

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

Monday, November 2, 2009

PRESENT:

Mayor
Council Members

Robert A. Hison
Matthew S. Ahearn
Ronald J. Frederick
Mark J. Moffitt
David J. Rubello
Kip C. Walby

ABSENT & EXCUSED:

Council Member

Beverly A. McFadyen

ALSO PRESENT:

City Manager
City Clerk
City Attorney
Finance Director
Recording Secretary

Kenneth R. Podolski
Mary A. Kotowski
Robert D. Ihrie
Timothy P. Haney
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 role. Council Member Beverly McFadyen had requested to be excused from the meeting.

Motion by Ahearn, seconded by Walby to excuse Council Member McFadyen from the meeting.

Ayes: All – 6

A quorum was present. The Pledge of Allegiance was recited by those in attendance.

Mayor Hison stated that Agenda Item 4, Request for Planning Commission Cases: PC 09-12 and 09-12A at 24317 Jefferson to allow interior and exterior renovations and outdoor seating for Steve's Grab and Go, and Agenda Item 5, Request for a new Class C Liquor License with Sunday sales for 24317 Jefferson, petitioner G&R Restaurant Services, LLC, have been rescheduled to the November 16, 2009 City Council Meeting at the petitioner's request.

2. PROCLAMATIONS & PRESENTATIONS

a. Pancreatic Cancer Awareness Month Proclamation

Mayor Hison presented Kandi Wood a proclamation declaring November 2009 as "Pancreatic Cancer Awareness Month". He stated the Pancreatic Cancer Action Network is the first and only national patient advocacy organization that serves the pancreatic cancer community in Michigan and nationwide by focusing its efforts on public policy, research funding, patient services, and public awareness and education related to developing effective treatments and a cure for pancreatic cancer.

b. Miller Marina 75th Anniversary

Mayor Hison extended congratulations to Chip Miller of Miller Marina on the occasion of celebrating 75 years of business and serving the City well as a thriving part of the business community. Mayor Hison praised the Miller family and extended best wishes on their anniversary and wished them many more years of continued success.

Mr. Miller thanked Mayor Hison and gave a brief background of the beginning of Miller Marina. He added they are looking toward the future.

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

There was none.

4. **REQUEST FOR PLANNING COMMISSION CASES: PC 09-12 AND 09-12A AT 24317 JEFFERSON TO ALLOW INTERIOR AND EXTERIOR RENOVATIONS AND OUTDOOR SEATING FOR STEVE'S GRAB AND GO**

a. **Request for Special Land Use PC 09-12 in the Central Lakefront District**

This item was rescheduled to 11/16/09 at the petitioner's request.

b. **Request for Site Plan Approval PC 09-12A**

This item was rescheduled to 11/16/09 at the petitioner's request.

5. **REQUEST FOR A NEW CLASS C LIQUOR LICENSE WITH SUNDAY SALES FOR 24317 JEFFERSON, PETITIONER G & R RESTAURANT SERVICES, LLC**

This item was rescheduled to 11/16/09 at the petitioner's request.

6. **BIDS/CONTRACTS/PURCHASE ORDERS – NONE**

7. **CONSENT AGENDA**

Motion by Ahearn, seconded by Walby to approve the Consent Agenda items as presented, which include the following:

a. Bills

October 23, 2009 \$2,221,725.44

To approve and release of checks in the amount of \$2,221,725.44, of the report that is 23 pages in length and of the grand total amount \$2,221,725.44, \$0 went to other taxing authorities.

b. Fees – None

c. Progress Payments

TR Pieprzak	\$ 1,000.00
RS Contracting, Inc.	\$16,542.42
Doetsch Environmental Services	\$50,007.20

To approve the above progress payments, subject to audit.

d. Approval of Minutes

To approve the following minutes:

City Council October 19, 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	March 19, 2009
Activities Committee	September 23, 2009
Computer Committee	February 10, 2009
Cool Cities Committee	March 11, 2009
Fence Arbitration Committee	March 18, 2009
General Employee Retiree Health Care Board	July 21, 2009

