

**MINUTES
ST. CLAIR SHORES CITY COUNCIL MEETING
May 7, 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, Directors Rayes and Haney, City Planner Koto, Chief Morehouse, and City Attorney Ihrie

1. CALL TO ORDER, ROLL CALL AND PLEDGE OF ALLEGIANCE LED BY EAGLE SCOUT CONNER WHEATON

Mayor Walby called the meeting to order at 7:01 p.m. Ms. Kotowski, City Clerk, called the roll. A quorum was present and the Pledge of Allegiance was recited by those present.

2. PROCLAMATIONS & PRESENTATIONS – CONNOR P. WHEATON

Mayor Walby presented Connor P. Wheaton with a proclamation for earning his Eagle Scout rank with Boy Scout Troop 1490.

***Proclamation
to
CONNOR P. WHEATON***

WHEREAS, the Mayor and the Council of the City of St. Clair Shores wish to acknowledge and honor **CONNOR P. WHEATON**, who is the 60th scout to earn an Eagle Scout rank with Boy Scout Troop 1490 and by his accomplishments is an example to others; and

WHEREAS, **CONNOR** grew up in St. Clair Shores and started his scouting journey as a Tiger Cub Scout over ten years ago, which has helped him through his youth development by participating in various programs and projects, acquiring values, talent, leadership and communication skills; and

WHEREAS, **CONNOR** a varsity swimmer for four years and captain of his swim team for two, currently volunteers for Good Fellows and plans to attend Kalamazoo College upon his graduation from High School; and

WHEREAS, **CONNOR** recognized a lack of space and a need for a more efficient way of storing the contents of the expensive timing equipment used by the swim coaches at his school, he organized and led a crew that spent over 80 hours reorganizing the equipment which resulted in a cost savings for the school and a better program for all swimmers; and

WHEREAS, **CONNOR** has proven to be an outstanding member of the Boy Scout Troop 1490 and is a National and Regional Honors Medalist for his Ceremonies Work in the Order of the Arrow, which will follow him throughout life and will be a beacon to others of the leadership quality and commitment he has shown;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the City of St. Clair Shores, on behalf of all our residents, do hereby congratulate **CONNOR P. WHEATON** for achieving the rank of Eagle Scout, and in recognizing his fine accomplishments, wish him the very best in all his future endeavors.

Presented this 3rd day of June, 2012.

Mayor Walby congratulated Mr. Wheaton on his accomplishments.

3. AUDIENCE PARTICIPATION ON AGENDA ITEMS (2 minute time limit)

Jim Goodfellow, St. Clair Shores resident, Items #12a, 12c, 11. He stated that it's great the chief got his grant money to pay for the SCBA sets and since they are now uniform, cities can interchange them with each other. He indicated that possibly the 20% City fund can be reimbursed.

In regards to the irrigation system, he stated he was surprised to see in November that the TIFA Board got a water bill for \$10,000 since it has been leaking all year. He hopes the irrigation system company that was responsible will pay the City back some of the money.

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Regarding the CDBG, Mr. Goodfellow stated he was at the Planning Commission Meeting in March, but did not see any other meeting before it came back to Council.

Neal Piekarz, Sterling Heights resident, Item #13. He stated he is a real estate agent and introduced a young couple that has intentions in purchasing the house on Amherst. He thanked Council for their consideration in purchasing this home.

4. REQUEST TO ENTER INTO A LEASE AGREEMENT WITH SUPERIOR COMMUNICATIONS, INC. DBA SMILE FM A MICHIGAN NON-PROFIT, FOR THE INSTALLATION OF A SIMPLE ANTENNA SYSTEM ON THE TOP OF THE 165' STRUCTURE AND AN OUTDOOR EQUIPMENT CABINET AT 24800 JEFFERSON (TABLED FROM 4/16/12)

Mr. Hughes stated that the lease agreement put forth at the last meeting had some language Mr. Ihrie reviewed and modified. The changes to be made are punctual, grammatical, a change in rent payment so Smile FM is always paying one payment ahead, a bond provision to remove the antenna should Smile FM stop leasing from the City, and an insurance provision and indemnification provision.

Jen Czelada, General Manager and morning show host said Smile FM incorporated in 1996. It now owns and operates 20 full-power radio stations throughout Michigan. They are an educational and 501(c)3 non-profit organization. The new station they are proposing on 88.3 FM will serve 600,000 people in the area. Their mission is building families, touching hearts and changing lives by providing positive music programming, striving to have a strong community service, having their Family Fun Calendar, and by their Street Team showing up over 100 events per year. They provide local and state news, emergency preparedness, and announce weather emergencies ten minutes before other stations even get the information.

They are asking to lease power space and room for a small outdoor cabinet at the 24800 Jefferson Tower which will include a small antenna at the top of the tower and a transmission line. The proposal includes a 5-year term at \$425 per month plus a performance bond.

Mr. Rayes stated that the antenna is going on the tower behind Blossom Heath and it will be extending 6 ½' of what is currently there. He indicated he has no issue on his side.

Ms. Rusie asked what the difference is between the 165' AGL shown on page 4 of the packet and the 174' AGL indicated on page 10 of the packet. Mr. Rayes stated that the difference is when it is lit and registered with the FCC. He said the 174' is their threshold and not the height of the tower. Mr. Rayes believes the tower is at 165'.

Mr. Ihrie stated the FAA determination has identified it at 174', but even at a higher elevation, the FAA is determined that marking and lighting are not necessary for aviation. Mr. Ihrie also stated that the contract has no starting date, but he recommends to make it May 15th.

Mr. Rubino asked what the range of new tower will be. Ed Czelada, President and Technical Director for Smile FM, stated that you'll hear it out to about Mt. Clemens and to Windsor. To the west is a bit shorter of about five or six miles.

