

**MINUTES
ST. CLAIR SHORES CITY COUNCIL MEETING
December 3, 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, Rubino, Rusie, and Tiseo

Absent & Excused: Council Member Vitale

Also Present: Acting City Manager Smith, City Clerk Kotowski, Directors Rayes and Babcock, Traffic Lt. Lambert, and City Attorney Ihrie

1. CALL TO ORDER, ROLL CALL AND PLEDGE OF ALLEGIANCE LED BY CUB SCOUT PACK #1472

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

Motion by Frederick, seconded by Tiseo to excuse Mr. Vitale from the meeting.

Ayes: All – 6

Absent: Vitale

The Pledge of Allegiance was led by Cub Scout Pack #1472.

Mayor Walby stated that on October 30, 2012, the City lost John Maynard, a Korean War Veteran and U.S. Marine, who served on the St. Clair Shores City Council for six years and as the State Representative in Lansing for 16 years. A moment of silence was requested by Mayor Walby.

2. PROCLAMATIONS & PRESENTATIONS – LAKEVIEW SCHOOL DISTRICT

Superintendent Karl Paulson, shared information about college options to available high school students in the Lakeview School District. He mentioned the Dual Enrollment Program which is an extensive program that has gotten a lot of attention in the past.

The program provides options for all students so they continue to move forward and be challenged. It begins challenging students as early as possible (currently in the 4th grade with the EA² program). The dual enrollment provides an opportunity for the strongest learners at high school level with a variety of college credit choices.

The philosophy of the program is that college courses are part of a larger concept that includes Advanced Placement that does not conflict in student scheduling. With College and Advanced Placement (AP) together, Lakeview High School provides dozens of students the ability to enter college at a sophomore or junior status. Taken together, these provide the rigor of college and career expectations while still in a high school culture.

The four main providers of the program are Wayne State University, Kendall College of Art, Early College of Macomb, and Macomb Community College.

Brent Case, Principal of Lakeview High School, spoke about Wayne State University stating it has a unique opportunity where they come into the high school with their professors and teach college level courses which are credit bearing and is part of their normal school day. In the first year they offered two classes each semester, with 48 students participating in one course and 29 students that took more than one course. Mr. Case stated that they have gone almost exclusively to a three credit scenario which is paid for in full and parents pay nothing out of pocket. Over the first year they have collected 224 total credits for students and this year they have expanded the program to three classes. A number of students are interested in engineering and the Dual Enrollment Program is a good opportunity for them.

Kendall College of Art was started in the fall of 2010. It is for those students thinking about going into art and design. These classes are taught by one of the Lakeview School District teachers who is an adjunct professor for Kendall College. The classes are challenging and small. They have had 34 students enrolled in these classes with a total of 102 credits.

In their junior year, students can begin college at Macomb County Community College (MCCC) and spend one half of their day at the high school and one half at MCCC. It is an off campus program that students go through for two years and then hold off on graduation. In their 13th year they spend their entire time at Macomb with the idea they are going to

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obtain their Associates Degree. This is a Macomb ISD (Intermediate School District) program.

At this point, the tuition paid on behalf of Lakeview High School students was \$137,000. Through this program they are providing opportunities for students who are accelerating and are starting to make the senior year relevant again to continue with good study habits.

Mr. Case reviewed several Frequently Asked Questions (FAQ's). First, how do students sign up? The student completes the application for Wayne State and Wayne State waives the fees. If the student meets the requirements of admission for Wayne State, they can then sign up and take Wayne State University courses. Secondly, are there a lot of prerequisites that a student needs to take to participate? Mr. Case indicated there are no prerequisites and the courses cost approximately \$950.00 for three-credit courses. Finally, do credits that students earn automatically transfer? Mr. Case stated that in most cases they have not encountered any major university that will not take the Wayne State University courses.

Mr. Case introduced Anna Kouri who will have 17 Wayne State University credits upon her graduation in June. He also introduced Michael Lukowski who is taking three credits through Wayne State University this semester, and will be taking 3 credits next semester. He is also enrolled in a Michigan Virtual High School Advanced Placement Physics course.

Mr. Frederick asked the students how much of enrolling into this program was their idea versus their parent's idea. Ms. Kouri said she was the one who brought it up to her parents after talking to her counselor. She said she enjoys the atmosphere and it has helped her get ready for college. Mr. Lukowski said he knew he wanted to go up to Calculus in math and higher into Physics and wanted to get all he could out of his school career.

Mr. Tiseo asked about the homework load versus what they would get at a regular high school. Mr. Lukowski said there is some, but it is not too oppressive and he still has a social life.

Mr. Paulson mentioned that one of the twists about this program is that students earn credits for both high school and college.

Mayor Walby asked Ms. Balint to speak on a fundraiser at the South Lake School District.

Pamela Balint, South Lake Schools Superintendent, announced a fundraiser for Wigs 4 Kids. It is a charity Volleyball Game scheduled on December 6th at 7 p.m. at the South Lake High School gym. The first game will be student team versus student team and the second game will be the staff team versus the winner of the student team. The charity event began as a service learning piece when one of the science teachers made a connection with Wigs 4 Kids. He began with a Star Program where members of the community could buy a star, put their name on it and put it up in the high school in support of the Wigs 4 Kids. Then the volleyball game idea began and all the donations from that event would go to Wigs 4 Kids. South Lake Schools wanted to get the City involved in the event so the staff team will include Mayor Kip Walby and Councilman John Caron. Admission is based on donations at the door.

