

**MINUTES
ST. CLAIR SHORES CITY COUNCIL MEETING
MAY 2, 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, and Walby

Excused: Council Members McFadyen and Rusie

Also Present: City Manager Hughes, City Clerk Kotowski, Directors D'Herde, Esler, Haney, 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, noted that Beverly McFadyen and Candice Rusie asked to be excused, and called the roll with a quorum present.

Motion by Frederick, seconded by Rubino to excuse Council Members McFadyen and Rusie from this evening's meeting.

Ayes: All - 5

The Pledge of Allegiance was recited by those in attendance.

Mayor Hison stated that agenda items #14 and #15b were removed from the agenda.

Mayor Hison explained that there are two members of Council who are not present tonight. Agenda items still require a petitioner to have four members to vote in a positive vote for approval. If anyone feels they would like to postpone their request until the next meeting, he requested to know at this time. No one wished to remove their item from tonight's agenda. The meeting proceeded.

2. PROCLAMATIONS & PRESENTATIONS

a. Designating May 14, 2011 as National Association of Letter Carriers 19th Annual Food Drive

Mayor Hison presented the National Association of Letter Carriers the following proclamation:

**PROCLAMATION
DESIGNATING SATURDAY, MAY 14, 2011 FOR THE
NATIONAL ASSOCIATION OF LETTER CARRIERS
19TH ANNUAL FOOD DRIVE**

Whereas, the 19th annual Letter Carrier-United States Postal Service Food Drive will take place on Saturday, May 14, 2011; and

Whereas, the good people of this country have donated in excess of 1 billion pounds of food over the past 18 years including a record-breaking 77.1 million pounds last year; and

Whereas, the need for food in Macomb County administered by the Macomb Food Program has escalated from 1 million pounds distributed in 2008 to 1.9 million pounds distributed in 2010; and

Whereas, the letter carriers, family members, and postal employees of St. Clair Shores wish to join with postal employees and volunteers in 10,000 cities across America on this one day food drive; and

Whereas, it is the easiest food drive in the world taking place right at your mailbox and St. Clair Shores citizens will be provided with bags attached to their food drive postcard this year; and

Whereas, the need for volunteers to assist with this food drive will be greater than ever before due to the anticipated increase in donations; and

2. PROCLAMATIONS & PRESENTATIONS, Cont'd.

*Whereas, that to encourage volunteerism and participation, May 14, 2011 is proclaimed **Letter Carrier Food Drive Day** to all citizens of the great City of St. Clair Shores; and*

***NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the City of St. Clair Shores congratulate the **NATIONAL ASSOCIATION OF LETTER CARRIERS** and all their sponsors for making it possible for our City to join in this year's food drive.*

Presented this 2nd day of May, 2011

Mike Sheridan, President of South Macomb Letter Carriers, stated that St. Clair Shores usually brings in over 20 tons of food. Mail carriers leave bags on porches and the resident can leave the food in the bag by the mailbox or bring it to the Post Office. Volunteers are always needed. For more information, call Kim Danchy at (586) 498-2850.

b. 59th Annual Memorial Day Parade May 29, 2011

**PROCLAMATION
in honor of
THE 59TH ST CLAIR SHORES
MEMORIAL DAY PARADE
MAY 29, 2011**

*Whereas, the **St. Clair Shores Memorial Day parade** is a time-honored tradition that commemorates the sacrifices made by our men and women serving in the United States of America Armed Services; and*

*Whereas, this year's Parade theme "**Some Gave All**" is still reflected today as our service men and women continue to inspire and strengthen our Nation, going above and beyond the call of duty as part of the greatest military the world has ever known; and*

Whereas, these courageous and selfless warriors have stepped forward to protect the Nation they love, fight for America's highest ideals, and show millions that a future of liberty is possible; and

*Whereas, we Americans are grateful to all those who have put on our Nation's uniform and to their families, and acknowledge their great sacrifice as we remember our fallen heroes at the **59th St. Clair Shores Memorial Day Parade** and our hearts go out to those who can never forget – the families they left behind; and*

Whereas, it is timely and proper to thank all of the volunteers for their efforts which allow this Memorial Day tradition to continue and again be enjoyed this year by 80,000 viewers;

***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 declare the **St. Clair Shores 59th Memorial Day Parade** a fitting tribute to the many faces of service and say thank you for ensuring this tradition continues each year.*

Presented this 2nd day of May, 2011

Members of the Parade Committee were introduced. Dennis Krazynicki, Sue Nesbitt, Nate Kasmarek, Chad Miller, Robert Montgomery, Debbie Lipske Cottrell, Cathy and Lisa Travis were some of the members. Mr. Krazynicki stated they are now up against the clock. They are still looking for volunteers who can decorate the grand stand, pass out parade books and flags, keep an area clear for taping, clean up after the parade and many other jobs. Mr. Krazynicki thanked the firm of Militelo and Badalamante for their donation of \$500, and all the others who have supported their fundraisers. For further information, contact Sue Nesbitt at 586-504-0493.

Mr. Krazynicki stated there is a meeting this Thursday in the Geer Conference Room.

Mr. Kasmarek praised the residents saying the whole community opens up when it comes to the parade and the residents deserve a proclamation also.

Mr. Rubello stated everyone has been working and coming up with many new ideas. He added he can't thank everyone enough who has been involved with the fundraisers for the Parade.

