

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

Tuesday, May 18, 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
Communications Director
Recording Secretary

Kenneth R. Podolski
Mary A. Kotowski
Robert D. Ihrle
Mary Jane D'Herde
Raluca Munteanu

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

Mayor Hison called the meeting to order at 7:01 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

Mayor Hison presented proclamations to three members of the Parks and Recreation Commission, Mr. John Cory, Mr. James Miller and Mr. Frank Mumford. Mr. Esler accepted Mr. Mumford's proclamation as he was unable to attend the meeting. All three members dedicated volunteer services to the commission for over forty years.

Mayor Hison thanked the commissioners for their time and effort. Mr. Esler also thanked the commissioner and gave a short history of their commitment to the City.

Mr. Frederick, Council Liaison of the Parks and Recreation Commission, thanked and commended the commissioners on the great job they do serving the City.

Mayor Hison introduced 24th District State Representative, Sarah Roberts, for a short presentation. Ms. Roberts stated that the Michigan House of Representatives has a tradition, whenever a Representative passes his or her first bill in the House, they have an obligation to bring something back from their District to share with the other Representatives. Ms. Roberts brought donations from Johnny B, 110 cookies; Hodell's Cake Shop, chocolate cake; Pure Water Station, 110 water bottles; and Bommarito's Bakery, 130 cannolies.

Ms. Roberts announced that every month she holds a community meeting on how to diversify the economy. She believes recycling is a good target for residents and industries. Ms. Roberts is in the process of creating a recycling plan for Michigan. Next meeting will be held on June 1, 2009 6:30 p.m. at St. Joan of Arc School where she invites the community to bring ideas and concerns about the recycling plan. Ms. Roberts informed the residents that volunteers and interns will go door to door with information on how to reach her and a short survey on possible proposals for the legislature.

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

Jim Goodfellow, 22476 Lakeland, asked for a breakdown of the costs for the Senior Center Interior Renovations and asked if work would be done in house.

4. REQUEST FOR APPROVAL OF ACTIVITIES TO BE INCLUDED IN THE 2009/2010 COMMUNITY DEVELOPMENT BLOCK GRANT "ANNUAL ACTION PLAN"

Mr. Podolski presented the 2009/2010 proposed funding breakdown for the CDBG program. The list included fourteen items, of which two are new this year: the Senior Center Interior Renovations and the Rental Rehabilitation Program.

Ms. Fickau, Senior Center Coordinator, stated that the interior renovations project started about a year ago when they met with a private corporation that designed the project at no charge. The project is intended to move the facility forward and create a better atmosphere for the current and future members. The corporation provided a fitness center for the seniors, which increased the number of members. The welcome center is greatly needed to capture people that come in the facility and to inform them of the services provided. Currently, there is no conversational seating area and the project will accommodate this issue. The renovations will all be internal with no additions to the building and will create a more handicapped accessible environment.

Mr. Podolski stated once plans are received for the project, the City staff will review them and if any work can be done in house, they will do it.

Mr. Rubello questioned the benefits of this spending. Ms. Fickau replied that the Senior Center is a major part of many seniors' lives. Seniors can watch movies, socialize, eat an affordable meal and exercise. Last year, over 40,000 seniors walked through the door at the Senior Center and an increase is expected because of the baby boomers.

Mr. Podolski stated that each department put together requests for the CDBG funds and the renovations for the Senior Center are a qualified expense from the additional funds received this year.

Mr. Walby pointed out the increase in CDBG funding for the Sidewalk Program. More money is set aside to help qualified residents pay sidewalk replacement bills.

Mayor Hison confirmed that the money used for the renovations is additional money received this year. The Senior Center already operates from CDBG funding and membership fees.

