

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

Monday, October 5, 2009

**PRESENT:**

Mayor  
Council Members

Robert A. Hison  
Matthew S. Ahearn  
Ronald J. Frederick  
Mark J. Moffitt  
David J. Rubello  
Kip C. Walby (arrived at 7:07 p.m.)

**ABSENT & EXCUSED:**

Beverly McFadyen

**ALSO PRESENT:**

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

Kenneth R. Podolski  
Mary A. Kotowski  
Robert D. Ihrle  
Tim Haney  
Chris Rayes  
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. and Ms. Kotowski, City Clerk, called the roll and announced that Mrs. McFadyen asked to be excused and Mr. Walby is running late.

**Motion by Moffitt, seconded by Frederick to excuse Mrs. McFadyen from the meeting.**

Ayes: All – 6

A quorum was present and the Pledge of Allegiance was recited by those in attendance.

**2. PROCLAMATIONS & PRESENTATIONS**

**a. Colony Marine 50<sup>th</sup> Anniversary**

Mayor Hison presented a proclamation to the owners of Colony Marine on the occasion of celebrating fifty years of business. Colony Marine is a family owned Sea Ray dealership and one of the largest, full service marina and boat sales operation on the Great Lakes. The St. Clair Shores location has been remodeled transforming the existing building on the Nautical Mile into an astonishing showroom, over 117,000 square feet of indoor storage, outdoor boat storage with 450 boat slips, a gas dock and convenience store, state-of-the-art service facility and parts department, brokerage sales office and marina offices. The Beauregards are involved in the local community and charitable organizations and were congratulated for their dedication in servicing the community.

Mr. Beauregard Jr. thanked City Council, Administration and the community for making St. Clair Shores a great place to do business in.

**b. Presentation of Local Artist work to the City by Lac Ste. Claire Art Committee**

Mrs. Elizabeth Munger, Co-Chair of the Lac Ste. Clair Art Fair, spoke of the past Art Fair and presented the City with a piece of watercolor art work of an original artist, Shirl Kruse Hathaway.

Ms. Olivia Trocchio, Miss St. Clair Shores, added that the Art Fair is a major fundraiser for the Miss St. Clair Shores Pageant.

Mr. Walby arrived at 7:07 p.m.

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

Jim Goodfellow, 22476 Lakeland, addressed Agenda Item #6. Mr. Goodfellow suggested tabling or postponing the item until the new City Council is elected, as it was done similarly for the snow ordinance. Mr. Goodfellow mentioned a new home being built in the Eagle Pointe Subdivision that has variances approved for encroaching easements.

**4. REQUEST FOR SPECIAL EVENT APPROVAL OF THE WORLD WAR II ENACTMENT WEEKEND BY PARKS & RECREATION, THE ACTIVITIES COMMITTEE AND THE DETROIT ARSENAL OF DEMOCRACY TO BE HELD JULY 23, 2010 FOR SET UP AND JULY 24 & 25, 2010 FROM 9:00 A.M. TO 5:00 P.M. AT VETERANS MEMORIAL PARK**

Mr. Esler noted the request for approval of the 2010 dates from three groups: the Parks and Recreation Department, Activities Committee and Detroit Arsenal of Democracy to educate residents about the war and bring in revenue. This would be the second time the event would be held at the Veterans Memorial Park and co-sponsored in part by the City's Parks and Recreation and the Activities Committee. The request is for approval of July 23, 2010 for set up, and July 24 – 25, 2010 to hold the event.

Mr. Esler added that the 2009 event went great; the park was cleaned up in better shape than preceding the event. The three groups will meet to discuss more details and fees, a small fee will be charged for the event, and he will be bringing that information back to Mayor and Council.