Lizzy, a student at South Lake Schools, said the high school has participated in different voluntary opportunities and there are about 45 service projects. She said that students really get into it, especially during the holidays. Nick, another student at South Lake Schools, mentioned that when the founder of Wigs 4 Kids came to the school, the atmosphere was phenomenal and students were asking, 'what can I do to help out and give support'.

3. AUDIENCE PARTICIPATION ON AGENDA ITEMS (2 minute time limit)

Jim Goodfellow, St. Clair Shores resident, Agenda Item #5, said he would like at least one study session on the 40th District Court project and a picture of what the building would look like. He said the City already has \$1.8 million and this year \$180,000 which totals to \$1.98 million. This amount brings the total short to about \$1.5 million. He said the City had a carryover instead of a deficit and they could have used that money toward the Court instead of putting it out all on bonds over a 20-year period. They could have also raised the Administration fee from \$5 to \$7 or \$8 to pay off the City faster. He is hoping the City will recycle some of the old building materials instead of throwing them out. He would also like to see grant money used for solar panels stating this may cost more up front, but would save money in the long run.

4. PRESENTATION OF 2012 AUDIT REPORT

Dave Herrington, Audit Partner for Plante & Moran, reviewed the results of the audit and presented the Comprehensive Annual Financial Report (CAFR) for the Fiscal Year Ended June 30, 2012. The results of the audit are a non-qualified opinion and are accurate and can be relied upon for decisions. The report qualifies for the Certificate of Excellence in Financial Reporting Award which the City has received for a number of years.

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Liz Schrader and Ali Hijazi reviewed the financial highlights. Mr. Hijazi reviewed the General Fund Revenue showing a 3-year trend with the largest portion in property taxes. Over the last three years, property taxes have declined. In 2011/2012 the decline was approximately \$300,000, a little over 1% decline in revenue. The rest of the General Fund Revenue on balance was slightly up from \$41.9 million in 2011 to \$42.6 million in 2012.

Mayor Walby said the challenges we face is that in 2010 we were at \$29.5 million in tax revenues and today we are at \$25.1 million. This is more than \$4M lost in property taxes over the last couple of years. Mr. Herrington said the total has been 23% through June 2012.

The Property Tax Revenue shows that in 2010 we had \$29.5 million in Property Tax Revenue. Mr. Hijazi reviewed the comparison of what would have happened if the City saw an inflationary increase in Property Tax Revenue which would have led to \$4.9 million of additional Property Tax Revenue in 2011. From 2010 – 2011, actual Property Tax Revenue is \$25.5 million which is a \$5 million foregone Property Tax Revenue for that year. Mr. Hijazi showed projections for years 2013 – 2015 stating in 2015 there is an additional number which represents \$3 million of Property Tax Revenue from the Police & Fire Millage which expires that year if it is not renewed.

Ms. Schrader reviewed the General Fund Expenditures mentioning Public Safety is the largest component followed by General Government. Total expenditures for 2012 were approximately \$40.8 million which was a decrease of \$250,000 from 2011.

She reviewed the current and projected General Fund Unassigned Fund Balance which includes pre-paid expenditures. In 2012 this amounted to \$14 million which is up approximately \$2 million from 2011. The total projected Fund Balance for 2015 is approximately \$9.7 million. If the Police & Fire Millage is not renewed, the number will drop to about \$6.7 million.

Mr. Smith said the General Fund Unassigned Fund Balance is also known as the Rainy Day Fund and he stated that what's incorporated and not incorporated into this fund changes from year to year.

Mr. Herrington said that using the projections, if the City does not have a solid fund balance position, they could run out of money quickly. It is very strategic to be able to accomplish financially what the City was able to do. He said the projections were put together to indicate that if we do nothing, this is what will happen.

Mr. Smith said that in 2008 the 5-year projection showed that if we did nothing, the City would run out of money in 2012. We now have \$14 million in our Fund Balance which speaks to the fact that we don't sit by and do nothing.

Mayor Walby said this is positive, but we are a long way from being out of the whole thing and we have to be vigilant on how we spend our money.

Ms. Rusie asked how many other cities have seen increases in their Rainy Day Fund. Mr. Herrington said very few and the City of St. Clair Shores is in the minority. We have been in front in regards to not replacing attrition, leveraging technology, identifying best practices, etc.

Mr. Rubino asked Mr. Herrington if he can recall what the projection was for last year's Rainy Day Fund. Mr. Herrington said it was the \$2.5 million decrease that was originally budgeted so the City would have been at \$9.5 million.

Mr. Rubino reiterated that for this budget year, Plante & Moran is projecting a 9% decrease in property values. He asked what this was based on. Mr. Herrington said it is based off the fiscal budget year. The property tax bill is based on assessments that went up in January 2012 that impact the fiscal year June 2013. There is a lag between the value of the property and the impact on a resident financially so when things seem to be picking up, we may still get less property tax due to the lag between assessments and revenue.

Mayor Walby indicated that it is the department heads and staff working hard for these cost savings and Council appreciates all their effort.

Motion by Frederick, seconded by Rusie to receive and file the Comprehensive Annual Financial Report for the Fiscal year Ended June 30, 2012.

Ayes: All – 6
Absent: Vitale

5. APPROVAL OF NOTICE OF INTENT RESOLUTION TO AUTHORIZE THE SALE OF BONDS FOR THE 40TH DISTRICT COURT CONSTRUCTION PROJECT

This is step one in issuing the bonds. The resolution allows the City of St. Clair Shores to issue bonds up to \$2 million dollars. The City's current budget is to issue \$1.882 million in bonds. The additional amount allows for a contingency in costs change between now and the date of issuance.