Mr. Rubino stated that one of his concerns is that when you go to 88 and the low 90s on the radio dial, it is losing the signal from locations, such as Warren Consolidated. Another concern is with the iPod and MP3 players, regions such as 88.1 gives you best reception when going from an iPod to an FM tuner. A lot of the older cars and boats don't have the jacks for the new devices.

Mr. Czelada said there are three stations on 88.3, that is why they will not go as far to the west as to the north or the south. The FCC (Federal Communications Commission) has tough guidelines to follow to protect other radio stations and they do meet those guidelines. He said that if they cause problems to those FM areas, the FCC asks them to resolve those issues.

Mr. Czelada said he does not believe that reception from 89.1 would be lost. It is well beyond what the FCC requires because 88.3 is so far from 89.1 on the dial and the FCC has no protection standards so it is not a significant factor. Mr. Czelada stated he doesn't foresee any problems.

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Mr. Rubino asked about people who use the 88.1 frequency. Mr. Czelada said they should be able to adjust to another frequency. The FCC has a notice on all devices which states 'must accept all interference received and caused'.

If approved, Mr. Rubino would like to see an amendment stating that if there is any loss of other stations, they will be addressed and other filters will be brought in. Mr. Czelada does not see any problems with this.

Mr. Vitale stated he doesn't believe we are the regulating body in regards to Mr. Rubino's concern. He said that 93.1 and 92.3 are full-power stations and has the same distance from 89.1 that Smile FM will have and they don't create interference for them.

Mr. Vitale asked if they will be collecting rent from Smile FM annually for the City. Mr. Czelada stated yes. Mr. Vitale moved to accept the proposal with no other restrictions. Motion died with a lack of support.

Mr. Tiseo asked if there is any protection to the City should there be any interference. Mr. Ihrie said the FCC airwaves are public and that the FCC has issued a license to Smile FM. If Mr. Rubino's concerns are valid, the FCC is the proper body to answer those questions should there be interference.

The \$425 a month is comparable to what is paid in other cities.

Mr. Rubino stated that Council is the governing body right now since they have to approve it.

Mr. Ihrie stated that if Mr. Czelada has no problem with a revision, adding language that if there are complaints received, Mr. Czelada will, in a timely manner, work with the City and FCC to remedy the problem.

Mr. Rubino stated he has no problem to move to approve with the above language added.

Mr. Vitale asked if the FCC is the regulating body when it comes to interference, and if we were to deny this application, do they have the right to come back and sue us? Mr. Ihrie gave an 80% sure answer to the question and said he does not believe so since it is our property.

Mr. Ihrie said that the FCC approval location of the station is Grosse Pointe Shores. Mr. Czelada said the FCC allows them to pick a community of license. They based their choosing on the center of box where frequency fits.

Mr. Caron asked if they knew the amount of the bond to be secured for the removal of equipment. Mr. Ihrie recommends \$2,000.

Motion by Rubino, seconded by Frederick to approve a request to enter into a lease agreement with Superior Communications, Inc., dba Smile FM, a Michigan Non-Profit with modifications by Mr. Ihrie that are punctual, grammatical, a change in rent payment so Smile FM is always paying one payment ahead, a bond provision to remove the antenna should Smile FM stop leasing from the City, an insurance provision, indemnification provision, and to include a starting date of May 15, 2012 for the Agreement and a \$2,000 performance bond.

Ayes: All – 7

Mayor Walby introduced Randy Pullin, and asked him to talk about their upcoming Car Show on Sunday.

Randy Pullin, St. Clair Shores resident, stated on behalf of the VFW Bruce Post 1146 and the Shorewood Club of St. Clair Shores all are welcome to an event on Sunday, May 20th at the Bruce Post. They will have the VFW Car Show and Pancake Breakfast. Cost for all-you-can-eat breakfast is \$7.00 adults, \$4.00 children 6 and under.

Car show registration is \$15.00 day of event, \$12.00 for pre-registration. Registration is from 8 a.m. – 10 in a.m. and the pancake breakfast and car show begin at 9 a.m. – 1:30 p.m. until they present awards. Contact Mr. Pullin at 586-707-2100 or at pullin2k@sbcglobal.net. Proceeds help homeless veterans in Southeast Michigan.

5. CPL. WALTER F. BRUCE POST VFW #1146 NATIONAL POPPY DAY – SOLICIT AT CITY INTERSECTIONS

Tara Perez, Commander of the Bruce Post VFW #1146, presented a check for \$811.50 to Dave Rubello for the Parade Committee from their Battle of the Bands joint fundraiser.

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Ms. Perez spoke about the Annual Poppy Days. It will be held on Thursday, May 10th, Friday, May 11th and Saturday, May 12th. She spoke about the Poppy Movement inspired by Colonel John McCrae and his poem Flanders Field.

Ms. Perez asked for Council permission to go out and distribute poppies along with Boy Scout Troop 1489 to raise money for disabled veterans. Ms. Perez recited the poem Flanders Field.

Mr. Walby stated that a service will be held at Veterans Memorial Park, Sunday, May 27th at 9 a.m. by the Bruce Post VFW #1146 to honor veterans.

Motion by Rubino, seconded by Rusie to approve the request from VFW Bruce Post #1146 to solicit on city street corners for National Poppy Day May 10 – 12, 2012 at the City intersections of 11 Mile/Harper, 12 Mile/Harper, and 12 Mile/Little Mack.

Ayes: All - 7

6. REQUEST FROM NINE-MACK MERCHANTS ASSOCIATION FOR APPROVAL TO HOLD THEIR ANNUAL JUNEFEST ON SATURDAY, JUNE 2, 2012 FROM 10:00 A.M. – 5:00 P.M.