**Motion by Ahearn, seconded by Moffitt to approve request for approval of the World War II Enactment Weekend by Parks & Recreation, the Activities Committee and the Detroit Arsenal of Democracy to be held July 23, 2010 for set up and July 24 & 25, 2010 from 9:00 a.m. to 5:00 p.m. at Veterans Memorial Park subject to the following conditions: 1. Completion of the Special Event Application paperwork by May 15, 2010; 2. Naming the City as an additional insured on their public liability insurance prior to the event and providing the City with the necessary vendor insurance requirements; 3. Providing a detailed itinerary no later than July 1, 2010 to the Police and Fire Departments; and 4. Execution of Agreement for Park Restoration to pre event conditions.**

Ayes: All (6)  
Absent: McFadyen

**5. REQUEST TO ADD STOCKHOLDER TO 2008 CLASS C LIQUOR AND SDM WITH SUNDAY SALES AND DANCE PERMIT AT 24026 JEFFERSON, ST. CLAIR SHORES, MI 48080, LIDO CORPORATION (ANDIAMO LAKEFRONT BISTRO)**

Petitioner was not present. Ms. Kotowski stated that she had talked to Mr. Vicari today and noted he may be just running late. All violations have been corrected minus the striping of the parking lot; Mr. Vicari was obtaining quotes this morning. The Fire Marshall's items have been completed and were waiting for a re-inspection.

Mr. Ihrie stated that Council and Administration is familiar with the business and all information is present to allow Council to approve the request without the petitioner's presence, as it is transferring stock ownership to add an existing owner (brother) to the license.

Ms. Kotowski added that conditions will have to be resolved internally and not included in the motion as LCC does not approve conditioned licenses. Police Chief Burnett is the last one to sign off on a liquor license and as always, we make sure that he doesn't approve it until any outstanding items are met and the property is re-inspected.

**Motion by Walby, seconded by Ahearn to approve Lido Corporation's requests to transfer stock in the 2009 Class C & SDM Licensed business with dance permit, outdoor service (two areas), official permit (food) and two bars, located at 24026 Jefferson, St. Clair Shores MI 48080 wherein Joseph P. Vicari transfers 5,000 shares of stock to new stockholder John F. Vicari, be approved "above all others" and that it is the consensus of the legislative body that this application be recommended for issuance.**

Ayes: All (6)  
Absent: McFadyen

**6. REQUEST TO REVIEW AND ADOPT SUGGESTED CHANGES TO ORDINANCE 30.213 GUIDELINES PERTAINING TO CONSTRUCTION OF BERMS, INSTALLING SHRUBBERY OR DECORATION LANDSCAPING WITHIN ESTABLISHED BUILDING LINES OR RIGHTS-OF-WAY**

Mr. Rayes noted that the Mayor's Advisory Panel and Calvin Brown, City Attorney, have had several meetings to review and discuss the ordinance regarding boulders in the rights-of-way. The proposed changes allow for boulders in the right-of-way with prior approval from the Community Development Department and a recordable hold-harmless agreement executed by the property owner. The most significant change to this ordinance is the addition of an appeal board and it is recommended it be the Building Property Maintenance Board of Appeals.

Mayor Hison added that the ordinance has not been updated for many years and was in need of revisions. The old ordinance was redundant as one paragraph stated no boulders permitted and later on stating that some landscaping is allowed. It also mentioned the Engineering Department which is now the Community Development Department and defined City Council as the appeal board, which is recommended to be arbitrated by an appeal board that the City already has. The height of boulders has been lowered to six inches and the right of review is given to the Community Development Department. Mayor Hison recommended using the Building Property Maintenance Board of Appeals with five current members: Mr. Moffitt, Mr. Rayes, two residents and an architect.

Mr. Rayes clarified that the building setback line is sixty feet from the center line of the street and that could interfere with the right-of-way (land controlled/owned by City) in some instances. This ordinance does not affect landscaping done around the homes; it is for boulders in the rights-of-ways only and it's brought up for safety and liability issues.

The County and the City have rights to the rights-of-way and so the ordinance informs the residents that anything installed in the right-of-way is the homeowners' full responsibility to maintain and remove items in case a project calls for the use of that piece of property. The ordinance applies for both the residential and business districts and if an existing boulder is to be moved, the property owner has to submit a drawing or plan to the Community Development Department and/or Macomb County for approval to insure there are no safety violations.

The house in Eagle Pointe (raised by Mr. Goodfellow at the start of the meeting) has other issues. It has nothing to do with the right-of-way because the property owner is not building there.

Mr. Ihrie added that City ordinances supersede subdivision rules and those have to be enforced internally, not by the City. In addition, the amendments to Ordinance 30.213 will reduce liability for the City.

Mr. Walby suggested having an appeal board for cement work as well and does not believe in postponing any issues for the new Council, because the current Council has been elected to make decisions.

