

**MINUTES  
ST. CLAIR SHORES CITY COUNCIL MEETING  
JANUARY 16, 2012**

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

Present: Mayor Walby, Council Members Caron, Frederick, Rubino, Rusie, Tiseo, and Vitale

Also Present: City Manager Hughes, City Clerk Kotowski, Community Service Director Rayes, and City Attorney Ihrie

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

Mayor Walby called the meeting to order at 7:00 p.m. Ms. Kotowski, City Clerk, called the roll. A quorum was present. Cub Scout Pack 1970 led the Pledge of Allegiance.

Mayor Walby announced that Agenda Items #6, #7 and #10 have been removed from the agenda.

**2. PROCLAMATIONS & PRESENTATIONS**

a. Beverly McFadyen

Mayor Walby stated that it was sad news to hear of the passing of former Council Member McFadyen and asked for a moment of silence.

Mayor Walby stated that Council Member McFadyen was elected in 1999 and was strong with what she believed in and had great pride in St. Clair Shores. He added that she always said what a great community St. Clair Shores was, and we owe her a debt of gratitude for her service. Mayor Walby stated that everyone was hoping her health would get better and she would be able to be here tonight.

Mayor Walby read the proclamation for Beverly McFadyen.

**PROCLAMATION  
to  
Beverly A. McFadyen**

**WHEREAS**, the Mayor and Council of the City of St. Clair Shores acknowledge the time and efforts of our Elected Public Officials representing the City of St. Clair Shores and the contributions of City Council Member **BEVERLY A. MCFADYEN**; and

**WHEREAS**, **BEV** has served the City of St. Clair Shores as a member of the City Council for twelve years, where she was first elected on November 2, 1999 until November 14, 2011 when she retired from City Council, a job she would not have left had health issues not arose; and

**WHEREAS**, **BEV** was appointed by her peers to serve two terms as Mayor Pro Tem, served as City Council liaison to the Fence Arbitration Committee, General Employee Pension Board, Library Board, Minimum Standards Committee, Older Persons Advisory Committee, Council Sub Committee on Boards, Commissions and Committees, and Michigan Municipal League Delegate; and

**WHEREAS**, **BEV'S** service to our residents will best be remembered as an outspoken advocate for Senior Citizens, our Special Needs Program, and her great pride and love for her City; and

**WHEREAS**, **BEV'S** desire to learn was demonstrated over and over again as the Michigan Municipal League City Delegate where she completed over 100 credit hours of training sessions, leadership roles and legislative work to earn her the Michigan Municipal League Award of Governance, a first for St. Clair Shores and the 68<sup>th</sup> issued in the State of Michigan;

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the City of St. Clair Shores, on behalf of all our residents, wish to convey to **BEVERLY A. MCFADYEN** our sincere appreciation for her 12 years of dedicated service as an elected official of our City, as we mourn her loss and thank her family for the time she shared serving the residents of the "City She Loved."

Presented this 16<sup>th</sup> day of January 2012.

**Agenda Item 2 cont'd.**

b. Donation of an American Flag for the Civic Arena

Dean Smith, Always Brothers Organization, stated they are a non-profit organization serving military personnel and their families. One of the things they do is build homes for disabled veterans, contacting other companies and organizations which also assist. Mr. Nick Kaulster is a disabled veteran who wanted to build a vegetable garden in his backyard. There was a story in the Macomb Daily about Mr. Kaulster. Dean received a call from Paul Doppke of Landscape Services. Mr. Doppke contacted other businesses and they all came together to make a vegetable garden and a wheelchair accessible sidewalk for Mr. Kaulster. Mr. Doppke asked Mr. Smith if he would be able to get an American flag from Iraq or Afganistan. Mr. Smith stated that a friend of his was in Iraq. He sent a team into Iraq and was able to get several flags. One flag was given to Mr. Kaulster; one was given to Mr. Doppke for the City to be hung in the new fitness room at the Civic Arena.

Mayor Walby thanked Mr. Smith for the flag and his service to our country. This flag will finish off the room and we appreciate the donation.

c. David Rubello

Mayor Walby presented David Rubello with the following proclamation:

**PROCLAMATION  
to  
DAVID J. RUBELLO**

***WHEREAS**, the Mayor and Council of the City of St. Clair Shores deem it fitting and proper to publicly recognize the contributions to our City by lifelong resident and City Council Member **DAVID J. RUBELLO**; and*

***WHEREAS, DAVE** was elected to City Council on November 6, 2007 for a 4 year term, a seat he delayed running for in 2005 when he withdrew his candidacy to save the City the cost of holding a primary election for the elimination of one council candidate; and*

***WHEREAS, DAVE** was appointed by his peers as Mayor Pro Tem in 2009, has served as City Council Liaison to the Beautification Commission, Cultural Committee, Dog Park Committee, Historical Commission, Older Persons Advisory Committee, St. Clair Shores Memorial Day Parade Committee, Sign Ordinance Sub Committee, and Waterfront Environmental Committee, as well as participating in numerous City events; and*

