

**MINUTES
ST. CLAIR SHORES CITY COUNCIL MEETING
APRIL 2, 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, Director Rayes, and City Attorney Ihrle

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 roll with a quorum present. The Pledge of Allegiance was recited.

Mayor Walby announced with regret the passing of one of our community leaders, Joe Krutell. Mr. Krutell was a Council Member from 1975 to 1993 and Mayor Pro-tem two times. He was also a member of the TIFA Board, Planning Commission, Charter Commission and Library Board. He also served on the Lakeview School Board, St. Clair Shores Symphony, and the Memorial Day Parade. Mr. Krutell was in the United States Navy during WWII. Mayor Walby stated that St. Clair Shores was blessed to have Joe Krutell as a part of this City for so many years, and he served this City with distinction and integrity. Mayor Walby asked for a moment of silence.

2. ROCLAMATIONS & PRESENTATIONS – DONATION TO SPECIAL NEEDS FROM ST. CLAIR SHORES FIREFIGHTERS UNION LOCAL 1744

Eric Retzbach, Firefighter, commented on the recent bowling fundraiser that was held. St. John was the main sponsor, and they thanked everyone who participated. Ms. Rusie donated a wine basket that raised over \$400. All donations will be given to the St. Clair Shores Special Needs Summer Program. Firefighter Retzbach stated they want to purchase a lift to use for the pool for handicapped children, adding that it will be for public use also. Firefighter Retzbach presented a check for \$5000 to Mr. Esler to purchase a lift for the pool.

Mr. Esler stated the firefighters have been instrumental in providing assistance to the Special Needs Program for 16 years. Mayor Walby thanked them for their support.

Mayor Walby addressed everyone regarding the 2 minute time limit on Audience Participation for Agenda Items. He stated that this item was voted on in 2009, and is strictly limited to comments and opinions of scheduled agenda items only. This will be strictly enforced and as always there is a five minute Audience Participation at the end of the meeting to bring up other items before Council.

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

Jim Goodfellow, St. Clair Shores resident, spoke regarding Item #9, AFG Wellness and Fitness Grant. Mr. Goodfellow thinks this is a very good idea, and hopes Council unanimously votes yes on this for the City's portion.

James Kelly, St. Clair Shores resident, spoke regarding Item #8, Review of Solicitation Ordinance. Mr. Kelly would like a definition of what are the homeowners' rights. If a 'no solicitation' sticker doesn't keep people away, what about 'no trespassing' signs?

4. APPROVAL OF NOTICE OF INTENT RESOLUTION FOR CITY OF ST. CLAIR SHORES STATE REVOLVING FUND SEWER PROJECT, WATER AND SEWER SYSTEM REVENUE BONDS, SERIES 2012

Pat McGow, City Bond Counsel, the explained that on June 19, 2006, City Council approved an S2 grant application, and the City received a \$1,000,000 grant to provide assistance to complete an application for a loan under the State Revolving Fund "SRF" program. The City did complete a loan application. Up until the current year, the project did not receive sufficient points to be fundable under the SRF Program. There were proposed projects in the 2009 submittal that were critical and we had to move forward and complete them in 2011. The SRF project has been scaled back to the remaining projects for approximately \$800,000. The project is in the fundable range this year, and the next step is to publish a Notice of Intent Resolution.

Mr. McGow added that we entered into this project with the intent to trade SRF interest rates 2.5% for higher interest rates for Clean Water Initiative bonds sold by the County 4.375% - 5%. When we receive the loan proceeds, we will instruct the County to reduce debt service on the existing bonds in the same amount.

Agenda Item #4 cont'd.

Motion by Frederick, seconded by Rubino to approve the Notice of Intent Resolution for the City of St. Clair Shores State Revolving Fund Sewer Project, Water and Sewer System Revenue Bonds, Series 2012 which reads as follows:

WHEREAS, the City of St. Clair Shores, County of Macomb, State of Michigan (the "City"), has determined that it is necessary for the public health, safety and welfare of the City to acquire and construct improvements to the sewage disposal system of the City's existing Water and Sewer System (the "System") consisting generally of rehabilitation of sanitary sewer lines together with all necessary appurtenances and attachments thereto (the "Project"); and

WHEREAS, the City has been advised by the Michigan Department of Environmental Quality ("MDEQ") that financial assistance to accomplish the acquisition and construction of the Project is available through the State Revolving Fund ("SRF") Loan Program administered by the Michigan Department of Environmental Quality (the "MDEQ") and the Michigan Finance Authority (the "MFA"); and

WHEREAS, the Revenue Bond Act, Act 94, Public Acts of Michigan, 1933, as amended ("Act 94"), provides a means for financing the purchase, acquisition, construction, improvement, enlargement, extension, and repair of public improvements such as the Project through the issuance of revenue bonds; and

WHEREAS, the issuance of bonds payable from revenues of the System under Act 94 in a total amount not to exceed Eight Hundred Thousand Dollars (\$800,000) (the "Bonds") for the purpose of financing all or part of the Project represents the most practical means to that end; and

WHEREAS, the City has made application for participation in the SRF loan program; and

WHEREAS, a notice of intent to issue revenue bonds must be published before the issuance of the Bonds in order to comply with the requirements of Section 33 of Act 94; 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 hereby authorized and directed to publish a notice of intent to issue the Bonds in the St. Clair Shores Sentinel, a newspaper of general circulation in the City.**
- 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 adequate notice to the electors of the City and users of the System, and is the method best calculated to give them notice of the City's intent to issue the Bonds, the purpose of the Bonds, the security for the Bonds, and the right of referendum of the electors with respect thereto, and that the provision of forty-five (45) days within which to file a referendum petition is adequate to insure that the City's electors may exercise their legal rights of referendum, 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 the City 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 and constructing the Project which were or will be paid subsequent to sixty (60) days prior to the date hereof.**
 - c) The maximum principal amount of debt expected to be issued for the Project, including issuance costs, is \$800,000.**
 - 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 Project is 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**

Agenda Item #4 cont'd.

Project to reimburse the City for a capital expenditure made pursuant to this resolution.

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: All - 7

RESOLUTION DECLARED ADOPTED.

Mary A. Kotowski, MMC, City Clerk

I hereby certify that the foregoing 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 April 2, 2012, and that the meeting was conducted and public notice of the meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of the meeting were kept and will be or have been made available as required by the Open Meetings Act.

Mary A. Kotowski, MMC, City Clerk

EXHIBIT A

**NOTICE TO TAXPAYERS AND ELECTORS OF
THE CITY OF ST. CLAIR SHORES AND TO USERS OF THE
CITY'S WATER AND SEWER SYSTEM OF INTENT TO ISSUE REVENUE BONDS AND THE
RIGHT OF REFERENDUM RELATING THERETO**

PLEASE TAKE NOTICE that the City Council of the City of St. Clair Shores, Macomb County, Michigan, intends to issue and sell revenue bonds pursuant to Act 94, Public Acts of Michigan, 1933, as amended, in one or more series in a total amount not to exceed Eight Hundred Thousand Dollars (\$800,000), for the purpose of paying all or part of the cost to acquire and construct improvements to the sewage disposal system of the City's existing Water and Sewer System (the "System") consisting generally of rehabilitation of sanitary sewer lines together with all necessary appurtenances and attachments thereto.

SOURCE OF PAYMENT OF REVENUE BONDS

THE PRINCIPAL OF AND INTEREST ON THE REVENUE BONDS SHALL BE PAYABLE from the revenues received by the City from the operations of the Water and Sewer system except as provided below in the case of bonds sold to the Michigan Finance Authority in connection with the State of Michigan's State Revolving Fund program. The revenues will consist of rates and charges billed to the users of the system, a schedule of which is presently on file in the office of the City Clerk. The rates and charges may from time to time be revised to provide sufficient revenues to provide for the expenses of operating and maintaining the system, to pay the principal of and interest on the bonds and to pay other obligations of the system.

