

**MINUTES
CITY COUNCIL MEETING
CITY OF ST. CLAIR SHORES
27600 JEFFERSON CIRCLE DRIVE
ST. CLAIR SHORES, MI 48081**

Monday, March 2, 2009

PRESENT:

Mayor
Council Members

Robert A. Hison
Matthew S. Ahearn
Ronald J. Frederick
Beverly McFadyen
Mark J. Moffitt
David J. Rubello
Kip C. Walby

ALSO PRESENT:

City Manager
City Clerk
City Attorney
Finance Director
Community Services Director
Communications Director
Recording Secretary

Kenneth R. Podolski
Mary A. Kotowski
Robert D. Ihrie
Tim Haney
Chris Rayes
Mary Jane D'Herde
Ayla Klein

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

Mayor Hison called the meeting to order at 7:00 p.m. Ms. Kotowski, City Clerk, called the roll with a quorum present. The Pledge of Allegiance was recited by those in attendance.

2. PROCLAMATIONS & PRESENTATIONS

a. Proclamation to Hugh B. Brous

Mayor Hison presented Mr. Hugh Brous with a proclamation for his 20 years of service on the Board of Review. Mr. Brous said a few words about his experiences and involvement with many City organizations.

b. Clinton River Watershed Council Presentation

Ms. Lynne Seymour, Clinton River Watershed Council Board Member, presented a Certificate of Appreciation to the City Council in recognition of its continued support and membership with the Clinton River Watershed Council.

Mayor Hison accepted the Certificate with appreciation.

Mayor Hison asked the Department of Public Works Director to provide Council with an update on DPW issues.

Mr. Dumas stated that the Peterson Loader can assist with the beach cleaning, but it can't drive on the sand without sinking as almost any other large truck would. It was explained to the Chairperson of the clean up that they would need to get the debris to a point where the Peterson Loader can safely set up.

Mr. Dumas explained that the main purpose of the EPOKE is to conserve salt. The EPOKE machine is saving us at least 30% on our salt every time it is used. We now spread 700 pounds of salt and the equivalent of 300 pounds of brine, which we make here for pennies a gallon per lane mile, instead of 1000 pounds of salt we use with our old machines. We now have the ability to effectively treat the roads before a snow storm, improving drivability and saving money. The EPOKE also gives us much better control over the spreading of the salt.

2. PROCLAMATIONS & PRESENTATIONS (CONT'D)

Mr. Dumas stated that the Waste Management contract has a fuel surcharge in the contract and if the lower trend in fuel prices holds for another four months we will see our per unit price drop from \$6.96 to \$6.87 which will equate to an additional savings of over \$25,000 next year.

Mr. Dumas explained how the proposed 3 year program for the electronically read water meters is budgeted at \$1,616,000 for the first installation which is one-third of the total cost for the City residential meters. The total price is approximately \$4.9 million dollars. In 2007 Council approved the replacement of all the commercial meters to include the KP Mega Net system to send a daily reading to City Hall. Since then we've changed out 95% of the 2200 commercial meters and are 100% satisfied with the results. The investment in commercial meters along with the residential meters replaced as the old ones have failed has amounted to over a \$600,000 investment to date. The meter is 100% American manufactured. Ninety percent of the components of the C-700 meter line are made in the U.S.A. Only the sending unit (Meter Transmission Unit) is manufactured outside the United States in Israel.

Mr. Walby expressed his displeasure with receiving a lengthy memo at the Council table instead of prior to the meeting. He was also dissatisfied with being told misinformation on the manufacturer of the water meters.

Mr. Dumas apologized for any delays in obtaining answers to questions raised by Council regarding the manufacturing of this system.

Mr. Rubello stated that he wants to push products that are made in the U.S. and in St. Clair Shores. He requests that all information be handed out sooner, giving enough time for Council to look over the information. The City purchased the Peterson Loader in February of 2008 for \$121,000. He questioned how many times it had been used for clean up by the lake. Mr. Dumas said that it is a versatile tool and we have used it to clean up the area around abandoned homes.

Mayor Hison clarified for the residents that when there is a need for products we have and will always try to ensure that the products are American made.

~~3. STEP I REQUEST FROM HUNTINGTON BANK FOR A TRANSFER OF MICHIGAN LIQUOR CONTROL COMMISSION OWNERSHIP ON A 2001 CLASS C LICENSED BUSINESS WITH DANCE PERMIT IN ESCROW AT 25225 E. JEFFERSON, FROM EPIC EVENTS, INC. (GOURMET HOUSE) (TABLED FROM 2/17/09)~~

This item was removed from the agenda.

