

**MINUTES
ST. CLAIR SHORES CITY COUNCIL MEETING
MAY 3, 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: City Manager Hughes, Assistant City Manager Smith, City Clerk Kotowski, Directors D'Herde, Esler, Haney, Koto, Rayes and City Attorney Ihrie

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 stated that Items #13c, #13e, #14a, and #14b were removed from the agenda.

2. PROCLAMATIONS & PRESENTATIONS

a. Tom Bugay

Mayor Hison presented the following proclamation:

**PROCLAMATION
to
THOMAS BUGAY**

***WHEREAS**, the Mayor and the Council of the City of St. Clair Shores deem it fitting and proper to publicly recognize the contributions and dedication to our City by **THOMAS BUGAY** on the occasion of his departure from the Police and Fire Pension and Health Care Boards and the TIFA/Brownfield Redevelopment Authority Board; and*

***WHEREAS, TOM** was appointed to the Police and Fire Pension and Health Care Board on September 17, 1990 and to the TIFA/Brownfield Redevelopment Authority Board on August 3, 1992, serving the City of St. Clair Shores well for twenty years; and*

***WHEREAS, TOM** has earned the respect and admiration of his colleagues by displaying a sincere willingness to serve this community in many beneficial ways and by his lengthy membership to the three City boards; and*

***WHEREAS, TOM** has been an outstanding resident of the city since 1976, by being active in events, going the extra mile and being a dedicated board member, his relocation will be felt City wide;*

***NOW, THEREFORE, BE IT RESOLVED**, that the mayor and Council of the City of St. Clair Shores, on behalf of all of our residents, wish to convey to **THOMAS BUGAY** our sincere appreciation for twenty years of dedicated volunteer services and wish him the best in all of his future endeavors.*

Presented this 3rd day of May 2010.

Mr. Bugay stated that time does go by fast. He bought his house here in St. Clair Shores in 1971. He added that he is honored by receiving the proclamation, and even though he doesn't live in the City any more, his heart remains here.

b. Shores network for Action and Prevention (SNAP) recognizing "May is Drug and Alcohol Free Month in the City"

Mayor Hison presented the following proclamation:

**PROCLAMATION
to
S.N.A.P. Coalition
Shores Network for Action and Prevention**

***WHEREAS**, adults who provide alcohol to those below the legal drinking age of 21 are placing those youth at risk for*

b. Shores network for Action and Prevention (SNAP) recognizing cont'd.

health, safety and legal problems; and

WHEREAS, alcohol use by young people is dangerous, not only because of the risks associated with acute impairment, but also because of the threat to their long-term development and well-being; and

WHEREAS, it is illegal to give or allow your teen or their friends to drink alcohol in your home, even with their parents' permission; and

WHEREAS, anyone found guilty of providing alcohol to youth can face up to a \$1,000 fine and six months in jail, in addition to any civil action that can be brought as a result of damages or injury related to the offense; and

WHEREAS, adults have the authority and responsibility to our youth to provide them with alternative opportunities by creating alcohol free activities; and

WHEREAS, Drug-Free Action Alliance, Project Remedy @ CARE and the **S.N.A.P. (Shores Network for Action & Prevention)**, through the "**Parents Who Host, Lose The Most: Don't be a party to teenage drinking**" campaign, provides the educational materials to raise community awareness regarding this illegal and unhealthy practice; and

WHEREAS, St. Clair Shores encourages residents to refuse to provide alcoholic beverages to underage youth, and to take the necessary steps to discourage the illegal and unhealthy practice, including the reporting of underage drinking by calling their local police; and

WHEREAS, St. Clair Shores not only discourages the use of alcohol by those below the legal age of consumption but also exhorts all residents of St. Clair Shores to not provide alcoholic beverages to those underage youth, and will continue to take the necessary steps to discourage this illegal and unhealthy activity;

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the City of St. Clair Shores, on behalf of all our residents, do hereby proclaim the month of May 2010 to be **Parents Who Host, Lose the Most: Don't be a party to teenage drinking**.

Presented this 3^d day of May 2010.

Judge Joseph Oster stated that this project is coordinated with other members of Macomb County, and because of the S.N.A.P. Coalition, he hopes to see a lot less cases in the future.

c. Wigs 4 Kids New Wellness Center Grand Opening June 5, 2010

Mr. Frederick presented the following proclamation:

**PROCLAMATION
To
WIGS 4 KIDS
In honor of their Wellness Center Grand Opening**

WHEREAS, the Mayor and Council of the City of St. Clair Shores wish to acknowledge and honor **WIGS 4 KIDS** in celebration of their Grand Opening of their new Wellness Center facility in St. Clair Shores; and

WHEREAS, **WIGS 4 KIDS** is a non-profit organization providing wigs and services to Michigan children experiencing hair loss due to cancer treatment, alopecia, trichotillomania and other medical causes; and

WHEREAS, **WIGS 4 KIDS** is opening a one-of-a-kind Wellness Center on Harper Avenue for the children and their families offering a social setting, along with holistic care, allied health services, goods, information, and educational and professional guidance in a supportive setting, to help kids deal with the psychological, social and emotional side effects of medical treatments; and

WHEREAS, **WIGS 4 KIDS** has shown its continued dedication to promoting healthy living, growth and balance, while maintaining integrity in the goods, services and programs provided; and

WHEREAS, the City of St. Clair Shores recognizes the contributions made by **WIGS 4 KIDS**, reflecting generosity, caring, compassion and selflessness, by helping to alleviate a child's suffering;

c. Wigs 4 Kids New Wellness Center Grand Opening June 5, 2010 cont'd.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the City of St. Clair Shores, on behalf of all our residents, do hereby congratulate **WIGS 4 KIDS** on the occasion of their **Wellness Center Grand Opening** on June 5, 2010, and wish for their continued success as one of our City's outstanding organizations.

Presented this 3^d day of May 2010.

Ms. Maggie Varney, Founder and CEO of Wigs 4 Kids, thanked everyone for all of their support and invited them to their grand opening celebration.

d. Lake Shore Aria Winter Color Guard 2010 MCGC AA Champions

Ms. Rusie presented the following proclamation:

**PROCLAMATION
To
LAKE SHORE HIGH SCHOOL
WINTER COLOR GUARD TEAM "ARIA"**

WHEREAS, the City of St. Clair Shores Mayor and City Council wish to congratulate the **2010 LAKE SHORE HIGH SCHOOL WINTER COLOR GUARD TEAM "ARIA"** on their first place win in the AA Division at the Michigan Color Guard Circuit State Championship held March 27, 2010, at Saginaw Valley State University; and

WHEREAS, **LAKE SHORE HIGH SCHOOL WINTER COLOR GUARD TEAM "ARIA's"** extraordinary efforts kept them undefeated during their regular season and earned them a promotion from the AAA Division to the AA division, and with dedication and commitment of mostly freshman students, succeeded in finishing in first place; and

WHEREAS, the Lake Shore High School Color Guard performs with the marching band at football games by spinning flags and other equipment to provide visual enhancement to the music, and when football season is over becomes the **LAKE SHORE HIGH SCHOOL WINTER COLOR GUARD "ARIA"** where they develop equipment work, drill and other performance related components to a piece of pre-recorded music, performing in competitions with other units from across the state; and

THE WINTER COLOR GUARD "ARIA" MEMBERS ARE:

**Danielle Arsenault
Benjamin Austin
Emily England
Danielle Ball**

**Sara Krasnicki
Chloe Jennings
Hanna Mico
Tabitha Rodocker**

**Samantha Salera
Robin Smith
Joe Welsh
Brianna Wilson**

STAFF: Brian Layne, Judi Layne, and Tracy Kryszkiewicz;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the City of St. Clair Shores extend this expression of our pride in your accomplishment and our appreciation for the fine credit you have brought to our community by your inspiring effort.

Presented this 3^d day of May 2010.

The Senior Captain of the Lake Shore High School Winter Color Guard Team stated this has been a long and rough season. There are twelve members, including nine freshmen, on the team. They all have accomplished extraordinary things this year. The activity that the Color Guard team does is not ordinary activity. On behalf of the Color Guard, she thanked everyone for the opportunity to come before Council and for the proclamation.

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

James Goodfellow, 22476 Lakeland, spoke regarding Item #12, Request for Planning Commission Case PC 10-02, approval of proposed activities for the 2010-2011 CDBG Program Year. He asked if some of the street money can be used to reimburse the resident on Pointe Drive who extended the public street to his house. He questioned the \$92,000 carryover from last year's street fund. He suggested a carryover for administration if the Senior Center is short to help pay administration costs.

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

Monique Hayes, CARE Deputy Director, spoke regarding Item #12, Request for Planning Commission Case PC 10-02, approval of proposed activities for the 2010-2011 CDBG Program Year. She wanted to discuss their request for CDBG funding. She stated that CARE's mission is to educate, link and support individuals, families, businesses and communities affected by family concerns, workplace challenges, mental health conditions and the misuse of alcohol, tobacco, and other drugs in southeastern Michigan. The proposal requests CDBG funding to support the cost associated with CARE's Student Assistance and Prevention Education programs. CARE's Prevention Education programs provide youth and parents the skills they need to be successful at school, home, and in the community. This is an essential service that assists youth in addressing problems that impact their success in school and life. Last year, there were 1,794 enrolled in the programs.

Erin Stahl, 20113 Avalon, spoke regarding Items #8, Request to approve the Activities Committee 2010 Fireworks and #13, Request approval to sales of \$1 HUD Homes.

Ms. Stahl stated she would like to see the financial reports regarding the fireworks. Ms. Stahl stated that Item #13 is a waste of time and limited precious resources of staff.

Ms. Stahl requested an update on the ongoing investigation on former DPW Director Dumas.

