

**MINUTES
ST. CLAIR SHORES CITY COUNCIL STUDY SESSION
MARCH 28, 2011**

City Council Study Session, held in the Council Chambers, located at 27600 Jefferson Circle Dr., St. Clair Shores, Michigan.

Present: Mayor Hison, Council Members Frederick, Rubello (arrived at 7:02 p.m.), Rubino, and Rusie

Absent & Excused: Council Member McFadyen and Walby

Also Present: City Manager Hughes, City Clerk Kotowski, Directors D'Herde, Koto, Rayes and City Attorney Ihrle

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

Mayor Hison called the meeting to order at 7:00 p.m. Ms. Kotowski, City Clerk, called the roll with a quorum present. The Pledge of Allegiance was recited by those in attendance. Ms. Kotowski noted Ms. McFadyen and Mr. Walby asked to be excused from this meeting.

Motion by Frederick, seconded by Rubino to excuse Council Members McFadyen and Walby from tonight's meeting.

Ayes: All – 4

Absent: McFadyen, Rubello, Walby

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

Joseph Backus, St. Clair Shores resident, agenda item 4. Mr. Backus addressed the following questions: what is the line item for the \$10,000 amount below the demolition for the Metro East Chamber building; what is the intended use of that property; why is the City using tax dollars for the skate park at Kyte Monroe, when they were suppose to fundraise 100% of the project.

Paul Doppke, St. Clair Shores resident, agenda item 4. Mr. Doppke is the president of the St. Clair Shores Hockey Association. The association requested financial assistance for a proposed project at the Civic Arena. They have been planning a workout center to be shared among several groups: the hockey association, the figure skaters, and the Unified Hockey team. The price of the project is estimated at \$250,000 and the groups have committed funds for 60% of the total. Mr. Doppke stated that players look for amenities that hockey associations offer, the most important being locker rooms and a workout facility. Mr. Doppke noted the project would be an improvement for the City and an investment in our children.

Andy DenBaas, St. Clair Shores resident, agenda item 4. Mr. DenBaas represented the improvement at the Civic Arena. He asked Mayor and Council to support the initiative with money earmarked for projects such as developing the underutilized area at the Arena.

Michael Way, St. Clair Shores resident, agenda item 4. Mr. Way lives next to a \$1 HUD home which was demolished. He stated he is interested in purchasing the vacant land. Mr. Way complimented the City on the NSP homes that were recently completed. Mayor Hison asked Mr. Way to speak with the City Manager regarding his interest in the property.

Gene Meyer, St. Clair Shores resident, agenda item 4. Mr. Meyer talked about the need for canopies over the bocce courts. A lot of members are playing the sport and events have to be canceled when the weather is too warm.

Brandon Elsesser, St. Clair Shores resident, agenda item 4. Mr. Elsesser spoke of their efforts in planning the skate park and requested a portion of the HUD proceeds to be allocated for the park. Mr. Elsesser thanked Mayor and Council for their consideration.

Leesha Cieslinski, St. Clair Shores resident, agenda item 4. Ms. Cieslinski expressed the group's excitement and appreciation for considering matching fundraising dollars for the skate park. Ms. Cieslinski asked for continued support to make the kids' dream come true and to invest in the future of the City.

Maria Martinez, St. Clair Shores resident, agenda item 4. Ms. Martinez thanked Mayor and Council for the consideration; she strongly encouraged investing in everyone's projects and to consider the skate park just as equally.

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

Lorrie Walsh, St. Clair Shores resident, agenda item 4. Ms. Walsh is the Vice-Chair of the Dog Park Committee. She talked about the need for funds to re-grade and level out the park. Every spring the park is under water and it is very muddy.

Christy Means, St. Clair Shores resident, agenda item 4. Ms. Means asked that a part of the HUD funds be considered to resurface the Dog Park and possibly add an electronic gate at the end part of the park to improve traffic.

Chris Vitale, St. Clair Shores resident, agenda item 4. Mr. Vitale stated he would like to see the use of the HUD dollars to improve the neighborhoods. He stated that this is the time to buy property and create a better value stock of homes to attract new residents to the City.

3. REVIEW OF AN AMENDMENT TO THE ZONING ORDINANCE FOR RENEWABLE ENERGY AND ELECTRIC VEHICLES

Mr. Zak Branigan, planning consultant from Carlisle/Wortman Associates, stated the objective of the amendments to the Zoning Ordinance is to create a set of regulations to accommodate new technologies. The amendments will provide guidelines for renewable energy structures and alternative fuel vehicle parking and charging stations.