~~STEP II REQUEST FROM WALTCO LAND COMPANY TO TRANSFER OWNERSHIP OF 2008 CLASS C LICENSED BUSINESS WITH DANCE PERMIT, LOCATED IN ESCROW AT 25225 E. JEFFERSON, ST. CLAIR SHORES, MI 48081, MACOMB COUNTY, FROM HUNTINGTON NATIONAL BANK~~

This item was removed from the agenda.

4. REQUEST FOR SITE PLAN APPROVAL, PC 09-01, FOR A ONE STORY ADDITION TO AN EXISTING MEDICAL BUILDING AT 25511 LITTLE MACK, PETITIONER, ANTHONY FERLITO, FERLITO CONSTRUCTION

Mr. Tony Ferlito, Ferlito Construction, explained that the building is located north of 10 Mile and west of Little Mack and was built approximately seven years ago. He indicated the tenant in the rear of the building moved out and the new tenant needs additional space for offices. The new tenant, Henry Ford Hospital, is combining three different offices to this location. Some parking spaces will be lost, but is not an issue due to the fact that the building will no longer be used as a medical building, but as administrative offices. The dumpster will be moved and it will be screened. Mayor Hison stated Ferlito Construction had incorporated in the plans to meet the standards concerning lighting, the existing irrigation system, and landscaping.

4. REQUEST FOR SITE PLAN APPROVAL (CONT'D)

Motion by Frederick, seconded by Ahearn to approve the site plan PC 09-01 for a one-story addition to an existing medical building, at 25511 Little Mack as recommended by the Planning Commission subject to the conditions of the City Planner's report, including: 1) Any additional pole mounted fixtures must be St. Clair Shores lighting standard and all exterior lighting must be shielded, 2) Existing irrigation system is to be extended to the new landscape area, 3) Watering is allowed on odd days of the month, only, at this location, 4) The Planning Commission and City Council understand that your presence here tonight constitutes that you are a legal representative of the petitioner for Planning Case 09-01. Each statement of intent, promise and/or pledge, made by you, the petitioner or agent, either orally or in writing, if permitted by Ordinance, shall be binding upon the petitioner and shall be a condition of said site plan approval.

Ayes: All - 7

5. PUBLIC HEARING TO REVIEW THE ASSESSMENT ROLL, HEAR OBJECTIONS TO THE ROLL AND CONFIRM THE ROLL FOR THE SPECIAL ASSESSMENT DISTRICT FOR THE DREDGING OF THE 2009 MAPLE – BEACH CANAL DREDGING

Mr. Ihrie stated that this is the second step of the Special Assessment for the dredging of the Maple–Beach canal and is at the request of the property owners surrounding the canal. The first step was for the necessity to create a Special Assessment district and last month Council determined there was a necessity. The project is totally funded by the residents, who will pay the entire cost to be divided by household basis. The cost of the said improvement has been calculated to be \$22,275 / \$675.00 per household and the residents request that the payments be made in one installment. The issue at this meeting is whether the allocation is fair between all homeowners on the canal. Ms. Kotowski received one letter of objection from Nanette VanEgmond, 25200 Jefferson. She owns the business property at the end of the canal and she is not in favor of the assessment and dredging because no one from the business office uses the canal.

Mayor Hison opened the Public Hearing at 7:40 p.m. for the Maple – Beach canal dredging.

Mark Bosca, 22506 Maple Street, stated that he attended this meeting as a representative for the Association. Two-thirds of the homeowners are in favor of the dredging and the Association has already collected two-thirds of the money. The Association has held meetings in which residents can speak and not one person has been against the dredging.

Mayor Hison closed the Public Hearing at 7:41 p.m.

Mayor Hison said that we are just the holders of this project and the money will be taken only from the residents in the Association and not from the taxpayers.

Mr. Rubello questioned whether the dredging can stop before the business on the canal since the business does not agree to the dredging. Mr. Bosca said that in order to be fair to all who are in favor of the dredging, the entire canal must be dredged.