Mayor Hison stated that at the last City Council Meeting, some comments were made regarding an opinion made to Council with respect to the Audience Participation and he asked Mr. Ihrle to comment.

Mr. Ihrle stated that Audience Participation is mandated by state law; however, City Council is allowed to restrict/choose the length of time a person can speak. Audience Participation is a time when the residents can express their opinions and beliefs. The City Council has limited control over Audience Participation, and because it is not a time for back and forth debate, Council is silent. No one should conclude that City Council is endorsing, agreeing with, or not agreeing with the words that are being spoken at the podium. Council has limited control over what can be said.

St. Clair Shores City Council allows for 7 minutes of Audience Participation; 2 minutes at the start of the meeting on agenda items and 5 minutes at the end of meeting. These time limits sometimes generate more emotional views, as people speak to the audience, as they believe in the subject they are discussing.

We have little control over their comments; words may be unkind, insensitive and intolerant. Since Audience Participation is not a time for debate, there may be some who conclude when Council is silent there is silent acquiesce. St. Clair Shores City Council strongly supports and took an oath of office to support free speech. Mr. Ihrle asked that when someone speaks at the podium, try to use words and say things that are kind, courteous, civil and true even though they may be offensive and unpopular.

Mayor Hison stated we are here to conduct City business. We are here to hear your comments but try to remember we are also residents and we are trying to do our best for you every day.

Mr. Tom Costello, 1032 Kensington Avenue, Grosse Pointe Park, stated he is the CEO of the Michigan Round Table. He stated they are a dedicated group of ten full time employees, with 40 board members, who are very diverse and come from all races. The group is funded by individuals, corporations and national foundations. They help insure that everyone in the community has a seat and voice. Their meetings are respectful and safe for discussion.

Mr. Costello stated that students from the high schools have created an idea for the Memorial Day parade. In addition, they have written their own creed. He commended the school board and leaders for taking this first step. Mr. Costello encouraged everyone to attend a town hall meeting on May 20, 2010 at 6:30 p.m., to see what the Michigan Round Table is all about. For further information, their website is www.mi.roundtable.org.

4. REQUEST FROM MICHIGAN PARKINSON FOUNDATION FOR WALKATHON AND 5-K RUN ON MAY 22, 2010, FROM 11:00 A.M. TO 4:00 P.M. AT LAKEVIEW HIGH SCHOOL OUTDOOR TRACK. RUN TO PROCEED ON SIDEWALKS FROM LAKEVIEW HIGH SCHOOL OUTDOOR TRACK TO HARPER, HARPER TO 10 MILE, 10 MILE TO LITTLE MACK, LITTLE MACK TO LAKEVIEW HIGH SCHOOL OUTDOOR TRACK

Mr. Vince Marino, 21624 Englehardt, Event Chairperson, stated this request has become an annual event. He was here this evening as they changed their event venue to the Lakeview High School Outdoor Track. He stated the 5-k run will be on the sidewalks only and the route has been reviewed and approved by the Police and Fire Departments. Mr. Marino explained that Parkinson's disease can strike people of all ages, and is the second most common degenerative neurological disorder. For over 25 years, the Michigan Parkinson Foundation has provided education

4. REQUEST FROM MICHIGAN PARKINSON FOUNDATION FOR WALKATHON AND 5-K RUN cont'd.

and support to patients, their families and health care providers. With everyone's support, assistance will continue to provide the necessary programs and services that the Parkinson's community has come to rely upon.

Motion by McFadyen, seconded by Rusie, to approve the request from Michigan Parkinson Foundation to hold a Walkathon and 5-k run starting and ending at the Lakeview High School Outdoor Track on May 22, 2010, beginning at 11:00 a.m. and ending around 4:00 p.m., subject to participants agreeing to stay on the sidewalks and adhere to all laws and ordinances pertaining to pedestrians with the Run to proceed on sidewalks from Lakeview High School Outdoor Track to Harper, Harper to 10 Mile, 10 Mile to Little Mack, Little Mack back to the Lakeview High School Outdoor Track.

Ayes: All – 7

5. REVIEW FROM WIGS 4 KIDS TO HOLD A GRAND OPENING SPECIAL EVENT FOR THEIR NEW WIGS 4 KIDS WELLNESS CENTER AT 30126 HARPER, ON JUNE 5, 2010 FROM 11:00 A.M. TO 3:00 P.M.

Ms. Maggie Varney, Founder and CEO of Wigs 4 Kids, stated the center is scheduled to open on June 5, 2010. She explained that Wigs 4 Kids is a non-profit organization providing wigs and services to Michigan children experiencing hair loss as a result of cancer treatment, alopecia, trichotillomania and other medical causes for hair loss. She added they are committed to continuing to serve the community promoting healthy living, growth and balance, while maintaining integrity in the goods, services and programs provided.

In addition, this will be a one-of-a-kind Wellness Center for the children and their families offering a social setting as well as holistic care, allied health services, goods, information and educational and professional guidance in a supportive setting to help kids deal with the psychological, social and emotional side effects of treatment. She stated that of everyone they serve, fifty-three percent are from Macomb County. In addition, they are solely funded through the kindness of people, and always looking for volunteers.

Ms. Varney stated the Grand Opening will be a community wide event; an open house type of celebration on June 5, from 11:00 a.m. to 3:00 p.m.

Motion by McFadyen, seconded by Walby, to approve the request from Wigs 4 Kids to hold a Grand Opening Special Event for their new Wigs 4 Kids Wellness Center at 30126 Harper, on June 5, 2010, from 11:00 a.m. to 3:00 p.m.

Ayes: All – 7

6. REQUEST FROM KELLER WILLIAMS REALTY TO HOLD A FLOWER SALE FUNDRAISER FOR THEIR KW CARES CHARITY FUND AT 19990 E. 10 MILE ROAD ON MAY 7, 2010, FROM 9:00 A.M. TO 7:00 P.M., AND MAY 8, 2010, FROM 8:00 A.M. TO 5:00 P.M.

Ms. Jamie Began, Cole Street, Roseville, Keller Williams Realty, explained that KW Cares is a charity that supports fellow Keller Williams associates facing financial hardship due to major emergencies. They are supported by associates from across North America. She added they are selling hanging baskets and wall bags to raise money for their new Keller Williams Cares Charity Fund. Ms. Wojt added that during large scale emergencies, the Heart 2 Heart Program may be initiated where Keller Williams Associates adopt other Keller Williams associates impacted by a disaster.

Motion by Frederick, seconded by Rubino, to approve the request from Keller Williams to hold a Flower Sale Fundraiser for their KW Cares Charity Fund at 19900 E. 10 Mile Road, on May 7, 2010, from 9:00 a.m. to 7:00 p.m., and May 8, 2010, from 8:00 a.m. to 5:00 p.m., subject to tents not having walls/flaps to create an enclosed area when open to the public.

Ayes: All – 7

7. REQUEST FROM VFW BRUCE POST 1146 TO SOLICIT AT CITY INTERSECTIONS FOR NATIONAL POPPY DAY MAY 6 – 7, 2010

Mr. Ken Schmidt, 32513 Larkmoor, was present to request permission to solicit at City intersections for National Poppy Day, May 6 and 7, 2010. He stated this is an annual event. Members plan to solicit at the intersections of 11 Mile and Harper, 12 Mile and Harper, and 12 Mile and Little Mack, from 8:00 a.m. to 4:00 p.m.

7. REQUEST FROM VFW BRUCE POST 1146 TO SOLICIT AT CITY INTERSECTIONS cont'd.

Mr. Schmidt spoke about the Armed Forces Day at Veterans Memorial Park on May 15. He stated there will be a monument dedication to our St. Clair Shores fallen soldiers Spc. Stephen Okray and Staff Sergeant Donald Munn at 11:00 a.m. in the park.

Mr. Schmidt advised that the Bruce Post 1146 is working towards becoming an Emergency Readiness Center in the future. They will formalize a plan and come back in the future to address Council.

Motion by McFadyen, seconded by Frederick, to approve the request from VFW Bruce Post #1146 to solicit on City street corners for National Poppy Day, May 6 & 7, 2010, at the intersections of 11 Mile and Harper, 12 Mile and Harper, and 12 Mile and Little Mack from 8:00 a.m. to 4:00 p.m. each day.

Ayes: All – 7

8. REQUEST TO APPROVE THE ACTIVITIES COMMITTEE 2010 FIREWORKS

Mr. Hughes stated that he is pleased to announce that to date the City has 26 different organizations and individuals that have contributed to the fireworks. He added that the annual cost is between \$45,000.00 and \$50,000.00. The total cost of the fireworks display is \$23,082.00. The balance of the cost is for police and fire overtime. Mayor Hison commented that the budget has been reduced for overtime, and the DPW will also be involved, adding that he is concerned about the money for overtime, and wants to review the amount.

Mr. Esler, Director of Parks and Recreation, stated he has committed to \$38,921.00. Mr. Hughes stated that overtime for all three departments usually is anywhere from \$23,000.00 to \$25,000.00. Mr. Esler, announced the Activities Committee members, and commended them on soliciting funds for the fireworks.

Mr. Esler stated he has met with the owner of Great Lakes Fireworks and the St. Clair Shores Interim Fire Chief to discuss the fireworks which will be held on Friday, June 25, with a rain date of Saturday, June 26. Mr. Esler stated that all monies will be paid out of donations directed to the event, and no City dollars will be used. He has obtained the signed contract, permit, certificate of insurance and the invoice with a total cost of \$23,082.00. In addition, all arrangements have been made with the Department of Public Works for the set up of barricades.

