

**MINUTES  
ST. CLAIR SHORES CITY COUNCIL MEETING  
MARCH 15, 2010**

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

Present: Mayor Hison, Council Members Frederick, McFadyen, Rubello, Rubino, Rusie and Walby

Also Present: Assistant City Manager Smith, City Clerk Kotowski, Directors Haney, Rayes, D'Herde, and City Attorney Ihrle

**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.

Mayor Hison noted that Item #6 was removed from the agenda.

**2. PROCLAMATIONS & PRESENTATIONS**

**a. The Harper Chiropractic Center 25<sup>th</sup> Anniversary**

Mayor Hison presented Dr. Kenneth Hamilton, owner of Harper Chiropractic Center the following proclamation:

**PROCLAMATION  
to  
THE HARPER CHIROPRACTIC CENTER  
25<sup>TH</sup> ANNIVERSARY**

*WHEREAS, the Mayor and the Council of the City of St. Clair Shores deem it fitting and proper to publicly recognize and express our pride and appreciation to **THE HARPER CHIROPRACTIC CENTER** on the occasion of celebrating 25 years as a thriving part of this community; and*

*WHEREAS, **THE HARPER CHIROPRACTIC CENTER**, located at 27889 Harper Avenue, was founded by Dr. Kenneth L. Hamilton, B.S., D.C. in April 1985, after his graduation from Life chiropractic College and interning in Dearborn Heights, Michigan; and*

*WHEREAS, Dr. Hamilton and Associate Chiropractor, Dr. Lisa A. Price, believe that good health is determined by a healthy nervous system, particularly a healthy spinal column, and provide routine adjustments for the whole family at **THE HARPER CHIROPRACTIC CENTER**; and*

*WHEREAS, Dr. Hamilton and Dr. Price take tremendous pride in practicing in St. Clair Shores, and find joy in helping the patients at **THE HARPER CHIROPRACTIC CENTER** live a happier and healthier lifestyle through chiropractic;*

*NOW, THEREFORE, BE IT RESOLVED, that the mayor and Council of the City of St. Clair Shores, on behalf of all its citizens, extend our congratulations and best wishes to **THE HARPER CHIROPRACTIC CENTER** for their dedication in servicing this community on the occasion of celebrating their 25<sup>th</sup> Anniversary and wish them many more years of continued success.*

*Presented this 15<sup>th</sup> day of March 2010.*

**b. 39th Annual St. Clair Shores Figure Skating Club Reflections on Ice**

Mayor Hison read the following proclamation:

**PROCLAMATION  
to  
St. Clair Shores Figure Skating Club's "Reflections on Ice"**

*WHEREAS, the Mayor and the Council of the City of St. Clair Shores deem it fitting and proper to publicly recognize and commend organizations dedicated to serving the youth of St. Clair Shores; and*

*WHEREAS, the **ST. CLAIR SHORES FIGURE SKATING CLUB'S "REFLECTION ON ICE"** Show is being presented for the 39<sup>th</sup> consecutive year with the theme "Time Travelers" and features some of the finest skaters from the St. Clair Shores Figure Skating Club, St. Clair Shores Learn to Skate Program, and the Grosse Pointe Basic Skills Program;*

**2. PROCLAMATIONS & PRESENTATIONS (cont'd.)**

*NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the City of St. Clair Shores do hereby proclaim march 25-28, 2010 as "REFLECTIONS ON ICE WEEKEND" and commend the ST. CLAIR SHORES FIGURE SKATING CLUB for its service to the City's youth and for providing outstanding entertainment, and hereby wish the club and its members every success in their future endeavors.*

*Presented this 15<sup>th</sup> day of March 2010.*

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

Jim Goodfellow, 22476 Lakeland, spoke regarding Items #5 and #6. Mr. Goodfellow stated that if St. Clair Shores remains in a Mutual Aid pact with Harper Woods, he hopes that we would receive additional money and use it to keep City staff at the same levels, especially the Fire Department.

Mayor Hison stated that Item #6 was removed from the agenda because the City is in budget reviews, and this item will be looked at later.

**4. REQUEST FROM RIDERS FOR A CAUSE TO BE RECOGNIZED BY THE CITY AS A NON-PROFIT ORGANIZATION TO OBTAIN A CHARITABLE GAMING LICENSE**

Mr. Dennis Capa, 21713 Francis, President of Riders For A Cause, and Mr. McConnel were present to ask City Council to recognize Riders For A Cause as a non-profit organization for the purpose of obtaining a charitable gaming license, which is required by the State of Michigan.