Mark O'Brien, President of the Nine-Mack Merchants Association stated that this is the 17th or 18th Annual Junefest Celebration. It was originally a sidewalk sale to increase awareness of businesses at Nine Mile and Mack. This year they have included a Made in Michigan Food Court and the event will include a chain saw wood carver. Everyone is welcome and the event takes place on Saturday, June 2nd from 10 a.m. – 5 p.m.

Motion by Caron, seconded by Rusie to approve annual request of the Nine-Mack Merchants' Association to hold the Annual Junefest on Saturday, June 2, 2012 from 10:00 a.m. to 5:00 p.m. on Greater Mack, Nine Mile to Cavalier Drive, closing this portion of Greater Mack from 9 Mile to Cavalier for the event from 7:00 a.m. to 7:00 p.m.

Ayes: All – 7

7. REQUEST FROM THE WATERFRONT ENVIRONMENTAL COMMITTEE FOR APPROVAL TO HOLD THEIR 17TH ANNUAL NAUTICAL COAST CLEANUP & LAKE ST. CLAIR CELEBRATION ON SUNDAY, MAY 20, 2012 FROM 8:00 A.M. UNTIL 2:00 P.M.

Ms. Wrubel stated that she and her husband Mike were the originators of the Nautical Coast Cleanup seventeen years ago. This event is volunteer and there has been close to 600 tons of trash removed. Volunteers start at 8 a.m. at the Jefferson Yacht Club. A celebration and lunch afterwards at Jefferson Yacht Club is from 12 p.m. – 2 p.m. Homeowners associations should call if they want a trash pickup in their neighborhood. If anyone wants to donate their boat to the 'We Are Here Foundation' call 778-4478. People can just show up if they have not previously registered. Bring gloves, rakes, and boots. Death Method, winner of the Battle of the Bands, will be performing at the lunch afterwards.

Motion by Rubino, seconded by Rusie to approve the request from the St. Clair Shores Waterfront Environmental Committee to hold the 17th Annual Nautical Coast Cleanup on May 20, 2012 from 8:00 a.m. – 2:00 p.m.

Ayes: All – 7

8. REQUEST FROM MICHIGAN PARKINSON FOUNDATION FOR WALKATHON/5-K RUN ON MAY 19, 2012 FROM 10:00 A.M., WALKATHON TO TAKE PLACE ON THE SOUTH LAKE ATHLETIC COMPLEX ALL-WEATHER TRACK AND THE 5-K RUN TO PROCEED ON SIDEWALKS FROM SOUTH LAKE ATHLETIC COMPLEX BETWEEN 9 AND 10 MILE ROAD, FROM URSULINE TO LITTLE MACK AND HARPER

Rick Swanquist asked Council for approval of the Walk-a-Thon and 5K Run for those who face challenges and are affected by Parkinson's disease.

To register for the walk-a-thon or run logon to www.parkinsonsmi.org. The event will be held on Saturday, May 19

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from 9 a.m. – 4 p.m. at the Southlake Athletic Field. The run begins at 11:00 a.m. and the kids run begins at 10:00 a.m. The foundation raises tens of thousands of dollars and 99% is spent in Michigan helping affected families.

Mr. Caron asked Mr. Rayes make sure there is no construction equipment on the sidewalks at the old Shorecrest site which is part of the running path. Mr. Rayes said he was not aware of any equipment there, but will verify.

Kiwanis will have a float for the Memorial Day Parade. They are looking for volunteers on May 24th and 25th to help out. They are also looking for people to accompany the float through the parade route. If interested, call Mr. Swanquist at 586-201-2906.

Motion by Rusie, seconded by Frederick to approve the request from Michigan Parkinson Foundation for Walkathon/5-K Run on May 19, 2012 from 10:00 a.m., walkathon to take place on the South Lake Athletic Complex all-weather track and the 5-K Run to proceed on sidewalks from South Lake Athletic Complex between 9 and 10 Mile Road, from Ursuline to Little Mack and Harper beginning at 10:00 a.m. with the run lasting approximately 30 minutes; subject to participants agreeing to stay on the sidewalks and adhere to all laws and ordinances pertaining to pedestrians.

Ayes: All - 7

9. REQUEST FROM WIGS 4 KIDS FOR AN INDOOR/OUTDOOR PIG ROAST 2ND ANNIVERSARY EVENT ON SUNDAY, JUNE 3, 2012 FROM 1:00 P.M. – 6:00 P.M.

Maggie Varney, founder and CEO of Wigs 4 Kids, asked Council for a permit for an Indoor/Outdoor Pig Roast. Wigs 4 Kids provides wigs and support services for children throughout Michigan and they have never turned a child away. They wanted to do something to embrace and invite the community for their help and support. All insurance is in order and they are expecting 300 people. The cost is \$20 per person which includes raffles, activities and entertainment.

Tickets can be purchased at Wigs 4 Kids on Harper between 12 Mile and 13 Mile in Lakeshore Plaza. Contact 586-772-6656 or www.wigs4kids.org.

Event is open from 1 p.m. – 6 p.m. and food is served from 2 p.m. – 5 p.m.

Motion by Rusie, seconded by Caron to approve the request from Wigs 4 Kids to hold an Indoor/Outdoor Pig Roast 2nd Anniversary Event at 30126 Harper on Sunday, June 3, 2012 from 1:00 p.m. – 6:00 p.m.

Ayes: All - 7

10. PPC 120011: REQUEST FOR SITE PLAN APPROVAL – FOR TWO ADDITIONAL TRUCK WELLS AND DOCKS, AT FISHER DYNAMICS, 33140 FISHER

Duke Nelson stated that their product line has expanded and they are making seat bottoms, seat backs and smaller hinges. Larger products require bigger dies and more storage. They brought in a new automated line to make seat bottoms and tops that are married to the seat hinge. The boxes are 4' x 5' x 3'. They need space in their existing well for raw goods coming in and new wells for finished goods going out. Their product needs to stay dry. They will add 45 jobs per shift and the company has two shifts.

