

**MINUTES
ST. CLAIR SHORES CITY COUNCIL MEETING
DECEMBER 6, 2010**

Regular Meeting of the City Council, held in the Council Chambers, located at 27600 Jefferson Circle Dr., St. Clair Shores, Michigan.

Present: Mayor Hison, Council Members McFadyen, Rubello, Rubino, Rusie and Walby

Absent & Excused: Council Member Frederick

Also Present: City Manager Hughes, City Clerk Kotowski, Directors D'Herde, Haney, Koto, Rayes, Schuster, Assistant City Manager Smith and City Attorney Ihrle

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 and noted that Mr. Frederick asked to be excused. The Pledge of Allegiance was recited by those in attendance.

Motion by Rubino, seconded by McFadyen to excuse Council Member Frederick.

Ayes: All – 6
Absent: Frederick

Mayor Hison welcomed Ms. McFadyen back.

2. PRESENTATION - CORRIDOR IMPROVEMENT AUTHORITY 2ND ANNUAL "LIGHT THE AVENUE" WINNERS

Mayor Hison said that the Cool City Committee and the Beautification Commission worked together to create the "Annual Light the Avenue" event. The Committees encourage businesses to add lights and decorations for the holidays. The Committees then judge the businesses for the display. The event is used to stimulate businesses by promoting "Shop the Shores". For judging purposes, Harper Avenue was grouped into sections; Eight Mile to Ten Mile, Ten Mile to Twelve Mile, and Twelve Mile to Fourteen Mile.

Mayor Hison two of the members from the Cool City Committee to assist in giving out the awards.

Mayor Hison mentioned that the "People's Choice Award" for the "Light the City" event would be on the next agenda. The "People's Choice Award" will include all businesses in the City.

Mayor Hison announced the runner-up winner for the section of Eight Mile to Ten Mile is Mancuso's Florist and the winner is Gilbert's Lounge. The runner-up winner for the section of Ten Mile to Twelve Mile is Guastello's Village Market and the winner is State Farm Insurance. The runner-up winner for the section of Twelve Mile to Fourteen Mile is Philip S. Badalamenti, D.D.S. and the winner is Michael Agnello Jewelers. The runner-up overall winner is Annabelle's Antiques and the overall winner is Woodmaster Kitchens.

Mayor Hison expressed his appreciation for the businesses' efforts and stated that this is another example of how businesses work together to help the community. He thanked everyone involved in this event and encouraged everyone to "Shop the Shores".

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

Jim Goodfellow, St. Clair Shores resident, spoke on items #13a, #7 & #14f. Regarding item #13a, he would like to see a St. Clair Shores company awarded the bid. Regarding item #7, he would like to see Council approve the request from Mr. LeFevre to open a new restaurant in the City. He believes Mr. LeFevre would be a good restaurant owner since he owned restaurants in the past. Regarding item #14f, he would like Council to renew the Library contract without increasing the fees because the current Library Café owners are doing a great job in this tough economy.

Joseph Backus, St. Clair Shores resident, spoke on item #2. He mentioned that he appreciates how St. Clair Shores has a "welcoming impression" to people entering the City. He encourages everyone to come and "Shop the Shores" and he hopes that Council will continue to encourage this.

3. AUDIENCE PARTICIPATION ON AGENDA ITEMS (Cont'd)

Keith Bammel, St. Clair Shores resident, spoke on item #4. He expressed that Waste Management should be accountable and have no excuses. He asked what the cost is to the City for Waste Management issues. The City should take a proactive role. He doesn't believe the percentage of complaint calls as being accurate because most people don't call and complain, so the number of complaints would be higher. He would like to see results tonight.

Chuck Hall, St. Clair Shores resident, spoke on item #4. He asked Waste Management how they could service the City more effectively and lower the number of complaints.

Mario Como, Realty Executives Select, St. Clair Shores resident, spoke on item #13a. He is here to fight for the City's business. He would like to do what is good for the residents and for the City. He feels that he can successfully represent the City and would like the City to consider hiring him. The lowest bidder only became a member of the Multiple Listing Service after they submitted their bid and he feels that that wasn't right.

4. PRESENTATION BY WASTE MANAGEMENT

Mr. Greve and Mr. Pine, Waste Management Representatives, discussed the issues with Waste Management. Mr. Greve mentioned that some complaints were outlined at the November 1, 2010 Council Meeting. He thanked Council Members Rubino, Rusie and Walby for meeting with him to address issues. Mr. Greve noted the following is a summary the City Council areas of focus on these residents' concerns and Waste Management's responses:

- Spilled litter to be picked up.
- The resident street condition after trash collection to be neat and orderly.
- Large brush pick-up date (s) confusion. Waste Management agrees to extend the collection dates eight weeks to match yard waste dates at no additional cost.
- Facebook page used for complaints. The City will develop methods to reach out to those residents and provide Waste Management those issues, as their preference is use of the customer service number or email, as there is a supervisor in the City during collection days to address these issues that day.
- Ways to be more proactive – Waste Management to meet with Department of Public Works on major construction projects prior to start to address collection impact.

A system is in place that when a call or email comes into the service center, it is forwarded to the service manager for the service manager to handle. This process would help them narrow the complaints down to the crew. Other communities meet with Waste Management at the beginning of the year to discuss issues and if there will be construction issues that would prevent them from picking up the garbage in certain areas. They will do their best to respond to every complaint.

Ms. McFadyen asked how residents could dispose of the real Christmas trees after the holidays.

Mr. Greve said that Waste Management must abide by the State's yard waste laws. The compost site is closed during certain times of the year, but there is an exception for the real Christmas trees to be thrown out with the regular garbage on the resident's regular garbage pickup day.

Ms. Rusie clarified that Waste Management is not expected to monitor the City's Facebook page for complaints. Ms. D'Herde will continue to address the complaints on Facebook and will continue to forward the complaints to Waste Management. She asked how much time is spent by the City for Waste Management complaints.

Ms. D'Herde stated that 70% of her time, during business hours, is spent on Waste Management issues. She said that not all of the issues are customer complaints, some are only questions and sometimes she receives calls and the customer complaints that are not warranted.

Mr. Greve expressed that he is concerned with that percentage and was unaware that Ms. D'Herde spent that much of her time on Waste Management issues. He would like to work with Ms. D'Herde to get a better idea of the type of complaints she is dealing with, so he could address the complaints more thoroughly.

Mayor Hison referred to the report from January 2010 to September 2010. He stated there were 802 calls during that time. Waste Management performs close to three million garbage pickups in one year for the City, so even though Waste Management states their complaint percentage is only .5%, that would equal approximately 15,000 complaints in one year. He would like Waste Management and the City to address the issues. He asked if it is acceptable for residents to use metal garbage containers.

Mr. Greve stated that residents are free to use whatever types of containers they choose within the size and weight limits.

4. PRESENTATION BY WASTE MANAGEMENT (Cont'd)

Mayor Hison noted that some containers are lighter and will naturally be blown around on windy days, which is not at the fault of Waste Management. He asked Mr. Greve to address a resident's comment that some Waste Management workers drive inappropriately.

Mr. Greve explained that Waste Management has a well-documented safety program for all drivers. All their drivers are instructed to drive the speed limit and to use their turn signals. Their drivers are held to a high standard of safety and safety procedures. Driving incidents are discussed weekly between management and drivers. Their safety procedures are monitored and they go to great lengths to ensure the safety of the residents and the crews.

Mr. Rubino commented that it is unacceptable for the crew to spill garbage and not pick it up. He would like to see littering tickets issued for offenders. He is glad that Waste Management extended the large brush pick up, but doesn't feel like that was a substantial favor to the City. The residents shouldn't have to call the service number to have their complaints addressed. It is not the City's job or the resident's job to make sure the crews are doing their jobs. It is Waste Management's job to make sure their crews are doing quality work; that is what they were hired by the City to do. He drove down several streets in the City after Waste Management picked up the garbage and noticed that there were many containers and lids in the streets. For every four to seven people complaining, there are four to seven more people who are dissatisfied, but didn't complain. He believes the problem Waste Management is having with their employees is due to the way they pay them. Once a crew has completed their route, they are done for the day unless they are called to help other crews. Waste Management is encouraging their employees to be fast, which is not good for service and does not promote quality service. He asked what the City's options are since the City is in a contract with Waste Management.

Mr. Rubello thanked Ms. D'Herde for addressing the resident's complaints in a timely manner. He mentioned how he was driving behind one of the trucks when they were picking up garbage and the truck driver drove over a resident's garbage container lid. He addressed the worker and was offended by how the worker responded to him in a rude manner. These issues were discussed at length before and this was promised not to happen, but it has continued to happen. There are competitors for garbage pick up and he feels that it would be best to bid these contracts out. He asked about a garbage pick up service where the worker will walk up the driveway to retrieve the garbage container to empty it and return it where they got it.

Mr. Greve explained that there is a service where the worker will do this, but it has to be requested and it is figured into the garbage pick up fees in the contract.

Mr. Rubello mentioned that a resident complained that the recyclables are put into the same truck with the regular garbage.

Mr. Greve said that there are rare instances when there is a snow emergency and they will ask the City if they would want a "one pass" garbage pick up. This "one pass" garbage pick up is when the trucks will drive down a street once and pick up all recyclables and regular garbage in one truck. This is only done on very rare occasions when the City needs to clear the streets of snow.

Mr. Rubello commented that Waste Management suggested in the past that the City incorporate large brush pick up in the contract and now he doesn't believe the large brush pick up has been beneficial to the residents.

Mr. Greve stated that there is no additional cost of large brush and they extended the dates to match the regular yard waste pick up.

Ms. D'Herde informed Council that she is confident that the numbers for large brush pick-ups will double in 2011.

Mr. Walby thinks that Waste Management should pay for a percentage of Ms. D'Herde's salary since a large portion of her time is spent on Waste Management issues.

Mr. Greve said that he would like to look into this issue and understand it better before commenting on whether or not Waste Management will pay a percentage of Ms. D'Herde's salary.

Mr. Walby expressed that the City cannot afford to have one employee spending that amount of time on Waste Management issues. He asked Mr. Ihrie what the City could do about being in a contract with Waste Management.

Mr. Ihrie stated that if there is a breach of the contract and Waste Management is not holding up their end of the deal then there would be a way out of the contract, but he would have to review it in detail.

4. PRESENTATION BY WASTE MANAGEMENT (Cont'd)

Mayor Hison requested corrective action be taken in two weeks addressing the issues that were mentioned. Corrective action is what the City needs to do with any business that is not holding up their end of the deal. We need to have a response back, so we can correct the issues in order to have good quality service.

5. PRESENTATION OF THE 2009-10 FISCAL YEAR AUDIT

Mr. Harrington and Ms. Manetta, Plante Moran, explained the 2009-10 Fiscal Year Audit. Mr. Harrington noted the City received an "unqualified opinion" and an award in financial reporting. Ms. Manetta discussed the decrease in the General Fund Revenue from 2009 to 2010 and how the decrease was mostly due to the decrease in property taxes. There was a decrease in the "Transfer to Retiree Healthcare Trust" in 2010 mostly due to Council's decision to not pre-fund payments. In the "Public Safety" account, the amounts collected for police and fire retiree health care was \$4,135,661 in 2009 and \$1,865,726 in 2010. In 2010, expenditures exceeded revenue. From 2008 through 2010, the fund balance remained over the \$5 million mark because of the good decisions that Council has made.

Mayor Hison acknowledged that in 2007, Council made a decision to put money in the rainy day fund and cut spending.

Ms. Manetta explained that property taxes are a great concern to all municipalities. Property taxes as projected, will be decreasing by 3% in 2010, 12% in 2011, 8% in 2012, and will finally start to turn around in 2013. Property taxes are limited in growth. If we assume a 3% rate of inflation for the projection of property tax revenue from 2009 to 2014 for the future years, by 2014, the general funds fund balance would be depleted. These projections are to be used as a tool to see the trend as now and to be used to see what would happen if nothing were done to change.

Mr. Harrington commented that if you looked at this five years ago, this number would have been worse, but Council has used this information as a tool and put this community at a better place today.

Mayor Hison noted that Council and staff would be meeting soon to discuss next year's budget.

Mr. Harrington commended Council for addressing these issues strategically and stated that this community will continue to be in a better position if Council continues to handle the situation strategically. The Finance Department has done an exceptional job at following the rules and keeping accurate accounting.

Mr. Walby asked Mr. Harrington how other communities are handling Other Post Employment Benefits.

Mr. Harrington replied that other communities are handling it on a "pay as you go" basis and very few are putting additional contributions away.

Mr. Walby expressed his feelings about the Other Post Employment Benefits bill being \$95 million and how this community is not putting money towards this amount to bring it down.

Mr. Harrington noted one way to bring that number down is to stop the trend of the cost of retirement with new employees.

Mayor Hison mentioned that we have reduced the overall amount by making cuts. We can offset the amount and then "pay as we go", but we have to try to bring that amount down. We can see the market declining and the market doesn't come back as quickly as it goes down.

