

**MINUTES
CITY COUNCIL MEETING
CITY OF ST. CLAIR SHORES
27600 JEFFERSON CIRCLE DRIVE
ST. CLAIR SHORES, MI 48081**

Monday, May 4, 2009

PRESENT:

Mayor
Council Members

Robert A. Hison
Matthew S. Ahearn
Ronald J. Frederick
Beverly McFadyen
David J. Rubello
Kip C. Walby

ABSENT & EXCUSED:

Mark J. Moffitt

ALSO PRESENT:

City Manager
City Clerk
City Attorney
Finance Director/Treasurer
City Planner
Communications Director
Recording Secretary

Kenneth R. Podolski
Mary Kotowski
Robert D. Ihrle
Tim Haney
Liz Koto
Mary Jane D'Herde
Carole Ciamillo

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

Mayor Hison called the meeting to order at 7:00 p.m.

Ms. Kotowski, City Clerk, called the roll. Councilmember Moffitt was excused from the meeting due to a family death. A quorum was present and the Pledge of Allegiance was led by the Eagle Scouts.

Motion by McFadyen, seconded by Rubello to excuse Councilmember Moffitt from the meeting.

Ayes: All (6)
Absent: Moffitt

Mayor Hison announced that Item 4 a. and 4 b., Request for Planning Commission Cases: PC 09-03 and 09-03A, petitioner Richard Parenteau, located at 24030 Jefferson, Harbor 9 Marina, was denied by the Planning Commission and removed from the agenda.

2. PROCLAMATIONS & PRESENTATIONS

a. Ryan Black Eagle Scout

Mayor Hison presented Ryan Black with a proclamation congratulating him for achieving the rank of Eagle Scout and recognized his accomplishments. Ryan earned his Eagle Scout rank with Troop 1489 by his accomplishments and example to others.

Mayor Hison invited the other Boy Scout troops in the audience to come up to the podium. Ryan's troop, Troop 1489, and Troop 1982, Tiger and Bear Cubs, were present.

b. Lac Ste Clair Kiwanis Presentation to Parks & Recreation for Disc Golf

Mr. Brian Mazey, Lac St. Clair Kiwanis, stated they had raised money on two weekends totaling \$3,000 to fund the start up of Disc Golf and presented a check in that amount to Greg Esler, Director of Parks and Recreation, to go towards the funding of the new sport called Disc Golf. Rick and Nancy Rich, 22305 Nancy Court, explained the game of Disc Golf, stating that is comparable the game of Frisbee. At this time, additional funding is still needed, and they would like to solicit businesses to sponsor holes. Five businesses have signed up to sponsor a hole at the cost of \$300 per hole and there are 9 holes total. The Disc Golf will be played in Brys Park, and it is anticipated everything will be set and ready to open by next spring.

3. **AUDIENCE PARTICIPATION ON AGENDA ITEMS (2 MINUTE TIME LIMIT) - NONE**
4. **REQUEST FOR PLANNING COMMISSION CASES: PC 09 03 AND 09 03A, PETITIONER RICHARD PARENTEAU, LOCATED AT 24030 JEFFERSON, HARBOR 9 MARINA**
 - a. **PC 09 03A: Land Use Request within Central Lakefront District – To Allow a Wholesale Auto License with Possible Vehicle Storage and Display, Dick’s Auto Sales**
 - b. **PC 09 03B: Request for Site Plan Approval within Central Lakefront District – To Allow a Wholesale Auto License with Possible Vehicle Storage and Display, Dick’s Auto Sales**

These items were removed from the agenda.

5. **REQUEST FROM THE WATERFRONT ENVIRONMENTAL COMMITTEE TO HOLD THE 14TH ANNUAL NAUTICAL COAST CLEANUP ON MAY 17, 2009 FROM 8:00 A.M. UNTIL 2:00 P.M.**

Mr. John Chastain and Mr. Peter McKinnis, Waterfront Environmental Committee, requested permission to hold the 14th Annual Nautical Coast Cleanup on May 17 from 8:00 a.m. to 2:00 p.m. Mr. Chastain explained that approximately 150 volunteers will clean Veteran’s Memorial Beach, Blossom Heath Beach, Champine Park and the Chapoton Retention Basin Shoreline. Everyone will meet at the Jefferson Beach Yacht Club. They are asking for volunteers to assist with the cleanup.

