

**MINUTES
ST. CLAIR SHORES CITY COUNCIL MEETING
FEBRUARY 21, 2012**

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

Present: Mayor Walby, Council Members Caron, Frederick, Rusie, Tiseo, and Vitale (arrived at 7:03 p.m.)

Absent: Council Member Rubino

Also Present: City Manager Hughes, City Clerk Kotowski, Directors Haney, Rayes, Socia and City Attorney Ihrie.

1. CALL TO ORDER, ROLL CALL AND PLEDGE OF ALLEGIANCE

Mayor Walby called the meeting to order at 7:00 p.m. Ms. Kotowski, City Clerk, called roll with a quorum present and noted Mr. Rubino had asked to be excused from the meeting.

Motion by Rusie, seconded by Frederick to excuse Council Member Rubino from the meeting.

Ayes: All - 5

Absent: Rubino, Vitale

The Pledge of Allegiance was recited.

Mr. Vitale arrived at 7:03 p.m.

Mayor Walby announced that Agenda Items #5 and #8b have been removed from the agenda.

2. PROCLAMATIONS & PRESENTATIONS

Ms. Socia, City Assessor explained that the Notice of Assessment and Taxable Value letters were mailed last week. She explained the process upon which the values were determined, the available Board of Review Appeals option and a 5-year historical analysis of residential property decline in values that we have experienced.

Ms. Socia reviewed the Notice of Assessment and Taxable Value that was mailed. She explained there are three different property classes; residential, commercial, and industrial. The CPI is 2.7% for residents who have not made improvements to their homes. The average State Equalized Value (SEV) is 9%. The Homestead Status indicates whether or not you live in the home being assessed. Ms. Socia explained that assessments have been lowered the last four or five years due to the decreasing value in homes. This year a colonial home on the lake or canal properties were raised 19-20%, while cottages were decreased approximately 25%. There are about 700 cottages in the City.

Ms. Socia stated this year the border lines in the City have been redistributed. There are also different ratios for 2-3 bedroom homes, homes on a crawl space, and homes without a garage. The land values start at \$250 a foot. Ms. Socia explained that their department performs reappraisals on about 20% of the homes in the City each year; as it is required by the State. Improvements found on these reappraisals are added to the assessment because they find things that were not at the home previously, because the home has been upgraded, or sales were higher than were assessed. This year reassessments will take place west of Harper between 12 Mile and Masonic, south of 9 Mile between Greater Mack and the City limits, and between Harper and Mack, Stephens to 12 Mile.

Ms. Socia stated that if a resident is not satisfied with their assessment, the Board of Review will be held on March 6 from 9 a.m. to 5 p.m., on March 12 from 1 p.m. to 9 p.m., and March 13 from 9 a.m. to 5 p.m.

Ms. Rusie asked how residents will be notified about the reappraisals. Ms. Socia replied there will be information in the City newsletter.

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

Chuck Hall, St. Clair Shores resident, spoke regarding Item 8d, regarding the Energy Efficiency Grant. Mr. Hall reviewed the packet and questioned the award bid for the replacement of a building maintenance item. He questioned why we are replacing these under an efficiency grant.

4. REQUEST TO HOLD SHORES-POINTES ADVENTURE TRIATHLON ON SATURDAY, JULY 21, 2012, FROM 7:00 A.M. TO 11:00 A.M. AT BLOSSOM HEATH PARK/BEACH

Lynda Charow, Chairperson, and Paul Rettinbach, Grosse Pointe Rotary, explained that this is the second year for the Triathlon to be held in St. Clair Shores. The race is certified as an official Governor's Fitness race. Participants will kayak 2.1 miles on Lake St. Clair, bicycle 11 miles down Lakeshore Drive through Grosse Pointe, and run 5k on Jefferson in St. Clair Shores. All proceeds are donated to the high school athletic departments in St. Clair Shores and Grosse Pointe. The Macomb County Sheriff's Department is providing additional safety during the kayak portion of the race, and the St. Clair Shores Power Squadron is committed to helping out on the water. Volunteers will be provided by the high school athletic teams, Honor's Society's, and Rotary Club. There were 191 participants last year. Ms. Charow stated she has received a lot of support from the schools, and is asking for at least 15 volunteers come from the schools.

Ms. Rusie asked for the website for participants to register. Ms. Charow stated registration begins at 9:00 a.m. on February 23, and the website is shorespointestri.com. Mr. Frederick added that this was a great event last year.

Motion by Frederick, seconded by Rusie to approve the request from Shores-Pointes Adventure Triathlon to hold a triathlon, starting and ending at Blossom Heath Park on Saturday, July 21, 2012 from 7:00 a.m. to 11:00 a.m., subject to naming the City as an additional insured on their event liability insurance, event application waiver/release form, and that they provide this form to the St. Clair Shores for Mr. Ihrie's review prior to distribution of the application release and that the bikers/runners use the curb lane for the race.

Ayes: All – 6
Absent: Rubino

5. REQUESTS FROM PAT O'BRIEN'S IRISH TAVERY FOR APPROVAL TO HOLD A ST. PATRICK'S DAY PARTY ON MARCH 17, 2012 FROM 7:00 A.M. TO 12:00 A.M.

This item was removed from the agenda and rescheduled to March 5, 2012.

6. REQUEST APPROVAL FOR SALE OF 21401 EVERGREEN

Mr. Rayes, Community Services Director, explained that this property was acquired as part of a tax foreclosure through Macomb County. The property has been on the market through Realty Executives and they have secured a full price offer.

Mr. Rayes showed pictures of the home before it was renovated and after. The contractor who did the flooring put in the offer. Mr. Rayes stated they are asking \$113,800, with concessions in the offer. He explained he acquired the property for \$14,242, and invested \$74,000 in repairs and plumbing, bringing the total expenditures to just under \$96,000. The City will make approximately \$8,500 in profit, with about \$4,000 in closing costs.

Ms. Rusie asked if the contracted work was bid out. Mr. Rayes replied that all of the work was bid out.

