesses to light up and decorate for Christmas. There will be ballots with the names of all participating businesses in the stores, and coupons for the stores will be available. The deadline for the People's Choice for businesses to turn in their name is November 20, and the contest will end on December 12. Mayor Hison stated the contest will be broadcasted on St. Clair Shores Local Matters and encouraged everyone to shop the Shores.

Mayor Hison introduced Mr. Smith, Assistant City Manager, who will be sitting for Mr. Hughes, who was unable to attend the meeting.

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

Jim Goodfellow, resident of St. Clair Shores, spoke regarding agenda item #4. Mr. Goodfellow asked if all the back taxes will have been paid on the property on Industrial Drive West before the City grants the \$8,000 in tax abatement. He noted the back taxes have not been paid on the Gourmet House, and it is in the process of being demolished.

4. PUBLIC HEARING FOR THE ADOPTION OF A BROWNFIELD PLAN IN THE CITY OF ST. CLAIR SHORES FOR PARCEL OF PROPERTY HAVING THE ADDRESS 23000 INDUSTRIAL DRIVE WEST, PETITIONER MAR-SAL INVESTMENTS, LLC

Mr. Rayes explained that the plan is their first step trying to obtain a Michigan business tax credit. There is still a minor amount of clean up work to finish on site.

Mr. Patrick McGow, City's Brownfield Attorney, stated an approved Brownfield plan has to be in place in order to apply for the state business tax credit. The tax credit is approximately \$8,000, which amounts to approximately \$1,396 each year for seven years. The Brownfield plan has to be approved before City Council. The amount being captured is \$8,185, with the duration of the capture being 12 years. There will be real and personal property on site over that time period. An additional 5 years would be possible with a revolving fund.

Mayor Hison opened the Public Hearing at 7:24 p.m.

No one wished to speak.

Mayor Hison closed the Public Hearing at 7:25 p.m.

Mr. Rubello asked if the \$2,500 fee had been paid. Mr. Rayes replied that the application fee and taxes have been paid at the properties. There is a meeting scheduled with the State on Thursday at their Eastern Market location. He added this is close to a \$3 million investment above the property purchase. In addition, 50 jobs will be moved from Eastern Market to this location, and 7 to 10 additional jobs will be added in the future.

Mr. Walby asked how this agreement differs from the Gourmet House agreement. Mr. McGow replied that this plan provides for the revolving fund but also provides the discretion to reduce it.

Ms. Rusie asked for an explanation of the costs to be paid for with tax increment revenues. Mr. McGow replied that the preparation of Phase I Environmental Site Assessment, Baseline Environmental Assessment and Due Care Plan will cost approximately \$4,450. The preparation of the Brownfield Plan, TIF Table and associated activities will cost approximately \$3,200. A contingency of approximately \$535 is included to cover unanticipated eligible costs, and is based on a rate of 7%.

Motion by Frederick, seconded by Rubello to adopt the Resolution approving the Brownfield Plan for Mar-Sal Investments located at 23000 Industrial Drive West, St. Clair Shores, Michigan which reads as follows:

WHEREAS, the City of St. Clair Shores (the City) has created a Brownfield Redevelopment Authority (the Authority) pursuant to PA 381 of 1996, as amended (the Act); and

WHEREAS, the Authority has met and considered a Brownfield Redevelopment Plan (the Plan) submitted by Mar-Sal Investments, LLC (the Developer) for the property located at 23000 Industrial Drive West, St. Clair Shores Michigan, and

4. PUBLIC HEARING FOR THE ADOPTION OF A BROWNFIELD PLAN cont'd.

WHEREAS, the Authority has reviewed the Plan in accordance with the Act; and

WHEREAS, the Authority, following review of the Plan, approved the same and recommended approval to the City Council; and

WHEREAS, the notices required by the Act have been given; and

WHEREAS, the City Council, in accordance with the Act, met and conducted a public hearing on November 1, 2010 in order to review the Plan; and

WHEREAS, during the public hearing conducted by the City Council on November 1, 2010 all persons, including any affected taxing jurisdictions, were allowed an opportunity to comment on the plan and present their view and recommendations.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the St. Clair Shores City Council that:

1. The City Council of the City of St. Clair Shores hereby approves the Plan and determines that the Plan, in accordance with the Act constitutes a public purpose.
2. Furthermore, that the Plan meets the requirements of Section 13 of the Act.
3. Furthermore, if applicable, that the proposed method of financing the costs of the eligible activities is feasible and the Authority has the ability to arrange the financing.
4. Furthermore, that the costs of eligible activities proposed are reasonable and necessary to carry out the purposes of the Act.
5. Furthermore, that the amount of captured taxable value, if any, estimated to result from adoption of the plan is reasonable.