Mr. Walby requested to see a breakdown of costs for overtime for all three departments from the City Manager. He questioned if these costs could be lower as he did not want the costs to prevent holding the event. He added that no one wants to live in a City where no events are held so he believes we need to evaluate the use of Police Reserves.

Mr. Frederick stated that this is a new day and age, and time off is just as important to police and fire personnel as overtime. He agreed consideration of the use of Police Reserves should be looked at again.

Council noted that Reserve officers will be discussed in budget meetings.

Mr. Rubino advised that he will not support any City dollars being spent. An employee is much more important to him than an hour of fireworks.

Mr. Rubello questioned if a shorter fireworks display could be held if enough money is raised.

Mr. Esler asked that if anyone wants to make a donation for the fireworks, to make checks out to the City of St. Clair Shores/Fireworks, and mail to 20000 Stephens, St. Clair Shores. He confirmed that a 50/50 raffle could be conducted during the fireworks by the SCOTS Board or the Baseball Association as both organizations are 501C3.

Motion by Walby, seconded by Rubino to postpone approval of the Activities Committee 2010 fireworks until the City Council Meeting on May 17, 2010.

Ayes: All – 7

Mr. Hughes advised he will work with Mr. Esler over the next few weeks, and come back on May 17 with a firm figure.

9. REQUEST APPROVAL TO INSTALL A NEW SIGN IN CENTRAL LAKEFRONT DISTRICT, BY PHILLIPS SIGN & LIGHTING, FOR ACHATZ BURGERS, 24605 JEFFERSON, PETITIONER RUSSELL ACHATZ

Mr. Philip Morgan, Phillips Sign & Lighting, was present to request approval to install a new wall mounted sign at Achatz Burgers, 24605 Jefferson.

Mayor Hison advised that because it is located on the Nautical Mile, businesses have been asked to have a nautical theme.

Ms. Rusie asked if this application meets the objective criteria of the sign ordinance. Mr. Rayes noted with the striping it exceeds the size limit in the sign ordinance for other than the CLD areas in the City.

Mr. Rubello advised that in the future, Council will be discussing stripes on awnings as well as the blue addresses on signs in the Central Lakefront District.

Moved by Rusie, seconded by Rubino to approve the request to install a new sign which includes striping painted on the building in the Central Lakefront District, at 24605 Jefferson, with the provision that Council would allow for signage on their pole sign at a future date.

Ayes: All – 7

10. REQUEST FROM NICKE ENTERPRISES, INC. FOR A NEW OUTDOOR SERVICE (1 AREA) TO BE HELD IN CONJUNCTION WITH THE 1009 CLASS C LICENSED BUSINESS LOCATED AT 25020 HARPER AVENUE (SABBY'S LOUNGE)

Mr. Anthony Miserendino, owner of Sabby's Lounge located at 25010 Harper, was present to request permission for a new outdoor service (1 area) to be held in conjunction with 2009 Class C licensed business located at 25010 Harper which requires a resolution by Council for the Michigan Liquor Control Commission.

Mr. Ihrie stated this request is essentially a formality. It was actually approved at the August 17, 2009 City Council Meeting. The Liquor Control Commission has indicated that even though it is approved, they need a technical approval acknowledging that Council approves alcohol serving on their outdoor service area.

Mr. Miserendino explained that he has been in the business for four years and has been approved, with conditions, to put 6-8 tables outside with one TV. There will be no outdoor music. The tables will be covered by an awning with side curtains and surrounded by a wrought iron fence.

Motion by Walby, seconded by Frederick, that the request from Nicke Enterprises, Inc. for a new outdoor Service (1 area) to be held in conjunction with 2009 Class C licensed business located at 25010 Harper Avenue, St. Clair Shores, Michigan 48080, Macomb County be approved "above all others", and that it is the consensus of the legislative body that this application be recommended for issuance.

Ayes: All – 7

11. REQUEST FOR PLANNING COMMISSION CASE PC 10-04 AT 23000 INDUSTRIAL DRIVE WEST FOR SITE PLAN APPROVAL FOR THE CONSTRUCTION OF ADDITIONAL TRUCK DOCKS

Mr. Sam Maceri, 2820 Rivard, Detroit was present for this request. He explained that Tom Maceri & Sons has been at Eastern Market for a very long time. Recently they have started to ship into Ohio. Mr. Maceri explained that a portion of the building on Industrial Drive West is presently leased by the Detroit Free Press, and Mr. Maceri will be a tenant. He would like to house all of his warehousing for his produce business at the location. He needs several truck wells in order to do so. Presently there are two enclosed truck wells for the Free Press to use. Mr. Marino stated he is requesting approval for 11 truck docks now, and an additional 9 truck docks in the future should they be needed. In addition, improvements such as drainage, landscaping, paving, and improving the building exterior will be made.

Ms. McFadyen asked Mr. Maceri how many docks he had at Eastern Market. Mr. Maceri replied 24. It was noted that the Planning Commission recommended site plan approval subject to the conditions of the City Planner's report.

Motion by Rubino, seconded by McFadyen, to approve the site plan PC10-04 approval for 11 truck docks located at 23000 Industrial Drive West as recommended by the Planning Commission, subject to the conditions of the City Planner's report, including: 1) A landscaping plan is required that includes irrigation and the removal and replacement of any unhealthy, or dead trees, 2) The existing fence is to be removed or

11. REQUEST FOR PLANNING COMMISSION CASE PC 10-04 cont'd.

replaced, 3) The transformers are to be properly screened, 4) The petitioner needs to discuss the widening of the approach when he decides to add the 9 future docks, 5) 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 10-04. 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

12. REQUEST FOR PLANNING COMMISSION CASE PC 10-02, APPROVAL OF PROPOSED ACTIVITIES FOR THE 2010-2011 CDBG PROGRAM YEAR (TABLED FROM 4/19/10)

Ms. Koto, City Planner, stated that on March 23, 2010, a public hearing was held at the Planning Commission meeting where comments from the public were heard regarding the use of Community Development Block Grant funds. On April 13, 2010 the Planning Commission recommended approval of the 2010/2011 Annual Action Plan activities. On April 19, 2010 the City Council postponed approving the 2010/2011 budget so that staff could research the feasibility of reimbursing the salary, wages and fringes of some of the Senior Center employees under the Administration budget line instead of the Senior Center budget. Staff has received a response from HUD indicating that the Senior Center employees' wages can be reimbursed out of the Administration budget. The proposed Administration Budget has been modified to accommodate the additional wages and fringes.

Ms. Koto added that the \$44,600.00 portion of wages and fringes from the Senior Center will be paid out of the administration budget which covers the Senior Center shortage in the coming fiscal year. In addition, Ms. Koto stated that they can reimburse 40% of the wages of a Code Enforcement person.

It was noted streets were reduced to \$661,562, Lighthouse Outreach program was reduced by \$500 which was added to Care Community Net for a total of \$3,000. Code Enforcement carryover wages were decreased and Administration carryover was increased to include Senior Center wages.

Motion by McFadyen, seconded by Rubello to approve the request for proposed activities for the 2010-2011 CDBG Program, as follows:

Activity Name	Budget	Carryover	Total Budget
Homeowner Rehabilitation	200,000.00		200,000.00
Senior Activity Center Operations	132,700.00		132,700.00
Senior Chore	10,000.00		10,000.00
Care House	4,500.00		4,500.00
MCREST	4,500.00		4,500.00
Turning Point	4,500.00		4,500.00
Lighthouse Outreach	9,500.00		9,500.00
Care Community Net	3,000.00		3,000.00
Planning Studies	25,000.00		25,000.00
Administration	0.00	195,000.00	195,000.00
Sidewalk Repair Assistance Program	5,000.00		5,000.00
Street and Infrastructure Repair	579,562.00	82,000.00	661,562.00
Code Enforcement Wages	0.00	135,000.00	135,000.00
Rental Rehab	50,000.00		50,000.00
Amount budgeted:	1,028,262.00	412,000.00	1,440,262.00
Amount available to budget:	1,028,262.00		

Ayes: All – 7

13. REQUEST APPROVAL FOR SALES OF THE FOLLOWING \$1 HUD HOMES**a. 21230 12 Mile Road**

Mr. Rayes stated this home's agreed selling price is \$65,000, with up to \$500 in repairs.

Ms. Rusie asked Mr. Ihrle to explain why approval for this home was before Council again. Mr. Ihrle replied that a

13. a. 21230 12 Mile Road cont'd.

motion was made at the last meeting that was questionable, as it authorized the City Manager to renegotiate the selling price.

It was noted the incorrect purchase agreement was provided to Council and Mr. Rayes confirmed the correct selling price of \$65,000.

Motion by Walby, seconded by Frederick, to approve the request for the sale of the \$1 HUD home located at 21230 Twelve Mile Road, per the terms and conditions of the Purchase Agreement.

Ayes: All – 7

b. 22511 Dorion

Mr. Rayes advised this home would be sold for \$74,900.

Motion by Rubino, seconded by Walby, to approve the request for the sale of the \$1 HUD home located at 22511 Dorion, per the terms and conditions of the Purchase Agreement.

Ayes: All – 7

c. 23424 Grove

This item was removed from the agenda.

d. 29706 Taylor

Mr. Rayes stated this home would be sold for \$64,000 with \$1,920 in concessions.

Motion by Rubino, seconded by McFadyen, to approve the request for sale of the \$1 HUD home located at 29706 Taylor, per the terms and conditions of the Purchase Agreement.

Ayes: All – 7

e. 21020 Bon Heur

This item was removed from the agenda.

f. 22821 Lakeshore Drive

Mr. Rayes stated that this condo was acquired through tax foreclosure and purchased from the County. The City has received two offers: \$35,000 on land contract, and \$38,000 cash. Staff recommends the contract for \$38,000 cash. Because this property was acquired from the County, there are no income restrictions on the purchaser, and funds may be used for any project desired.