Mr. Ahearn inquired about letters that have already been mailed for existent boulders in violation of the ordinance. Mayor Hison replied that it is Council's decision to have residents with existing boulders in the rights-of-way submit an application to the Community Development Department so we are aware of what's out there.

Mr. Ihrie stated the City can either make those existing issues comply with the ordinance or call it an amnesty and just have them fill out an application to keep on file.

Mr. Podolski added that the City does not have the manpower to go out and search for homes in violation of this ordinance. Residents should be notified and asked to inform the Community Development Department of what's existing within a year of Council's decision on this matter. Then any new instances will have to comply with the ordinance and the new ordinance should also be published in the *Inside St. Clair Shores* so every home has a copy of it.

Mayor Hison added that if the existing boulders are out of the ordinary, they might be disapproved and then taken to the board of appeals. We should give it time as the boulders have not been an issue in the City and rely on the residents to report their existing boulders.

Mr. Podolski added that the key to any ordinances is fair and consistent enforcement. There may be a handful that are safety issues.

**Motion by Moffitt, seconded by Walby to approve adoption of amendments to Ordinance 30.213 Guidelines pertaining to construction of berms, installing shrubbery or decorative landscaping within established building lines or rights-of way, naming the Building Property Maintenance Board of Appeals**

**6. REQUEST TO REVIEW AND ADOPT SUGGESTED CHANGES TO ORDINANCE 30.213 cont'd.**

**as the appeal board, sending out a notice to those residents whom received violation letters requesting an application to be filed with the Community Development Department within one year of the effective date of this ordinance amendment (amend. eff. October 8, 2009), and utilizing *Inside St. Clair Shores* and cable shows for informing the residents. The ordinance amendment reads as follows:**

The City of St. Clair Shores ordains that Section 30.213 of its Code Ordinances, which reads as follows:

30.213 Guidelines pertaining to construction of berms, installation of shrubbery or decorative landscaping within established building lines or rights-of-way.

Sec.13. This section is intended to regulate the construction of berms or other landscaping treatments within the building lines established in the Zoning Ordinance of the City of St. Clair Shores, code section 15.481 (o), or the road rights-of-way over which the Macomb County Road Commission has jurisdiction with the City of St. Clair Shores. Landscaping treatments shall include, but not be limited to trees, as well as shrubbery and plantings. Such treatments shall also include planter boxes, boulders, rocks or other devices or structures which are part of the landscaping, decorative or aesthetic plan including statues, sprinkling systems, lights or mailboxes. The following regulations shall apply to construction, installation or placement of such treatments, plantings, landscaping or above-described conditions on property within the building lines and rights-of-ways as referenced above:

- (a) Prior to construction of a berm or any landscape treatment as described above, the property or the owners' representative shall submit a drawing to the Dept. of Community Development for review and approval by the engineering division. See Section K. For rights-of-way under the jurisdiction of the Macomb County Road Commission, said drawing will be forward to the Road Commission as well for approval.
- (b) A berm may be constructed with or without shrubbery and plantings. It may consist of a mound with shrubbery, but in no case may be mound or shrubbery or the two combined exceed thirty (30) inches above curb level except for trees, the type of tree to be approved in accordance with subsection (d). Additionally, in the event the berm consists of a mound and shrubbery, the mound can be no higher than twenty (20) inches and the shrubbery no higher than ten (10) inches above curb level except for trees as indicated above. Positive drainage from the area must be maintained and must be adequately set forth in a plan for review by the engineering division to adequately set forth in a plan for review by the engineering division to determine the existence of appropriate drainage.
- (c) Planter boxes or any structure intended to contain plantings of any kind shall consist of wood, metal, plastic or other appropriate and approved materials. No such structure shall exceed the height of six (6) inches above adjacent ground. Any such raised delineations or structures shall be at least one (1) foot from any adjacent sidewalk or driveway.
- (d) All trees shall be planted by the Forestry Division of the Dept. of Public Works. Tree species shall also be approved by the Forestry Division of the Dept. of Public Works.
- (e) No boulders shall be permitted.
- (f) No stones shall be permitted unless they are bonded to prevent their removal.
- (g) No fence shall be permitted.
- (h) Structures such as statues, birdbaths, flagpoles or mailboxes, which are not intended primarily to contain plants, shall be reviewed on a case-by-case basis by the engineering division to determine their propriety and appropriate locations, if any. Vehicular and pedestrian safety shall be the primary consideration, and the engineering division shall have the authority to place any reasonable restriction, including prohibition of the structure, upon its placement of location within the building line.
- (i) Sprinkler systems may be installed. However, the property owner shall assume full responsibility for any repair to the system occasioned by the construction of the Macomb County Road Commission. Prior to installation of any sprinkler system, the property owner shall secure a permit and execute a recordable covenant with a deed to the property so as to insure successive owners, tenants or assigns of the permit conditions.