BOND DETAILS

THE REVENUE BONDS will be payable in annual installments not to exceed twenty (20) in number and will bear interest at the rate or rates to be determined at public or private sale but in no event to exceed such rates as may be permitted by law on the unpaid balance from time to time remaining outstanding on said bonds.

**ADDITIONAL SOURCES OF PAYMENTS FOR BONDS
SOLD TO MICHIGAN FINANCE AUTHORITY**

IN THE EVENT THAT THE REVENUE BONDS ARE SOLD TO THE MICHIGAN FINANCE AUTHORITY, THE CITY MAY PLEDGE FOR THE PAYMENT OF THE BONDS MONEY RECEIVED OR TO BE RECEIVED BY THE CITY DERIVED FROM IMPOSITION OF TAXES BY THE STATE AND RETURNED OR TO BE RETURNED TO THE CITY AS PROVIDED BY LAW, except for money the use of which is prohibited for such purposes by the State Constitution. The City may enter into an agreement providing for the payment of taxes, which taxes are collected by the State and returned to the City as provided by law, to the Michigan Finance Authority or a trustee, and such funds may be pledged for the payment of the revenue bonds.

IN THE EVENT THAT THE REVENUE BONDS ARE SOLD TO THE MICHIGAN FINANCE AUTHORITY, THE CITY MAY PLEDGE ITS LIMITED TAX FULL FAITH AND CREDIT AS SECURITY FOR THE REVENUE BONDS, IN WHICH EVENT DEBT SERVICE ON THE BONDS SHALL BE PAYABLE EITHER FROM REVENUES OF THE SYSTEM OR FROM AD VALOREM TAXES THAT MAY BE LEVIED ON ALL TAXABLE PROPERTY IN THE CITY, SUBJECT HOWEVER, TO CONSTITUTIONAL, STATUTORY AND CHARTER TAX RATE LIMITATIONS.

Agenda Item #4 cont'd.

RIGHT OF REFERENDUM

THE REVENUE BONDS WILL BE ISSUED WITHOUT A VOTE OF THE ELECTORS UNLESS A PETITION REQUESTING SUCH A VOTE SIGNED BY NOT LESS THAN 10% OF THE REGISTERED ELECTORS OF THE CITY IS FILED WITH THE CITY CLERK WITHIN FORTY-FIVE (45) DAYS AFTER PUBLICATION OF THIS NOTICE. IF SUCH PETITION IS FILED, THE BONDS MAY NOT BE ISSUED WITHOUT AN APPROVING VOTE OF A MAJORITY OF THE QUALIFIED ELECTORS OF THE CITY VOTING THEREON. If such petition is filed and the electors of the City voting thereon approve the issuance of the bonds, then the bonds may be payable from revenues or from ad valorem taxes that may be levied on all taxable property in the City without limitation as to rate or amount.

THIS NOTICE is given pursuant to the requirements of Section 33, Act 94, Public Acts of Michigan, 1933, as amended.

ADDITIONAL INFORMATION will be furnished at the office of the City Clerk upon request.

Mary A. Kotowski, MMC
Clerk, City of St. Clair Shores

5. PUBLIC HEARINGS FOR VACATION OF CITY OWNED PUBLIC ALLEYS AS FOLLOWS:

- a. Public Alley east of 22202 through 22230 Harper, retaining all public and private easements, by the City of St. Clair Shores
- b. Public Alley east of 22306 through 22340 Harper, retaining all public and private easements, by the City of St. Clair Shores
- c. Public Alley east of 25402 through 25414 Harper, retaining all public and private easements, by the City of St. Clair Shores (withdrawn by petitioner – City of St. Clair Shores)
- d. Public Alley east of 27110 through 27120 Harper, retaining all public and private easements, by the City of St. Clair Shores
- e. Public Alley east of 27200 through 27206 Harper, retaining all public and private easements, by the City of St. Clair Shores
- f. Public Alley west of 27201 through 27229 Harper, retaining all public and private easements, by the City of St. Clair Shores
- g. Public Alley east of 22400 through 22414 Harper, retaining all public and private easements, by the City of St. Clair Shores
- h. Public Alley east of 22010 through 22018 Harper, retaining all public and private easements, by the City of St. Clair Shores
- i. Public Alley east of 24930 through 25010 Harper, retaining all public and private easements, by the City of St. Clair Shores

Mr. Rayes, Community Services Director, stated the City of St. Clair Shores is requesting the vacation of 8 City owned Public Alleys. These alleys were part of an early 1990 parking special assessment district when parking in front of business along Harper Avenue was no longer allowed. These alleys should have been vacated at that time.

The vacation of these alleys would transfer the ownership of the alleys from the City to the private owners of the parking lot. The petitioner is requesting that all easements, including, but not limited to egress, utility, and maintenance (private) be maintained. The Planning Commission recommended approval at their January 24, 2012 meeting for vacating the public alleys, as presented, with all private and public easements being maintained.

Mr. Rayes added that once the alleys are vacated, they will be absorbed by the parking lots. Mr. Hughes stated this would represent approximately \$4,000 in City tax revenue in 2013.

Ms. Rusie stated the affected property owners have been made aware of this item. Notices were sent to property owners within 500 feet of the vacated alleys.

Mr. Vitale asked if any of the businesses in the middle could block off the alley. Mr. Rayes replied they could not.

Agenda Item #5 cont'd.

Mr. Frederick asked about emergency vehicle access. Mr. Rayes replied emergency vehicle access would be the same as before. It doesn't add to the parking. They are all part interest of the alley and that's why they can't block it off. The alleys have to be maintained. Mr. Frederick asked if the utility companies will have access. Mr. Rayes replied they will.

Mayor Walby opened the Public Hearing at 7:23 p.m.

Dave Standard, property owner on Harper, stated his taxes will go up. In addition, the alley has potholes and questioned if the City is going to repair them. Mr. Rayes replied his property is not affected, and it is the City's responsibility to repair the potholes in the alley. Mr. Ihrie stated the City has the authority to vacate an alley by Charter, per ordinance 10.312. Mr. Standard requested a copy of the ordinance, and was told it was available on the City's webpage.

Christina Marie, Harrison Township Resident, stated she was representing her mother who owns property in the affected area. Her mother is concerned that she will have to pay more taxes and will have no say who parks in her parking spaces. She invited Council to go to her mother's home and watch the number of cars that are parked there in the morning and afternoon when parents are dropping off and picking up their children from school.

Mr. Ihrie stated these vacations make no visual change to the parking special assessments districts agreements. After a period of time, all benefitting property owners were deeded over the property that created these SADS. There are conditions with the parking spaces. All properties contain an un-vacated alley portion owned by St. Clair Shores. That property will be turned over to their rightful owners.

Ms. Maria asked who controls who parks where? Mr. Ihrie replied there will be no visual change; signs can be erected and the police will ticket people parking illegally.

Matt Goski, Consumers Plumbing, 22222 Harper, asked if employees could park in their own parking lot. Mr. Ihrie replied they could.

Paul Arndt stated there will be no place for clients to park, and asked why we should we pay to maintain a parking lot that neither we nor our clients can use. Mr. Hughes responded that he would meet with Police Chief Walleman and the Traffic Lieutenant regarding enforcement options.

Mayor Walby closed the Public Hearing at 7:34 p.m.

Mr. Vitale stated that he has met with the Police Department regarding school parking and stepped up enforcement around schools.

Mr. Tiseo asked if these business owners can put up signs, parking only for business x. Mr. Rayes responded they could not put up a sign just for their business specific as they each own a percentage of parking in the lot not individual spots. So signs could be installed and could say parking only for addresses a – f on this block for example.