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

Jim Goodfellow, St. Clair Shores resident, spoke regarding agenda items #4, #15a, and #12. He stated the Union agreement for the Firefighters is fair for both sides and a win/win for the residents. Mr. Goodfellow added that he is sure the Fire Chief has worked very hard to get the best prices to refurbish the ambulances. He stated he hopes some of the money from the sale of HUD homes is used for a fourth ambulance. Mr. Goodfellow noted that the brick needs to be repaired on the time capsule at the clock.

Joe Backus, St. Clair Shores resident, spoke regarding agenda item #13. He thinks the resolution is very broad based and asked if Council was asking for changes or challenges to the Headlee Amendment. Also, is the City going to join in with the lobbyists to reach a certain goal?

Karla Anderson, St. Clair Shores resident, spoke regarding agenda item #4. She stated she is pleased to see this item on agenda. This has been a difficult negotiation process and thanked everyone for working together. She is thankful for the City employees and all of their hard work.

Keith Bammel, St. Clair Shores resident, spoke regarding agenda item #11. He stated he hopes the changes in the Facebook Policy are supported and asked that Facebook's policy of using fake names not be allowed on the City's sites.

Chuck Hall, St. Clair Shores resident, spoke regarding agenda items #11, and #12. He stated the Parade Committee has very hard working people. The Parade means a lot to the veterans. Mr. Hall encouraged children to walk in the parade. Mr. Hall stated he agrees with the usage of names on Facebook. The fake names people are using need to be removed.

George Munger, St. Clair Shores resident, spoke regarding agenda item #4. He stated he is a 40-year resident of St. Clair Shores, and his family has used the Fire Department services of this City for a long time. The Firefighters have made concessions. He thanked the City Manager on his goal to market our City to residents, and encourage our residents to stay here and others to move into the City.

4. REQUEST FOR APPROVAL OF FIRE FIGHTERS LOCAL 1744 AGREEMENT FOR A THREE-YEAR PERIOD JULY 1, 2011

Mr. Smith, Assistant City Manager /Human Resource Director, stated this item was reviewed in Closed Session two weeks ago. This is a 3-year agreement, beginning July 1, 2011, and ending June 30, 2014. There is a substantial reduction in wages in entry level positions. There is also a wage freeze for 2011 and 2012, with a wage reopener in 2013. There is also \$260,000 per year in annual savings based on the early retirement of some personnel.

Mayor Hison stated he felt this was very fair bargaining and a win/win situation for everyone. Looking at the future we have addressed many of the concerns that residents have asked us to look at.

Mr. Smith stated that the firefighters have said they are confident this agreement will work and have said that if their overtime costs increase, they would pick upward of 60% of the overtime cost.

Mr. Rubello noted there has been no decrease in service provided to residents and thanked Administration and the Firefighters .

Mr. Frederick commended the City and Union for working everything out and being creative, as this is the most creative contract he has seen.

Mr. Rubino stated that this is a good compromise agreement, nothing is perfect good job all around. He did not like the way some issues worked out and there was money wasted in arbitration. Both sides ended up compromising, and actually, service was increased during this time, never cut.

Mr. Hughes stated that regardless of how you vote, this agreement is the result of work that began in December 2010 with multiple sessions between Mr. Smith, Chief Morehouse, and Mr. Krotche and the union board members. They all came together and this was an outstanding display of how management and staff work together. Chief Morehouse had a setback with his surgery and that is why he is not here this evening. .

Motion by Frederick, seconded by Rubello to approve the Fire Fighters Local 1744 Agreement for a three-year period July 1, 2011 through June 30, 2014.

Ayes: All – 5
Absent: McFadyen, Rusie

5. REQUEST APPROVAL TO PUBLISH A NOTICE OF INTENT TO ISSUE BONDS TO PAY FOR CAPITAL IMPROVEMENTS FOR ACQUIRING, CONSTRUCTING AND RECONSTRUCTING ROAD AND STREET IMPROVEMENTS

Mr. Hughes noted that these bonds would fund eight projects that are in need of repair; four water main related and road related. The First step for City Council is to approve the Notice of Intent ads, which allows residents 45 days to petition against the City issuance of bonds. The bond issuance would be for \$3.5 Million for roads and \$5.2 million for water projects. At the lapse of the 45 day notice this matter would be brought back to council to vote on issuing the bonds.

Mr. Hughes introduced Mr. Pat McGow, Bond Counsel, who explained that over the next four years there are construction projects which bonds are needed to pay for. In 2008, Council gave preliminary authority to issue up to \$10,000,000 in bonds for water main projects. In the current budget we planned to issue \$1,200,000 for street projects. If all the construction is done, it makes sense to issue the bonds only once to save issuance costs of approximately \$60,000 per issue.

This is the first of two steps in the issuance of bonds. Mr. McGow stated they want to combine water and road projects into one bond issue. This resolution only indicates the City's intent to issue Capital Improvement Bonds in an amount not to exceed \$3,500,000 to pay part of the costs of acquiring, constructing and reconstructing road and street improvements in the City. They will come back to Council in June or July for approval.

Mr. McGow added that once all approvals are in place, the City will prepare an offering document for sale of the bonds that is presented to rating agencies. The offering document is distributed to different bond holders. They will then take competitive bids for sale of the bonds. The actual interest rate is not known until the bond bid opening day. The City can reimburse itself for costs such as engineering and some contingencies.

Mr. McGow added that bonds with a shorter maturity have a lower interest. Bonds with a longer maturity have a higher interest rate.

Mr. Walby asked who prepared the estimates. Mr. Rayes replied AEW and they were based on per foot costs recently used in the City.

Mayor Hison explained there has been a lot of dialogue on the gasoline tax which is 19 cents a gallon. The amount of money required for our roads is actually twice the amount that is collected.