Motion by McFadyen, seconded by Frederick to approve a request for approval of activities to be included in the 2009/2010 Community Development Block Grant "Annual Action Plan" as follows: Homeowner Rehabilitation Program \$150,000; Senior Activity Center \$135,000; Senior Chore Program \$10,000; Care House \$3,000; Macomb County Rotation Emergency Shelter Team \$3,000; Turning Point \$3,000; Lighthouse Outreach Program \$3,000; Planning Studies \$25,000; Administration \$50,000; Sidewalks \$50,000; Streets \$342,563; Code Enforcement Wages \$100,000; Senior Center Interior Renovations \$30,000; and Rental Rehabilitation \$35,000.

Ayes: All (7)

5. BIDS/CONTRACTS/PURCHASE ORDERS

a. Request to award bid for pre-press, printing and/or the distribution of *Inside St. Clair Shores, City Newsletter* (bids opened 5/5/09)

Mr. Rubello abstained from voting on the item because he works for one of the bidders. Mr. Ihrie discussed that since he is not the owner of the company, he could vote on the item, but to not give the impression of impropriety, Mr. Rubello can abstain from the vote.

Mrs. D'Herde stated that an advertisement for sealed bids for pre-press, printing and distribution of *Inside St. Clair Shores*, the City newsletter, was published in the *Macomb Daily* and the *Sentinel* the week of April 20, 2009. An invitation to bid, bid specs and samples of the newsletter were also sent to a department list of printers which included every printer in St. Clair Shores. Bidders were invited to submit proposals for one or more sections or a package. Six bids were received and were opened publicly on May 5, 2009. C&G Publishing was the only bidder to submit a package proposal and is currently the City's vendor on this project.

The Communications Commission reviewed the bid proposals at their May 13, 2009 meeting and recommended approval of the C&G Publishing package proposal. At an issue price of \$3,680 for a 4-page, 4 color issue, C&G Publishing offers the City the best price and the most reliable distribution vehicle, the U.S. Post Office. The City newsletter will be inserted into the *Sentinel* and mailed to all residents. In

5a. Request to award bid for pre-press, printing and/or the distribution of *Inside St. Clair Shores* cont'd.

addition, the package proposal offers four color process at no charge and includes a free editorial blurb on the front page of the *Sentinel*.

Mrs. D'Herde stated that the City usually has a 4 page issue, but in June water reports will be published and the issue will be larger (8 to 12 pages).

Mayor Hison clarified that C&G Publishing had the lowest bid out of the six received. Mr. Walby pointed out that two of the bids received were St. Clair Shores vendors, but with significantly higher prices than C&G.

Motion by McFadyen, seconded by Frederick to approve the request to award bid for *Inside St. Clair Shores* City newsletter to C&G Publishing, the low bidder, for a three-year contract.

Ayes: All (6)
Abstain: Rubello

b. Request to award bid for pool heater (bids opened 5/8/09)

Mr. Podolski stated the issue originated at the budget hearing and Council gave direction to proceed with the purchase. On May 8, 2009, the City of St. Clair Shores received sealed bids for the 2009 Lac Ste Clair Pool Heater Installation Project. The low bidder was Janssen Refrigeration Co., Inc. for both Proposal A at \$33,750 and Proposal B at \$58,600. Proposal A is to replace the existing unit with the same unit, a Laars Boiler rated 82% efficient. Proposal B is to replace the existing unit with two Raypack boilers rated at 87% efficient. Based on the proposals received, it would take twenty years for a payback of the added cost to install a more efficient model as in Proposal B.

Janssen Refrigeration has experience installing boilers of this size at such places as the City of St. Clair and Lawrence Tech University. In addition, they are also currently maintaining our Civic Arena cooling units. Mrs. McFadyen stated that although Janssen Refrigeration is located in Warren, they are residents of St. Clair Shores.

Mayor Hison clarified that the purchase has been previously approved; the item is on the agenda as a formality.

Motion by Frederick, seconded by McFadyen to approve a request to award bid for pool heater to Janssen Refrigeration Co., Inc., the low bidder, in the amount of \$33,750.00 for Proposal A, a Laars Boiler.

