

**MINUTES
ST. CLAIR SHORES CITY COUNCIL MEETING
JANUARY 17, 2011**

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, Rubello, Rubino, Rusie and Walby

Absent & Excused: Council Member McFadyen

Also Present: City Manager Hughes, City Clerk Kotowski, Directors D'Herde, Haney 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 and noted that Ms. McFadyen asked to be excused. The Pledge of Allegiance was recited by those in attendance.

Motion by Walby, seconded by Frederick to excuse Ms. McFadyen from tonight's meeting.

Ayes: All – 6
Absent: McFadyen

2. PROCLAMATIONS & PRESENTATIONS

Amvets State Commander Vince Carr, on behalf of Amvets Post 121, donated a check in the amount of \$650 to help fund the St. Clair Shores Memorial Day Parade. Mayor Hison thanked Mr. Carr and Post 121 for their contribution and looks forward to their continued participation in the parade.

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

Jim Goodfellow, St. Clair Shores resident, agenda items 7f and 5. Mr. Goodfellow asked for more information to be presented before awarding the energy improvements bid. He pointed out that the initial fire overtime cut was drastically cut, and as a result money has to be reallocated. Mr. Goodfellow talked about the millage recently passed and that he would like the manpower to remain 13.

Erin Stahl, St. Clair Shores resident, agenda items 8 and 5. Ms. Stahl talked about Curt Dumas' plea deal. Ms. Stahl was disappointed the item has been removed from the agenda.

Mayor Hison noted the item has been removed by the petitioners who requested it be on the agenda.

4. ~~REQUEST FROM COUNCIL MEMBERS FOR CONSIDERATION OF ADOPTION OF COUNCIL CORRESPONDENCE REGARDING THE PENDING COURT MATTER~~

5. REVIEW OF FIRE DEPARTMENT OVERTIME

Mr. Hughes stated the 2010–2011 budget contains an allocation of \$42,913 for Fire Department overtime. Recognizing that the overtime was depleted, on September 7, 2010 City Council voted to increase the 2010–2011 allocated overtime to \$225,000. On November 15, 2010, City Council voted to restore an additional \$75,000 to the allocated overtime; subject to additional review prior to January 31, 2011. Total overtime in the Fire Department is \$269,564.49. This figure includes overtime being paid in this week's payroll run. The total budget is \$300,000; this leaves \$30,435.51 remaining.

Mr. Hughes added that administration was asked to do a couple things about the overtime. We have worked with the Fire Department and its union, and applied for a federal grant for three firefighters. The results of the grant application will not be known until March or April.

The union offered to start negotiations earlier than usual for their new contract. In addition, working with the union, the third ambulance (reserve) has been put in service. The Fire Department is picking up more runs than usually, which accounts for \$8,000 to \$9,000 per month of additional revenue. If the reserve is kept in service, the department needs a fourth ambulance as a backup, which will be presented at the February 7, 2011 meeting.

5. REVIEW OF FIRE DEPARTMENT OVERTIME cont'd.

Mr. Hughes stated that even with the changes mentioned, the department will deplete the \$300,000 overtime in February.

Mayor Hison noted the average overtime used is \$43,000 per month. He pointed out that St. Clair Shores is competing with many other cities that have laid off firemen for the Safer Grant. Currently, the only dollar that offsets the overtime is the additional revenue from using the reserve ambulance.

Mr. Rubello stated that Madison Heights has already received a decision on the Safer Grant and questioned why our answer is coming so late. Mr. Hughes replied that April/May was the time frame given, but administration can try to get an answer sooner. He explained that part of the grant application is the review of the City's financial status; St. Clair Shores will be competing with cities that have laid off firefighters.

In the early part of the fiscal year, the department had a number of retirements' and it took time to hire new staff and get them up to manpower. Therefore, the overtime cost was higher in the beginning. Overtime can occur due to injuries, vacations, sick time or being called for a run right before the shift ends. Mr. Smith clarified that there's no abuse of overtime at the Fire Department. If all, there has been a decrease in overtime and sick time usage.