Mr. Capa explained that their organization began in 2008 with a goal to raise money for the families of our fallen United States soldiers. In 2008, their motorcycle event had 48 riders and raised \$7,137.00 for the wife and son of a fallen U.S Marine. In 2009, their event had 80 riders and raised \$6,800.00 for the wife and son of a fallen U.S. Army Staff Sergeant. They are planning to host charity poker nights to fundraise this year.

Mr. Capa stated that this year the organization is planning to have a Vegas Night at a hall in Utica.

Mayor Hison asked the City Attorney to explain why St. Clair Shores has to recognize the organization as non-profit. Mr. Ihrie replied that the State of Michigan requires it, and this has been so for decades. He added that he investigated this organization, and it is legitimate. Their registered operating address is in St. Clair Shores.

Mr. Rubello stated he had reviewed the organization's by-laws, and asked if any of the officers received compensation. Mr. Capa replied no and that the organization does not keep any money at all.

Ms. Rusie asked Mr. Capa if he considered St. Clair Shores to be the place where the organization conducts its principle activities. He replied he did.

Mr. Frederick asked if the event was for one night. Mr. Capa replied it was for four nights.

**Motion by McFadyen, seconded by Frederick to adopt a Resolution recognizing the Riders for a Cause be recognized by the City as a non-profit organization operating in the City of St. Clair Shores for the purpose of obtaining a Charitable Gaming License from the Michigan Charitable Gaming Division.**

Ayes: All – 7

**5. REVIEW OF ATTORNEY RECOMMENDATION REGARDING HARPER WOODS MUTUAL AID AGREEMENT**

Mr. Ihrie stated that the City is reviewing its participation in the Mutual Aid Pact for Macomb County Fire Departments. While the City fully intends to continue its participation, issues have arisen with respect to the membership of Harper Woods in the pact, and the degree to which Harper Woods and St. Clair Shores should interact in the future.

Mr. Ihrie added that Harper Woods is presently experiencing difficulties with their fire department surrounding the issue of whether to move to public safety. As a result, there is concern that this may be the time to reconsider whether Harper Woods should be a participant in the Outside Aid Resolution for Macomb County Fire Departments.

Mr. Ihrie stated he has reviewed the Standard Operating Procedures for the Mutual Aid Resolution for Macomb County Fire Departments which only references the Outside Aid Resolution. The actual Outside Aid Resolution has not yet been reviewed as the document is held by the Macomb County Clerk and the Macomb County Fire Chief's

**REVIEW OF ATTORNEY RECOMMENDATION REGARDING HARPER WOODS MUTUAL AID AGREEMENT (Cont'd)**

Association. The County Clerk is in the process of supplying that document, which is necessary to review in order to determine the rights and responsibilities of the member cities and townships with respect to issues of participation, withdrawal, and membership.

Harper Woods was going through the process of becoming a Department of Public Safety, and a circuit court order has halted this process as their Charter does not allow it.

Mr. Ihrie recommended that his office be instructed to coordinate with the Fire Chiefs from St. Clair Shores and Eastpointe to develop a consensus recommendation on the issues at hand and bring that recommendation to City Council for action.

Ms. McFadyen stated she has great concern because Harper Woods is in Wayne County. She feels that Wayne County needs to take care of Wayne County and Harper Woods should be making a pact with the Grosse Pointes.

Mr. Walby asked the time frame to report back with the investigation. Mr. Ihrie replied there is no time frame, but there will probably be at least a 90-day investigation.

Mr. Frederick asked if any other cities were going to be included in the pact. Mr. Ihrie replied that remains to be seen. All the documents have not been received yet.

Mr. Rubino noted that Mr. Ihrie's firm also represents the City of Eastpointe, and asked if there would be any conflict. Mr. Ihrie replied he does not anticipate any conflict.

Mayor Hison asked that, in the interim, what is our agreement with Harper Woods, and is it reciprocal? Mr. Ihrie stated the agreement will remain the same until and if we make a change. In addition, St. Clair Shores does not have an obligation to respond if we are otherwise occupied.

Mr. Ihrie stated that at this time we are just looking to see what will be in the best interest of St. Clair Shores. In the end, nothing may be done.