***WHEREAS, DAVE** was and continues to be involved in organizations including the St. Clair Shores Activities Committee, Historical Society, Shorewood Kiwanis, Men of the Sacred Heart, Friends of the St. Clair Shores Public Library, Commodore Boating Club, Nautical Mile Merchants Association, Nine Mile and Greater Mack Business Association, Harper Avenue Business Association (HABA), the Metro East Chamber of Commerce and the Optimist Club; and*

***WHEREAS**, he served as an advocate for the St. Clair Shores business district always having the best interests of local businesses at heart and has been instrumental in the creation of the Disc Golf Park, Dog Park, City Facebook page, St. Clair Shores Realtors Open House, improving the business climate by proposing ordinance amendments to allow A-Frame and Grand Opening Signage, On Premise Liquor License changes, Industrial Development District Applications, a moratorium on masonry walls between business and residential areas, bidding out service contracts, fighting blight and building/home vacancies; and*

***WHEREAS**, while on City Council he was considered the "Big Thinker who follows through" and he demonstrated this by working with the 2011 Parade Committee to fundraise and invited St. Clair Shores native - Comedian Dave Coulier, to hold a special fundraising performance which was a great success; and*

***WHEREAS**, Dave put his heart and 100% effort into every project/idea/fundraiser, which took many hours away from time with his wife, two sons and daughter; to whom we say thank you for sharing **DAVE'S** talents with the City;*

***NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the City of St. Clair Shores, on behalf of all our residents, wish to convey to **DAVID J. RUBELLO** our sincere appreciation for his four years of dedicated service as a City Council Member and acknowledge that his energy and passion in performing these duties have left his mark on the City by making it a better place to live, work and run a business, we extend our best wishes for your future endeavors and await your next idea to see it flourish.*

Presented this 16<sup>th</sup> day of January 2012.

**Agenda Item 2 cont'd.**

Mr. Rubello thanked Council, residents and his family for all of their support during his term as a Council Member.

Mayor Walby stated that former Mayor Hison received his proclamation at his dinner held in November.

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

Jim Goodfellow, St. Clair Shores resident, spoke regarding Items #2b and #18. He stated that former Council Member McFadyen was quite a woman. He suggested placing a plaque and picture at the Senior Center since she was so involved with the seniors. He also stated she was a Council liaison to TIFA.

Mr. Goodfellow questioned why the lawsuit is still active when ZBA did a great job denying the variance.

**4. REQUEST TO HOLD ST. JOAN OF ARC'S 43<sup>RD</sup> ANNUAL SPRING FESTIVAL MAY 18-20, 2012, AND TO CLOSE SEVERAL STREETS**

Dave Kesner, Secretary for St. Joan of Arc Spring Festival, stated this will be their 43<sup>rd</sup> Annual Festival and they would like to extend the hours in the Entertainment Tent again. The bands would conclude at 11:30 each night as they have in previous years. On Sunday night the midway rides, bingo and entertainment would all close at 8:00 p.m. Vegas will continue to be open to 1:00 a.m. on Friday and Saturday and 10:00 p.m. on Sunday.

In addition, they would like barricades at Greater Mack and Overlake, Goethe and Old Eight Mile Road, Edmunton and Old Eight Mile Road and Greater Mack and Edmunton. The Festival will provide security at these four areas to allow entrance to residents, but restrict patrons who wish to visit the festival. A waiver for the electrical permit fee and sign permit fees is also requested.

**Motion by Frederick, seconded by Rubino to approve the request for the 43<sup>rd</sup> Annual Spring Festival from May 18 to May 20, 2012, with the following hours: May 18 and 19 close entertainment at 1:00 a.m., bands ending at 11:30 p.m., and May 20 close midway rides, bingo and entertainment at 8:00 p.m. Vegas will continue to be open to 1:00 a.m. on Friday and Saturday and 10:00 p.m. on Sunday. Approve barricades at Greater Mack and Overlake, Goethe and Old Eight Mile, Edmunton and Old Eight Mile, and Greater Mack and Edmunton, and grant a waiver of the electrical inspection fees.**

Ayes: All - 7

**5. REQUESTS FROM ST. CLAIR SHORES MEMORIAL DAY PARADE COMMITTEE FOR APPROVALS TO HOLD:**

- a. The 60<sup>th</sup> annual Memorial Day Parade on May 27, 2012 on Harper Avenue

Robert Montgomery, Chairman for the St. Clair Shores Memorial Day Parade Committee, requested to hold the 60<sup>th</sup> Annual Memorial Day Parade on Harper Avenue on May 27, 2012 beginning at 1:00 p.m. Mr. Montgomery stated that this year, the theme will be "Freedom Is Not Free". There is a Spaghetti Dinner fundraiser on March 29 at Assumption Cultural Center. There is also a bowling fundraiser on May 4 at Shores Lanes. Additional information is listed on the following websites: <https://sites.google.com/scsmemorialdayparade>, and [scsparade@yahoo.com](mailto:scsparade@yahoo.com).

**Motion by Tiseo, seconded by Rusie to approve the request from the St. Clair Shores Memorial Day Parade Committee to hold the 60<sup>th</sup> Annual Memorial Day Parade on Harper Avenue from 9 Mile Road to 11 Mile Road on May 27, 2012, beginning at 1:00 p.m.**

Ayes: All - 7

- b. The Sailing Thru The Shores 5K Run/Walk on Harper Avenue May 27, 2012 from noon to 1:00 p.m.