Mayor Hison asked about the cost of a new ambulance and what budget it would come from. Mr. Smith explained that if three ambulances are being used, a fourth one is needed for backup. There are many options available and a comprehensive report will be presented to Council next meeting. Roughly, it can cost from \$100,000 to \$250,000, depending on the conditions of the vehicle.

It was noted that if manpower is changed to 11, there will be a reduction in overtime; however, the change will not eliminate overtime.

Mayor Hison stated that last year's budget for Fire overtime was \$450,000. At this juncture, it seems that we would exceed last year's overtime using the estimate of \$40,000 a month.

Mr. Smith advised that it is hard to average a monthly usage of overtime, because of seasonal variations and the fact that at the beginning of the fiscal year there were four vacancies that caused an increase in overtime.

Mr. Frederick asked for an estimate of funds needed for the remaining of the fiscal year using November and December (since the department has been full staffed) as a monthly basis. Mr. Smith did not feel comfortable estimating, because overtime varies. November and December are months with holidays and vacation days. Injuries are also a factor of overtime usage. Assuming no one gets hurt and keeping the manpower at 13, overtime could be between \$35,000 and \$40,000 per month for the next six months.

Mr. Smith made clear that the new ambulance would be for backup only. A backup is needed in case one of the other three is out of service. The third ambulance that was placed in service in October 2010 has generated roughly \$8,000 to \$9,000 per month, but there is no guarantee of a certain amount.

Mr. Frederick stated that with Proposal 2 passing, residents voiced their wish to maintain Police and Fire services.

Mr. Walby noted that the cost of a backup ambulance has to be factored in when calculating revenue from the third ambulance. Mr. Walby asked what funds are used to cover these increases in overtime, because only \$42,000 was budgeted. Mayor Hison replied that rainy day funds have been used so far.

Mr. Hughes stated that the City has access to \$130,000 HUD dollars that can be used to purchase the new ambulance.

Mr. Walby talked about the initial cuts made for Police and Fire overtime. Police overtime was cut 55% and Fire overtime was cut 90%. If we match the same percentage to Fire, we are at \$450,000.

Mayor Hison advised that the Police overtime budgeted might not be sufficient either. There is \$104,000 remaining for the next six months. That could take us through January and three weeks of February.

Mr. Smith added that a report was compiled to show wages for the two departments. He added that averaging the Police overtime is not accurate because administration and the new Police Chief have taken proactive steps to reduce overtime costs.

5. REVIEW OF FIRE DEPARTMENT OVERTIME cont'd.

Mr. Walby questioned if these departments' budget deficits will be balanced with open positions throughout other City departments. He reiterated that by 2014, the City will run out of money and that this issue can not go on forever.

Mayor Hison informed Council that the decision is to either allocate additional dollars from the rainy day funds or consider changing the minimum manpower from 13 to 11. The next fiscal year will be discussed during budget review.

Ms. Rusie commented on the Proposal 2 language being clear that staffing is to remain at the number of employees today. She added ~~that if we can't change anything, Council's hands are tied.~~ **Proposal 2 deals with staffing as people employed in the department, and not to day-to-day staffing or overtime. Bringing Proposal 2 into a discussion on overtime muddies the water because what Proposal 2 obligates and mandates does not involve overtime.*** Ms. Rusie expressed her disappointment on the materials presented to them for such a big decision. She would have liked to see answers to the questions raised in the past regarding this issue. (**correction made at the February 7, 2011 meeting.*)

Mr. Smith replied that a comprehensive report was given to Mayor and Council previously and apologized for not recopying it for this meeting.

Mr. Rubino asked what the consequences would be to changing the minimum manning from 13 to 11. Mr. Smith responded that it would diminish availability of staff to respond to calls.

Mr. Rubino stated that as a resident, the Fire Department is in the top services they want the best way possible. He has not seen any significant savings anywhere else in the City.

Mr. Hughes explained that a minimum manpower change from 13 to 11 would basically mean that the Central Station would be without an ambulance 70% of the time. The exact time it would take to get a response varies. It depends on availability, location, call volume, weather conditions, etc.

Mayor Hison stated it's "raining" outside and dollars are available in the rainy day funds. He suggested allocating an additional \$150,000 to the overtime account and to have some answers to resolve this problem in the next fiscal year.