Mr. Rubino asked about issues regarding traffic on Robeson. Mr. Hughes indicated and issues have been resolved. They addressed some issues, did some enforcement, and Fisher Dynamics has been outstanding in terms of staggering delivery trucks and they have not had a single complaint since August 2010.

Mr. Hughes stated that in May 2010 it was approved for the first time in the City's history an industrial redevelopment district for a personal property tax exemption from the state to Fisher Dynamics bringing 100 new jobs into the City. Now in May 2012 they have added 140 new jobs and with this move tonight they will add 40 – 50 jobs per shift.

Motion by Frederick, seconded by Rusie to approve a request for site plan approval PPC 120011 for new truck docks at Fisher Dynamics, 33140 Fisher, as recommended by the Planning Commission, subject to the conditions of the City Planner's report, including: 1) Engineered drawings, including paving and drainage, will be required for the proposed changes to the parking area, 2) The Planning Commission and City Council understand that your presence here tonight constitutes that you are a legal representative of the petitioner for Planning Case PPC 120011. Each statement of intent, promise and/or pledge, made by you, the petitioner

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or agent, either orally or in writing, if permitted by Ordinance, shall be binding upon the petitioner and shall be a condition of said site plan approval.

Ayes: All - 7

11. REQUEST TO APPROVE THE 2012 – 2013 CDBG ALLOCATION BUDGET

Ms. Koto, City Planner, spoke about the 2012 – 2013 Community Development Block Grant Program. She stated that they used to receive about \$1M a year in 2004/2005, but now they are receiving about \$787,000. The cap that can be spent on Public Services is 15% and on Planning and Administrative Projects is 20%. The guidelines for the Block Grant Program state that Public Services must be included in the annual allocation. Each year the Planning Commission holds a public hearing and hears from the organizations the requests being made. The non-profit organizations tell them how many residents from St. Clair Shores they served in the past year, explain what they do in the community, and indicate who else they receive funding from. This year the Planning Commission received several more organizations than in the past.

The organizations that requested funding and were at the public hearing were as follows:

The Homeowner Rehabilitation Program is when homeowners can't afford to repair their home. If they qualify based on their income, they have a lien put against their home and their house is repaired. Most of the time the lien has to be paid back when they sell their home. The problem is that with the number of foreclosures, they are not getting the amount of money back that they used to.

The Senior Activity Center was originally built with Block Grant Funds. Funding for this activity is used to reimburse the operations of the center. This year the Planning Commission recommends \$92,500 which is the lowest allocation for the Senior Center at this point.

The Senior Chore Program includes plowing snow and cutting grass for the elderly and mentally and physically disabled. They also install window air conditioners, fix broken windows, unclog drains, or clean basements.

Administration activity is used to reimburse the wages and fringes of the Community Development staff and the Senior Activity Center Staff that work either part or full time within the CDBG program. This is maxed out every year.

Code Enforcement Wages reimburses 40% of the code enforcement officer's wages, 40% of the wages of two full-time code enforcement employees, and reimburse 40% of the charges for any contract employees within the code enforcement department working in any CDBG neighborhood.

The Streets activity reimburses the removal and replacement of residential streets approved by HUD, based on the 2000 Census.

Care House is a non-profit organization based in Mt. Clemens that coordinates the complex investigation, prosecution, and treatment services to victims of child sexual and physical abuse. This activity has been funded for at least ten years.

The Hope Center is a food pantry that provides food to those in need within Macomb County. They have not been funded in the past.

Warming Center seeks to provide a safe, warm place to spend the night, providing simple but nourishing evening and morning meals for those who would otherwise have no shelter from November through May. They have not been funded in the past, but they have come forward for funding over the last eight to nine years.

Wigs 4 Kids is an organization that provides children with wigs who may be undergoing cancer treatment or be afflicted with a disorder that causes hair loss. They have been funded last year and have used all their allocation. They have asked for twice that amount this year. Ms. Koto said they thought it might be best if any child from Macomb County qualifies for the funding.

Turning Point is a homeless center for women and children fleeing violent situations in their home. They have been funded for about ten years.

Lighthouse Outreach Program provides food to eligible St. Clair Shores residents. They deliver the food to those who cannot get out of their homes easily. They have been funded for about ten years.

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CARE Student Assistance and Prevention Education Programs works within the city's three school systems to assist students in addressing problems that are negatively impacting their life, improve school attendance, increase safety in schools, identify depression and other mental illnesses, and provide ancillary services to students, including anger management and personal empowerment programming. They were funded last year.

Legal Aid and Defender is the largest provider of free legal services to the indigent in Michigan and one of the largest in the United States. They were helping a lot of people with foreclosure assistance, utilities shutoff, debt collections and subsidized housing. They have not been funded in the past.

Mr. Rubino brought up his concern with the Lighthouse Outreach Program stating that when you look at the asset and liabilities statement, they took in \$265,000 and \$177,000 was used for salaries, taxes and employee insurance. He asked if this was accurate. Ms. Koto said that is what was provided by an accounting firm and is reviewed by the City's auditors as well. Mr. Rubino mentioned that the majority of the money is not getting used for what it is meant for. Ms. Koto said they require the organizations to use the funds for the operations of organization. Funding cannot be used to build something new, but rather it must provide a service. It is alright to use toward salaries. Ms. Koto stated if Council feels the money would be used better someplace else, they can make that decision.

Ms. Rusie was troubled that the Senior Center has a reduction in funding and is being reduced to \$92,500. Ms. Rusie stated she would never approve allocations that don't provide the maximum allocation for their seniors. Lately they lost money when Michigan Works pulled their funding. They are currently fund raising to help fund their meal program. Ms. Rusie stated that there is no money for planning studies in OPAC. Ms. Koto mentioned that they do have carryover for OPAC to take care of planning studies to meet their needs.