Motion by Rubino, seconded by Caron to adopt the resolution for the vacation of the City-owned Public Alleys, which reads as follows:

Vacation of Public Alley(s)

WHEREAS, notices to vacate the City owned public alleys with the following legal descriptions:

- a. **20-ft wide public alley adjacent to Lot 409 of the Heffner & Flemming's Glenhurst Subdivision, as recorded in Liber 10, Page 37, of Plats, Macomb County Records has been given as appears by certificate on file in the Office of the City Clerk. All public and private easements for egress, utility, and maintenance to be maintained. SAD 10 B & C – adjacent to 22222- 22230 Harper.**
- b. **(1) 20-ft. wide public alley adjacent to lot 468 of the Heffner & Flemming's Glenhurst Subdivision, as recorded in Liber 10, Page 37, of Plats, Macomb County Records has been given as appears by certificate on file in the Office of the City Clerk. All public and private easements for egress, utility, and maintenance to be maintained. SAD #11 – adjacent to 22300 to 22312 Harper.**
- b. **(2) 20-ft. wide public alley adjacent to lot 2 of the Walter C Hofer Subdivision, as recorded in Liber 9, Page 93, of Plats, Macomb County Records has been given as appears by certificate on file in the Office of the City Clerk. All public and private easements for egress, utility, and maintenance to be maintained. SAD #11 – adjacent to 22324 to 22340 Harper.**

Agenda Item #5 cont'd.

- d. 20-ft. wide public alley adjacent to lot 31 of Centennial Farms Subdivision No. 1 as recorded in (Liber 30, Page 10) of plats, Macomb County Records has been given as appears by certificate on file in the Office of the City Clerk. All public and private easements for egress, utility, and maintenance to be maintained. SAD #18 - adjacent to 27110 to 27120 Harper.
- e. 20-ft. wide public alley adjacent to lot 30 of Centennial Farms Subdivision No. 1 as recorded in (Liber 30, Page 10) of plats, Macomb County Records has been given as appears by certificate on file in the Office of the City Clerk. All public and private easements for egress, utility, and maintenance to be maintained. SAD #19 – adjacent to 27200 to 27206 Harper.
- f. 20-ft. wide public alley adjacent to lot 58 of Centennial Farms Subdivision No. 2 as recorded in (Liber 30, Page 36) of Macomb County Records as recorded in Liber 9, Page 13, of Plats, Macomb County Records has been given as appears by certificate on file in the Office of the City Clerk. All public and private easements for egress, utility, and maintenance to be maintained. SAD #20 – adjacent to 27201 to 27229 Harper.
- g. 20-ft. wide public alley adjacent to Lot 27 of Walter C Hofer Subdivision, as recorded in Liber 9, Page 93, of Plats, Macomb County Records has been given as appears by certificate on file in the Office of the City Clerk. All public and private easements for egress, utility, and maintenance to be maintained. SAD #21 – adjacent to 22400 to 22414 Harper.
- h. 20-ft. wide public alley adjacent to Lot 83 of Heffner & Flemming's Glenhurst Subdivision, as recorded in Liber 10, Page 37, of Plats, Macomb County Records has been given as appears by certificate on file in the Office of the City Clerk. All public and private easements for egress, utility, and maintenance to be maintained. SAD #22 – adjacent to 22010 to 22018 Harper.
- i. 15-ft. wide public alley adjacent to Lots 140-148 of Labadie's Nearlake Subdivision, as recorded in Liber 7, Page 18, of Plats, Macomb County Records has been given as appears by certificate on file in the Office of the City Clerk. All public and private easements for egress, utility, and maintenance to be maintained. SAD #32 – adjacent to 25010 to 24930 Harper.

THEREFORE, BE IT RESOLVED, the above portion of public alley be and the same is hereby vacated, discontinued and abolished by this Council to become a part and parcel of the adjoining property of above described plat, from which they were dedicated.

BE IT FUTHER RESOLVED, a full easement be retained across all of above described alleys for public or private utilities.

AND FURTHER PROVIDE, that if at any time in the future, the owners of any lots abutting on said vacated alley, their heirs or assigns, shall request the removal and/or relocation of any existing poles or other utilities in said portion of alley, such owners upon whose property the poles or other utilities are located, shall pay all cost incidental to such removal and/or relocation, unless such charges are waived by the utility owners.

BE IT FURTHER RESOLVED, that a copy of the resolution be forwarded to the Register of Deeds for Macomb County, duly certified by the City Clerk.

AYES: All-7

I, Mary A. Kotowski, Clerk of the City of St. Clair Shores, hereby certify that the foregoing resolution is an exact copy of a resolution adopted by the City Council of the City of St. Clair Shores, at their meeting held on Monday, April 4, 2012.

Mary A. Kotowski, MMC
City Clerk

6. CONSIDERATION TO AMEND ORDINANCE 15.500 (Sec 35.73 (3) OFF STREET PARKING REQUIREMENTS – RECREATIONAL VEHICLE STORAGE AS DIRECTED BY COUNCIL AT 3/5/12

Mr. Ihrie explained that it is City Council's goal to permit St. Clair Shores residents who own their own recreational vehicles, but who are unable to meet the setback requirements for storage, to temporarily store their vehicles prior to and after a planned trip at their residence. Residents will be able to store recreational vehicles on their property for a certain period of time prior to a trip to load and a certain period of time when they come back to unload. The suggestions range from 24 hours to 48 hours. This will be a minor addition to the off-street parking ordinance.

Ms. Rusie stated there was a misunderstanding on Facebook. Currently you cannot store a recreational vehicle at all if the setback is not met. This will give people more rights. Some people think 24 hours is not enough time to load before a trip or unload after a trip. She added she would like to see a longer time frame, possible 48 hours before and 48 after. In addition, maybe there could be a special permit for special circumstances approved by the City.

Mr. Rubino stated that when this item was originally brought up, he was approached by a resident that said there was never enough time either before or after a trip to load and unload. Mr. Rubino stated he is comfortable with 48 hours. There was some discussion as to how many times in a week this could be done.

This will not allow recreational vehicles to be parked in the street overnight but would allow for 48 hours prior to a trip and upon return with no more than 96 hours in a 7 day period.

Motion by Rubino, seconded by Rusie to adopt an amendment to Ordinance 15.500, Sec. 3573 (3) Off Street Parking Requirements – Recreational Vehicle Storage, to allow 48 hours prior to and upon return, and No more than 96 hours in a 7-day period which reads as follows:.

The City of St. Clair Shores ordains that Chapter 15.000 Zoning Ordinance shall be amended as follows:

(Note amended items are noted in bold, italic and underlined)

Chapter 15.500 of the ZONING ORDINANCE, Section 35.73 Off Street Parking Requirements which reads as follows:

15.500 - Off street parking requirements.

Sec. 35.73 There shall be provided in all districts at the time of erection or enlargement of any main building or structure, automobile off-street parking space with adequate access to all spaces, in conjunction with all land or building uses shall be provided, prior to the issuance of a certificate of occupancy as hereinafter prescribed:

(1) Off-street parking for other than residential use shall be either on the same lot or within three hundred (300) feet of building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot.

For all lots or parcels intended to be used for off-street parking in accordance with the standards set forth in this Ordinance, the applicant shall either:

- (a) provide proof of ownership of all such lots or parcels, or
- (b) provide proof of a deed restriction or other similar recorded agreement that allows for continued use of the lots or parcels for parking for as long as the business continues in operation, unless suitable parking in accordance with ordinance standards is secured elsewhere. The terms of any such deed restriction or agreement shall not be affected by change in ownership of the lots or parcels. (**amended April 25, 2012**)

(2) Residential off-street parking spaces shall consist of a parking strip, parking bay, driveway, garage or combination thereof and shall be located on the premises they are intended to serve and subject to the provisions of SEC. 35.72 [15.499], ACCESSORY BUILDINGS of this Ordinance.