Motion by McFadyen, seconded by Frederick to approve the request from the St. Clair Shores Waterfront Environmental Committee to hold the 14th Annual Nautical Coast Cleanup on May 17, 2009, from 8:00 a.m. to 2:00 p.m.

Ayes: All (6)
Absent: Moffitt

6. **REQUEST FROM VFW BRUCE POST 1146 TO SOLICIT AT CITY INTERSECTIONS FOR NATIONAL POPPY DAY, MAY 7 – 9, 2009**

Mr. Ben Gaglio, VFW Bruce Post, was requesting permission to solicit on May 7 – 9, 2009 at the Post Office, Village Market, Joseph’s Party Store, Manzella’s Fruit Market, and Kroger’s Food Store for National Poppy Day. The poppy is a symbol of disabled veterans. He explained that they are not standing on street corners because it has become dangerous with the traffic. They have obtained permission from the stores they are soliciting at.

Motion by Walby, seconded by Frederick to approve the request from VFW Bruce Post #1146 to solicit for National Poppy Day, May 7 – 9, 2009. (Informational approval only as they are soliciting on private property this year for the first time)

Ayes: All (6)
Absent: Moffitt

7. **REQUEST FOR PC CASE 09-05 FOR PROPOSED CITY OF ST. CLAIR SHORES ZONING ORDINANCE – GENERAL PROVISIONS, SECTION 15.503, PLANT MATERIAL ON CITY PROPERTY AND RIGHT OF WAYS**

Ms. Koto, City Planner, explained that due to the devastating effects of the Emerald Ash Borer, City staff has undertaken the task of revising the portion of the zoning ordinance that indicates which tree species are allowed and which are prohibited. She stated that the existing ordinance currently allows for species that have become diseased or were diseased in the past. She added that this ordinance will be changing every few years because there is always some kind of bug, or other element, that will cause a particular species of tree to become diseased.

Ms. Koto stated that the City will remove the diseased trees if they are on City property or in the right-of-way. If a diseased tree is on a resident’s property, the homeowner is responsible for the removal of it.

Ms. Koto stated that Community Development has a regularly evolving and updated tree list. The list will be updated periodically and trees will be put on the list on a rotating basis. This will encourage diversity and allow flexibility in species choices.

Council Member Frederick noted that the trees at Pool Town need trimming.

7. REQUEST FOR PC CASE 09-05 FOR PROPOSED CITY OF ST. CLAIR SHORES ZONING ORDINANCE (Cont'd)

Ms. Koto stated that the City information will be available at the Community Development Department; it will also be posted on the City website.

Motion by Walby, seconded by Ahearn to approve the request for proposed City of St. Clair Shores Zoning Ordinance Change – General Provisions, Section 15.503, Plant Material on City Property and Right of Ways.

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

**Chapter 15-Zoning Ordinance
ARTICLE XIX GENERAL PROVISIONS
15.503 Plant material**

Sec. 35.76 Whenever in this Ordinance a greenbelt or planting is required, it shall be planted within six (6) months from the date of issuance of a certificate of occupancy and shall thereafter be reasonably maintained with permanent plant materials to provide a screen to abutting properties. Suitable materials equal in characteristics to the plant materials listed with the spacing as required shall be provided.

(1) PLANT MATERIAL SPACING:

- (a) Plant materials shall not be placed closer than four (4) feet from the fence line or property line
- (b) Where plant materials are planted in two or more rows, plantings shall be staggered in row.
- (c) Evergreen trees shall be planted not more than thirty (30) feet on centers.
- (d) Narrow evergreens shall be planted not more than three (3) feet on centers.
- (e) Deciduous trees shall be planted not more than thirty (30) feet on centers.
- (f) Tree-like shrubs shall be planted not more than ten (10) feet on centers.
- (g) Large deciduous shrubs shall be planted not more than four (4) feet on centers.