Ms. Rusie asked why the bids didn't come before Council for approval. Mr. Rayes explained that all the bids were under \$10,000. In addition, as much work as possible was given to local contractors.

Ms. Rusie asked what the \$250 transaction fee was for. Mr. Rayes replied it is part of the real estate fee. Ms. Rusie stated that she knows there have been brokers that have waived that fee before.

Ms. Rusie stated that on the Agreement of Sale, Items #6 and 7 were not filled in. Also the FHA-VA Addendum was not filled out either. Mr. Rayes replied he will review the documents and make sure everything is filled in correctly.

Mr. Vitale asked if this was the house with the dumpster in the street. Mr. Rayes replied it was.

Ms. Rusie explained she is voting for this item because she doesn't think the City can get more than \$113,800, but doesn't agree with the costs of updating.

Motion by Frederick, seconded by Tiseo to approve the request to sell 21401 Evergreen, in the amount of \$113,800, subject to waiving the \$250 real estate fee, filling in items #6 & #7 on the Agreement of Sale, and the FHA-VA Addendum.

Ayes: All – 6
Absent: Rubino

7. RECOMMENDATIONS FROM THE COMMUNICATIONS COMMISSION FOR MODIFICATIONS TO THE CITY'S FACEBOOK POLICY

Ms. D'Herde, Communications Director, explained that on February 10, 2010, the City of St. Clair Shores launched a Facebook page with the goal of building a stronger connection to the citizens we represent. It was the first interactive Facebook page in Macomb County. Now, two years and over 7,900 "friends" later, it has morphed into a vehicle that not only informs our citizens of events and activities of interest, but also acts as an extension of our ombudsman efforts. In order to provide and maintain an environment that is professional, open for citizens to share viewpoints and engage in dialogue with one another on matters of public interest, and above all, respect the rights and opinions of all users, the City created a "Terms of Use" statement. Per the policy of the Communications Commission, and with the approval of Mr. Robert Ihrle, the content of our Facebook "Terms of Use" is reviewed on an annual basis.

The City's Policy stated that users have to be respectful of all users regardless of age. Ms. D'Herde noted that the only change is "Third-party posting of non-public personal information without the person's permission or knowledge including home addresses, telephone numbers and/or, social security." This was approved by the Commission as well as Mr. Ihrle.

Ms. Rusie thanked Ms. D'Herde and the Communications Commission for all their work.

Ms. Rusie stated there are 3 bullets missing from the original Terms of Use Statement. This was last revised on May 2, 2011, and the bullet needs to be put back.

Mr. Vitale asked for an explanation regarding the change of third-party posting. Mr. Ihrle replied that if someone wants to say a particular address, this is not going to make it illegal to identify a home. If a name is connected with an address, then it is questionable.

The Mr. Ihrle stated he felt that "including home addresses" should be eliminated from the changed bullet. Mr. Frederick stated he would like to add "including, but not limited to, telephone numbers and/or social security numbers".

Motion by Frederick, seconded by Rusie to approve the recommendations from the Communications Commission for modifications to the City of St. Clair Shores "Terms of Use" statement, subject to adding the 3 bullets that are missing from the last statement, and changing the last bullet to add "including, but not limited to, telephone numbers and/or social security numbers" which reads as follows:

PURPOSE OF THE CITY OF ST CLAIR SHORES FACEBOOK PAGE:

- 1) To provide local citizens with information about government programs, services and events.
- 2) To provide a limited public forum for local citizens to share viewpoints and engage in dialogue with one another on matters of public interest within the guidelines specified below.

CRITERIA FOR POSTING INFORMATION ON THE CITY OF ST. CLAIR SHORES FACEBOOK PAGE:

Fans of the City of St. Clair Shores are encouraged to post information, pictures or videos about issues and events affecting the City's residents. We encourage discussion and varying viewpoints. However, the City of St. Clair Shores reserves the right, at our sole discretion, to block users or remove comments, pictures or videos from posters who violate the "Terms of Use." In accordance with the City of St. Clair Shores communications policies, the City of St. Clair Shores Facebook page will not allow the posting of comments, information, images, promotions or advertisements that are any of the following:

- The encouragement of illegal activity of any nature.
- Nudity or pornography.
- Profanity.
- Hate language
- Adult entertainment.
- The encouragement of hostility or violence.
- Obscene, indecent or sexually explicit messages including those with sexual overtone or innuendo.
- False, misleading or deceptive sponsorships/advertisements.

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- Personal attacks/threats against any person or group.
- Language or information that is obscene, foul, vulgar, or abusive.
- Libelous, harassing or abusive statements.
- Information harmful to children either emotionally or physically.
- Cruelty to animals.
- Online casino gaming, gambling or betting.
- Third-party posting of non-public personal information without the person's permission or knowledge including, but not limited to, telephone numbers and/or social security numbers.

This list is not exhaustive and can be added to at the sole discretion of the City.

BY USING OUR PAGE, YOU REPRESENT AND AGREE THAT:

- 1) You have read and agree to abide by the aforementioned conditions;
- 2) You are the owner of and responsible for any material you post;
- 3) The materials you post will not violate the rights of other people or entities;
- 4) You will indemnify and hold harmless the City of St. Clair Shores from and against any liability arising the breach of any of these "Terms of Use."

Please, note that the comments expressed on this site do not reflect the opinions and positions of the City of St. Clair Shores, its Mayor, City Council, Administration or employees. (Revised by St. Clair Shores City Council May 2, 2011 and February 21, 2012)

Ayes: All – 6
Absent: Rubino

8. BIDS/CONTRACTS/PURCHASE ORDERS

- a. Award bid for the purchase of natural gas for City-owned municipal buildings (opened 1/31/2012)

Mr. Haney, Finance Director, stated that on January 31, 2012, we received bids for a natural gas supplier for two years starting April 1, 2012, and ending March 31, 2014, using the gas choice program from the State of Michigan. Under this program, we purchase natural gas through Consumers Energy from a supplier of our choosing. Consumer's Energy bills us at the agreed on rate, plus transportation and billing charges. We have been purchasing natural gas under this gas choice program for a number of years through the MMRMA. The MMRMA has been bidding out the gas for members and this year we decided to test the water and bid out by ourselves. Natural gas is a commodity and the price changes hourly. When we finally settle on a supplier, the price will be locked on February 23, 2012. The recommended vendor is IGS Energy and has been our supplier through the MMRMA program for at least 2 years. If prices hold steady until we can lock the fixed rate, and based on our historical volume, we will save approximately \$83,000 over what we paid last year.