Motion by McFadyen, seconded by Ahearn to adopt the Resolution confirming the Special Assessment District Roll Number Maple - Beach Canal Dredging 2009 for the improvement of the Maple - Beach Canal through dredging which reads as follows:

WHEREAS, THE MAPLE / BEACH CANAL SPECIAL ASSESSMENT ROLL NO. Maple / Beach Dredging 2009 has been prepared and reported by a petition signed by owners of two-thirds of the lots adjacent to and abutting on the canal or water-course of the Maple / Beach canal to the City Council for the purpose of defraying the cost of the following improvement:

Maple / Beach Canal dredging together with appurtenances necessary thereto District to include "Lake St. Clair Gardens Annex Subdivision (Liber 9, Page 48), Lots 10 through 15 and Lots 19 through 54 -and- Lake St. Clair Gardens Subdivision (Liber 8, Page 24), Lots 29 through 4"

AND WHEREAS, said Special Assessment Roll has been reviewed by the City Council at a public hearing after due and legal notice thereto given in accordance with the Charter:

5. **PUBLIC HEARING TO REVIEW THE ASSESSMENT ROLL FOR THE MAPLE – BEACH CANAL DREDGING (CONT'D)**

AND WHEREAS, the City Council is satisfied with said supplemental special assessment roll as reported by the Assessor to it:

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Said Special Assessment Roll No. Maple / Beach Dredging 2009 in the sum of \$22,275.00 as reported by the Assessor be and the same is hereby confirmed.
2. The City has determined that the cost for said improvement shall be borne by special assessment district in proportion to the previous Court action. The cost of the improvement has been calculated at \$22,275.00, all of which is assessed for Special Assessment District-Maple / Beach Canal. This project is totally funded by the residents, where residents agree to pay the entire cost by homeowner.
3. Said special assessment roll shall be divided into one (1) installment to be due on April 6, 2009. Each property owner, as voted by the majority of property owners of the Maple / Beach Homeowners Association, shall provide payment of \$675.00 (per homeowner as noted on the petitions).

25.405 Deposit. Sec. 5. The lot owners who petition for the improvement shall be required to deposit in the office of the City Clerk, 50% of the estimated cost of the improvement prior to the hearing on the rolls, as provided by Section 9.3 [10.243] of the City Charter.

4. All unpaid installments of the special assessment roll shall bear interest payable annually at the rate of 5% per annum commencing with the due date of the first installment. Penalty Rate: The whole assessment against any lot or parcel of land may be paid to the City Treasurer at any time in full with interest and penalties accrued to the date of the payment of the next installment. If any installment of a special assessment is not paid when due, then the same shall be deemed to be delinquent and there shall be collected thereon, in addition to interest as above provided, a penalty at the rate of one-half of one percent for each month or fraction thereof that the same remains unpaid before being reported to the Council for reassessment upon the City tax roll.
5. The Homeowners Association has provided the City Clerk in writing which Association Members are authorized to sign invoices for payment which shall be forwarded to the City Treasurer to authorize release of payments.

Ayes: All - 7

6. **PUBLIC HEARING FOR THE CONSIDERATION OF NECESSITY FOR THE CREATION OF A SPECIAL ASSESSMENT DISTRICT FOR A 2 YEAR DREDGING PROJECT OF THE MAPLE - BENJAMIN CANAL 2009/2010 DREDGING OF THE MOUTH AND LAKE WARD ONLY (ENTRANCE CHANNEL), AND SET A SECOND PUBLIC HEARING**

Mayor Hison stated this is the first step to the process and it is to determine the necessity of the project. The requirement is two-thirds of the property owners must be in favor to proceed with the second step of the process. The Public Hearing is only for the creation of the project. This is a 2 year dredging project and the second hearing would be scheduled for April 6, 2009 to review the assessment roll.

Mayor Hison opened the Public Hearing at 7:45 p.m.

Laurie Hepburn, 22455 Maple, said the dredging project is necessary due to the low water at the mouth of the canal. They dredge every year to avoid their house values decreasing.

Mayor Hison closed the Public Hearing at 7:46 p.m.

Motion by McFadyen, seconded by Rubello to approve the adoption of a Resolution creating the Special Assessment District for a 2 year dredging project of the Maple - Benjamin Canal 2009/2010 dredging of the mouth and lake ward only (entrance channel), and set a second Public Hearing for April 6, 2009 to review the assessment roll and hear objections to the confirmation of the special assessment roll which reads as follows:

6. PUBLIC HEARING FOR THE CONSIDERATION OF NECESSITY FOR THE CREATION OF A SPECIAL ASSESSMENT DISTRICT FOR THE MAPLE – BENJAMIN (CONT'D)

WHEREAS, the City Council has determined it necessary to undertake the following improvements as requested by the Maple – Benjamin resident petitions; and

