

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

Monday, November 16, 2009

PRESENT:

Mayor
Council Members

Robert A. Hison
Ronald J. Frederick
Beverly McFadyen
David J. Rubello
Peter A. Rubino
Candice B. Rusie
Kip C. Walby

ALSO PRESENT:

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

Kenneth R. Podolski
Mary A. Kotowski
Robert D. Ihrle
Tim Haney
Chris Rayes
Liz Koto
Mary Jane D'Herde
Raluca Munteanu

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

Mayor Hison welcomed the new members and congratulated the re-elected Council Member.

2. PROCLAMATIONS & PRESENTATIONS – NONE

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

Jim Goodfellow, 22476 Lakeland, Agenda items #4, #5, and #8. He inquired about the number of seats inside and outside of Steve's Backroom and if "no left turn" and "no right turn" signs would be placed on the drives in order to be fair to the homeowners.

Mr. Goodfellow suggested having a study session on the Snow Ordinance so that residents can have input on the amendments.

Chris Vitale, 28701 Grant, Agenda item #8. Mr. Vitale noted the proposed amendments to the Snow Ordinance do not address the residents' past complaints. He added that other cities have guidelines such as a time frame, amount of snow, time stamped documentation and effective notification.

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 (RESCHEDULED FROM 11/02/09)

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

Mr. Charles Raffoul, 22831 Newberry, owner of Steve's Grab and Go at 24317 Jefferson Ave., requested Special Land Use in the Central Lakefront District, to allow interior and exterior renovations and outdoor seating.

The Central Lakefront District Ordinance was created in the past by Council to have the lakefront district (9 Mile to 10 Mile, from Jefferson East) zoned differently because of the water. Businesses in the CLD must be approved by City Council for special land use.

4a. Request for Special Land Use PC 09-12 in the Central Lakefront District cont'd.

Mr. Raffoul would like seven tables installed out on the requested outdoor patio which will seat about 20 to 25 people and will also install a new wrought iron fence around the patio.

Mr. Rubello stated that his employer has done business with Mr. Raffoul, and he had personally done business with him and for these reasons, he would abstain from voting on these items (4a, 4b, and 5).

Mr. Ihrie clarified that in this situation, Mr. Rubello is not required to abstain, but can do so if desired with an explanation.

Ms. Koto explained that the number of seating would be dependent on the Fire Marshall's approval.

Motion by Walby, seconded by Frederick to approve a request for Special Land Use in the Central Lakefront District, to allow interior and exterior renovations and outdoor seating, for Steve's Grab and Go, 24317 Jefferson, subject to: 1) No music, or televisions, on the patio, 2) Hours of operation limited to no later than 11:00 p.m. for inside and outdoors, 3) Any new mechanical equipment, whether placed at grade, or on the roof, is to be properly screened, 4) A fence is to be installed, delineating the outdoor seating area from the sidewalk/parking lot, 5) 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 09-12. Each statement of intent, promise and/or pledge, made by you, the petitioner or agent, either orally or in writing, if permitted by Ordinance, shall be binding upon the petitioner and shall be a condition of said special land use.

Ayes: All (6)
Abstain: Rubello

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

Mr. Dennis DeWulf, architect for Petitioner Charles Raffoul, addressed the proposed changes to the exterior façade of Steve's Grab and Go at 24317 Jefferson Ave. The structure will have a nautical theme with cement fiber board shingles and new box bay windows installed across the front. There will be no structural changes to the interior.

A white wrought iron fence will be installed around the property. Mr. Raffoul has a parking agreement with the Kolping Center to utilize their parking if needed in the event of an overflow. In return, Mr. Raffoul maintains the Kolping Center's parking lot. Mr. Ihrie stated that an off-parking agreement for property more than 300' away must be recorded with the Register of Deeds. Mr. Ihrie noted the additional parking agreement must comply with the ordinance requirements and be a recordable document for the property, for the length of the use.

The Planning Commission recommended installing a "no left turn" sign on Downing St. to satisfy the residents concern of additional traffic. The resident's question earlier this evening for "no right turn" out of the Kolping Center onto Downing St. is not necessary as the entrance is always kept chained. The Petitioner noted when they needed overflow parking, the sign they post would indicate to use the Jefferson entrance.