Lisa Travis, Chairperson of the Shores 5K Run/Walk, stated this event encourages community service. There were over 300 participants last year and they have awarded 11 scholarships so far. The registration for the event can be downloaded at [www.scsfunrun.org](http://www.scsfunrun.org).

It was noted that this is a six year event, but the petitioner has asked to appear on a City Council Agenda to publicize this event.

**Agenda Item 5, cont'd**

**Motion by Caron, seconded by Rubino to approve the request to hold the Sixth Annual Sailing Thru the Shores 5K Run/Walk on Harper Avenue May 27, 2012, from noon to 1:00 p.m., the route to mirror the parade route in reverse.**

Ayes: All - 7

**6. USE AGREEMENT BETWEEN THE CITY AND THE ST. CLAIR SHORES HOCKEY ASSOCIATION (LEAGUE) AND THE ST. CLAIR SHORES FIGURE SKATING CLUB**

This item was removed from the agenda and is rescheduled to February 6, 2012.

**7. REQUEST FROM COUNCIL TO AMEND THE ANIMAL ORDINANCE TO ALLOW FOR THE OPERATION OF ANIMAL RESCUES/ANIMAL FOSTER FAMILIES IN RESIDENTIAL AREAS**

This item was removed from the agenda and will be rescheduled.

**8. REVIEW OF THE MEDICAL MARIJUANA MORATORIUM WHICH EXPIRES 1/30/2012 AND CONSIDERATION OF EXTENSION OF THE MORATORIUM**

Mr. Ihrle stated City Council reviewed medical marijuana dispensaries about six months ago. On August 23, 2011, the Michigan Court of Appeals addressed medical marijuana dispensaries, and it was determined they were illegal. Since the Michigan Court of Appeals came to that decision, there is no need for the City to extend the moratorium. A business license cannot be obtained in St. Clair Shores for medical marijuana. The moratorium expires on January 30, 2011.

**9. BIDS/CONTRACTS/PURCHASE ORDERS - NONE**

**10. FIRST QUARTER BUDGET REPORT FOR SEPTEMBER 30, 2011, AND APPROVAL OF BUDGET AMENDMENTS 12-01 THROUGH 12-08**

This item was removed from the agenda and will be rescheduled to February 6, 2012.

**11. REQUEST ORDINANCE AMENDMENTS AND ADOPTION:**

- a. Amendment to Ordinance 19.360, St. Clair Shores Memorial Day Parade/Issuance of Master License and Permits for the Sale of Goods and Food Along the Parade Route

Mr Ihrle presented an amendment to Ordinance 19.360, St. Clair Shores Memorial Day Parade/Issuance of Master License and Permits for the Sale of Goods and Food Along the Parade Route, for adoption.

For the Memorial Day parade and Car Cruise there are sales of goods along the routes. Vendors are required to be licensed by the City. Previously the Parade Committee had to get a master license and then grant sub permits. It was suggested to add the Cruise Committee as an authorized entity for a master license.

Ms. Rusie stated on page 4 of the revision, Section (e), 'The violation of any provision in this ordinance section or of any provision in the rules and regulations promulgated by the event committee shall be punishable as specified I the Municipal Civil Infractions Ordinance', the part that states 'or of any provision in the rules and regulations promulgated by the event committee' should be removed. There was concurrence to strike these words.

Mr Frederick suggested that section 7-60(b) of the Master License fee should remain \$25.00.

**Motion by Rubino, seconded by Caron to approve the adoption of an amendment to Ordinance 19.360, St. Clair Shores Memorial Day parade/Harper Car Cruise, subject to removing the section which states “or of any provision in the rules and regulations promulgated by the event committee”, and adding the Master License Fee of \$25.00 which reads as follows:**

**19.300 LICENSES CITY OF ST. CLAIR SHORES, MICHIGAN CHAP. 7 EFFECTIVE: JANUARY 20, 1987**

**Agenda Item 11, cont'd**

The City of St. Clair Shores ordains Ordinance 19.300 Licenses, Section 19.360, Sec. 7-60 of its License Ordinance of its Code of Ordinances, which reads as follows:

**19.360 ST. CLAIR SHORES MEMORIAL DAY PARADE/ISSUANCE OF MASTER LICENSE AND PERMITS FOR SALE OF GOODS AND FOOD ALONG PARADE ROUTE.**

Sec. 7-60. It shall be unlawful for any person, firm, corporation or business entity to offer for sale, sell or otherwise engage in the business of selling any goods, merchandise or food or to engage in any business of a temporary or transient nature along the designated route of the St. Clair Memorial Day Parade on the date selected for the parade with appropriate authority without first having secured a permit as provided in this section.