Mr. Harrington discussed how it would possibly take until 2024 to get back to the revenue numbers of 2009.

Mr. Rubello asked how it was determined that the City currently has a 15.2% unemployment rate.

Mr. Harrington stated that the analysis was from Mr. Hughes and Mr. Haney who used the information from SEMCOG.

Mr. Hughes commended Council for being conservative and staff for implementing good practices. Our rainy day fund is larger and healthier than many other communities are. The most difficult decisions staff would have to consider are reducing services to balance the budget. In 2002, the City had 314 full time employees and last year, the City had 254 full time employees.

Mr. Rubino mentioned that we made decisions based on what would happen in the future and now we have to prepare for the percentage of retirees to increase.

5. PRESENTATION OF THE 2009-10 FISCAL YEAR AUDIT (Cont'd)

Mr. Harrington stated that if the next time they do this study, the retirements or costs have grown, there will be a spike (a dramatic change). If we are accelerating retirements beyond what is anticipated, we anticipate the number growing.

Mr. Rubino asked Mr. Harrington if there is anything on a higher level, Statewide, or Countrywide that could help us.

Mr. Harrington said he does not see anything that will help us now. The hope is that you will see something Statewide eventually. It's a big issue but everyone has to face it. We have to continue to work with our legislators.

Ms. Rusie mentioned the decline in property tax revenue compared to where we thought it would be. She asked Mr. Harrington to characterize what the City has in reductions compared to other communities.

Mr. Harrington replied that most communities are at a 30% reduction percentage rate and this City can be classified as having the "least negative" reduction rate.

Ms. McFadyen questioned inflation rate of 3% and how it is carried across the board. She commented that the salaries of government employees in Washington are being frozen and asked if it would be conceivable to put a freeze on the employees' wages.

Mr. Harrington said the 3% inflation rate is for observation purposes and it is at midpoint to be realistic. The City employees have collective bargained contracts and this Council reviews union and non-union salaries every year.

Mr. Walby stated that Council has driven down Other Post Employment Benefits costs by driving down contract benefits.

Mr. Harrington noted that these small changes today turns into a dramatic number decrease in the future.

Motion by Walby, seconded by McFadyen to receive and file our Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 2010.

Ayes: All – 6
Absent: Frederick

6. REQUEST TO APPROVE FIRST QUARTER BUDGET REPORT AND BUDGET AMENDMENTS 11-01, 11-02, 11-03, 11-04 AND 11-05

Ms. Schuster discussed the first quarter budget report and the budget amendments, as follows:

- Budget amendment 11-01 reflects two Council approved increases in Fire Department overtime. At the September 7, 2010 meeting, it was approved to bring overtime up to \$225,000. At the November 15, 2010 meeting, Council approved an additional \$75,000.
- Budget amendment 11-02 is the carryover amendment from fiscal year 09-10. This primarily re-establishes a budget for uncompleted projects at June 30, 2010. In light of the tough fiscal times that continue, all departments continue to monitor their expenditures. This has allowed us to recommend the following further adjustments in the General Fund; Carried over \$433,255 for budgeted insurance claims, increased budgeted carryover fund balance by approximately \$2,600,000. This will be used to assist in the balancing of future year's shortfalls.
- Budget amendment 11-03 reflects a change to the budgeted employer contribution rates for the DB pension plans. The General Employees pension rate was updated as a result of obtaining an updated actuarial analysis resulting from changing the assumptions for future wage increases and the Police and Fire pension rate was updated due to a data entry error.
- Budget amendment 11-04 reflects the following personnel adjustments; Implemented changes to wages/fringes as a result of the approved Fire contract, eliminated the Electrical Inspector position from the Community Development Department, adjusted the District Court budget to accommodate upgrading a Clerk position to an Accountant, as well as establishing a budget for the Court non-union employees new "in lieu of overtime" pay, adjusted the budget in Sanitation to account for the temporary upgrade of a Supervisor to the Acting DPW Director, decreased budgeted expenditures

6. REQUEST TO APPROVE FIRST QUARTER BUDGET REPORT AND BUDGET AMENDMENTS (Cont'd)

to recognize the savings resulting from eliminating two Police Lieutenant positions and replacing them with Patrol personnel, increased budgeted Fire overtime by an additional \$50,000 to accommodate anticipated overtime through December 31, 2010 and adjusted the budget in Water to account for replacing the Assistant DPW Director with a Supervisor.

- Budget amendment 11-05 reflects the following adjustments necessary as revealed during the review process; Corrected the Police Department's grant budget to anticipated amounts, increased USDA meal reimbursement revenue to anticipated amount, increased capital outlay at the Arena for tile work being funded by the Carnival Committee, increased revenue in the General Fund for donations received by Parks to go towards the Memorial Park monument restoration, corrected the budget for IS departmental costs charged to Court and Library, established a printing/advertising budget in Sanitation, with an accompanying transfer from the sanitation Trust Fund, to cover the cost of publishing the waste disposal guide, established a budget for funds received from MMRMA resulting from the embezzlement insurance claim and corrected motorpool budget by adding the purchase of vehicles included under the Fire's departmental budget.

Motion by Walby, seconded by Rubino to receive and approve the September 30, 2010 Quarterly Report and Budget Amendments 11-01, 11-02, 11-03, 11-04 and 11-05 as follows:

Fund/ Dept.	Account	Previously Budgeted	Description	Increase	Decrease
BUDGET AMENDMENT 11-01					
340	711.000		FIRE Overtime	255536	
340	720.000		FIRE Fringes	114534	
Fbal	390.002		Fund Balance - Carryover		370070
To adjust overtime budget as a approved by Council on 9/7/10 & 11/15/10.					
BUDGET AMENDMENT 11-02					
101	GENERAL FUND				
Rev	693.130	Y	Transfer from Court Building Fund	12860	
101	810.000	Y	COUNCIL Service (moving expenses)	7000	
140	980.023	Y	COURT Capital Outlay (security equipment)	10000	
140	980.007	Y	COURT Capital Outlay (document imaging)	2860	
			FINANCE Capital Outlay (automated time & attendance software)	11300	
201	980.020	Y			
255	950.000	Y	BOARDS & COMMISSIONS Miscellaneous (Cool Cities)	920	
255	750.470	Y	BOARDS & COMMISSIONS Operating Supplies (Beautification)	407	
			INFORMATION SYSTEMS Operating Supplies (software upgrades)	8000	
258	750.000	Y			
258	810.000	Y	INFORMATION SYSTEMS Services	5000	
258	980.021	Y	INFORMATION SYSTEMS Capital Outlay (WAN)	10000	
300	950.150	Y	POLICE Miscellaneous (donation purchases)	1553	
340	950.150	Y	FIRE Miscellaneous (donation purchases)	3125	
340	980.344	Y	FIRE Capital Outlay (kitchen upgrade)	690	
703	980.705	Y	ARENA Capital Outlay (improvements)	30600	
730	950.150	Y	LIBRARY (book and target grant funds)	1989	
730	985.000	Y	LIBRARY (books)	6268	
910	911.000	Y	INSURANCE Reserves	433255	
Fbal	390.000		Fund Balance - Beautification Committee		407
Fbal	390.002		Fund Balance - Carryover		519700
To establish a budget for carryover items from FY 09-10.					
120	LOCAL STREET FUND - Street Department				
451	930.001	Y	STREETS Repair & Mnt. (concrete replacement-local)	10000	
451	930.002	Y	STREETS Repair & Mnt. (concrete replacement-major)	78000	
451	930.009	Y	STREETS Repair & Mnt. (street millage maintenance)	244000	
451	980.199	Y	STREETS Capital Outlay (various streets under the millage)	358000	
451	980.196	Y	STREETS Capital Outlay (I-696/I-94 Interchange)	90000	
451	980.240	Y	STREETS Capital Outlay (9 Mile Reconstruction)	771000	
451	980.230	Y	STREETS Capital Outlay (sound retaining wall)	180000	
451	980.258	Y	STREETS Capital Outlay (road replacement - CDBG)	266000	
451	980.259	Y	STREETS Capital Outlay (TIP projects - 10, 12, & 13 Mile)	200000	
451	980.263	Y	STREETS Capital Outlay (Little Mack overlay)	83000	

6. REQUEST TO APPROVE FIRST QUARTER BUDGET REPORT AND BUDGET AMENDMENTS (Cont'd)

BUDGET AMENDMENT 11-02 (continued)				
451	980.261	Y	STREETS Capital Outlay (I-94 resurfacing - Masonic to M29)	29000
451	980.879	Y	STREETS Capital Outlay (10 Mile I-94 to Harper Resurfacing)	115000
451	808.000		STREETS Offset	2424000
To establish a budget for carryover items from FY 09-10.				
120	LOCAL STREET FUND - Act 51			
Rev	531.000	Y	CDBG Revenue	266000
Rev	693.110	Y	Contribution from Major	20000
455	803.000	Y	ACT 51 Maintenance	10000
455	980.000	Y	ACT 51 Capital Outlay (Road replacement - CDBG)	266000
455	989.000	Y	ACT 51 Construction (street millage construction)	358000
455	989.600	Y	ACT 51 Construction (street millage maintenance)	244000
Fbal	390.000		Fund Balance - Local Streets	592000
To establish a budget for carryover items from FY 09-10.				
110	MAJOR STREET FUND - Act 51			
455	803.000	Y	ACT 51 Maintenance (concrete-major)	78000
455	960.000	Y	ACT 51 Contribution to Local	20000
455	980.000	Y	ACT 51 Capital Outlay (I-696/I-94 Interchange)	90000
455	980.000	Y	ACT 51 Capital Outlay (9 Mile Reconstruction)	771000
455	980.000	Y	ACT 51 Capital Outlay (sound retaining wall)	180000
455	980.000	Y	ACT 51 Capital Outlay (Little Mack repairs)	83000
455	980.000	Y	ACT 51 Capital Outlay (TIP projects - 10, 12, 13 Mile)	200000
455	980.000	Y	ACT 51 Capital Outlay (I-94 resurfacing - Masonic to M29)	29000
455	980.000	Y	ACT 51 Capital Outlay (10 Mile I-94 to Harper Resurfacing)	115000
Fbal	390.000		Fund Balance - Major Streets	1566000
To establish a budget for carryover items from FY 09-10.				
130	COURT BUILDING FUND			
140	960.100		Transfer to General Fund	12860
Fbal	390.000		Fund Balance - Court Building Fund	12860
To establish a budget for carryover items from FY 09-10.				
590	UTILITY FUND			
Rev	693.230	Y	Contribution from Clean Water for Sewer Projects	750000
Rev	690.000	Y	Bond Proceeds	3E+06
452	930.008	Y	STORM SEWER Repairs & Mnt. (concrete replacement)	150000
860	930.000	Y	WATER Repairs & Mnt. (water meters)	28940
860	980.014	Y	WATER Capital Outlay (water pipe line)	399000
860	980.202	Y	WATER Capital Outlay (Harper Avenue)	2E+06
860	980.860	Y	WATER Capital Outlay (residential watermains)	2E+06
860	980.862	Y	WATER Capital Outlay (10 Mile storage facility)	2E+06
860	980.876	Y	WATER Capital Outlay (9 Mile Harper to Greater Mack)	100000
860	980.877	Y	WATER Capital Outlay (9 Mile Greater Mack to Jefferson)	100000
860	980.878	Y	WATER Capital Outlay (11 Mile I-94 to Little Mack)	1E+06
860	980.879	Y	WATER Capital Outlay (10 Mile I-94 to Harper)	50000
870	980.881	Y	SANITARY SEWER Capital Outlay (televise sewers)	600000
870	980.882	Y	SANITARY SEWER Capital Outlay (root treatment)	150000
Fbal	390.000		Fund Balance - Utility Fund	4623940
To establish a budget for carryover items from FY 09-10.				
661	MOTORPOOL FUND			
602	930.000	Y	MOTORPOOL Repairs & Maintenance (auger power head)	1346
602	980.001	Y	MOTORPOOL Vehicles (police car change over)	8818
602	980.001	Y	MOTORPOOL Vehicles (E-3 refurbish)	60000
602	980.001	Y	MOTORPOOL Vehicles (Brine storage system)	13150
602	980.602	Y	MOTORPOOL Capital Outlay (GPS System)	35750
Fbal	390.000		Fund Balance - Motorpool Fund	119064
To establish a budget for carryover items from FY 09-10.				
BUDGET AMENDMENT 11-03				
101	GENERAL FUND			
Rev	693.710		Contribution - Sanitation Trust Fund	5703
140	720.000		COURT Fringes	31368
170	720.000		CITY MANAGER Fringes	2801

