

**MINUTES
ST. CLAIR SHORES CITY COUNCIL STUDY SESSION
JULY 30, 2012**

Study Session 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, Rubino, Rusie, Tiseo, Vitale, and Frederick (7:08 pm)

Also Present: City Manager Hughes, City Clerk Kotowski, Directors Haney, Rayes, and City Attorney Ihrie

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

Mayor Walby called the meeting to order at 6:00 p.m. Ms. Kotowski, City Clerk, called roll with a quorum present. It was noted that Council Member Frederick had called and stated he would be late. The Pledge of Allegiance was recited.

Mayor Walby explained that this is a Study Session and decisions on agenda items are not rendered at Study Sessions. This is for discussion only.

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

Chuck Hall, resident of St. Clair Shores, spoke regarding Agenda Item #6. Mr. Hall stated there is pertinent information regarding the Solicitation Ordinance of St. Clair Shores. He added that the promise made by former Mayor Hison is finally taking place. He advised Council that they have an opportunity tonight to make changes to this ordinance because residents are tired of people knocking on their doors trying to sell them something.

3. PROPOSED CHANGES TO ORDINANCE REGARDING AUTOMOBILES PARKING ON THE CURB

Mr. Hughes, City Manager, stated we are bringing this request back for further discussion. Lt. Lambert, Police Department Traffic Lieutenant, was in attendance. Several photographs had been taken showing different parking scenarios and were shown to Council. Mr. Ihrie presented a revised ordinance which addresses whether one may park their vehicle in the street and partially on or over a curb. This ordinance was considered at the first City Council Meeting in June, but was tabled for consideration for this meeting. The ordinance, as amended, prohibits the parking of one's vehicle partially on the street and partially on or over the curb. The ordinance specifically allows parking of a vehicle on one's own driveway approach provided that the entirety of the car is fully within the driveway approach footprint. In addition, if someone wants to park their own vehicle in their own approach perpendicular to their home, they are not permitted to block the sidewalk. The vehicle cannot extend past the approach. The amendment allows one to park in the approach as long as it is not blocking the sidewalk or the street.

Council Member Rusie stated she is receiving concerns from residents who live on narrow streets, such as Alexander between the water and Jefferson. Mr. Hughes added there are several streets within the Eagle Pointe Subdivision that have the same problem. Some of them are less than 27 feet in width. Those streets could be exempted. There are approximately between 10 and 20 streets that would be affected.

Council Member Tiseo stated that Alexander is on the street list now for repaving. It should be finished within 5 years and it may be widened. Mr. Ihrie reminded Council that this language was in front of them tonight for consideration only. With regard to safety, perhaps the officer could determine if there is a safety issue. If we do allow people to put their vehicles up over the curb, there is a safety issue.

Council asked if a resident could park their car in the street and block their own approach. Lt. Lambert replied an approach cannot be blocked due to the fact that there would not be emergency vehicle access.

Council Member Vitale stated he is in favor of the exemption for the streets that are narrower than 27 feet, but feels cars should not be allowed to park in the approach.

Council Member Rubino stated the residents on his street have increased the safety in his neighborhood by blocking the approach so that children can play baseball and basketball in driveways. He feels that residents on corner lots should be allowed to park on approaches. As far as receiving calls complaining about the parking, Lt. Lambert stated the Traffic Bureau receives less than three calls a month about parking on the curb. First residents are warned and then ticketed if they don't comply.

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Council Member Rubino stated he doesn't see the problem with the present ordinance. He doesn't support the amendment, and stated that the Police Department needs to worry about the serious offenses in the City, not the parking.

Council Member Caron agrees with Council Member Rubino. Some people park on the curb because their mirrors are larger and they don't want to get hit. The Police Department has better things to enforce.

Council Member Tiseo stated the curbs are breaking on the inside by the grass where cars and trucks are parked on the curbs. He feels a driver cannot see easily when backing out to the street if cars are parked on the approach.