Motion by Rubino, seconded by Walby, to approve the request for the sale of the City owned condo located at 22832 Lakeshore Drive.

Ayes: All – 7

14. BIDS/CONTRACTS/PURCHASE ORDERS

- a. ~~Request to award bid for 2010 Parks Mowing and Landscape Maintenance (bids opened 4/20/10) (to be rescheduled)~~
- b. ~~Request to award proposal for Investment Management Services (proposals opened 4/13/10) (to be rescheduled)~~

c. Request for approval of the Consulting Services Contract with Plante & Moran for the collaboration of dispatch services

Mr. Hughes stated that the City of St. Clair Shores has been in discussion for several years with surrounding communities to form a joint dispatch 911 call center. The initial consortium was reduced from eight communities to Roseville, Eastpointe and St. Clair Shores. The estimated contribution of \$98,150 has been divided into a cost sharing formula between the three participating communities. St. Clair Shores' cost is estimated not to exceed \$38,279. It is anticipated that the Southeast Macomb County Central Dispatch Consortium will go live by December 31, 2010. It was noted that the facility would be at the Senior Center in Roseville.

Ms. Christine Andrysiak, Plante & Moran, explained the center will be up and running by the end of the year. Deputy Chief Berlin of Roseville Police Department is working very hard on bids for the technology. Ms. Andrysiak added that she is confident that when it is up and running, other communities will want to join in. The plan requires all three municipalities' approval. This agreement included everything but the space.

Mayor Hison commented that St. Clair Shores currently has 11 civilian dispatchers, and all will have a position at the new center. This plan would not take away from the safety of all three communities residents. There is a projected \$250,000 savings for St. Clair Shores.

Ms. Rusie stated that the investigation of this collaboration has been ongoing since February, and she still has not received any information regarding the research for the consolidation. This is a costly project to be approved without seeing the research and for this reason she would be voting no.

Ms. Andrysiak replied that there was a Feasibility Study done in 2006, and she will make that document available. She added that the financial projections were refined in February. Ms. Rusie requested a copy of the study as she was not on Council when it was provided.

Mr. Haney stated the E911 Fund this year has been committed, so Plante & Moran will be paid from the contingencies funds and E911 funds would be used in the future.

Mr. Frederick asked if the new communities coming in to the call center would be charged the same fees that we are paying. Ms. Andrysiak replied that once the system is up and running, you can let in other communities on your own terms.

Mr. Rubello asked if there were any other joint dispatch call centers in the area. Ms. Andrysiak replied they have them in Livingston County, Midland County and Kent County. You are being progressive in Southeast Michigan.

Mr. Rubello asked if St. Clair Shores had paid Plante & Moran any money to date. She replied they have been paid approximately \$20,000 in E911 funds.

Mr. Walby asked what will happen to the dispatch equipment that we currently have. Ms. Andrysiak replied some of it will be moved and some of it will be maintained here. Mr. Hughes added that some of the equipment will be maintained here as a back up center.

Motion by Walby, seconded by Frederick, to approve the execution of a professional services contract with Plante & Moran to proceed with the implementation of a joint dispatch 911 call center consortium with the Cities of Roseville, Eastpointe and St. Clair Shores, not to exceed \$38,279.00.

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

15. RECOMMENDATION FROM THE COMMUNICATIONS COMMISSION ON THE REQUEST TO USE THE AUDIO VISUAL EQUIPMENT IN COUNCIL CHAMBERS BY RESIDENTS

Ms. D'Herde, Communications Director, explained that using *The Policy for the Operation of the City of St. Clair Shores Government Access Video Channels* approved by the Mayor and City Council on January 17, 2000, the Communications Department limited the use of City-owned equipment such as the overhead projector in Council Chambers to City employees or Communications Commissioners who have had prior training in the proper operation of the equipment. As a standard practice, citizens who wished to show visuals such as flyers, posters, etc., during Audience Participation, displayed the item at the podium, and the SCSTV cameras zoomed in on the visual.

Ms. D'Herde stated that at the request of residents and City Council, the Communications Commission revisited the policy at their April 14, 2010 meeting. Based on these requests and an updated survey with municipalities in Macomb

15. RECOMMENDATION FROM THE COMMUNICATIONS COMMISSION cont'd.

and Oakland Counties, the Communications Commission recommends the inclusion of Section H: Visual

Presentations during City Council meetings that will permit citizens the use of the overhead projector in City Council Chambers during the Audience Participation sections of the Council agenda.

Mayor Hison asked City Attorney Ihrie for any comments. Mr. Ihrie stated he worked with the Commission on this policy, and everything is appropriate.

There was some discussion regarding the last two items listed on page 7 under Item H c), Information harmful to children or of a nature likely to frighten children, either emotionally or physically, and encouragement of cruelty to animals.

Ms. D'Herde added that the guidelines regarding this policy will be published on the City website.

Motion by McFadyen, seconded by Rusie, to approve the recommendation from the Communications Commission to revise *The Policy for the Operation of the City of St. Clair Shores Government Access Video Channels (SCSTV)*, to include Section H with language that will permit citizens the use of the overhead projector in City Council Chambers during the Audience Participation sections of the Council agenda, subject to removing the item on page 7, "Information harmful to children or of a nature likely to frighten children, either emotionally or physically", a copy of this Policy to be attached to the original minutes of the meeting as exhibit A.

Ayes: All – 7

16. REQUEST FOR APPROVAL OF THE ADMINISTRATIVE REGULATIONS

Mr. Smith, ACM/HR, provided Council with the following summary of the changes to Administrative Regulation #4, the City of St. Clair Shores Standardization and Equalization of Administrative Staff Fringe Benefits and Compensation. (Unless otherwise noted, all changes are to be made effective July 1, 2010).

There are 10 positions covered by this agreement, one of which was himself. These people are not eligible for collective bargaining. Meetings were held with members of the AR4.

1. Provides for an across the board 5% reduction in base wage for all non-union employees, other than the City Manager who was recently hired at a reduced level of compensation.
2. Sets a new base wage rate for the classifications of Chief of Police, Fire Chief and Deputy Police Chief, effective with the filling of vacancies, currently created through retirements. This will save approximately \$72,000 with those three salaries.
3. Provides that wages in effect as the result of the two aforementioned changes shall be frozen through June 30, 2012.
4. Places a cap on the amount of vacation time (120 hours) which may be cashed in annually by an employee. Reduces the cap on the amount of benefit time cashed in which can be credited to Final Average Compensation from the current 1,950 to 1,000 hours.
5. Provides new language for all employees covered by the Defined Benefit pension plan that makes it impossible for employees covered by this regulation to retire with a pension benefit that is more than their base rate of pay at time of retirement.
6. Changes the level of Employer contribution for employees enrolled in the Defined Contribution pension plan to mirror that currently found in the PEA, AFSCME and Dispatch agreements. This change will not change the rate currently paid on behalf of anyone currently enrolled in that plan.
7. Eliminates discretion on the issuance of days paid in recognition of work performed outside the regular work day.
8. Eliminates language which provided that the Police Chief, Deputy Police Chief and Fire Chief will be provided with the same pension benefit as is provided to members of the Police Command Officers' union. New Chief will continue to participate in the Act 345 pension system, but will have calculations of their pensions determined under this administrative regulation.

16. REQUEST FOR APPROVAL OF THE ADMINISTRATIVE REGULATIONS cont'd.

9. Eliminates the payment of clothing and cleaning allowances to the classifications of Police Chief, Deputy Police Chief, and Fire Chief.
10. Places a hard cap on longevity payments made to the Police Chief, Deputy Police Chief and Fire Chief (reduces the maximum payment amount by approximately \$5,000 per employee, per year).
11. Effective 1/1/2010, the prescription drug coverage will be changed to Option C of the Healthy Blue Incentives. This adds a new rider that requires increased co-pays for Chiropractic Care.
12. Eliminates language providing for an increase in base rate for employees who obtain an additional degree/certification during the term of their employment.

Mr. Smith stated this is a 12% reduction in total with a savings of \$67,000 in the Police and Fire Chiefs plus 5% across the board wage saving, a freeze to 2012 and 10% reduction to FAC calculations, and pension reduction by almost 20%.

Mr. Walby asked how this compared to the PEA. He stated he does not want Item #4 to be a part of the Final Average Compensation.

Mr. Rubino asked if an employee would be able to receive a pension equal to their base rate. Mr. Smith replied they would. Mr. Rubino stated he would like to see 'use it or lose it' vacation time, instead of being able to cash in time.

Mr. Smith noted that he tried to accomplish the majority of what Council and the public wanted. He did not want to see Chiefs retiring with more than base salary. There are many employees making more than department heads.

Mr. Rubello stated that it seems that over the years, longevity has turned into a type of compensation package. Mr. Smith replied that by reducing the longevity, it is likely that the employees who work under the supervisors will be making more money than the supervisors.

Mayor Hison stated Council could vote on Items 1 – 3, and 6 – 12, and hold voting on 4 and 5 for a later date.

Mr. Smith stated he would like to approve this today and if needed, can be changed at a later date. He stated he has a posting for internal candidates to test for the Police Chief position and he would like some kind of package to work with.

Mr. Frederick asked if there is a potential lawsuit with Act 78 in regards to Item #8 referring to the Act 345 Pension System.

Mr. Frederick stated his fear is that the City will go outside of the St. Clair Shores Police Department to hire for Chief, and bring someone in who will leave in a year and leave a mess.

Motion by Walby, seconded by Rubino to postpone this item until May 17, 2010.