6. **REQUEST TO REVIEW AND ADOPT SUGGESTED CHANGES TO ORDINANCE 30.213 cont'd.**

- (j) It shall be the joint and several responsibility of the property owner, tenant, assignee or other party in control of the premises to maintain all landscaping, all plantings and landscaping treatments and improvements, including but not limited to the mowing, watering, fertilizing, weeding of grass between the sidewalk and curb, the building line and curb, and any building facade and curb, as well as public right-of-way.
- (k) It shall be the joint and several responsibility of the property owner, tenant, assignee or other party in control of the premises to insure that the grass or sod thereon does not attain a height of eight (8) inches or more. Such responsibility shall also pertain to any grass or sod between the abutting sidewalk and curb, the building line and curb and the building facade and curb as well as any grass or sod within any public right-of-way. Should any grass or sod attain a height of eight (8) inches or more, the city shall have the authority to cut the grass or sod in accordance with the procedures set forth in section 20.260 of the Code of Ordinances of the City of St. Clair Shores.
- (l) In the event the owner or the owner's representative's application is denied (or approved with conditions), there shall be a right of appeal to the City Council. The appeal must be filed in writing within 14 days of the date of the written notice of denial (or approval with conditions). The appeal must be filed with the City Clerk and with the Dept. of Community Development.
- (m) Any approval of a landscaping treatment (as described above) shall include a requirement that the property owner execute a recordable hold-harmless agreement in a form approved by the City Attorney. The agreement shall include a provision that such approved treatment shall be removed by the property owner or person in possession within 60 days written notice by the City, for good cause and at no cost to the City.
- (n) It shall be the joint and several responsibility of the property owner, tenant, assignee or other party in control of the premises to comply with this section. (ord. eff. Dec. 4, 1990; amend. eff. Oct. 22, 1991; amend. eff. Aug. 23, 2000; Oct. 10, 2002) Enacted: November 6, 1967 Published and Effective: November 8, 1967

***Shall be amended to read as follows:***

30.213 Guidelines pertaining to construction of berms, installation of shrubbery or decorative landscaping within established building lines or rights-of-way.

Sec.13. This section is intended to regulate the construction of berms or other landscaping treatments within the building lines established in the Zoning Ordinance of the City of St. Clair Shores, code section 15.481 (o), or the road rights-of-way over which the Macomb County Road Commission has jurisdiction with the City of St. Clair Shores. Landscaping treatments shall include, but not be limited to trees, as well as shrubbery and plantings. Such treatments shall also include planter boxes, boulders, rocks or other devices or structures which are part of the landscaping, decorative or aesthetic plan including statues, sprinkling systems, lights or mailboxes. The following regulations shall apply to construction, installation or placement of such treatments, plantings, landscaping or above-described conditions on property within the building lines and rights-of-ways as referenced above:

- (a) Prior to construction **or placement** of a berm or any landscape treatment as described above, the property or the ~~owners'~~ **owner's** representative shall submit a drawing to the Dept. of Community Development for review and approval ~~by the engineering division. See Section K.~~ For rights-of-way under the jurisdiction of the Macomb County Road Commission, said drawing will be forward to the Road Commission as well for approval. **(amend. eff. Oct. 8, 2009)**
- (b) A berm may be constructed with or without shrubbery and plantings. It may consist of a mound with shrubbery, but in no case may ~~be a~~ **a** mound or shrubbery or the two combined exceed thirty (30) inches above curb level except for trees, the type of tree to be approved in accordance with subsection (d). Additionally, in the event the berm consists of a mound and shrubbery, the mound can be no higher than twenty (20) inches and the shrubbery no higher than ten (10) inches above curb level except for trees as indicated above. Positive drainage from the area must be maintained and must be adequately set forth in a plan for review by the engineering division to adequately set forth in a plan for review by the ~~engineering division~~ **Department of Community Development** to determine the existence of appropriate drainage. **(amend. eff. Oct. 8, 2009)**
- (c) Planter boxes or any structure intended to contain plantings of any kind shall consist of wood, metal, plastic or other appropriate and approved materials. No such structure shall exceed the height of six (6) inches