6. REQUEST TO APPROVE FIRST QUARTER BUDGET REPORT AND BUDGET AMENDMENTS (Cont'd)

BUDGET AMENDMENT 11-03 (continued)			
201	720.000	FINANCE Fringes	24299
215	720.000	CLERK Fringes	4844
241	720.000	ASSESSOR Fringes	10255
255	720.000	BOARDS & COMMISSIONS Fringes	5784
258	720.000	INFORMATION SYSTEMS Fringes	6380
266	720.000	BUILDING MAINTENANCE Fringes	8258
300	720.000	POLICE Fringes	256390
340	720.000	FIRE Fringes	119101
370	720.000	COMMUNITY DEVELOPMENT Fringes	36023
450	720.000	DPW ADMIN Fringes	4516
520	720.000	SANITATION Fringes	5703
701	720.000	P&R ADMIN Fringes	9684
703	720.000	ARENA Fringes	2403
705	720.000	PARKS Fringes	7555
730	720.000	LIBRARY AND INFORMATION SERVICES Fringes	25109
Fbal	390.002	Fund Balance - Carryover	554770
To properly decrease fringes across all applicable departments resulting from a correction made to the required employer contribution into the defined benefit pension plans.			
120 LOCAL STREET FUND - Street Department			
451	720.000	STREETS Fringes	17,591
451	808.000	STREETS Offset	17,591
To properly decrease fringes resulting from a correction made to the required employer contribution into the defined benefit pension plan.			
120 LOCAL STREET FUND - Act 51			
455	806.000	ACT 51 Administration	1,353
455	807.000	ACT 51 Non-Act 51 Expenditures	10,961
Fbal	390.000	Fund Balance - Local Streets	12,314
To properly decrease fringes resulting from a correction made to the required employer contribution into the defined benefit pension plan.			
110 MAJOR STREET FUND - Act 51			
455	806.000	ACT 51 Administration	579
455	807.000	ACT 51 Non-Act 51 Expenditures	4,698
Fbal	390.000	Fund Balance - Major Streets	5,277
To properly decrease fringes resulting from a correction made to the required employer contribution into the defined benefit pension plan.			
580 RECREATIONAL REVENUE FUND			
855	720.000	GOLF Fringes	8,377
Fbal	390.000	Fund Balance - Recreational Revenue Fund	8,377
To properly decrease fringes resulting from a correction made to the required employer contribution into the defined benefit pension plan.			
590 UTILITY FUND			
860	720.000	WATER Fringes	40,526
870	720.000	SANITARY SEWER Fringes	14,361
Fbal	390.000	Fund Balance - Utility Fund	54,887
To properly decrease fringes resulting from a correction made to the required employer contribution into the defined benefit pension plan.			
661 MOTORPOOL FUND			
602	720.000	MOTORPOOL Fringes	5,243
Fbal	390.000	Fund Balance - Motorpool Fund	5,243
To properly decrease fringes resulting from a correction made to the required employer contribution into the defined benefit pension plan.			
710 SANITATION TRUST FUND			
520	960.000	Transfer to Other Funds	5703
390	390.002	Fund Balance	5703
To properly decrease transfer to General Fund resulting from a correction made to the required employer contribution into the defined benefit pension plan.			

6. REQUEST TO APPROVE FIRST QUARTER BUDGET REPORT AND BUDGET AMENDMENTS (Cont'd)

BUDGET AMENDMENT 11-04				
101	GENERAL FUND			
340	701.000	FIRE Wages	103764	
340	711.000	FIRE Overtime	1551	
340	720.000	FIRE Fringes		42151
Fbal	390.002	Fund Balance - Carryover		63164
To adjust budget as a result of the settlement of the Fire contract.				
370	701.000	CDI Wages		55896
370	711.000	CDI Overtime		272
370	720.000	CDI Fringes		34921
370	810.000	CDI Services (out-sourced electrical inspections)	20000	
Fbal	390.002	Fund Balance - Carryover	71089	
To reduce budgeted expenditures as a result of eliminating the Electrical Inspector.				
140	701.000	COURT Wages	6023	
140	720.000	COURT Fringes	12973	
140	960.000	COURT Transfers		18996
To adjust the District Court budget to accommodate upgrading a Clerical position to an Accountant, as well as establishing a budget for Court non-union employees new "in lieu of overtime" pay. These increases in personnel costs will be deducted from their quarterly transfer check.				
Rev	693.710	Contribution - Sanitation Trust Fund	10624	
520	701.000	SANITATION Wages	18094	
520	711.000	SANITATION Overtime		12016
520	720.000	SANITATION Fringes	4546	
To adjust budget to account for a temporary upgrade of a Supervisor to the Acting DPW Director.				
300	701.000	POLICE Wages		34200
300	711.000	POLICE Overtime		2578
300	720.000	POLICE Fringes		32507
Fbal	390.002	Fund Balance - Carryover	69285	
To decrease budgeted expenditures to recognized the savings resulting from eliminating two Lieutenant positions and replacing them with Patrol personnel.				
590	UTILITY FUND			
860	701.000	WATER Wages		18,094
860	711.000	WATER Overtime	8,394	
860	720.000	WATER Fringes		5,785
Fbal	390.000	Fund Balance - Utility Fund	15,485	
To adjust budgeted expenses as a result of replacing the Asst. DPW Director with a Supervisor position.				
710	SANITATION TRUST FUND			
520	960.000	Transfer to Other Funds	10624	
390	390.002	Fund Balance		10624
To adjust budget to account for a temporary upgrade of a Supervisor to the Acting DPW Director.				
BUDGET AMENDMENT 11-05				
101	GENERAL FUND			
Rev	583.160	JAG Grant		80587
Rev	583.170	COPS Grant		190
300	980.003	POLICE Capital Outlay (video equipment)	17904	
300	980.451	POLICE Capital Outlay (radio equipment)	12147	
Fbal	390.002	Fund Balance - Carryover		110828
To correct the Police Department's grant budget to anticipated amounts.				
Rev	584.200	USDA Meal Program	20000	
Fbal	390.002	Fund Balance - Carryover	20000	
To increase revenue to anticipated amount.				
703	980.705	ARENA Capital Outlay (improvements)	12380	
Fbal	390.000	Fund Balance - Carnival Committee		12380
To increase budget for tile work being done at the Arena. Funds are coming from Carnival Committee.				
Rev	675.705	Donations Received - Parks	941	
705	980.720	PARKS Capital Outlay (Veteran Park donation purchases)	941	
To establish a budget for donations received.				

6. REQUEST TO APPROVE FIRST QUARTER BUDGET REPORT AND BUDGET AMENDMENTS (Cont'd)

BUDGET AMENDMENT 11-05 (continued)				
258	960.000	INFORMATION SYSTEMS Transfers		4124
Fbal	390.002	Fund Balance - Carryover	4124	
To correct departmental costs charged to Court & Library.				
520	900.000	SANITATION Printing & Advertising	3045	
Rev	693.710	Contribution - Sanitation Trust Fund	3045	
To establish a budget for the waste disposal guide included in the August issue of the Sentinel.				
120	<i>LOCAL STREET FUND - Street Department</i>			
Rev	695.000	Miscellaneous Revenue	25,384	
Fbal	390.000	Fund Balance - Local Streets	25,384	
To establish a budget for funds received from MMRMA resulting from the embezzlement insurance claim.				
661	<i>MOTORPOOL FUND</i>			
602	980.001	Capital Outlay (Vehicles-E-4 refurbish & Rescue One)	110000	
Fbal	390.000	Fund Balance - Motorpool Fund		110000
To correct budget by adding the purchase of vehicles included under the Fire's departmental budget.				
710	<i>SANITATION TRUST FUND</i>			
520	960.000	Transfer to Other Funds	23045	
390	390.002	Fund Balance		23045
To correct budget and balance the transfers between funds.				

Ayes: All – 6
 Absent: Frederick

7. REQUEST FOR PLANNING COMMISSION CASES 10-17 & 10-17A AT 24530 JEFFERSON BUILDING F, FOR A NEW RESTAURANT AT BUILDING F, PETITIONER MICHAEL LEFEVRE

a. Request for Special Use Approval, to allow a new restaurant at 24530 Jefferson, Building F, PC 10-17, petitioner Michael LeFevre

Mr. Quinlan, Architect, explained Mr. LeFevre's plans to take an existing warehouse building at Colony Marine and turn it into a restaurant. Mr. LeFevre has a great deal of restaurant experience as he has been in the restaurant business for approximately twenty-five years. They are proposing to split the use between the summer and winter. Mr. LeFevre made an agreement with the owner of Colony Marine to have the restaurant open and to have use of the parking lot a certain number of days out of the year. The restaurant will be open during the summer months and the rest of the time the parking lot will be used to store boats.

Ms. Koto noted that this is the Central Lakefront District, so a special use approval would need to apply for any parcel under the existing ordinance.

Ms. Rusie noted that in the Planners report, it states no music should be allowed and now the Planning Commission's recommending motion is for outdoor music until 2:00 a.m. every day of the week. Her concern is the outdoor music will bother the neighbors at Leisure Manor and they were not aware that Mr. LeFevre is now proposing to have outdoor music.

Mayor Hison asked Mr. Ihrie if Council decides to approve this special use, does that include the allowance of the outdoor music.

Mr. Ihrie noted that this was presented to Council with music as a special use, which was legal, but the people who may be affected by this were noticed of the special use, but the notice does not require special notation for music.

Mayor Hison mentioned that there were supporters of this request.

Mr. Rubino said he doesn't agree with the proposed hours for the outdoor music.

Mr. Quinlan said that they are only asking to not be limited with the hours for the outdoor music.

Mr. LeFevre asked to have the option to have "low key" outdoor music so he could have live performers entertaining outside and have dance music inside.

Ms. Koto informed Council that the Beach Grill was approved to have outdoor music for a few events during the season, but not all the time. She believes that Fishbones, Pat O'Briens, and Andiamos have the approval to play outdoor music all the time.

7a. Request for Special Use Approval, to allow a new restaurant at 24530 Jefferson, Building F, PC 10-17 (Cont'd)

Mr. Rubello asked what the distance is from the building to Leisure Manor. He asked about the parking situation and if this will cause a problem since Achatz Burgers already has an agreement with Colony Marine to use the parking lot for overflow.

Ms. Koto said the building is quarter of a mile (over 1,000 feet or 4 football fields) from Leisure Manor. She said there is plenty of parking for Achatz Burger, Colony Marine, and the restaurant.

Mayor Hison discussed how the noise ordinance prohibits noise after 11:00 p.m., so the request for the length of time for the outdoor music will have to be identified.

Mr. LeFevre said he would like the option to have the outdoor music anytime during the restaurant hours of operation. He discussed the structure of the building and how new construction will be added to the original building and new pilings will be added to support the tiki bar.

Motion by Walby, seconded by Rubino to approve a special use approval PC 10-17, to allow a new restaurant, at 24530 Jefferson, Building F, as recommended by the Planning Commission, the Planning Commission recommended special use approval 1) 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 10-17. 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 use approval, with outdoor music from noon to 11:00 p.m. during business hours.

Ayes: All – 6
Absent: Frederick

b. Request for Site Plan Approval for a proposed new restaurant, at 24530 Jefferson, Building F, PC 10-17A, petitioner, Michael LeFevre

Mr. Quinlan explained how there is an existing metal frame storage building used for boats and how renovations would be made to create a 1st class restaurant including an addition onto the building that will bring a portion of the restaurant onto the water a little.

Mayor Hison asked about the timeframe of the operation of the restaurant being from March 1 to November 1 every year and closing the restaurant the remaining time. He said the proposed time frame was originally from April 1 to October 31.

Mr. Ihrie commented that we are limiting the restaurant operation times and it would have to go before Council again if Mr. LeFevre requested to change the times.

Ms. Koto noted the parking regulations are based on the square footage of the building and seating. The total number of seats will be based on the Fire Marshall's reports on type of seats, exits, etc.

Ms. McFadyen asked how many seats would be outside.

Mr. LeFevre said the majority of the seating will be inside and approximately 105 seats will be outside.

Motion by McFadyen, seconded by Walby to approve a request for site plan approval PC10-17A for a proposed new restaurant, at 24530 Jefferson, Building F, as recommended by the Planning Commission, the Planning Commission recommended site plan approval, subject to the conditions of the City Planner's report, including 1) A final rendering is to be provided to the Planning Department, to be sure it conforms with the new ordinance, 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 10-17A. 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 site plan approval.

Ayes: All – 6
Absent: Frederick

c. Request for approval by Satchels, LLC of a new Class C Liquor License with Sunday Sales, Dance, Entertainment and Outdoor Service for a new restaurant to be located at 24530 Jefferson Building F

Mr. Ihrie explained that this is a request from Satchels, LLC for a new Class C Liquor License, (quota license meeting 150 seating) for their proposed new location at Colony Marina in Building F. It's a process that is set by State law. It is a multiple step process where the City has to have the initial approval and then the Michigan Liquor Control Commission considers approval. If the City approves this resolution it will be forwarded to the Michigan Liquor Control Commission for final approval.