WHEREAS, to create a special assessment district Maple - Benjamin Canal Dredging 2009/2010:

To dredge from the mouth and lake ward only into Lake St. Clair of the Maple - Benjamin Canal. The legal description of the Special Assessment District boundaries is as follows:

Couchez's Lake St. Clair Subdivision (Liber 3, Page 3), Lots 11, 12, 15, 16, 19, 20, 23, 24, 27, 28, 31, 32, 35, 36, 39, 40 and 43; and Assessor's Plat No. 19 (Liber 15, Page 1), Lots 10 through 16; and West's Venetian Gardens Subdivision (Liber 12, Page 42), Lots 8 through 34, Lot 35 except the east 23.00 feet of the south 63.00 feet, Lots 36 and 37 except the south 63.00 feet, and filled lands lying adjacent to the above described portions of Lots 35 through 37

WHEREAS, plans, specifications and estimates of the cost of the improvements have been placed on file with the City Clerk; and

WHEREAS, the City Council has met on Monday, March 2, 2009 at 7:00 p.m. in accordance with notice duly pursuant to Section 9.2 of the City Charter for hearing all objections to the proposed improvement and to special assessment district created to defray the cost thereof, and has heard all such objections.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Council of the City of St. Clair Shores determined to make the following described improvement:

To dredge from the mouth and lake ward only (entrance channel) into Lake St. Clair of the Maple - Benjamin Canal. The legal description of the Special Assessment District boundaries is as follows:

Couchez's Lake St. Clair Subdivision (Liber 3, Page 3), Lots 11, 12, 15, 16, 19, 20, 23, 24, 27, 28, 31, 32, 35, 36, 39, 40 and 43; and Assessor's Plat No. 19 (Liber 15, Page 1), Lots 10 through 16; and West's Venetian Gardens Subdivision (Liber 12, Page 42), Lots 8 through 34, Lot 35 except the east 23.00 feet of the south 63.00 feet, Lots 36 and 37 except the south 63.00 feet, and filled lands lying adjacent to the above described portions of Lots 35 through 37

2. Their petitions indicated that the costs would be divided per homeowner. The approximate total cost is \$51,600.00 spread over 42 households, or approximately \$1200 per household which will be paid at \$600 per year for two years.
3. A Special Assessment District is created by this resolution of the City Council adopted on March 2, 2009 for Maple - Benjamin Canal Dredging 2009/2010.
4. The City Assessor is hereby directed to prepare a special assessment roll in accordance with Section 9.3 of the City Charter and the resident petitions request that the total costs will be divided per household. The special assessment district to be composed of all lots and parcels of lands created into said special assessment district by paragraph (2) of this resolution and paragraph (3) of the resolution of the City Council adopted on Monday, March 2, 2009, pertaining to said improvement; this assessment against each lot or parcel of land to be such relative portion in special assessment district.
5. The City Assessor is directed to report said special assessment to the City Council when the same is completed and the City Assessor shall attach to said roll his certificate as required by Section 9.3 of the City Charter.
6. The City Council hereby sets the public hearing for review and laying of the roll for the Council meeting of April 6, 2009.

Ayes: All – 7

7. BIDS/CONTRACTS/PURCHASE ORDERS

a. Request to award bid for 2009 Landscaping Maintenance (Bids opened 2/17/09)

Mr. Rayes said that on February 17, 2009, the City received bids for the 2009 Landscaping Maintenance Program. There were a total of 7 or 8 bidders on this project. The low bidder for the Jefferson, Veterans Memorial Park, Champine Park, 11 Mile & Jefferson, 13 Mile & Jefferson, 11 Mile & Harper, and mulch installation is Landscape Services, Inc., at \$19,440.00, effective for three years.

The low bidder for Mack Avenue is W.H. Canon at \$5,050.00.

Bids were also received, as part of this program for tree plantings at 9 Mile and Greater Mack. The low bidder for this portion of the program is Sherman Nursery, at \$12,639.34. The ash trees will be taken down and replaced with 5 different types of trees.

Mr. Rubello said that it would be beneficial to us to call local businesses to notify them of projects that come up. We should establish and maintain a list of qualified bidders for future projects. Mr. Rayes stated that we advertise the bids in the Sentinel paper, in Professional Journals, and we post it on the website. We do maintain a list of qualified bidders for projects that are under \$10,000. If it is over \$10,000 the ordinance requires the project to be bid out. On smaller projects, when we have contacted local businesses by fax, they usually don't respond. Part of being a business owner is going out and bidding on these projects.