Mr. McGow stated that the resolution notices the City's intent to issue bonds not to exceed \$2 million and authorizes the Clerk to publish the necessary notices to provide for a referendum right related to the bonds. If this item is approved, it will allow moving forward to set up financing and publishing the notice which would allow for a bond sale to occur around February 2013. This resolution does not obligate the City to borrow at the full amount or issue bonds at all. We will come back to Council at a later date to set the amount of the bonds, the term of the bonds, and provide for the resolution to authorize it.

Mayor Walby mentioned about taking money out of the Rainy Day Fund. He said the Court has always operated independently and the funding of the Court has been structured so they could pay for the bond. Council's intention is to have the Court fund this project itself.

Motion by Rubino, seconded by Caron to adopt the Notice of Intent Resolution to authorize the sale of bonds for the 40th District Court Construction Project at \$2 million which reads as follows:

**NOTICE OF INTENT RESOLUTION
CAPITAL IMPROVEMENT BONDS FOR DISTRICT COURT PROJECT**

**CITY OF ST. CLAIR SHORES
County of Macomb, State of Michigan**

WHEREAS, the City of St. Clair Shores, County of Macomb, State of Michigan (the "City") intends to issue general obligation limited tax bonds pursuant to Act 34, Public Acts of Michigan, 2001, as amended ("Act 34"), in an aggregate principal amount of not to exceed Two Million Dollars (\$2,000,000) (the "Bonds") for the purpose of paying part of the costs of constructing, furnishing and equipping a new district courthouse facility, together with all necessary site improvements, appurtenances and attachments (the "Project"); and

WHEREAS, a notice of intent to issue the Bonds must be published before the issuance of the Bonds in order to comply with the requirements of Section 517 of Act 34; and

WHEREAS, the City intends at this time to state its intentions to be reimbursed from proceeds of the Bonds for any expenditures undertaken by the City for the Project prior to issuance of the Bonds.

NOW, THEREFORE, BE IT RESOLVED THAT:

- 1. The City Clerk is authorized and directed to publish a notice of intent to issue bonds in the *St. Clair Shores Sentinel*, a newspaper of general circulation in the City.**
- 2. The notice of intent shall be published as a display advertisement not less than one-quarter (1/4) page in size in substantially the form attached to this resolution as Exhibit A.**
- 3. The City Council does hereby determine that the foregoing form of Notice of Intent to Issue Bonds and the manner of publication directed is the method best calculated to give notice to the City's electors and taxpayers residing in the boundaries of the City of the City's intent to issue the Bonds, the maximum amount of the Bonds, the purpose of the Bonds, the source of payment for the Bonds and the right of referendum relating thereto, and the newspaper named for publication is hereby determined to reach the largest number of persons to whom the notice is directed.**
- 4. The City makes the following declarations for the purpose of complying with the reimbursement rules of Treas. Reg. § 1.150-2 pursuant to the Internal Revenue Code of 1986, as amended:**
 - (a) The City reasonably expects to reimburse itself with proceeds of the Bonds for certain costs of the Project which were paid or will be paid from the general funds of the City subsequent to sixty (60) days prior to today.**
 - (b) The maximum principal amount of debt expected to be issued for the Project, including issuance costs, is \$2,000,000.**

Agenda Item 5 (cont'd)

- (c) A reimbursement allocation of the capital expenditures described above with the proceeds of the Bonds will occur not later than 18 months after the later of (i) the date on which the expenditure is paid, or (ii) the date the Project is placed in service or abandoned, but in no event more than three (3) years after the original expenditure is paid. A reimbursement allocation is an allocation in writing that evidences the City's use of the proceeds of the Bonds to reimburse the City for a capital expenditure made pursuant to this resolution.

5. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

Ayes: All - 6
Absent: Vitale

RESOLUTION DECLARED ADOPTED.

Mary A. Kotowski, City Clerk

I hereby certify that the attached is a true and complete copy of a resolution adopted by the City Council of the City of St. Clair Shores, County of Macomb, State of Michigan, at a regular meeting held on the 3rd day of December 2012, and that public notice of said meeting was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976 and that minutes of the meeting were kept and will be or have been made available as required by said Act.

Mary A. Kotowski, City Clerk

EXHIBIT A

**NOTICE TO TAXPAYERS AND ELECTORS
OF THE CITY OF ST. CLAIR SHORES
OF INTENT TO ISSUE BONDS
AND THE RIGHT OF REFERENDUM RELATING THERETO**

PLEASE TAKE NOTICE that the City of St. Clair Shores, County of Macomb, State of Michigan (the "City"), intends to issue and sell its general obligation limited tax bonds pursuant to Act 34, Public Acts of Michigan, 2001, as amended, in an aggregate principal amount of not to exceed Two Million Dollars (\$2,000,000) for the purpose of paying part of the costs of constructing, furnishing and equipping a new district courthouse facility, together with all necessary site improvements, appurtenances and attachments.

SOURCE OF PAYMENT OF BONDS

THE PRINCIPAL OF AND INTEREST ON SAID BONDS SHALL BE PAYABLE from the funds of the City lawfully available for such purposes including property taxes levied within applicable constitutional, statutory and charter tax rate limitations.

BOND DETAILS

SAID BONDS will be payable in annual installments not to exceed twenty-five (25) in number and will bear interest at the rate or rates to be determined at a public or private sale but in no event to exceed the maximum rate permitted by law on the balance of the bonds from time to time remaining unpaid.