Mr. Raffoul stated that Steve's Grab and Go hours of operation remain the same and are not past 11:00 p.m.

Motion by Walby, seconded by Frederick to approve a request for site plan approval for proposed interior and exterior renovations and outdoor seating, for Steve's Grab and Go, 24317 Jefferson, subject to The Planning Commission recommended site plan approval, subject to the conditions of the City Planner's report, including: 1) Honor the hours of operation limit of 11:00 p.m. for the outside seating space, 2) No music, or television, in the outside seating area, 3) All mechanical equipment is to be properly screened, 4) Sign permits must be obtained for any new signage proposed on the building, or property. No signage is allowed in the right-of-way, 5) A sign is to be installed, prohibiting a left hand turn on to Downing Street, 6) Provide the City with a parking agreement which complies with the City Ordinance in a recordable format to be recorded with the Register of Deeds, 6) The Planning Commission and City Council understand that your presence here tonight constitutes that you are legal representative of the petitioner for Planning Case 09-12A. Each statement of intent, promise and/or pledge, made by you, the petitioner or agent, either orally or in writing, if permitted by Ordinance, shall be binding upon the petitioner and shall be a condition

4b. Request for Site Plan Approval PC 09-12A cont'd.

of said site plan approval. The sign prohibiting a left hand turn on to Downing Street shall be installed by adoption of an Ordinance Amendment to Chapter 21.448, Section 15B-18, which reads as follows:

The City of St. Clair Shores ordains that Chapter 21.448 (Section 15B-18) entitled "Signs Limiting Turn" shall be amended by the addition of the following:

(131) DOWNING – No Left Turn onto Downing Street from the parking lot at 24317 Jefferson

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

The ordinance shall become effective upon publication by the City Clerk.

This ordinance shall be published by posting the same in three (3) public places within the City of St. Clair Shores and the Clerk is hereby ordered to post the same upon the bulletin boards in the Police Station, 27665 Jefferson Avenue, the Fire Hall, 26700 Harper Avenue, and the City Hall, 27600 Jefferson Circle Drive.

STATE OF MICHIGAN)
) ss
COUNTY OF MACOMB)

We hereby certify that the foregoing ordinance is a true copy of an ordinance as enacted by the City Council on the 16th day of November 2009, and that the necessary Charter provisions have been observed.

ROBERT A. HISON, MAYOR

MARY A. KOTOWSKI, CITY CLERK

I, Mary A. Kotowski, Clerk of the City of St. Clair Shores, hereby certify that the foregoing ordinance was published 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 20th day of November 2009.

MARY A. KOTOWSKI, CITY CLERK

(ord. amendment eff. *November 20, 2009*)

Ayes: All (6)
Abstain: Rubello

5. REQUEST FOR A NEW CLASS C LIQUOR LICENSE WITH SUNDAY SALES FOR 24317 JEFFERSON, PETITIONER G & R RESTAURANT SERVICES, LLC (RESCHEDULED FROM 11/02/09)

Mr. Raffoul, 22831 Newberry, owner of Steve's Backroom Restaurant at 24317 Jefferson Ave., applied with St. Clair Shores for a liquor license to help increase sales at his business location. This is the first application under the Liquor License Ordinance adopted by Council April 6, 2009 which allows the issuance of three non-quota licenses for businesses that do not meet the 150 seating requirement.

Mr. Frank Palazzolo, attorney representative for Mr. Raffoul, spoke about the petitioner's background and work experience. Mr. Raffoul applied for a non-quota Class C liquor license which allows the service of alcoholic beverages in a glass on the premises of his business.

A non-quota license requires additional criteria. Mr. Raffoul has done past improvements to the building and has enclosed paid invoices with his application. In addition, Mr. Raffoul has a budget of \$60,000 to \$70,000 to

5. REQUEST FOR A NEW CLASS C LIQUOR LICENSE WITH SUNDAY SALES FOR 24317 JEFFERSON cont'd.

complete the previously presented improvements which will be completed in two years. This will easily meet the \$50,000 investment requirement for a non-quota license.