Mr. Ihrie said the City will open itself up to criticism if we contact certain companies. It may upset other companies that we did not contact. We certainly can offer information to businesses that inquire about future projects.

Mayor Hison clarified that we do put the advertisements to bid in the newspaper for the reason that it gives every business the opportunity to bid on the project. We had bidders from many other communities which is evidence the advertisements are doing their job.

Motion by Walby, seconded by Ahearn to approve a request to award the 2009 Landscaping Maintenance Program at Jefferson, Veterans Memorial Park, Champine Park, 11 Mile & Jefferson, 13 Mile & Jefferson, 11 Mile & Harper, and Mulch Installation to Landscape Services, Inc., at \$19,440.00, effective for three years.

Ayes: All - 7

Motion by Walby, seconded by McFadyen to approve a request to award the 2009 Landscaping Maintenance Program at Mack Avenue to W.H. Canon, at \$5,050.00, effective for three years.

Ayes: All - 7

Motion by Walby, seconded by McFadyen to approve a request to award bid for tree plantings to replace the ash trees on 9 Mile and Greater Mack, to Sherman Nursery, in the amount of \$12,639.34.

Ayes: Ahearn, Frederick, Moffitt, McFadyen, Walby, Hison

Nayes: Rubello

b. Request to award bid for 2009 Irrigation Systems Maintenance (Bids opened 2/17/09)

Mr. Rayes said we had 7 bidders for this project. Start-up cost of each project was calculated and Landscape Services, Inc. was the clear cut low bidder with those costs per project.

Motion by McFadyen, seconded by Walby to approve a request to award bid of 2009 Irrigation Systems Maintenance, to Landscape Services, Inc., in the amount of \$16,120.00, effective for three years cycle.

Ayes: All - 7

7. **BIDS/CONTRACTS/PURCHASE ORDERS (CONT'D)**

- ~~c. **Request approval of purchase order for the Police Department to purchase lockers for employee locker room**~~

This item was removed from the agenda.

- ~~d. **Request to extend Management Agreement with National Coney Island for the golf course restaurant through December 2010**~~

This item was removed from the agenda.

8. **CONSENT AGENDA**

Motion by Ahearn, seconded by Walby to approve the Consent Agenda items as presented, which include the following:

a. **Bills**

February 19, 2009 \$2,266,635.11

To approve the release of checks in the amount of \$2,266,635.11, of the report that is 15 pages in length and of the grand total amount of \$2,266,635.11, \$259,968.82 went to other taxing authorities.

b. **Fees - None**

c. **Progress Payments**

Tiseo Brothers, Inc. \$25,506.13

d. **Approval of Minutes**

To approve the following minutes:

City Council

February 2, 2009

City Council

February 17, 2009

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

To receive and file the following minutes:

Minutes

Cool Cities Committee
Corridor Improvement Authority
Cultural Committee
Cultural Committee
Cultural Committee
Dog Park Committee
Dog Park Committee
General Employees' Pension Board
Historical Commission
Historical Commission
Historical Commission
Library Board
Parks and Recreation Commission
Planning Commission
Water Resources & Advisory Board
Waterfront Advisory Board

Meeting Date

January 14, 2009
January 7, 2009
September 10, 2008
November 12, 2008
January 14, 2009
February 7, 2008
November 6, 2008
January 20, 2009
May 6, 2008
October 7, 2008
January 6, 2009
January 21, 2009
January 8, 2009
November 18, 2008
May 13, 2008
September 9, 2008
September 18, 2008
October 7, 2008
November 4, 2008
January 15, 2008

8. CONSENT AGENDA (CONT'D)

Waterfront Advisory Board	August 19, 2008
Waterfront Advisory Board	December 16, 2008
Waterfront Advisory Board	January 20, 2009
Zoning Board of Appeals	January 8, 2009
Tax Increment Finance Authority	January 8, 2009

- f. Recommendations from the Mayor and Council Sub-Committee on Boards, Commissions & Committees on Appointments and Reappointments

To approve the Recommendations from the Council Sub-Committee on Boards, Commissions & Committees and Mayor on Appointments and Reappointments as follow:

1. Recommendation from the Sub-Committee on Boards and Commissions to appoint:
 - a. Deborah A. Parenteau from alternate to full voting member on the Board of Review, to fill the seat of Hugh Brous with a term ending date of September 30, 2011
 - b. Re-Establish a Second Board of Review (MCLA 211.28) to staggered terms to mirror existing board term ending dates. {City has had two Boards in past years of heavy appeals}