- (a) **ISSUANCE OF MASTER LICENSE TO PARADE COUNCIL.** At least thirty (30) days prior to the scheduled date of the annual Memorial Day Parade, the St. Clair Shores Memorial Day Parade Council shall secure a master license pertaining to the sale of any goods, merchandise or food or the operation of any business of a temporary or transient nature along the designated parade route. Such master license shall entitle the parade council to issue, on its own accord, permits to any person, firm, corporation or business entity or other vendor desiring to engage in such conduct along the designated parade route on the date of the Memorial Day Parade.
- (b) **MASTER LICENSE; CONTENTS AND FEE.** The master license shall bear the signature of the president of the St. Clair Shores Parade Council and shall contain the names, addresses and phone numbers of all Council representatives who will be authorized to collect permit fees from vendors on the day of the parade. The master license fee shall be twenty-five (\$25) dollars.
- (c) **ISSUANCE OF PERMITS TO VENDORS.** Individual vendor or business permits issued under the master license may be purchased at the Business License Clerk's office before the day of the parade or on the day of the parade from a person who has been identified on the master license as one with authority to collect fees and issue permits.

The fee for a permit issued before the day of the parade by the Business License Clerk's Office shall be forty (\$40) dollars, plus five (\$5) dollars for each additional employee engaged or assisting in the permitted activity. The fee on the day of the parade shall be eighty (\$80) dollars plus five (\$5) dollars for each employee engaged or assisting in the permitted activity. Upon payment of such fees, the parade council shall issue buttons as follows: one button for each \$40 or \$80 fee, and one button for each additional employee or assistant for whom an additional \$5 was paid as part of the permit fee. All persons engaged in the permitted activity shall wear a button at all times during the parade and whenever engaged in such activity. Further, any Parade Council representative collecting such fees on the day of the parade shall carry or wear appropriate identification and provide payment receipts.

- (d) **PARADE COUNCIL REGULATIONS.** The Parade Council shall establish regulations pertaining to the sale of any goods, merchandise or food or operation of any business of a temporary or transient nature along the parade route during the parade and shall issue a copy of such regulations to the business or vendor applicant with the permit. All permits issued hereunder shall have as a condition of issuance compliance with such rules. The rules and regulations shall address the following concerns:
  - (1) The Traffic and safety risks of the public as well as the vendors along the parade route;
  - (2) The appropriate licensing of food sales and businesses by the Macomb County Health Department or other authority;
  - (3) The location of particular permittees and vendors along the parade route;
  - (4) The safety of any items offered for sale and suggestions as to appropriate merchandise offered for sale, and;
  - (5) Any other issue pertaining to the health, safety and welfare of the public and the smooth functioning of the parade itself and protection of permanent businesses along the parade route.
- (e) The violation of any provision in this ordinance section or of any provision in the rules and regulations promulgated by the St. Clair Shores Parade Council shall be punishable as specified in the Municipal Civil Infractions Ordinance. Section 11.150, et. seq. Further, a person, firm or corporation or business entity or other vendor who fails or refuses to secure a permit for the activities specified hereunder and engages in such activities on the day of the parade may be prevented from engaging in such activities along the parade route on the day of the parade.

**Agenda Item 11, cont'd**

- (f) ENFORCEMENT. This ordinance section shall be enforced by the St. Clair Shores Police Department and the St. Clair Shores Code Enforcement Authority.

(chap. 7 eff. Jan. 20, 1987; amend. eff. Apr. 17, 1990; further amend. eff. Apr. 16, 1991; amend. eff. Aug. 11, 1992)

19.361 Penalty for violation.

Sec. 7-61. Any person or business entity that fails to secure a business license in a timely manner including the payment of late fees or whenever in this Ordinance any act is prohibited or is declared to be unlawful or whenever the doing of any act is required or the failure to do any act is unlawful, the penalty for such violation shall be as specified in the Municipal Civil Infractions Ordinance, Section 11.150, et. seq. (amend. eff. Aug. 11, 1992)

**Shall be amended to read as follows:**

19.360 ST. CLAIR SHORES MEMORIAL DAY PARADE/~~HARPER CAR CRUISE~~ISSUANCE OF MASTER LICENSE AND PERMITS FOR SALE OF GOODS AND FOOD ALONG EVENT ROUTE. (amended 1/23/2012)

Sec. 7-60. It shall be unlawful for any person, firm, corporation or business entity to offer for sale, sell or otherwise engage in the business of selling any goods, merchandise or food or to engage in any business of a temporary or transient nature along the designated route of the St. Clair Shores Memorial Day Parade/Harper Car Cruise (hereafter "event") on the date selected for the event with appropriate authority without first having secured a permit as provided in this section.

- (a) ISSUANCE OF MASTER LICENSE TO EVENT COMMITTEE. At least thirty (30) days prior to the scheduled date of the annual event, the event committee shall secure a master license pertaining to the sale of any goods, merchandise or food or the operation of any business of a temporary or transient nature along the designated event route. Such master license shall entitle the event committee to issue, on its own accord, permits to any person, firm, corporation or business entity or other vendor desiring to engage in such conduct along the designated event route on the date of the event. amended 1/23/2012)
- (b) MASTER LICENSE; CONTENTS AND FEE. The master license shall bear the signature of the chair of the event committee and shall contain the names, addresses and phone numbers of all committee representatives who will be authorized to collect permit fees from vendors on the day of the event. The master license fee shall be twenty-five (\$25) dollars. The City reserves the right to issue more than one master license. Amended 1/23/2012)
- (c) ISSUANCE OF PERMITS TO VENDORS. Individual vendor or business permits issued under the master license may be purchased at the Business License Clerk's office before the day of the event or on the day of the event from a person who has been identified on the master license as one with authority to collect fees and issue permits. Amended 1/23/2012)