Mr. Palazzolo requested to have conditions included in the Planning resolution rather than the LCC resolution, because LCC does not accept liquor licenses approved with conditions. He would work with the City Attorney to comply with the City Ordinance regarding the Additional Parking Spaces Agreement.

Mr. Ihrie explained that this is a normal process to approve a liquor license "above all others" and to issue any conditions internally which will not be identified to the LCC. He pointed that by the time Mr. Raffoul finishes the proposed improvements, he might be able to qualify for a regular liquor license meeting the 150 seating requirement. He would then be able to come before Council and request a waiver of the \$50,000 investment and revert back to a quota license. Until then, he is applying for a non-quota license, is liable for the \$50,000 investment requirement and is entering into a binding agreement with the City regarding the issuance or transfer of a Class C Liquor License (non-quota).

Mr. Walby clarified that the City gives out licenses to businesses that do not meet the seating requirement (non-quota) but expects back improvements to the facility and an agreement with the City that the liquor license will not be transferred outside of St. Clair Shores.

Mr. Ihrie stated the ordinance imposes the petitioner complete the improvements within two years after the liquor license has been granted. If he does not comply, legal action will be taken for the breach of contract. He also noted that if a license is not used for ninety days, it is reverted back to the State and will not be saleable.

Discussion was held regarding if Mr. Raffoul when the renovations are completed would qualify under City Ordinance for a quota license. If he, at that time, meets the seating requirement of 150 seats, he could apply to City Council for a quota license. This could free up, if Council chose to grant his request, a non-quota license for another business.

Mayor Hison affirmed there is no active investigation, still pending. Mr. Frederick acknowledged that the outside patio will close by 11:00 p.m. even though LCC governs the hours of operation for inside when there is an on premise license.

Ms. Kotowski noted that all violations and outstanding items at Steve's Backroom have been corrected.

Motion by Walby, seconded by McFadyen to approve the request from G & R Restaurant Services, LLC (Steve's Backroom) for a Class C Liquor License under the City's Liquor License Ordinance for fewer than 150 seating, with Sunday Sales to be located at 24317 Jefferson, St. Clair Shores, MI 48080, Macomb County be approved "above all others" and that it is the consensus of the legislative body that this application be recommended for issuance.

Ayes: All (6)
Abstain: Rubello

6. BIDS/CONTRACTS/PURCHASE ORDERS – REQUEST FOR AUTHORIZATION TO BEGIN CITY MANAGER SEARCH

The contract of the current City Manager is set to expire on June 30, 2010 and he has indicated that he will be retiring. Accordingly, the City must begin the process of recruiting, selecting and securing the services for a new City Manager during this budget year.

Mr. Smith, Human Resource Director, presented a request for authorization to begin the City Manager search. The first step is to advertise the proposed recruitment ad on the ICMA and MML websites. If approved, ICMA posting will begin November 30, 2009 and MML posting will start at the end of this week.

City Council needs to consider the selection process. Mr. Smith suggested forming a Selection Committee to receive applications, perform initial interviews and recommend three to five applicants to City Council for final interviews in an open meeting. In addition, Council has to look at the potential compensation and benefits package they plan to offer.

Mr. Smith added that the proposed advertisement states the City of St. Clair Shores had two city managers in the last twenty years; the stability of the position is attractive to any potential employee. In addition, the City is looking for applicants that do their homework and have researched the community.

6. REQUEST FOR AUTHORIZATION TO BEGIN CITY MANAGER SEARCH cont'd.

Mr. Rubino inquired about the use of other search engines for the advertisement, such as Executive Search, Government Search, and Monster Jobs. Mr. Smith replied that the goal is to have experienced City Managers apply for the position. The ICMA and MML are websites visited by professionals who look to expand their careers. Historically, these other search engines pull ads from these websites and post them on their search engines.

Both ads will cost under \$1,000. The budget for the City Manager search has been set higher in case a consultation search company is to be used. The company would do the initial screening rather than City Council and the budget line item reflected those costs.