Mr. Haney added that the IGS bid is more expensive than the MMRMA bid. He requested permission to provide administration at the close of business on February 23, 2012 the rate set by the NYMEX 24-month strip to decide at their discretion whichever is cheaper.

Mr. Hughes advised using a fixed rate will save approx \$83,000 over last year's cost.

Motion by Frederick, seconded by Caron to allow administration to award the natural gas contract to IGS Energy or MMRMA for two years starting April 1, 2012, and ending March 31, 2014, based on the rate to be set by the NYMEX 24-month strip at close on February 23, 2012, plus a markup of \$0.58 per MCF 2-23-12, to which ever vendor is cheaper.

Ayes: All – 6
Absent: Rubino

Agenda Item 8 cont'd.

b. **Award bid for Professional Fireworks display Services (opened 12/20/2011)**

This item was removed from the agenda and is rescheduled to March 5, 2012.

c. **Award bid for the Request for Proposal (RFP) for food and Beverage Concessions in Parks (opened 2/7/2012)**

Mr. Dorner, Golf Course Superintendent, stated that a formal Request for Proposals (RFP) was solicited on January 17, 2012, for the operation of the concession stands at Kyte Monroe, Veterans Memorial Park, Lac Ste. Clair Pool and Harbor, and the batting cages located at Kyte Monroe were also part of the solicitation. On February 7, 2012, proposals were due in the office of the City Clerk by 10:30 a.m. Home Plate Sports Center, Inc. was the only company that submitted a proposal.

The following vendors attended a mandatory pre-bid meeting on February 1, 2012. Airport Services Group – Detroit, Dockside Café – St. Clair Shores, Home Plate Sports Center – Clinton Township, Kosch Hospitality – Rochester, and S&J Catering – Eastpointe.

Mr. Dorner stated that Kosch Hospitality wasn't interested because they didn't see enough profit. Airport Services Group didn't want to operate the batting cages.

Mr. Ihrie noted that in the Kyte Monroe contract portion the Batting Cages were included.

Ms. Rusie questioned why the batting cages and concession stands were not bid out separately. Mr. Dorner replied that having two different contractors on the property at the same time did not make sense to him.

Mr. Tiseo asked if the City was making a profit on the Golf Course. Mr. Dorner replied that there is no fixed rate or amount to see that as we receive a percentage of their gross sales.

Mr. Hughes noted that the current vendor had made several improvements to the batting cages, but be assured the City does own them.

Ms. Rusie stated in her opinion having a contract constitutes micromanagement.

Motion by Caron, seconded by Tiseo to award Home Plate Sports Center, Inc. a contract to operate the batting cages at Kyte Monroe, and food and beverage concessions at Kyte Monroe, Veterans Memorial Park and Lac Ste. Clair Pool & Harbor for a 3-year period.

Ayes: All – 6
Absent: Rubino

d. **Award bids from the Energy Efficiency Grants**

i) **Award bid for Civic Center Pump Motor and Water Heater Replacement (opened 2/14/2012)**

Mr. Rayes stated that as part of the Energy Efficiency and Conservation Block Grant Improvements, the City received three bids on February 14, 2012 for the replacement of the Civic Center Pump Motor and Water Heater. The low bidder was William E. Walter, Inc. in the amount of \$50,487.00. This is the second to the last project to bring before City Council. The original grant was for \$554,000, with approximately \$16,000 left after this purchase.

After some discussion, Council felt more information was needed to make a decision and tabled this item.

Motion by Caron, seconded by Rusie to TABLE the bid for Civic Center Pumper Motor and Water Heater replacement to William E. Walter, Inc., in the amount of \$50,487.00, to the next meeting.

Ayes: Caron, Rusie, Tiseo, Vitale, Walby
Nay: Frederick
Absent: Rubino

9. REQUEST FROM FIRE DEPARTMENT FOR ORDINANCE ADOPTION AND AMENDMENTS

- a. Adopt new sections or Ordinance 40.230 regarding ambulance service fees on transporting confined patients

Mr. Hughes explained that Medicare recently made a change to their ruling regarding the transport of incarcerated patients. They have determined that the entity that has incarcerated patients or is holding the patient in custody is responsible for all medical charges – including transport – unless there is a policy or ordinance established stating otherwise. Accumed, our ambulance billing company, has advised us that we have claims pending an ordinance or ruling from our City.

Mr. Vitale asked if medical treatment can be forced on someone we arrest. Mr. Ihrie replied that, no that is not what this is about. The City is not going to reimburse anyone for medical treatment unless we know they are responsible and able to pay.

Ms. Rusie asked who is bound by the Administrative Order. Mr. Hughes replied all Council has to do is vote on the ordinance. The Administrative Order will be issued to the department by the City Manager after it is approved by Council.

Motion by Frederick, seconded by Vitale to approve the new section added to Ordinance 40.233, Article 1, Use of City Ambulance Service which reads as follows:

The City of St. Clair Shores ordains that 40.230 Article I Use of City Ambulance Service, of its Code of Ordinances, which read as follow:

40.231 – Authority to collect fees.

Sec. 171-1. Whenever a city of St. Clair Shores Fire Department ambulance is dispatched to a location in the city of St. Clair Shores for the purpose of assisting in emergency treatment or transporting a person to another location, the city shall have the authority to collect the ambulance costs or fees from the party benefited by the treatment or service.
(Added: eff. Nov. 8, 1988)

40.232 – Collection of delinquent bills.