7. **CONSENT AGENDA cont'd.**

Historical Commission	September 1, 2009
Library Board	September 17, 2009
Mayor's Advisory Panel	October 1, 2009
Older Persons Advisory Committee	March 19, 2009
Older Persons Advisory Committee	April 16, 2009
Older Persons Advisory Committee	May 21, 2009
Parks and Recreation Commission	August 13, 2009
Parks and Recreation Commission	September 10, 2009
Planning Commission	September 22, 2009
Police & Fire Civil Service Commission	November 25, 2008
Waterfront Environmental Committee	September 15, 2009
Corridor Improvement Authority	March 4, 2009
Corridor Improvement Authority	April 1, 2009
Corridor Improvement Authority	May 6, 2009
Corridor Improvement Authority	July 8, 2009
General Employee's Pension Board	September 22, 2009
Planning Commission	June 23, 2009
Sub-Committee	September 22, 2009
Water Resources & Advisory Board	August 4, 2009

f. To approve Council Meeting Schedule for the year 2010 as follows:

January 4	July 6 (Tues)
January 18	July 19
February 1	August 2
February 16 (Tues)	August 16
March 1	September 7 (Tues)
March 15	September 20
April 5	October 4
April 19	October 18
May 3	November 1
May 17	November 15
June 7	December 6
June 21	December 20

g. To approve the recommendations from the Council Sub-Committee on Boards, Commissions & Committees on appointments as follow:

1. Accept with regret the resignations of John G. Chastain (Waterfront Environmental Committee), James Paulun (Election Commission), and Kathleen McLaughlin (Beautification Commission).
2. Recommendation from the Sub-Committee on Boards and Commissions to appoint:

<u>Name</u>	<u>Commission</u>	<u>Term Ending Date</u>
Lee Bertolo	Cool Cities to Alternate	November 2, 2011
Goran Mistic	Cool Cities to Full Member	September 30, 2012
Robert Calleja	Cool Cities to Full Member	September 30, 2010
Darlene Chiappetta	Cultural Committee	June 1, 2010
Larry Zelensky	Cultural Committee Alternate	November 2, 2011
Shawn Nicholson	Parks & Recreation Commission	December 31, 2012
Stephen Kiluk	Waterfront Environmental Committee	September 30, 2012

h. To receive and deny the claims of Dawn Riley v St. Clair Shores and refer to legal counsel.

Ayes: All – 6
Absent: McFadyen

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

- **10 Mile Construction** – Mr. Podolski stated the road is ready for final asphalt which should be put in place sometime this week, weather permitting.

8. UPDATES AND FOLLOW-UPS FROM COUNCIL MEETING

- **Harper Pocket Parks** – The contractor has begun work on the parks. The grass has been removed, preparing for pavers, and then benches will be installed. The trucks will be parked by the City's pool area while construction is taking place.
- **Election Update by Mary Kotowski** – Ms. Kotowski reminded everyone that polls are open from 7:00 a.m. to 8:00 p.m. Absentee ballots have to be turned in to City Hall or the drop box in front of City Hall before the polls close at 8:00 p.m. tomorrow. In addition, Precincts 18 and 21, which usually vote at Lake Shore High School, will be voting at the Born Center.

9. COMMENTS BY INDIVIDUAL COUNCILPERSONS

Council Member Moffitt stated First State Bank has a flyer encouraging people to buy in Michigan. By buying Michigan products, money will be put back into our state. There is a website called www.buymichigannow.com that gives more information.

Council Member Ahearn stated there is a fundraiser at Barrister Gardens on November 5, 2009, from 6:00 p.m. to 10:00 p.m. for a child who has cancer. His name is Nicky Torpey and he has Leigh's disease. The website for the family is www.helpushelpnicky.com.

Council Member Ahearn encouraged everyone to vote and reminded everyone that a lot of men and women are still dying today for that right.

Council Member Walby asked the status of the Gourmet House. City Attorney Ihrle replied he has tried to negotiate with the trustee of the trust who owns the Gourmet House. They are asking for provisions that the City cannot agree to. He has been authorized by the City Manager to proceed into litigation for demolition of the Gourmet House.

Council Member Walby stated this issue was brought to Council on August 17, 2009, and asked why the City is still in this process. It has been almost three months and we are still waiting.

City Attorney Ihrle replied this litigation will not be quick or inexpensive. He stated he has tried to resolve the problem, and considers negotiations at a standstill.

Council Member Walby stated he received a call from a resident who had a pile of carpeting that was not picked up with the trash. Mr. Podolski replied that if the carpeting was rolled and tied, they would take it. Mr. Walby stated he doesn't understand what the difference is whether it is rolled and tied or stacked. They need to leave a sticker advising why garbage was not picked up.

Council Member Frederick asked the status of the Shorecrest Bowling Alley on 9 Mile and Harper. Mr. Podolski replied that the liquor license was transferred to Eastpointe, and he knows of no imminent plans for the building.