Mr. Ihrie recited the Liquor License Ordinance, Criteria for decision on application (7), as follows:

- The applicant's management experience in the alcohol/liquor business.
- The applicant's general business management experience.
- The applicant's general business reputation.
- The applicant's moral character.
- The applicant's financial status and its ability to build and/or operate the proposed facility on which the proposed liquor license is to be located.
- Past criminal convictions of the applicant for crimes involving moral turpitude, violence or alcoholic liquors.
- The applicant's excessive use of alcoholic beverages.
- The effect that the issuance of a license would have upon the economic development of the surrounding area.
- The effects that the issuance of a license would have on the health, welfare and safety of the general public.
- The recommendations of the local law enforcement agency, building department and/or fire department with regards to the proposed facility.
- Whether the applicant has demonstrated the public need or convenience for the issuance of the liquor license for the business facility at the location proposed.
- The uniqueness of the proposed facility when contrasted against other existing or proposed facilities.
- The number of liquor licenses issued by the City of St. Clair Shores within the past twenty-four (24) months.
- Whether the facility to which the proposed liquor license is to be issued complies, or will comply, with the applicable building, plumbing, electrical and fire prevention codes, and zoning statutes and ordinances applicable in the City.
- The effects that the business facility to which the proposed license is to be issued will have upon vehicular and pedestrian traffic in the area.
- The proximity of the proposed business facility to other similarly situated licensed liquor facilities.
- The effects that the business facility to which the proposed license is to be issued would have upon the surrounding neighborhood and/or business establishments.
- The permanence of the establishment in the community as evidenced by the proposed or actual commitments made by the applicant.
- Such other considerations as the Council may deem proper, provided such considerations are reasonable under all of the circumstances.

Mayor Hison stated that recommendations of approval were given from the necessary departments, but all the departments' approvals were conditioned on final inspections. If approved, the resolution to the Michigan Liquor Control Commission cannot be with any conditions.

Mr. Rubino expressed that the liquor licenses should be used to attract customers to the area and the fact that this facility will only be open from April to October makes him believe that this license will not be used to its full potential.

Mr. Ihrie stated that this could be an argument under the criteria, "The effect that the issuance of a license would have upon the economic development of the surrounding area". This facility will be a permanent facility, but it will not be utilized throughout the entire year.

Mr. Rubino asked if the City has given any other lakefront restaurants licenses for the cost of \$2,500.

Mayor Hison said a license would have to be requested by the business first.

Ms. Kotowski informed Council that the City has an allocation from the Michigan Liquor Control Commission of 42 on premise licenses with 33 liquor licenses issued and currently the City has 9 Class C licenses that have not yet been issued.

7c. Request for approval by Satchels, LLC of a new Class C Liquor License with Sunday Sales, Dance, Entertainment and Outdoor Service for a new restaurant to be located at 24530 Jefferson Building F (Cont'd)

Mr. Ihrle said that every time the City gives out a quota license, it is essentially free. If Council believes that by granting this license, it will create competition and have a negative impact on the surrounding businesses, then it is up to Council to decide whether to issue the license or not.

Mr. Rubino believes that giving this license for the \$2,500 application costs, creates an unfair advantage, as the surrounding restaurants had to pay a higher cost to receive a license.

Ms. Rusie asked if a lease agreement has been signed yet.

Mr. LeFevre replied that as of today, a lease agreement has not been signed yet, but everything is in place and ready to be signed.

Mr. Rubello expressed that he wanted the licenses that the City has to be used to help smaller restaurants in the City. He was against the requirement of the amount of money a restaurant would have to invest in their facility and the number of seats the restaurant must have when it was being discussed. He appreciates the project and Mr. LeFevre's interest in the City, but he would like to help smaller businesses out with these licenses. He thinks Mr. LeFevre should have to buy a license like the rest of the restaurants on the Nautical Mile.

Mr. Walby asked about Mr. LeFevre's involvement with Jacks Waterfront restaurant on the Nautical Mile. He asked Mr. LeFevre if he has tried to get a license from elsewhere and what would happen if the City does not issue him a license.

Mr. LeFevre explained that he was bought out by his brother in 2004 and has not been involved with the business since. He said he made a phone call inquiring about getting a license from the State and has not looked into it any further since. He is not sure what would happen if the City does not issue him a license. He would have to refigure his budget to see what his next option would be.

Mayor Hison stated that the 225 seating requirement that was formerly in place was originally established to encourage a larger establishments to build in the City and not small "pub" type bars. Since the wording and requirements have been changed, some of the smaller businesses could apply for a license now.

Mr. Ihrle stated that the City currently has nine Class C licenses available. The ordinance change in 2009 stated that any time the City has more than six licenses, the licenses could be considered for facilities that have fewer than 150 seats. He reminded Council that if they so choose to deny a liquor license request, the denial must be accompanied by an explanation for the denial and submitted to the Liquor Control Commission. If there is a motion to approve, no reason must be given. If it is denial, good reason must be given.

Mr. Rubino asked if the fact that a business is open only six to seven months out of the year a good reason to deny a request.

Mr. Ihrle responded that that is not a good reason to deny a request. In the past, Council has approved transfers to businesses that would be closed at certain times of the year.

It was mentioned that there are other businesses in City that have liquor licenses and are not open for the entire year, such as Beach Grill.

Ms. Rusie asked how it was determined that the City must have six liquor licenses before considering businesses with fewer than 150 seats. She asked if the number of licenses that the City must have could be changed to a lesser number.

Mr. Rubello asked if a restaurant franchise such as Buffalo Wild Wings could apply for one of the City's licenses and only pay the \$2,500 fee.

Mr. Ihrle replied yes they could. He noted that the \$2,500 is the cost for administration fees and not the price of the license.

Mr. Rubino asked if it was a practice not to give out the licenses in the past.

7c. Request for approval by Satchels, LLC of a new Class C Liquor License with Sunday Sales, Dance, Entertainment and Outdoor Service for a new restaurant to be located at 24530 Jefferson Building F (Cont'd)

Mayor Hison replied no and explained that the seating requirement was lowered in order to allow the smaller establishments to apply.

Motion by Rusie, seconded by McFadyen that the request for a new Class C Liquor License with Sunday Sales, Dance, Entertainment and Outdoor Service for a new restaurant to be located at 24530 Jefferson Building F, St. Clair Shores Michigan 48080, Macomb County, to Satchels, LLC be APPROVED "above all others" and that it is the consensus of the legislative body that this application be RECOMMENDED for issuance.

A roll call vote was taken.

Ayes: Rusie, McFadyen, Hison

Nays: Rubello, Rubino, Walby

Absent: Frederick

MOTION FAILED.

It was discussed that if there is a request for reconsideration for this item, it would have to be requested by a member of the prevailing side.

8. REQUEST FOR REZONING OF 29305 JEFFERSON, FROM O-1 OFFICE DISTRICT, TO R-B TWO-FAMILY RESIDENTIAL DISTRICT, PC 10-15, PETITIONER, JEFF MAZZENGA

Mr. Vitale, Architect explained that this building, which is on the corner of Millenbach and Jefferson, is currently used for office and residential. He requested that the building be zoned as strictly residential as the plan is to renovate the building into a four-apartment complex. The back of the building would be renovated in order to create a larger parking lot.

Mayor Hison asked how zoning the building as R-B Two-Family Residential would allow the petitioner to turn the building into a four-apartment complex.

Mr. Vitale stated that the R-B Two-Family Residential allows the building to be a four-apartment complex.

Ms. Koto elaborated that it is considered a transitional zoning and the two-family zone incorporates the uses for the four-apartment complex.

Mr. Rubello asked how the landscaping would be and how the parking lot would be plowed in order not to infringe on the neighbors.

Mr. Vitale expressed that they are going to work closely with the Planning Commission for the landscaping and they have already discussed the snow plowing concerns with the owner.

Mr. Mezzenga mentioned that it was his understanding that a wall was originally put up between the building and the home next to it because the building was zoned as an office and was next to residential. Now, the building will be zoned residential so a wall between the properties is not required.

Ms. McFadyen asked where the double door on the south side of the building leads to.

Mr. Mezzenga responded that the double door is the entrance for the lower south apartment.

Motion by Rubello, seconded by Walby to approve the rezoning of 29305 Jefferson, from O-1 Office District, to R-B Two-Family Residential District, by the addition to zoning ordinance 15.1000 Rezoning (172), as recommended by the Planning Commission, the Planning Commission recommended approval of the rezoning, as presented, 1) 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 10-15. 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 rezoning, which reads as follows:

8. REQUEST FOR REZONING OF 29305 JEFFERSON, FROM O-1 OFFICE DISTRICT, TO R-B TWO-FAMILY RESIDENTIAL DISTRICT, PC 10-15 (Cont'd)

THE CITY OF ST. CLAIR SHORES ORDAINS THAT ZONING ORDINANCE 15.000 SHALL BE AMENDED BY THE FOLLOWING REZONING:

(172) Rezone from O-1 Office District to R-B Two-Family Residential District at 29305 Jefferson.

29305 Jefferson – Visnaws Lakewood Shores Subdivision Lots 151 and 382, Liber 9, Page 24, Macomb County Records, Macomb County, Michigan, from O-1 Office District, to R-B Two Family Residential.

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

This Ordinance 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 a.m. – 4:30 p.m. Monday through Friday.

STATE OF MICHIGAN)
) ss
COUNTY OF MACOMB)

We hereby certify that the foregoing ordinance is a true copy of an ordinance as enacted by City Council on the 6th day of December 2010 and that the necessary Charter provisions have been observed.

Robert A. Hison, Mayor

Mary A. Kotowski, City Clerk

I, Mary A. Kotowski, City Clerk of the City of St. Clair Shores, hereby certify that the foregoing ordinance was published in the Sentinel Newspaper on December 22, 2010, 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 and shall become effective on December 29, 2010.

Mary A. Kotowski, City Clerk

**Published: 12/22/10
(ord. amendment eff. December 29, 2010)**

Ayes: All – 5
Nay: McFadyen
Absent: Frederick

9. REQUEST FOR SITE PLAN APPROVAL FOR EXTERIOR RENOVATIONS TO 24026 JEFFERSON, PC 10-18, BY ANDIAMO RESTAURANTS

Mr. Vicari sated he is requesting the approval for the exterior renovations to the building because they are changing the building from Italian cuisine to Mexican cuisine. He explained that the lower deck area will be glassed in and enclosed and the upstairs will stay the same. He is changing the entrance by the valet to match their other Mexican restaurants in Novi, Rochester, and at Partridge Creek (the future location).

Ms. McFadyen asked if he has since changed the area that was originally considered a porch.

Mr. Vicari responded yes.

Motion by Rubello, seconded by McFadyen to approve a request for site plan approval PC 10-18 for exterior

9. REQUEST FOR SITE PLAN APPROVAL FOR EXTERIOR RENOVATIONS TO 24026 JEFFERSON, PC 10-18, BY ANDIAMO RESTAURANTS (Cont'd)

renovations to 24026 Jefferson. Separate approvals will be required for signage and special approvals may be required for the proposed "bubble lighting" and "agave sculpture", as recommended by the Planning Commission, the Planning Commission recommended site plan approval, subject to the conditions of the City Planner's report, including: 1) Separate approvals will be required for signage and special approvals may be required for the proposed "bubble lighting" and "agave sculpture," 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 10-18. 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 site plan approval.

Ayes: All – 6
Absent: Frederick

10. REQUEST FOR APPROVAL OF ZONING AMENDMENT FOR CENTRAL LAKEFRONT DISTRICT, PC 10-08

Ms. Koto explained when this was presented to Council back in July, their changes were incorporated and the request sent to the Tax Increment Finance Authority for input. This has occurred with the incorporated changes and the Planning Commission recommendations.

The revisions maintain in the ordinance for the special land use, such as, a new development in excess of one acre, a new development in excess of two stories, a drive-through facilities for a bank, credit union or similar financial facility (no fast food drive through restaurants). To not be as burdensome as the old ordinance while maintaining this district.

Mr. Rubello asked what other types of family entertainment could be brought to the City.

Ms. Koto said many parcels are too small to build on and the economy needs to turn around before anyone would take a risk in building something.

Motion by Walby, seconded by Rusie to approve the zoning ordinance amendments to Section 15.350 for Central Lakefront Development District, as recommended by the Planning Commission, the Planning Commission recommended approval of the zoning ordinance amendments, as noted, 1) 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 10-08. 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 zoning ordinance amendment, which reads as follows:

THE CITY OF ST. CLAIR SHORES ORDAINS THAT ZONING ORDINANCE 15.350 SECTIONS 35.49.1 – 35.49.9 CENTRAL LAKEFRONT DEVELOPMENT DISTRICT SHALL BE AMENDED WHICH READS AS FOLLOWS:

15.350 CENTRAL LAKEFRONT DEVELOPMENT DISTRICT

15.351 INTENT.

Sec. 35.49.1 Contemporary experience indicates that urban waterfronts have the potential for being major centers of urban redevelopment and economic growth. The present Comprehensive Plan for the long-range development of the City of St. Clair Shores (the "City") suggests that appropriate planning controls should be put in place, so as to bring to its highest and best use the limited and valuable lakefront area, protect the lakefront's unique characteristics, generate significant economic activity along the lakefront and nearby commercial arteries, enhance the lakefront area for the general benefit and enjoyment of the public, and, thereby, increase the economic vitality of the City. In keeping with such suggestions, the Plan has initially designated a portion of the St. Clair Shores lakefront as such a focal point of development for the City. It is envisaged that the designated area will be developed in size and complexity on a scale that goes beyond customary residential, recreational, marina and marine-industrial uses.