Mr. Branigan noted technology for renewable energy is becoming less expensive, and therefore the wind systems will be more popular in the future. A lot of communities have adopted similar amendments to their ordinance to allow for the installation of such systems and the government has extended tax initiatives for organizations adopting this new technology.

Mr. Branigan addressed the following concerns with the installation of renewable energy structures:

Safety

- required climb preventions
- possibility of icicles being thrown off – not a concern for small systems, half the distance of the height of the unit
- fall possibility – much less than a tree, aerodynamic and strong to withstand the wind

Noise

- systems are designed to be quieter than 60 dba on average
- dependent on wind speed
- similar to an air conditioner
- the bigger the system, the slower and therefore less noise
- strong winds create more noise, but most likely the wind will be louder than the system

Aesthetics

- proper setbacks and height limitations
- no advertising
- lights only permitted for very tall commercial systems (200 ft)

Environmental

- California issue killed a lot birds, due to 200 towers in one area
- taller units require research and investigation for environmental issues
- larger systems require a shadow study

For residential districts, the height of the systems can not exceed 30 feet in height, and 40 feet for commercial districts. Set backs to the nearest property lines shall be at least one times the height of the system for all zoning districts.

Mayor Hison inquired if there are limitations on how many systems can be installed on one property and if there are special provisions for the lakefront properties to avoid blocking the lake view. Mr. Branigan explained that there is no provision on the number of systems in the draft ordinance because they still have to meet the set back measurements. Many residential lots (50' wide lots) can only have one system at maximum 25' in height and it has to be directly in the center of the lot. Larger properties can place a couple of these, but those circumstances are extremely limited due to the size of the lots in the City. Mr. Branigan stated that no special rules are specified for lakefront properties. The systems are tucked behind the homes and are not similar to a fence which is continuous.

3. AMENDMENT TO THE ZONING ORDINANCE FOR RENEWABLE ENERGY AND ELECTRIC VEHICLES cont'd.

The return on investment is currently not too high because the systems can cost between \$6,000 and \$45,000. As technology advances, the systems will become more affordable and popular.

Mayor Hison stated that if schools wish to install renewable energy systems, they follow state law and can disregard the City's ordinance. Mr. Ihrle confirmed that the State school construction codes regulate school properties and are not required to comply with City ordinances.

Mr. Frederick inquired whether users can install more than one generation unit on a tower. Mr. Branigan responded that provisions regarding this can be added to the ordinance. The draft ordinance calls for grade clearance of 20' from any horizontal-axis or from any moving component of a vertical-axis.

Utility scale turbines are permitted but they require a special land use in all zoning districts. Commercial units do not have a height limitation, but still require the adequate setbacks equal to the height of the system. The draft ordinance outlines stricter requirements for the commercial systems, such as warning signs, liability insurance, security, endangered and threatened species survey, annual inspection, shadow flicker survey, and removal provisions. If a commercial unit is abandoned for more than 180 days, the owner is liable for removing the system. If the owner does not comply within 60 days, the City can remove it and bill the owner for all the costs.

Mr. Branigan discussed solar structures. These devices are permitted and require the Planning Commission's approval. The structures can be mounted on buildings, not to exceed a height of 40' off the ground. Solar energy structures are not to be counted when determining the maximum allowable lot coverage. Greenhouses are also permissible and do not count against the allowable lot coverage. Mr. Branigan added that private easements for solar structures are allowed, but not required. The ordinance just provides owners a process to register the easements with the City.

The ordinance amendment allows for alternative fuel vehicle parking spaces. These parking spaces shall be given priority in locating them adjacent to the primary entrance, exclusive of the ADA requirements. He added that one space for every 20 conventional spaces is required and that one alternative fuel parking space counts as two conventional parking spaces. Charging stations are allowed in the residential districts. They must be located within an enclosed garage or within a side/rear yard if ground mounted or mounted on a fixed structure.

Mayor Hison asked how the City will regulate the 220V lines for these residential charging stations. Ms. Koto responded that residents will be required to pull an electrical and building permit showing the high voltage line and show proof of a title to an electrical vehicle. Violations will be reported to the Community Development Department and rental properties will require homeowner's approval.