Ms. Rusie suggested having City Council's input in the contents of the ad as well as the selection of the applicants. The goal is to get applicants that meet all the required criteria and those need to be addressed in the ad.

City Council would provide feedback on the advertisement language by Friday, November 20, 2009 to the HR Director so the advertising would meet next week's deadline.

Discussion was held on how soon the new City Manager will start. The current City Manager's contract ends June 30, 2010 and will need to consider paying two City Managers concurrently for a smooth transition. Some of the money budgeted for the search can be used for the extra payroll that would be incurred.

Mr. Walby stated that it is important to have the new City Manager take a look at the budget because of the tough fiscal times and would like him to start the first quarter of 2010.

Mr. Smith informed Council that applications will be received by December 30, 2009; in January, applications will be reviewed and preliminary interviews will be conducted; and in February, final applicants will be presented before City Council. With this timeline, negotiations with the successful candidate will be completed by March 2010.

Motion by Frederick, seconded by Rubello to approve the request to direct the Human Resource Director to immediately place advertisements through the ICMA and MML advertising the position of City Manager, subject to feedback from City Council by November 20, 2009 on additional suggested language for the ads.

Ayes: All (7)

7. FIRST QUARTER BUDGET REPORT FOR SEPTEMBER 30, 2009 AND APPROVAL OF BUDGET AMENDMENTS 10-01 AND 10-02

Budget Amendment 10-01 is the carryover amendment from fiscal year 08-09. This preliminary establishes a budget for uncompleted projects at June 30, 2009. In light of the tough fiscal times that continue, all departments continue to monitor their expenditures. This has allowed us to recommend the adjustments in the General Fund: carrying over \$194,008 for budgeted insurance claims and increasing budget carryover fund balance by approximately \$2,100,000, which will be used to assist in the balancing of future year's shortfalls.

Mr. Walby does not agree with approving Budget Amendment 10-01 and requested more details of the carryover transactions. He suggested starting to meet on Saturdays to discuss current and future budgets.

Mr. Frederick agreed that a lot of amendments presented have not been agreed upon and would like more information before approving the item.

Motion by Walby, seconded by Rubello to table Budget Amendment 10-01.

A roll call vote was taken.

Ayes: All (7)

Budget Amendment 10-02 reflects the following adjustments necessary as revealed during the review process: removing expenditures for Dispatcher and Fire contract settlements due to the amounts being recorded at June 30, 2009; adjusting state shared revenues to anticipated amounts; removing activity for the Neighborhood Stabilization Grant from the General Fund, a separate special revenue fund has been created to track the activity; establishing a budget for various grants received by the Police department; increasing CDBG revenue within the General Fund for Senior Center renovations; increasing revenue in the General Fund for various donations received by Police, Fire & Parks; establishing a budget for the Civil War Re-Enactment held in July;

7. FIRST QUARTER BUDGET REPORT FOR SEPTEMBER 30, 2009 AND APPROVAL OF BUDGET AMENDMENT 10-02 cont'd.

increasing budgeted water expenses within Boating due to the installation of a new meter, a corresponding increase in the budgeted transfer from General Fund will also be made to cover the additional costs; and finally, reducing concrete replacement costs within Major Streets to accommodate a transfer into the Harper Streetscape Fund.

Mr. Rubino questioned why more money is needed for the Harper Streetscape Fund. Mr. Rayes replied that the project is taking longer than anticipated and it is a cost sharing project between the State and the City (70/30 ratio).

Mr. Haney stated that many items in the second Budget Amendment are either currently taking place or have been completed and are now being added to the budget.

Mayor Hison requested a Saturday meeting to look at Budget Amendment 10-01.