The Central Lakefront Development District ("CLD" or "District") is being established in line with the above purposes. In particular, the CLD is intended to serve the following goals:

SHALL BE AMENDED TO READ:

10. REQUEST FOR APPROVAL OF ZONING AMENDMENT FOR CENTRAL LAKEFRONT DISTRICT, PC 10-08
(Cont'd)

Sec. 35.49.1 *The intent of this ordinance is to implement the land use direction established in the city's Master Plan and Tax Increment Financing Authority Development Plan, which seeks to create a viable and lively waterfront that is a center of urban redevelopment and economic growth.*

The CLD is intended to serve the following goals:

- (1) Realize the full economic potential of the lakefront area as a focal point of urban growth based on "high intensity," "mixed-use," and "theme" - oriented planning concepts.
- (2) Preserve the recreational functions of the lakefront.
- (3) Promote development that protects and is enhanced by the unique features of the lakefront.
- (4) Promote a harmonious relationship with the surrounding community and nearby established institutions and facilities, including major public works characteristic of the lakefront area.
- (5) Provide for development consistent with the support of the overall concept and theme of the District, both as to uses and design.
- (6) Promote coordination of public and private efforts in the planning, financing, and development of needed infrastructure improvements in concert with evolving private and public uses.
- (7) Provide for orderly and integrated planning, so as to avoid fragmentary, short-term or speculative investments, and avoid delay in achieving the highest and best use of the area.
- (8) Prevent long-term vacancy, decay, blight, and abandonment.
- (9) Provide for an efficient and harmonious relationship between vehicular and pedestrian circulation systems and real estate developments, consistent with the theme of the District.

(chap. 35 eff. March 7, 1986; amended by ord. eff. Aug. 20, 1996, amended by ord. eff. 12/29/2010)

15.360 Prior consultation.

Sec. 35.49.10 All persons considering development of any property located in the District are advised to confer with the Planning Commission and its staff before investing significant amounts of time, energy, and funds in preparing plans, proposals, or extensive submissions.

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

FORMER SECTION 15.360, SEC. 35.49.10 TO BE REPLACED WITH 15.352 AS FOLLOWS:

15.352 *Prior consultation*

Sec. 35.49.2 *All persons considering development of any property located in the District are advised to confer with the Community Development Director or designee before investing significant amounts of time, energy, and funds in preparing plans, proposals, or extensive submissions. (amended by ord. eff. 12/29/2010)*

Old section :15.352 Permitted uses, subject to approval.

Sec. 35.49.2 The following uses will be permitted in the District, subject to City Council (the "Council") approval as set forth below:

1. Multiple unit residential buildings.
2. Hotels.
3. Restaurants (provided, however, that "drive-in" or "drive-through" facilities shall not be permitted unless the Council makes a determination as provided in Section 35.49.6(f)) [15.356(f)].
4. Office buildings.
5. Recreational and entertainment uses, including uses associated with the lakefront.
6. Commercial uses which would, in the judgment of the Council enhance the theme of, and draw the public to, the special lakefront development contemplated for the district.
7. Limited accessory uses in connection with one or more of the above, such as commercial establishments located within and designed to serve hotels or multi-unit residential buildings.
8. Other uses having the ability in the judgment of the Council to effectuate the purposes stated in Section 35.49.1 [15.351].
9. Uses customarily incidental to the uses enumerated above.

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

SHALL BE AMENDED TO READ:

10. REQUEST FOR APPROVAL OF ZONING AMENDMENT FOR CENTRAL LAKEFRONT DISTRICT, PC 10-08
(Cont'd)

15.353 Principal Uses Permitted

Sec. 35.49.3 Items listed below will be permitted as a principal use in the District.

1. Multiple unit residential buildings.
2. Hotels.
3. *Restaurants (provided, however, that "drive-in" or "drive-through" facilities shall not be permitted).*
4. Office buildings.
5. Recreational and entertainment uses, including uses associated with the lakefront, and excluding uses defined as adult entertainment business in Section 15.022 of the Zoning Ordinance.
6. *Any generally recognized retail business which supplies commodities on the premises, for persons residing in adjacent residential areas, such as: groceries, meats, dairy products, baked goods or other foods, drugs, dry goods and notions, or hardware.*
7. *Personal service establishment which performs services, on the premises such as but not limited to: repair shop (watches, radio, television, shoe, etc.) tailor shops, beauty parlors or barber shops, photographic studios, and self-service laundries.*
8. *Dry cleaning establishments, or pick-up stations, dealing directly with consumer. Central dry cleaning plants serving more than one retail outlet shall be prohibited.*
9. *Business establishments which perform services on the premises, such as but not limited to: banks, loan companies, insurance offices, and real estate offices.*
10. *Professional services including the following: medical clinics, (outpatient only) and offices of doctors, dentists, osteopaths, and similar or allied professions.*
11. *Post office and similar governmental office buildings, servicing persons living in the adjacent residential area.*
12. *Child day-care centers.*
13. *Commercial uses which would, in the judgment of the Council enhance the theme of, and draw the public to, the special lakefront development contemplated for the district.*
14. *Mixed-use commercial, office and residential buildings.*
15. ~~(7)~~ Limited accessory uses in connection with one or more of the above, such as commercial establishments located within and designed to serve hotels or multi-unit residential buildings.
16. ~~(8)~~ Other uses having the ability in the judgment of the Council to effectuate the purposes stated in Section 35.49.1 [15.351].
17. ~~(9)~~ Uses customarily incidental to the uses enumerated above.

(chap. 35 eff. March 7, 1986; amended by ord. eff. Aug. 20, 1996, amended by ord. eff. 12/29/2010)

15.353 Application procedure and required submission.

Sec. 35.49.3 All projects proposed to be developed within the District, and any improvements to, modifications, alterations, or changes of any uses, signs, or structures either existing at the time any parcel is zoned to the CLD classification or commenced or erected thereafter, shall require approval of the Council. In connection with any such proposal, each owner or other applicant shall submit an application to the City Planning Commission (the "Commission") setting forth a project summary describing the design, scope, extent, and timing of the project, the uses proposed, the legal interest of the applicant in the property to be developed, and, in addition, any person proposing any such project shall provide to the Commission the following submissions, together with relevant supporting material:

- (1) A recent "as-built" survey certified to the City of St. Clair Shores, containing a metes and bounds legal description of the property (or a plat description, if applicable), setting forth the total acreage, and showing the location of all improvements on the property.
- (2) The Sidewall (tax parcel) number(s) of the property.
- (3) Copies of all instruments creating restrictions encumbering the property.
- (4) A site plan to scale showing:
 - (a) Boundaries of the project and relationships to adjacent properties and to any buildings and improvements located thereon, existing streets, pedestrian walkways, and any adjacent docks, piers, or other lakefront traffic facilities.
 - (b) Circulation (site and adjacent areas), including pedestrian and vehicular traffic and access to the site from existing streets, and access for emergency vehicles to all portions of the site.
 - (c) Location and number of on-site parking spaces provided.

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- (d) Yards and set-backs.
- (e) All existing and proposed easements across the property and points of connection to utility lines in public rights-of-way.
- (f) Areas available to public access.
- (5) Building/development elevations from four major directions, including outside dimensions, heights, floor area, and projected number of residential units, their projected area, and projected number of bedrooms per unit, if applicable.
- (6) A Landscaping plan.
- (7) Signage plans.
- (8) Topographical analysis of the site, showing topography at two-foot intervals on the site and within one hundred (100) feet of the site, referenced to a U.S.G.S. benchmark.
- (9) Soil studies.
- (10) Views and vistas from and to the lake where a project will be visible from the lake, including sight lines with respect to other developments having views of the lake.
- (11) A development timetable, setting forth anticipated commencement and completion dates with respect to construction, and the date on which operation of the project is expected to begin. If the project is planned to be constructed in stages or phases, a phase by phase timetable shall be submitted, including commencement, completion, and initial operating dates for each phase, and the portion of the overall property to be devoted to each phase shall be indicated on the site plan. A one-year construction progress "target" should be specified either for the project, or the initial phase thereof in the case of a multi-phase project, stating the amount of progress with respect to the total construction plan anticipated to be completed within the first year following issuance of an initial building permit.
- (12) A development planning analysis, by a recognized, reputable urban planner, architect or landscape architect specializing in large-scale urban development projects, which describes the relation of the proposed project to existing uses and to the overall development of the District, as envisaged in the Comprehensive Plan or in other official published planning materials. The analysis shall also set forth evidence that the proposed project, and the use or combination of uses proposed, will contribute to realization of the fullest economic potential of the District. The analysis should include, or be accompanied by, a study or analysis showing fiscal impact of the proposed project on the City and an authoritative market study with respect to the proposed use(s), in order to avoid over-development of one or more types of uses and consequent waste of scarce lakefront space and access, future underutilization, blighting, or abandonment of facilities in the District.

In the event that a project is proposed to be developed in stages or phases, the development analysis shall take into account the timing of each stage or phase.

- (13) A development and financial resume for the applicant, and for the developer if other than the applicant, demonstrating:
 - (a) A proven record of past performance indicating the level of skill and organizational ability necessary to complete the proposed project; and
 - (b) significant evidence of financial capacity, whether through borrowing, equity investment or the like, necessary to complete the project. The developer shall make clear any intention to rely on public financing vehicles such as Urban Development Action Grants, Tax Increment bonds, tax abatements, and other public financing vehicles which may from time to time become available, and include an account, with documentary evidence as available, of any negotiations, letters of intent, or completed commitments or other agreements, arrangements, or understandings with respect to such financing.
- (14) Evidence that the project will be in compliance with applicable environmental and other lake-related requirements. In the event that the project is contiguous to the lakefront, or within the officially-designated 100-year flood plain, and/or involves facilities for lakefront recreational activities, boating facilities, and the like, evidence shall be submitted that such uses will be in compliance with all applicable environmental laws and regulations, including storefront and flood risk protection, both with respect to the project and to its impact on adjoining properties, and all applicable water safety, boat traffic, beachfront, harbor, waterway laws and regulations.

10. REQUEST FOR APPROVAL OF ZONING AMENDMENT FOR CENTRAL LAKEFRONT DISTRICT, PC 10-08
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- (15) Representations with respect to the location and adequacy of existing utilities and waste disposal facilities, including written statements from all agencies responsible for the provision of public utilities and waste disposal, stating that the utility service needs of the proposed project will be adequately accommodated; provided that in lieu of the availability of such statements with respect to existing facilities, the applicant shall submit plans in sufficient detail indicating clearly that all utilities and waste disposal facilities needed but not presently available shall be provided in a feasible and adequate manner, and, in addition, shall provide adequate financing proposals with respect to the construction of such improvements.
- (16) Traffic studies showing conclusively that the anticipated maximum traffic (including pedestrian traffic) that might be generated by the project can be efficiently and safely accommodated by existing, abutting major streets and walkways, or by any future street improvements contemplated by the Council or other appropriate agency or authority, provided that with respect to any traffic planning deficiencies, the applicant shall submit plans evidencing a conclusive commitment to widen or otherwise improve such abutting streets so as to cure such deficiencies, and in addition, shall provide feasible and adequate financing proposals with respect to the construction of such improvements.
- (17) Parking data showing the number of parking spaces that will be required to serve the project, and, if all such spaces are not provided on site, where such spaces will be provided.

The Commission may, in its sole discretion, waive any of the required submissions, or portions thereof set forth in Subsections 35.49.3(7)--(17) [15.353(7)--(17)], where it determines that it has available sufficient data to provide the necessary information or where it determines that the information is not necessary or relevant to its evaluation of the proposed project. The Commission may in its sole discretion additionally waive any of the required submissions of Subsections 35.49.3(1)--(6) [15.353(1)--(6)] where approval is sought only for an improvement, modification, or alteration of an existing use or structure, and where the Commission determines (i) that the improvement, modification, or alteration is not substantial and (ii) that the information is not relevant or necessary to its evaluation of the proposed improvement, modification, or alteration; provided, that in such event, the applicant shall nevertheless submit an elevation and a site plan or development plan to scale showing the location of the improvement, modification, or alteration and its relation to the project or structure to which it will be made.

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

15.353 Application procedure and required submission IS HEREBY REPEALED. (repealed by ord. amend. eff. 12/29/2010)

15.354 Planning commission review.

Sec. 35.49.4 The Commission shall review the application in light of the standards and requirements set forth for the District and as indicated below.

- (a) Whenever a project proposes improvements to, modifications, alterations, or changes to existing sites, structures or signs without a change in use, the Commission shall review the proposal and, thereafter, report to the Council its recommendation with respect to approval, disapproval, or approval with specified conditions.
- (b) Whenever a new project or a change in use of an existing site or structure is proposed to be developed within the District, the Commission shall conduct its review in conformity with the notice and hearing requirements stated in Section 4a (1) of Act 207, Public Acts of 1921, as amended, regarding special land uses subject to discretionary approvals. The Commission shall then report to the Council its recommendation with respect to the approval, disapproval, or approval with specified conditions of the proposed project.