(3) Recreational vehicle storage shall be permitted subject to the following conditions:

- (a) The open parking or storage of travel trailers, motor homes, boats or similar recreational vehicles not owned by a resident of the City on lands not specifically designated for such parking and storage shall be permitted for a period of up to twenty-four (24) hours. However, no more than one (1) such recreational vehicle not owned by a resident may be parked in the rear yard of a single family lot for a period of up to two (2) weeks provided a permit has first been secured from the Building Official.

Agenda Item #6 cont'd.

(b) Residents of the City may store their own recreation vehicles and recreation equipment on their own property for an indefinite period of time, provided the vehicles are in operable condition **and can meet all other provisions of this section. For residents whose recreational vehicles cannot meet the setback and/or lot coverage requirements, their recreational vehicle may be stored up to forty-eight (48) hours prior to a planned trip, for loading purposes, and forty-eight (48) hours upon return from the same trip, for the purpose of unloading the recreational vehicle. In no event shall such recreational vehicle or equipment be stored more than ninety-six (96) hours in a seven (7) day period. . (amended April 25, 2012)**

(c) Recreational vehicles shall be set back at least four (4) feet from any side lot line if the vehicles are located closer than six (6) feet to the main building on the site. If the vehicles are located more than six (6) feet from the main building, then the recreational vehicles shall be set back at least two (2) feet, six (6) inches from any side or rear lot line. The area occupied by a stored recreational vehicle shall be included in the computations to determine compliance with maximum lot coverage standards, as set forth in ARTICLE XVIII [15.480], SCHEDULE OF REGULATIONS.

(d) A recreation vehicle or equipment parked or stored on a lot within the city shall not be connected to water, sanitary facilities, or electrical service, and shall not be occupied.

(4) Any area once designated as required off-street parking shall never be change to any other use unless and until equal facilities are provided elsewhere.

(5) Off-street parking existing at the effective date of this Ordinance, in connection with the operation of an existing building or use shall not be reduced to an amount less than thereafter required for a similar new building or new use.

(6) Two or more buildings or uses may collectively provide the required off-street parking in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately.

(7) In the instance of dual function of off-street parking spaces where operating hours of buildings do not overlap, the Board of Appeals may grant an exception.

(8) The minimum number of off-street parking spaces required for any use shall be available to those persons being served during all hours of operation. It shall be unlawful to reduce the number and/or effective use of required off-street parking spaces through any actions such as: outdoor storage, display or rental fees.

(9) The storage of merchandise, motor vehicles for sale, trucks, or the repair of vehicles is prohibited.

(10) For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use which the Planning Commission considers is similar in type.

(11) When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including one-half shall be disregarded and fractions over one-half shall require one parking space.

(12) The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule:

LAND USE	NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE
1. RESIDENTIAL	
(a) Residential One-Family and Two-Family	Two (2) for each dwelling unit to be provided within two (2) years of the occupancy permit
(b) Residential Multiple-Family	Two and one-quarter (2.25) for each dwelling unit.
(c) Housing for the Elderly	Two (2) for each two-bedroom dwelling unit, plus one (1) for each one-bedroom unit, plus one (1) for each employee
(d) Mobile Homes	In accordance with Michigan Public Act 419 of 1976, as amended, and the mobile home commission rules.

Agenda Item #6 cont'd.

2. INSTITUTIONAL	
(a) Churches or Temples	One (1) for each three (3) seats or six (6) feet of pews in the main unit of worship.
(b) Hospitals	One (1) for every two (2) beds plus one (1) space for each five (5) outpatients, plus one (1) for each on the largest working shift. Bassinets shall not be counted as beds for the purpose of computing parking.
(c) Convalescent Homes	One (1) space per six (6) patient beds, plus one (1) space per employee on the largest working shift, plus one (1) space per staff member and one (1) space per visiting doctor.
(d) Elementary and Junior High Schools	One (1) for each one (1) teacher, employee, or administrator, in addition to the requirements of the auditorium.
(e) Senior High Schools	One (1) for each one (1) teacher, employee, or administrator, and one (1) for each ten (10) students, in addition to the requirements of the auditorium.
(f) Private Clubs or Lodge Halls	One (1) for each two (2) persons allowed within the maximum occupancy load as established by local, county, or state, fire, building and health codes.
(g) Private golf clubs, social clubs, recreation clubs, or other similar uses	One (1) for each two (2) member families or individuals.
(h) Public utility facilities, such as communications buildings, electrical substations, cellular communication towers, and similar uses	One (1) for each employee based on the maximum number of employees on duty at any one time. The storage of vehicles is prohibited.
(i) Golf courses open to the general public except miniature or "Par 3" courses	Six (6) for each one golf hole and one (1) for each one (1) employee.
(j) Fraternity or sorority	One (1) per two (2) active members, or one (1) per resident, whichever is greater plus required spaces for related uses.
(k) Theaters and auditoriums	One (1) parking space for each four (4) seats.
(l) Stadiums, sports arena, or similar place of outdoor assembly	One (1) for each three (3) seats, or six (6) feet of benches.
3. BUSINESS AND COMMERCIAL	
(a) Planned Commercial or shopping center located in any "B" District	Eight (8) spaces per 1,000 sq. ft. of gross leasable area for the first 15,000 sq. ft.; five and one-half (5.5) for each 1,000 sq. ft. of gross leasable area for 15,001 to 400,000 sq. ft.; four and one-half (4.5) per 1,000 sq. ft. of gross leasable area for 400,001 sq. ft. and greater.
(b) Retail stores except as otherwise specified herein	One (1) per 200 sq. ft. of gross floor area with a minimum of four (4) spaces.
(c) Adult Entertainment Uses	One (1) per patron based on the occupancy load as established by local, county, state, fire, building, or health codes, whichever is greater, plus one (1) per employee on the largest working shift.
(d) Auto Laundries, Automatic	One (1) for each two (2) employees plus reservoir parking space equal to thirty (30) spaces for the first car wash lane and twenty (20) spaces for each additional lane.
(e) Auto Laundries, Self-Service	Four (4) stacking spaces for each washing stall, plus two (2) drying spaces for each washing stall.
(f) Beauty Parlors, Barber Shops, Nail Salons, Day Spas and similar uses	Three (3) per chair or station.
(g) Child day-care centers, nursery schools, schools or special education, and schools for the mentally impaired	One (1) for each teacher, administrator, or other employee, plus one (1) for each company vehicle, plus one (1) for each six (6) licensed students, plus one (1) for each co-op aide and volunteer employee plus spaces required for any auditorium or theater. In addition, two (2) drop-off spaces shall be provided per six (6) licensed students. Drop-off spaces shall not separated from the entrance by a traffic lane.
(h) Drive-through Restaurants	One (1) for each employee on the largest shift, plus sufficient area for eight (8) stacking spaces for the first drive-in window and six (6) stacking spaces for each additional window, plus whatever customer service space is provided.
(i) Repealed eff. April 9, 2009	