**Motion by Walby, seconded by Rubino to direct the City Attorney to proceed working with the City of Eastpointe and the City of St. Clair Shores Fire Chiefs for a consensus of a resolution regarding the Harper Woods Mutual Aid Agreement and report his finding back to City Council within 60 to 90 days.**

Ayes: All – 7

**6. BIDS/CONTRACTS/PURCHASE ORDERS – NONE**

**7. CONSENT AGENDA ITEMS** - All items listed on the Consent Agenda are considered to be routine and will be enacted by one motion and approved by a vote of City Council. There will be no separate discussion of the items unless the Mayor and or a Council Member so requests, in which event the item will be removed from the general order of business and considered under the last item of the Consent Agenda.

**Motion by Walby, seconded by Rubello to approve the Consent Agenda items a – e as presented, which include the following:**

**a. Bills**

**March 5, 2010 \$1,684,271.34**

**To approve the release of checks in the amount of \$1,684,271.34, of the report that is 20 pages in length and of the grand total amount of \$383,408.13 went to other taxing authorities.**

**b. Fees**

**Roumell & Lange \$ 7,080.50  
Ihrie & O'Brien \$10,482.00**

**7. CONSENT AGENDA ITEMS (Cont'd)**

**c. Progress Payments**

C&P Construction Company, Inc.	\$337,513.94
Doetsch Environmental Services	\$ 49,583.68
Galui Construction Company, Inc.	\$ 3,000.00
Galui Construction Company, Inc.	\$ 4,500.00
Pro-Line Asphalt Paving Corporation	\$ 22,600.82

To approve the above progress payments, subject to audit.

**d. Approval of Minutes - None**

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

To receive and file the following minutes:

<u>Minutes</u>	<u>Meeting Date</u>
Dog Park Committee	February 4, 2010
Historical Commission	February 2, 2010
Older Person's Advisory Committee	January 21, 2010

Ayes: All – 7

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

- **PCB Update** – Mr. Smith advised the EPA is in the City getting ready to work on the PCB's. There are temporary trailers at the City pool where construction crews are preparing to dewater the drain, which may begin late Wednesday and take two to three days. The jetting will begin next Monday. The City received \$864,000 in Federal funds for this clean up.
- **City Calendar** – Ms. D'Herde stated she still has not received a bill, so no action has been taken. She added that when a bill is received, all evidence will be reviewed with the City Attorney, and a course of action will be determined.
- **9 Mile Water main** - Mr. Rayes advised that the connection is complete on the 9 Mile Water Line at 9 Mile and Mack. There is one more section that needs to be done in a week, and the water main project will be complete. The road paving work will begin in late May or early June.
- **DPW Update** – Mr. Smith stated we actually have an excess of salt this year due to the mild winter. DPW is currently working on pothole repairs. Mr. Smith stated that tree removal and stumping are being done. The contractors are leaving the large pile of woodchips to settle. If they are removed, there will be a gaping hole once they settle.
- **Appointments to Board of Review** - Mr. Ihrle noted that under a recent consent agenda there was a recommendation of many appointments, one was Norma Rusie to the Board of Review. He noted he should have caught this when a question was raised at the meeting regarding her being Council Member Rusie's mother. The City Charter does prohibit a person within a certain kinship from becoming employed and or being an officer of the City. Mrs. Rusie made the decision to leave the board of review based on his opinion when the question was poised to him. The decision reached wasn't a decision made by either Ms. Rusie's as unethical or the appearance they were trying to skirt the Charter provision.

**9. COMMENTS BY INDIVIDUAL COUNCILPERSONS**

**Council Member Walby** asked the City Attorney about the status of the Gourmet House. Mr. Ihrle stated the case is working its way through the discovery phase of litigation and the timeframe for resolution is approximately six months.

Mr. Walby asked about the cost for membership in Tree City USA and if there are offsetting benefits for the cost of this membership.

Mr. Walby stated that there was a meeting on February 27, 2010 regarding budgets. He stated the City is \$4.5 million short due to revenue loss. He advised Mr. Smith to meet with the unions and discuss decreasing wages and benefits at 10 percent. He requested Council be kept abreast on this process.

**9. COMMENTS BY INDIVIDUAL COUNCILPERSONS (Cont'd)**

Mr. Smith replied that contract negotiations are not subject to open session. He added he is looking at compensation; looking to make decisions at department budgets. In the interim, he has been briefing the new City Manager, Mr. Hughes, on what has been occurring. Mr. Hughes will begin employment with the City on Monday, March 22, 2010.