Ayes: All (7)

6. CONSENT AGENDA

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

a. Bills

May 7, 2009 \$997,378.85

To approve and release of checks in the amount of \$997,378.85, of the report that is 18 pages in length and of the grand total amount of \$997,378.85, \$0 went to other taxing authorities.

b. Fees

Ihrie & O'Brien \$10,575.00
Roumell & Lange, PLC \$3,021.61

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

c. Progress Payments - None

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

d. **Approval of Minutes**

To approve the following minutes:

City Council

May 4, 2009

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

To receive and file the following minutes:

Minutes

Building / Property Maintenance Board of Appeals
Planning Commission
Police and Fire Pension Board
Police and Fire Retiree Health Care Trust Board
Waterfront Environmental Committee
Dog Park Committee
Historical Commission
Planning Commission
Water Resources and Advisory Board

Meeting Date

January 15, 2009
April 14, 2009
March 26, 2009
March 26, 2009
April 21, 2009
April 2, 2009
April 7, 2009
April 29, 2009
April 7, 2009

f. **To receive and deny the claims of NGP/24000 Harper, LLC v. St. Clair Shores and refer to legal counsel.**

Ayes: All (7)

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

- **PCB's** – Mr. Podolski stated that a resident called in about debris collected at the catch site, which was fixed right away. Field tests were done on the collection and the City is awaiting DEQ's approval. The tests are not required by any regulatory agency; the City is being proactive with the sediment.
- **PEG Access** – Mrs. D'Herde reminded residents that on June 12, 2009 the analog signal will go blank and a converter box will be needed. More information about the transition can be found at www.scsmi.net.
- **Primary Election** – Mayor Hison stated that May 12, 2009 was the filing deadline for three Council seats for the City Primary and General Elections. Nine candidates have filed: Matthew Ahearn, Thomas Cornfield, Jack Downey, Duane Michno, Mark Moffitt, Peter Rubino, Candice Rusie, Frank Troester and Kip Walby. The filing process allows candidates to withdraw until May 15, 2009. Two candidates withdrew, Thomas Cornfield and Duane Michno. Currently, there are seven candidates which constitutes a Primary Election, which will be held on August 4, 2009 to reduce the number to six candidates that will run in the General Election, November 3, 2009. Mayor Hison stated that it costs between \$40,000 and \$50,000 for the City to hold a Primary Election but this is a Charter requirement.

8. **COMMENTS BY INDIVIDUAL COUNCILPERSONS**

Council Member Moffitt passed.

Council Member Ahearn announced the change in date of the Memorial Parade Spaghetti Dinner to May 27, 2009 at the Lakeland Banquet Center. Mr. Ahearn congratulated his wife for their new baby girl, Julianne.

Council Member Walby asked what the City's current ordinance for vicious dogs is. Mr. Ihrle replied that the City has a vicious dog ordinance that does not restrict certain dog breeds, which is similar to other communities.

Mr. Walby announced that the water meters purchase has been put on hold because of the bond market and will be revisited during third quarter of 2010.

Mr. Walby addressed his concern about the bid specifications for the 2009 Weed Control and Site Maintenance which state that no sub-contracting is allowed. It's hard to find one company who can do all the different fields of

8. COMMENTS BY INDIVIDUAL COUNCILPERSONS cont'd.

work. Mr. Podolski replied that he has received calls from contractors in regard to this issue and they can bid any portion of the proposal.

Council Member Frederick thanked everyone that participated in the Opening Day Ceremonies Baseball and he mentioned the need for a new home plate. Mr. Frederick congratulated Mr. Ahearn on his baby girl and wished everyone a safe holiday weekend.

Council Member Rubello thanked Mr. Dumas and all the volunteers that participated in the Nautical Coast Cleanup, which turned out to be the biggest and the best cleanup so far. On June 13, 2009, the Waterfront Environmental Committee will host a beach party to celebrate Lake Ste Clair at the Blossom Heath Inn Beach.

Mr. Rubello questioned what causes a Primary Election. Ms. Kotowski stated that by City Charter, a Primary Election is caused by candidates double the number of available seats plus one. Mr. Rubello suggested increasing that number to not have a Primary and save money. Mayor Hison replied that this topic has been discussed in the past. If a change is to be made in the future, it would have to be on a ballot to change the Charter, and that can only happen by Council or petitions proposal.