(2) ~~SUGGESTED PLANT MATERIAL: MINIMUM SIZE~~

- (a) ~~Evergreen Trees Five (5) feet in height~~
 - 1. ~~Juniper~~
 - 2. ~~Hemlock~~
 - 3. ~~Fir~~
 - 4. ~~Pine~~
 - 5. ~~Spruce~~
 - 6. ~~Douglas Fir~~
- (b) ~~Narrow Evergreens Three (3) feet in height~~
 - 1. ~~Column Honoki Cypress~~
 - 2. ~~Blue Columnar Chinese Juniper~~
 - 3. ~~Pyramidal Red-Cedar~~
 - 4. ~~Swiss Stone Pine~~
 - 5. ~~Pyramidal White Pine~~
 - 6. ~~Irish Yew~~
 - 7. ~~Douglas Arbor Vitae~~
 - 8. ~~Columnar Giant Arbor Vitae~~
- (c) ~~Tree-Like Shrubs Four (4) feet in height~~
 - 1. ~~Flowering Crab~~
 - 2. ~~Dogwood~~
 - 3. ~~Redbud~~
 - 4. ~~Rose of Sharon~~
 - 5. ~~Hornbeam~~
 - 6. ~~Hawthorn~~
 - 7. ~~Magnolia~~
 - 8. ~~Winged Euonymus~~
 - 9. ~~Amur Maple~~
- (d) ~~Large Deciduous Shrubs Six (6) feet in height~~
 - 1. ~~Honeysuckle~~
 - 2. ~~Viburnum~~
 - 3. ~~Meck-Orange~~
 - 4. ~~Forsythia~~
 - 5. ~~Lilae~~
 - 6. ~~Ninebark~~
 - 7. ~~Cotoneaster~~
 - 8. ~~Hazelnut~~

7. REQUEST FOR PC CASE 09-05 FOR PROPOSED CITY OF ST. CLAIR SHORES ZONING ORDINANCE
(Cont'd)

- 9. ~~Euonymus~~
- 10. ~~Privet~~
- 11. ~~Buckthorn~~
- 12. ~~Red Osier Dogwood~~
- (e) ~~Large Deciduous Trees~~ ~~Eight (8) feet in height~~
 - 1. ~~Oak~~
 - 2. ~~Hard Maple~~
 - 3. ~~Hackberry~~
 - 4. ~~Planetree (Sycamore)~~
 - 5. ~~Birch~~
 - 6. ~~Beech~~
 - 7. ~~Ginkgo (male only)~~
 - 8. ~~Honeylocust~~
 - 9. ~~Sweet Gum~~
 - 10. ~~Hop Hornbeam~~
 - 11. ~~Linden~~
 - 12. ~~Tulip Tree~~
 - 13. ~~Bradford Pears~~
 - 14. ~~Ash (green or white)~~
- (3) ~~TREES NOT PERMITTED:~~
 - (a) ~~Box Elder~~
 - (b) ~~Silver Maple (Silver)~~
 - (c) ~~Elm~~
 - (d) ~~Poplar~~
 - (e) ~~Willow~~
 - (f) ~~Horse Chestnut (nut bearing)~~
 - (g) ~~Tree of Heaven~~
 - (h) ~~Catalpa~~

(chap. 35 eff. March 7, 1986; amended by ord. eff. Aug. 20, 1996)

Shall be amended to read as follows:

15.503 Plant Material on City Property and Right of Ways

Sec. 35.76 Whenever in this Ordinance a greenbelt or planting is required; it shall be planted within six (6) months from the date of issuance of a certificate of occupancy and shall thereafter be reasonably maintained with permanent plant materials to provide a screen to abutting properties.

- (1) **PLANT MATERIAL SPACING:**
 - (a) Plant materials shall not be placed closer than four (4) feet from the fence line or property line
 - (b) Where plant materials are planted in two or more rows, plantings shall be staggered in row.
 - (c) Evergreen trees shall be planted not more than thirty (30) feet on centers.
 - (d) Narrow evergreens shall be planted not more than three (3) feet on centers.
 - (e) Deciduous trees shall be planted not more than thirty (30) feet on centers.
 - (f) Tree-like shrubs shall be planted not more than ten (10) feet on centers.
 - (g) Large deciduous shrubs shall be planted not more than four (4) feet on centers.