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

15.354 Planning commission review IS HEREBY REPEALED. (repealed by ord. amend. eff. 12/29/2010)

NEW SECTION SHALL READ:

15.354 Special Land Uses

Sec. 35.49.4 *The following uses shall be permitted as special land uses in the CLD District, subject to the standards and requirements set forth herein, and subject to the standards and approval requirements set forth in Section 35.83 [15.510]:*

- (1) *New development in excess of 1 acre for principal uses permitted in Section 35.49.3 [15.353].*
- (2) *New development in excess of 2 stories for principal uses permitted in Section 35.49.3 [15.353].*

10. REQUEST FOR APPROVAL OF ZONING AMENDMENT FOR CENTRAL LAKEFRONT DISTRICT, PC 10-08
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(3) *Drive-through facilities for a bank, credit union or similar financial facility.*
(new section by ord. eff. 12/29/2010)

15.355 City council approval.

Sec. 35.49.5

- (1) Following receipt of the recommendation of the Commission with respect to a proposed project, the Council shall consider the application and adopt a resolution approving or disapproving of the proposal, or approving the proposal subject to reasonable conditions specified in the resolution of approval.
- (2) The Council may, in its discretion, base its determination solely on the findings and recommendations of the Commission, or the Council may, in addition, permit or request the submission of, and consider additional information from, any person having an interest in the proposed project, or may conduct further studies.
- (3) In making its determination, the Council shall apply the specific standards and requirements set forth in Section 35.49.6 [15.356.6], while at all times having regard for the broad relationship between the proposed project and its likely impact on the overall plan of development for the District and for the City as a whole, as set forth in the Ordinance, and with reference to the planning framework from time to time set forth in the Comprehensive Plan.
- (4) In the event that the project is approved subject to specified conditions, such conditions shall become part of the record of approval, as set forth in the approval resolution, and such conditions shall form part of the approved project and shall be modified only as provided in Section 35.49.8 [15.358.8].

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

15.355 City council approval IS HEREBY REPEALED. (repealed by ord. amend. eff. 12/29/2010)

NEW SECTION SHALL READ:

15.355 General Requirements

Sec 35.49.5 Any use established in the CLD District shall comply with the standards and requirements set forth in this ordinance and other regulations of the City.

1. ***Uses classified as Special Land Use shall provide the following documentation in addition to the site plan review submission requirements of Section 35.82 [15.509].***
 - a. *Topographical analysis*
 - b. *Soil study*
 - c. *Views and vistas to and from the lake*
 - d. *Evidence of compliance with applicable environmental and other lake-related requirements.*
2. ***Changes in an approved site plan for a principal permitted use may be permitted by the Community Development and Inspections Department subject to findings that:***
 - a. *Such change(s) are minor, necessary for building or site maintenance not affecting the original design or involve a re-occupancy of a similar or less intense use.*
 - b. *Such change(s) will not adversely affect the initial basis for granting approval*
 - c. *Such change(s) are the direct result of the owner's (or developer's) reasonable experience obtained during the project's progress.*
 - d. *Such change(s) will not adversely affect the impact of the project or the overall development of the District in light of the intent and purpose of the District as set forth in Section 35.49.1 [15.351].*
3. ***Changes to an approved site plan for a special land use may be permitted by the Community Development and Inspections Department subject to findings that:***
 - a. *Such change involves re-occupancy of a similar or less intense use.*
 - b. *Such change(s) is necessary and involves building or site maintenance*
4. ***Changes to an approved site plan for a special land use may be permitted by the Planning Commission subject to findings that:***
 - a. *Such change(s) are minor.*
 - b. *Such change(s) will not adversely affect the initial basis for granting approval*
 - c. *Such change(s) are the direct result of the owner's (or developer's) reasonable experience obtained during the project's progress.*

10. REQUEST FOR APPROVAL OF ZONING AMENDMENT FOR CENTRAL LAKEFRONT DISTRICT, PC 10-08
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- d. Such change(s) will not adversely affect the impact of the project or the overall development of the District in light of the intent and purpose of the District as set forth in Section 35.49.1 [15.351].*

(new section by ord. eff. 12/29/2010)

15.356 Standards and requirements with respect to review and approval.

Sec. 35.49.6 In considering any application with respect to a proposed project within the District, the Commission and the Council shall make their respective determinations on the basis of the following standards and requirements:

- (a) All uses in connection with the proposed project shall be consistent with and promote the specific intent and purposes of the Central Lakefront Development District as described in Section 35.49.1 [15.351], shall be designed so as to be consistent and harmoniously with the theme and concept of the District, and generally be in keeping with the spirit and purpose of the District.
- (b)
 - (i) The project proposal shall set forth specifications with respect to height, setbacks, density, parking, circulation, landscaping, views, and other design and layout factors which exhibit due regard for the relationship of the project to adjacent properties, to other developments in the District, to the lake, and to the overall plans and goals for the District, it being understood that no height, setback, density, parking, or other such requirements are specifically required except as contained in the proposal approved by the Council, or in any specific condition to which the proposal has been made subject in the Council's resolution of approval: except that the dimensions of on-site parking spaces shall comply with Section 35.74(2) [15.501(2)] of this Ordinance.
 - (ii) Signs within the proposed project area shall be designed and located in a manner consistent with the overall theme of the District and shall be limited to such numbers and size as to avoid a proliferation of signage in the District or any portion thereof. In the event of any conflict or inconsistency between the signage requirements of this Subsection (b)(ii) and those of any other section of this Ordinance or of any other City Ordinance regulating signage, including Subsection 39.4.F of the City's Sign, Lighting and Display Ordinance, the requirements of this Subsection shall govern, provided that in no event shall signs exceed in number, size and height the limits set forth in such other section or ordinance.
- (c) The proposed use(s) must not exceed the capacity of existing and available public services, including utilities, and public roads, unless the project proposal contains an acceptable plan for providing necessary services or acceptable evidence that such services will be available by the time the project is completed.
- (d) The proposed use(s) must be protective of the natural environment and stability of the lakefront, and in compliance with all applicable environmental and safety laws and regulations, including all laws and regulations affecting use of the lakefront and waterways.
- (e) The project and proposed use(s) shall be in compliance with all applicable federal, state, and local laws and regulations.
- (f) In order to promote the overall spirit and purpose of the District, the preferred uses shall be those tending to encourage pedestrian-oriented activity, and to encourage customer and/or invitees of businesses in the District to remain in the District for relatively extended periods, so as to cause the District effectively to function as a nucleus or hub of commercial and economic activity. Consequently, uses shall be discouraged to the extent they are designed or have the tendency to draw customers or invitees for only brief periods of limited activity. In particular, any use whose substantial character is derived from serving transient vehicular traffic, such as auto service stations or car washes, drive-in or drive-through restaurants and banks and dry-cleaning and laundry establishments (in contrast to similar businesses that cater essentially to pedestrian traffic or are located in multi-story, multiple-unit residential buildings, or hotels), shall not, in general, be approved. The Council may, however, approve a proposed use, notwithstanding the criteria set forth in this Subsection (f), if the Council determines that it provides a service which is needed for the viability of the District and which would not otherwise be available within reasonable proximity to the District.

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

10. REQUEST FOR APPROVAL OF ZONING AMENDMENT FOR CENTRAL LAKEFRONT DISTRICT, PC 10-08 (Cont'd)

15.356 Standards and requirements with respect to review and approval IS HEREBY REPEALED. (repealed by ord. amend. eff. 12/29/2010)

NEW SECTION SHALL READ:

15.356 Site and Building Development Standards

Sec. 35.49.6 Projects shall meet the site and building standards of the following Zoning Ordinance sections:

1. **Section 15.954 Applicability**
2. **Sections 15.960 Building placement standards, 15.961 Retail node, 15.962 Corridor frontage district and 15.963 Townhome units for building placement.**
3. **Sections 15.964 through 15.967 for parking placement.**
4. **Section 15.969 Building frontage standards**
5. **Section 15.970 Building height subsections (2) Corridor frontage sub-district and (3) Townhome units.**
6. **Sections 15.971 through 15.978 for architectural standards**
7. **Section 15.979 through 15.985 for site design standards. An exception is granted for planting within the Jefferson Avenue right-of-way, with the submittal and approval of a landscape plan as part of the building permit application.**

(new section by ord. eff. 12/29/2010)

15.357 Issuance of permits and certificates subsequent to approval.

Sec. 35.49.7

- (1) **Subsequent to approval by the Council, the Building Inspector shall not issue building permits or certificates of occupancy unless the Planning Director determines that the plans and proposed use(s) comply with the Council's resolution of approval.**
- (2) **The applicant may appeal an adverse determination by the Planning Director to the Commission, and if the Commission finds that the project is in compliance with the resolution of approval, then a permit (or certificate, as the case may be) shall be issued.**

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

15.357 Issuance of permits and certificates subsequent to approval IS HEREBY REPEALED. (repealed by ord. amend. eff. 12/29/2010)

NEW SECTION SHALL READ:

15.357 Architectural Design Principles and Criteria

The intent of the architectural design principles and criteria is to create a unified visual appearance for the Central Lakefront District and to stimulate an identity for this destination. Long-standing unique and/or architecturally significant structures are encouraged to remain. However, the City goal is to refrain from the eclectic mix of building styles that have become prevalent during the late 20th century.

Sec 35.49.7 The design principles listed below provide the development vision and a basis for a site plan decision. Sec. 35.49.9 provides graphic interpretations of the design principles and architectural design criteria.

1. **Diminish building mass to approximate the size of existing buildings.**
 - **Separate a development into multiple buildings or sub-masses.**
 - **Vary the façade through the use of wall recesses or projections.**
 - **Vary the façade using differing wall heights.**
 - **Vary the roof pitch or parapet line.**
 - **Use landscape areas to break up large facades.**
2. **Support pedestrian use of sidewalks.**
 - **Transition from high eave edges to lower pedestrian-scale context using awnings, canopies or similar design solution.**
 - **Provide pedestrian-scaled features inviting activity at the building front using central landscape plazas or sitting areas.**
 - **Site buildings 60 feet from the centerline of Jefferson Avenue.**
 - **Define and enhance the street edge.**
 - **Incorporate smaller tenant spaces in the front of large buildings.**

10. REQUEST FOR APPROVAL OF ZONING AMENDMENT FOR CENTRAL LAKEFRONT DISTRICT, PC 10-08 (Cont'd)

3. **Create a visually appealing environment.**
 - *Vary the building material using a palette of durable material.*
 - *Incorporate energy-efficient architecture.*
 - *Screen warehouse buildings.*
 - *Reduce the visibility of parking areas through location and landscaping*
 - *Break up large parking lots.*
 - *Shield loading and delivery areas.*

Section 35.49.8 *The architectural criteria required by this section supports the development vision. The criteria do not encourage the use of appliqué or decoration but encourage modern design interpretation based on common features.*

1. **Façade Proportion and Rhythm**
 - a. *Façade design shall be vertically expressed through groupings of windows and doors or through the use of window dividers.*
 - b. *Visually dominant vertical expressions such as turrets are prohibited.*
 - c. *Use of similar window, door, porch, eave and bay proportions should respect those of adjacent buildings.*
 - d. *Duplicating the façade design of adjacent buildings is prohibited.*
2. **Rooflines and Pitch**
 - a. *Residential buildings and structures shall have a roof pitch.*
 - b. *The predominant pitch for a gable roof is toward a public street or the larger of two public streets for corner lots.*
 - c. *The use of dormers is not required to meet the minimum roof pitch requirement.*
 - d. *Roofs greater than 2,000 square feet may be flat, provided parapets in the range of two (2) to four (4) feet in height are provided.*
 - e. *Roof materials shall be wood, metal or asphalt shingles in dark gray, brown or natural tones.*
 - f. *Dormers are encouraged as an architectural feature. Such dormers shall be visually subordinate to the main roof.*
 - g. *Porch coverings shall expose a gable to the public street or a primary path for pedestrians.*
3. **Building Materials**
 - a. *Ground floors shall be sided in brick, stone or cementations hardboard with a horizontal pattern.*
 - b. *Brick shall be colored in the red-brown range.*
 - c. *Brick shall follow the structural requirements of masonry bearing walls.*
 - d. *Maximum exposure of non-brick siding shall be six (6) inches.*
 - e. *Corners of non-brick siding shall be finished with a minimum four (4) inch corner strip.*
 - f. *Vinyl, aluminum or plywood siding is prohibited.*
 - g. *Wood board and batten siding is permitted for accessory structures.*
4. **Windows and Doors**
 - a. *Double-hung, Single-hung or casement windows shall be used. Single panes of glass are permitted for commercial storefronts provided the scale is lessened through the use of dividers.*
 - b. *Spandrels for commercial storefront windows shall be designed as part of the window and not part of the wall.*
 - c. *Windowless or undersized windows on street-side facades are prohibited.*
 - d. *Doors are encouraged to incorporate transoms or sidelights.*

Sec. 35.49.9 *Illustrative examples of Sec. 35.49.7 design principles and 15.357 architectural design criteria.*



1. **Diminish large building mass through the use of sub-massing, wall recesses and projections, varying wall heights and change in roof pitch direction.**

10. REQUEST FOR APPROVAL OF ZONING AMENDMENT FOR CENTRAL LAKEFRONT DISTRICT, PC 10-08 (Cont'd)



2. Transition from from high eave edges to lower pedestrian-scale context using awnings, canopies or similar design solution. Define and enhance the street edge.