Ms. Rusie asked if the money can be allocated from other savings. Mayor Hison responded that those are the only funds available right now. As funds become available in the budget, adjustments can be made.

Mr. Frederick mentioned the savings from the SERESA dispatch. He added that the goal of Proposal 2 was to maintain the level of service in the Police and Fire Departments.

Mayor Hison noted that the City is currently operating under a similar Police and Fire millage, guaranteeing the same number of personnel for the two departments. He asked staff to come back with answers in the next 30 days. For now, we are going to maintain services for the next 30 days. We also have Police overtime to look at in the next 30 days.

Mr. Walby explained that cuts were made a year ago, but all the money is being put right back into the overtime account. He will be voting no because he hasn't seen a change.

Ms. Rusie inquired wheatear the preamble of Proposal 2 is legally enforceable. Mr. Ihrle replied the preamble talked about personnel and services, and the ballot language talked about personnel. The law itself is the ballot proposal.

Ms. Rusie would like to see this item discussed again on March 1, 2011 to force the department and Council to make a change.

Motion by Rubello, seconded by Frederick to keep manning at 13 and reallocate \$150,000 from the rainy day fund to the Fire Department overtime account; Budget Amendment 11-06.

A roll call vote was taken.

Ayes: Rubello, Frederick, Rubino, Hison

Nay: Rusie, Walby

Absent: McFadyen

MOTION CARRIED

6. BIDS/CONTRACTS/PURCHASE ORDERS – NONE

7. **CONSENT AGENDA** – 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 Rubino to approve the Consent Agenda items a – e, separating item f, which include the following:

a. Bills

January 17, 2011 \$3,410,866.99

To approve the release of checks in the amount of \$3,410,866.99, of the report that is 19 pages in length and of the grand total amount of \$3,410,866.99, \$507,142.23 went to other taxing authorities.

b. Fees

Roumell & Lange \$ 19,598.13
 Ihrle & O'Brien \$ 8,829.50

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

c. Progress Payments – none

d. Approval of Minutes

To approve the following minutes:

<u>Minutes</u> City Council	<u>Meeting Date</u> January 3, 2011
--------------------------------	--

e. Receive & File Boards, Commissions & Committee Minutes

To receive and file the following minutes:

<u>Minutes</u> Activities Committee Board of Review Historical Commission Parks and Recreation Commission Water Resources and Advisory Board Waterfront Environmental Committee Zoning Board of Appeals	<u>Meeting Date</u> November 8, 2010 December 14, 2010 December 7, 2010 November 4, 2010 December 7, 2010 December 21, 2010 November 4, 2010
--	---

Ayes: All – 6
 Absent: McFadyen

Separated item

- f. To award the electrical bid for Energy Efficiency and Conservation Block Grant energy improvements, to Shoreview Electric for \$214,792.00 and Ashor Construction for \$91,379.00.

Motion by Walby, seconded by Frederick to postpone awarding the Energy Efficiency and Conservation Block grant energy improvements bid to the February 7, 2011 meeting and request staff to provide additional information

Ayes: All – 6
 Absent: McFadyen

8. UPDATES AND FOLLOW-UPS FROM COUNCIL MEETING

- **PCB's** – Mr. Hughes stated we are on schedule for an April or May public meeting with the EPA.
- **Harper Water Main and Street Lighting** – The contractor continued doing lateral water main improvements; project is on schedule. Mr. Hughes stated the Macomb County will be assisting with the cost of signs for businesses during construction.

9. COMMENTS BY INDIVIDUAL COUNCILPERSONS

Council Member Rubello announced upcoming community events. He asked the City Manager for ideas regarding the Fire Department overtime issue. He noted it is important to keep the third ambulance in service for safety issues and timing. Mr. Rubello addressed the importance of receiving the pros and cons from administration for decisions, such as the drastic cut in Fire overtime at the last budget review.

Council Member Frederick stated the building for the 10 Mile water tank was delivered. He asked residents that if they see flooding at a vacant house, to call the City immediately. Mr. Frederick announced upcoming events at the Civic Arena.

Council Member Walby passed.