Mr. Rubino asked if greenhouses count as an outbuilding. Mr. Branigan noted they are considered as an accessory building and is discounted for lot coverage.

Mr. Ihrle inquired if the height of the renewable energy systems is measured to the highest point of the blade. Mr. Branigan noted the draft was written to measure the height from the existing grade to the hub of the turbine blade. The provisions can be changed to the highest point of the blade but that will limit the available systems.

Mr. Rubello asked if other communities allow for these systems in their residential districts. Mr. Branigan has worked on nine other communities allowing these in residential districts.

Ms. Rusie inquired how the light improvements at Roy O'Brien were approved if there was no renewable energy ordinance in place. Ms. Koto explained that those are not wind turbines; they are a glorified fan generating little energy for the light. The City worked with Mr. O'Brien to consider this a pilot project to see what benefits are generated by the fan.

Mr. Frederick suggested including a provision in the ordinance regarding pilot projects to attract testing to be done in St. Clair Shores. He questioned if systems can be installed through buildings. Mr. Branigan confirmed that there is no limitation on adjacency to a building, integration with buildings or mounting on structures. The height requirements still apply measured from the ground.

Mr. Ihrle pointed out that he has seen litigations against cities being too strict but also against cities being too liberal. He recommended allowing the renewable energy structures and regulating them through a restrictive ordinance.

Mr. Frederick questioned if an appeal remedy will be made available for these structures.

3. AMENDMENT TO THE ZONING ORDINANCE FOR RENEWABLE ENERGY AND ELECTRIC VEHICLES cont'd.

Mr. Branigan will formalize a revised draft with the recommendations addressed tonight.

Mr. Doug Atkinson, Hamilton Anderson, explained that part of the renewable energy grant was allocated to provide the residents and businesses with an informational handbook on energy efficiency.

Mayor Hison suggested having the handbooks available at the St. Clair Shores Business Expo on April 30, 2011.

Ms. Rusie was under the impression that the booklet would be in conjunction with the new regulations for the renewable energy, explaining the technical language of the ordinance.

Ms. Koto responded that those provisions can be added. The handbook was more of a generalized focus on energy efficiency, while the ordinance would be very detailed.

4. REVIEW OF THE \$1 HUD HOMES PROJECT

Mr. Hughes stated that at the February 7, 2011 City Council meeting, Council was presented with an opportunity to use the \$1 HUD dollars for an ambulance. Administration was asked to provide a list of projects the funds can be used for.

The City was successful in obtaining 28 \$1 HUD homes, of which 12 were sold, 6 were transferred to the NSP program, 1 was transferred to the family rental program, and 7 were demolished. The positive proceeds from these transactions are limited on what they can be spent on. They can not be transferred to the General Fund or used for employee payroll. Mr. Rayes presented a menu of estimated costs allocated to different projects that qualify for HUD dollars expenditures.

Civic Arena – provide \$50,000 towards the renovation of the activities room at the Civic Arena for a weight room to be used by the hockey groups and the figure skaters. The project is estimated to be \$250,000 for which the groups are heavily fundraising for. The activities room currently generates \$1,600 annually from rental fees; Parks and Recreation will find a place for those groups to use.

It was discussed whether the fitness room can be used by the seniors who have voiced their need for additional workout equipment.

Mr. Rayes stated the groups are still discussing additional logistics of this project.

Mayor Hison commended all these groups that allocate their own funds and fundraise to make these projects happen. He explained that \$1 HUD funds are not taxpayers' dollars; they are federal governmental dollars and they can not be used for resident-only parks.

Ms. Rusie argued that federal dollars are still taxpayer's dollars. Before committing this sum of money, she asked if we can assure senior usage of the facility and how their use of the facility would affect other donations. She requested information on how many users would utilize the room, and how many players have been lost due to the lack of a workout amenity.

Mr. Rubino inquired what amenities other arenas offer. Mr. Esler responded that newer rinks have weight training facilities, such as Taylor, Fraser and Novi. Hockey is becoming a 10 to 12 month sport and off ice training is very important. The arena is in competition with other rinks and it's important that we continue to run the rinks from user fees. The ice arena generates approximately \$100,000 annually in profit that goes to the General Fund.