Ayes: All – 6
Absent: McFadyen

I, Mary A. Kotowski, the undersigned, 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 St. Clair Shores City Council held on the 1st day of November 2010.

IN WITNESS WHEREOF, I have hereunto affixed my official signature on this 1st day of November 2010.

MARY A. KOTOWSKI, CITY CLERK

5. BIDS/CONTRACTS/PURCHASE ORDERS – NONE

6. **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 Rubino, seconded by Rubello, to approve the Consent Agenda items a – f, as follows:

a. **Bills**

October 21, 2010	\$3,679,030.01
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To approve the release of checks in the amount of \$3,679,030.01, of the report that is 21 pages in length, and of the grand total amount of \$3,679,030.01, \$499,771.89 went to other taxing authorities.

b. **Fees** - none

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

c. **Progress Payments**

Utility Services Authority, LLC	\$ 70,591.99
Lake County Sewer Company, Inc.	\$133,419.60
Fontana Construction, Inc.	\$164,502.47
Bricco Excavating Company, LLC	\$153,754.93

To approve the above progress payment, 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>
Cool City Committee	June 21, 2010
Cool City Committee	September 8, 2010
Council Sub-Committee on Boards & Commissions	May 25, 2010
Council Sub-Committee on Boards & Commissions	September 28, 2010
Cultural Committee	September 8, 2010
Election Commission	July 28, 2010
Election Commission	August 17, 2010
Election Commission	October 8, 2010
Fence Arbitration	September 15, 2010
General Employee Retiree Health Care Board	August 17, 2010
General Employees' Pension Board	September 21, 2010
Library Board	September 21, 2010
Parks & Recreation Commission	September 9, 2010
Police & Fire Civil Service Commission	June 9, 2010
Waterfront Environmental Committee	September 21, 2010

f. **Recommendations from the Council Sub-Committee on Boards, Committees & Commissions**

1. Accept with regret the resignations of Robert Calleja (Cool City Committee) and Olga Sansone (Older Persons Advisory Committee).
2. Appoint Debra Rowe to the Police & Fire Pension and Health Care Trust Board to till the vacant seat of Thomas Bugay with a term ending of September 1, 2012.
3. To increase the Dog Park Committee by two members for a total committee size of nine, and recommend appointing Maria Jucha and Michael Mync to fill the two newly created seats with term endings of December 31, 2013 and December 31, 2011.

Ayes: All – 6
Absent: McFadyen

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

- **PCB's** – Mr. Smith stated they are still working with the consultant. The investigatory part of the job will begin soon.
- **9-Mile Street Paving** – Mr. Smith advised the contractors are finishing up the road. The striping is somewhat behind but will be finished by the end of the week. Mr. Rayes added that two-way traffic is now open.
- **Harper 13-14 Mile Water line progress** – Mr. Smith advised the water main portion up to Masonic is relatively done. Utilities north to 14 Mile are being worked on. The sod is down almost up to Masonic.
- **Absentee Ballots** – Ms. Kotowski advised that 76% of the absentee ballots were in on Saturday. As of today, there is a 90% return, with about 800 still out. They must be turned into the Clerk's Office before polls close at 8:00 p.m. on Monday. Ms. Kotowski stated that this year, absentee ballots were printed by precinct number, and those ballots will be added to that specific precinct at the end of the day for a total, so results will be published slower than normal to allow for this accumulation.

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

Mayor Hison thanked residents for voting and encouraged those who have not voted yet to do so tomorrow.

8. COMMENTS BY INDIVIDUAL COUNCILPERSONS

Council Member Rusie the VFW Ladies Auxiliary is hosting a Women's Expo on Tuesday, November 16, at the Bruce Post from 6:00 p.m. to 9:00 p.m.

Council Member Rubino stated the Cultural Committee will host a historic Boston Edison Home Tour on December 12, 2010, from 10:00 a.m. to 3:00 p.m. Tickets are \$28, and are available at the Library. Reservations must be made by December 4, 2010.

Mr. Rubino stated he has received complaints about Waste Management and would like them put on a future agenda.

Mr. Rubino stated there was a three day educational symposium at his office recently. He met a gentleman there that was from Eastern Europe who told that the greatest thing about this country is that you can vote and change things. Mr. Rubino encouraged everyone to vote tomorrow because we have a great government.

Council Member Rubello announced the annual Chili Wars Cook Off to benefit Cops for Kids to be held at Lakeland Manor on 9 Mile Road on Thursday, November 4, at 6:00 p.m. Tickets are \$8.00.