Sec. 171-2. Whenever an ambulance bill remains unpaid for a period of forty-five (45) days after the due date, the city of St. Clair Shores shall have the authority to employ a collection agency to assist in the collection of the delinquent account. The city shall have, in addition, the authority to add the costs incurred in use of a collection agency to the original amount of the ambulance bill.
(Added: eff. Nov. 8, 1988)

Shall be amended to include new sections to read as follows:

40.233 Medical Treatment of those Confined by or at the direction of the City.

Sec. ~~tion~~-171-3. Any person held in custody, confined or incarcerated by the City, including but not limited to: individuals who are 1) under arrest; 2) incarcerated; 3) imprisoned; 4) escaped from confinement; 5) under supervised release; 6) on medical furlough; 7) residing in a mental health facility or halfway house; 8) living under home detention; 9) or confined completely or partially in any way under a penal statute or rule, shall be solely responsible for the payment of any medical services rendered to, and received by, that person during the course of his or her confinement with the City, or at the City's or Court's direction, including without limitation, transportation to and from a medical treatment facility, and any treatment deemed necessary by his or her treating physician, whether or not requested by the prisoner, and shall be required to reimburse the City, in full for any fees or charges incurred for such services, if not paid directly to the medical facility of practitioner by the prisoner or his or her insurance carrier. (Added: eff. March 5, 2012)

Sec. ~~tion~~-171-4. Saving Clause

Nothing in this Ordinance or in the Code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance. (Added: eff. March 5, 2012)

Agenda Item 9 cont'd.

Section 171-5. Severability

Should any word, sentence, phrase or any portion of this Ordinance be held in a manner invalid by any court of competent jurisdiction or by any state agency having authority to do so for any reason whatsoever, such holding shall be construed and limited to such work, sentence, phrase or any portion of the Ordinance held to be so invalid shall not be construed as affecting the validity of any of the remaining words, sentences, phrases or portions of this Ordinance.
(Added: eff. March 5, 2012)

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

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 21st day of February 2012, and that the necessary Charter provisions have been observed.

KIP WALBY, 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 5th -day of March 2012.

MARY A. KOTOWSKI, CITY CLERK

Amendment eff. March 5, 2012

Ayes: All – 6
Absent: Rubino

- b. Amend Ordinance 40.111 to update the language to reflect our current practices

Mr. Hughes stated that the minor language changes are only updates and corrections and do not alter any ordinance objective.

Mr. Frederick feels Council should revisit the sale of fireworks so we don't put ourselves in a bad position with other cities. Mr. Frederick asked if we are locking out the ability of someone coming in and selling us Class C fireworks. Mr. Ihrie replied he has seen litigation in other cities. Many people have strong feelings about the sale of fireworks and would like to put as many impediments with the sale as possible.

Mr. Vitale stated he is not in favor of making it any easier to sell fireworks.

Motion by Frederick, seconded by Caron to approve the language changes to the City's Fire Code Ordinance which reads as follows:

The City of St. Clair Shores ordains that 40.100 Fire Safety Regulations, Chapter 17 Effective April 8, 1986 of its Code of Ordinances, which read as follow:

40.111 Fire prevention code adopted.

Sec. 17A-1. The BOCA National Fire Prevention Code 2000 and any Accumulative Supplements, and all codes, standards and recommended practices adopted by the National Fire Protection Association and the Michigan Fire Protection Code as it may be amended from time to time as well as any administrative rules and polices promulgated in relation thereto, are hereby adopted and incorporated by reference into the ordinance of the City of St. Clair Shores to

Agenda Item 9b cont'd.

become part of Chapter 17 FIRE SAFETY REGULATIONS. In the event of conflict among the above adopted codes, standards and recommended practices, the most restrictive regulations shall apply and shall be enforced by the authority with jurisdiction.

(chap. 17 eff. Apr. 8, 1986; amend. eff. June 16, 1987; further amend. eff. Dec. 19, 1989; Jan. 22, 1991; June 23, 1992; June 1, 1994; July 2, 1996; Dec. 6, 2001)

SHALL BE AMENDED TO READ AS FOLLOWS:

Sec. 17A-1. The **International Building Code as adopted by the Community Development Department and companion International Fire Code with appendixes and** any Accumulative Supplements, and all codes, standards and recommended practices adopted by the National Fire Protection Association and the Michigan Fire Protection Code as it may be amended from time to time as well as any administrative rules and polices promulgated in relation thereto, are hereby adopted and incorporated by reference into the ordinance of the City of St. Clair Shores to become part of Chapter 17 FIRE SAFETY REGULATIONS. In the event of conflict among the above adopted codes, standards and recommended practices, the most restrictive regulations shall apply and shall be enforced by the authority with jurisdiction. **(Amend. Eff. March 5, 2012)**

40.138 Fire drills in educational and institutional facilities.

Sec. 17C-8.

(a) EDUCATIONAL FACILITIES.

(1) The chief administrative officer and teachers of all schools, including state supported schools, colleges and universities and the owner or owner's representative of all school dormitories or facilities which are used primarily for educational purposes, shall have a fire drill each month and keep all doors and exits unlocked during school hours, and when the school is open to the public. A minimum of ten fire drills are required for each school year. However, if weather conditions will not permit fire drills to be held at least once a month, then at least six fire drills shall be held in the fall of each year, and four fire drills shall be held during the remaining part of the school year.

SHALL BE AMENDED TO READ AS FOLLOWS:

40.138 Fire drills in educational and institutional facilities.

Sec. 17C-8.

(a) EDUCATIONAL FACILITIES.

(1) The chief administrative officer and the teachers of all schools, including state supported schools, colleges, and universities and the owner, or owner's representative; of all school dormitories shall have a fire drill each month and ensure unrestricted emergency egress during school hours and when the school is open to the public. Each teacher in a school, including a state supported school, college, or university and the owner or owner's representative of a dormitory shall comply with these requirements and the requirements of the Fire Prevention Act of Michigan, Act 207, P.A. 1941, section 29.19 as amended; **A minimum of 6 fire drills is required for each school year for a school that operates any grades kindergarten to 12. Four of the fire drills shall be held in the fall and 2** shall be held during the remaining part of the school year. **(Amend. Eff. March 5, 2012)**

Sec. 17C-23.