The fee for a permit issued before the day of the event by the Business License Clerk's Office shall be forty (\$40) dollars, plus five (\$5) dollars for each additional person engaged or assisting in the permitted activity. The fee on the day of the event shall be eighty (\$80) dollars plus five (\$5) dollars for each additional person engaged or assisting in the permitted activity. Upon payment of such fees, the event committee shall issue buttons as follows: one button for each \$40 or \$80 fee, and one button for each additional person or assistant for whom an additional \$5 was paid as part of the permit fee. All persons engaged in the permitted activity shall wear a button at all times during the event and whenever engaged in such activity. Further, any event committee representative collecting such fees on the day of the event shall carry or wear appropriate identification and provide payment receipts. Amended 1/23/2012)

- (d) EVENT COMMITTEE REGULATIONS. The event committee shall establish regulations pertaining to the sale of any goods, merchandise or food or operation of any business of a temporary or transient nature along the event route during the event and shall issue a copy of such regulations to the business or vendor applicant with the permit. All permits issued hereunder shall have as a condition of issuance compliance with such rules. The rules and regulations shall address the following concerns:
- (1) The Traffic and safety risks of the public as well as the vendors along the event route;



**Agenda Item 11, cont'd**

prior to the cruise.

Mr. Tiseo asked if their current signs fit this ordinance. Mr. Innes replied that not all of the larger ones fit the ordinance. Mr. Ihrie suggested that they go to the Sign Arbitration Committee for those signs that do not fall under the ordinance.

Mayor. Walby stated that a lot of the money from the Cruise goes back to the City, and there is a fee to go in front of the Sign Arbitration Committee.

Ms. Rusie suggested changing the language to allow larger signs.

**Motion by Frederick, seconded by Rusie, to approve the adoption of an amendment to the Temporary Sign Ordinance, Section 19.154 A (7), to allow signs not to exceed 40 feet total which reads as follows:**

19.150 SIGN LIGHTING AND DISPLAY ORDINANCE CITY OF ST. CLAIR SHORES, MICHIGAN Chap. 39  
Effective: April 8, 1986

The City of St. Clair Shores ordains Ordinance 19.150 Section 19.154, Section 39.4 (7) (c) (ii) and (i) of its Sign Ordinance of its Code of Ordinances, which reads as follows:

19.154 Enforcement.

Sec. 39.4.A. Plans, specification and permits.

- (7) Applications for temporary signs.
- (a) An application for a temporary sign permit shall be submitted to the City Clerk's Office upon forms provided by the clerk. Such forms shall contain all information specified in Section 19.154A (3) for application for a permanent sign permit. An application and permit shall be required for each such sign.
  - (b) The City Clerk shall have the authority to approve a temporary sign application and issue a permit to be valid for up to thirty (30) days in length or the duration of the event to which the sign applies, whichever is shorter.
  - (c) The following size limitations shall apply for all temporary signs.
    - (i) In residentially zoned areas: Twelve (12) square feet total for all faces of the sign combined. (amend. eff. Mar. 31, 2011)
    - (ii) In commercially zoned areas: Thirty-two (32) square feet total for all faces of the sign combined.
    - (iii) In industrially zoned areas: Thirty-two (32) square feet total for all faces of the sign combined.

**Shall be amended to read:**

19.154 Enforcement.

Sec. 39.4.A. Plans, specification and permits.

- (7) Applications for temporary signs.
- (c) The following size limitations shall apply for all temporary signs.
    - (i) In residentially zoned areas: Twelve (12) square feet total for all faces of the sign combined. (amend. eff. Mar. 31, 2011)
    - (ii) In commercially zoned areas: Thirty-two (32) square feet total for all faces of the sign combined. ***The St. Clair Shores parade committee and the Harper Cruise committee shall be entitled to place one banner per sanctioned site as approved by City Council not to exceed a total size of 40 square feet. (amended 1/23/2012)***
    - (iii) In industrially zoned areas: Thirty-two (32) square feet total for all faces of the sign combined.
  - (d) A sign with more than one face shall have its faces back-to-back or arranged so that any two (2) faces which form a "V" in plan shall not have any angle greater than fifteen (15) degrees.





**Agenda 11, cont'd**

26700 Harper Avenue, and City Hall, 27600 Jefferson Circle Drive on the 23<sup>rd</sup> day of January 2012.

MARY A. KOTOWSKI, CITY CLERK

**Amendment effective: 1/23/2012**

Ayes: All - 7

**12. 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 Frederick, seconded by Rubino, to approve the Consent Agenda items a – g, which include the following:**

**a. Bills**

January 5, 2012 \$1,158,541.69

**b. Fees – None**

Kirk, Huth & Lange \$ 135.00  
Ihrie & O'Brien \$ 8,702.00

**c. Progress Payments**

Blade Action, Inc. \$ 32,670.00  
Diversified Co0nstruction & Stainless \$ 55,778.70  
Galui Construction Company, Inc. \$ 17,391.39  
Galui Construction Company, Inc. \$ 19,902.23  
Playworld Midstates \$ 17,396.00  
Utility Services Authority, LLC \$119,031.00