(chap. 35 eff. March 7, 1986; amended by ord. eff. Aug. 20, 1996, amend. eff. May 20, 2009)

(2) **ALLOWABLE SPECIES:**

- (a) **The Community Development Department maintains a list of allowable species for planting on city property and within right-of-ways. The Community Development Department shall be consulted and must approve all plantings.**

(chap. 35 eff. March 7, 1986; amended by ord. eff. Aug. 20, 1996, amend. eff. May 20, 2009)

(3) **PROHIBITED SPECIES:**

- (a) **Trees Not Permitted Include but are not necessarily limited to Box Elder, Silver Maple, Cottonwood, Willow, Tree of Heaven, Catalpa, and Ash. Other species may not be permitted based on disease, heartiness, and diversity of species. The Community Development Department shall be consulted and must approve all plantings.**

(chap. 35 eff. March 7, 1986; amended by ord. eff. Aug. 20, 1996, amend. eff. May 20, 2009)

7. REQUEST FOR PC CASE 09-05 FOR PROPOSED CITY OF ST. CLAIR SHORES ZONING ORDINANCE (Cont'd)

Any ordinance or parts of any ordinance in conflict with any provisions of this ordinance are hereby repealed.

STATE OF MICHIGAN)
COUNTY OF MACOMB)

We hereby certify that the foregoing ordinance is a true copy of an ordinance as enacted by City Council on the 20th day of May 2009 and that the necessary Charter provisions have been observed.

Robert A. Hison, Mayor

Mary A. Kotowski, CMC, City Clerk

These Ordinances 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.

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 May 13, 2009 and by posting true copies of the same in each of the following places: Police Station, 27665 Jefferson Avenue, Fire Hall, 26700 Harper Avenue, and City Hall, 27600 Jefferson Circle Drive on the 13th day of May 2009 and shall become **effective on May 20, 2009**.

Mary A. Kotowski, CMC, City Clerk

Ayes: All (6)
Absent: Moffitt

8. BIDS/CONTRACTS/PURCHASE ORDERS

There were none.

9. CONSENT AGENDA

Motion by Walby, seconded by Ahearn to approve the Consent Agenda items as presented.

a. Bills

March 24, 2009 \$1,688,861.74

To approve the release of checks in the amount of \$1,688,861.74, of the report that is 19 pages in length and of the grand total amount, \$0 went to other taxing authorities.

b. Fees - None

c. Progress Payments

PMB Excavating	\$4,317.75
Lacarai Concrete Construction	\$23,516.40
Maryland Electric Company, Inc.	\$4,861.40

To approve the above progress payments, subject to audit.

d. Approval of Minutes

To approve the following minutes:

9. **CONSENT AGENDA (Cont'd)**

<u>Minutes</u>	<u>Meeting Date</u>
City Council	April 20, 2009
City Council Budget Study	April 22, 2009
City Council Budget Study	April 23, 2009

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

To receive and file the following minutes:

<u>Minutes</u>	<u>Meeting Date</u>
Activities Committee	April 1, 2009
Activities Committee	April 16, 2009
General Employees Pension Board	March 17, 2009
Tax Increment Finance Authority	February 19, 2009
Council Sub-Committee	March 24, 2009
General Employee Retiree Health Care Board	January 20, 2009
Library Board	March 18, 2009
Sign Arbitration Committee	March 26, 2009

f. **Request Approval to Publish the Notice of Public Hearing on the Proposed Budget and Millage Rates**

Tim Haney, Finance Director, explained it is State law that a notice of Public Hearing on the budget be published a minimum of six days prior to the meeting. The notice establishes the maximum tax rate and in no way limits Council from establishing a tax rate below that.

g. **Recommendations from the Mayor and Council Sub-Committee on Boards, Commissions & Committees for Appointments to Cool Cities (4 seats and 2 alternates), Cultural Committee Alternate, Waterfront Environmental Committee (1 vacant seat)**

Mayor and Council have reviewed the recommendation from the Sub-Committee on Boards, Commissions and Committees, and after careful consideration, appoint:

Heidi Hall McInnes to the Waterfront Environmental Committee, term ending September 30, 2011;
David Baker to the Cultural Committee as an alternate, term ending May 4, 2011;
Margaret Armstrong to the Cool Cities Committee, term ending September 30, 2010;
Maria Martinez to the Cool Cities Committee, term ending September 30, 2011;
Taylor VonAllmen to the Cool Cities Committee, term ending September 30, 2012;
Kathleen Zenisek to the Cool Cities Committee, term ending September 30, 2012;
Robert Calleja to the Cool Cities Committee as an alternate, term ending May 4, 2011; and
Goran Mistic to the Cool Cities Committee as an alternate, term ending May 4, 2011.