Motion by Walby, seconded by Frederick to approve publication of a Notice of Intent to issue bonds to pay for capital improvements for acquiring, construction and reconstructing road and street improvements.

**NOTICE OF INTENT RESOLUTION
CAPITAL IMPROVEMENT BONDS FOR STREET IMPROVEMENTS
CITY OF ST. CLAIR SHORES
County of Macomb, State of Michigan**

WHEREAS, the City of St. Clair Shores, County of Macomb, State of Michigan (the "City") intends to issue general obligation limited tax bonds pursuant to Act 34, Public Acts of Michigan, 2001, as amended ("Act 34"), in an aggregate principal amount of not to exceed Three Million Five Hundred Thousand Dollars (\$3,500,000) (the "Bonds") for the purpose of paying part of the costs of acquiring, constructing, and reconstructing road and street improvements in the City, together with all appurtenances and attachments (the "Project"); and

WHEREAS, a notice of intent to issue the Bonds must be published before the issuance of the Bonds in order to comply with the requirements of Section 517 of Act 34; and

WHEREAS, the City intends at this time to state its intentions to be reimbursed from proceeds of the Bonds for any expenditures undertaken by the City for the Project prior to issuance of the Bonds.

NOW, THEREFORE, BE IT RESOLVED THAT:

- 1. The City Clerk is authorized and directed to publish a notice of intent to issue bonds in the *St. Clair Shores Sentinel*, a newspaper of general circulation in the City.**

5. APPROVAL TO PUBLISH NOTICE OF INTENT RESOLUTION, Cont'd.

2. The notice of intent shall be published as a display advertisement not less than one-quarter (1/4) page in size in substantially the form attached to this resolution as Exhibit A.
3. The City Council does hereby determine that the foregoing form of Notice of Intent to Issue Bonds and the manner of publication directed, is the method best calculated to give notice to the City's electors and taxpayers residing in the boundaries of the City, of the City's intent to issue the Bonds, the maximum amount of the Bonds, the purpose of the Bonds, the source of payment for the Bonds and the right of referendum relating thereto, and the newspaper named for publication is hereby determined to reach the largest number of persons to whom the notice is directed.
4. The City makes the following declarations for the purpose of complying with the reimbursement rules of Treas. Reg. § 1.150-2 pursuant to the Internal Revenue Code of 1986, as amended:
 - (a) As of the date hereof, the City reasonably expects to reimburse itself for the expenditures described in (b) below with proceeds of debt to be incurred by the City.
 - (b) The expenditures described in this paragraph (b) are for the costs of acquiring the Project which were paid or will be paid subsequent to sixty (60) days prior to the date hereof from the general funds of the City.
 - (c) The maximum principal amount of debt expected to be issued for the Project, including issuance costs, is \$3,500,000.
 - (d) A reimbursement allocation of the expenditures described in (b) above with the proceeds of the borrowing described herein will occur not later than 18 months after the later of (i) the date on which the expenditure is paid, or (ii) the date the related Project are placed in service or abandoned, but in no event more than three (3) years after the original expenditure is paid. A reimbursement allocation is an allocation in writing that evidences the City's use of the proceeds of the debt to be issued for the Project to reimburse the City for a capital expenditure made pursuant to this resolution.
 - (e) The expenditures described in (b) above are "capital expenditures" as defined in Treas. Reg. § 1.150-1(b), which are any costs of a type which are properly chargeable to a capital account (or would be so chargeable with a proper election or with the application of the definition of placed in service under Treas. Reg. § 1.150-2(c)) under general Federal income tax principles (as determined at the time the expenditure is paid).

5. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

AYES: Members: Walby, Frederick, Rubello, Rubino, Hison

NAYS: Members: None

ABSENT: Members: McFadyen, Rusie

RESOLUTION DECLARED ADOPTED.

I hereby certify that the attached is a true and complete copy of a resolution adopted by the City Council of the City of St. Clair Shores, County of Macomb, State of Michigan, at a regular meeting held on the 2nd day of May, 2011, and that public notice of said meeting was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976 and that minutes of the meeting were kept and will be or have been made available as required by said Act.

Mary A. Kotowski, City Clerk

6. REQUEST FROM VFW BRUCE POST 1146 TO SOLICIT AT CITY INTERSECTIONS FOR NATIONAL POPPY DAY MAY 5 – 7, 2011

Ms. Tara Perez, Commander, explained that the VFW Bruce Post 1146 would like to solicit at City intersections for National Poppy Day from May 5 through May 7, 2011. The intersections are May 5 and 6 at 11 Mile and Harper, 12 Mile and Harper, and 13 Mile and Harper, and on May 7, at 9 Mile and Jefferson.

She recited "Flanders Field", and stated that the proceeds from the sale of the poppies are used for veterans' needs and their dependents.

Motion by Frederick, seconded by Rubino to approve the request from VFW Bruce Post #1146 to solicit on City street corners for National Poppy Day May 5 and 6, 2011 at 11 Mile and Harper, 12 Mile and Harper, 13 Mile and Harper, and on May 7, at 9 Mile and Jefferson.