**d. Approval of Minutes**

City Council Minutes None

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

To receive and file the following minutes:

<u>Minutes</u>	<u>Meeting Date</u>
Board of Review	December 13, 2011
Library Board	November 16, 2011
Parks & Recreation Commission	November 20, 2011
Waterfront Environmental Committee	December 20, 2011

**f. Consideration of Appointments/Re-Appointments of Council Liaisons to Boards, Commissions and Committees**

Appoint/Reappoint the following Council Liaisons to City Boards, Commissions and Committees

Board/Commission/Committee	Voting/Non-voting	Meeting Days	2012
Animal Ordinance Committee	Voting alternate	Upon petition request	Rusie
Beautification Commission	Non-voting	2 <sup>nd</sup> Wed - 7:00 pm	Caron
Building/Property Maintenance Board of Appeals	Voting	2 <sup>nd</sup> Tues - 3:30 pm Upon petition request	Vitale
Communications Commission	Voting	2 <sup>nd</sup> Wed - 6:30 pm	Frederick
Computer Committee	Voting	Meets as needed	Caron

Cool Cities Committee	Voting	2 <sup>nd</sup> Wed - 7:00 pm	Vitale
Council Sub-Committee on Boards, Commissions and Committees	3 Voting 1 Alternate	4 <sup>th</sup> Tues - 7:00 pm	Walby – Chair Frederick, Rusie Rubino – Alt.
CIA Corridor Improvement Authority	1 Voting Mayor or designee	1 <sup>st</sup> Wed -7:15	Tiseo
Cultural Committee	Non-voting	2 <sup>nd</sup> Wed - 6:00 pm	Rusie
Dog Park Committee	Non-voting	1 <sup>st</sup> Thurs - 6:30 pm	Caron
Economic Development Corp.	Voting	Upon petition request	Walby
Fence Arbitration Committee	Voting	3 <sup>rd</sup> Wed - 2:00 pm	Tiseo
General Employees Pension Board	Voting Mayor & 1 Council	3 <sup>rd</sup> Tues - 3:30 pm	Walby, Rubino
General Retirees Health Care Investment Board	Voting Mayor or designee	3 <sup>rd</sup> Tues Quarterly – 2:00 pm	Walby
Golf Course Committee	Voting	3 <sup>rd</sup> Tues - 10:30 am	Walby
Historical Commission	Non-voting	1 <sup>st</sup> Tues - 7:00 pm	Vitale
Housing Board of Appeals	Voting	Upon petition request	Vitale
Library Board	Non-voting	3 <sup>rd</sup> Thurs - 9:30 am	Frederick
Michigan Municipal League Rep.	Voting		Frederick Rusie – Alter.
Minimum Standards	Voting Mayor/or designee	Upon petition request	Walby
Older Persons Advisory Committee	Non-voting	3 <sup>rd</sup> Thurs - 6:30 pm	Rusie
Parks & Recreation Commission	Voting	2 <sup>nd</sup> Thurs - 7:00 pm	Tiseo
Police & Fire Pension Bd. & Health Care Trust Bd.	Voting	Last Thurs - 4:00 pm	Frederick
St. Clair Shores Memorial Day Parade Committee	2 Non-voting	1 <sup>st</sup> Thurs 7 pm	Caron Rusie
SEMCOG	Voting	Quarterly	Walby
SMDA & SEMSD	1 Voting, 1 Alternate	Monthly	Walby Babcock – Alter.
Sign Arbitration Committee	Voting alternate	4 <sup>th</sup> Thurs - 9:00 am	Tiseo
TIFA and Brownfield Redevelopment Authority	1 Voting Liaison	3 <sup>rd</sup> Thurs Quarterly - 7 pm	Rubino
Waterfront Environmental	Non-voting	3 <sup>rd</sup> Tues - 6:30 pm	Rubino

**g. Request for adoption of a Resolution adopting the 2012 poverty exemption application and standards for use by the board of Review in the 2012 tax year at the March, July, and December Meetings**

Ayes-All-7

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

**Video streaming of Council Meetings**

Mr. Hughes states that many residents watch City Council Meetings on their computers, and some have been having problems viewing them. The IT Director has determined that individual problems could relate to the IR browser. The problems have to be reviewed on a case by case basis. The IT Director has asked residents to contact him at 586-447-3411 with problems and he will help them work through them.

**School Crossing Guard at Greater Mack and California**

Mr. Hughes stated that some residents are requesting a school crossing guard at Greater Mack and California. He has been working with the Police Department and the school. So far there is nothing in writing, but the South Lake School District will tentatively assume financial responsibility for a guard.

**Revere Street Garage**

Mr. Ihrie stated that litigation was started to have the garage on Revere Street demolished in the fall. He has been in contact with the resident agent for Wells Fargo Bank. They have secured who the resident was, accepted the lawsuit,

**Agenda 13, cont'd**

and are attempting to contact them. Mr. Ihrle stated he has been to the site and took pictures. He is attempting to secure an agreement with Wells Fargo Bank to take down the garage. Mr. Ihrle stated this case goes in front of the judge next Monday or Tuesday, and he will have an update on February 6, 2012.