Mayor Walby asked what the maximum number is for the Senior Activity Center. Ms. Koto stated that they have to fund some other non-profit groups and it would be up to Council to pick which ones to fund and the remainder would go back to the Senior Activity Center. They had plugged in \$100,000 for budget purposes. Last year's number was \$100,000. Ms. Rusie stated she would like to see that number increased a little more since Michigan Works is no longer funding the Senior Center Meal Program.

Mr. Caron stated he agrees with Ms. Rusie on funding for the Senior Center. He also asked about the request of \$1,600 for Wigs 4 Kids. Ms. Koto said that when Wigs 4 Kids came in for the public hearing, the Planning Commission asked how much they spent of their current year allocation, and Ms. Koto said they had served one child and spent \$800 of the \$1,600. They have not had another child come in from St. Clair Shores. In able to assist Wigs 4 Kids, the Planning Commission agreed to open it up to any child in Macomb County if they saw fit. Mr. Koto stated that they hold the unused money. Mr. Caron stated he would like to limit the funds requested by the organizations.

Mr. Caron asked how they came up with \$202,237 for Streets funding. Ms. Koto said that this is what was left after funding everything else. Ms. Koto believes this amount will cover street removal and replacement on Cubberness from 10 Mile to Statler. If it is not covered with the \$202,237, they have street millage money that can be used.

Mr. Vitale stated his concerns with the Senior Center and they have increased their hours and this will throw their budgeting off if money is taken from them. On the Lighthouse Program he stated they have almost \$1,400 for internet fees and they appear to be the one organization that does not have a website. Mr. Vitale indicated that the numbers need to be adjusted.

Mr. Rubino said the Senior Center is very active in raising money for other organizations and would like to see them fully funded. In regards to the Homeowner Rehabilitation Program, Mr. Rubino asked if there was a way to target that money for homeowners who are senior citizens on a fixed income. Their house may be paid off, but they may be getting only \$700 or \$800 a month from Social Security. Ms. Koto said they take a large picture of an individual's income. They don't look at a paid off house as an asset, but they will look at a retirement account. Ms. Koto said it is done on a priority / first come, first served basis and is looking at who really needs the money.

Mr. Tiseo asked if the Homeowners carryover usually zero out. Ms. Koto stated it does usually zero out and right now they have \$64,000 left from about \$300,000 over the last year and a half.

Ms. Koto said that everyone who came to the public hearing, the Planning Commission recommended funding. MCREST has been funded regularly, but the last two years they failed to submit information and the Warming Center was funded in their place.

Mr. Frederick stated his view on the Senior Activities Center and said they provide a lot of people a lot of good and they need to be funded.

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Ms. Koto stated that she can give a minimum of \$100,000 to the Senior Center and reduce the rest of the organizations accordingly or eliminate some of the organizations, but would need Councils direction.

Mr. Hughes stated that the more specifics we get, the better. He does not want to put the value of one organization over another. He suggests a reduction of about \$1,000 - \$1,500 per organization and giving the Senior Center \$100,000.

Mr. Caron asked if the CARE Student Assistance and Prevention Education Program was also getting money from the school system. Ms. Koto stated they were. Mr. Caron asked what precautions do we take to prevent double dipping. Ms. Koto said that each organization needs to submit to the Block Grant Program a proforma for each person that is assisted and differs from organization to organization. For example, it would give the students age, the school they went to, and what services they were given.

Mr. Vitale does not support taking an amount off of each organization. He can come up with \$7,500 in savings by giving Wigs 4 Kids the amount they originally requested, \$2,500 vs. \$5,400 for the Lighthouse Center, cutting the CARE Student Assistance and Prevention Education program in half and cut the Warming Center to \$1,500 since it is their first year.

Mr. Tiseo suggested taking \$1,500 across the board, but doesn't want to see Senior Chore Program reduced since it helps people in St. Clair Shores.

Mr. Rubino stated he would like to take a closer look at how this money is allocated.

Ms. Koto stated the plan needs to be submitted by the end of the month.

Motion by Rubino, seconded by Tiseo to table this agenda item to the May 21st City Council Meeting.

Ayes: All – 7

12. BIDS/CONTRACTS/PURCHASE ORDERS

a. Award bid to Argus Hazco to purchase 20 new SCBA units, refurbish 17 SCBA units, and purchase new air bottles; bid opened March 27, 2012

Mr. Hughes stated that we successfully received a Federal Grant for this SCBA purchase and indicated they only received one bidder. The city of Eastpointe is interested in purchasing 14 of the old bottles at approximately \$200.00 per bottle.

Fire Chief George Morehouse asked for closure on the grant application process. They will not have a capital expenditure item on their budget for several years because of this purchase.

Mr. Morehouse stated he has no idea why only one company would make a bid, but many companies have looked at it. Mr. Caron asked if any price benchmarking was done to ensure we are getting a fair price. Mr. Morehouse said yes and the Feds have a baseline and we are really close since our bid came in some \$200.00 over.

Mr. Morehouse mentioned that the revenue in selling the old bottles goes to the City. The other equipment is being donated to another community that has nothing and is insignificant in value.

Motion by Frederick, seconded by Rubino to award the bid for the purchase and refurbishing of SCBA equipment and bottles to Argus Hazco for \$126,514.24, and Attachment A Upgrade Option for \$14,713.50 for a total of \$141,227.74.

Ayes: All – 7

b. Request approval to award 2012 and 2013 Property & Liability Insurance (RFP opened 4/3/2012)

Mr. Hughes indicated that the City's Property and Liability Insurance is due to expire on June 30th. They are putting a bid out this year instead of seeking a renewal and they are proposing a 2-year contract.

One company is Nickel & Saph, and the other is IBEX Insurance Agency also known as Michigan Municipal Risk Management Authority (MMRMA). Several years ago City Council recommended we join MMRMA and by doing so

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we are part owners in that company. If there is a good performance for low claims throughout the year, we are entitled to a rebate. The City completed an analysis and with or without that scenario recommends a 2-year contract with MMRMA.