A. General provisions.

1. Intent - These provisions are intended to provide the minimum requirements for the selection, installation, operation and maintenance of fire warning equipment (smoke detectors) for use within residential family living units as well as common areas of multiple dwellings. All applicable provisions of the city-adopted building codes, including BOCA National Building Code, and the BOCA Fire Prevention Code adopted in Article A of this Ordinance, and the National Fire Protection Association (N.F.P.A.) Standard 72 (Household Fire Warning Equipment) and Standard 101 (Life Safety Code) are hereby adopted and incorporated by reference except as noted herein.

SHALL BE AMENDED TO READ AS FOLLOWS:

Sec. 17C-23.

A. General provisions.

1. Intent - These provisions are intended to provide the minimum requirements for the selection, installation, operation and maintenance of fire warning equipment (smoke detectors) for use within residential family living units as well as common areas of multiple dwellings. All applicable provisions of the city-adopted building codes, including **adopted Building and Fire Codes in Article** A of this Ordinance, and the National Fire Protection Association (N.F.P.A.) Standard 72 (Household Fire Warning Equipment) and Standard 101 (Life Safety Code) are hereby adopted and incorporated by reference except as noted herein. **(Amend. Eff. March 5, 2012)**

Agenda Item 9b cont'd.

40.154 Fire extinguishers; portable.
Sec. 17C-24.

(2) Maintenance, servicing and recharging shall be performed by trained persons having available the appropriate servicing manuals, the proper types of tools, recharge materials, lubricants and manufacturer's recommended replacement parts or part specifically listed for use in the extinguisher. Further, all persons or firms engaging in the maintenance, servicing and recharging of portable fire extinguishers shall have first obtained a certificate of registration/license from the St. Clair Shores Fire Prevention Bureau in accordance with Section F of this Ordinance.

(3) Portable fire extinguishers shall be subjected to yearly maintenance by a qualified and licensed contractor and holder of a certificate of registration/license as specified in this Ordinance. Each extinguisher shall have a tag or label securely attached to indicate the month and year that the inspection, maintenance and recharging were performed and shall identify the person or firm performing the service.

SHALL BE AMENDED TO READ AS FOLLOWS:

40.154 Fire extinguishers; portable.
Sec. 17C-24.

(2) Maintenance, servicing and recharging shall be performed by trained persons having available the appropriate servicing manuals, the proper types of tools, recharge materials, lubricants and manufacturer's recommended replacement parts or part specifically listed for use in the extinguisher. Further, all persons or firms engaging in the maintenance, servicing and recharging of portable fire extinguishers shall have first obtained a **certificate of an annual operating permit** from the St. Clair Shores Fire Prevention Bureau in accordance with Section F of this Ordinance.

(3) Portable fire extinguishers shall be subjected to yearly maintenance by a qualified and licensed contractor and **holder of a certificate of an operating permit** as specified in this Ordinance. Each extinguisher shall have a tag or label securely attached to indicate the month and year that the inspection, maintenance and recharging were performed and shall identify the person or firm performing the service. **(Amend. Eff. March 5, 2012)**

40.168 Sale of fireworks.

Sec. 17D-8.

(a) The sale of "class C fireworks" only shall occur wholly within permanent buildings and permanent structures, as defined by the BOCA Basic National Building Code, which shall have been deemed safe and proper by the appropriate code official(s). It shall be unlawful to sell fireworks within temporary facilities, tents or air-supported structures.

SHALL BE AMENDED TO READ AS FOLLOWS:

40.168 Sale of fireworks.

Sec. 17D-8.

(a) The sale of "class C fireworks" only shall occur wholly within permanent buildings and permanent structures, as defined by the change to read: **adopted Codes in Article A of this Ordinance**, which shall have been deemed safe and proper by the appropriate code official(s). It shall be unlawful to sell fireworks within temporary facilities, tents or air-supported structures. **(Amend. Eff. March 5, 2012)**

40.185 Removal of abandoned or unused tanks.

Sec. 17E-5. A permit shall be obtained from the fire department to remove, abandon, place temporarily out of service or otherwise dispose of any flammable or combustible liquid tank. Such permit fee shall be \$50 per tank. In addition to provisions in the BOCA Fire Prevention Code adopted by this ordinance, the following regulations shall apply. In case of conflict, the stricter provision shall govern.

(d) DISPOSAL OF UNDERGROUND TANKS. Each tank to be disposed of shall be rendered free of flammable vapors and tested for flammable vapors.

Shall be amended to read as follows:

40.185 Removal of abandoned or unused tanks.

Sec. 17E- 5. ~~A permit shall be obtained from the fire department to remove, abandon, place temporarily out of service or otherwise dispose of any flammable or combustible liquid tank. Such permit fee shall be \$50 per tank. In addition to provisions in the BOCA Fire Prevention Code adopted by this ordinance, the following regulations shall apply. In case of conflict, the stricter provision shall govern.~~ **In addition to provisions in the codes adopted by this ordinance, the following regulations shall apply. In case of conflict, the stricter provision shall govern. (Amend. Eff. March 12, 2012)**

(Agenda Item 9b cont'd.

d) DISPOSAL OF UNDERGROUND TANKS. Each tank to be disposed of shall be rendered free of flammable vapors and tested for flammable vapors.

(1) The authority in the fire department having jurisdiction shall be provided with information regarding the identification number of removed tanks, tank capacity, location on the property from which the tank was removed, and other required information so to accurately document the removal of these tanks. (Amend. Eff. March 5, 2012)

40.186 Self-service gasoline stations.

Sec. 17E-6.

(a) DEFINITION: A self-service gasoline station shall be deemed to be an establishment whereas gasoline, diesel fuel and other flammable liquids are dispensed and sold from pumps and where members of the public are permitted, solicited or encouraged to operate such pumps as a condition of purchasing such fuels.

SHALL BE AMENDED TO READ AS FOLLOWS:

40.186 Self-service gasoline stations.

Sec. 17E-6.