Council Member Vitale stated that as cars parking on the curbs become more prevalent, curbs will start breaking down. This should not be allowed to go City-wide. We are reviewing this because residents are tired of seeing cars parked on the curb. Telling residents they can't park in their approach will be more difficult to pass. He feels that something should be done now, and feels it is wrong to penalize people who play by the book and get permits, but don't ticketed when they do something wrong.

Mr. Ihrie stated that parking in the approach and parking on the curb can be broken up in to two different sections and doesn't have to be in one ordinance.

Council Member Rubino stated he doesn't see parking on the curb as a problem, and would like to see the data that shows an increase in this. This has never been an issue before and he doesn't see it as one now.

Council Member Vitale stated there has never been data collected, and there is no theory to back this up.

Mayor Walby stated that after much discussion there is not a consensus on this issue; therefore, this ordinance stands the way it is, and there will be no changes.

4. RENTAL REGISTRY PROGRAM (PROPOSED MODIFICATIONS TO OUR CURRENT ORDINANCE)

Ben Hughes, City Manager, asked if we are protecting renters and landlords, and is it adequate for the City to do inspections every three years. Mr. Hughes asked if there is a mechanism that could identify those problematic properties, and put them into a category that would have them inspected more frequently.

Mr. Hughes advised that the City has a new firm that will be conducting rental inspections this week. They will enforce any changes that will be made to the current ordinance.

Mr. Rayes, Community Services Director, explained that Mayor and Council requested that the existing Rental Ordinance be evaluated and possibly revised to require inspections of rental properties every two years instead of every three years. Research was conducted by the Community Development Department that resulted in utilizing a recommendation from SEMCOG that outlined six ordinances within Michigan that are considered model ordinances for rental programs. Staff reviewed these ordinances and found that the recommended ordinances provide essentially the same information, enforcement, and requirements as the City's existing ordinance.

Mr. Rayes stated the new rental inspector will begin on August 9. Points are based on a combination of both inside and outside. The City wants to reward the good property owner. There has not been any data collected to show good landlords, medium landlords or bad landlords. Mr. Rayes feels the system we have now is running the best it ever has in the 16 years he has been with the City. Some tweaks have been made to the program consistent with the neighborhood. Council asked what the City charges for an inspection. Mr. Rayes replied that for a single family home that is a rental, the inspection fee is \$150.00. Mr. Hughes added that if inspections were shortened to two years, the fee would stay the same.

Council Member Tiseo stated he thought the fee was \$25 per inspection. He asked Mr. Rayes how many rentals were in the City. Mr. Rayes replied about 3,000 single family rental units plus apartments.

Council Member Tiseo stated he checked other cities sites and found that some of them use prescreening for sex offenders with regard to schools or parks. Mr. Rayes replied that the State already restricts sex offenders in that regard.

Council Member Vitale stated the City needs to get more homes into the rental registry program. He added that there are many that are underground and hidden from the City finding them. He stated he would like to dedicate a certain amount of time to have someone call these homes that you can find on Craig's List to see if you can find out what the

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address is, and then we could tell if they are registered. The tighter you make the laws, from three to two years, the more that people will hide and not report their rentals. He would like to get more people into the rental registry program.

Council Member Rubino stated he is in favor of the point system. If you fail your inspection, then you will be inspected in one year. If you pass, then you won't be inspected for three years. If you fail, the rental will be inspected in one year. If you are a good landlord, then the rental will be inspected every three years. This way the good are rewarded, and the bad are punished. Council Member Rubino asked if the City has a penalty for not registering. Mr. Rayes stated it is not about the revenue, but the owner can receive a ticket for up to \$500 fine and/or 90 days in jail for not registering.

Council Member Rubino stated that with a weak rental community, we are setting ourselves up for failure.

Mr. Rayes stated he is not supportive of the one year inspection. He would recommend no less than two years, but not more than three years. Good property owners could go to a four year cycle. The tenant is usually the victim, and the landlord is the problem.