Mr. Haney stated Nickel & Saph bid \$557,969 plus a third party administration for a total cost of \$602,969. MMRMA bid \$336,011 and their third party administration is in-house and is included in that price. Mr. Haney recommends using MMRMA and with a second year price not to exceed a 3% increase.

Motion by Caron, seconded by Frederick to award the bid to MMRMA at the self-insured retention level of \$200,000 at a cost of \$336,011 and the second year at a price not to exceed \$346,091.

Ayes: All – 7

c. Request approval to award 2012 Irrigation Systems Maintenance (RFP opened 4/10/2012)

Mr. Hughes stated they are recommending H2O Irrigation for this bid. Mr. Dorner stated that this has been contracted out for at least 15 years and this will be the forth new contractor. In regards to the irrigation systems, there are about 25 sites throughout the City. The contract is set up where the company comes in to set up the system in the spring, winterize it in the fall, and during the season there is an hourly rate for labor and repairs.

Mr. Hughes stated that whatever company is awarded the bid, TIFA will be paying for their portion at Blossom Heath and the Nautical Mile.

Mr. Vitale stated that Mr. Goodfellow said Wahby Park was leaking during the season. Mr. Dorner stated there was an undetected water leak. His staff and the water department found and corrected it. Mr. Dorner stated that he does not believe the irrigation company was responsible for that leak. Mr. Hughes said the contractor was deemed not to have liability on this incident.

Mr. Dorner stated that in regards to repairs, they have the final say as to whether they want the repair completed. The irrigation company does not go out and perform repairs and arbitrarily send us a bill. Work has to be authorized by the City's department.

Mr. Walby asked that Mr. Dorner let him know how things work out with H2O Irrigation.

Motion by Caron, seconded by Tiseo to approve a request to award the 2012 Irrigation Systems Maintenance contract to H2O Irrigation, Inc. in the total amount of \$18,960 for the 1st year with a 2nd and 3rd year optional renewal and TIFA to fund their locations at Blossom Heath and the Nautical Mile.

Ayes: All – 7

13. REQUEST FOR APPROVAL OF THE SALE OF HOME(S) ACQUIRED THROUGH TAX FORECLOSURES – 22500 AMHERST

Mr. Rayes showed before and after pictures of the interior and exterior of the house after updates have been made.

Mr. Rayes stated they put on a new roof, put in new landscaping, updated the floors, kitchen, and bathroom, etc. It was then put back on the market and four bids were received. The high bid is what they are recommending at \$113,000 with \$5,000 in concessions.

Motion by Rubino, seconded by Caron to approve a request to sell 22500 Amherst, in the amount of \$113,000. highest bidder with additional costs in concessions.

Ayes: All - 7

14. RECOMMENDATION FROM THE CITY ELECTION COMMISSION TO PERMANENTLY RELOCATE TWO VOTING PRECINCTS, PRECINCT 14, GREENWOOD SCHOOL, AND PRECINCT 15, JEFFERSON MIDDLE SCHOOL, TO LAKEVIEW HIGH SCHOOL LOCATED AT 21100 E. ELEVEN MILE ROAD

Ms. Kotowski asked to relocate Precinct 14 and 15 to Lakeview High School. The move comes very timely with redistricting after the census. New ID Cards for 49,000 residents will only have to be sent out once indicating the redistricting and location changes. No separate mailing will have to be issued.

Agenda Item 14 (cont'd)

She indicated that when she applied for the non-profit permit used for election mailing, instead of it costing \$20,700 in postage, it will only cost \$7,000 to mail out all ID cards. Whenever elected districts change the City is required to mail out new ID cards.

Mr. Hughes said the City maintains a very healthy relationship with all three public school districts, parochial schools and churches in terms of the election. Ms. Kotowski indicated that all locations need to be ADA compliant.

Ms. Kotowski stated that the voters at Greenwood School and Jefferson Middle School will get a different ID card than everyone else. All other voter ID cards will indicate that their elected districts are changing. Greenwood and Jefferson will say the same information, but will also indicate their voting location is changing. During the upcoming elections, signs will also be placed at Greenwood School and Jefferson Middle School indicating the voter's new voting location. Ms. Kotowski will also be communicating this information on Local Matters and the City Newsletter.

Ms. Kotowski indicated that guards will be at the high school pushing students to park at the back of the lot during elections.

Motion by Frederick, seconded by Caron to approve the adoption of the permanent relocation of two Voting Precincts, Precinct 14, Greenwood School, and Precinct 15 Jefferson Middle School to Lakeview High School, located at 21100 E. Eleven Mile Road for all future elections conducted by the City Clerk.

Ayes: All - 7

15. CONSENT AGENDA *Items shall be considered without debate by motion and vote of Council, unless a member of Council specifically requests action taken separately on said item*

Motion by Caron, seconded by Rubino to approve the Consent Agenda items a – g, which include the following:

a. Bills

Check Approval List **\$678,774.54**

To approve the release of checks in the amount of \$678,774.54, of the report that is 12 pages in length and of the grand total amount of \$678,774.54, \$0 went to other taxing authorities.

b. Fees

Ihrie & O'Brien **\$9,847.25**

To approve the above attorney payment to Ihrie & O'Brien subject to audit.

c. Progress Payments - None

d. Approval of Minutes

<u>City Council</u>	<u>Meeting Date</u>
City Council Budget Workshop	February 21, 2012
City Council	March 19, 2012
City Council Budget Workshop	March 24, 2012

e. Receive & File Boards, Commissions & Committee Minutes

<u>Minutes</u>	<u>Meeting Date</u>
Brownfield Redevelopment Authority	January 19, 2012
Election Commission	February 22, 2012
Fence Arbitration	January 18, 2012
General Employees' Pension Board	January 17, 2012
General Employees' Pension Board	February 21, 2012
General Employees' Pension Board	March 20, 2012