Ayes: All – 5
Absent: McFadyen, Rusie

7. REQUEST FROM MICHIGAN PARKINSON FOUNDATION FOR WALKATHON / 5-K RUN ON MAY 14, 2011, FROM 10:30 A.M., WALKATHON TO TAKE PLACE ON THE SOUTH LAKE ATHELETIC COMPLEX ALL WEATHER TRACK AND THE 5-K RUN TO PROCEED ON SIDEWALKS FROM SOUTH LAKE ATHELETIC COMPLEX BETWEEN 9 AND 10 MILE ROADS, FROM URSULINE TO LITTLE MACK AND HARPER

Blake Johnson and Vincent Marino, Board members for the Michigan Parkinson Foundation, stated they are requesting to hold their 5-K walk/run on May 14, 2011, at 10:30 a.m. The Walkathon will take place on the South Lake Athletic Complex all-weather-track, and the 5-K walk/run will proceed on sidewalks from South Lake Athletic Complex between 9 and 10 Mile Road, from Ursuline to Little Mack and Harper. Last year there were 501 attendees at the Walkathon. So far there are 720 registered date for this year.

Mr. Johnson stated there is something new this year for the kids. There is a Fun Run for kids. For children who are 7 or under, there is a 50-yard sprint. For children 7-13 years old, they will do one lap around the track. If you are interested, you can pre-register at www.parkinsonsmi.org.

Mr. Johnson stated it is their goal to increase awareness. There are support groups throughout the State, and they are trying to get groups together and work with the medical community.

Mr. Johnson thanked Mayor Hison and Mayor Pixley from Eastpointe for raising money for this event.

Mr. Rubello stated everyone had done an excellent job.

Mr. Frederick advised the same walk will be held in Northville the next day.

Motion by Rubello, seconded by Frederick, to approve the request from Michigan Parkinson Foundation for a Walkathon/5-K Run on May 14 at 10:30 a.m. The Walkathon will take place on the South Lake Athletic Complex all-weather-track and the 5-K run to proceed on sidewalks from South Lake Athletic Complex between 9 and 10 Mile Road, from Ursuline to Little Mack and Harper on May 14, with the run lasting approximately 30 minutes, subject to participants agreeing to stay on the sidewalks and adhere to all laws and ordinances pertaining to pedestrians.

Ayes: All – 5
Absent: McFadyen, Rusie

8. REQUEST FROM SHOREWOOD KIWANIS TO HOLD THE KIWANIS HARPER CHARITY CRUISE ON AUGUST 31, 2011 FROM 5:00 P.M. TO 9:00 P.M., ON HARPER AVENUE BETWEEN OLD 8 MILE AND BAYSIDE AVENUE

Tom Ullrich and Heidi McGinnis, Shorewood Kiwanis representative, explained that the Shorewood Kiwanis is requesting to hold their annual Kiwanis Harper Charity Cruise on August 31, 2011, from 5:00 p.m. to 9:00 p.m. on Harper Avenue between Old 8 Mile and Bayside. The rain date will be September 1st. Ms. McGinnis stated that some of the organizations they help support are the Care Program, the Courts, the Tree of Hope, Parks and

8. REQUEST FROM SHOREWOOD KIWANIS TO HOLD THE KIWANIS HARPER CHARITY CRUISE ON AUGUST 31, 2011 FROM 5:00 P.M. TO 9:00 P.M., ON HARPER AVENUE BETWEEN OLD 8 MILE AND BAYSIDE AVENUE, cont'd.

Recreation Departments, the Kiwanis, Caring Clowns , the Salvation Army, and others.

Mr. Hughes stated he will work with the Police Chief to try to keep overtime costs down.

Motion by Rubello, seconded by Rubino, to approve the request from Shorewood Kiwanis to hold the Kiwanis Harper Charity Cruise on August 31, 2011, from 5:00 p.m. to 9:00 p.m. on Harper Avenue between Old 8 Mile and Bayside Avenue with a rain date of September 1, if necessary.

Ayes: All – 5
Absent: McFadyen, Rusie

9. REQUEST FROM THE MACOMB CHAMBER MUSIC SOCIETY AND SHOREWOOD KIWANIS TO HOLD CLASSICAL CONCERTS AT WAHBY PARK 10 MONDAYS IN A ROW, JUNE 20, 2011 THROUGH AUGUST 29, 2011, WITH RAIN DAYS ON TUESDAYS

Mr. Ullrich, for Shorewood Kiwanis, explained the request from the Macomb Chamber Music Society and Shorewood Kiwanis to hold Classical Concerts at Wahby Park. The concerts will be held for 10 Mondays in a row beginning June 20, 2011 and ending on August 29, 2011, with rain days on Tuesdays. They are adding 2 addition concerts in June this year

Mr. Rubello stated this is a great use of Wahby Park.

Motion by Rubello, seconded by Frederick, to approve the request from the Macomb Chamber Music Society and Shorewood Kiwanis to hold Classical Concerts at Wahby Park 10 Mondays in a row beginning June 20, 2011 and ending August 29, 2011, with rain days on Tuesdays with the exception of Tuesday, August 2, 2011, due to the Primary Election.

Ayes: All – 5
Absent: McFadyen, Rusie

10. REQUEST FROM THE ST. CLAIR SHORES WATERFRONT ENVIRONMENTAL COMMITTEE TO HOLD THE 16TH ANNUAL NAUTICAL COAST CLEANUP ON MAY 22, 2011, FROM 8:00 A.M. – 2:00 P.M.

Heidi McGinnis, representative for the Shorewood Kiwanis, stated there will be busses to transport the volunteers to the various sites. Joe St. John, Waterfront Environmental Committee, explained they would like to hold their 16th annual Nautical Coast Clean-Up at Memorial Beach, Blossom Heath Beach, Champine Park and Chapaton Shoreline. They expect approximately 150-200 volunteers and will meet at Jefferson Yacht Club. The cleanup will begin at 8:00 a.m. and end at 2:00 p.m. Since this project began years ago, 519 tons of debris from our shoreline has been removed.