Council Member Rusie requested to see a draft of the point system.

Council Member Caron stated the current ordinance states the landlord has 90 days to fix deficiencies. Mr. Caron feels this is too long of a time. Mr. Rayes responded he feels 45 days would be good. Mayor Walby asked Mr. Rayes to review the length of time it normally takes to fix deficiencies. Mr. Rayes stated they are able to chase some of these homes down, but the point system could be difficult.

Mayor Walby stated the City will go from every three years to every two years with the point system. If the inspections are good, they will be left at three years. The combined point system will be used for both inside and outside.

Mayor Walby stated a point list is needed to be put together by October 1 for review. Mr. Hughes added that he will try to have it finished by the end of September to come before Council by October 1.

Council Member Frederick arrived at 7:08 p.m.

5. NATIONAL LEAGUE OF CITIES RESIDENTIAL SEWER LINE INSURANCE PROGRAM (PREVIOUSLY DISCUSSED AT FEBRUARY STUDY SESSION AT GOLF COURSE)

Mr. Haney, Finance Director, explained the he has researched the National League of Cities "NLC" service line warranty program. The program provides insurance against failure for water and sewer lines that are on private property outside homes. In order to make this program available to the residents, the City would have to rejoin National League of Cities. The cost to rejoin is \$3,797 for one year, and approximately \$4,500 for year two and beyond.

Mike Chambers, Utilities Service Partners, stated that the City does not have to rejoin the National League of Cities to belong to this program. The coverage is the same. In addition, to help increase the participation, Utility Service Partners sends all correspondence using City letterhead. Compensation for use of the City's letterhead comes in the form of a 10% royalty included in the monthly charge to our residents. We can elect to forego the royalty and have the savings passed on in lower charges.

Mr. Hughes explained that basically this is an insurance program for the sewer line that runs from the resident's home to the street that they are responsible to repair if there is any damage. With this program, if the homeowner joins for a fee of \$4 to \$6 a month, there is no other cost to them if their sewer line needs to be repaired.

Mr. Chambers stated that his company only uses plumbers from cities that participate. At this time there are over 150 cities participating in this program, and they have already paid about \$45,000 in claims so far this year.

Mayor Walby stated if this goes out on City letterhead, and they want to charge residents less, that is fine, but he is not interested in the royalty.

Mr. Chambers stated that he will work with the Department of Public Works to locate plumbers in the City.

The Mr. Ihrie told Mr. Chambers that he doesn't need the City's permission to do this. Mr. Chambers replied that the

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10% is not negotiable, and they will mail out letters twice a year.

Council Member Rusie asked Mr. Chambers how long his company has been doing this program. Mr. Chambers replied since 1996. Ms. Rusie asked if he had received any complaints from people who joined the program. Mr. Chambers replied that once a city has joined, they have never left the program. Also, the City can cancel the contract at any time.

Council Member Vitale suggested Mr. Hughes contact a couple of the cities who have signed up for this and see how they like the program.

Mr. Hughes stated he thinks there is value in this program, but has significant concerns about putting this on City letterhead that could be interpreted as endorsement. He added that we have always carefully guarded the use of our letterhead. He stated he would not be comfortable signing this letter, nor would he recommend that the Mayor sign it.

Council Members Rubino and Vitale would like to move forward with this and investigate. Council Member Frederick requested to see a copy of the letter that would be sent to residents.

Mayor and Council stated that the program would be only for sewer repair, not water. Mayor Walby stated this will come before Council as an agenda item before it is approved. Mr. Hughes added that he would like to put it on the agenda for the August 20, 2012 meeting.

6. PROPOSED CHANGES TO SOLICITATION ORDINANCE

Mr. Ihrie presented a modified redraft of the proposed Peddlers and Solicitors Ordinance that was reviewed at the March 29, 2012 City Council Meeting. A few minor changes have been made at the suggestion of Council Members at that meeting. The ordinance requires a permit for both soliciting and peddling.