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(j) Repealed eff. April 9, 2009	
(k) Fast-food Restaurant service over a counter or at a cafeteria line	One (1) per seventy-five (75) sq. ft. of gross floor area
(l) Food take-out	One (1) per 200 sq. ft. of gross area, plus one (1) per employee on largest working shift.
(m) Full-service restaurant, patrons seated and served	One (1) per fifty-five (55) sq. ft. of gross floor area.
(n) Furniture and appliance sales, household equipment repair shops showrooms of a plumber, building contractor, interior designer, florist, electrician or similar trade shoe repair shop, or similar use	One (1) per 500 sq. ft. of gross floor area
(o) Automotive Service Station	Two (2) for each lubrication stall, rack, or pit, plus one (1) for each fuel dispenser, required spaces shall not include a stall, rack or pit.
(p) Auto and/or Boat Repair Center	One (1) for each employee and two (2) for each service and/or repair bay, excluding the service bay area as a space.
(q) Auto gas/convenience market facility	One (1) space for each 150 sq. ft. of building gross floor area, plus one (1) space per gasoline pump.
(r) Lumber yards, retail	One (1) per 175 sq. ft. of gross indoor floor space, plus one (1) per 1,500 sq. ft. of gross outdoor storage area, plus one (1) for each company vehicle.
(s) Laundromats and coin operated dry cleaners	One (1) for each two (2) machines.
(t) Miniature or "Par 3" golf courses	Three (3) for each one (1) hole plus one (1) for each one (1) employee.
(u) Mortuary establishment	One (1) per 125 sq. ft. of gross floor area.
(v) Motel, Hotel, or other lodging establishment commercial	One (1) for each occupancy unit, plus one (1) for each employee, plus such spaces as are required for restaurants, bars, taverns, assembly rooms, and affiliated facilities.
(w) Motor vehicle sales, and service establishment	One (1) for each 250 sq. ft. of gross floor area, plus one (1) for every 500 square feet of gross outside sales area, plus one (1) per service stall.
(x) Auto rental/leasing	One (1) per lease/rental vehicle plus one (1) per service bay, plus office requirements.
(y) Open air businesses including plant nurseries	One (1) per 500 sq. ft. of gross land area being used for display, plus one (1) for each 175 sq. ft. of gross floor area of total interior space.
(z) Sale or lease of motorhomes and/or boats	One (1) for each sixteen hundred (1,600) sq. ft. of vehicle display area, plus one (1) for each 250 sq. ft. of gross floor area, plus one (1) per service stall plus office requirements.
(aa) Supermarkets	One (1) for every 200 sq. ft. of gross floor area or fraction thereof.
(bb) Taxi terminals	One (1) for each employee on the largest working shift, plus one (1) per taxi.
(cc) Truck rental establishments	One (1) per 1,000 sq. ft. of site area plus one (1) for each employee on the largest working shift.
(dd) Ambulance service and rescue squad	One (1) per emergency and company vehicle, plus one (1) space per employee.
(ee) Video rental stores	One (1) per employee, plus one (1) per 150 sq. ft. of gross floor area.
4. OFFICES	
(a) Banks and other financial institutions with drive-in windows	One (1) for each 250 sq. ft. of gross floor area plus eight (8) stacking spaces for the first drive-in window and six (6) stacking spaces for each additional window.
(b) Business offices or professional offices except as indicated in the following item	One (1) per 215 sq. ft. of gross floor area with a minimum of four (4) spaces.
(c) Professional offices of doctors, dentists, and similar professions	One (1) per one hundred (120) sq. ft. of gross floor area with a minimum of four (4) spaces.
5. INDUSTRIAL	
(a) Industrial or research establishments	One (1) for every three hundred (300) sq. ft. of gross floor area.

Agenda Item #6 cont'd.

(b) Warehouse and storage establishments	One (1) for every seventeen hundred (1,700) sq. ft. of gross floor area.
(c) Self service storage facility	One (1) per every ten (10) storage units, Equally distributed throughout the site, plus one (1) per two hundred fifteen (215) sq. ft. of gross floor area for the office, plus two (2) for the resident manager.
(d) Contractor yard for landscaping, snow removal, concrete, and other similar business uses	One (1) per company vehicle, plus one (1) per tractor, trailer or similar item, plus office requirements.
(e) Canine Day Care and/or Boarding Facility	One (1) per four hundred fifty (450) square feet
6. COMMERCIAL RECREATION	
(a) Bowling alleys	Seven (7) for each one (1) bowling lane plus accessory uses.
(b) Archery, golf, skating rink, billiard hall, arcade, and dance hall	One (1) for each two (2) persons allowed within the maximum occupancy load as established by local, county, or state, fire, building or health codes.
(c) Repealed eff. April 9, 2009	
(d) Tennis clubs and court type recreation uses	Two (2) per person permitted based on the capacity of the courts, plus such additional spaces as may be required for affiliated uses, such bars, restaurants, or assembly space, plus one (1) per employee on the largest working shift.
(e) Golf driving range (indoor and outdoor)	Two (2) per tee, plus one (1) per employee, plus spaces required for accessory uses.
(f) Marina	One (1) space for each boat berthed, stored and/or each boat available for rent during wet storage season. In boat launching areas, adequate space shall also be provided for all boat trailers. A portion of the parking lot may be used for the storage of boats during the dry storage season, provided, however, that in no instance shall the number of parking spaces be less than three-quarters (¾) space for each boat stored (in and out or stacked storage) at the marina. There shall be provided two (2) spaces for each boat well owned by private individuals. In additions, each marina shall provide, and maintain at all times, a clear and unobstructed fire lane between the adjacent public road and the water.

(13) For all establishments or uses not specifically mentioned herein, the Director of Community Development (or other person authorized by the city to perform the function of a planning director in accordance with the terms of this ordinance) shall determine the appropriate number of required off-street parking spaces. Such determination shall be based upon the type of business/establishment or use, the number of employees, the existence of affiliated uses, including but not limited to, bars, restaurants and assembly space, and the number of anticipated users and employees in the largest working shift, as well as any other factors reasonably related to public health, safety and welfare. (chap. 35 eff. March 7, 1986; amended by ord. eff. Aug. 20, 1996; further amend. eff. Oct. 3, 2000; amend. eff. June 16, 2008; amend. eff. Apr. 9, 2009, **amend. Eff. April 25, 2012**)

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

This Ordinance shall become effective 7 days after publication and copies of this ordinance are available at the Office of the City Clerk 27600 Jefferson Circle Drive, St. Clair Shores MI, 48081 during normal business hours 8:00 am - 4:30 pm Monday through Friday.

We hereby certify that the foregoing ordinance is a true copy of an ordinance as enacted by the St. Clair Shores City Council on the 2nd day of April 2012, and that the necessary Charter provisions have been observed.

Kip C. WALBY, MAYOR

MARY A. KOTOWSKI, CITY CLERK

I, Mary A. Kotowski, City Clerk of the City of St. Clair Shores, hereby certify that the foregoing ordinances were published in the Sentinel Newspaper on April 18, 2012 and shall become **effective on April 25, 2012.**

MARY A. KOTOWSKI, CITY CLERK

Published: 4/18/2011
(ord. amendment eff. April 25, 2012)

Ayes: All - 7

7. REQUEST OF TWO COUNCIL MEMBERS FOR REVIEW OF GARAGE SALE ORDINANCE

Mr. Rayes, stated that a Council Member asked Administration to draft language to amend the existing Sign Ordinance to allow block sales as proposed and described in the Garage Sale Section.

Mr. Tiseo stated he initiated this request. He would like to add block sale verbiage to the garage sale signage ordinance. The charge would be \$25 for the entire block. Possibly 20 people on a block can participate with only 1 person pulling one permit for all 20 people, while still counting as 1 of the 3 allotted permits per year.

Ms. Rusie stated that currently garage sale permits are available for three consecutive days. She stated she would like to change it from three to four consecutive days to include those weekends that include a holiday.

Council argued that then many residents would want to do the four day sale versus the three day sale. Ms. Rusie inquired about the number of signs that would be permitted. A suggestion was made to have a maximum of three signs plus one for each home involved in the block sale.

Mr. Vitale stated he is not in favor of a four day sale. He would like to look at waiving the fee for one particular weekend of the year when another City event is being held., to hold a citywide garage sale event.

Mr. Tiseo stated he is not sure he is in favor of a four day sale.

Ms. Rusie asked who drives around the City checking for signs and then enforces them. Mr. Rayes stated the Community Development Department. Ms. Rusie stated they are not even open on the weekends. Ms. Rusie asked if this fee would also cover estate sales. Mr. Rayes replied that is also typically a garage sale, and they are all treated the same way.

Mr. Rubino stated he doesn't have a problem having a four day permit.