Mr. Walby stated he will not be at the next Council Meeting, and since he will not see City Manager Podolski before he retires, he wished him well. He has made many changes within the City including changing health care, pension systems, and the City has more money in the rainy day fund that we did before. He wished him enjoyment, happiness and success.

Mayor Hison advised that City Council will be the first to take a ten percent wage decrease.

**Council Member Frederick** advised he will also not be in attendance at the next meeting, and wished City Manager Podolski good luck.

Mr. Frederick stated that the bushes on 9 Mile Road, west of Malvern need to be trimmed. He also stated that there was water running for three days and asked why. Mr. Rayes replied they were testing the new water main lines after replacement.

Mr. Frederick stated that there are people canvassing neighborhoods looking for business to cut down trees. Residents should be aware that the company has to obtain a license from the City, and they should ask for identification.

Mr. Frederick advised that AT&T viewers can now watch City Council Meetings on Channel 99.

Mr. Frederick announced upcoming events.

**Council Member Rubello** spoke about Michigan Municipal Risk Management Authority (MMRMA), the City's insurance carrier, whose term is expiring. He asked if this will be put out for bid. Mr. Haney replied the request for bid was issued today, and 96 people have viewed it already.

Mr. Rubello asked Mr. Smith to provide a report on the number of Board of Review appeals and how they were filed.

Mr. Rubello asked for a plan on how the Shore Crest Lanes property owner will maintain their property. Mr. Rayes noted they have been ticketed and should be in court today.

Mr. Rubello stated the brick pavers and streetscapes are starting to look dingy, and asked if there was any way to keep them looking better.

Mr. Rubello announced the St. Clair Shores Business Expo 2010 is scheduled for April 17, 2010.

**Council Member McFadyen** asked how often the City sweeps its streets. Mr. Smith replied sweepers were out a few weeks ago and added that under the Clean Water Act, we have an obligation to sweep streets.

Ms. McFadyen stated the privacy fence and chain link fence on the corner of Greater Mack and Martin look terrible. Mr. Rayes replied that a notice was sent to the owners re to remove chain link fence because it is in disrepair.

Ms. McFadyen announced a St. Patrick's Day Party at the Bruce Post on Wednesday, March 17, from 5:00 to 11:00 p.m. In addition, they are still providing Friday Fish Fry.

**Council Member Rusie** asked Mr. Haney about Act 359 and property tax bills.

Ms. Rusie asked Ms. Kotowski how a resident can find information about City Council Meetings or Study Sessions. Ms. Kotowski responded that Council meeting agendas are published in the newspaper and on the City's website where the entire agenda packet can be viewed. If a special meeting is called and there is not time to publish in the newspaper, the agenda notice would be posted on the City Hall doors. The best place to view Council meeting agenda information on the website is by going to City Government, Agenda, Minutes and Packets, Council Meeting Packets.

Ms. Rusie announced that STRAW will have meeting on Wednesday, March 24<sup>th</sup>, at 7:30 at the Library.

**9. COMMENTS BY INDIVIDUAL COUNCILPERSONS (Cont'd)**

Ms. Rusie stated she spoke recently about an organization called "All About Animals Rescue". She displayed a picture of a six month old kitten that was looking for a home. She added that you can visit their website at [www.allaboutanimalsrescue.org](http://www.allaboutanimalsrescue.org).

**Council Member Rubino** stated he had old City Council minutes that indicated the City has been charging for ambulance fees since before 1960. In addition, there were budget problems back then also.

Mr. Rubino stated the tar cleanup began today at 9 Mile and Mack.

Mr. Rubino stated the bills are beginning to come in for the pocket parks and questioned if they are in line with what was budgeted. Mr. Rayes responded they were.

Registration is being taken for the Lac Ste. Clair Little League. Registration is also on their website at [www.lacstclair.org](http://www.lacstclair.org), or contact Bob Nelson at (586)855-7800.

Mr. Rubino announced the Metro Detroit Freedom Coalition is having a meeting on March 24, from 6:30 to 9:30 p.m. at the Barrister Gardens. The Coalition is a group which promotes the appearance of the Constitution and the Bill of rights.

**Mayor Hison** stated that most everyone has or will be receiving a letter from the Census Bureau. It is very important that every household fills this out, as it is a way to count every person who lives in St. Clair Shores on April 1, 2010. This information affects the revenue that each City receives based on its resident count. Beginning on March 19, personnel from the Census Bureau will be at the Library to help anyone who needs assistance in filling out the Census.