6. **REQUEST TO REVIEW AND ADOPT SUGGESTED CHANGES TO ORDINANCE 30.213 cont'd.**

above adjacent ground. Any such raised delineations or structures shall be at least one (1) foot from any adjacent sidewalk or driveway.

(d) All trees shall be planted by the Forestry Division of the Dept. of Public Works. Tree species shall also be approved by the Forestry Division of the Dept. of Public Works.

~~(e) No boulders shall be permitted.~~

~~(f) No stones shall be permitted unless they are bonded to prevent their removal.~~

~~(g e)~~ No fence **or wall** shall be permitted. **(amend. eff. Oct. 8, 2009)**

~~(h f)~~ Structures **and/or objects** such as statues, birdbaths, flagpoles or mailboxes, **stones or boulders**, which are not intended primarily to contain plants, shall be reviewed on a case-by-case basis by the ~~engineering division~~ **Department of Community Development** to determine their propriety and appropriate locations, if any. Vehicular and pedestrian safety shall be the primary consideration, and the ~~engineering division~~ **Department of Community Development** shall have the authority to place any reasonable restriction, including prohibition of the structure **or object** ~~upon its placement of location within the building line.~~ **(amend. eff. Oct. 8, 2009)**

~~(i g)~~ Sprinkler systems may be installed. However, the property owner shall assume full responsibility for any repair to the system occasioned by the construction ~~of~~ **by** the Macomb County Road Commission, **the City of St. Clair Shores, and/or by any other entity or person.** Prior to installation of any sprinkler system, the property owner shall secure a permit and execute ~~a and recordable a covenant~~ **covenant** with a deed to the property so as to ~~insure~~ **inform** successive owners, tenants or assigns of the permit conditions. **(amend. eff. Oct. 8, 2009)**

~~(j h)~~ It shall be the joint and several responsibility of the property owner, tenant, assignee or other party in control of the premises to maintain all landscaping, all plantings and landscaping treatments and improvements, including but not limited to the mowing, watering, fertilizing, weeding of grass between the sidewalk and curb, the building line and curb, and any building facade and curb, as well as public right-of-way.

~~(k f)~~ It shall be the joint and several responsibility of the property owner, tenant, assignee or other party in control of the premises to insure that the grass or sod thereon does not attain a height of ~~eight (8)~~ **six (6)** inches or more. Such responsibility shall also pertain to any grass or sod between the abutting sidewalk and curb, the building line and curb and the building facade and curb as well as any grass or sod within any public right-of-way. Should any grass or sod attain a height of ~~eight (8)~~ **six (6)** inches or more, the **City** shall have the authority to cut the grass or sod in accordance with the procedures set forth in section 20.260 of the Code of Ordinances of the City of St. Clair Shores. **(amend. eff. Oct. 8, 2009)**

~~(l j)~~ In the event the owner or the owner's representative's application is denied (or approved with conditions), there shall be a right of appeal to the ~~City Council~~ **Building Property Maintenance Board of Appeals.** The appeal must be filed in writing within 14 days of the date of the written notice of denial (or approval with conditions). The appeal must be filed with the City Clerk and with the Dept. of Community Development. **(amend. eff. Oct. 8, 2009)**

~~(m k)~~ Any approval of a landscaping treatment (as described above) shall include a requirement that the property owner execute a recordable hold-harmless agreement in a form approved by the City Attorney. The agreement shall include a provision that such approved treatment shall be removed by the property owner or person in possession within 60 days written notice by the City, for good cause and at no cost to the City.