Motion by Rubino, seconded by Rusie to table the request for a review of the garage sale ordinance to see further review(s) at the April 16, 2012 meeting.

Ayes: All – 7

8. REVIEW OF SOLICITATION ORDINANCE

Mr. Ihrie explained that the purpose of this ordinance is to license and regulate the movement, location, business practices and hours of operation of peddlers and solicitors in the City.

He further explained that it involves how we regulate people who walk up our sidewalk and knock on our door; time restrictions, licenses, and fees. These are all important issues, which will all have different answers depending who we are talking about. The Constitution states freedom of speech. Cities have to be careful because freedom of speech is one of our most valuable protections. This ordinance does not regulate that political or religious people can knock on your door. You cannot ask for names or addresses, and they don't need permits or licenses.

Mr. Ihrie explained that a peddler sells something to you. Solicitors may not sell, but they do want donations. Our ordinance prohibits door to door sales (peddlers). There is a 100% ban on people going door to door selling wares.

The Greenriver Ordinances prohibit door to door sales and came into effect years ago. Commercial speech is protected by the Bill of Rights. We can regulate such speech, and there is a small argument that a City can prohibit door to door sales. This proposed ordinance permits an activity that our ordinance prohibits.

This ordinance would require solicitors and peddlers to get permits at the City Clerk's office. Fees have not been charged in the past. Those people soliciting for charitable, religious, patriotic, civic, educational or philanthropic organizations will not have to pay a fee. There will be a moderate fee for peddlers.

Mr. Ihrie went on to say is it related to the prevention of a crime to have a certain time period to solicit? The Court says there is no factual basis to back up the fact that to require peddlers to stop at a certain time is relative to the crime rate. He added that he has communicated with the police department and they say there are no victims from this type of crime.

Mr. Ihrie suggested that more information about this item should be investigated before it is approved.

Mr. Ihrie stated that when dealing with constitutional issues, some things are strictly prohibited. These issues may fall

Agenda Item #8 cont'd.

into a gray area like a provision that states a peddler should be three feet away from the resident. Most cases where there is a constitutional challenge, the potential penalty is minimized.

Ms. Rusie stated this is a new area for us; peddler, peddling, solicitor, no soliciting? Ms. Rusie requested to have more emphasis on permits or no permits, and would like to have more research done on this item.

Mr. Rubino asked if Boy Scouts putting bags on doors, picking up cans, etc., would be an exception. Mr. Ihrle replied yes, this ordinance has nothing to do with that. Mr. Ihrle stated that other concerns would be if there is an exemption for peddlers under a certain age, and at what time would peddling be categorized as disturbing the peace.

Mr. Tiseo stated that peddlers/solicitors should have some type of identification.

Mr. Vitale feels we should look out for our residents and not allow soliciting. He added that solicitors can't see 'no solicitation' stickers in the dark. Mr. Vitale stated he is in favor of Mr. Tiseo's comment about the solicitors having some type of identification.

Mr. Frederick agrees that some type of identification needs to be displayed. He thinks the City should provide 'no solicitation' stickers. He also thinks that peddlers and solicitors should be charged to peddle or solicit. He added that we charge local businesses to conduct business in the City, the solicitors should be charged also because they are taking business away from our local businesses. Also, the City should set some hours and have them be the same for everyone.

Motion by Rusie, seconded by Caron to table this item until the City Attorney can take more direction and come back with an amended ordinance.

Ayes: All - 7

9. REQUEST TO ACCEPT AN AFG ASSISTANCE TO FIREFIGHTER GRANT TO INSTITUTE A WELLNESS AND FITNESS PROGRAM INCLUDING NEW EXERCISE EQUIPMENT AND HEALTH INITIATIVES TO HELP REDUCE ON THE JOB INJURIES

Fire Chief George Morehouse, Lt. Chris Krotche and Firefighter Eric Retzbach explained that during budget sessions last year, it was suggested that staff should be creative in finding ways to reduce budgets in the City. Last fall the Fire Department applied for an AFG Grant, which contained two requests; one for Self-Contained Breathing Apparatus, and the second for a Wellness and Fitness Program. The Fire Department was contacted on January 27, 2012 with the news that the request for the grant was approved. This grant has two projects; one for SCBA's and the other for Wellness and fitness with a projected dollar amount that would require a 20 percent City match. The total award for the Fitness Program is \$144,962, with the City match being \$28,992.00.

The purpose of grant is to reduce injuries to firefighters, specifically sprains, strains and muscle pain. The Wellness and Fitness Program grant involves: Keeping firefighters up to date on all shots, an exercise program specifically designed for firefighters, proper nutrition and stress management classes, receiving aerobic and strength training equipment, and peer fitness trainers.

Other Wellness and Fitness Programs have worked well with Motorola, Northeast Utilities, Johnson & Johnson, Citibank, and Bank of America.

Chief Morehouse explained that they applied for this grant last September, but started working on it at least a year prior to that. For this grant cycle, there will be only six Wellness grants issued.

Under the AFG, there is a 20% matching requirement for cities awarded. The total amount requested in the grant is \$114,962. The federal government will pay \$115,970, but the City must match with \$28,992. As a condition of the awarded grant, the St. Clair Shores Firefighters Union has agreed to cover the entire cost of \$6,210 to send six firefighters to the IAFF/IAFC Peer Fitness Trainer Program and maintain those certifications in the future. About 55% savings in on the job injury costs and should save \$114,757 over 6 years. Grant should be paid off in approximately 2 years.

Lt. Krotche stated that the number one cause of death in firefighters is cardiac arrest.

Mr. Caron stated he appreciates all the effort and material the Fire Department provided.

Ms. Rusie stated she has issues with the application. The cover memo states that "the City of St. Clair Shores has

Agenda Item #9 cont'd.

committed to financing annual physicals with immunization checks, maintenance of equipment, and behavioral health assessments for years to come. In order to maintain this program, the City will have a budgeted line item at \$10,000 minimum for five fiscal years". Ms. Rusie stated that this is "an expensive puppy to keep feeding".

Chief Morehouse responded that after the completion of one year, the City is not required or obligated in any way to continue to fund the program.

Mr. Rubino questioned if there were false statements in the application. Lt. Krotche replied it was not done intentionally. The goal is to succeed, not to get money to buy equipment. If the program is a failure, no money was saved on injuries or overtime. The cost for two physicals for each firefighter per year would cost \$20,000 per year.

Mr. Rubino stated that the equipment has to be kept for three years, at a cost of \$95,000, but you have to maintain ownership for three years. After that there is no obligation.

Lt. Krotche replied that in three years, it will come out that this is a very valuable program.

Mr. Hughes stated that presently, three quarters of the firefighters take advantage of having an annual physical paid for by the City. There is presently \$100,000 more than what we anticipated in our budget.

Mr. Vitale asked if they were going to be asked to build an addition on to the Fire Department to build a fitness room. Chief Morehouse replied no.

Mr. Vitale stated it was a very good presentation.

Mayor Walby asked why the same thing isn't done for the AFSCME Union. Mr. Hughes replied it would be difficult because we would not be receiving the \$112,000 in grant money.

Mr. Frederick stated the Firefighters are the top of the line.

Mr. Rubino added there is a huge discrepancy between AFSCME employees and the firefighters. That is an important comparison.

Mr. Vitale added AFSCME would have to take time out of the work day at the DPW so they could work out, where firefighters are on call 24 hours a day and can work out during that time.

Mayor Walby stated that the City struggles every day to save money for the future. They were originally short \$2.7 million, but they are now only \$1.2 million short. If approved, the City would have to come up with another \$28,000.

Motion by Rubino, seconded by Caron to accept the AFG Health & Wellness Grant for \$144,962, with a City match of \$28,992.00.