(a) DEFINITION: A self-service gasoline station shall be deemed to be an establishment whereas gasoline, diesel fuel and **other flammable or combustible liquids**, are dispensed and sold from pumps or dispensing devices and where members of the public are permitted, solicited or encouraged to operate such pumps as a condition of purchasing such fuels. **(Amend. Eff. March 5, 2012)**

40.186 Self-service gasoline stations

Sec. 17E-6.

(m) NOZZLE REQUIREMENTS: Each pump hose used for self-service shall be equipped with an automatic closing shut-off without a hold open latch.

(n) COMPLIANCE WITH CODES: No self-service gasoline station shall be operated unless such station and the operation thereof shall comply with all the applicable provisions of the BOCA Basic Building Code, the BOCA Basic Fire Prevention Code, and the Michigan State Police Fire Marshal flammable liquids regulations. Whenever it appears that any conflict exists in the codes, the stricter of the provisions shall apply.

SHALL BE AMENDED TO READ AS FOLLOWS:

(m) NOZZLE REQUIREMENTS: Automatic-closing type nozzle that comply with the requirements of the NFPA shall be required for the dispensing of Class I and Class II liquids with or without latch-open devices. **Latch-open or hold-open devices of any type are prohibited at marine fuel dispensing facilities. (Amend. Eff. March 12, 2012)**

(n) COMPLIANCE WITH CODES: No self-service gasoline station shall be operated unless such station and the operation thereof shall comply with all the applicable provisions of the adopted; **Building and Fire Codes**, National Fire Protection Association and the Michigan State Police Fire Marshal flammable liquids regulations. Whenever it appears that any conflict exists in the codes, the stricter of the provisions shall apply. **(Amend. Eff. March 5, 2012)**

40.209.1 Fire sprinkler or suppression system: certificate of registration for sale, installation and maintenance required.

Sec. 40.209.1.

(2) Each firm or company engaged in the business of servicing fixed suppression systems shall be required to have a certificate of registration/license issued by the St. Clair Shores Fire Prevention Bureau. In addition, each such firm or company shall provide the St. Clair Shores Fire Prevention Bureau with a list of its employees and their individual certification to provide such services.

(3) The certification of registration/license fees and their annual renewal are as follows:

(a) Original registration/license . . . \$100.00

(b) Annual renewal fee of original registration/license . . . \$2.00

SHALL BE AMENDED TO READ AS FOLLOWS:

40.209.1 Fire sprinkler or suppression system: certificate of registration for sale, installation and maintenance required.

Sec. 40.209.1.

Agenda Item 9b cont'd.

(2) Each firm or company engaged in the business of servicing fixed suppression systems shall be required to have an operating permit issued by the St. Clair Shores Fire Prevention Bureau. In addition, each such firm or company shall provide the St. Clair Shores Fire Prevention Bureau with a list of its employees and their individual certification to provide such services.

(3) The certification of registration/license fees and their annual renewal are as follows:

(a) Original change to Operating Permit . . . \$100.00

(b) Annual renewal fee of original registration/license . . . **\$25.00 (Amend. Eff. March 5, 2012)**

40.242 Fire lanes.

Service Drive for business establishments known as "Club Lido"--"Harbour Nine"--"Great Lakes Yacht Club" located east of Jefferson near Nine Mile Road. No parking, standing, stopping, in the area posted and designated a fire route--South side of service drive from 24030 Jefferson east to end of service drive.

SHALL BE AMENDED TO READ AS FOLLOWS:

40.242 Fire lanes.

Service Drive for 24030 Jefferson, d.b.a. "**Harbor Nine Marina**" and for all those business establishments east of **Jefferson, at 23900 Jefferson and 24026 Jefferson.** No parking, standing, stopping, in the area posted and designated a fire route--South side of service drive from 24030 Jefferson east to end of service drive. (**Amend. Eff. March 5, 2012**)

40.265.3 Buildings required to have lock boxes installed.

Sec. 17M-3. A lock box, approved by the St. Clair Shores Fire Prevention Bureau, shall be installed and maintained in the following situations:

C. In all buildings classified as H-1, H-2, H-3, H-4, pursuant to the BOCA Fire Prevention Code, as amended, (Hazardous Materials), and in all buildings classified as 302 sites (S.A.R.A. Title 3).

SHALL BE AMENDED TO READ AS FOLLOWS:

Sec. 17M-3. A lock box, approved by the St. Clair Shores Fire Prevention Bureau, shall be installed and maintained in the following situations:

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

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)
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 21st day of February 2012, and that the necessary Charter provisions have been observed.

KIP WALBY, 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 5th day of March 2012.

MARY A. KOTOWSKI, CITY CLERK

Amendment eff. March 5, 2012

Ayes: All – 6
Absent: Rubino

10. **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 Caron to approve the Consent Agenda items a – f, which include the following:

- a. **Bills**
February 9, 2012 \$1,805,588.85
- b. **Fees – None**
Ihrie & O'Brien \$ 10,894.00
- c. **Progress Payments**
Utility Services Authority, LLC \$ 42,523.00
Bricco Excavating Company, LLC \$ 33,980.70
Terra Contracting, LLC \$ 6,943.85
- d. **Approval of Minutes** Meeting Date
City Council Study Session February 6, 2012
- e. **Receive & File Boards, Commissions & Committee Minutes**

To receive and file the following minutes:

<u>Minutes</u>	<u>Meeting Date</u>
Communication Commission	December 14, 2011
Corridor Improvement Authority	April 4, 2011
Corridor Improvement Authority	May 4, 2011
Corridor Improvement Authority	August 10, 2011
Corridor Improvement Authority	September 7, 2011
Council Sub-Committee	October 25, 2011
Cultural Committee	January 11, 2012
Election Commission	November 2, 2011
Memorial Day Parade Committee	January 19, 2011
Zoning Board of Appeals	January 5, 2012