Mr. Rubino questioned how much of the total cost actually goes towards the infrastructure of the building. Mr. Rayes responded that heavy renovation is needed to the activities room. Bathrooms will be made into locker rooms, and the offices will be moved to the balcony. Mr. Rayes added that if the groups see a general interest in the project, they will go back, work the numbers and present it to Council.

Mr. Rubello asked how old the Civic Arena is. Mr. Esler responded that the building was built in 1978. The Hockey Association has donated many items to the building, such as dasher boards, lighting, drinking fountains and will provide the bulk of the money for the workout room project.

Mr. Frederick stated that this is an amenity the Unified Hockey team talks about all the time. These are kids that anticipate going into pro hockey. He noted that the City needs facilities that attract families to this town.

4. REVIEW OF THE \$1 HUD HOMES PROJECT cont'd.

Mr. Esler added that the City will work with the groups to secure funds to cover the future maintenance of the facility through user fees and memberships.

Senior Center – new tile flooring in the main hallway and in the computer room, and purchase 10 new computers for the computer classes. The bocce ball canopy was scheduled to be allocated with 2011/2012 CDBG funds.

Mayor Hison noted that CDBG funds might be reduced by 70% next year. Mr. Rayes stated staff looked at the best use of the funds; he stated that a structural canopy could cost from \$50,000 to \$80,000. The area to be covered is 80' long and it could use a large amount of the funds.

Ms. Rusie stated that there is always talk about the CDBG cuts. She would like to see some estimated costs of a three season canopy or other options for covering the bocce courts. She added that bocce ball has a lot of active players.

Mr. Rayes explained that CDBG money can be used for the senior center but not for the other projects.

Mr. Rubino inquired about the high cost of the computers. The price was quoted through the IT Department.

Mr. Frederick suggested considering business sponsorship for a canopy; it could possibly be completed over a few phases to have it enclosed in the future.

Kaufman Park – extend fence line along 1st and 3rd base and replace the wire mesh existing backstop.

Mr. Frederick noted the fence possibly could be delayed as this field is used by young players.

Brys Park – provide Disc Golf markers and repair the fence at baseball diamonds. Mr. Esler stated that staff acknowledges the mud problem at the Dog Park and the running track at Brys Park. The Dog Park will be leveled once the ground dries up and the drainage will be fixed. The City is negotiating with AT&T to provide funding for the track repairs as we feel they've done some damage to the track.

Ms. Rusie questioned if \$7,000 for Disc Golf markers is a smart investment.

Mr. Rubino asked about the costs to repair the walking path. Mr. Esler responded that to repair the track it costs \$35,000 to \$40,000 and to replace the entire mile it costs \$180,000. The Disc Golf course has been maintained with user fees and fundraising. The City only had to remove a tree for them.

Mr. Rubino stated that the Dog Park gets worse and worse every year and if users are charged a fee to use the facility, they should be able to use it. Mr. Esler noted that ideally the park has to be extended to rest areas of the park.

Mr. Frederick agreed with the idea of extending the Dog Park so we can rest an area to re-grow grass.

Mayor Hison stated that the item should be added to the HUD dollars list.

Welsh Park – replace a vandalized sign and some old swing sets.

Mayor Hison questioned if a \$10,000 investment is adequate for a park that we need to tell people where it is. They will look at downsizing the proposed equipment.

Mr. Rubino would like to see improvements to the park so more people can use it. The play equipment is pretty old and the slide might need some work.

Mr. Rubello brought up an issue with the fence line on the east side of the park. Mr. Rayes stated the City's fence is in very good condition. The issue is with the neighbor's fence.

Kyte Monroe – replace fencing along Harper Avenue and match dollars toward fundraising efforts for a skate park. Mr. Esler stated the Parks and Recreation Commission was presented with a video put together by the Michigan Municipal Risk Management Association for skate park. The MMRMA recommended fencing the skate park, providing security and ensuring funds for a maintenance program. These safety issues have escalated the cost of the skate park.

4. REVIEW OF THE \$1 HUD HOMES PROJECT cont'd.

Ms. Maria Martinez stated that initially, the group did not anticipate all these expenses. They planned on building next to the Civic Arena on existing cement. They've learned that the City of Eastpointe is opening their own skate park in September so they've moved their location to the north end of the City to be able to compete with a free skate park. The group acquired a cement donor and received approval to seek corporate sponsors. The \$1 HUD dollars were a surprise and any help is appreciated. The project was split into two phases to make the project realistic. The kids picked the pieces of equipment based on demand and unavailability of similar structures. The park would be operated with membership fees. Mr. Esler stated that an employee would have to be onsite for security; funds will not be matched unless the project and maintenance are funded in entirety.