Motion by Walby, seconded by McFadyen to receive and approve the September 30, 2009 Quarterly Report and Budget Amendment 10-02, which reads as follows:

Fund/ Dept.	Account	Previously Budgeted	Description	Increase	Decrease
BUDGET AMENDMENT 10-02					
101	GENERAL FUND				
300	720.000		POLICE Fringes		22,704
340	720.000		FIRE Fringes		133,357
Fbal	390.002		Fund Balance - Carryover	156,061	
To reduce budgeted expenditures for Dispatcher and Fire contract settlements. Amounts recorded at 6/30/09.					
Rev	575.000		Constitutional Revenue Sharing		289,364
Rev	575.500		Statutory Revenue Sharing		420,685
Fbal	390.002		Fund Balance - Carryover		710,049
To reduce budgeted state shared revenue to projected amount.					
370	810.000		COMM DEVELOPMENT Services (Neighborhood Stabilization)		1,700,000
Rev	531.160		CDBG Grant Revenue		1,700,000
To eliminate activity for the Neighborhood Stabilization Grant from the General Fund. A separate Special Revenue Fund has been created to track the activity.					
Rev	583.200		Miscellaneous Police Grants	2,793	
Rev	583.160		JAG Grant Revenue	98,491	
Rev	583.300		Homeland Security Grant	45,460	
300	950.275		POLICE Miscellaneous (Neighborhood Watch Program)	2,793	
300	980.003		POLICE Capital Outlay (video equipment)	98,491	
300	711.000		POLICE Overtime	45,460	
To establish a budget for various grants received by the Police Department.					
706	980.101		SENIOR CENTER Capital Outlay (interior renovations)	30,000	
Rev	531.000		CDBG Revenue	30,000	
To establish a budget in the General Fund for Senior Center renovations being covered with CDBG funds.					

7. FIRST QUARTER BUDGET REPORT FOR SEPTEMBER 30, 2009 AND APPROVAL OF BUDGET AMENDMENT 10-02 cont'd.

Rev	675.150	Donations Received - Police & Fire	8,075
Rev	675.705	Donations Received - Parks	14,750
Rev	675.000	Donations Received	600
300	950.150	POLICE Miscellaneous (donation purchases)	7,500
340	950.150	FIRE Miscellaneous (donation purchases)	575
705	980.720	PARKS Capital Outlay (Veteran Park donation purchases)	14,750
705	980.707	PARKS Capital Outlay (Brys Park improvements - disc golf)	600

To establish a budget for donations received.

Rev	600.400	Special Activities Committee Revenue	12,000
Rev	675.705	Donations Received - Parks	5,076
170	950.470	CITY MANAGER Miscellaneous (War Re-enactment)	12,000
705	980.720	PARKS Capital Outlay (Veteran Park donation purchases)	5,076

To establish a budget for the war re-enactment held in July.

705	960.000	P&R ADMIN Transfers (To Rec Rev Fund)	21,000
Fbal	390.002	Fund Balance - Carryover	21,000

To increase the transfer to the Recreational Revenue Fund to cover increase water costs. Prior to the installation of a new meter, water bills were generated off of estimates. Current year charges include an adjustment for usage starting on 11/24/08.

120 LOCAL STREET FUND - Street Department

451	930.002	STREETS Repair & Mnt. (concrete replacement-major)	103,000
451	960.000	STREETS Transfers (to Harper Streetscape Fund)	103,000

To budget a transfer of funds to cover costs within the Harper Streetscape Fund.

110 MAJOR STREET FUND - Act 51

455	803.000	ACT 51 Maintenance (concrete-major)	103,000
455	960.000	ACT 51 Transfers (to Harper Streetscape Fund)	103,000

To budget a transfer of funds to cover costs within the Harper Streetscape Fund.

580 RECREATIONAL REVENUE FUND

Rev	693.100	Transfer from General Fund	21,000
708	920.006	BOATING Utilities (water)	21,000

To increase the transfer to the Recreational Revenue Fund to cover increase water costs. Prior to the installation of a new meter, water bills were generated off of estimates. Current year charges include an adjustment for usage starting on 11/24/08.

Ayes: All (7)

8. REQUEST FROM CITY COUNCIL MEMBERS FOR REVIEW OF THE SNOW REMOVAL ORDINANCE AND POLICY

Mayor Hison stated that City Council held an August Study Session to discuss findings from other municipalities about the Snow Ordinance and proposed amendments. The Mayor's Advisory Panel met three times in October and drafted an amended Snow Ordinance for City Council's review and revisions if necessary.