Mayor Walby advised that there has been another City employee found using City owned equipment for personal use. We are not going to discuss personnel issues at this table. We are like a big corporation, employing 260 employees. Mayor Walby stated all companies have some type of issues with their employees, and they have to be acted upon in an appropriate manner.

**14. COMMENTS BY INDIVIDUAL COUNCILPERSONS**

Mr. Tiseo offered condolences to the Beverly McFadyen family. He stated he received a message on facebook that St. Germaine's is holding a fundraiser at Rams Horn tomorrow from 4:00 p.m. to 9:00 p.m., with a large percentage of the sales going to the school.

Mr. Tiseo announced at Mom-to-Mom sale at 20011 Madison on February 4, 2012, from 9:00 a.m. to Noon.

Mr. Frederick offered condolences to the McFadyen family. He stated Mrs. McFadyen did a lot for the City and he learned a lot from her.

Mr. Frederick asked Mr. Rayes about fixing the bathrooms at the Senior Center. Mr. Rayes replied they are exploring various options. They want to upgrade and include the showers. He has discussed this with the Parks and Recreation Director and a meeting is scheduled for Thursday.

Mr. Frederick stated that Comcast Cable attending the last Communications Commission meeting. Mr. Gerald Smith of Comcast explained details about a program they have called "Comcast Internet Essentials". This program is available to homes with children who receive free school lunches. The cost for cable is only \$9.95 a month and a computer can be purchased for as low as \$149.00 which includes training. To find out if you qualify for this program, call 1-855-846-8376, or go to internetessentials.com.

Mr. Vitale offered condolences to the McFadyen family. He stated she gave willingly and served well.

Mr. Vitale stated that on the City's facebook page yesterday, a resident said it was sad that councilmembers were making such a big issue about the fitness center. He stated he has a problem with the current operation of the room. Mr. Vitale stated he would like to improve neighborhood instead with these funds. Residents are tired of special deals handshake contracts. Besides, the facility is in use and a user agreement is not finished. At the Council Meeting of October 20, Mr. Esler was asked who the owner of the fitness center was. He replied it was the City of St. Clair Shores. Presently the agreement is delayed because the Hockey Association has refused to sign it. This is all about a failure of adults who cannot execute a contract. Mr. Vitale asked if someone would rent their house to a person who refused to sign a lease.

Mr. Vitale stated that once again City employees are abusing duties and time. An adequate message has not been sent, and administration is not getting through.

Mr. Vitale stated he has noticed activity at the old Ponderosa and the demolition of the facility will be on Wednesday.

Mr. Caron thanked all the City employees he met with today while touring the City buildings.

Mr. Caron stated that the St. Clair Shores Relay for Life's kickoff will be February 28, 2012, and thanked the Senior Center for hosting the event. The doors open at 6:00 p.m., and the event begins at 7:00 p.m. Former Mayor Hison and his wife Nancy will be speakers. For further information, go to relayforlife.org/stclairshores.

Mr. Caron stated he has reviewed the Capitol Improvement Plan from 2009, and ~~he is not sure we can still afford these improvements. He requested an updated memo regarding this subject~~ pointed out that many of the projects listed in the plan for 2010 and 2011 were not completed due to funding issues. He requested the City Manager to provide an update as to what projects were completed and which ones were not completed and the City Manager did agree to that request (correction made at February 6, 2012 City Council Meeting – Separated Consent Item 9d).

Mr. Caron stated that Michigan is the 10<sup>th</sup> state in line this year for the February 28<sup>th</sup> Presidential Primary Election.

Ms. Kotowski, stated that the February 28 election will be a closed primary. To vote you must select the party's ballot

**Agenda Item 14, cont'd**

you want to vote. If you know the Party you want to vote for, but have not selected a candidate in that party, you have the option to choose "uncommitted." the {art permanent absentee list does require the voter to choose which party they want. This is an opportunity to cast an uncommitted vote. Sample ballots will be on the City's website at the end of this week.

Ms. Rusie stated she was advised that a Water Department employee was seen putting signs on homeowners' doors saying they need new water meters that will be used as testers.

Ms. Rusie offered condolences to the McFadyen family. She stated that she was a very sweet lady and will be missed.

Ms. Rusie announced that this is the second birthday for facebook and there are currently 7,846 users for this page. She feels facebook is a great asset for the City and residents to increase and improve community interaction.

Anyone can put questions on the page and they are usually answered. It is also a fantastic use of posting for lost and found pets. Ms. Rusie thanked Mary Jane D'Herde, Communications Director, for maintaining facebook.

St. Germaine's is holding a fundraiser at Rams Horn tomorrow from 4:00 p.m. to 9:00 p.m., with a large percentage of

Ms. Rusie stated she feels an agreement is needed for the new Hockey Room because it protects the Hockey Association and the City. It will also help in the future to review what was agreed to in the event an issue may arise.

Mr. Rubino stated there are many cities that have been putting out moratoriums on "smart meters". Mr. Hughes stated they are doing a study on these meters.