Ms. Rusie congratulated Ms. Martinez and all the volunteers for their hard work on this project. She requested additional information: an estimated number of users, membership fee structure, a plan for covering staff member and maintenance, and a time frame for the two phases to be implemented.

Ms. Martinez added that the equipment is modular – it can be moved to a different location. The estimated cost of Phase 1 is \$100,000 and Phase 2 is \$150,000. The park will be for multiple uses: bmx, skateboards, wheelchairs, scooters, etc.

Ms. Rusie suggested the skate park group to hold a community dialogue to address concerns that some residents have with a community skate park.

Mr. Rubello asked administration to look at Midland's skate park for additional ideas on implementation. He commended residents for planning these types of projects.

Metro East Chamber Acquisition – Mr. Hughes noted the Chamber of Commerce is undergoing some organizational changes and are no longer in need of the building across the street from City Hall. At first, the Chamber was asking \$100,000 for the property. The price has been reduced and the City placed a conditioning offer due to expire on April 5, 2011. There is not an identified use for the building right now, but because of the position of the land, it can certainly be utilized in the future.

Mayor Hison noted that this particular property was addressed years ago when discussing a \$15 million Police Department renovation project. At that time, we didn't have today's market prices. The property can be an opportunity we don't want to miss.

Mr. Rubello stated the City lacks a cultural community center where artists can display their talents.

Ms. Rusie expressed her disapproval of purchasing the property. She is not in favor of acquisition without a plan. This would remove a property from the tax roll and add maintenance costs for years to come.

Ms. Rusie stated she likes the \$1 HUD program because the proceeds can be used on various projects in our community, unlike the NSP program. She would like to see continuation of this program.

Mr. Rayes responded that the staff stopped participating in the program based on the directive from City Council. There are sixteen homes still available.

Mayor Hison stated the \$1 HUD program is a good program for all the communities and we should continue with the program. He asked administration to re-evaluate the estimated costs, change some dollar amounts based on tonight's discussion and present the new list at a regular Council meeting.

Mr. Hughes asked if the potential purchase offer of the Metro East Chamber property should be placed on the April 4 agenda for consideration. Mayor Hison stated that Council can decide at the meeting whether to proceed or not with the offer.

5. AUDIENCE PARTICIPATION (5 MINUTE TIME LIMIT)

Joseph Backus, St. Clair Shores resident, suggested using the federal dollars to improve facilities, such as the fishing pier behind Blossom Heath, which needs to comply with federal ADA regulations. Mr. Backus was under the impression that the three groups fundraising in the City, the Activities Committee, Parade Committee and the skate park group were equal in their fundraising goals. He asked Mayor and Council to divide the \$25,000 equally among the three groups.

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

Duane Michno, St. Clair Shores resident, suggested to research private skate parks. Rochester Hills has a private owned park. We should find a skate park business willing to invest in the City.

Paul Doppke, St. Clair Shores resident, talked about the workout room project and the request for financial support. The facility will not require additional staff and will be maintained with a user fee.

Mary Cipriano, St. Clair Shores resident, expressed her disappointment that the seniors' needs have not been addressed. The group of seniors has been loud and clear about an expansion to the workout area and a canopy over the bocce ball courts. She added that the seniors have volunteered their time to clean up, set up and maintain the courts as well as all the secretarial work.

Chris Vitale, St. Clair Shores resident, asked the City to put together a master plan for the HUD properties, similar to the Harper Avenue Corridor. There are a lot of abandoned homes that can be acquired, demolished and held for new construction in the City when the economy picks up.

Gene Meyer, St. Clair Shores resident, discussed that half the City's population is made up of seniors. The seniors have the activity center where they spend their time participating in different programs. He asked if any carryover CDBG money can be used for the Senior Center. Mr. Meyer was disappointed that seniors are not being heard.

6. ADJOURNMENT

Motion by Rubino, seconded by Rusie to adjourn the meeting at 10:29 p.m.

Ayes: All – 5
Absent: McFadyen, Walby

ROBERT A HISON, MAYOR

MARY A. KOTOWSKI, CITY CLERK