- f. **Request to set 9 Public Hearings for vacation of public alleys on April 2, 2012, as follows:**
 - i. PPC120001 SAD 10B & C: Public Alley east of 22202 through 22230 Harper, retaining all public and private easements by the City of St. Clair Shores
 - ii. PPC120002 SAD #11: Public Alley east of 22306 through 22340 Harper, retaining all public and private easements by the City of St. Clair Shores
 - iii. PPC120003 SAD#16A: Public Alley east of 25402 through 25414 Harper, retaining all public and private easements by the City of St. Clair Shores
 - iv. PPC120004 SAD#18: Public Alley east of 27110 through 27120 Harper, retaining all public and private easements by the City of St. Clair Shores
 - v. PPC120005 SAD#19: Public Alley east of 27200 through 27206 Harper, retaining all public and private easements by the City of St. Clair Shores
 - vi. PPC120006 SAD#20: Public Alley west of 27201 through 27229 Harper, retaining all public and private easements by the City of St. Clair Shores
 - vii. PPC120007 SAD#21: Public Alley east of 22400 through 22414 Harper, retaining all public and private easements by the City of St. Clair Shores
 - viii. PPC120008 SAD#22: Public Alley east of 22010 through 22018 Harper, retaining all public and private easements by the City of St. Clair Shores
 - ix. PPC120009 SAD#32: Public Alley east of 24930 through 25010 Harper, retaining all public and private easements by the City of St. Clair Shores

Ayes: All-6

11. UPDATES AND FOLLOW-UPS FROM COUNCIL MEETING

- **EPA Meeting** - Mr. Hughes stated that he, Brian Babcock, and Council Member Caron visited the Chicago EPA offices recently to relay the importance of the PCB problem. He added that we are all fatigued with this problem and feel this is our last option. They spoke about future expectations and felt it was a productive trip. Mr. Hughes stated there will be a Town Hall Meeting in the Council Chambers on March 6, 2012, at 7:30 p.m. lead by the EPA. Mr. Hughes also stated there will be an open house at the Library on March 6, 2012 from 10:00 a.m. to noon, and again from 4:00 p.m. to 6:00 p.m.
- **Senior Center Restrooms** -Mr. Rayes stated they are working on the final plan for the Senior Center restroom which will include showers. Once the drawings are finished the project would be bid.
- **40th District Court Budget** - Mayor Walby stated there have been some questions regarding the Court budget. Mr. Hughes replied that budgeting and accounting are different at the Court than other departments. There are no irregularities. Mr. Haney added that he transfers a stipend quarterly to the Court because they pay their own bills. Their disbursements are audited by Plante and Moran.

Mr. Vitale asked if the numbers are annual or quarterly. Mr. Haney replied they are annual. He takes the annual budget and divides by four then transfers the stipend. It is then up to the Court to disburse it for their bills.

- **Snow Removal on Harper Avenue** - Mr. Hughes addressed snow removal on Harper. He stated that when it snowed February 10-11, the removal on Harper between 8 and 10 Mile was poorly done. He stated those roads are owned by Macomb County, and we have not yet received a good explanation as to why, but he is confident it will be done better in the future. Mr. Hughes reminded residents we do rely on them to remove snow from sidewalks. Unless a snow event is declared, violations will be issued.
- **Newspaper Sales Papers Distribution** - Mr. Hughes stated that the Detroit Free Press offers a publication called 'The Guess' which is delivered to homes in pink plastic. He stated that many times the papers don't end up on the porch, but elsewhere on the property. The only two places the carriers are to leave the papers is either on the front porch or hang them on the front door. Residents are encouraged to call Mary Jane D'Herde if they find the papers elsewhere.
- **Garage on Revere** - Mr. Ihrle stated he filed an emergency motion to allow the City to demo the garage on Revere. The problem was that the property changed hands twice. He has negotiated with the present owner and the garage has been taken down.

12. COMMENTS BY INDIVIDUAL COUNCILPERSONS

Council Member Vitale stated he was glad to hear about the garage on Revere being demolished. There were a good number of people from the St. Clair Shores Hockey Association who attended the last meeting. By the next day, he had received an email from a member of the Association. The improvements were funded 60% by the Association, 25% by the residents and 15% by the figure skaters. The original agreement is the one that guaranteed exclusivity.

He noted it was never his intention to change the use of the fitness center. At the last meeting it was noted that the city does not have baseball use agreements, but then this evening we are voting on concession agreements. Sometime we require votes and other times we do not.

Council Member Caron stated the Beautification Commission is looking for groups or individuals to adopt a flower bed for the summer. If you are interested, call Lillian Claycomb or email him at caroni@scsmi.net.

The Michigan Parkinson's Association Walk-a-thon is scheduled for May 19th at the South Lake Schools Athletic Complex. They are looking for sponsors starting at \$300. They have asked Mayor Walby to serve as Honorary Chairperson along with the Mayor of Eastpointe.

Ms. Rusie congratulated David Conklin, Lake Shore High School senior who was the Student of the Week.

Ms. Rusie stated the VCA Contract is coming up for renewal. It was a six month trial contract that will expire on March 31. Since VCA is not a 24-hour facility, she would like administration to contact Harper Woods Veterinary and Emergency Care Hospital which is a 24-hour facility and could be used when VCA is closed. It is located on Harper just south of 8 Mile Road.

Agenda Item 12 cont'd.

Ms. Rusie stated she has heard comments by other Council members referring to her "political suicide". She explained she addresses things that she thinks need to be addressed. Issues are not dependent upon the size or number of customers. Ms. Rusie stated she is here to represent and protect the City. These emails can be viewed at scscouncilemails.com.

She felt that the exercise room use needed to have a written agreement. She noted she was the one to bring up the discrepancy on the organizations name for their approval for their gaming license. She pushed for an attorney opinion on would this jeopardize our residents' only park on a grant application. She was not pushing for no exclusive use of the weight room, but wanted to insure the residents were protected to not be disqualified from future HUD programs by this use.

Ms. Rusie stated there is an upcoming budget workshop this Saturday, February 25, 2012 at 11:00 a.m. at the Golf Course. She added she was in favor of televising the workshop, but not enough of her colleagues agreed. Even though it will not be televised, it will be open to the public.