Agenda Item 15e (cont'd)

General Employee Retiree Health Care Board	January 17, 2012
Library Board	March 15, 2012
Memorial Day Parade Committee	April 5, 2012
Older Persons Advisory Committee	February 16, 2012
Older Persons Advisory Committee	March 15, 2012
Planning Commission	March 27, 2012
Planning Commission	April 10, 2012
Police & Fire Pension Board	March 29, 2012
Police & Fire Retiree Health Care Trust Board	March 29, 2012
Tax Increment Finance Authority (TIFA)	January 19, 2012
Website Improvement Committee	March 1, 2012
Website Improvement Committee	March 15, 2012
Website Improvement Committee	March 27, 2012

f. **Approval to publish Notice of Public Hearing on the proposed 2012 – 13 City Budget**

g. **Investment Policy Review and Authorized Financial Institutions**

Ayes: All - 7

16. UPDATES AND FOLLOW-UPS FROM COUNCIL MEETING

- **Lights on Jewel Street.** Mr. Hughes stated they have worked with Edison and the lights have been repaired.
- **Issues with graffiti.** Mr. Hughes stated they have made some arrests. The signs have been removed and are in storage and they are estimating the cost to replace them. They are looking at full reimbursement from the families of the children who wrote the graffiti.
- **Conflicting Signs at Blossom Heath.** Mr. Hughes stated the signs have been removed and that the public beach has been closed.
- **Sidewalk Replacement Program.** Mr. Hughes said this year District 1 will have their sidewalks reassessed. This district has had approximately 50% of its geographic area visited by the City's Sidewalk Replacement employee. Mr. Hughes, Mr. Rayes, Mr. Rubino, and Mr. Caron toured the sidewalks at the south end and got a good understanding of what criteria they are using. They have received about eight to ten calls in regards to concerns. They are looking to keep the public infrastructure safe. This district will not be revisited until 2022. Mr. Rayes and Mr. Hughes are involved in reviewing some appeals.
- **Status of Three Homes.** Mr. Ihrie indicated that on 22400 Doremus, they have on May 23rd an early disposition settlement conference in front of the Honorable Richard Caretti and the case is well under way. On 25908 Ursuline they have filed action and the defendant is avoiding service and they are in the process of seeking owner support in order for what is called substituted service that allows certified publication and/or posting. On 21300 Bayside, the file was opened in mid-April, the title work was ordered and received and it was filed. The complaint is in the hands of the process server to serve the owner.

17. COMMENTS BY INDIVIDUAL COUNCILPERSONS

Council Member Tiseo congratulated Death Method on winning the Battle of the Bands and was fortunate to be a guest judge.

He announced the following events: there is a Kyte Monroe Lakeview Softball and Baseball tournament fundraiser that begins this weekend. The Civic Arena Carnival begins this weekend beginning Thursday through Sunday. St. Clair Shores Baseball and Softball Opening Day, May 20th, 11 a.m. at Kyte Monroe. Senior Center Program meal tickets are available by calling Mr. Tiseo at 586-634-0777.

Mr. Tiseo thanked the City departments that have been helpful during the Budget Hearing meetings.

Mr. Tiseo made a response to the last Budget Hearing meeting where a resident insinuated that Council members donate their salaries. He indicated that he sits on Council because he cares about the City.

Council Member Frederick mentioned upcoming Library events. All through May on Wednesday and Thursday morning is First Stop for Tots and Tot Time and is held at 10 a.m. and 10:30 a.m. On Saturdays from 11 a.m. – 12 p.m. they can read a book to a dog. On May 12th they can read to Cody and on May 19th they can read to Morgan. There is a Mother's Day craft opportunity on Saturday, May 12th from 10 a.m. – 12:00 p.m. and from 2 p.m. – 4 p.m. Classic Film Friday's at the Library every Friday at 1:30 p.m. Friends of the St. Clair Shores Library has their annual meeting on May 21st. The

Agenda Item 17 (cont'd)

business meeting begins at 6:30 p.m. and Memory of Hudson's begins at 7:00 p.m.

The Historical Society Annual Meeting is on May 16th at 6:30 p.m. and Building on Faith is at 7:00 p.m. Wigs 4 Kids fundraiser is on June 3rd. Each wig costs about \$800 and Wigs 4 Kids also takes donations of hair 10" in length or longer.

Council Member Vitale reiterated what he heard about the City of Troy. They are balancing their budget by cutting the police department by 20 officers. They also have a Rainy Day Fund and the amount they will be taking out exceeds the entire budget that St. Clair Shores sets forth for the year which is \$15M. He stated that St. Clair Shores is fiscally conservative.

To purchase a historical map at \$3.00 each, contact vitalec@scsmi.net or they can be purchased at the Library.

The Pancake Breakfast and Car Show will be held on May 20th.

Council Member Caron mentioned it was quite a task for Connor Wheaton to take on in cleaning out the room at Lakeview.

Acknowledged the Mayor for all the work he did in regards to the Budget Hearings.

In regards to the Sidewalk Program, he spoke about the exposed aggregate along one of the streets he toured. They saw a 1" wide hole and believe that's why it was marked. He stated that it should not have been marked. They also have corrections about pitch that will be revisited.

He mentioned that the Macomb County Health Facility on 10 Mile and Harper does not look like they cut their grass so far this year. He asked Mr. Rayes to look into the issue.

Thanked Sasha Murphy and all participants for the second Shop the Shores event last Saturday. The next event is targeted for November. Contact shoptheshores@yahoo.com or Shop the Shores on Facebook to register as a participant.

Council Member Rusie thanked Mr. Tiseo for selling raffle tickets for the Senior Center. They still need more people to sell raffle tickets and interested parties can call 586-445-0996 to help out.