<u>Name</u>	<u>Commission</u>	<u>Term Ending Date</u>
Mario Como	Board of Review	September 30, 2010
Albert Melfi	Board of Review	September 30, 2011
Carol Varady	Board of Review	September 30, 2012
 - c. Appoint John McTaggart to the vacant seat on the Dog Park to a term ending December 31, 2010
 - d. Appoint Edward G. Wenz, Jr. from alternate to full voting member with a term ending date of December 31, 2011; (this is the seat of Dominic Calcaterra who asked to be appointed as an alternate) and to appoint Dominic Calcaterra as an Alternate ZBA Member with a term ending date of March 2, 2011

2. Recommendation from the Sub-Committee on Boards and Commissions to reappoint:

<u>Name</u>	<u>Commission</u>	<u>Term Ending Date</u>
Bill Miller Jr.	Activities	September 30, 2011
Lillian Claycomb	Beautification	December 31, 2011
Christine DenBaas	Beautification	December 31, 2011
Timothy Focht	Beautification	December 31, 2011
John Lange	Beautification	December 31, 2011
David D. Brown	Bldg/Prop Maintenance	June 1, 2011
Mary Kotowski	Charter Study	December 31, 2009
Kenneth Mattson	Charter Study	December 31, 2009
Deborah O'Brien	Charter Study	December 31, 2009
Kenneth Podolski	Charter Study	December 31, 2009
Michael Bodner	Dog Park	December 31, 2011
Marianna Courey	Dog Park	December 31, 2011
Augusta Eller	Employees Civil Service	July 1, 2011
Harold Schwartzberg	Golf Course	September 30, 2011
John Cilluffo	Historical	December 31, 2011
Richard Jacob	Historical	December 31, 2011
Jeanne C. Srigley	Historical	December 31, 2011
Chris Rayes	Mechanical Equip. Arb.	September 30, 2011
Kenneth Podolski	Minimum Standards	September 30, 2011
John E. Jonassen	Parks & Rec.	December 31, 2010
Gerrit J. Ketelhut Jr.	Parks & Rec.	December 31, 2009
D. Scott Paladino	Parks & Rec.	December 31, 2010
Robert J. Pylar	Parks & Rec.	December 31, 2010
Vito Sciuto	Parks & Rec.	December 31, 2010
Thomas Bugay	Police/Fire Pension	September 1, 2012
Mark Balon	Waterfront Advisory	September 30, 2011

9. UPDATES AND FOLLOW-UPS FROM COUNCIL MEETING (CONT'D)

The ordinance does not have a notice requirement and was passed in 1968. The City has had more foreclosed homes now than in many years and there have been more snow storms than in the past, so the ordinance has been used more this year than in the past. This creates a problem because the sidewalks in front of these homes are not maintained. Ninety-five percent of the residents shoveled their snow.

The banks and mortgage companies contacted the City regarding their foreclosed homes advising the City of their concerns with selective enforcement which generated the shoveling of resident's homes. The current economic conditions have increased the upset feelings that many residents have concerning this issue.

The City is not required to give a grace period before the ordinance is in effect or to notify the residents before shoveling. The contractor hired by the City must get the authority from the City to shovel; this is done 36 hours after the snowfalls. The contractor was only authorized 3 times this year to shovel the snow. If a resident doesn't clear the snow and ice off the sidewalk it is in violation of the ordinance and Code Enforcement has the right to issue a ticket. The City chose not to issue tickets. If a ticket was issued, the resident would have to take the day off work to take it to court. It could potentially cost the resident \$500 and this would not solve the problem as the sidewalk would still not be shoveled. The City chose to clear the sidewalk of snow and issue a bill. The City has a specific obligation to keep the streets and alley ways clear and safe.

The City received phone calls and complaints for shoveling the snow and billing residents, but if the City didn't do this it would receive more complaints from residents that are trying to walk on the sidewalks and cannot pass. Slip and fall accidents could occur on the sidewalks and the City could be sued and every time the City pays a settlement, it comes back on taxpayers.

Thirty-five dollars of the bill goes to the contractor. The \$100 administration fee fairly reflects the cost of the administrative action taken. The administration fee has been in place for grass cutting for around 10 years. The fee is based on the economy at scale. We are allocating the cost of billing, paper, employees, and all that it takes to accomplish the task. When it is spread over a smaller number of people, it is a higher administration fee. One option tonight may be to revise the amount of the administration fee.