Ayes: Rubino, Caron, Frederick, Tiseo, Vitale

Nays: Rusie, Walby

10. BIDS/CONTRACTS/PURCHASE ORDERS

a. Rehabilitation Repairs for 21512 Lakeshire (bid opened 3/26/12)

It was explained that the property was purchased two years ago using CDBG funds. Upon inspection, there was water infiltration on the ceiling and walls in the utility room, bathroom ceiling, walls, cabinets, and water seeping in the vinyl flooring. In addition, there are repairs needed to the bathroom, chimney, utility room, and kitchen. The whole house is in need of paint.

Mr. Vitale asked if this home is at the end of a lease. Mr. Rayes replied that the tenant has been there for some time. This is our annual inspection, and the home could it be fixed up some.

Mr. Rubino asked if these homes are inspected annually. Mr. Rayes replied that some of these things are driven by required inspections.

Ms. Rusie asked if HUD monies are being used for repairs. Mr. Rayes replied that rent income money is being used.

Agenda Item #10 a cont'd.

Motion by Caron, seconded by Rubino to approve the award for the renovation project for 21512 Lakeshire, to D&T Home Improvement Company, the low bidder, for \$12,155.00.

Ayes: All - 7

b. 2012 Rodent Control Program (RFP opened 3/27/12)

Mr. Rayes stated that the City received two proposals for the 2012-14 Rodent Control Program. The Rodent Control Program is one of several contracts that expire in the 2011-12 budget year. There were 383 notices sent. This program was rebid on the MITN System. Staff is recommending this bid be awarded to Landscape Services, Inc.

Mr. Vitale stated he would like to know why only 2 companies replied with bids when 383 notices were sent out and he would only approve for one year to investigate why so few responses.

Motion by Vitale, seconded by Rusie to award the bid for the 2012 Rodent Control Program to Landscape Services, Inc. for one year.

Ayes: All - 7

c. 2012 Snow Removal Program (RFP opened 3/27/12)

Mr. Rayes explained that the City received three proposals for the 2012 Snow Removal Program. This is also one of the contracts that expire in the 2011-12 budget year. This program was rebid on the MITN System, and staff is recommending this bid be awarded to Landscape Services, Inc.

Mr. Rubino asked how long their last contract was. Mr. Rayes replied three years.

Motion by Rubino, seconded by Tiseo to approve the award for the 2012 Snow Removal Program to the low bidder, Landscape Services, Inc., for three years.

Ayes: Rubino, Tiseo, Caron, Frederick, Vitale, Walby

Nays: Rusie

**11. REQUEST FOR APPROVAL OF THE SALE OF HOME(S) ACQUIRED THROUGH TAX FORECLOSURES -
none**

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 Caron, seconded by Tiseo to approve the Consent Agenda items a – f, which include the following:

- a. **Bills**
March 22, 2012 **\$ 814,390.38**
- b. **Fees – None**
- c. **Progress Payments - None**
- d. **Approval of Minutes** **Meeting Date**
City Council **February 21, 2012**
City Council Budget Study Session **February 25, 2012**
- e. **Receive & File Boards, Commissions & Committee Minutes**

To receive and file the following minutes:

Agenda Item #12 e cont'd.

Minutes

Meeting Date

Communication Commission	February 8, 2012
Council Sub-Committee	January 24, 2012
Cultural Committee	February 8, 2012
Library Board	February 16, 2012
Memorial Day Parade Committee	March 1, 2012
Planning Commission	January 24, 2012
Sign Arbitration Committee	February 23, 2012
Waterfront Environmental Committee	February 21, 2012

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

1. Accept with regret the following resignations (Thank you letters have been sent by City Clerk):

- John Caron (Activities Committee)
- Patrick Johnson (Board of Canvassers)
- Deborah Parenteau (Board of Review)
- Bill Nearon (Cultural Committee)
- Rosemary Woonton (Cultural Committee)
- Michael Mync (Dog Park Committee)
- Alan Loncar (SCS Memorial Day Parade Committee)
- Heidi Hall McInnes (Waterfront Environmental Committee)

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

Name	Committee	Term Ending Date
Timothy Devine <i>(Vacant seat of Lee Bertolo)</i>	Cool City Committee – Alternate	04/02/2014
Justin Kiritsis <i>(Vacant seat of Kathleen Quackenbush)</i>	Cool City Committee	09/30/2013
Maria Mayer <i>(Vacant seat of Alan Loncar)</i>	SCS Memorial Day Parade Committee	12/31/2014

3. Recommendation to the Mayor to appoint the following:

Name	Committee	Term Ending Date
Randy Springfield <i>(Vacant seat of Ron Woodhouse)</i>	Fence Arbitration Committee	06/02/2014

4. Recommendation to the Mayor and Council to appoint Peter Stellas as Resident (*Vacant seat of Joseph Backus*) on the Ethics Ordinance Council Sub-Committee and to appoint Ron Frederick as Council Liaison to fill vacancy created when Council Member Walby was elected Mayor.

5. Recommendation from Sub-Committee on Boards, Committees & Commission to re-appoint the following:

Name	Committee	Term Ending Date
Cornwell, Alice	Board of Canvassers Member (Republican)	12/31/2015
Bodner, Michael	Dog Park Committee	12/31/2014
Courey, Marianne	Dog Park Committee	12/31/2014
Srigley, Jeanne	Historical Commission	12/31/2014
Goslee-Nesbitt, Suzanne	SCS Memorial Day Parade Committee	12/31/2014
Travis, Kathe	SCS Memorial Day Parade Committee	12/31/2014
Stellas, Peter	Zoning Board of Appeals	12/31/2014

Agenda Item #12 f cont'd.**6. Recommendation to the Mayor to reappoint the following:**

Name	Committee	Term Ending Date
Hanson, Kathryn	Planning Commission	12/31/2014
Jones, Edward	Planning Commission	12/31/2014
Schelosky, David	Planning Commission	12/31/2014

7. To recommend the creation of a non-voting St. Clair Shores Memorial Day Parade Advisory Committee consisting of 6 members who may/may not be residents/registered voters of the City. This Committee would take the place of alternate members of the Parade Committee and any current alternate(s) to be moved to this Advisory Committee as recommended by the St. Clair Shores Memorial Day Parade Committee. Terms of appointment to be 3 year terms with this first appointment staggering terms as 2 - 1 year terms, 2 - 2 year terms and 2 - 3 year terms.

Ayes: All - 7

13. UPDATES AND FOLLOW-UPS FROM COUNCIL MEETING

- **Adopt-A-Road Program** – Mr. Hughes stated they will be mailing letters in the next few weeks to current organizations to verify that they will still sponsor a road.
- **Early Yard Waste Collection** – Mr. Hughes reported that it is just too costly to start this program earlier.
- **Lange/Revere Canal** – Mr. Ihrie conducted research on the weed buildup in the Lange/Revere Canal. There is a court order on file that is approximately 50 years old (1961), which addresses the issue of clean-up of silt and debris. Mr. Ihrie is currently working with the County on this.
- **Powerhouse Gym blocking Emergency exits resident concern** - Mr. Hughes noted that he had a series of documented dates that the Fire Marshall visited the site and the issues were not as described.
- **Budget Hearings** – Fiscal year 2013 budget hearings will be held in council chambers starting each evening at 6:00 pm on April 30 and May 1, 2012.

14. COMMENTS BY INDIVIDUAL COUNCILPERSONS

Council Member Rusie offered condolences to the Krutell family. Ms. Rusie stated she is looking for an update on the opt out program for water meters. Mr. Hughes stated he is preparing to bring one to Council soon, possibly in May.

Ms. Rusie stated she attended the Reflections on Ice Show this weekend, which was great. There was also a Memorial Day Parade fundraiser at Assumption Greek Church which had a great turnout.

Registration for bocce ball and shuffleboard at the Senior Center on April 19.