Mr. Rubello stated he is the Council Liaison to this group and stated this is an excellent cause.

Motion by Rubello, seconded by Walby, to approve the request from the St. Clair Shores Waterfront Environmental Committee to hold the 16th Annual Nautical Coast Cleanup on May 22, 2011 from 8:00 a.m. to 2:00 p.m.

Ayes: All – 5
Absent: McFadyen, Rusie

11. MODIFICATIONS TO THE CITY'S FACEBOOK POLICY AS RECOMMENDED BY THE COMMUNICATIONS COMMISSION.

Mrs. D'Herde explained that originally she did not include a user's profile picture in the list of items that would be monitored. She started receiving complaints from users regarding profile pictures that contained items prohibited

in the Terms of Use. Mrs. D'Herde investigated the complaints and found that several pictures did violate the lateral interpretation of sections of the Terms of Use. In this case, she notifies the user via a private message that they are in violation of the Terms of Use, and asks the individual to change the picture. If the user continues to use the same picture, Mrs. D'Herde can remove and ban them.

11. MODIFICATIONS TO THE CITY'S FACEBOOK POLICY AS RECOMMENDED BY THE COMMUNICATIONS COMMISSION, Cont'd.

The Communications Commission made the following recommendation at their March 9, 2011 meeting:

The Communication Commission will conduct an annual review of the Terms of Use policy for posting on the City of St. Clair Shores Facebook Page utilizing experience from the past one year of operation, input from City Council Members, a review of Facebook's general Terms of Use, and Terms of Use statements from other municipalities who currently have an interactive Facebook page. Any revisions will be approved by the City Attorney prior to presentation to the City Council for approval.

- On April 13, 2011, the Communications Commission reviewed information as well as information provided by the City Attorney and recommended the following modifications to the current terms of use statement.
- Delete the line that lists a prohibition on tobacco, alcohol, and weapons and replace it with a prohibition on the illegal use of tobacco, alcohol, and weapons.

Mrs. D'Herde explained the development of Facebook pages as a tool to connect local government with citizens is still in the infancy state. Many local governments still consider Facebook and other social media as a "foe" of government.

Mrs. D'Herde stated the City needs a Social Media Policy, which will be drafted over the summer.

Mayor Hison asked how "illegal use of tobacco" is determined. City Attorney Ihrie replied the image of a person under legal age using it. You have to use a certain amount of discretion. If someone has a picture of someone pointing a gun at someone else, it is likely that the image will be removed.

Mr. Ihrie stated the City does not have an obligation to have a Facebook page.

Mayor Hison stated that some cities do not have policies to govern their Facebook, and they just take it upon themselves to remove things.

Mr. Ihrie commented that it is very important that St. Clair Shores has chosen to make this Facebook forum a public forum. The purpose of the Facebook page is that it allows for interaction between the City and its residents.

Mayor Hison stated that the only issue for tonight is the one line about changing and adding illegal use of tobacco, alcohol and weapons.

The criteria states: Fans of the City of St. Clair Shores are encouraged to post information, pictures or videos about issues and events affecting the City's residents. We encourage discussion and varying viewpoints. However, the City of St. Clair Shores reserves the right, at our sole discretion, to block users or remove comments, pictures or videos from posters who violate the "Terms of Use". In accordance with the City of St. Clair Shores Communications Policies, the City of St. Clair Shores Facebook page will not allow the posting of images, promotion or advertisement of the following:

- Nudity or pornography, profanity and/hate language
- Illegal use of tobacco, alcohol, or weapons
- Adult entertainment
- Hostility or violence
- Attacks on ethnic, racial, religious groups or sexual orientation
- Illegal discrimination against any group
- Sexual, obscene, indecent or explicit messages, including those with sexual overtone or innuendo
- False, misleading or deceptive sponsorships/advertisements
- Language or information that is obscene, foul, vulgar, or abusive in any way
- Information harmful to children either emotionally or physically
- Cruelty to animals
- Online casino gaming, gambling or betting

Motion by Rubino, seconded by Walby to approve the modifications to the City's Facebook Policy as recommended by the Communication Commission which reads as follows:

PURPOSE OF THE CITY OF ST CLAIR SHORES FACEBOOK PAGE:

11. MODIFICATIONS TO THE CITY'S FACEBOOK POLICY AS RECOMMENDED BY THE COMMUNICATIONS COMMISSION, Cont'd.

- 1) To provide local citizens with information about government programs, services and events.
- 2) To provide a platform for local citizens to share viewpoints and engage in dialogue with one another on matters of public interest.

CRITERIA FOR POSTING INFORMATION ON THE CITY OF ST. CLAIR SHORES FACEBOOK PAGE:

Fans of the City of St. Clair Shores are encouraged to post information, pictures or videos about issues and events affecting the City's residents. We encourage discussion and varying viewpoints. However, the City of St. Clair Shores reserves the right, at our sole discretion, to block users or remove comments, pictures or videos from posters who violate the "Terms of Use." In accordance with the City of St. Clair Shores communications policies, the City of St. Clair Shores Facebook page will not allow the posting of images, promotion or advertisement of the following:

- * Nudity or pornography, profanity and/hate language.
- * Illegal use of tobacco, alcohol, weapons.
- * Adult entertainment.
- * Hostility or violence.
- * Attacks on ethnic, racial, religious groups or sexual orientation.
- * Illegal discrimination against any group.
- * Sexual, obscene, indecent or explicit messages including those with sexual overtone or innuendo.
- * False, misleading or deceptive sponsorships/advertisements.
- * Language or information that is obscene, foul, vulgar, or abusive in any way.
- * Information harmful to children either emotionally or physically.
- * Cruelty to animals.
- * Online casino gaming, gambling or betting.