Ayes: All – 7

17. REQUEST FROM CITY ATTORNEY FOR ADOPTION TO AMENDMENTS REGARDING GUNS IN THE PARK

Mr. Ihrie explained that as a result of a Michigan 2002 Court of Appeal's case interpreting legislation with respect to handguns, it is necessary that we amend our Public Parks Ordinance and our Dangerous Weapons Ordinance. The amendment removes the prohibition against the carrying or the possession (concealed or open-carry) of handguns in our public parks or upon our public streets. He added that municipalities are no longer permitted to regulate the possession of such firearms as that regulation is preempted by State law. State regulation permits the carrying of firearms in a concealed fashion (with a concealed pistol license) or openly (open-carry without a concealed pistol license).

Mr. Ihrie added that under the present state of our laws in Michigan, we are not permitted to make ordinances that conflict with State law.

17. REQUEST FOR ADOPTION TO AMENDMENTS REGARDING GUNS IN THE PARK cont'd.

Motion by Rubino, seconded by Rusie to approve the adoption of amendments to Ordinance 20.014 (Use and Possession of Dangerous Weapons), and 20.230 (Firearms and Dangerous Instruments Prohibited), which read as follow:

AMENDMENT TO USE AND POSSESSION OF DANGEROUS WEAPONS ORDINANCE

The City of St. Clair Shores ordains that Section 20.014 Use and Possession of Dangerous Weapons of its Code of Ordinances, which reads as follows:

20.014 Use and possession of dangerous weapons.
Sec. 20-14.

- (a) It shall be unlawful for any person to possess any firearm, machine gun, sawed off shotgun, or any instrument or weapon of the kind commonly known as a black-jack, sling shot, sand club, sand bag, switch-blade knife, or metal knuckles, or any instrument, attachment or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearms, except as is otherwise permitted by law.
- (b) It shall be unlawful for any person in possession, with the intent to use unlawfully against another, an imitation pistol or a dagger, dirk, razor, stiletto, knife or similar instrument.
- (c) It shall be unlawful for a person to discharge within the city any firearm or other instrument producing a like effect and noise except in lawful defense of his person or property or the enforcement of law or at a duly established range, the operation of which has been approved by the City Council or unless otherwise permitted by law.
- (d) It shall be unlawful for a person to transport any loaded firearm of any description within the city unless said person is a law officer in the performance of his duties or is in possession of a valid concealed weapons permit and is in conformance with the restrictions set forth therein.
- (e) It shall be unlawful for any person under 18 years of age to carry any air gun which shall mean any gun, rifle or pistol, by whatever name known, which is designed to expel or projectile by the action of compressed air or gas or by the action of the spring or elastic not including a firearm, within or upon any streets, alleys, public roads or other public property unless accompanied by an adult or unless the air gun is unloaded and in a suitable case or securely wrapped.
- (f) It shall be unlawful for any person to discharge any air gun from or across any street, alley or public land or place. When used on private property, it may not be fired, as to endanger people, wildlife, domestic animals or property of others, and also in such a manner as to prevent the projectile from transversing any grounds or space outside the limits of such grounds or residence.
- (g) It shall be unlawful to shoot a bow and arrow, crossbow or compound bow, or to discharge any other type of device which expels a projectile capable of causing death or serious physical injury, anywhere within the city limits of the City of St. Clair Shores, except at a derby, contest or at an established range, the operation of which has been approved by the City Council.

Shall be amended as follows:

AN ORDINANCE TO AMEND SECTION 20.014 OF CODIFIED ORDINANCES OF THE CITY OF ST. CLAIR SHORES IN REGARD TO THE USE AND POSSESSION OF DANGEROUS WEAPONS.

**20.014 Use and possession of dangerous weapons.
Sec. 20-14.**

- (a) **It shall be unlawful for any person to possess any ~~firearm~~, machine gun, sawed off shotgun, or any instrument or weapon of the kind commonly known as a black-jack, sling shot, sand club, sand bag, switch-blade knife, or metal knuckles, or any instrument, attachment or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearms, except as is otherwise permitted by law. (amend. eff. May 10, 2010)**

17. REQUEST FOR ADOPTION TO AMENDMENTS REGARDING GUNS IN THE PARK cont'd.

- (b) It shall be unlawful for any person in possession, with the intent to use unlawfully against another, an imitation pistol or a dagger, dirk, razor, stiletto, knife or similar instrument.
- (c) It shall be unlawful for a person to discharge within the city any firearm or other instrument producing a like effect and noise except in lawful defense of his person or property or the enforcement of law or at a duly established range, the operation of which has been approved by the City Council or unless otherwise permitted by law.
- ~~(d) It shall be unlawful for a person to transport any loaded firearm of any description within the city unless said person is a law officer in the performance of his duties or is in possession of a valid concealed weapons permit and is in conformance with the restrictions set forth therein.~~
- (e d) It shall be unlawful for any person under 18 years of age to carry any air gun which shall mean any gun, rifle or pistol, by whatever name known, which is designed to expel or projectile by the action of compressed air or gas or by the action of the spring or elastic not including a firearm, within or upon any streets, alleys, public roads or other public property unless accompanied by an adult or unless the air gun is unloaded and in a suitable case or securely wrapped. (amend. eff. May 10, 2010)
- (f e) It shall be unlawful for any person to discharge any air gun from or across any street, alley or public land or place. When used on private property, it may not be fired, as to endanger people, wildlife, domestic animals or property of others, and also in such a manner as to prevent the projectile from transversing any grounds or space outside the limits of such grounds or residence.
- (g f) It shall be unlawful to shoot a bow and arrow, crossbow or compound bow, or to discharge any other type of device which expels a projectile capable of causing death or serious physical injury, anywhere within the city limits of the City of St. Clair Shores, except at a derby, contest or at an established range, the operation of which has been approved by the City Council.

(chap. 20 eff. Jan. 6, 1987; amend. eff. Nov. 8, 1988, amend eff. May 10, 2010)

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

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

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

STATE OF MICHIGAN)
) ss
 COUNTY OF MACOMB)

We hereby certify that the foregoing ordinance is a true copy of an ordinance as enacted by the City Council on the 3rd day of May 2010, and that the necessary Charter provisions have been observed.

ROBERT A. HISON, MAYOR

MARY A. KOTOWSKI, CITY CLERK

I, Mary A. Kotowski, Clerk of the City of St. Clair Shores, hereby certify that the foregoing ordinance was published by posting true copies of the same in each of the following places: Police Station, 27665 Jefferson Avenue, Fire Hall, 26700 Harper Avenue, and City Hall, 27600 Jefferson Circle Drive on the 10th day of May 2010.

MARY A. KOTOWSKI, CITY CLERK

(ord. amendment eff. May 10, 2010)

17. REQUEST FOR ADOPTION TO AMENDMENTS REGARDING GUNS IN THE PARK cont'd.

AMENDMENT TO FIREARMS AND DANGEROUS INSTRUMENTS PROHIBITED ORDINANCE

The City of St. Clair Shores ordains that Section 20.230 Firearms and Dangerous Instruments Prohibited of its Code of Ordinances, which reads as follows:

20.230 Firearms and dangerous instruments prohibited.

Sec. 67A-20.

- (1) No person except an authorized City employee, park guard, or law enforcement officer, shall bring onto park property or have in his possession on park property any firearm or ammunition, any explosive, dynamite cap, fireworks, airgun, pellet gun, spring gun, slingshot, cross bow, bow and arrow, any device by means of which a projectile can be propelled, any device which can be loaded with blank cartridges, any trapping device, any incendiary bomb or material, any smoke or stink bomb, any tear gas or other disabling chemical or agent, any acid or caustic substance, or any inflammable liquid except fuel contained in the fuel tank of a motor vehicle, vessel, lantern, camp stove or camp heater, and not more than one gallon of liquid fuel in a closed metal container.
- (2) No person shall discharge any of the weapons or instruments listed in section (1) into any park from outside a park.
- (3) The Director may designate areas within a park where bows and arrows can be used. In such cases, the Director shall promulgate regulations for the safe use of such devices, and no person shall fail to abide by such regulations.

Shall be amended as follows:

AN ORDINANCE TO AMEND SECTION 20.230 OF THE CODIFIED ORDINANCES OF THE CITY OF ST. CLAIR SHORES IN REGARD TO DANGEROUS INSTRUMENTS PROHIBITED IN PUBLIC PARKS.

The City of St. Clair Shores ordains that Section 20.230 ~~Firearms and~~ Dangerous Instruments Prohibited of its Code of Ordinances, which reads as follows:

~~20.230 Firearms and~~ Dangerous instruments prohibited.

Sec. 67A-20.

- (1) No person except an authorized City employee, park guard, or law enforcement officer, shall bring onto park property or have in his possession on park property ~~any firearm or ammunition~~, any explosive, dynamite cap, fireworks, airgun, ~~pellet gun~~, spring gun, slingshot, cross bow, bow and arrow, any device by means of which a projectile can be propelled, any device which can be loaded with blank cartridges, any trapping device, any incendiary bomb or material, any smoke or stink bomb, any tear gas or other disabling chemical or agent, any acid or caustic substance, or any inflammable liquid except fuel contained in the fuel tank of a motor vehicle, vessel, lantern, camp stove or camp heater, and not more than one gallon of liquid fuel in a closed metal container, except as is otherwise permitted by law. (amend. eff. May 10, 2010)
- (2) No person shall discharge any of the weapons or instruments listed in section (1) into any park from outside a park, except in lawful defense of his person or the enforcement of law, or otherwise permitted by law. (amend. eff. May 10, 2010)
- (3) The Director may designate areas within a park where bows and arrows can be used. In such cases, the Director shall promulgate regulations for the safe use of such devices, and no person shall fail to abide by such regulations.