Mayor Hison noted that the proposed ordinance is complaint driven. MAP researched twelve different communities. Some communities enforce the snow removal immediately, some after 12, 24 or 36 hours. The amount of snow also varied between 2 to 12 inches of snow. The problem with stating inches in the ordinance is that the south end might have less snow than the north end, and how does the City determine the amount of snow present. Tagging properties can also be an issue. The tags might not stay on the door, banks that own vacant homes will not be notified and the City does not have enough manpower for tagging.

Mr. Ihrie discussed the amendments proposed to the Ordinance 30.012. The amendment provides a preamble, describes the obligations of each resident, it declares a violation of this ordinance to be a public nuisance, gives the right to the City or its contractor to abate the public nuisance and charge an administrative fee of \$100, explains how residents will be notified of the ordinance, and describes the appeal and penalty process.

A time period is not mentioned in the ordinance; residents are required to continuously maintain their sidewalks. In the past, an internal policy was created to enforce the ordinance 36 hours after the snow stopped falling. If the ordinance had a time frame provision, it would create more conflicts. As far as the billing issues, there is no ordinance that includes a billing time frame; it should be an internal issue.

Mr. Rubino was concerned that the proposed amendments are not tailored to the residents' complaints and that it took so long to present the changes to City Council. Mr. Rubino suggested that if the City does not have the manpower for tagging, then it should have been included in the bid specifications for the contractor. He recommended using an appeal board made up of residents and including guidelines in the ordinance.

The prior and the proposed ordinance deal with all materials, such as rubbish, snow, ice and leaves.

Mr. Rubello thanked MAP for taking the time to compile the draft but was not happy with the wording. He would like 4 inches and 48 hour time frame included in the ordinance. The penalty of a misdemeanor should be removed and an appeal board should be formed to hear residents. In addition, residents should be warned with a first offense, second offense and third offense.

Mayor Hison clarified that the ordinance will not go back to the Mayor's Advisory Panel for more drafting. This is their final draft and it is up to Council to review and modify if necessary.

Ms. Rusie pointed out that residents were not concerned with not knowing the ordinance, but rather being notified when they are in violation of the ordinance. She suggested reducing the administrative cost if the fine is paid within a short time frame, which will reduce future mailings and cost.

Mr. Ihrie stated that it would be an unconstitutional provision to add "complaint driven" to the law; it would have to be an internal policy. The City administration will have to use good judgment on the complaints.

Mayor Hison added the administrative fee has been researched. Mr. Haney provided a breakdown of all costs associated with the violations of this ordinance and they were advised the cost is at least \$100. The cost is also linked to the amount of violations done and how soon residents respond.

Mr. Rubello proposed using the Fence Arbitration Committee as an appeal board since they are not busy in the winter. He inquired what happens in case snow falls and a new ordinance is not in effect. Mayor Hison responded that the City has a current snow ordinance in effect which has not changed last year. Last year there was a lot of snow, more vacant homes and complaints from the Post Office and schools.

Motion by Rubello, seconded by Rubino to reject the proposed amendments to Ordinance 30.012 Accumulation of snow, ice, rubbish, etc., prohibited.

Ayes: All (6)
Nay: Hison

8. REQUEST FROM CITY COUNCIL MEMBERS FOR REVIEW OF THE SNOW REMOVAL ORDINANCE AND POLICY cont'd.

Mr. Rubino agreed that people who never shovel snow should be penalized, but some people do not deserve being punished and had no recourse last year. Mr. Rubino suggested increasing the administrative fee for reoccurrences.

Mr. Frederick suggested forming a sub-committee to review the ordinance amendments further and bring back a new draft to the next City Council meeting. He agreed with the 4 inches and 48 hour time frame, keeping the ordinance complaint driven, having a layered appeal process and not being able to bill a resident for a second instance unless the first instance was billed.

Mayor Hison informed the audience of the Helping Hands Group at the Senior Center. A liaison works to assist seniors in finding someone to remove their snow. There are nineteen companies registered that provide fair pricing and nine volunteers that will help. For more information, call the Senior Center at (586) 445-0996.

Mr. Frederick recognized that last year the City gave back \$12,000 to banks that were in absolute violation of the snow ordinance. A notice on the door will not solve the problem for vacant homes.