The Mr. Ihrie stated the new language tightens up the ordinance. He added that ordinances are involved with freedom of speech, and are stronger in the prohibition of certain things.

Mr. Ihrie stated that to prohibit peddling and soliciting draws a line in the winter. Is safety a legitimate complaint? If the language stayed from 9:00 a.m. to 30 minutes after sunset or 8:00 p.m., whichever is earlier, is it attackable or challengeable if the time is kept to stop at dark? The ordinance calls for a 'no solicitation' list, and those people who solicit will be given a copy of the list.

Council Member Caron questioned why the distribution of handbills is different than soliciting. The City Attorney advised that handbills are different because there is no contact with the resident. There is a separate ordinance for handbills.

Council Member Rusie referenced page 2, item 5(c) regarding "any solicitation pursuant to a political candidacy or ballot issue qualified pursuant to "The Michigan election Law" or "The School Code of 1976" as they are amended from time to time", noting that this is an exception to the permit requirement.

Council Member Rusie also referenced page 3, item 7(a), 'Loud noises, speaking devices, lights', and asked if that included ice cream trucks. The Mr. Ihrie replied he does not want to prohibit ice cream trucks. There is an equal protection problem. Council Member Rusie asked the Mr. Ihrie to amend the ordinance to somehow allow nursery rhymes or something of the sort, so children could still have their ice cream trucks.

Council Member Vitale suggested striking that portion of the ordinance. The Mr. Ihrie replied that he would have to think about working out a procedure with the court.

Council Member Tiseo asked if the City would charge solicitors and or peddlers for a no solicitation list. He also asked if solicitors/peddlers could wear a badge of some sort. Mr. Tiseo inquired about trespassing laws. Mr. Ihrie replied that if someone walks on their property and the resident has a no solicitation sign, the solicitor has an obligation to leave. That would not be trespassing. If they don't leave, that's trespassing.

Council Member Frederick stated he agrees with Council Member Tiseo in that solicitors need to have a St. Clair Shores identification on them somewhere with their name and the name of their company.

Council Member Vitale agrees with Council Member Tiseo's suggestion of a badge, and suggested that the list could be kept digitally.

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Council Member Rusie suggested making the 'no solicitation' stickers larger. Mayor Walby suggested making them available in more areas of the City.

Council Member Rusie stated the benefit of the 'no solicitation' sticker is that it gives Council an idea of who is in violation.

Council Member Vitale stated he doesn't want a larger 'no solicitation' sticker. He also likes the 'no solicitation' list to keep record. The list has been challenged in the past.

Council Member Frederick stated he is not sure about the list and questioned how in-depth is the City going to get in keeping the list up to date.

Mayor Walby stated this item will be on the August 20, 2012 agenda and asked Council to think about and see if they can come up with additional ideas.

Council Member Frederick suggested checking into what the cost would be to send out a 'no solicitation' sticker with the water bills.

Council would like additional information from other cities on how they deal with this.

7. AUDIENCE PARTICIPATION

Chuck Hall, resident of St. Clair Shores, Item #3, realized there are 2 issues when it comes to writing an ordinance using the street for purpose of parking a vehicle, or using the approach to park a vehicle. He feels he should be able to use his approach as he maintains it.

James Kelly, resident of St. Clair Shores, spoke regarding the solicitation issue. He asked where the 'no trespassing' does sign come in. He stated that politicians and religious groups are exempt. Mr. Ihrle replied that trespassing is an offense when someone is not permitted to enter your property.

Mr. Kelly stated that the response time needs to be increased by the Police Department when a resident calls regarding trespassing.

Council Member Frederick suggested adding solicitation language to the signs as you enter the City.

8. ADJOURNMENT

Motion by Frederick, seconded by Rubino to adjourn the meeting at 8:19 p.m.

Ayes: All - 7

KIP C. WALBY, MAYOR

MARY A. KOTOWSKI, CITY CLERK

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