(chap. 67 eff. Aug. 26, 1986, amend. eff. May 10, 2010)

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

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

17. REQUEST FOR ADOPTION TO AMENDMENTS REGARDING GUNS IN THE PARK cont'd.

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

STATE OF MICHIGAN)
) ss
 COUNTY OF MACOMB)

We hereby certify that the foregoing ordinance is a true copy of an ordinance as enacted by the City Council on the 3rd day of May 2010, and that the necessary Charter provisions have been observed.

 ROBERT A. HISON, MAYOR

 MARY A. KOTOWSKI, CITY CLERK

I, Mary A. Kotowski, Clerk of the City of St. Clair Shores, hereby certify that the foregoing ordinance was published by posting true copies of the same in each of the following places: Police Station, 27665 Jefferson Avenue, Fire Hall, 26700 Harper Avenue, and City Hall, 27600 Jefferson Circle Drive on the 10th day of May 2010.

 MARY A. KOTOWSKI, CITY CLERK

(ord. amendment eff. May 10, 2010)

Ayes: All – 7

18. CONSENT AGENDA

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

a. **Bills**

April 22, 2010 \$2,068,956.01

To approve the release of checks in the amount of \$2,068,956.01, of the report that is 22 pages in length and of the grand total amount, \$0 went to other taxing authorities.

b. **Fees – None**

c. **Progress Payments**

Florence Cement Company	\$	2,208.50
TR Peiprzak Company	\$	80,269.20

To approve the above progress payments, subject to audit.

d. **Approval of Minutes**

To approve the following minutes:

<u>Minutes</u>	<u>Meeting Date</u>
City Council Study Session	April 12, 2010
City Council	April 19, 2010

18. CONSENT AGENDA cont'd.**e. Receive & File Boards, Commissions & Committee Minutes**

To receive and file the following minutes:

<u>Minutes</u>	<u>Meeting Date</u>
Beautification Commission	February 10, 2010
Brownfield Redevelopment Authority	January 21, 2010
Communications Commission	December 9, 2010
Communications Commission	March 10, 2010
Council Sub-Committee on Boards & Commissions	March 23, 2010
Cultural Committee	March 10, 2010
Fence Arbitration Committee	January 20, 2010
General Employee Pension Board	March 16, 2010
General Employee Retiree Health Care Board	January 19, 2010
Library Board	March 18, 2010
Older Persons Advisory Committee	September 24, 2009
Older Persons Advisory Committee	March 18, 2010
Tax Increment Finance Authority	March 18, 2010

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

1. Accept with regret the resignations of Maureen Antushevich (Activities Committee) and Edward Wenz Jr. (Zoning Board of Appeals).
2. To increase the Older Persons Advisory Committee by six members, for a total committee size of thirteen.
3. To appoint the following:

<u>Name</u>	<u>Committee</u>	<u>Term Ending Date</u>
Leonard Goodlesky, Jr.	Employees Civil Service Commission	July 1, 2012
C. Teresa Bertolini	Historical Commission	December 31, 2012
Bo Kirk	Police & Fire Civil Service Commission	December 31, 2015
Kevin Hertel	Waterfront Environmental Committee	September 30, 2012
Peter Stellas, voting	Zoning Board of Appeals	December 31, 2011
Lee Bertolo, alternate	Zoning Board of Appeals	May 3, 2012

4. Recommendation from the Mayor to concur with the Sub-Committee recommendation to appoint Anthony Tiseo from an alternate to a full voting member to fill the vacant seat of Bo Kirk with a term ending of December 31, 2012.
5. To re-appoint the following:

<u>Name</u>	<u>Committee</u>	<u>Term Ending Date</u>
Baker, David	Cultural Committee	June 1, 2011
Carron, James	Cultural Committee	June 1, 2013
Chiappetta, Darlene	Cultural Committee	June 1, 2011
Simek, Stanley J.	Cultural Committee	June 1, 2011
Stanczak, Edmumd A.	Cultural Committee	June 1, 2012
Descamps, Grace	Election Commission	May 1, 2011
Ihrie, Robert	Election Commission	May 1, 2011
Kotowski, Mary	Election Commission	May 1, 2011
Slater, Metta	Election Commission	May 1, 2011

Ayes: All – 7

19. REQUEST TO SET A PUBLIC HEARING ON MAY 17, 2010 FOR THE CONSIDERATION OF THE CREATION OF A PLANT REHABILITATION DISTRICT (PRD) FOR LAND SITUATED IN THE INDUSTRIAL DISTRICT LYING NORTH OF KYTE J. MONROE PARK, GENERALLY KNOWN AS THE FISHER DYNAMICS INDUSTRIAL PARK AND THE FORMER PLASTECH PRODUCTS FACILITY

It was explained that the building located at 33200 Fisher Drive has been non-operational and used as a warehouse for a number of years. New business opportunities will allow the company to potentially utilize the space and expand the workforce considerably. There would be investment in personal property of \$8,807,220.00 during the next two years, and this investment would result in a total of at least 88 jobs.

Mr. Hughes requested to notify staff to set a public hearing. There will be detailed discussion as well as financial information at the Public Hearing.

Motion by Frederick, seconded by Rubino, to approve the request to set a Public Hearing on May 17, 2010, for the consideration of the creation of a Plant Rehabilitation District (PRD) for land situated in the industrial district [located within the City of St. Clair Shores, County of Macomb, State of Michigan] lying north of Kyte J. Monroe Park, south of the northern City boundary line, east of Robeson Street, and west of Harper Avenue, generally known as the Fisher Dynamics Industrial Park and the former Plastech Products facility, and commonly identified by the street addresses of 33100, 33140, 33180, 33200, and 33300 Fisher Drive, and 33101 and 33195 Harper Avenue.

Ayes: All – 7

20. UPDATES AND FOLLOW-UPS FROM COUNCIL MEETING

- **PCB's** – Mr. Hughes stated he had a conversation with Congressman Levin's staff about a super fund designation. He stated there will be a meeting in early May to resolve reimbursement issues with the State DNR grant. He will be seeking input on dates and times in July or August to hold some general information meetings for the public.
- **9-Mile Water Main** – Mr. Rayes advised the 9-Mile water main sod is being installed.
- **Department of Public Works** – Mr. Hughes advised that on April 23, the Police Department concluded the internal investigation. A meeting with County Prosecutor Eric Smith is scheduled for May 4, 2010 and then the findings will be reviewed.
- **Forensic Audit** – The City is waiting for the prosecuting attorney's determination and then we can proceed with the audit.

21. COMMENTS BY INDIVIDUAL COUNCILPERSONS

Council Member McFadyen announced the "Walk on the Wild Side" event at the Detroit Zoo scheduled for July 24, 2010. It is their 12th annual fundraiser and registration will begin at 7:00 a.m., and the walk at 8:30 a.m.

Ms. McFadyen stated that the 16th Annual Bowl-a-Rama will be on May 21, 2010 at Sunnybrook Lanes, located at 7191 17 Mile Rd. Call 586-757-5551 for more information.

Council Member Rusie announced there will be a STRAW Public Meeting on May 6 from 6:30 p.m. to 8:30 p.m. at the Library. The topic will be \$1 HUD homes.

Ms. Rusie invited everyone to Veterans Memorial Park on Saturday, May 15, for Armed Forces Day. Josh Gracin is among the guests who will be performing there.

Council Member Rubino stated he will never criticize anyone during Audience Participation. He would like Council to look into beginning Audience Participation no later than 10:00 p.m. if it is a long meeting, so at 10:00 p.m. we move to Audience Participation and then return to the Agenda items.

Council Member Rubello stated he was not aware of the pool agreement St. Clair Shores had with Roseville and did not remember receiving information. He added we need to be tolerant of individuals who don't look or think like us because people have different heritages.

21. COMMENTS BY INDIVIDUAL COUNCILPERSONS cont'd.

Mr. Rubello stated he feels Council did not give Ms. Koto, City Planner, the best direction with regard to the Neighborhood Stabilization Program. He added we don't want to overbuild the inside of the homes the City is selling.

Mr. Rubello announced the 15th annual Nautical Coast Clean-Up scheduled for May 23, 2010.

Council Member Frederick hopes for Audience Participation to abide by the unwritten rule of civility.

Mr. Frederick stated there will be a food and clothing drive at the Kolping Center on Saturday, May 8, 2010, from 10:00 a.m. to 3:00 p.m.

Mr. Frederick announced that the opening day for the baseball and softball associations will be at Kyte-Monroe Field on May 23, 2010, at 11:00 a.m.

Mr. Frederick reminded everyone of the Parkinson Walk on May 22 at Lakeview High School.

Mr. Frederick stated the City is accepting donations for fireworks.

Council Member Walby stated there are a number of openings on various Boards and Commissions in the City and encouraged anyone interested to apply. The listing is available on the City's web page.

Mr. Walby stated that there were not enough concessions in the AFSCME contract at the last meeting. He wanted to make sure everyone understood that even though the new City Manager is earning \$6,274 more than the previous City Manager, Mr. Hughes does not have a pension, but a 401K instead, and he also has to pay 20% more for health coverage.

Mayor Hison announced the Lac Clair Symphony Orchestra concert will be held at Lakeview High School on May 8. He also advised that Budget Meetings are scheduled for May 5 and May 6, beginning at 6:00 p.m. and they will be televised.

22. CITY MANAGER'S REPORT

Mr. Hughes also announced the Budget Hearings on May 5 and May 6.

23. AUDIENCE PARTICIPATION (5 MINUTE TIME LIMIT)

Renee Scharffe, 22007 Centennial, stated she is a member of the Lakeview High School Booster Club. On Saturday, May 8, from 10:00 a.m. to 3:00 p.m., Roy O'Brien Ford will provide test vehicles at the school for a family focused event called "Drive One Ford Your School". There will also be a car wash, bake sale, etc.