There is a certain amount of notice given for grass cutting because grass cutting occurs on the property of the homeowner and does not involve the safety of the residents whereas ice and snow does involve safety. The contractor does not knock on the door to give a notice because he is only hired to shovel snow. One concern is, many of the elderly would not want to incur such an expense and may take it upon themselves to shovel their snow whereas they may not have normally done that. Notice of snow removal being a continuing obligation is sent out with every tax bill. We realize that the snow bills should have been sent out sooner and will be sent out sooner in the future.

Mr. Podolski stated that he has listened to the complaints and concerns and has learned how to improve on this system. One change that we want to propose to Mayor and Council is to put a notice on the door to notify the homeowner that we shoveled the snow. We have uploaded a better and quicker billing system in the computer. We are recommending to Council this evening to waive \$60 from the \$100 administration fee to help the residents. The residents that already paid will be reimbursed. We are proposing to Council and Mayor the setting up an appeal board consisting of 3 people to review residents concerns.

Mayor Hison said we learned a number of things as we went through this process. We will consider reducing the administration fees, setting up an appeal board, quicker billing, and putting a notice on the door after shoveling. The appeal board will consist of a person from administration, a Council Member, and a resident. Our goal is the safety of the people.

Mr. Walby stated that all administration fees should be waived, but the service fees cannot be waived because the City will approximately be \$90,000 in debt. Council should have a study session concerning the snow removal issues.

Mr. Frederick said that there should be an administration fee in the future because it cost the City money. From this point forward the \$40 administration fee should be charged.

Mr. Moffitt said there should be other notification other than just on the tax bill as to what the administration fee will be in the future. We should inform the residents on Local Matters and in the Sentinel paper.

9. UPDATES AND FOLLOW-UPS FROM COUNCIL MEETING (CONT'D)

Mr. Rubello questioned how the snow shovel program gets bid out. There is a problem with when the work was done and the time it was billed. Mr. Rayes said that the contractor is currently providing services to the City and was used for this program.

Motion by Walby, seconded by Moffitt to waive the entire administration fee for the 2008-2009 winter season snow removal (December 2008 through March 2, 2009) and discussion of a policy for this program enforcement to be placed on a future study session.

Ayes : All - 7

10. COMMENTS BY INDIVIDUAL COUNCILPERSONS

Council Member Moffitt – said we have 33 contractors in the rehabilitation program for all different projects. We have many St. Clair Shores businesses that are involved in this project. The business should request to be put on the list and there is a rotation process to the list of businesses.

Council Member Ahearn – mentioned that South Lake varsity softball and baseball is having a fund raiser event at Chaplins Comedy Club on Saturday March 21 at 9:30 p.m. Tickets are \$15 a ticket and \$10 goes to the fund raiser.

Council Member Walby – asked again if the ambulance has been placed on the web for sale and if so, he would like the site.

He expressed his concerns with the water meter issue and how he heard that the cost will be between \$4.8 million and \$7 million. His guess is that it will end up costing close to \$7 million when the project is complete. We are bonding the first payment of \$1.6 which is one-third of the total, but we don't know how we are going to pay the difference. He stated that he was wrong when he said that the entire part was made in Israel. He doesn't want people to think that he is misleading them. Only the transmitter is made in Israel, but the transmitter is a substantial part of the whole unit. We shouldn't be charging the residents \$197 for the replacement meters.

Council Member Frederick – mentioned St. Clair Shores baseball/softball association will have a walk-in registration this Saturday from 10 a.m. to 2 p.m. at the Kyte Monroe building and at the Parks and Recreation building. There are some deals for the boat wells. Ms. Sarah Roberts will have coffee talk next Monday from 8 a.m. to 9 a.m. Her office is located on Harper and will be open from 10 a.m. – 2 p.m. The Communications Commission is offering an opportunity to advertise on channel 12, 14, 5 and 10. There will be an airing fee of \$20 for 2 weeks of advertising. Submit your information in writing to Mary Jane D'Herde at the Communications Department.

Council Member Rubello – stated that we are doing the right and fair thing concerning the snow shoveling issue. The Beautification Committee is in need of volunteers for the spring. He thanked Bensons Home and Health Care Centers for donating exercising equipment for the seniors at the senior center.

Council Member McFadyen - mentioned many upcoming senior center activities in the City.

Mayor Hison - passed

11. CITY MANAGER'S REPORT

Mr. Podolski asked that everyone keep our custodian in their prayers because he is having surgery this week.