3. Vary the building material using a palette of durable material.

Sec. 35.49.10 Uses classified as Special Land Use may have the requirements of Section 35.357 architectural design criteria modified by recommendation of the Planning Commission and approval of the City Council. (new section by ord. eff. 12/29/2010)

15.358 Modification of approved plans.

Sec. 35.49.8

- (1) Approved project proposals may be modified by resolution of the City Council, upon submission and review of an application in accordance with procedures, standards, and requirements set forth in Section 35.49.6 [15.356].**
- (2) Notwithstanding Section 35.49.8(1) [15.358(1)], changes in approved project proposals may be permitted by the Commission subject to its finding that:**
 - (a) Such changes are minor;**
 - (b) Such changes will not adversely affect the initial basis for granting approval (taking into account any objective changes of circumstances from those applicable in the initial approval stage);**
 - (c) In the case of multi-phase projects, that such change(s) are the direct result of the owner's (or developer's) reasonable experience obtained during construction of the initial phase, or during marketing efforts with respect to the initial phase, or are based on conclusions derived from analysis of general market trends and related factors; and**
 - (d) That such change(s) will not adversely affect the impact of the project on the overall development of the District in light of the intent and purpose of the District as set forth in Section 35.49.1 [15.351].**

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

15.358 Modification of approved plans IS HEREBY REPEALED. (repealed by ord. amend. eff. 12/29/2010)

11. REQUEST FOR APPROVAL OF ZONING AMENDMENT FOR ACCESSORY BUILDINGS/STRUCTURES, PC 10-16A (Cont'd)

the following places: Police Station, 27665 Jefferson Avenue, Fire Hall, 26700 Harper Avenue, and City Hall, 27600 Jefferson Circle Drive and shall become effective on December 29, 2010.

Mary A. Kotowski, City Clerk

Published: 12/22/10
(ord. amendment eff. December 29, 2010)

Ayes: All – 6
Absent: Frederick

12. REQUEST FOR APPROVAL OF ZONING AMENDMENT TO CHANGE THE BUILDING LINE OF 10 MILE ROAD RIGHT-OF-WAY, EAST OF JEFFERSON, PC 10-16B

Ms. Koto said that on Ten Mile Road east of Jefferson we have the ability to narrow the right-of-way. Currently, the right-of-way is 120 feet and we would narrow it down to 66 feet total. She explained that the zoning ordinance requires additional setback distance on Ten Mile Road, to accommodate the right-of-way width, the vast majority of the existing homes on Ten Mile Road are considered non-conforming. Any new development, addition to an existing development, or modification to the front of many of these homes typically required a variance due to these circumstances. Staff is recommending that the right-of-way line be reduced east of Jefferson to bring all existing structures into conformance, as well as allow future construction without the need for variances.

Mayor Hison noted that this would simplify the process.

Motion by Rubello, seconded by Walby to approve a zoning ordinance amendment Chapter 15.480 Schedule of Regulations, Notes to Schedules Footnote (O)(h) to change the building line of 10 Mile Road right-of-way, east of Jefferson, as recommended by the Planning Commission, the Planning Commission recommended approval of the zoning amendment for Accessory Buildings/Structures, as presented. 1) 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 10-16A. 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 zoning ordinance amendment; adopting the zoning ordinance amendment, which reads as follows:

THE CITY OF ST. CLAIR SHORES ORDAINS THAT ZONING ORDINANCE 15.481 SECTION 35.66 SCHEDULE OF REGULATIONS, FOOTNOTE (O)(h) BE AMENDED AS FOLLOWS:

15.480 SCHEDULE OF REGULATIONS

15.481 Schedule limiting height, bulk, density and area by zoning districts.

Sec. 35.66 notes to schedule.

Footnote (O) Building Lines, Distance, Streets, Schedule. No building or any part thereof shall be erected on any of the following streets nearer to the center of the road than herein specified:

(h) On Ten Mile Road nearer than sixty (60) feet from the center of the present highway;

Shall be amended as follows:

(h) On Ten Mile Road nearer than sixty (60) feet from the center of the present highway; east of Jefferson nearer than thirty-three (33) feet. (chap. 35 eff. March 7, 1986; amended by ord. eff. Aug. 20, 1996; amended by ord. eff. Nov. 4, 1996; amend. eff. Oct. 3, 2000, amend eff. 12/29/2010)

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

This Ordinance 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 a.m. – 4:30 p.m. Monday through Friday.

12. REQUEST FOR APPROVAL OF ZONING AMENDMENT TO CHANGE THE BUILDING LINE OF 10 MILE ROAD RIGHT-OF-WAY, EAST OF JEFFERSON, PC 10-16B (Cont'd)

STATE OF MICHIGAN)
) ss
COUNTY OF MACOMB)

We hereby certify that the foregoing ordinance is a true copy of an ordinance as enacted by City Council on the 6th day of December 2010 and that the necessary Charter provisions have been observed.

Robert A. Hison, Mayor

Mary A. Kotowski, City Clerk

I, Mary A. Kotowski, City Clerk of the City of St. Clair Shores, hereby certify that the foregoing ordinance was published in the Sentinel Newspaper on December 22, 2010, 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 and shall become effective on December 29, 2010.

Mary A. Kotowski, City Clerk

**Published: 12/22/10
(ord. amendment eff. December 29, 2010)**

Ayes: All – 6
Absent: Frederick

13. BIDS/CONTRACTS/PURCHASE ORDERS

a. Request to award contract for Real Estate Services, to sell NSP properties (bids opened 11/9/10), postponed from 11/15/10 meeting

Ms. Koto stated that the NSP properties are in the final stages of renovations, which will allow a real estate agent to list and show them as necessary. By utilizing a real estate agent the properties will be available on the Multiple Listing Service (MLS), exposing them to a larger part of the real estate market. Please note that the City cannot profit from the sale of these properties, and the proceeds from all sales must be returned to the NSP program. She created a sheet clarifying the breakdown of the bids submitted for this item. She and Mr. Ihrie both confirmed that the lowest bidder must be able to list the homes on both services. Staff recommends Mc Neal – O'Brien.

Mr. Ihrie said that Mc Neal – O'Brien indicated to him that they were a member of the Multiple Listing Service. It was discovered that Mc Neal – O'Brien only became a member on November 17, 2010. They said that they had been a member for years, but had to reapply for membership since the entity changed names. In the City's request for proposal, we required that they would be a member and would be able to market on the Multiple Listing Service. Mc Neal – O'Brien is in compliance of the request for proposal.

Ms. Rusie commented that it is difficult for Council to determine the lowest bidder on the fees because the fees are based on a hypothetical basis.

Ms. Rusie asked Ms. Koto how many homes she thinks would be below the \$50,000 mark, because she feels that most of the homes will be in the \$50,000 to \$100,000 range. She mentioned how only 59 businesses were notified and 27 accessed and she thinks that more businesses could have been notified (it wasn't cast widely enough). Realtors do not usually check MITN for bid opportunities.

Ms. McFadyen excused herself from the meeting at 10:53 p.m.

Ms. Rusie mentioned that it was noted in the bid documents that the potential bidders would be rated by using the following information: experience, capacity, and minority or woman owned business. Everything submitted by the Community Development Department has been fee based only and not experience, capacity, or MBEWB status. The quality and type of experience should be looked at.

13. BIDS/CONTRACTS/PURCHASE ORDERS – a) Request to award contract for Real Estate Services, to sell NSP properties (Cont'd)

Ms. Koto explained that every company was evaluated on the basis of experience and capacity, but we couldn't determine whether a company was a minority or woman owned business unless that information was submitted.

Ms. Rusie thinks that Realty Executive Select's fees appear enticing. Mc Neal – O'Brien's fee is 4.5% because the listing fee and buyer fee is combined (2% listing fee and 2.5% buyer fee). Realty Executive Select's listing fee is 1.8% and they are offering the buyer's agent 3%, which would be more enticing to the buyer's agent to push these homes to their potential buyers. With Realty Executive Select's fee being at 1.8%, there is only a .3% difference between Mc Neal – O'Brien and Realty Executive Select. This money is not coming out of our funds, so .3% would be well spent since it would be used for a more enticing offer. She thinks that knowledge of the market and location does matter. They would need to be able to "keep an eye" on these homes especially since so much money was invested in these homes. She questioned if a Southfield agent would be able to service the homes during the sale period with the commute in peak traffic hours. It would be ideal to hire someone that is at least in Macomb County.

Mr. Rubino questioned Realty Executive Select's fees and said that it is difficult to assess the actual fees for each company. He's not sure if Realty Executive Select is truly the lowest bidder because it appears that Goosen Realty has the lowest bid by \$25.00 less.

Ms. Koto discussed that Realty Executive Select has an additional fee for homes sold for less than \$75,000 (the fee is waived for homes sold for more than \$75,000).

Mayor Hison mentioned that if we wanted the company to have local experience, then that should have been specified in the bid specification. He said that Mc Neal – O'Brien is the lowest bidder, the way it was bid.

Mr. Rubello announced that he is abstaining from voting on this item because he has a business relationship with one of the companies.

Ms. Rusie commented that it would be better if next time we require a local company. The .3% low bid difference would be well spent with a local realtor.

Mayor Hison explained that Mc Neal – O'Brien is only thirty minutes away and it wouldn't be fair to assume that they are not familiar with the area.

Mr. Ihrie said that all of Ms. Rusie's comments are accurate and true. We have to be aware that these are Federal funds administered by the State being spent here and there are certain requirements for spending this money. One requirement was for each City to consider women owned businesses. The lowest bidder in this case is a woman owned business and is the recommendation of administration. The United States Department of Justice may have questions regarding Council's decision tonight.

Ms. Rusie commented that Realty Executive Select is a woman owned business also.

Mr. Rubino asked if there would be a way "out" of the contract in the future if needed. He feels "torn" with his decision because although a local realtor would be a good choice, we are to use the bid process and go with the lowest bidder.

Mr. Ihrie stated that there would not be any "outs" after a decision is made. Any of these companies discussed will know how to sell houses and will be capable of selling houses.

Ms. Rusie questioned if we have to choose the lowest bidder since this is a Federal program.

Mr. Ihrie replied that we do not have to go with the lowest bidder. The Cities were asked to consider minority and women owned companies when making their decision. Realty Executive Select is a woman owned business and is one of the lower bidders, so there wouldn't be any questions regarding a decision to award the bid to Realty Executive Select if Council so chooses.

Ms. Koto said that it would be difficult to determine if Goosen Realty is cheaper.

Mr. Rubino stated that the specifications should have been more specific because it's difficult to tell who would be cheaper.

Motion by Walby, seconded by Rubino to approve a request to award contract for Real Estate Services, to sell NSP properties to Mc Neal – O'Brien, the low bidder, to sell the NSP homes.

13. BIDS/CONTRACTS/PURCHASE ORDERS – a) Request to award contract for Real Estate Services, to sell NSP properties (Cont'd)

A roll call vote was taken.

Ayes: Walby, Rubino, Hison

Nays: Rusie

Abstain: Rubello

Absent: Frederick, McFadyen

MOTION FAILED.

Ms. Koto mentioned that the State is only giving until December 31, 2010 for the Cities to select a real estate company.

It was discussed that there would need to be a motion by the prevailing side to reconsider this item.

Motion by Rusie, seconded by Walby to reconsider and postpone the request to award contract for Real Estate Services, to sell NSP properties to the December 20, 2010 Council Meeting.

Ayes: All – 4

Abstain: Rubello

Absent: Frederick, McFadyen

b. Request for approval of Cost Share Agreement between RCMC, Clinton Twp. and St. Clair Shores for the resurfacing of Harper, from 13 Mile to 15 Mile.

Mr. Rayes explained that the total cost estimate to resurface Harper, from 13 Mile Road to 15 Mile Road, is \$4,206,500. After the Federal Funds, \$767,400 will be split with 50% paid by the County and the City of St. Clair Shores' share (25%) will be approximately \$191,850, after the Federal Funds are applied.

Mr. Rubello asked why this project wasn't new concrete. He asked what signs will be placed on that route.

Mr. Rayes explained that the cost does not warrant tearing out the road that is currently there. He said that we could ask the County what signs will be put up, but the signs will be the County's decision. He noted that this project will be a quicker project than the Nine Mile Road project.