Jeanne Grabner, 20497 Longwood Drive, Clinton Township, stated she lives in an integrated neighborhood and teaches school at South Lake. She stated she is proud to be a member of the Michigan Roundtable of Diversity and Inclusion. She encouraged everyone to attend at least one meeting.

Bob Kment, 22501 Carolina, asked which department is responsible for the removal of signs placed illegally in the public right of way. He thanked St. Clair Shores EMT who saved his life.

Brian Mazey, Lac Ste. Clair Kiwanis Club, invited everyone to the Armed Forces Day at Memorial Park on May 15.

Mary Beth Okrey began a program called "A Taste of Home", in memory of her fallen son Stephen Okrey. In addition there will be a commemoration ceremony for Stephen Okrey and Donald Munn, both fallen soldiers from St. Clair Shores. Mrs. Okrey said it is not only about those who have been killed, it is also about those who are still there. The event on May 15, 2010 will raise funds to send "taste of home" boxes to our military serving overseas.

Steven Chap, 44344 Bayview, Clinton Township, stated he attended the meeting of the Michigan Round Table at St. Margaret Church on April 15, 2010.

Erin Stahl, 20113 Avalon, spoke regarding the DPW investigation. She suggested getting the truth out to the residents, and restore confidence in the City. She added that any new hires for the City should be under a 401k and not a pension.

Sue Jesion, 21308 Raymond, stated she is concerned about at-risk children being brought in to our Senior Center.

23. AUDIENCE PARTICIPATION cont'd.

Allen Galdos and Joe Patton, of the VFW Bruce Post Men's Auxiliary, stated they have a float for the Memorial Day Parade. They are looking for signatures of anyone who has been in the armed forces to have on the banner. Tables will be set up with the banners that will be in the Parade at the VFW on May 19.

Christy Franklin, 23720 Morey, spoke about supporting children's values, stating that is ok to work together.

Jeff Dunn, 22900 Lingeman, stated he has been actively working with members of the Michigan Roundtable for several months. It is not the sinister communist organization everyone thinks it is. He advised it is 2010, not 1967.

Jim Kelly, 23142 N. Rosedale Ct., advised he keeps coming to the City Council Meetings and suggesting how Council can save money, and still things never change.

Marvin King, 22506 Port, stated a man should receive 60% of what he has earned from his job for his pension.

Donald Lobsinger, 26900 Taylor, tonight is not the last night he will be here. He stated he is not the one who wants a float in the Memorial Day Parade. It is the Michigan Round Table. It is the nature of that group that should be considered and not him.

24. ADJOURNMENT

Motion by Frederick, seconded by Walby to adjourn the meeting at 11:50 p.m.

Ayes: All – 7

ROBERT A HISON, MAYOR

MARY A. KOTOWSKI, CITY CLERK

EXHIBIT A

**Policy for the Operation of
The City of St. Clair Shores Government
Access Video Channels (SCSTV)**

PREAMBLE:

It is the purpose of this policy to provide a means, in conformity with acceptable standards of dignity, propriety, and decorum with the City of St. Clair Shores Charter and its ordinances, by which the City of St. Clair Shores Government Access Channels (SCSTV) shall operate, and by which municipal meetings, which are open to the public, shall be covered by SCSTV.

OBJECTIVES:

The programming objectives of the City of St. Clair Shores Cable Channel (SCSTV) shall be as follows:

- A. To provide public service information to the citizens of the City of St. Clair Shores.
- B. To provide information regarding events, activities, and programs that are sponsored by the City of St. Clair Shores or its volunteer boards and commissions.
- C. To increase the knowledge of the citizens of St. Clair Shores as to the various functions performed by their local government and volunteer boards and commissions.
- D. To widen the dissemination of the activities of the legislative and advisory bodies of the City of St. Clair Shores.
- E. To provide additional information to citizens needing access to the various City departments.
- F. To provide additional community and quality-of-life programming.

OVERALL POLICY:

- A. **Programming:** The intent of the programming on SCSTV shall be to provide direct, non-editorial information to the citizens of St. Clair Shores. SCSTV shall not be used to build support for a particular candidate, policy, program, or issue.
 - 1. The purpose of programming on this channel shall be public service in nature.
 - 2. Announcements for authorized City events and events within the City shall be allowed.
 - 3. Tape delayed cablecasting of public meetings shall be aired in their entirety.
 - 4. To ensure that compliance with this policy is achieved, programming shall be subject to review by the Communications Director and/or the Communications Commission.
 - 5. Programming of events and activities of committees and commissions of the City of St. Clair Shores shall be integrated into existing locally produced shows such as The Mayor's Corner, The Council Connection, SCS Local Matters and others as the Communications Commission and/or Communications Director deem appropriate.
- B. **Operation of the Channel:** SCSTV shall operate in such a manner as to minimize capital and operating costs while maximizing service to the public.

OPERATIONAL PROCEDURES:

- A. **Channel Assignment:** The government access program shall operate on the Government Access Channel(s) designated by the cable/video provider(s). Specifically, Comcast Channels 5 and 12, Wide Open West Channels 10 and 18, and AT&T U-verse Channel 99 and any other channels designated by future video providers

- B. Modes of Cablecast:** The Government Access Channels shall utilize five basic sources of programming.
1. **Live Cablecast:** Live cablecast coverage shall generally consist of City Council meetings, hearings, public meetings, and selected events of community interest.
 2. **Tape Delayed Cablecast:** Public meetings or events shall be taped for delayed or repeated playback, in addition to the live cablecast.
 3. **Locally Produced Programs:** Programs shall be locally produced to illustrate community activities, functions, or operations within City government.
 4. **Outside Source Programs:** Programming concerning local government operations or community information may be available elsewhere and may be obtained for local use. This material shall be used when appropriate to the City of St. Clair Shores and shall meet all copyright, user fee and license requirements. Every attempt shall be made to avoid producing something locally that is already available elsewhere.
 5. **Bulletin Board:** A message generator shall be used to provide a continuous display of current information of interest to the public during all hours of operation when no other programming is scheduled.
- C. Access Policy**
1. City functions shall have priority for access on SCSTV.
 2. Access shall be limited to city departments, offices, councils, advisory boards, and commissions of the City of St. Clair Shores.
 3. Programming shall be informational rather than advocacy. This is not meant to exclude the cablecasting of public hearings, community meetings, or other meetings where advocacy may take place.
 4. Only those programs that are consistent with the overall operating policy of the cable channels shall be cablecast.
 5. Generally, individual statements shall not be permitted unless it is a part of an overall programming strategy to solicit personal interviews with equal time provisions for all. At some point, a series of interviews or call-in sessions, with various elected or appointed officials shall be scheduled as part of regular programming. Additional specific ground rules shall be established and recommended prior to this type of program implementation.
 6. Programs highlighting individual elected officials and candidates as a featured guest shall be suspended from 60 days prior to a state or City of St. Clair Shores mayoral/city council election (including primary election) until after the completion of the general election, unless a scheduled series of statements from all candidates are programmed. This suspension shall not apply to individual elected officials who host a locally aired cable program providing the program is not used to promote an individual candidate's campaign platform.
 7. Announced candidate for public offices shall not be permitted to make personal statements over the Government Access Channels, except as may be part of formal public meetings. This provision shall apply from the time of his/her announced candidacy in the primary until after the general election. If a scheduled series of statements from all candidates is programmed, with equal time to all candidates, then this section of the programming policy shall not apply. In such an event, all such programming shall have prior programming rules and policy established in advance by the Communications Commission, subject to the approval of the City Council.
 8. Information for the SCSTV Community Bulletin Board shall be submitted by any city department in accordance with the guidelines set forth below:
 - a) Only department heads shall be permitted to make requests for messages to be displayed on the bulletin board.

- b) All cable message requests shall be submitted in memo form, approved and signed by the department head, and thereafter submitted to the Communications Director.
9. The City shall air "Third Party" Programming under the following conditions: ("Third Party" Programming is defined as programming not filmed or edited by the City of St. Clair Shores Communications Department or Communications Commission.)

a) Candidate or Issue-Oriented Debates, Meetings, or Forums:

- 1) Parties responsible for the technical filming or editing of the "third party" program shall submit a signed affidavit which states that the political debate, meeting or forum is in compliance with the City's Policy for Operation of the City of St. Clair Shores Government Access Cable Channels (SCSTV), particularly in regards to Section D. Editing Policy (see Section D. 1 below).
- 2) Any candidate, speaker or moderator who appears on the political debate, meeting or forum shall submit a signed release to the City of St. Clair Shores that gives permission to air the debate, meeting or forum.
- 3) The program shall include at least two viewpoints on a ballot issue or at least two opposing candidates, be of relevance to the residents of St. Clair Shores and be moderated by an impartial third party.
- 4) The tape of the debate, meeting or forum shall be submitted in a format compatible with the City's broadcast system, including, but not limited to mini-DV, large cassette DV or large cassette DVC-Pro or any future technology that shall be employed by the Communications Department. The Communications Department is not responsible for the conversion of any non-conforming tape.
- 5) The broadcast schedule including air times, dates, and channel designations shall be at the discretion of the Communications Director or designee and shall not interfere with regularly scheduled programming.
- 6) The City of St. Clair Shores reserves the right to refuse "third party" candidate or issue-oriented debate, meeting or forum programs that are not in compliance with the policy noted here. Appeals may be made in writing to the Communications Commission directly at a regularly scheduled meeting and their decision is final.
- 7) Any submitted "third party" candidate or issue-oriented debates, meetings or forums shall not include commercial sponsorship content.

b) General "Third Party" Programs:

- 1) At least one member of the Production Team of the programming for consideration shall be a resident of St. Clair Shores, a business located in the City, or a student who attends a school located in St. Clair Shores.
- 2) Programming content for consideration shall be suitable for "general audience" viewing. Nudity and profanity, or any act considered illegal in nature are prohibited.
- 3) Programming content for consideration shall be non-political and non-commercial in nature. Acceptable subjects shall include, but are not limited to, features, how-to, interviews, demonstrations and general information topics.
- 4) Programming for consideration shall accommodate the technical parameters of the City's broadcast system, currently a minimum of 10 minutes to a maximum of 25 minutes in length.
- 5) Programming for consideration shall be submitted in a format compatible with the City's broadcast system, including, but not \ limited to mini-DV, large cassette DV or large cassette DVC-Pro or any future technology that may be employed by the Communications Department. The Communications Department is not responsible for the conversion of any non-conforming tape.