12. AUDIENCE PARTICIPATION

(These names were grouped by subject matter and not necessarily in the order they spoke at the meeting.)

The following list residents addressed Council regarding the snow Ordinance enforcement. There was a consistent theme of the comments, that they were upset with the administration fee, the enforcement of this ordinance, questions if the contractor really shoveled their home, the delay in billing: and questions why one bill fee was \$35 and another \$60.

Alessandro Coscio, 22620 Edgewater
Shirley Deacon, 25532 Cubberness

12. AUDIENCE PARTICIPATION (CONT'D)

Greg Breakey, 19600 Parkside
Ryan Farrell, 21933 O'Connor
Joe Maples and Nona Maples, 22520 Alger
Martha Shock, 29321 Greater Mack
Michael Dooley, 19531 Parkside and 19540 Parkside
Bill Lincoln, 31710 Courtland
Tom Guiney, 21309 Erben.
Brenda Wilson, 21810 Elizabeth
Assunta Menozzi, 29317 Greater Mack
Matthew Petrocy, 22125 Lange
Kelly Vanderhoff, 30033 Gloria
Gaye Waite, 22717 Carolina
Gene Geisz, 19608 Maxine
Jack Downey, 20100 Rosedale
Jack Doerr, 22407 Bayview

The following are suggestions made by the residents regarding the snow enforcement billing:

- The City should have the inch limit of the snow and the cost of the City having the contractor shovel the snow available on the website and / or in the ordinance.
- The City should put the due date on the bill.
- The City should send out a staff person to write a violation and give it to the resident and send out the contractor to shovel.
- The City should have a consistent administration fee.
- The City should hire students instead of a contractor.
- The City should note the date and time they shoveled the snow in front of the resident's property.

Mr. Podolski said that he made the determination to have the contractor shovel the snow by using the reasonable person test; 95% of the City had shoveled their sidewalks. After 36 hours he authorized the contractor to shovel for the residents that did not shovel at that point. He stated that he trusts Landscape Services, Inc. and if there is a contract or employee issue, he will address it. When they were out several days it was because the City received complaints and Code Enforcement sent them out. He authorized them to go out 3 times.

Keith Bammel, 23163 Gladhill, questioned why the meter project has to be done in 3 years in these economic times.

Paul Alsko, 22641 Millenbach, said the cement company that was hired to work on the sidewalks had employees that could barely speak English and thought that we should hire companies that have American employees.

Lawrence Tucker, 22012 Saint Gertrude, stated that his grass was cut on 9/5/08 by a contractor the City hired. The company who cut his grass ran over his garden hose and spray nozzle. A stone that came from the mower broke his glass block window.

Lorraine Innes, 20012 California, said the company that was hired to fix the sidewalk in front of her house has not completed the job.

Peter Rubino, 22016 Shady Lane, said that larger cities paid less money over a longer period of time for the new water meters. Some cities paid for the water meters instead of charging the residents for them because the City will make money by having the new meters installed. He asked that the City put a notice for snow removal and come back later to shovel the snow.

Richard Ryszawa, 21612 Colony, stated the wall in the lot near his house has come down and nothing has been done about rebuilding the wall. The bricks were finally removed after sitting there for a long time. Macomb County took the signs down that said that you cannot turn on red at the end of his street. This has created a problem for traffic and pedestrians and will cause accidents.

Erin Stahl, 20113 Avalon, requested to be on the next agenda to request that Council vote on placing the Information packets on the website.

12. AUDIENCE PARTICIPATION (CONT'D)

Richard Swanquist, 21815 Bon Brae, asked that the City not do the water meter program. He feels that there is corruption in our City.

Jamie Victory, 32069 Williamsburg, doesn't agree with the way residents were attacking council members at the Council meetings. The Council is working very hard to make St. Clair Shores a better City.

Mr. Ihrie stated that some people have brought up different issues regarding the snow ordinance. There were questions as to how does the City know that Landscape Services, Inc. is honest. Some people have used words such as "corruption" and "funny business". Anyone who makes an accusation has to back it up with immediate evidence. The people who feel that there is corruption in this City should follow up with an investigation with the Police Department, the State Police, the County Prosecutor, or the State Attorney General.

13. ADJOURNMENT

Motion by Frederick, seconded by McFadyen to adjourn the meeting at 11:15 p.m.

Ayes: All - 7

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

ROBERT A HISON, MAYOR

MARY A. KOTOWSKI, CITY CLERK