This list is not exhaustive and can be added to at the sole discretion of the City.

BY USING OUR PAGE, YOU REPRESENT AND AGREE THAT:

- 1) You have read and agree to abide by the aforementioned conditions;
- 2) You are the owner of any material you post;
- 3) The materials you post will not violate the rights nor cause injury to others, including people and entities.
- 4) You will indemnify and hold harmless the City of St. Clair Shores from and against any liability arising from such materials.

Please, note that the comments expressed on this site do not reflect the opinions and positions of the City of St. Clair Shores, its Mayor, City Council, Administration or employees. (Revised by City Council 5/2/2011)

Ayes: All – 5
Absent: McFadyen, Rusie

12. RECOMMENDATIONS FOR USE OF THE \$1 HUD HOME PROCEEDS

Mr. Rayes explained that as a result of the Study Session held on March 28, there is a revised allocation plan of the \$1HUD funds.

Mayor Hison stated this item has been previously discussed, and since two members of Council are not present, and there is nothing that cannot wait two more weeks for a full Council, he recommended postponing this item until the next meeting.

Mr. Rubino stated he was prepared to deny this item because he has not received any answers to the questions he has asked previously.

Motion by Frederick, seconded by Rubello to POSTPONE this item until May 15, 2011, with providing feedback previously requested.

Ayes: All – 5
Absent: McFadyen, Rusie

13. CONSIDERATION OF ADOPTION OF THE CITY OF EASTPOINTE'S RESOLUTION TO THE STATE REGARDING THE LOCAL TAX STRUCTURE (rescheduled from 4/4/11)

Mr. Frederick asked how we are supposed to disseminate that we did this to our elected officials if we pass this. Mayor Hison stated the Resolution would get mailed to the legislators in Lansing. This is just asking them to reevaluate what we have asked them in the past.

Mr. Rubino stated this Resolution lacks direction, and gives the impression that we are asking for a tax increase. He added he is not comfortable with it. The Cities of Roseville and Fraser have passed it, and Clinton Township changed the ending of it by one sentence. The only City to vote it down was Warren.

Motion by Walby, seconded by Rubino to reject the City of Eastpointe's Resolution to urge the Michigan Legislature and Governor to reevaluate and modify the current tax structure to provide for long term stability of local governments.

Ayes: All – 5
Absent: McFadyen, Rusie

14. REQUEST TO APPROVE THE SALE OF NSP HOMES

This item was removed from the agenda.

15. BIDS/CONTRACTS/PURCHASE ORDERS

a. Request to award bid for refurbishing two 1996 Sutphen Pumpers E-3 and E-4

The Fire Department purchased these two fire engines in 1996, and in a cost savings effort, is looking to update components such as electrical, emergency lighting, drive train, pump, etc., to prolong the life expectancy for a least another 3 – 5 years based on technology and parts availability. There has been \$120,000 budgeted for these purchases.

Mr. Smith and Battalion Chief Samyn stated there are posted specs on MITN, and only 3 groups submitted bids. Apollo is the only authorized dealer in the State, and they came in within the budgeted numbers.

Motion by Walby, seconded by Rubino to approve the refurbishment of Engine-3 and Engine-4 to the lowest bidder, Apollo Fire Equipment for a total bid of \$103,560.00.

Ayes: All – 5
Absent: McFadyen, Rusie

b. Request to award bid for waterproofing, sanitary sewer replacement and concrete replacement for NSP home at 21907 Colony

This item was removed from the agenda.

c. Request from the City Clerk for Approval to enter into the State of Michigan department of State and the City Grant Agreement for the QVF Electronic Poll Book Laptop & Accessories purchase

Ms. Kotowski explained that under the Federal HAVA grant funding, laptops for precincts, software and accessories will be purchased for local municipalities. Implementation during a City Election allows the Election Inspectors to train and use the equipment for the first time when there is not the additional pressure of a high volume election. The implementation of the EPB will provide a permanent cost savings of approximately \$4,100 each election after the initial training/implementation period. The estimated cost of the equipment the City will receive is \$38,000, which is covered under this grant with a zero City match.

Mayor Hison stated this is Municipal Clerks Week, and congratulated the City Clerk for the great job she does.

Motion by Rubino, seconded by Walby to authorize the City Clerk to enter into the State of Michigan Department of State and City Grant Agreement for the QVF Electronic Poll Book (EPB) Laptop & Accessories purchase.

Ayes: All – 5
Absent: McFadyen, Rusie

16. 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 – h, which include the following:

a. Bills

April 20, 2011

\$1,836,044.52

To approve the release of checks in the amount of \$1,836,044.52, of the report that is 17 pages in length and of the grand total amount of \$1,836,044.52, \$0 went to other taxing authorities.

b. Fees - None

c. Progress Payments - None

d. Approval of Minutes

Minutes
City Council

Meeting Date
April 4, 2011

e. Receive & File Boards, Commissions & Committee Minutes

To receive and file the following minutes:

Minutes

Meeting Date

Beautification Commission	February 11, 2011
Beautification Commission	March 9, 2011
Board of Review (1 st Board)	March 8, 2011
Board of Review (1 st Board)	March 10, 2011
Board of Review (1 st Board)	March 14, 2011
Board of Review (1 st Board)	March 15, 2011
Board of Review (2 nd Board)	March 8, 2011
Council Sub-Committee on Boards & Commissions	February 15, 2011
General Employee Retiree Health Care Board	January 18, 2011
General Employees Pension Board	March 15, 2011
Library Board	March 17, 2011

f. Recommendations from Council Sub-Committee on Boards, Commissions and Committees

1. Accept with regret the following resignations:

- Marianne Courey, SCS Memorial Day Parade Committee
- Timothy Focht, Beautification Commission
- Amy Jadzinski, Cool City Committee
- Maria Martinez, Cool City Committee
- Duane Michno, Activities Committee
- Ralph Schneider, Compensation Commission and Employee Civil Service

2. To move John Stevens to a full voting member of the Cool City Committee to fill the vacant seat of Maria Martinez with a term ending of September 30, 2012.

3. To move Suzanne Goslee-Nesbitt to a full voting member of the SCS Memorial day Parade Committee to fill the vacant seat of Marianne Courey with a term ending of December 31, 2011.

4. Recommendation from Sub-Committee on Boards, Committees & Commissions to appoint the following:

16. **CONSENT AGENDA, Cont'd**

<u>Name</u>	<u>Committee</u>	<u>Term Ending Date</u>
Lee Bertolo	Beautification Commission	Dec 31, 2011
Joseph Backus	Ethics Ordinance Sub-Committee	May 2, 2014
Robert Fetter	Ethics Ordinance Sub-Committee	May 2, 2013
Erin Stahl	Ethics Ordinance Sub-Committee	May 2, 2012
Charles Hall	SCS Memorial Day Parade, alternate	May 2, 2013

5. **Mayor's Appointment: To move Anthony Tiseo to a full voting member of the Planning Commission to fill the vacant seat of Michael D'Agostino with a term ending of December 31, 2013.**

- g. **Adopt the Policy Statement recognizing GASB 54 which reads as follows:
City of St. Clair Shores County of Macomb, State of Michigan
Fund Balance Policy (Governmental Funds)**

Background:

The Governmental Accounting Standards Board (GASB) has issued Statement No. 54 regarding the classification of fund balance in governmental funds. The City of St. Clair Shores will comply with this Statement effective in the fiscal year beginning July 1, 2010 and ending June 30, 2011.

Fund Balance Classification:

Governmental funds in the City of St. Clair Shores' accounts and financial statements will include the following classifications of fund balance:

1. **Non-spendable fund balance:** represents those resources that cannot be used to liquidate current liabilities because the related assets are either not in spendable form (e.g. pre-pays, inventory) or are required to be maintained intact (e.g. the principal of an endowment).
2. **Restricted fund balance:** represents amounts that can be spent only for the specific purposes stipulated by external resource providers or through enabling legislation. Effectively, restrictions may be changed or lifted only with the consent of resource providers.
3. **Committed fund balance:** represents amounts that are designated to be used for specific purposes determined by formal action of the City's highest level of decision-making authority. Such action must occur prior to the end of the fiscal year for which such amounts are being reported. Commitments may be changed or lifted only by the same formal action that imposed the constraint originally.

The City Council, as the City's highest level of decision-making authority, is the only entity capable of designating a committed fund balance for a specific purpose. Such action shall be performed in a properly called and conducted meeting of the Council and shall require a majority vote of Council members.

4. **Assigned fund balance:** In the General Fund represents amounts that are intended to be used for specific purposes, but have not been so designated by the governing body. Such designations shall be the prerogative of the City Treasurer or the City Manager.

In governmental funds other than the General Fund, assigned fund balance includes all residual amounts not restricted or committed. This indicates that resources in funds, other than the General Fund, are intended to be used to support a specific purpose (e.g. Sidewalk, Property Replacement, Building Department).

5. **Unassigned fund balance:** represents all residual amounts, not restricted, committed or assigned in the General Fund, and are available for any purpose.

16. CONSENT AGENDA, Cont'd.

Fund Balance Spending Order Prioritization:

As required by GASB 54, the City's policy shall be that when multiple classifications are available and appropriate for a specific purpose, fund balance will be used first from the most restrictive category (Non-spendable) in order, to the least restrictive (unassigned fund balance).

Minimum Fund Balance:

For the General Fund, the budget shall be prepared and activities managed to result in an ending unassigned fund balance of at least \$5.8 million, except in case of emergency or financial distress. Circumstances of emergency or distress shall be reported to the City Council at the earliest practical time. Upon such reports, Council may direct that additional action be taken to preserve the minimum fund balance.

Status of this Policy:

The terms and conditions of this policy shall supersede and replace other statements by the City of St. Clair Shores on this subject. This policy shall remain in force and effect until replaced or contradicted by later action of the St. Clair Shores City Council or other competent authority.

Consent Agenda cont'd.

h. Approval to publish Notice of Public Hearing on the Proposed 2011-2012 City Budget

Ayes: All – 5
Absent: McFadyen, Rusie

17. UPDATES AND FOLLOW-UPS FROM COUNCIL MEETING

- **PCB's** – Mr. Hughes stated the EPA has completed 73 boring tests. Results are expected in two to three weeks.
- **Harper Avenue** - Mr. Rayes stated that crews will begin on Harper Avenue between 13 and 14 Mile this week.
- **Little Mack Avenue between 10 & 12 Mile** - Mayor Hison stated crews need to fill in the holes between 10 and 12 Mile Roads.

18. COMMENTS BY INDIVIDUAL COUNCILPERSONS

Mr. Rubello stated the Jefferson Middle School Patriots book sale will be held on May 12 from 8 to 7.