Mr. Rubello asked what qualifies as overgrown weeds. Mr. Podolski replied that anything over six inches will be reported by neighbors or by inspectors out on site. The administration fee remains \$100 and the ordinance will be enforced in order to maintain the look of the community and to prevent rodents from reappearing in the City. Mr. Ihrie stated that under the current ordinance, the City or its contractor has permission to enter residents' backyards.

Mr. Rubello had questions about the Sidewalk Program. Mr. Podolski stated that residents have until July to fix their sidewalk; otherwise the City's contractor will proceed with work.

Mr. Rubello stated that the Nautical Mile Merchants Association wants to hang banner signs across Jefferson Avenue, at 9 Mile and 10 Mile Roads. Mr. Podolski responded that the NMMA was told many times that they need to assure the poles are engineered to hold a banner across the road. A pole that can safely display such banner costs \$50,000 and the City will not use TIFA funds for those. Mr. Podolski stated that he will make one last phone call for the NMMA to look into the existing flagpoles.

Council Member McFadyen announced a memorial dinner May 27, 2009 6:00 p.m. at the Senior Center for Steven Okray, a South Lake High School student who was killed on December 24, 2008 in Baghdad while serving his country. Mrs. McFadyen wished everyone a happy Memorial Day.

Mayor Hison spoke of the tradition that the City has every year before Memorial Day. A memorial service is held at the Veterans Memorial Park at 9:00 a.m. and a run will take place on Jefferson Avenue at 12:00 p.m. Mayor Hison reminded residents the City Offices will be closed on May 25, 2009.

9. CITY MANAGER'S REPORT

Mr. Kovalcik, Fire Chief, presented the Automatic Aid Agreement for exchange of fire services between the cities of St. Clair Shores, Roseville and Eastpointe. In an effort to make operations safer for all members involved, this agreement outlines the procedures and policies used when responding and receiving aid from a neighboring community.

Fifty years ago today, the City entered their first mutual aid agreement, which the Fire Department currently operates under. Instead of calling for help, automatic response will take place when the dispatcher determines there is a structural fire under the new agreement.

Since the 1980's, the number of fires doubled and manpower has decreased. The Fire Department handles thirteen ambulance runs every day. In addition, about 150 firefighters die every year in the United States. It's hard to fight a difficult structural fire safely. This is where the automatic call to mutual aid will come in place. Each community will have their own dispatcher and training will take place for all three cities.

Mr. Kovalcik stated that the agreement gives a sixty day trial period, in which the City can withdraw.

Mr. Ihrie stated that the operating procedures document should be mentioned in the actual agreement and each party shall use the Standard Operating Guideline (SOG) as the operational plan to facilitate the Automatic Aid Agreement.

9. CITY MANAGER'S REPORT cont'd.

Mr. Frederick was concerned with consolidation of services, Public Safety, like Harper Woods uses. Mr. Kovalcik assured that Eastpointe and Roseville are not looking into Public Safety.

Mr. Ahearn was concerned with St. Clair Shores using their resources paid by taxpayers to bail out cities that can't fund themselves. He understands the safety issue and would like to see reports during the sixty day trial.

Mayor Hison clarified that this agreement is subject to approval of the Mayors of Eastpointe and Roseville. Mayor Hison emailed the two Mayors but has not received a response yet.

Mrs. McFadyen questioned the equipment and gear the other two cities have. Mr. Kovalcik replied that he would not have considered this agreement if they were not comparable with no volunteer fire fighters

Motion by Rubello, seconded by McFadyen to TABLE the request to participate in Automatic Aid Agreement between the cities of St. Clair Shores, Roseville, and Eastpointe.

A roll call vote was taken.

Ayes: McFadyen, Rubello, Walby

Nays: Ahearn, Frederick, Moffitt, Hison.

Motion failed.