- 6) The broadcast schedule including air times, dates, and channel designations are at the discretion of the Communications Director or designee and shall not interfere with regularly scheduled programming.
- 7) "Third Party" General Programming shall run for a two week period under the umbrella designation of a single program title (ex. Resident Showcase). Programming shall be considered in order of submission and limited to one submission per two week period.
- 8) "Third Party" General Programming shall be screened by the Communications Director or designee prior to broadcast for video and audio quality and content.
- 9) The City of St. Clair Shores reserves the right to refuse "Third Party" General Programming based on substandard video or audio quality, non-conforming content or non-compliance with the City's cable operating policy. Appeals may be made in writing to the Communications Commission directly at a regularly scheduled meeting and their decision is final.

D. Editing Policy:

1. **Public Meetings:** Any public meeting cablecast shall not be edited or subject to editorial comment. Meeting coverage shall be from gavel to gavel. Supplementary information on agenda items that will aid the viewer in understanding the issues may be provided. Cable-casting of public meetings shall be performed with no commentary whatsoever. Let it also be noted that in the event that a meeting goes beyond the length of a tape, it is upon the discretion of the videographer whether or not to begin a second tape for said meeting.
2. **Departmental Programs:** Any program prepared by or provided by an individual city department shall be subject to review and consideration for channel use in accordance with this operational policy. Such review shall be conducted by the Communications Director or designee.
3. **Bulletin Board:** Messages displayed on the SCSTV Community Bulletin Board shall be edited if necessary to provide clarity and to maximize use of the space available.
4. **Errors:** The City of St. Clair Shores, its employees or its commissions shall not be liable for any inaccuracy or incorrect information being displayed or used on the system.

E. Endorsements: At no time will the channel endorse specific brand names of products for consumer use.

F. Promotions: Promotional announcements for City-sponsored events and for events held in City facilities shall be acceptable for cablecasting. Promotional announcements for events, charities, or outside organizations, in which the City has no official interest or sponsorship shall be allowed with the consent of the Communications Director and/or the Communications Commission. Any questions regarding the appropriateness of an announcement or any change to existing policy, shall be reviewed by the Communications Director and the Communications Commission and a recommendation for action forwarded to the City Council for final action.

G. Use of City Equipment: Use of City-owned equipment shall be limited to City employees or Communications Commissioners who have had prior training in the proper operation thereof. Loaning of equipment for personal use is not authorized.

H. Visual Presentations During City Council Meetings: Citizens shall be permitted use of the Overhead Projector in City Council Chambers during the Audience Participation sections of the Council agenda under the following conditions:

- a) Material(s) to be presented (flyers, presentations stored on CD or flash drive) shall be submitted to the communications Director or designee a minimum of three (3) business days prior to the day of the meeting.
- b) The material(s) shall be reviewed by the Communications Director or designee for content and/or technical quality.

- c) In accordance with the City of St. Clair Shores communications policies, material(s) that include the following content shall not be permitted:

- Nudity or pornography, profanity and/or hate language.
- Encouragement of hostility or violence.
- Attacks on individuals based on ethnicity, race, religion, or sexual orientation.
- Illegal discrimination against any group.
- Sexual, obscene, indecent or explicit messages including those with sexual overtone or innuendo.
- Deliberate false, misleading or deceptive messages (i.e. material(s) that have been manipulated by editing software)
- Identification of "personal" data such as, but not limited to, street names, addresses or license plate numbers.
- Language or information that is obscene, foul, vulgar, or abusive in any way.
- Encouragement of cruelty to animals.

This listing is not exhaustive and can be added to at the sole discretion of the City of St. Clair Shores.

- d) The Communications Director or designee will contact the citizen in writing regarding the approval or denial of the materials submitted for review on or before one (1) business day prior to the day of the meeting.
- 1) Material(s) approved for use during the Audience Participation sections of the City Council agenda will be retained by the Communications Director and placed on the overhead projector by the Communications Director or designee at the appropriate time during the citizen's presentation. No additions or deletions to the material(s) may be made after approval has been given.
 - 2) Original material(s) denied for use during the Audience Participation sections of the City Council will be returned to the citizen who originally submitted it (them) with a written explanation detailing the reasons for the denial. A stamped, dated copy of the material(s) submitted will be retained by the Communications Director or designee. Corrected material(s) may be submitted by the citizen per section H, subsection a of the Policy for the Operation of The City of St. Clair Shores Government Access Video Channels (SCSTV).
- e) The cablecasting of the presentations stored on CD or flash drive, due to technical constraints, shall not *include any recorded audio*.
- f) The visual presentation shall not exceed the two (2) or five (5) minute time limitation per the Audience Participation agenda item regulations.
- g) The City of St. Clair Shores reserves the right to superimpose the words **Audience Participation** including the City's official logo on the bottom of all visual presentations to differentiate between information provided by the City of St. Clair Shores and information provided by citizens.
- h) The City of St. Clair Shores reserves the right to air the following disclaimer before and/or after Audience Participation: "The views and opinions expressed under Audience Participation are those of the individual citizen only and do not necessarily represent the views and opinions of the Mayor, City Council or Administration of the City of St. Clair Shores."
- i) The City of St. Clair Shores reserves the right to refuse visual presentation material(s) based on non-conforming content or non-compliance with the City's communications policies or incompatibility with the City's equipment. Appeals shall be made in writing to the Communications Commission directly and addressed at their regularly scheduled meeting. The decision of the Communications Commission is final.
- I. **Retention of Tapes:** It shall be general policy to retain video tapes of public meetings for a period not to exceed two weeks, starting with the first cablecasting of the program. At the end of that time, the tapes shall be reused, thereby erasing the originally recorded material. Any requests for longer retention of material shall be made in written form to the Communications Director within one week of the broadcast and, if possible, a duplicate tape shall be made available. In the case of locally produced

programming of such shows as The Mayor's Corner, The Council Connection, SCSPD EYE ON CRIME, SCS Local Matters (or any future locally produced programming) , the programs upon completion of airing, shall be catalogued at the St. Clair Shores Public Library for public use. Copies of City Council Meetings shall be retained for one year. These tapes shall not be considered an official record of the meeting and there shall be no liability resulting from erasures or omissions. Copies of other programs shall be made at the discretion of the Communications Director and/or the Communications Commission. Retention of tapes other than those mentioned in this item shall become the property of the St. Clair Shores Communications Commission and shall not be returned.

- J. Transmission Room Access:** Access to the SCSTV Production Room shall be restricted to employees of the City of St. Clair Shores and Communications Commissioners during all live broadcasts.
- K. Channel Operating Hours:** The Government Access Channels shall operate twenty-four hours a day, seven days a week cablecasting locally produced taped programming, live programming or the Community Bulletin Board continuously during that period.
- L. Through Normal Operations:** The SCSTV Production Room at City Hall shall be the center for SCSTV, the Government Access Cable Channels where all messages shall originate.

OUTSIDE ORGANIZATIONAL VIDEOTAPING:

Any person, group, company, or organization that wishes to record, videotape, broadcast live on radio or telecast live on television a public meeting shall be subject to the following rules and regulations:

1. Video or television cameras that are used for purposes of recording or broadcasting live reports from the City Council Chambers shall remain, at all times, at the rear of the City Council Chambers unless prior approval of the City Council, City Manager, or Communications Director has been obtained to place said video or television cameras in a different location. The location of the video or television cameras shall not interfere in any way with the City of St. Clair Shores equipment or telecast.
2. All audio or video equipment shall be prohibited from being attached, connected or in any way joined to the existing cable television equipment operated by the City of St. Clair Shores in the City Council Chambers. All such audio or video equipment shall be completely self-supportive and shall not be allowed to use any electrical power of the City.
3. Interviews of interested parties shall be prohibited in the City Council Chambers and adjacent hallways during the time meetings are in session.
4. Only television, videotape, photographic and audio equipment that does not produce distracting sound or light shall be utilized to cover public proceedings.

Any person who fails or refuses to comply with any rule promulgated by these guidelines, after being appraised of such non-compliance by the Communications Director or designee, shall be deemed to have committed a breach of the peace and shall be subject to removal of their audio/video/photographic equipment from the City Council Chambers and adjacent hallways.

APPEALS/CLARIFICATION:

Except as otherwise provided in these rules, an appeal from a decision made under these rules shall be submitted to the Communications Commission in written form and addressed to the Communications Director within seven days. The Communications Director shall notify the members of the Communications Commission within three business days of the appeal. Appeals to these Programming Policies shall be subject to a majority ruling by the Communications Commission.

*Approved by the City of St. Clair Shores City Council on January 17, 2000
Amended by Communications Commission on October 11, 2006
Amended by St. Clair Shores City Council on December 15, 2008
Amended by Communications Commission on April 14, 2010
Amended by St. Clair Shores City Council on May 3, 2010*