The Kolping Center of America is having a clothing and canned goods collection on May 21, from 10:00 a.m. to 3:00 p.m. to benefit the Capuchins.

Mr. Rubello announced that Cub Scout Pack 1475 from Masonic Heights will be helping with the parade.

Mr. Rubello thanked American Legion 570 for a \$500 check for parade.

Mr. Rubello asked Mr. Rayes about the plan to take care of the Ridgeway and Jefferson property, the 11 Mile properties and the Gourmet House. Mr. Rayes will advise at the next meeting.

Mr. Frederick stated that "Coney for Kids" fundraiser will be held at the Senior Activity Center on May 12. The cost is \$5, and proceeds go to the Special Needs Program. He also recognized Christian Financial Credit Union for being a partial sponsor. Mr. Frederick reminded everyone that the St. Clair Shores Carnival is this weekend at the Civic Arena. It begins on Thursday and ends on Friday. Wrist bands for the fireworks will also be available this weekend for a cost of \$2.00. The Blessing of the Fleet will take place on June 4, behind Beach Grill. Mr. Frederick stated that former City Treasurer Cliff Maison passed away yesterday.

Mr. Frederick thanked the Navy Seals for a job well done. He also thanked President Obama and former president Bush. Mr. Frederick stated that members of the Fire Department volunteered for 284 children on Easter Sunday for the Easter Egg Hunt. Everyone had a great time.

Mr. Walby noted that there was a promotion for a new City Assessor. He stated that still leaves a gap and asked if that position was going to be filled or left vacant. City Manager Hughes replied he is unsure at this time. That position could be filled with contractual services, the position could be filled by another City worker, or that position

18. COMMENTS BY INDIVIDUAL COUNCILPERSONS, Cont'd.

could be reassigned with the Tax and Water Department. Mr. Hughes added that we are no longer required to have a Level 4 Assessor because of declining home values in the City. Mr. Walby stated Budget Hearings are coming up and he would like an update on where we are going to come up short on this year's fiscal budget.

Mr. Rubino stated that Mr. Debates doesn't seem to get any answers with regard to the Fence Ordinance. He would like to get the answers himself. Mr. Ihrle replied he has discussed this with him informally. He has also made an offer to meet with him one on one to discuss and answer the questions. As of this time, he has not taken advantage of this offer. Mr. Rubino asked why the City was sending bills to residents who purchased their home from a bank, when the bills should be sent to the bank that owned the home previously. A resident on Furton received a bill for \$900 for cleanup. Mr. Rubino asked about Grissom's Pub. Mr. Rayes replied they are bricking the exterior and have applied for permits for interior renovation. He also advised that there 279 million gallons of sewage discharged from Oakland County this weekend. Something needs to be done to stop these discharges.

Mayor Hison stated that Budget Meetings are scheduled for next week.

19. CITY MANAGER'S REPORT

Mr. Hughes stated that Saturday, May 21, from 8:00 a.m. to 1:00 p.m. is Hazardous Waste Day.

20. AUDIENCE PARTICIPATION (5 MINUTE TIME LIMIT)

Chuck Hall, resident of St. Clair Shores, stated it is good to review the St. Clair Shores Facebook guidelines annually. Mr. Hall stated he is glad the fire truck refurbishing went to a Michigan company. Mr. Hall asked why clean up on the Nautical Mile was done by City employees. There is an agreement that TIFA secures contractors to do work in that district. Mayor Hison replied he will find out.

Joe Backus, resident of St. Clair Shores, stated his mother passed away three years ago and wished all moms a Happy Mothers Day.

Jamie Victory, resident of St. Clair Shores, stated he was at City Hall last week to get a petition to run for City Council.

Ralph Kosel, resident of St. Clair Shores, stated that at the last meeting he complained about communication between the City, City Council and residents. He said it is disappointing that staff doesn't get information to Council so they can make decisions. He would like to have someone held accountable.

George Munger, resident of St. Clair Shores, thanked Mary Jane D'Herde for all of her hard work on Facebook. He also thanked the City Manager for his work with the Firefighters and their contract. Mr. Munger stated he was surprised to see a new committee for the parade get a proclamation for a parade that hasn't even happened yet. He asked how proclamations get voted on in the City, and suggested that Eliza Ahearn get one for saving the life of Council Member Ron Frederick. Mayor Hison noted the proclamation was recognize the parade to be part of the program book, just as they have done for many years.

David Baker, resident of St. Clair Shores, congratulated Council on finally approving a contract. He stated he thinks some members of Council are really adamant about applying false economy. Members of Council previously resisted the idea of putting a millage question on the ballot, and the citizens had to do it themselves.

Frank Maioranoe, resident of St. Clair Shores, questioned the renovation at 22326 Rosedale. Mr. Rayes stated the repairs are minor.

Matt Ahearn, resident of St. Clair Shores, stated that some members of Council are hypocrites and liars. He added that Council Member Fredrick does so much for the City that no one even knows about.

Don Lobsinger, resident of St. Clair Shores, returned to address the malicious attack by a person who went up after him at the last meeting.

Chris Vitale, resident of St. Clair Shores, stated you can tell this is the political season because the attack of the day is on Mr. Walby because he sells insurance.

21. ADJOURNMENT

Motion by Frederick, seconded by Rubino to adjourn at 10:37 p.m.

Ayes: All – 5
Absent: McFadyen, Rusie

ROBERT A HISON, MAYOR

MARY KOTOWSKI, CITY CLERK