Agenda Item 5 (cont'd)

RIGHT OF REFERENDUM

THE BONDS WILL BE ISSUED WITHOUT A VOTE OF THE ELECTORS UNLESS A PETITION REQUESTING SUCH A VOTE SIGNED BY NOT LESS THAN 10% OF THE REGISTERED ELECTORS RESIDING WITHIN THE BOUNDARIES OF THE CITY IS FILED WITH THE CITY CLERK WITHIN FORTY-FIVE (45) DAYS AFTER PUBLICATION OF THIS NOTICE. IF SUCH PETITION IS FILED, THE BONDS MAY NOT BE ISSUED WITHOUT AN APPROVING VOTE OF A MAJORITY OF THE QUALIFIED ELECTORS RESIDING WITHIN THE BOUNDARIES OF THE CITY VOTING THEREON.

THIS NOTICE is given pursuant to the requirements of Section 517, Act 34, Public Acts of Michigan, 2001, as amended.

**Mary A. Kotowski
City Clerk
City of St. Clair Shores**

Publication date: Dec. 12, 2012

6. PRESENTATION ON THE WATER METER REPLACEMENT PROGRAM

Mr. Babcock, DPW Director, said the program will kick off on December 4th with their first appointments. The program may not affect some residents for two or three years based on scheduling. It is a three-year program and will begin in the southern district, District 3 with four installers who have been training hands-on for several weeks. A brochure has been mailed out to 780 homes in four neighborhoods. The first step for residents is to call 586-447-3305 to schedule an appointment. To date, approximately 20% of residents have called to schedule appointments. Water meters will be installed from Tuesday – Saturday from 8 a.m. – 4:30 p.m. as well as someone answering the telephone on those days and hours.

Mr. Babcock mentioned that it is the installer's responsibility to leave a series of door tags of those residents' doors who are not scheduled for a water meter replacement. The first door tag is green and asks residents to please call to make an appointment to install a new water meter into their home. At a minimum of one week after the first door tag is left, and if the resident does not schedule an appointment, a second green door tag will be left on their door. Then, at a minimum of three days after that a third door tag, which is red, will be left on their door stating this is the third and final notice and asks residents to make an appointment to install a new water meter to avoid water shut-off. A follow-up letter will also be sent to the homeowner in case they are out of town or the home is vacant. There will be four notices to the resident to get into their home to replace the water meter. If they do not comply, a warning fee will be put on their water bill. This will make a total of five notices.

Mr. Smith said the appointment is for a new water meter installation with a radio read or the opt out program.

Mr. Frederick asked about people who leave the home for months at a time and what they can do to avoid getting five notices while they are away? Mr. Babcock said they can call DPW and schedule an appointment when they get back into town.

In preparation to install a new water meter, Mr. Babcock stated that residents should clear the area around the water meter, check to make sure the water shut-off valves are working, and call 447-3305 to schedule an appointment.

He said that the installers service vans are marked, installers will have an embroidered emblem on their jackets and shirts, and they will have an identification tag. If residents are not comfortable, they can call 447-3305 to confirm the name of the installer in their neighborhood. Residents should do this before they let them into their home.

Mr. Babcock mentioned the smart meters or KP Radio Read Transmitters use minimal power output, transmits data once a day and the battery pack will last 15 years.

Ms. Rusie asked how long it is between the brochure going out and a resident expecting to see a green tag on their door. Mr. Babcock said it will be about two weeks. Ms. Rusie asked even if a resident chooses to opt out of the program, do they still need a schedule and appointment. Mr. Babcock said yes because the water meters are at the end of their life and have to be replaced. When the water meter is replaced, residents can get the new transmitter or opt out of the program. He said the water meter will be the same, but the reading device will be different. It is a hard-wired puck installed on the outside of a resident's home and a wire will be run from the device to the meter. A person reading the water meter will go up to the home with a device, put it to the puck, and get a reading from the meter.

Ms. Rusie asked what the next geographic region is to be targeted. Mr. Babcock said they plan on moving north and the

Agenda Item 6 (cont'd)

next round will be in approximately three weeks.

Mr. Rubino mentioned that the next mailing is in three weeks which puts them at Christmas. He suggested waiting until after the holidays. Mr. Babcock said the first mailing came out the week of Thanksgiving and they have so far received a good response back from that mailing.

Mr. Rubino asked what they are going to do in regards to foreclosed homes. Mr. Babcock said homeowners will be getting all notices and they have had good luck of having them or the real estate agent into the home. If the water is shut off in the home, they can install the new meter when the water is turned back on.

Mr. Tiseo asked who will pay the cost of the valves if they should start to leak or explode when an installer is working on the water meter. Mr. Babcock said if the plumbing is questionable, they will ask the homeowner to fix it before the City puts a new water meter in. If the installer turns a valve off, then back on and it starts to leak, the installer will fix it.

Mr. Babcock said they will use the Cable Channel, newsletters, etc., to get the word out every way they can about the Water Meter Replacement Program.

Mr. Frederick asked about the water bills and if we are doing anything to the final readings? Mr. Smith said if we get mismatch reads, they will establish criteria based on how many units the mismatches are for and will have a set pattern on how long we will give residents a payment plan for. For example, if a resident has a mismatch of 10 units, that will not give residents an extended payment plan, but if the mismatch is 200 units, it could result in a \$1,600 bill and we will look at a three or four-year period payment plan. They will also look at the rates used. In extreme cases, they will make adjustments on a case by case situation.

Ms. Rusie asked if the meters being taken off will be used as scrap metal and will the revenue figure into what we estimate this program to cost. Mr. Babcock said the meters will be used as scrap metal, and he put a small number into the budget, but thinks he will get a lot more for them than first anticipated.

Mayor Walby asked Mr. Smith to keep them apprised of how the process is going.