Mr. Kovalcik stated that if this agreement is passed tonight, he will be in contact with the other two cities to have the agreement signed.

Mr. Podolski stated that one of the biggest fires in St. Clair Shores was put out by five communities. All cities vote millages for police and fire services and exchanging services is good business in today's economy. Mr. Podolski asked if quarterly reports are doable since over time is reported quarterly.

Motion by Frederick, seconded by Moffitt to approve the request to participate in Automatic Aid Agreement between the cities of St. Clair Shores, Roseville, and Eastpointe subject to Eastpointe and Roseville's agreement approval, and providing quarterly reports to Council.

Ayes: All (7)

10. AUDIENCE PARTICIPATION

Robert Holesak, 23814 Elmira, thanked Mr. Ihrle for his prompt response to his problem and addressed his concerns about the house next door which had a fire over a year ago and is still not repaired. There is an agreement between the City and the property owner that they have twenty one days from the execution of the agreement to start work, otherwise within thirty days they have to demolish the house. Mr. Ihrle confirmed the above, but the property owner can question the date of the agreement as it has two different dates. Notice was sent after the twenty one days that the owner has thirty days to tear down the home. Unless stopped by court order, the City will demolish the home after the thirty days.

John Caron, 21700 Chalon, announced the Relay for Life event to take place May 29 – 30, 2009 at the Blossom Heath Park, event benefiting the American Cancer Society. Residents can park at the Civic Arena and shuttles will run to Blossom Heath Park.

Elaine Meyers, representative of C&G Publishing, thanked Mayor and Council on behalf of C&G Publishing for awarding the newsletter bid to them.

Larry Berdasono, 26717 Little Mack, completed the renovations at the Victorian House which is now called the Ardmore Park Place. The grand opening will take place May 30, 2009 from 5:00 p.m. to 9:00 p.m.

Duane Michno, 20913 Ardmore Park, advised residents of a scam email he received asking for his username, password and birth date. Mr. Michno visited the Ardmore Park Place and commended them on a job well done.

Jamie Victory, 32069 Williamsburg, addressed his concerns about the road conditions on Harper Avenue between 13 and 14 Mile. Mr. Podolski replied that it was moved to the next paving season because Clinton Township was not financially ready for the project this year. Mr. Victory also mentioned Masonic Elementary School's parking lot run off issues. Mr. Podolski will contact the school to investigate the area further.

10. AUDIENCE PARTICIPATION cont'd.

Maria Martinez, 21001 11 Mile, thanked the City for giving her and other residents the opportunity to volunteer for the community.

Sue Jesion, 21308 Raymond, researched the water meters that the City is to purchase and realized that they are an obsolete technology. In the future, the government will mandate cities to use technology that will read all meters by satellite.

Dan Macalpine, 20304 Avalon, objected to the Neighborhood Stabilization Program naming the area between 8 to 9 Mile, and Harper to Beaconsfield, as being the most ethnically diverse area in the City. He felt this was the reason his garage was cited for blight.

Mr. Macalpine was disappointed that he was not notified of his dismissed court case.

Erin Stahl, 20113 Avalon, requested that the online Council packages be more user friendly like Royal Oak's. She would like to see the fireworks budget and the donations made public.

11. REQUEST TO ENTER CLOSED SESSION AS PERMITTED BY STATE STATUTE MCLA 15.268 SECTION 8(e) M. MCLEOD V ST. CLAIR SHORES

Motion by McFadyen, seconded by Frederick to enter Closed Session at 9:55 p.m., as permitted by state statute MCLA 15.268, section 8(e) M. McLeod v St. Clair Shores.

Ayes: All (7)

Motion by Frederick, seconded by Ahearn to return to Open Session at 10:00 p.m.

Ayes: All (7)

Motion by Moffitt, seconded by Frederick to proceed as presented by the City Attorney regarding M. McLeod v St. Clair Shores.

Ayes: All (7)

12. ADJOURNMENT

Motion by Moffitt, seconded by Frederick to adjourn the meeting at 10:01 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