~~(n f)~~ It shall be the joint and several responsibility of the property owner, tenant, assignee or other party in control of the premises to comply with this section. (ord. eff. Dec. 4, 1990; amend. eff. Oct. 22, 1991; amend. eff. Aug. 23, 2000; Oct. 10, 2002; **Oct. 8, 2009**) Enacted: November 6, 1967 Published and Effective: November 8, 1967

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

**This ordinance shall become effective upon publication by the City Clerk.**



8. CONSENT AGENDA cont'd.

Minutes  
City Council

Meeting Date  
September 21, 2009

e. Receive & File Boards, Commissions & Committee Minutes

To receive and file the following minutes:

<u>Minutes</u>	<u>Meeting Date</u>
Golf Course Committee	May 19, 2009
Golf Course Committee	June 16, 2009
Golf Course Committee	July 21, 2009
Library Board	August 20, 2009
Sign Arbitration Committee	August 27, 2009
Sub-Committee on Boards & Commissions	April 28, 2009
Election Commission	July 29, 2009
General Employees Pension Board	August 18, 2009
Police and Fire Pension Board Meeting	August 27, 2009
Police and Fire Retiree Health Care Trust Board	August 27, 2009
Waterfront Environmental Committee	August 18, 2009

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

1. Accept with regret the resignations of:

- Nan Schmelzer                      Activities Committee
- Lee Bertolo                              Cool Cities Committee
- Michael McCain                      Cool Cities Committee
- Diane Fournier                      Cultural Committee
- Katherine Podsiadly                      Cultural Committee
- Ross Kogel                              Development Area Citizens Council
- John Lalich                              Development Area Citizens Council
- James Paulun                              Employees Civil Service
- Richard Doan                              Parks and Recreation Commission

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

- a. Appoint David Baker from alternate to full voting member on the Cultural Committee with a term ending date of June 1, 2010.
- b. Appoint Metta Slater to the vacant seat on the Activities Committee with a term ending date of September 30, 2012.

3. Recommendations on Re-Appointment:

a. Sub-Committee on Boards and Commissions to reappoint:

<u>Name</u>	<u>Commission</u>	<u>Term Ending Date</u>
Mike Antushevich	Activities Committee	September 30, 2012
Maureen Antushevich	Activities Committee	September 30, 2012
Dave Einkorn	Activities Committee	September 30, 2012
Ed Jones	Activities Committee	September 30, 2012
George Munger	Activities Committee	September 30, 2011
Liz Munger	Activities Committee	September 30, 2011
Mary Lou Munger	Activities Committee	September 30, 2011
Lynn Baker-Hunter	Board of Review	September 30, 2012
Deb Miller	Cool Cities Committee	September 30, 2012
Arthur T. Gorgon	Dev. Area Citizens Council	September 30, 2012
Mona E. Gualtieri	Dev. Area Citizens Council	September 30, 2012
Grace Descamps	Election Commission	May 1, 2010
Robert Ihrrie	Election Commission	May 1, 2010
Mary Kotowski	Election Commission	May 1, 2010
*James Paulun	Election Commission	May 1, 2010
Metta L. Slater	Election Commission	May 1, 2010

8. CONSENT AGENDA cont'd.

David M. Grauzer	Golf Course Committee	September 30, 2012
Anthony Rascano	Golf Course Committee	September 30, 2012
Michael Liess	Mechanical Equipment Arb.	September 30, 2012
Kevin Karapuz	Minimum Standards	September 30, 2012
Michael Hansen	Older Persons Advisory	September 30, 2012
Fred Hessler	Older Persons Advisory	September 30, 2012
Olga Sansone	Older Persons Advisory	September 20, 2012
Gerrit Ketelhut	Sign Arbitration Committee	September 30, 2012
<del>John Chastain</del>	<del>Waterfront Environmental</del>	<del>September 30, 2012</del>
Erich Eggert	Waterfront Environmental	September 30, 2012

*\*(Subsequent to the September 22, 2009 meeting James Paulun (Election Commission) and John Chastain (Waterfront Environmental Committee) have submitted their resignations.)*

- b. **Mayoral Re-Appointments (Mayor Hison concurred with Committee's recommendations), recommendations from the Sub-Committee to Mayor:**