Motion by Rubino, seconded by Walby for approval of Cost Share Agreement between the Board of County Road Commissioners of Macomb County, Clinton Twp. and St. Clair Shores for the resurfacing of Harper, from 13 Mile to 15 Mile, in the amount of \$191,850, which reads as follows:

WHEREAS, CITY and TOWNSHIP initiated a project to resurface Harper Avenue from 13 Mile Road to 15 Mile Road in the City of Saint Clair Shores and Clinton Township, and

WHEREAS, the proposed project involves the resurfacing of an existing roadway, and

WHEREAS, COMMISSION has adopted policies relating to CITY's and TOWNSHIP's participation in construction costs on roads designated as Primary roads, and

WHEREAS, COMMISSION has agreed with CITY and TOWNSHIP to have this project engineered, constructed, inspected and placed in service.

NOW, THEREFORE, in order to save public funds and expedite this project, COMMISSION, CITY and TOWNSHIP agree to carry out this project under a single contract according to the following terms and conditions:

1. The project termini are:

- Harper Avenue from 13 Mile Road to 15 Mile Road

2. The total project shall be defined as, but not necessarily include:

13. BIDS/CONTRACTS/PURCHASE ORDERS – b) Request for approval of Cost Share Agreement between RCMC, Clinton Twp. and St. Clair Shores for the resurfacing of Harper, from 13 Mile to 15 Mile (Cont'd)

- Required material
- Contract cost
- Survey, engineering plans, testing and field staking
- Labor and equipment rental charges
- Overhead and fringe benefits
- Right of way acquisition
- Preliminary and construction engineering
- Signing and pavement marking
- Other labor, materials, etc. to provide a complete project

3. The following cost sharing proportions have been agreed to (Exhibit A):

- **COMMISSION share:** Fifty percent (50%) of the total project cost after Federal funds are applied
- **CITY share:** Twenty-five percent (25%) of the total project cost after Federal funds are applied
- **TOWNSHIP share:** Twenty-five percent (25%) of the total project cost after Federal funds are applied

4. Funds provided by CITY and TOWNSHIP shall be paid in full to COMMISSION prior to the award of bid for the project.

5. COMMISSION, upon completion of said project, will furnish CITY and TOWNSHIP with a statement of actual costs of the project and will remit all collected monies exceeding the total cost of the project including overhead and fringe benefits or collect any additional monies necessary to meet the total cost of the project.

6. Overhead and fringe benefits applied shall be at a rate as determined by Board resolution on an annual basis. This rate is subject to change annually based upon actual costs incurred from the prior year and shall be applied to those costs incurred for that particular period.

7. CITY, TOWNSHIP, COMMISSION, the County of Macomb, their officers, agents, employees and consultants will be listed as additional insureds on the Contractor's insurance policy for general liability, automobile liability, excess coverage and worker's compensation.

8. COMMISSION agrees to obtain authorization for additional expenditures beyond the limits of the Construction Contract from CITY and TOWNSHIP prior to committal of same.

IN WITNESS WHEREOF, the parties hereto executed this Agreement on the date set forth above.

Ayes: All – 5

Absent: Frederick, McFadyen

14. CONSENT AGENDA – All items listed on the consent agenda are considered to be routine and will be enacted by one motion and approved by a vote of City Council. There will be no separate discussion of the items unless the Mayor and or a Council Member so requests, in which event the item will be removed from the general order of business and considered under the last item of the Consent Agenda.

Mayor Hison noted that there was additional information that was handed out to include with item 14g.

Motion by Walby, seconded by Rubino to approve the Consent Agenda items a – g, as follows:

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

a. **Bills**

December 6, 2010 \$2,212,703.51

To approve the release of checks in the amount of \$2,212,703.51, of the report that is 28 pages in length and of the grand total amount of \$2,212,703.51, \$285,588.86 went to other taxing authorities.

b. **Fees - None**

c. **Progress Payments**

Carlisle Wortman Associates	\$ 935.00
Galui Construction Company, Inc.	\$362,123.43
Blade Action, Inc.	\$124,603.34
Lake County Sewer Company, Inc.	\$125,255.65
Utility Services Authority LLC	\$ 87,659.00
Fontana Construction, Inc.	\$347,655.17
Bricco Excavating Company, Inc.	\$ 31,664.96

To approve the above progress payments, subject to audit.

d. **Approval of Minutes**

To approve the following minutes:

<u>Minutes</u>	<u>Meeting Date</u>
City Council	November 15, 2010

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

To receive and file the following minutes:

<u>Minutes</u>	<u>Meeting Date</u>
Brownfield Redevelopment Authority	September 29, 2010
Cool City Committee	March 10, 2010
Cool City Committee	July 14, 2010
Cool City Committee	August 11, 2010
Corridor Improvement Authority	January 6, 2010
Corridor Improvement Authority	June 2, 2010
Corridor Improvement Authority	August 4, 2010
Corridor Improvement Authority	September 1, 2010
Council Sub-Committee on Boards & Commissions	October 26, 2010
Cultural Committee	January 13, 2010
Cultural Committee	June 9, 2010
Cultural Committee	October 13, 2010
General Employee Retiree Health Care Board	October 19, 2010
General Employees Pension Board	October 19, 2010
Golf Course Committee	January 19, 2010
Golf Course Committee	February 16, 2010
Golf Course Committee	March 16, 2010
Golf Course Committee	April 20, 2010
Golf Course Committee	July 20, 2010
Golf Course Committee	August 17, 2010
Golf Course Committee	September 21, 2010
Historical Commission	June 1, 2010
Library Board	October 19, 2010
Planning Commission	April 13, 2010
Planning Commission	April 27, 2010
Planning Commission	May 11, 2010
Planning Commission	July 27, 2010
Planning Commission	November 9, 2010

14. CONSENT AGENDA (Cont'd)

Police and Fire Pension Board	October 28, 2010
Police and Fire Retiree Health Care Trust Board	October 28, 2010
Tax Increment Finance Authority	September 29, 2010
Water Resources & Advisory Board	May 4, 2010

- f. Recommendation on the annual review of the Library Café rental agreement to remain the same
- g. To approve the Recommendations from the Council Sub-Committee on Boards, Commissions & Committees as follow:
 - 1. Accept with regret the resignations of Richard Jacob (Historical Commission) and Mary Lou Munger (Activities Committee). *City Clerk sent letters of appreciation for service.*
 - 2. Appoint Jennifer Hornok to the Cool City Committee to fill the vacant seat of Robert Calleja with a term ending of September 30, 2013.
 - 3. To receive and file annual and attendance reports for period July 1, 2009 to June 30, 2010 (sent via e-mail).

Ayes: All – 5
Absent: Frederick, McFadyen

15. UPDATES AND FOLLOW-UPS FROM COUNCIL MEETING

- **PCB's** – Mr. Hughes stated that we are waiting for the Environmental Protection Agency to notify us with our next steps.
- **Harper Water Main** – Mr. Rayes said they are working on paving on Harper from Thirteen Mile Road to Fourteen Mile Road and are still working on the water line. The contractor will be back Thursday to continue the project.
- **9 Mile Street Replacement Project** – Mayor Hison asked about the lighting. Mr. Rayes said he would look into it.
- **Improper Use of City Equipment** – Mr. Hughes said that a resident brought it to Council's attention that in August a City fire truck was seen delivering a Councilperson's mail. He explained that a Department Leader had a package that needed to be delivered to inform a Councilperson. Upon returning from a call, an employee dropped the packet off at the Councilperson's house using the fire truck. This is not an authorized practice. The employee did not do this with the permission of the Fire Chief or City Manager. He and the fire union leader both apologize to the residents.

16. COMMENTS BY INDIVIDUAL COUNCILPERSONS

Council Member Rusie wished Mr. Frederick a speedy recovery and welcomed Ms. McFadyen back. She suggested having a holiday contest where residents would be encouraged to light up their homes and the community. She thanked Mr. Kelly for informing her about the fire truck issue, as she was unaware of it. She announced that the Cool City Committee is collecting toys for the kids. She thanked everyone who participated in the St. Clair Shores Goodfellows' paper sales.

Council Member Rubino asked how the 15.2% unemployment rate was determined for the budget.

Mr. Hughes said Mr. Haney used the information from SEMCOG.

Mr. Rubino addressed Mr. Rubello about the Waste Management large brush program. The large brush program was discovered to have cost around \$200,000 if the City hired a company, but it was included in Waste Management's fee schedule.

Mr. Rubino asked Mr. Ihrie when it would be legal for a representative of the City to enter someone's yard other than an emergency.

Mr. Ihrie said that legally, a representative could only enter someone's yard with permission (not including emergencies). At one time letters were sent out for the rat abating program that stated that a City employee would enter the property unless the resident replied that they do not want the City to enter their property.

16. COMMENTS BY INDIVIDUAL COUNCILPERSONS (Cont'd)

Mr. Rubino asked if a City employee that has permission once to enter a yard to look at the surrounding neighbor's properties, would have permission to enter the yard again at a different time without asking the homeowner again.

Mr. Ihrie commented that this is a gray area and he would consider it "bad practice". He suggested that if a City employee would like to enter the property later, it would be a good idea to ask for the permission ahead of time and inform the property owner.

Mr. Rubino commented that one of the City's code enforcement contractors stated that they have the right to enter backyards to bait rats. He believes that the excuse of baiting rats was used to "snoop" into people's yards at one point. He said that the rats are an issue because he has seen how the rats burrowed into tree roots in the ground. He agrees with there being the rat abatement program, but the City should preserve people's rights of their personal property. He thinks that over time if we respect the residents, we will change their mentality about code enforcement and maybe they would choose to work with the City. He said that Facebook should not be the first place to talk about certain issues like the rat issue. He asked the residents to call code enforcement first before airing that information on Facebook, so the City could have a chance to address the situation.

Council Member Rubello announced the Lac St. Clair Kiwanis would be hosting a Casino Night on December 17 to raise money for the Parkinson's Foundation.

Mr. Rubello said he mentioned the Michigan Rebuild Program to Ms. Koto and asked her to get information about it, so he was wondering if Ms. Koto discovered anything about it yet.

Mr. Rubello asked Mr. Rayes to look into and submit a report about proposed tax breaks for businesses, because she heard that businesses in Oakland County were receiving tax breaks.

Mr. Rubello mentioned that the Sign Ordinance would be discussed at an upcoming Council Study Session. He mentioned that Council has discussed doing business friendly things to help the businesses in the City.

Mr. Rubello asked Mr. Hughes for ideas on restructuring and on budget saving ideas.

Council Member Walby passed.

Mayor Hison announced the Christmas festival coming up. He thanked everyone involved with the tree lighting. He mentioned the Goodfellows' newspaper sales and thanked everyone for their donations.

17. CITY MANAGER'S REPORT

Mr. Hughes informed Council that beginning December 13, the dispatch call center would go live in St. Clair Shores. Two weeks after December 13, the dispatch call center will go live in Roseville and Eastpointe. When this Council was deliberating this program, it was discussed that if more communities joined, it would reduce the cost to the City. He is pleased to say that six more communities are interested in joining the combined dispatch.

Mr. Hughes announced the blood drive that the City is hosting in the Police Department's parking lot on December 23 from 9:00 a.m. to 2:00 p.m. This event is now open to the public and appointments are not necessary.

18. AUDIENCE PARTICIPATION (5 MINUTE TIME LIMIT)

Jack Doerr, St. Clair Shores resident, asked if the City could look into leasing the liquor licenses that we have left since the cost to purchase one is between \$15,000 to \$80,000.

Mr. Ihrie clarified that liquor licenses cannot be leased.

Joe Backus, St. Clair Shores resident, asked if the City could make sure that the kids who skate on the ice at Wahby Park don't damage the fountains or garbage cans. He explained why he is against the Kroger on Nine Mile Road installing a gas station.

Chuck Hall, St. Clair Shores resident, asked about what is being done with the area on Jefferson and Ridgeway. He asked if we could put signs on the freeway exits stating, "Nautical Mile the next three exits".

18. AUDIENCE PARTICIPATION (Cont'd)

Mario Como, Realty Executive Select, stated that more research should be done when asking for bids. When he submitted his bid, he provided his license information. He would like the City to consider Realty Executive Select for the job. He commented that Realty Executive Select is a woman owned business.

19. REQUEST TO ENTER CLOSED SESSION AS PERMITTED BY STATE STATUE MCLA 15.268 SECTION 8(c)

Motion by Rubino, seconded by Rusie to enter Closed Session as permitted by State Statute MCLA 15.268 Section 8(c) at 12:03 a.m.

A roll call vote was taken.

Ayes: All – 5

Absent: Frederick, McFadyen

Motion by Rubino, seconded by Rusie to return to Open Session at 12:43 a.m.

Ayes: All – 5

Absent: Frederick, McFadyen

20. ADJOURNMENT

Motion by Rubino, seconded by Rubello to adjourn at 12:44 a.m.

Ayes: All – 5

Absent: Frederick, McFadyen

ROBERT A HISON, MAYOR

MARY A. KOTOWSKI, CITY CLERK