Council Member Frederick announced a COPS for Kids benefit fundraiser at the Barrister House on November 5, 2009. It is the 2nd Annual Chili Wars benefit, and the cost is \$8.00.

Council Member Frederick thanked those who helped out at the Halloween event at Memorial Park. Approximately 27,000 people went through the park and \$500 was collected to be used for activity events next year.

Council Member Rubello announced upcoming boards, commissions and civic events.

Council Member Rubello asked if the City has done anything with regard to sharing building inspections with other cities. Mr. Podolski replied we are not doing it at this time, but we will explore the idea.

Council Member Rubello asked if a store name could be put on an awning that was on the back of a store. Mr. Podolski replied that a sign permit application would have to be submitted to see if it meets the City ordinance size requirements.

9. COMMENTS BY INDIVIDUAL COUNCILPERSONS cont'd.

Council Member Rubello questioned Council on the use of sandwich board signs in the City. Mr. Podolski stated it is the decision of City Council to look at the temporary sign ordinance to consider an amendment to allow sandwich board signs.

Mayor Hison announced a blood drive at the Moose Lodge at Harper and 14 Mile on Sunday, November 8, 2009 from 11:00 a.m. to 5:00 p.m.

10. CITY MANAGER'S REPORT

Mr. Podolski updated City Council regarding an emergency purchase order for sewer line repair that was eroding a resident's garage floor. He added they have obtained three quotes.

a. Request Council approve/deny the Request to Have Cobalt Community Research Conduct a Citizen Satisfaction Survey

There has been discussion recently about the present economic challenges St. Clair Shores is facing. With this in mind, it is critically important that Mayor, Council and Administration receive feedback from registered voters on key issues that have been identified. The previous Citizen Satisfaction Survey conducted in 2004 cost the City \$15,000. The cost of the Cobalt Survey is \$8,400. Cobalt Community Research is a non-profit organization.

The City Attorney advised the City Manager the purchase is under \$10,000, which does not require Council's approval and that three quotes have been provided.

11. AUDIENCE PARTICIPATION (5 Minute Time Limit)

Erin Stahl, 20113 Avalon, expressed her concerns how a situation was handled regarding a political sign she removed at a business location her father rents space at.

Mayor Hison asked Mr. Podolski if there was discussion about the political sign that Ms. Stahl is referring to. Mr. Podolski stated he called the candidate to inform him to deal with the illegal sign.

Rick Swanquist, 21815 Bon Brae, stated that false information about his company was stated at the last Council meeting. He is upset that his name and company was slandered.

David Consiglio, 22469 Revere, stated he is not in favor of the residents' survey and he would like a motion to reconsider the purchase made by Council.

Jamie Victory, 32069 Williamsburg, stated a resident approached him while he was at work and called him an unkind name. He reminded us that everyone should be treated with respect.

Renee Scharffe, 22007 Centennial, announced the Lakeview Parents Association is sponsoring the Cabaret Symphony Orchestra at Barrister Gardens on December 10, 2009 at 7:00 p.m., for more information call (248) 761-0459.

David Deacon, 22414 Suzan Ct., expressed displeasure at the thought of having a survey. He said we are in tough economic times and asked how the survey would be paid for. He would like the Mayor and Council to reconsider.

Kathy Joerin, 22815 Millenbach, announced the 2nd Annual Candlelight Ceremony for Bereaved Parents on December 13, 2009 at Memorial Park. The ceremony begins at 7:00 p.m. She said this is world-wide and unites families and friends around the world who have lost a loved one for one hour. This was started 13 years ago by a group called Compassionate Friends. Over 100 people attended the ceremony last year. For more information e-mail Kjmack21@aol.com or call (586) 293-6176.

Mary Ellen Swanquist, 21815 Bon Brae, stated her husband, Rick Swanquist, has been under character assassination recently at Council Meetings, and she is very upset after all he has done for the community.

Joe Evangelista, 20405 Martin, invited everyone to attend the Chili Wars at the Barrister House on November 5th. For more information, visit the website www.chiliwars.com or call (586) 434-5458.

11. AUDIENCE PARTICIPATION cont'd.

Jack Downey, 20100 Rosedale, commended Mr. Vitale for his presentation at the last Council Meeting.

Chris Vitale, 28701 Grant, wanted to make it clear that he has not been speaking on behalf of STRAW. He encouraged residents to vote.

12. ADJOURNMENT

Motion by Ahearn, seconded by Frederick to adjourn the meeting at 8:30 p.m.

Ayes: All - 6
Absent: McFadyen

(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