<u>Name</u>	<u>Commission</u>	<u>Term Ending Date</u>
Mary Jane Amicarelli	Communications Commission	September 30, 2012
Shirley Devine	Communications Commission	September 30, 2012
August Gitschlag	Communications Commission	September 30, 2012
Joseph R.Tabbi	Compensation Commission	October 1, 2016
Paul Ellis	Economic Development Corp.	October 1, 2015
Robert Janes	Economic Development Corp.	October 1, 2015

4. **Receive and File Annual and Attendance Reports for Period July 1, 2008 to June 30, 2009.**

Ayes: All (6)  
Absent: McFadyen

**Separated item g. Adoption of the temporary relocation of Precincts 18 and 21 from Lake Shore High School to the Born Center for the November 3, 2009 City General Election due to construction**

Ms. Kotowski stated that Lake Shore High School is still under construction and the main entrance for students during construction is through the auditorium lobby, where our two precincts are located; it would be too much traffic and disruption to hold an election there. Donald Kling, Building Maintenance Supervisor for Lake Shore Schools, suggested using the Born Center which has a similar parking area and is ADA compliant. Signs will be posted at both locations, the change will be mentioned in the next *Inside St. Clair Shores* issue and on a cable program, and a notice will be mailed to the voters.

**Motion by Moffitt, seconded by Ahearn to adopt the temporary relocation of Precincts 18 and 21 from Lake Shore High School to the Born Center for the November 3, 2009 City General Election due to construction, as recommended by the St. Clair Shores Election Commission.**

Ayes: All (6)  
Absent: McFadyen

9. UPDATES AND FOLLOW-UPS FROM COUNCIL MEETING

- **PCB's** – Mr. Podolski stated that the filtering system's test results have met the requirements of the program; additional filters will be installed next week which allows parting each segment of the drain to catch PCB's. This is a slow system but it is efficient and we have DEQ's permission to continue with the process.
- **10 Mile Road Construction** – Mr. Rayes noted that the contractor will switch traffic and put the leveling course down next week, depending on the weather, and should be completed by the end of the season.
- **Grant for 8, 11, 14 Mile Roads and Harper** – Mr. Rayes added that the contractor has done planting Friday and today and will complete the pocket parks next week. The contractor is working slow as there were no performance dates in the State's contract. The City does get to evaluate the contractor's performance at the end of the project.

## 9. UPDATES AND FOLLOW-UPS FROM COUNCIL MEETING

- **Francis St. Construction** – Mr. Rayes stated that the project should be finished by Thursday and continue with paving alleys on Friday.
- **Local Paving Project** – Mr. Rayes noted that the project will start in about a week and a half on Grant St. and Lingemann St.

Mayor Hison emphasized the City millage on the November 3, 2009 ballot that is intended for street repairs and replacements.

## 10. COMMENTS BY INDIVIDUAL COUNCILPERSONS

**Council Member Moffitt** stated his concerns about the State Legislature not adopting a budget; potentially some of the decisions made at the State level affected St. Clair Shores with roughly \$800,000 cuts in our State shared revenue. Mr. Moffitt asked residents to talk to the State Representatives. Mr. Moffitt commended City Council and Administration on a good job balancing our budget.

Mr. Moffitt suggested looking at exterior building colors allowed for businesses for uniformity reasons. He proposed using the Building Property Maintenance Board of Appeals to look at brick materials allowed and different color tones that will fit in the existent area.

Mr. Moffitt stated that many stop signs along Jefferson Avenue do not have striped crosswalks and believes this is a safety issue for pedestrians.

Mr. Moffitt spoke of the Meet the Candidates debates organized by STRAW and on October 6, 2009 at 7:00 p.m., the Women's Civic League will host another debate at City Hall, which will be televised live and rebroadcast the whole month of October.

**Council Member Ahearn** informed residents of a new program "My Child" which provides health care for children 19 and under that qualify to aid families who may have lost their health care in these tough economic times. For more information, call (888) 988-6300 or visit [www.michigan.gov/mychild](http://www.michigan.gov/mychild).

**Council Member Walby** passed.

**Council Member Frederick** talked about a letter sent out to the residents from a private company about insuring the water pipes. Mr. Rayes stated that such letters have gone out in the past and recommends residents to ignore the letters as it is not worth the money to insure water lines.