7. REQUEST FROM THE TRAFFIC LT FOR TRAFFIC CONTROL ORDINANCE AMENDMENTS

- a. ~~**Stop Signs for Taylor Street at Violet and remove Stop Signs on EB and WB Violet** (item removed)~~
- b. **No stopping, standing or parking on the south side of Ridgeway from Harper to the main parking lot driveway of the complex at 24090 Harper**

Lt. Lambert, Police Department Traffic Bureau, said this change was a request from numerous residents of Ridgeway and other motorists who stated that parking on the south side of Ridgeway east from Harper from 8 a.m. – 5 p.m., two hours at a time, created a “bottleneck”, causing back-ups on Ridgeway as well as Harper. This caused an unsafe condition whereby vehicles on Harper (40 mph speed limit) are attempting an EB turn onto Ridgeway and often have to stop on the roadway to allow the Ridgeway bottleneck to clear. After review by Lt. Lambert and the Traffic Improvement Association, it is recommended to amend the ordinance to replace the two hour allowed parking signs from Harper to the main parking lot driveway, with “no parking, stopping standing” signs.

Motion by Rubino, seconded by Rusie to approve the request from the Traffic Lt. to amend Traffic Ordinance 21.482 entitled Stopping, Standing, Parking Restrictions on Certain Streets; Schedule Section 15B-52 (114) No Stopping, Standing, Parking of any Motor Vehicle to read as follows (114) Ridgeway – Parking limited to two (2) hours on both north and south side of Ridgeway east of Harper from 8:00 a.m., to 5:00 p.m. from the eastside of the main parking lot driveway of the complex address of 24090 Harper to the lot line at 21618 Ridgeway and NO Stopping Standing, and or Parking on the North and South Side of Ridgeway east from the Harper Cross walk extending approximately 150 feet to the main parking lot driveway of the business at 24090 Harper which reads as follows:

THE CITY OF ST. CLAIR SHORES ORDAINS THAT CHAPTER 21.482 (SECTION 15B-52) ENTITLED “STOPPING, STANDING, PARKING RESTRICTIONS ON CERTAIN STREETS; SCHEDULE” (114) Ridgeway SHALL BE AMENDED AS FOLLOWS:

- (114) Ridgeway —Parking limited to two (2) hours on both north and south side of Ridgeway from 8:00, a.m., to 5:00, p.m., from Harper east to lot line at 21618 Ridgeway.**

Agenda Item 7c (cont'd)

Sec. 15B-28. Upon all streets of a width permitting, except upon one-way streets, the operator of a vehicle shall drive the same upon the right half of the street and shall drive as closely as possible to the right-hand edge or curb of such street, unless it is impracticable to travel on such side of the street or except when overtaking and passing another vehicle, or when the right half of a street is closed to traffic while under construction or repair. On streets having three or more lanes for traffic, the operator of a vehicle shall keep the vehicle entirely within the extreme right-hand lane except when overtaking and passing and when turning left; provided that on streets having three or more uneven number of lanes, the operator of a vehicle shall not drive the same or any part thereof to the left of the center line. On one-way streets and on undivided streets having four lanes of traffic, the driver may pass either to the left or right of preceding vehicles which occupy adjacent lanes. (chap. 15 eff. Jan. 6, 1987)

21.459 - Marked lanes.

Sec. 15B-29. The provisions of section 15B-28 [21.458] shall not prevent the marking of lanes for traffic upon any street, and the allocation of designated lanes to traffic moving in a particular direction or at designated speeds. Whenever lanes are marked and clearly visible, it shall be unlawful for any operator to straddle such lane markings or to fail to keep his vehicle entirely within the limit lines of lanes except while in the process of necessary and safe transfer from one lane to another or to avoid conflict with other vehicles. Operators of vehicles proceeding in opposite directions shall pass each other to the right.

BE AMENDED TO READ AS FOLLOWS:

21.459 Section 15B-29

- (1) **Greater Mack at 12 Mile Road - Delineate Left Turn only Lane and thru right turn lanes on Southbound and Northbound Greater Mack at 12 Mile Road (added 12/4/2012)**

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

The ordinance shall become effective upon publication by the City Clerk.

This ordinance shall be published by posting the same in three (3) public places within the City of St. Clair Shores and the Clerk is hereby ordered to post the same upon the bulletin boards in the Police Station, 27665 Jefferson Avenue, the Fire Hall, 26700 Harper Avenue, and the City Hall, 27600 Jefferson Circle Drive.

STATE OF MICHIGAN)
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 3rd day of December 2012, and that the necessary Charter provisions have been observed.

KIP C. 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 4th day of December 2012.

MARY A. KOTOWSKI, CITY CLERK

Ayes: All – 6
Absent: Vitale

8. REQUEST TO ENTER IN AGREEMENT WITH MDOT FOR CONCRETE PAVEMENT REPAIR WORK ALONG 13 MILE ROAD FROM THE WEST CITY LIMITS TO GREATER MACK AND THE STORM SEWER WORK AUTHORIZING THE CITY MANAGER AND CLERK TO EXECUTE THE DOCUMENTS

This project is currently being advertised for a bid letting December 7, 2012 and work is scheduled to begin in early May. The total construction cost is \$941,700 and the St. Clair Shores local cost share is \$176,200. Costs associated with the 2013 13 Mile Patching and Diamond Grinding Project have been budgeted in the FY 12/13 budget.

Mr. Rayes indicated that this project is one of the TIP (Traffic Improvement Program) projects for this year. This will complete the 13 Mile stretch to the west city limits. Construction will start in early May 2013 and be completed in August 2013.