Mayor Hison selected Mr. Frederick, Mr. Rubello and Mr. Rubino as a sub-committee to review the Snow Ordinance further and bring back a new draft before City Council.

9. CONSENT AGENDA

Motion by Walby, seconded by McFadyen to approve the Consent Agenda items a – f as presented, which include the following:

a. Bills

November 6, 2009 **\$2,095,788.30**

To approve and release of checks in the amount of \$2,095,788.30, of the report that is 28 pages in length and of the grand total amount of \$2,095,788.30, \$200,841.31 went to other taxing authorities.

b. Fees

Roumell & Lange, PLC **\$ 9,416.37**
Ihrle & O'Brien **\$10,912.00**

To approve the above attorney payments to Roumell & Lange, PLC and Ihrle & O'Brien subject to audit.

c. Progress Payments

Galui Construction Company, Inc. **\$106,172.91**
Galui Construction Company, Inc. **\$ 63,294.05**
Tiseo Brothers, Inc. **\$ 21,393.19**
Pro-Line Asphalt Paving Corporation **\$112,301.27**

To approve the above progress payment subject to audit.

d. Approval of Minutes

To approve the following minutes:

<u>Minutes</u>	<u>Meeting Date</u>
City Council	November 2, 2009

e. Receive & File Boards, Commissions & Committee Minutes

To receive and file the following minutes:

9. CONSENT AGENDA cont'd.

Minutes

Board of Canvassers
Dog Park Committee
Dog Park Committee
Dog Park Committee
Dog Park Committee
Mayor's Advisory Panel
Police and Fire Pension Board
Police and Fire Retiree Health Care Trust Board
Cultural Committee
Election Commission
Historical Commission
Zoning Board of Appeals

Meeting Date

August 5, 2009
May 7, 2009
June 4, 2009
July 2, 2009
August 6, 2009
October 15, 2009
September 24, 2009
September 24, 2009
October 14, 2009
September 29, 2009
October 6, 2009
October 1, 2009

- f. To approve a request for approval of Energy Efficiency and Conservation Block Grant and Neighborhood Stabilization Program budgets.

Ayes: All (7)

10. UPDATES AND FOLLOW-UPS FROM COUNCIL MEETING

- **PCB's** – Mr. Podolski received the report back from MDEQ and the contamination continued. The liner in the drain is not working as well as expected. Testing will be ongoing to verify and an early December public meeting will update the affected residents on the status and process regarding this matter.
- **10 Mile Construction** – Paving is complete and clean up is underway.
- **Harper Avenue Project** – Benches were ordered and will be shipped by November 23, 2009.
- **Jefferson Avenue Project** – Curb lane repairs are underway; they will be completed by Thanksgiving. The contractor will return in spring with brick pavers and miscellaneous repairs.
- **Gaffke Park** – The fence on the east and west of Gaffke Park has been replaced.

11. COMMENTS BY INDIVIDUAL COUNCILPERSONS

Council Member Walby spoke of Lansing proposing changing the price of solid waste per ton from 21 cents to \$7.50. Mr. Podolski stated that this was discussed and it is encouraged to submit a resolution rejecting the proposal to the Legislature.

Mr. Walby requested an update on the HUD Homes project. He thanked Mr. Moffitt and Mr. Ahearn for their years of service as we all attempt to do the best for the residents.

Mr. Ihrie discussed that a motion previously taken can be rescinded and made at a subsequent meeting. However, a motion can not be rescinded if any action has been taken on the previous motion. Mr. Podolski noted that no contract has been signed in regards to the Cobalt Community Survey.

Motion by Walby, seconded by Rubello to rescind the approval of the Cobalt Community Survey.

Ayes: All (5)
Nay: Frederick, Hison

Mr. Rubello did not disagree hearing out the residents; however, it can be done differently by collecting residents e-mails, creating a Facebook account, and including inserts in the local paper.

Council Member Frederick mentioned collection points across the County for food, clothes and toys for families that have members deployed in Afghanistan.