Council Member Rubino announced the NSP homes Open House on January 23 and January 25. Mr. Rubino felt that Council did not received enough information during the budget meetings in regards to the overtime cuts.

Council Member Rusie talked about the NSP homes Open House and the two groups of volunteers that shovel snow for the seniors/disabled, the Helping Hands and the Snow Commando's.

Ms. Rusie is looking forward to answers and a resolution to all the questions raised tonight about the Fire overtime.

Mayor Hison passed.

10. CITY MANAGER'S REPORT

Mr. Hughes announced that all the NSP homes will be open simultaneously on January 23 from 1 p.m. to 4 p.m. and January 25 from 11 a.m. to 2 p.m. He added that the next regular City Council meeting is three weeks from now, on February 7, 2011.

11. AUDIENCE PARTICIPATION (5 MINUTE TIME LIMIT)

Chuck Hall, St. Clair Shores resident. Mr. Hall discussed the possibility of charging overtime on the ambulance bills, rather than a flat fee. He questioned why Madison Heights already got a response for the Safer Grant, but not St. Clair Shores who is fiscally responsible.

Jamie Victory, St. Clair Shores resident. Mr. Victory noted the Car Show at Blossom Heath is not in the 2011 calendar. Mayor Hison responded that they did not contact the Communications Department with their 2011 date. As they apply for the event, the City will communicate the event to the residents.

Chris Vitale, St. Clair Shores resident. On behalf of STRAW, he announced the third annual tax appeal seminar on Wednesday, January 19, 2011 at 6:30 p.m. at the Library. Mr. Vitale added that at the meeting they will also take signatures for a letter written regarding Curt Dumas' plea deal. STRAW will then forward the letter to surrounding media outlets and Judge Miller to express their disagreement of such lenient deal.

David Micallef, St. Clair Shores resident. Mr. Micallef talked about a fundraising event held in December at the Shores Inn for Lauren, a girl who has been diagnosed with a very aggressive and rare cancer. He thanked all the businesses that participated, Shores Inn, Wigs for Kids, members of the Local 1188 Firefighters, and all the volunteers for a great turnout.

James Kelly, St. Clair Shores resident. Mr. Kelly expressed his disagreement with Council. He did not see any solutions to the budget issues. Mr. Kelly has brought forward ideas on how to save money, such as moving City elections to Federal and State elections year, closing the pool, library, etc., but he has not seen any of these ideas discussed. Mr. Kelly would like to see the real issues addressed and change take place.

He suggested buying reconditioned police cars and using staggered start time for Police and Fire shifts.

Mayor Hison responded that it takes time to get answers to our questions and to come up with a solution; and that is why City Council has already started reviewing the 2011-2012 budget.

Joe Tomaszewski, St. Clair Shores resident. Mr. Tomaszewski talked about the last snow event and its communication to the residents. He did not agree with ticketing people immediately after a snow event has been called. He suggested the use of a siren so residents can look into it.

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

Mayor Hison talked about the difference between a snow event and a snow emergency. Ticketing of cars that were parked on the street did not start until 12 hours after the snow emergency was called. The City communicated the events on the cable show, website, Facebook and Channels 2, 4, and 7 news.

Don Lobsinger, St. Clair Shores resident, talked about the Michigan Roundtable for Diversity and Inclusion and their meeting held at the Senior Center. He expressed his objection in supporting this group and uttered his opinion on the Martin Luther King Jr. holiday.

12. REQUEST TO ENTER CLOSED SESSION AS PERMITTED BY STATE STATUE MCLA 15.268, SECTION 8(c)

Motion by Walby, seconded by Frederick to enter Closed Session by State Statute MCLA 15.268 Section 8(c) at 9:08 p.m.

A roll call vote was taken.

Ayes: All – 6

Absent: McFadyen

Motion by Walby, seconded by Frederick to return to Open Session at 10:22 p.m.

Ayes: All – 6

Absent: McFadyen

13. ADJOURNMENT

Motion by Frederick, seconded by Rubino to adjourn at 10:22 p.m.

Ayes: All – 6

Absent: McFadyen

ROBERT A HISON, MAYOR

MARY A. KOTOWSKI, CITY CLERK