Mr. Ihrie stated that the contract has been reviewed and approved for execution.

Mr. Rayes said the \$176,200 will be taken from the Major Roads fund. He mentioned that the two Major Road projects for this year are 9 Mile Road that will start in the spring which is a water main replacement along the south side of the road from Harper to I-94 and full reconstruction of 9 Mile Road from Harper to I-94.

Motion by Frederick, seconded by Tiseo to approve the request to enter into agreement with MDOT Contract No. 12-5532 for concrete pavement repair work along 13 Mile Road from the west City limits to Greater Mack and the storm sewer work authorizing the Acting City Manager and Clerk to execute the documents.

Ayes: All – 6
Absent: Vitale

9. BIDS/CONTRACTS/PURCHASE ORDERS - None

10. CONSENT AGENDA *Items shall be considered without debate by motion and vote of Council, unless a member of Council specifically requests action taken separately on said item*

Mr. Tiseo asked to remove item 10c.

Motion by Caron, seconded by Frederick to approve the Consent Agenda items as presented, with the exception of item number 10c that was removed and considered separately.

a. Bills

Check Approval List **\$1,453,189.34**

To approve the release of checks in the amount of \$1,453,189.34, of the report that is 20 pages in length and of the grand total amount of \$1,453,189.34, \$250,508.34 went to other taxing authorities.

b. Fees - None

d. Approval of Minutes

<u>City Council</u>	<u>Meeting Date</u>
City Council	September 4, 2012
City Council	September 17, 2012
City Council	October 1, 2012
City Council	October 15, 2012
City Council Special Meeting	November 1, 2012

e. Receive & File Boards, Commissions & Committee Minutes

<u>Minutes</u>	<u>Meeting Date</u>
Beautification Commission	October 10, 2012
Council Sub-Committee on Boards, Committees & Commissions	October 23, 2012
Cultural Committee	October 10, 2012
Fence Arbitration Board	October 17, 2012

Agenda Item 10e (cont'd)

General Employees' Pension Board	September 18, 2012
General Employees' Pension Board	October 16, 2012
Golf Course Committee	September 18, 2012
Golf Course Committee	October 16, 2012
Water Resources & Advisory Board	August 7, 2012

f. Recommendations from the Council Sub Committee on Boards, Commissions, and Committees**1. Recommendation to Mayor and Council to appoint the following:**

<u>Name</u>	<u>Committee</u>	<u>Term Ending Date</u>
Ken Elsey <i>(Newly created seat)</i>	Beautification Commission - Alternate	12/03/2014
Matt Crippen <i>(Vacant seat of Frank Mumford)</i>	Parks & Recreation Commission	12/31/2013
Douglas Damm <i>(Vacant seat of Vito Sciuto)</i>	Parks & Recreation Commission	12/31/2013
Betsy Castro <i>(Vacant seat of George Recor)</i>	SCS Memorial Day Parade Committee	12/31/2013
Allen Neuwirth <i>(Vacant seat of Liesle Travis finish term ending 12/31/12 and reappoint to three year term)</i>	SCS Memorial Day Parade Committee	12/31/2015

2. Recommendation to Mayor and Council to re-appoint the following:

<u>Name</u>	<u>Committee</u>	<u>Term Ending Date</u>
Diana Lince	Beautification Commission	12/31/15
Denise Pecherski	Beautification Commission	12/31/15
Dennis DeWulf	Bldg/Prop Maint. Bd. of Appeals	12/31/17
Lorrie Walsh	Dog Park Committee	12/31/15
Theresa Bertolini	Historical Commission	12/31/15
Margaret (Peggy) Maison	Historical Commission	12/31/15
Gerald Perry	Historical Commission	12/31/15
Lillian Bate	Parks & Recreation Commission	12/31/15
Gerrit J. Ketelhut	Parks & Recreation Commission	12/31/15
James A. Miller	Parks & Recreation Commission	12/31/15
Shawn Nicholson	Parks & Recreation Commission	12/31/15
Mark Foster	Zoning Board of Appeals	12/31/15
William Lince	Zoning Board of Appeals	12/31/15
Thomas McKenney	Zoning Board of Appeals	12/31/15

3. Recommendation to Mayor to re-appoint the following:

<u>Name</u>	<u>Committee</u>	<u>Term Ending Date</u>
Kathryn Hanson	Compensation Commission	10/01/19
Joan Ellen Perry	Library Board	12/31/17
Peter Viviano	Corridor Improvement Authority	12/31/16
Michael Descamps	Planning Commission	12/31/15
David Einkorn	Planning Commission	12/31/15
Anthony S. Rascano	TIFA/Brownfield Re-Development Authority	11/18/16
Verlyn Rebelein	TIFA/Brownfield Re-Development Authority	11/18/16
Robert Krompatc	Water Resources Advisory Board	12/31/15

4. To recognize Resignations/Vacancies on the following committees:

Robert Janes – Economic Development Corporation
Liesle Travis – SCS Memorial Day Parade Committee

g. Adoption of a Resolution appointing the Acting City Manager as City representative to the SERESA

BE IT RESOLVED that the City Council appoints Michael E. Smith to the remainder of the three (3) year term as St. Clair Shores' representative on the Authority's Administrative Policy Board.