11. COMMENTS BY INDIVIDUAL COUNCILPERSONS cont'd.

Mr. Frederick announced the Christmas Tree Lighting, December 4, 2009 at 7:00 p.m. AT&T will have the Council meetings aired on their network sometime in January 2010.

The second annual Candlelight Vigil for bereaved parents will take place December 13, 2009 at the Veterans Memorial Park.

Mr. Frederick wished Bo Kirk, Planning Commission Chair, good luck as he resigned from the commission. He also thanked Mr. Moffitt and Mr. Ahearn for their service and encouraged residents to shop the Shores this holiday season.

Council Member Rubello thanked his wife and daughter for their support and asked residents to submit suggestions for the Snow Ordinance amendments.

Mr. Rubello announced various community events and stated the Historical Commission dedicated a bench at the Selinsky Green House in memory of Gus Blumline.

Mr. Rubello inquired whether the City will look to update the CLD Ordinance. Mr. Rayes responded that changes will be considered in early 2010.

He also requested numbers for large brush collections for 2008 and 2009. He asked Mr. Rayes to review the sign ordinance allowing A Frame sidewalk signs.

Council Member McFadyen thanked Mr. Ahearn and Mr. Moffitt for their work.

Council Member Rusie requested to see detailed attorney payments rather than a recap of invoices included in the Council packet and thanked everyone for their support during the election. Ms. Rusie appreciates the opportunity and will execute her responsibilities as a Council Member.

Council Member Rubino inquired when the street sign at Shady Lane and Greater Mack would be installed.

Mr. Rubino asked Mr. Ihrie to share his work on the ethics ordinance draft with City Council and suggested looking at the budget sooner than in previous years because of the tough times ahead.

He asked for an update on the SEMCOG's anniversary and the costs it entails. He thanked everyone for their support during the election.

Mayor Hison announced the St. Clair Shores Community Chorus, December 4, 2009 at Lake Shore High School; the St. Clair Shores Symphony Chorus, December 5, 2009 at Lakeshore Presbyterian Church; and a chorus hosted by the Belgian-American Association Band, December 9, 2009 at St. Gertrude Church.

Mayor Hison noted that the City Offices will be closed on November 26 and 27, 2009 and wished everyone a Happy Thanksgiving.

12. CITY MANAGER'S REPORT – NONE

13. AUDIENCE PARTICIPATION

Jack Doerr, 22407 Bayview, talked about the snow removal ordinance and pointed out that the depth of snow also depends on its viscosity. The width of the sidewalk to be cleared has to be addressed in the ordinance as well.

Sue Jesion, 21308 Raymond Ct., presented alternative ideas for the snow situation and suggested simplifying the process.

Chris Vitale, 28701 Grant, spoke of the Snow Ordinance and stated that notification is needed for residents' defense.

David Consiglio, 22469 Revere, congratulated the elected Council Members and Ms. Kotowski on a successful election. Mr. Consiglio spoke his concerns about the community survey and residents' limited resources.

13. AUDIENCE PARTICIPATION cont'd.

Enio lafrate, 25331 Harmon, announced the St. Clair Shores Goodfellows annual newspaper sale at all City's intersections to help families in need at Christmas time. They are looking for volunteers; call (586) 775-1313 or stop by the Fire Department on Harper.

Erin Stahl, 20113 Avalon, congratulated all candidates and thanked Mr. Moffitt for his past service. Ms. Stahl suggested that the staff who drafted the Snow Ordinance should be present to help with questions during the Council meeting.

Philip Michaud, 19528 Salisbury, raised his concerns about snow plowing and the Snow Removal Ordinance.

Kathy Joerin, 22815 Millenbach, announced the second annual Candlelight Vigil at the Veterans Memorial Park on December 13, 2009. The annual event will take place the second Sunday in December, world wide. For more information, (586) 293-6176 or kjmac21@aol.com.

Bryan Mazey, Shorewood Kiwanis Club, announced the collection boxes throughout the City for military families in crises and other community events sponsored by Shorewood Kiwanis.

14. ADJOURNMENT

Motion by Walby, seconded by McFadyen to adjourn the meeting at 10:39 p.m.

Ayes: All (7)

(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