Hot Rods and Hot Cakes Event is Sunday, May 20th. Proceeds go to benefit homeless veterans.

Ms. Rusie thanked attendees of the Parade Bowling Fundraiser.

She mentioned that Lac St. Clair Little League just had their opening weekend. She wished good luck to all the players and to the Candy Canes.

She thanked Ms. Murphy for the Shop the Shores for all her leg work.

Congratulations to Connor Wheaton and Timothy VanVechten who also made Eagle Scout. Mayor Walby congratulated Brian Loos for making Eagle Scout.

Ms. Rusie thanked Isabella Tiseo for the drawing.

Council Member Rubino thanked the Detroit Tigers for a great event.

St. Joan of Arc Green Team Event is May 12th from 10 a.m. – 2 p.m. They will be accepting all electronics. They are asking for a \$5.00 per carload donation.

The Nautical Coast Cleanup is May 20th.

In regards to the Sidewalk Program, Mr. Rubino asked if they are going to recheck all the marked sidewalks. Mr. Hughes stated they will be. The rechecking will be done within the next 30 days.

Mr. Rubino had two questions on street activity. Residents are concerned about giving kids tickets who play games in streets. Mr. Rubino reassured them that they will not be doing so, but traffic and streets cannot be obstructed with equipment. He does not support giving kids tickets for playing games in the streets. He also stated that residents would like to see people use the sidewalks instead of walking in the streets.

Agenda Item 17 (cont'd)

Mayor Walby said the Kolping Center will host a clothing and canned food drive to benefit the Capuchin Soup Kitchen on May 19th from 10:00 a.m. – 3:00 p.m. On the Rise Bakers will also be there selling baked goods.

18. CITY MANAGER'S REPORT

Mr. Hughes reminded residents that with spring clean-up, paper recycling is taken at the curb or at several churches with green and yellow bins in their parking lots. The churches make money off the paper put into these bins.

In 2011, the last Council approved a recommendation from Mr. Rayes and Ms. Koto to work with DTE Energy and take traditional streets lights in the City and convert them to LED lights and because of that partnership, Detroit Engineering Society honored St. Clair Shores last week as the one municipal recipient for outstanding achievement. The City electricity expenses will go down over the next eight to ten years because of this program.

19. AUDIENCE PARTICIPATION (5 minute time limit)

Duane Michno, St. Clair Shores resident, told a story of the help Waste Management drivers had given a resident with Parkinsons disease.

Jamie Victory, St. Clair Shores resident, pointed out that everyone did an outstanding job at the Battle of the Bands. He stated that he hopes to see everyone at the Pig Roast.

Frank Maiorano, St. Clair Shores resident, talked about Swany Construction and asked if they are a lead certified contractor.

Mr. Hughes responded that the NSP Program is a federal program adopted by the City Council in 2009 which has federal and state guidelines. Every guideline for the nine NSP homes were followed and adhered to by Ms. Koto, Mr. Rayes, and himself. To the comments that a contractor who happened to be the low bidder on three of the nine homes and was awarded a contract by this body, they followed up with the federal and state forms to the letter for that contractor, Swany Construction. Part of that contract requires that they provide licensing affidavit on lead based paint. The ability to remove lead based paint from a home. Swany Construction did provide that documentation. The oversight of verifying that license and that lead based paint is not vested with the City of St. Clair Shores. It is vested with the Environmental Protection Agency (EPA) and they did in fact identify that there were paperwork flaws with Mr. Swanquist and has been fined \$3,000. The projects were verified by the federal government, there was nothing wrong with the ultimate lead based paint, and there were some paperwork flaws that were acknowledged by Swany Constructions. He subcontracted some of the work out and that is where they saw the paperwork flaws. Swany Construction has done a lot of work in the city and they believe it to be an honest oversight. His company is of integrity and Mr. Rayes and Ms. Koto is of integrity, and if anything happened, the well-meaning contractor made a mistake.

Mr. Maiorano made outbursts towards Council. Mr. Ihrie recommends that Mr. Maiorano lose his right to address Council. Mr. Ihrie will let the Mayor know for how long in the next week or so.

Bryan Mazey, Harrison Township resident, spoke about the Kiwanis Kids Day Fun at the Farm. He has been part of this event for several years. They will have therapeutic horseback riding, an inflatable village, games, hayrides and a fishing pond. It will be held at Wolcott Park on July 28th from 10 a.m. – 3 p.m. Contact Chris Constantino at 313-645-3910 or chrisconstantino2003@yahoo.com.

Don Lobsinger, St. Clair Shores resident, spoke about Communism.

Dave Rubello, St. Clair Shores resident, mentioned the 60th Memorial Day Parade to be held on Sunday, May 27th beginning at 1 p.m. They are trying to get 100 people to donate \$100.00 for the Parade Committee. The mission of the Memorial Day Parade is to honor the fallen soldiers of past wars that the United States have been involved in.

Erin Stahl, St. Clair Shores resident, spoke about the Sidewalk Program. She also showed Council her version of the City's organizational chart.

20. MAYOR'S COMMENTS

Mayor Walby stated that the Auto Zone store looks fantastic. He also stated how quickly it was put up.

He stated the 9 Mile and Harper area looks great now that it has the bricks and benches put in.

Agenda Item 20 (cont'd)

Mayor Walby asked Mr. Rayes to get the status of Butter Run and Biggby Coffee by the next meeting. Mr. Rayes indicated that Butter Run submitted for their signs today and he has been in discussion with the developer for Biggby's. He should have updates for the next meeting.

21. ADJOURNMENT

Motion by Rubino, seconded by Caron to adjourn at 10:33 p.m.

Ayes: All – 7

KIP C. WALBY, MAYOR

MARY A. KOTOWSKI, CITY CLERK

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