Mr. Rubino asked if there is a charge to use the new hockey room. Mr. Hughes replied there is no charge. Mr. Rubino replied that the hockey room is basically an extension of the hockey rink. Public parks and soccer fields don't have user agreements. One issue is to make sure the Associations' insurance covers any liability in that room. Mr. Rubino added the City owns the equipment and the room. We determine anything that goes on in that room. No one can sublet or transfer because the City owns it. In addition, it can be inspected at any time. The hours of operation for the room are when the Civic Arena is open.

Mr. Rubino asked the Attorney if he felt the agreement was needed. Mr. Ihrie replied he can make arguments for and against. He drafted the agreement because he was asked to. There are no federal dollars with regard to the user agreement.

Mr. Rubino stated he does not see the need for the agreement. There is no one being taken advantage of because the City owns it. Mayor Walby added that we have never charged rent, and insurance has always been provided. .

Mr. Ihrie stated that to have exclusive use of the facility is a point to have something in writing so there is no misunderstanding.

Mayor Walby stated he does not want to micromanage this. He wants parameters set and to let administration handle it.

**15. CITY MANAGER'S REPORT -**

Mr. Hughes advised that we are approximately 3-4 weeks into winter, and reminded residents our Ordinance requires you to shovel two or more inches of snow if you own or rent property.

Mr. Hughes stated that January has five Mondays and there will not be another Council Meeting until February 6, 2012. It will begin with a Study Session at 6:00 p.m. EPA officials will attend to update everyone on the latest PCB investigation. Both the Study Session and Council Meeting will be televised. They will also hold a Town Hall Meeting on this subject in March.

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

Jamie Victory, resident of St. Clair Shores, stated he just heard the news about Bev McFadyen and expressed sadness at her passing. He stated she was a great lady and will be missed.

Roger Reichenbach, resident of St. Clair Shores, congratulated the new council members. He thanked Council for continuing the moratorium on medical marijuana. Council explained that it was not continued. There will be no medical

**Agenda Item 16, cont'd**

marijuana allowed in the City.

Erin Stahl, resident of St. Clair Shores, presented a proposed schedule for FY2013 Budget Hearings to Council. She stated she went to Mexico for New Year's Eve, and the guide said that the Mayan culture celebrated rebirth. Ms. Stahl asked what we want to see for our community. Ms. Stahl added that we need to find out what can we do to enhance our community. We need to start looking at budgets and at each department individually

Dennis Oster, resident of St. Clair Shores, and Dave Rubello, stated this is the 65<sup>th</sup> anniversary for the St. Clair Shores Lions Club. They are holding their 26<sup>th</sup> annual Site and Hearing Sweepstakes. The cost is \$10 per ticket, and tickets can be purchased on the 2<sup>nd</sup> and 4<sup>th</sup> Tuesday's at Gilberts Lodge. All proceeds from the sweepstakes go back to the

community. In addition, money also goes towards cataract operations, eyeglasses, and hearing aids. Tickets can also be purchased from the Lions Club. For more information, go to their website at [doster@lamsceal.com](mailto:doster@lamsceal.com).

Mr. Rubello added they are also trying to increase the membership of the club in St. Clair Shores.

Don Lobsinger, resident of St. Clair Shores, wished everyone a Happy Martin Luther King day. He stated this is a city and county recognition of a national holiday today which promotes a myth that obscures the truth.

Robert Montgomery, resident of St. Clair Shores and Chairman of the Memorial Day Parade, stated that Martin Luther King did have ties with communism. Mr. Montgomery noted that when he went into the service it was to fight oppression. Martin Luther King wanted to be free and wanted to free his people from oppression and nothing more.

Patrick Biange, resident of St. Clair Shores, talked about his father who was in the service, was a paratrooper and raised nine children.

**17. MAYOR'S COMMENTS**

Mayor Walby thanked Community Services Director Rayes for the clean up at the Butter Run location.

Mayor Walby stated that the User Agreement for the hockey fitness room will work out. This item was on the agenda, was voted on and now we need to move forward. Mr. Walby stated they got the lowest bid and attempted to do the room as frugally as possible. Mr. Walby stated these same funds were used for the canopy over the bocce court, another ambulance, and the dog park, and there are no complaints about those items. Mayor Walby asked " where are all the complaints regarding that money". It is the same money. All the City is trying to do is make things better and trying to enhance our community with HUD homes proceeds. All of these things are positives, and hopefully things will be worked out by February 6.

**18. REQUEST TO ENTER CLOSED SESSION AS PERMITTED BY STATE STATUTE MCLA 15.268, SECTION 8 (e) BCP LIMITED VS ST. CLAIR SHORES**

**Motion by Rubino, seconded by Frederick to enter Closed Session at 9:05 p.m.**

**A roll call vote was taken.**

Ayes: All - 7

**Motion by Rusie , seconded by Caron to return to Open Session at 9:27 p.m.**

Ayes: All - 7

**19. ADJOURNMENT**

**Motion by Rubino, seconded by Tiseo to adjourn at 9:28 p.m.**

Ayes: All – 7

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KIP C. WALBY, MAYOR

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MARY A. KOTOWSKI, CITY CLERK

(THE PRECEEDING MINUTES ARE A SYNOPSIS OF A CITY COUNCIL MEETING AND DO NOT REPRESENT A VERBATIM RECORD).