The graduating class of 1983 from Lakeview High School will hold their reunion at Gino's Surf.

Mr. Rubello asked administration to check if the Gourmet House taxes have been paid.

Mr. Rubello stated the residents on Briarcliff are concerned because street paving has not begun yet, and they don't want it to interfere with the Holidays. If the street is torn up, the elderly residents can't get to their homes. He asked if it will be finished by November 20. Mr. Rayes replied they have begun to remove the pavement. Once the road is torn out, paving will be right behind it. It should not turn into a problem.

Mr. Rubello stated over the past one to two months, the Fire Department overtime has been discussed. In September, \$225,000 was put back into their budget. At that time, Council requested to explore additional options. As of last week, there was only approximately \$40,000 left of the Fire Department overtime that was granted. He has been asking what kind of talks have been going on with the Fire Union. At an earlier meeting, the Fire Chief said there is a way that this can work. Mr. Rubello requested to know what the solution is before the money runs out. He asked what positive things have the Union and City worked out to limit manning hours at the Fire Stations.

Mr. Smith replied there have not been any steps taken to reduce overtime. They have been, on a trial basis, utilizing the third ambulance for runs to increase revenue and they are evaluating data as it comes in. The increased revenue will not offset the costs.

Mr. Rubello stated we have some serious issues about Fire Department overtime. This problem has been coming up for three months and nothing has been done.

Council Member Frederick stated it was the Fire Department Union who came forward with the third ambulance idea.

Mr. Frederick stated he wants to make sure the neighbors are not inundated with rats at the Gourmet House. Mr. Rayes assured him the rat problem is under control as they were required to bait prior to demolition.

Mr. Frederick congratulated South Lake and Lakeview Schools for making the playoffs.

Mr. Frederick wished the City Clerk good luck with the election tomorrow and encouraged everyone to vote.

Council Member Walby asked if everything was on schedule with the Ten Mile water tank. Mr. Smith replied that there was a delay in getting the pump station delivered and therefore it will not be in until mid December, and will not be functional until the end of January.

9. CITY MANAGER'S REPORT

Mr. Smith reminded everyone that tomorrow is Election Day, and candidates must remain 100 feet from the doors of precinct buildings by State law.

Mr. Michael Walleman, Chief of Police, addressed a concern from the Council Meeting held on September 20, 2010. Ms. Rusie raised concerns in regards to a meeting she had with an investigator from the Police Department who responded to her home to take a criminal police report at her request. The report was taken by an investigator from the Police Department, and was investigated thoroughly. At the September 20 Council Meeting, Ms. Rusie raised concerns regarding the investigator's demeanor. Mr. Walleman explained that the St. Clair Shores Police Department has a strict policy when it comes to citizen complaints directed at the officers. Therefore, a thorough investigation was conducted by the Internal Affairs Division. The results of that investigation indicated that the investigator was helpful, courteous and informative, and in no way disrespectful. Mr. Walleman assured everyone that all officers conduct themselves in the same manner with the utmost professionalism, and in a way that depicts their training and expertise.

10. AUDIENCE PARTICIPATION (5 MINUTE TIME LIMIT)

Roger Reichenbach, St. Clair Shores resident, thanked the Police and Fire personnel who serve our community. Mr. Reichenbach stated he is Impressed with the Hunter Safety course that the Police Department offers. He stated he came tonight to speak with the City Manager and explain that he dissects information in his job, and on-going dialogue is important with citizens. He suggested at any future Town Hall meetings to allow an open forum instead of written cards.

Chuck Hall, St. Clair Shores resident, stated he wants to see something better than an empty lot when the Gourmet House is demolished. He also requested an update on the property at Ridgeway and Jefferson. Mayor Hison replied that the owner indicated a few weeks ago it would be cleaned up. Mr. Ihrie added that he spoke with the owner today and he stated the matter will be completed within 14 days.

Dave Consiglio, St. Clair Shores resident, congratulated Mike Walleman as the new Chief of Police, and added that it is an honor to know him.

Mr. Consiglio stated he was present on behalf of Bruce Twiligers' letter to the editor on State Representative Sarah Roberts.

Dave McCalluff, St. Clair Shores resident, stated he supports Sarah Roberts. Her priorities are in St. Clair Shores.

11. ADJOURNMENT

Motion by Walby, seconded by Frederick to adjourn the meeting at 8:20 p.m.

Ayes: All – 6
Absent: McFadyen

ROBERT A. HISON, MAYOR

MARY A. KOTOWSKI, CITY CLERK