Ayes: All – 6
Absent: Vitale

Separated Consent Item 10c

c. Progress Payments

Florence Cement Company

\$422,920.77

Mr. Tiseo asked if the bill regarding the Taylor Concrete Pavement Repair is a final payment. Mr. Rayes stated it is not the final payment. Mr. Tiseo said his mother lives on that street and when he pulled into her driveway, he noticed that Taylor happens to be a catch basin that has gotten very steep from the property of the home. He said he drove up the driveway going up the first approach, across the new sidewalk, and when they replaced the first pad of cement, it feels as if you go up another approach. There are about four or five houses that look like they have the same issue. The area is steep enough that they had to go far into the properties to put in more sod. He said the biggest issue is that the first pad of concrete is so steep it may be a safety issue. Mr. Rayes said they know they are taking out that much work from the beginning when they shoot the grades and Taylor is very narrow so the approach is very small. To get over a catch basin they have to lower the front lawn or driveway to fix it. Mr. Rayes said they will go back to meet a minimum standard. Mr. Tiseo said a minimum standard to him actually lowers the distance of a car if you park over the center of it. Mr. Tiseo will forward the address and pictures to Mr. Rayes who will check out the situation and get an answer for him.

Motion by Tiseo, seconded by Frederick to pay the Progress Payments to Florence Cement Company in the amount of \$422,920.77.

Ayes: All – 6
Absent: Vitale

11. UPDATES AND FOLLOW-UPS FROM COUNCIL MEETING

- **City Assessor** – Mr. Ihrle spoke about the City Assessor going into the backyards of resident's homes. The State Tax Commission instructs City Assessors that they do have permission to go into resident's backyards if they are doing so without criminal intent. It is recommended they do not look into windows and simply do their job and leave. He referenced a case that was addressed by the 6th District U.S. Court of Appeals out of the State of Michigan that concluded for purposes of whether or not a City Assessor who goes into a resident's backyard is engaging in an illegal search. It was concluded that a City Assessor that goes into a backyard is not engaged in a search although they may be engaged in a trespass. They are two separate issues with two separate standards connected to them. He asked, may our City Assessor go into a resident's backyard and do so for the purpose of measuring and may they enter into the property. The answer is yes and they will not be engaged in a search for 4th Amendment purposes, however, the case out of the 6th District U.S. Court of Appeals is that the better procedure is for the Assessor to seek consent and/or seek a warrant to go into a backyard, but is not legally mandatory in order for the Assessor to accomplish their task.
- **Two parcels size of lot changes** - Mr. Smith said he will be meeting with the homeowners to explain what happened. He said the City did not change the dimension, but under the State Tax Commission rules, when you have an irregular sized lot where the front and back measurements do not coincide, there is a formula that must be used to delineate the frontage of the lot. The frontage that is used for the Assessing records, is not in this case, the same as what is shown on the lot lines.

The second parcel issue is in regards to what the individual thought the City increased their building size through reassessment and what was discovered was that the building size of that persons home was too large for a number of years and the reassessment resulted in a diminishment of the size and, therefore, a reduction in taxable value and there will be a reduction in his taxes. Under State Tax Law, the City can only go back two years to make the adjustment which the City did.

12. COMMENTS BY INDIVIDUAL COUNCILPERSONS

Council Member Tiseo mentioned that on Finlan Street, next to Banner Tire Company, a chunk of street is missing east of Harper.

Secondly, he mentioned that he was the one who asked to have Violet taken off the agenda. He is asking to have a meeting with residents in that neighborhood. From the study he saw, he does not think it tells the whole story. Mayor Walby reiterated that Mr. Smith and Mr. Tiseo will coordinate a meeting with the residents. Mr. Tiseo stated he would like Lt. Lambert to also be present.

He stated that collecting money for the Goodfellows was humbling and fun.

Council Member Frederick mentioned that the new wall is up at Charlie's Restaurant. He asked Mr. Rayes how soon do you think those neighbors would be able to get those cars out from in front of their houses. Mr. Rayes said it may not happen until spring because the owner wants the soil to settle over the winter due to the house removal.

Cops for Kids will be shopping and sorting from 4:30 p.m. until 10 p.m. on December 7th at Greek Assumption Church and will be wrapping on Saturday from 6:30 p.m. – 9:30 p.m. at Greek Assumption Church.

On Friday, December 7th, after the 7 p.m. City Tree Lighting, the Selinsky-Green Farmhouse Museum will have an Open House. It will be decorated for a Victorian Christmas and visitors can enjoy refreshments and music. On December 8th at the Selinsky-Green Farmhouse Museum, Santa will be at the museum from 10 a.m. – 3 p.m. and a petting zoo will be on the museum grounds.

The Library Drop-In Crafts will be on December 8th from 10 a.m. – 12 p.m. and from 2 p.m. – 4 p.m. The local History Center will offer demonstrations of genealogy databases for adults with a special craft for children. The Friends of the Library will be hosting their Holiday Gift, Book, and Bake Sale on December 8th from 10 a.m. – 4 p.m.

The Optimist Club is having their 6th Annual Poinsettia Ball on December 12th from 6:30 p.m. – 11 p.m. at Blossom Heath Inn. Those interested can RSVP to Dave Martin at 586-772-2537 or Jim Kaza at 586-838-8714. Advance tickets are \$40 per person or \$50 at the door.

The 5th Annual Candlelight Memorial will be held at Veterans Memorial Park at the Maloof Family Pavilion on December 9th from 6:45 p.m. – 8:00 p.m. The event happens at exactly 7 p.m. Contact Kathy at 586-293-6176 in advance if you would like to receive an ornament. Mr. Frederick gave a thank you to Mayor Walby and John Caron for helping out with the Wigs for Kids charity event.

Council Member Caron mentioned the City Tree Lighting at 7 p.m. this Friday. He thanked Mr. Dorner from Parks & Recreation for the new lighting display as well as the Beautification Committee who put money in for the display. Santa will arrive at approximately 7:20 p.m. Doughnuts and hot chocolate will be served at City Hall. Santa will be at Dockside Café as long as children are there to see him.