**10. CITY MANAGER'S REPORT**

**a. Request Council approve/deny approval of a name change on existing signs from Jack's Waterfront to Dockside Jack's Grill and Tiki Bar**

Mr. Michael Taylor, petitioner, was present to request Council's permission for a name change on existing signs due to new ownership of Jack's Waterfront Restaurant.

Michael Taylor, 24124 Jefferson, stated the business was formerly known as Jack's Waterfront Restaurant. He took possession of the business in January because the previous lease was not renewed.

Mayor Hison asked if the new sign will be affixed to the original signs. Mr. Taylor replied it would. Mr. Rayes stated the new sign is appropriate.

Ms. Rusie asked if the proposed signs meet all the criteria under the Sign Ordinance. Mr. Rayes replied they do.

Council asked Mr. Taylor when he thought the business would be opening. Mr. Taylor replied they are planning on opening April 2, 2010.

**Motion by Rusie, seconded by McFadyen to approve the request for approval of name changes on existing signs at 24214 Jefferson, formerly Jack's Waterfront Restaurant.**

Ayes: All - 7

Mr. Smith stated the City has some great children's playground programs in the summer, and they are looking for counselors. Interested applicants should go to the website: [scsmi.net](http://scsmi.net) human resource department, and fill out an application.

**11. AUDIENCE PARTICIPATION (5 MINUTE TIME LIMIT)**

Jim Backus, 21904 Grand Lake, expressed concern that the fishing pier road behind Blossom Heath doesn't have a name. He asked if the City could look into naming the road.

Jamie Victory, 32069 Williamsburg, stated that summer is approaching and he wanted to let the new Council Members know that he has a special car called White Lightning. He invited them to the car shows this summer.

**11. AUDIENCE PARTICIPATION (5 MINUTE TIME LIMIT) (Cont'd)**

Rick Swanquist, 21815 Bon Brae, stated STRAW is having a meeting on March 24<sup>th</sup> meeting in the Library Conference Room from 6:30 p.m. to 8:15 p.m. He added that the budget and goals will be the topics.

John Rossman, 22804 Barton, felt that Council should be helping the people who live at Greater Mack and Martin instead of pointing them out as there appears to be some health issues here.

Chris Krotche, President of Local 1744 Firefighters Union, stated it is an honor to work for the residents of St. Clair Shores and stated that this community is second to none. He stated everyone is going through difficult financial times, and realizes there has to be cost savings and cuts. Over the years there have been expanded services and additional calls, yet it is a lean department per capita. Mr. Krotche stated the firefighters also donate their time for a lot of events in the City.

**12. REQUEST TO ENTER CLOSED SESSION AS PERMITTED BY STATE STATUTE MCLA 15.268, SECTION 8(C)**

**Motion by Walby, seconded by Frederick to enter into Closed Session at 8:49 p.m.**

A roll call vote was taken.

Ayes: Walby, Frederick, McFadyen, Rusie, Rubello, Rubino, Hison

**Motion by Walby, seconded by Frederick to return to Open Session at 9:00 p.m.**

Ayes: All -7

Mr. Smith updated Council regarding the contracts of the new and retiring City Manager agreements. Mr. Hughes will be starting with the City on Monday, March 22, 2010, so he will be here for the internal budget hearings. Mr. Smith noted it is usual for a City Manager agreement to contain provisions for the employer to cover the moving expenses. He had done a sampling of costs and the ranges for the City Manager for a moving company.

**Motion by Rubino, seconded by Frederick to approve the relocation costs for the new City Manager up to \$7,000.00.**

Ayes: All – 7

As of Monday, March 22, 2010, Mr. Hughes assumes the position of City Manager. There will be a two-week transition period while Mr. Podolski and Mr. Hughes work together. Mr. Podolski will stay through the Council Meeting of April 5, 2010.

**Motion by Frederick, seconded by Walby to approve the terms and provisions of City Manager Benjamin Hughes contract, as presented and subject to his signature effective March 22, 2010.**

Ayes: All – 7

Mr. Smith noted that Fire Chief Matt Kovalcik has submitted his retirement request. He will begin the process of advertising and posting this position.

**13. ADJOURNMENT**

**Motion by Rubello, seconded by Walby to adjourn at 9:25 p.m.**

Ayes: All – 7

---

ROBERT A HISON, MAYOR

---

MARY A. KOTOWSKI, CITY CLERK