Cool Cities terms will stagger into the existing 3-year appointments.

Ayes: All (6)
Absent: Moffitt

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

PCB's – Mr. Podolski stated they are still waiting for more information from the DEQ.

PEG Access – Mrs. D'Herde stated they are still in discussions and no decision has been made as of yet.

H1N1 Flu - Mayor Hison stated there is great concern regarding the Swine Flu, H1N1. He has received numerous communications regarding this concern. He advised residents to watch St. Clair Shores Local Matters for information on this topic. In addition, the Fire Chief has information from the Center for Disease Control and City Hall has pamphlets on this topic. Residents can also contact the Macomb County Health Department for information.

11. COMMENTS BY INDIVIDUAL COUNCILPERSONS

Councilmember Ahearn wished all mothers a Happy Mothers Day.

Councilmember McFadyen Announced Bruce Post on 11 Mile and Jefferson will have a Pancake Breakfast between 9:00 a.m. and 1:00 p.m. on Mothers Day and again for Fathers Day.

Councilmember Rubello stated that students from Greenwood Elementary invited City Council to their school for Arbor Day. On May 31, the City will have their 2nd annual Real Estate Community Open House.

Councilmember Rubello stated that with the speed limit increase on Harper and the new traffic signals, it seems that the amber light quickly turns to red and advised drivers to be aware. The City Manager replied that the Traffic Safety Engineers from the County say the lights are timed appropriately, but he will have them checked.

Councilmember Frederick sent condolences to Councilmember Mark Moffitt and his family. Councilmember Frederick stated that Lorie Walsh, dog park member, has been diagnosed with leukemia. They have set up a website for donations. If you are interested, you can email Councilmember Frederick at rfrederick@scsmi.net and he will send you the link to the website.

Councilmember Walby would like the City Manager to explain the current bid for weeds, snow and rodent services.

Mr. Podolski stated that these items were packaged into one bid just like the landscaping items approved by City Council previously this year. Staff mailed out the bid specs to 36 vendors, and it is on the website. He also noted that vendors wanting to be on the bid notification list can sign up on the website.

Mayor Hison stated the St. Clair Shores Moose Lodge is sponsoring a blood drive on May 17 between 11:00 a.m. and 5:00 p.m. He advised that this is the lowest point of having blood supplies available and encouraged everyone who could to give blood.

12. CITY MANAGER'S REPORT

There was no City Manager's Report.

13. AUDIENCE PARTICIPATION

Jack Doerr, 22407 Bayview, suggested the City have an annual city-wide garage sale and waive permits.

James R. Reid, 20013 Mauer, commented on traffic signals changing from yellow to red.

Chris Vitale, 28701 Grant, stated he is not satisfied about the City landscaping contract. He said it is disturbing and thinks the contract was reverse engineered. He would like the bids separated by a motion at the next meeting.

Rick Swanquist, 21815 BonBrae, thanked the Kiwanis for the check for disc golf. He stated that the organization called STRAW (Shores Taxpayers and Residents Against Waste) is worth looking into. They are having a meeting at the Chamber of Commerce soon.

John Jonassen, 22448 Beach, President of the St. Clair Shores Baseball and Softball Association invited everyone to opening day ceremonies May 17 at Kyte Monroe.

Dan Swicher, 26219 Harmon, stated last August he placed a call to 911 for his ill wife. He stated that it was due to the efforts of the paramedics and police officers that his wife lived. He was very grateful and thanked them. Mr. Swicher encouraged people to go to the Relay for Life.

Robert Holesak, 23814 Elmira, stated the house at 23816 caught on fire a year ago. Nothing has been done with the house since the fire. There are sign posted saying the house is uninhabitable, and it is filled with mold and standing water. Mr. Podolski stated they would research this tomorrow and contact him.

14. ADJOURNMENT

Motion by McFadyen, seconded by Walby to adjourn the meeting at 8:29 p.m.

Ayes: All (6)
Absent: Moffitt

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

ROBERT A HISON, MAYOR

MARY A. KOTOWSKI, CITY CLERK