Mr. Tiseo stated "ad papers" were delivered on Bon Heur from Harper to Little Mack, and the paper needs to be put on the porch. Mr. Tiseo stated this is fish fry season, and you don't have to be catholic to eat fish. He encouraged everyone to get out and support their Churches.

Mr. Frederick stated that tomorrow is Ash Wednesday, and you can eat fish at the Bruce Post too. This Friday, February 24, there will be a benefit for Wigs for Kids at Lakeland Manor on Harper. Tickets can be purchased at the Wellness Center on Harper.

Mr. Frederick stated that both baseball leagues are signing participants for 2012. Ages range from 5-17.

Mr. Frederick referred to a snow situation where a gentleman in a wheelchair got stuck in the snow at 9 Mile and Harper. He added that if you own property that abuts a corner, make sure there isn't a lump of snow there for everyone to trip over.

Mr. Frederick noted that they did not read his entire quote on the exercise room. The soccer league does not have an agreement for field use as well. The baseball and softball buildings were built with raised money and used to help our kids have a place to reach their athletic dreams.

Mr. Frederick stated he thinks everyone is on City Council for the right reason. He also applauds the Hockey Association for taking a stand. We have to do the right things to attract families because we compete with every other community.

Mr. Frederick wished his mother a Happy Birthday.

13. CITY MANAGER'S REPORT - NONE

Mr. Hughes stated Tuesday, February 28th is the Presidential Primary Election. Polls open at 7:00 a.m. and close at 8:00 p.m.

St. Clair Shores City Clerk is participating in a Passport Day on Saturday, March 10th from 10:00 a.m. to 3:00 p.m. Picture ID is necessary. Mr. Hughes thanked the City Clerk's staff for being available for this event.

14. AUDIENCE PARTICIPATION (5 MINUTE TIME LIMIT)

Chris Rice and Terry Lohon, Relay for Life Chairs, provided some information on the Relay for Life. They stated that they raised \$154,000 last year, had 51 teams and 700 participants. They have helped make the cancer society 2nd in cancer research. For more information call 1-800-ACS-2345. This year their goal is \$153,000 and they want to honor 141 survivors. They already have 32 teams with 234 participants, and \$9,334 in on-line donations. The event is scheduled for June 8 and June 9.

Jamie Victory, resident of St. Clair Shores, stated he is happy to be a new alternate member of the St. Clair Shores Parade Committee. There will be a Spaghetti Dinner fundraiser on March 29, 2012. Mr. Victory stated he knows someone who lives on Beverly between New York and Greater Mack and complains their street has pot holes.

Chuck Hall, resident of St. Clair Shores, stated he doesn't understand how some items find their way into the consent agenda. Mr. Hall also stated St. Clair Shores has quite a few boarded up homes and businesses, and plans to be at the Budget Meeting on Saturday.

Erin Stahl, resident of St. Clair Shores, stated that Council Members Rubino and Frederick missed the Budgeting 101 Meeting today given by Plante & Moran. Ms. Stahl provided slides showing her way on what the budget should be. She stated if anyone had any questions or concerns, she could be reached at 586-774-8181.

Mayor Walby responded saying Ms. Stahl was insinuating that the City is collecting the Police and Fire Millage and putting it toward pension and medical costs. Mr. Walby stated this is not the case. The Mayor reminded Ms. Stahl that Council fought very hard in negotiating contracts, especially the last one with the Police Department, and took it as far as they could.

Ralph Kosal, resident of St. Clair Shores, spoke regarding the weight room at the St. Clair Shores Civic Center. He stated he is glad the kids have it, but some Council Members and Administration did not handle themselves well. He feels it turned out as a business deal.

Bruce Terwilliger, resident of St. Clair Shores, spoke about the maintenance of the canals. He would like Mr. Ihrle to brief anyone involved in the court order back in the 1980's. The City has allowed the EPA to dump the black sludge in the drainage system on the west side of Jefferson. What this ended up doing was fertilizing the canal. Mr. Terwilliger requested the City abide by the court order and treat the weeds in the canal until PCB's are gone. All he wants is for the canal to be navigable. Presently, there is solid vegetation from seawall to seawall.

Patrick Biange, resident of St. Clair Shores, spoke about different types of pollution.

Vic Hicks, resident of St. Clair Shores, asked for Council's help with his \$4,600 water bill charge. Mr. Hughes replied it was a court order. Mayor Walby asked Mr. Hughes to contact Mr. Hicks to discuss the problem.

Donald Lobsinger, resident of St. Clair Shores, asked at the last council meeting that Bob Montgomery be removed as Chairman of the Memorial Day Parade Committee, and this has not been done.

Dwayne Michno, resident of St. Clair Shores, stated everyone is entitled to their own opinion, and he feels Mr. Lobsinger's are just that his opinions.

15. MAYOR'S COMMENTS

Mayor Walby stated Budget Workshop is this Saturday, February 25th, at 11:00 a.m. at the Golf Course. It is open to the public. He noted that Council chambers could not be used for the meeting as the City Clerk had booked the room previously for Election Inspector training, for Tuesday's election.

Mayor Walby announced the new Website Committee will meet on Thursday, March 1st at City Hall at 6:00 p.m.

Mayor Walby thanked Mr. Rayes for removing the concrete at Ridgeway and Jefferson.

He noted that bringing businesses, to St. Clair Shores is important. He was pleased to announce Mr. Rayes will meet with him on Friday regarding the trailer at Butter Run. Also, plans will be starting soon for the new project at 11 and Harper for Biggy Coffee. The new Auto Zone business permits are ready to be processed. The Blockbuster Movie at Little Mack and Harper is also moving out. We need some new development and are constantly trying to find quality businesses all the time for the city.

16. ADJOURNMENT

Motion by Frederick, seconded by Rusie to adjourn at 10:07 p.m.

Ayes: All – 6
Absent: Rubino

KIP C. WALBY, MAYOR

MARY A. KOTOWSKI, CITY CLERK

(THE PRECEDING MINUTES ARE A SYNOPSIS OF A CITY COUNCIL MEETING AND DO NOT REPRESENT A VERBATIM RECORD).