Mr. Frederick announced the upcoming Chili Wars on November 5, 2009 at the Barrister House and the Ghoul Halloween Party to take place October 24, 2009 at the Jefferson Yacht Club; both are COPS for Kids fundraisers. He also mentioned Sarah Roberts' Coffee Hours: October 12, 2009 at Steve's Backroom and October 30, 2009 at Big Apple Bagel, Harrison Township.

Mr. Frederick congratulated Dave Martin for becoming the new Optimist Club President and talked about the Rapid Search, a program identifying kids through DNA.

**Council Member Rubello** announced a Halloween Party at the Dog Park at Brys Park, October 11, 2009 at 1:00 p.m. Mr. Rubello stated that the Waterfront Environmental Committee is offering one \$500 scholarship to an outstanding 2010 St. Clair Shores high school senior; for more information contact Mr. Rubello.

Mr. Rubello thanked all gate guards in the City for a great job and thanked Ed Martin from El Charro and Tubby's for donations to the Senior Center.

Mr. Rubello added that the Fire Department had a great show at their Fire Prevention Open House on Sunday, reminded residents that large brush collection ends October 31, 2009 and asked for an update on the tar mess throughout the City. Mr. Rayes responded that the contractors have been contacted and in the future there will be a difference in their performance.

**Mayor Hison** announced the Lake St. Clair Symphony fall concert, Salute to Vienna, on October 17, 2009 in the Lakeview High School Auditorium.

**11. CITY MANAGER'S REPORT – NONE**

**12. AUDIENCE PARTICIPATION**

George Formicola, 22124 Kramer, senior at Lakeview High School, sent out emails to City Council to purchase yearbook business ads to support the Lakeview Yearbook.

Joseph Evangelista, 20405 Martin, announced the Chili Wars and the Ghoul Halloween Night, two Cops for Kids events, and invited residents to attend.

James Kelly, 23142 N. Rosedale Ct., suggested moving the City elections to even years when State elections are held as it would be a cost saving. Mayor Hison replied that the City Charter calls to hold City elections in odd years. In addition, School elections have been moved and are now scheduled for November, when the City holds elections.

Sue Jesion, 21308 Raymond, brought up the Lake Shore Bond issue and her concerns that after research, she estimated \$688,000 was paid in interest to investors out of the state.

Keith Bammel, 23163 Gladhill, spoke of the September 23, 2009 STRAW Meet the Candidates; Mr. Moffitt, Mr. Rubino, Ms. Rusie and Mr. Walby attended. The debate will be made public on the web at [www.strawscs.com](http://www.strawscs.com) on Wednesday and announced that there will be no public meeting this month.

Chris Vitale, 28701 Grant, talked about Meet the Candidates debate hosted by the group STRAW and what this group is working towards.

Duane Michno, 20913 Ardmore Park, spoke of the debate held on September 23, 2009 by STRAW and thanked Brian Mazey for a great Funfest event in St. Clair Shores.

Richard Swanquist, 21815 Bon Brae, talked about the STRAW group and advised residents to not be afraid to ask questions and to speak up.

Joseph Wielgot, 22424 Raymond Ct., addressed his disappointment with the politics in the City. Residents should listen to the candidates speak instead of accusations made from other groups. Mr. Wielgot asked residents to read about the candidates and give them a call.

**13. REQUEST TO ENTER INTO CLOSED SESSION AS PERMITTED BY STATE STATUTE MCLA 15.268, SECTION 8(c) AND 8(h)**

**Motion by Moffitt, seconded by Frederick to enter Closed Session at 9:00 p.m., as permitted by state statute MCLA 15.268, section 8(a) and 8(h).**

A roll call vote was taken.

Ayes: All (6)

Absent: McFadyen

**Motion by Moffitt, seconded by Ahearn to return to Open Session at 10:15 p.m.**

Ayes: All (6)

Absent: McFadyen

**Motion by Moffitt, seconded by Ahearn to proceed as discussed in Closed Session regarding 8(h) as presented by the City Attorney.**

Ayes: All (6)

Absent: McFadyen

**14. ADJOURNMENT**

**Motion by Ahearn, seconded by Moffitt to adjourn the meeting at 10:17 p.m.**

Ayes: All (6)  
Absent: McFadyen

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

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ROBERT A HISON, MAYOR

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MARY A. KOTOWSKI, CITY CLERK