Ms. Rusie announced that the Senior Center Weight Loss Team, the Chunky Monkeys, are challenging the Clinton Township senior Center Team, the Fit and Fabulous, to see who can lose the most weight.

Ms. Rusie announced a Battle of the Bands Fundraiser put on by the St. Clair Shores VFW Bruce Post and the St. Clair Shores Memorial Day Parade Committee on Saturday, April 21, 2012, from 7 – 11 p.m. at the Bruce Post. Tickets are \$10.

Council Member Rubino would also like the opt out program for water meters to be brought back to Council soon. He stated that the Michigan National Resources Trust Fund also gives out grants, and asked if St. Clair Shores has ever applied for or received grants from them. Mr. Hughes stated that we would have to have a 50/50 match for that type of grant. Mayor Walby added we have applied for that grant, but it has been a number of years.

Mr. Rubino stated they have a fully appointed board for the Ethics Committee, and the dates of meetings will be posted soon.

Council Member Tiseo announced Red Day will be held at Keller Williams Real Estate, 10 Mile Road on May 10 as they are teaming up with the Red Cross for the annual blood drive.

Agenda Item #14 cont'd.

Council Member Frederick extended condolences to the Joseph Krutell family.

Mr. Frederick stated that the "Win It In a Minute" competition, which tests teens' skills, is being held at the Library. It will be held on April 14, 2012 from 2:00 to 4:00 p.m. The Friends of the Library Book Sale is from April 25 to April 28, 2012. National Library Week is April 8 through April 14, 2012. The Library is asking all residents "what do you geek" at the Library? Go to the website scslibrary.org to give your answer!

May 2 is the Optimist Club's Champion's Banquet. Call Dave Martin at 586-772-2537 for more information.

There is a bowling fundraiser being held at Harbor Lanes for the St. Clair Shores Special Needs Program. It is on April 14, 2012, from 1:00 to 4:00 p.m. Contact Kevin Carpus at 586-777-7151 for additional information.

The Firefighters Union is hosting their annual Easter Egg Hunt behind Blossom Heath Inn at Noon on Easter Sunday.

Lakeshore Presbyterian Church will celebrate their 50th anniversary on April 22, 2012.

Council Member Vitale stated he received email about a virtual tour of the lakes website where our residents' only parks are highlighted. Mr. Hughes replied that we would like to have it noted that our parks are for our residents only.

Mr. Vitale stated he also received an email about playing basketball and hockey in the streets, and asked if there is an ordinance regarding that. Mr. Ihrie replied not at this time, but it could be addressed.

Mr. Vitale stated he was contacted by a resident concerned about cleanliness at Blossom Heath Park for the Easter Egg Hunt. Mr. Hughes stated it will be cleaned up prior to that day.

Mr. Vitale offered his support for opting out for water meters.

Mr. Vitale showed everyone the Historic Tour Map that the Historical Commission has been working on for some time in celebration of the 60th anniversary of St. Clair Shores. It can be purchased for \$3.00.

Mr. Vitale wished everyone a Happy Easter.

Council Member Caron offered condolences to the Krutell family. He stated he watched the Reflections on Ice Show, and it was great.

The Activities Committee has lined up their bands for the Michelob Concerts on the Lake for July 11, 2012 through August 15, 2012.

Mr. Caron stated he will be participating in a "Tough Mudder contest" in Ohio that supports the Wounded Warrior Project. He explained it is a 12 mile run/obstacle course, with 26 different obstacles. More information can be found on the website woundedwarriorproject.org.

15. CITY MANAGER'S REPORT - NONE

Mr. Hughes stated that today at 1:00 p.m. a Press Conference was held at the Police Department regarding recent home invasions of approximately 70 homes. This all resulted in a successful conclusion. Mr. Hughes added we have been a safe City and will continue to be a safe City because of excellent police officers and residents. Because we are a safe City, if someone is planning on coming to our City to commit a crime, you will be caught.

Mr. Hughes announced that this Friday is Good Friday, April 6, and all City offices will be closed.

Newspapers and magazines can be recycled and put on the side of the road as part of our contract with Waste Management. Some of the schools have large bins in their parking lots for paper collections as one of their ongoing fundraising efforts.

Macomb County Health Department will have a Household Hazardous Clean-Up Day on May 15 from 8:00 a.m. to 1:00 p.m. in the parking lot of the Civic Arena.

Mr. Hughes stated they have made some very difficult budget discussions. In the City's District Court, we have 591 outstanding warrants which results in \$156,000 in unpaid fines. He encouraged those with warrants to go to the court and do their civic duty.

16. AUDIENCE PARTICIPATION (5 MINUTE TIME LIMIT)

Eleanor Ellero Groth, resident of St. Clair Shores, stated she is present to represent Sailing Thru the Shores 5K. She stated this is the sixth year it is being held, and they train for 6 weeks, twice a week for this event. She personally invited the Chunky Monkeys, firefighters, Mayor and Council to come and train with them. She added that if you take on the six weeks of training utilizing either group run or walks, and you are registered to the 5K, you can use Power House Gym on Harper for \$35.

Jamie Victory, resident of St. Clair Shores, thanked Council for letting him be the DJ for the Memorial Day Parade Spaghetti Fundraiser.

Jack Lawrence, resident of St. Clair Shores and President of the Board of Directors for the Lake St. Clair Symphony Orchestra, stated their last concert will be at Lake Shore Presbyterian Church, "A Step Into the Future!" on April 22, 2012.

Roger Reichenbach, resident of St. Clair Shores, stated the City is lucky to have Police Chief Walleman as our Chief of Police. He has an open door policy and is very forthright.

Mr. Reichenbach stated there is a new dumpster in the parking lot at Lakeshore Village Shopping Center which is taking up a parking spot. He also stated he is proud to serve on the Board of Review. Mr. Reichenbach also stated he saw on cable TV that in Lakeshore Village Condos the new water meters will cause an increase in water cost. Mayor Walby replied the new meters will determine the correct amount.

Erin Stahl, resident of St. Clair Shores, stated there are 151 out of 200 sidewalk squares marked incorrectly on her street. Ms. Stahl stated that the Parks and Recreation Department is not generating enough revenue.

Frank Maiorano, resident of St. Clair Shores, asked why Swany Construction was allowed to bid on the NSP homes. Mayor Walby replied that Swany signed an affidavit stating he was qualified to do the work.

Linda Bologna, resident of St. Clair Shores and owner of Embroidery & More, stated that on April 14 at Rodgers School, there will be a HABA Business Expo from 9:00 a.m. to 4:00 p.m.

Donald Lobsinger, resident of St. Clair Shores, stated it has been two months since Bob Montgomery spoke out against the communists. He feels the Memorial Day Parade should be renamed, and Mr. Montgomery removed as Chairman.

17. MAYOR'S COMMENTS

Mayor Walby stated he doesn't normally respond to comments made by the residents in the audience. Mayor Walby responded to some of the comments made by Donald Lobsinger about Robert Montgomery. He stated he is proud of his participation in the parade and him as a person. Mayor Walby also is proud of Mr. Montgomery's military service to this country. He assured Mr. Lobsinger that our military heroes will be properly honored.

Mayor Walby commented on some upcoming economic development in the City. Butter Rum, a new bar and restaurant is moving towards opening. They are working on the interior and should be ready by the time of the parade. Also, Biggby Coffee is still a go, and Credit One is moving along. Auto Zone is looking good, and the gas station by Broadway and Harper is also moving along. Mayor Walby added that the city is working very hard to get some of the empty sites developed.

The DPW is doing a fantastic job. They have cut down more than 60 trees in just the first quarter. They are working on the new water meters.

18. ADJOURNMENT

Motion by Rubino, seconded by Rusie to adjourn the meeting at 11:18 p.m.

Ayes: All – 7

KIP C. WALBY, MAYOR

MARY A. KOTOWSKI, CITY CLERK

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