Relay For Life has been in St. Clair Shores for 15 years in 2013. Mr. Caron went to a regional summit and heard about the Cancer Prevention Study. This study is different from other cancer research as this study looks at what people can do in their lives to prevent cancer. The Cancer Prevention Study enrollment is coming to St. Clair Shores and residents can get involved in the study which will be a 20 – 30 year commitment.

Council Member Rusie thanked everyone who donated to the St. Clair Shores Goodfellows. The money raised stays in St. Clair Shores and helps families within St. Clair Shores.

The Cultural Committee is hosting a Church Tour on December 28th from 10 a.m. – 3:30 p.m. This is a bus tour at a cost of \$30 that goes to three iconic churches in Detroit – Old Mariners Church, St. Albertus, and Old St. Mary's Church.

Ms. Rusie responded to Mr. Vitale's presentation two meetings ago. She spoke about Mr. Vitale's insinuation of her researching the getting of a lawn sign location, the word favoritism being thrown out frequently when a property was still in court, lack of emails on other houses, house entering, and the display of a resident's personal information.

Council Member Rubino said he taped his Council Connection on rats. He mentioned about making all food retailers have bait boxes within their enclosure for their dumpsters. He asked if the City was going to do that and if so, when will it be a requirement. Mayor Walby stated he thought it was already a requirement. Mr. Rayes said they are going back out to verify dumpster locations and make sure bait is out at the location. Mr. Rubino mentioned there is a big problem at McDonalds on 9 Mile Road. He said that Chuck Hall mentioned to him that when the City goes into foreclosed homes, they are not ripping up vegetable gardens which are a source of food for rats. Mayor Walby said the City needs to get aggressive about dumpsters that are overfilled.

Agenda Item 12 (cont'd)

Mr. Rubino asked a question about the \$10 surcharge if someone opts out of the water meter program. Mr. Smith stated that no one is currently paying the \$10 surcharge, as no meters and radio reads have been replaced yet.

13. CITY MANAGER'S REPORT

There will be a Blood Drive located at City Hall on December 19th. Interested parties can call the American Red Cross to make an appointment.

The Parks & Recreation Director has advised Mr. Smith that someone with a BMX bike or skateboard has used the half wall around the Maloof Family Pavilion as a skate park. They tore the caps on the pavilion to shreds. Approximately \$6,000 - \$7,000 worth of damage has been done. Anyone who has information on who may have committed the damage can call the City Manager's Office at 447-3311 or Detective Cohoe at 445-5300.

14. AUDIENCE PARTICIPATION (5 minute time limit)

Ed Cardenas, St. Clair Shores resident, spoke about the HABA (Harper Avenue Business Association) Light the Shores competition which showcases the City and shows the spirit of the holiday. St. Clair Shores Patch will be hosting the voting for this competition. The three categories that can be voted for are 1) best window display or interior, 2) most creative, and 3) best overall display. Voting runs until December 14th and votes can be submitted at stclairshores.patch.com. Plaques will be presented to the winners at the December 17th City Council Meeting.

Jamie Victory, St. Clair Shores resident, mentioned that Brunch with Santa on Saturday was fun and the music was awesome.

Jerry Dedene, Lucy Dedene, and Phyllis Dedene, St. Clair Shores residents, spoke about the issue on rats. They have been dealing with rats on the south side of Edgewood for several years. They are requesting that the City take a hard look at this issue and come up with a solution. Mr. Dedene mentioned several other areas where he knows this issue is bad. He asked Council what the next steps are. Ms. Lucy Dedene said this year is much worse and feels the weather has a lot to do with it. Mayor Walby acknowledged the City has a problem. Mr. Smith said that they will be coming back at the December 17th City Council meeting to present an expansion of the Pilot Program.

Chuck Hall, St. Clair Shores resident, read previous Council minutes regarding the rat issue. Mr. Smith stated that the City has a plan that they are going forward with and that they have made contact with MDOT. He mentioned that the City has to be careful when going into resident's backyards and that maintenance of foreclosed homes is the responsibility of the banks and not the City.

Mayor Walby mentioned that the City should be taking a look at gardens and in the springtime the City needs to go back to MDOT to make sure they are doing what they agreed to.

15. MAYOR'S COMMENTS

Mayor Walby mentioned that the St. Clair Shores Goodfellows President, Mike Koch, collected \$16,911.00 on December 1st. If anyone still wants to contribute to the Goodfellows, they can call 586-980-0400 to donate.

Mayor Walby mentioned that we will have issues regarding dredging as we move forward with the marina and at Veterans Memorial. Mr. Smith said they are in the process of developing specifications to go out on MITN to get bids on those projects.

He asked Mr. Rayes about the Shell Gas Station that looks run down on 9 Mile and Jefferson. Mr. Rayes stated they are in the process of pulling permits to get the gas station torn down. The original goal was mid-January, but due to tax implications they are trying to get it down by the end of December. The tank will be removed after the building is torn down.

Mayor Walby asked about the gas station on Masonic and Jefferson that has been vacant all year. Mr. Rayes said it will be re-opened as a BP Station. Mayor Walby also asked about the Shell Station on Masonic and Harper. Mr. Rayes stated it is vacant and there has been no final outcome as to whether it will be torn down or rehabbed as a service station.

16. ADJOURNMENT

Motion by Caron, seconded by Rubino to adjourn at 9:41 p.m.

Ayes: All – 6

Absent: Vitale

KIP C. WALBY, MAYOR

MARY A. KOTOWSKI, CITY CLERK

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