

**MINUTES
ST. CLAIR SHORES CITY COUNCIL MEETING
APRIL 4, 2011**

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 Frederick, Rubello, Rubino, Rusie and Walby

Absent & Excused: Council Member McFadyen

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

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

Mayor Hison called the meeting to order at 7:02 p.m. Ms. Kotowski, City Clerk, called the roll with a quorum present and noted that Ms. McFadyen asked to be excused. The Pledge of Allegiance was recited by those in attendance.

Motion by Walby, seconded by Frederick to excuse Ms. McFadyen from tonight's meeting.

Ayes: All – 6

Absent: McFadyen

2. PROCLAMATIONS & PRESENTATIONS

a. Bommarito Bakery 50th Anniversary

**Proclamation
to
BOMMARITO BAKERY
In Honor of Their 50th Anniversary**

WHEREAS, the Mayor and Council of the City of St. Clair Shores deem it fitting and proper to publicly recognize and express our pride and appreciation to **BOMMARITO BAKERY** on the occasion of celebrating 50 years of business in the City of St. Clair Shores and who, from the early days to the present, has served the City well as a thriving part of the business community; and

WHEREAS, in 1925 Jim Bomarito and his wife Rose, along with Vito and Jack, started out by selling lemon ice, gelate, cookies, and wedding cakes in the heart of the Italian neighborhood in Detroit and in 1934, Jim and Rose opened their first store and established **JIM BOMMARITO DOLCERIA PALERMO**; and

WHEREAS, in the early 1940's **JIM BOMMARITO DOLCERIA PALERMO** was operated by their daughter Grace and her husband Sam Valenti; and

WHEREAS, in 1961 the family owned business moved from its original Detroit location to the present location on Greater Mack in St. Clair Shores where Sam often handed a free cookies over the counter to children and Sam's generosity brought smiles to many faces over the years and his kindness is tenderly held in the memory of those in our community who knew him; and

WHEREAS, **JIM BOMMARITO DOLCERIA PALERMO** fondly known as **BOMMARITO BAKERY**, is now owned and operated by the third generation, Grace and Sam's daughters: Roseanne Valenti, Christine Corrado, Grace Adams, her husband Eric Adams, and Frances Cottone; and

WHEREAS, for three generations, **BOMMARITO BAKERY** has provided our community with quality Italian baked goods and whose family has demonstrated the qualities of honest hard work, pride in service and the strength of family ties; and

WHEREAS, **BOMMARITO BAKERY'S** dedication and work ethic have won the respect and loyalty of many customers, generating a significant impact on the business community within the City;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the City of St. Clair Shores, on behalf of all its citizens, extend our congratulations and best wishes to the entire "**Bommarito**" family for their dedication in this community

2a. Bommarito Bakery 50th Anniversary (Cont'd)

on the occasion of celebrating their **50th Anniversary** and wish them many more years of continued success.

Presented this 4th day of April 2011.

Mayor Hison presented the proclamation to Roseanne Valenti, Christine Corrado, Grace Adams and Frances Cottone. They said that this is an honor and a tribute to their parents and grandparents. Their father taught them to have strong work ethics. It was because of their parents that they are able to stay strong and operate today. They thanked the City, the customers and the residents.

b. St. Clair Shores Bruins Bantam B Hockey Team

Proclamation

to

ST. CLAIR SHORES BRUINS BANTAM B HOCKEY TEAM

In Honor of Winning the Michigan Amateur Hockey Association State Championship Title

WHEREAS, the Mayor and Council of the City of St. Clair Shores wish to acknowledge the **St. Clair Shores Bruins Bantam B Hockey Team** who have brought to the City of St. Clair Shores two State titles and a banner for the Civic Arena; and

WHEREAS, in the home stretch of a great season of hockey, the 2011 **St. Clair Shores Bruins Bantam B Hockey Team** won the Michigan Amateur Hockey Association State Championship Title playing against the Livingston Lightning on March 13, 2011, tying the score with 17 seconds left in regulation play, taking the game into overtime and then winning after scoring the first goal in overtime with a final score of 4 to 3; and

WHEREAS, the 2011 **St. Clair Shores Bruins Bantam B Hockey Team** finished up a great year of hockey with a 7 – 4 victory over Bay County on March 20, 2011 winning the Adray Hockey League State Championship Title; and

WHEREAS, the **St. Clair Shores Bruins Bantam B Hockey Team** were victorious this year by working very hard as a team, displaying good sportsmanship, being gracious in victory and congratulatory in defeat, and by growing in character and skills; and

WHEREAS, with the help of their coaches, they demonstrated that hard work, determination and true team spirit can bring a sense of joy and accomplishment into their lives that will forever help them grow into responsible, self-sufficient adults; and

THE TEAM MEMBERS ARE:

Matthew Barrett
Dustin Bramos
Riley Gardiner
Hunter Gollehur

Jeffrey Kochanski
Max Kolinski
Matthew Lenhardt
Cody McAdory

Joshua Piepszowski
Jenna Pleva
Trevor Pode
Tyler Quatrine

Adam Savage
Peter Shalawlo
Anthony Simon
Jacob Stone

COACHING STAFF:

Stewart Gardiner, Head Coach
Jon Gardner, Assistant Coach

Dane Piepszowski, Assistant Coach
Ron Pleva, Assistant Coach

Diane Gardiner, Manager

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the City of St. Clair Shores extend congratulations to the **St. Clair Shores Bruins Bantam B Hockey Team** for an outstanding season and wish them continued success in all their future competitions.

Presented this 4th day of April 2011.

Mr. Gardiner, Head Coach, stated that this is an incredible group of young men and women. He said they finished the season with a 49-7-1 record. He said that half of the team has a grade point average above a 3.0.

Mr. Piepszowski, Assistant Coach, said that there is a great tradition of hockey in the State and in the City and he hopes that this team remembers that they are part of the great tradition. St. Clair Shores stands out in the way they respect and support this game.

Mr. Pleva, Assistant Coach, said he had the most fun coaching this group of kids and he thanked their parents.

2. PROCLAMATIONS & PRESENTATIONS (Cont'd)

Ethics Ordinance Sub Committee Update

Mayor Hison asked Mr. Rubino to explain the update on the Ethics Ordinance Sub Committee.

Mr. Rubino said the Ethics Ordinance Sub Committee met last week and decided to increase the size of the Ethics Ordinance Sub Committee to include three residents. Any interested residents should apply.

Mayor Hison noted that the additional members would be chosen and submitted by the end of the month.

He said that on May 2, 2011, the three new members would be appointed and the Committee would then ask for a sixty-day extension. It will take the super majority, which is at least four of the six members, to make recommendations to Council. He stated that we want the input of the citizens and ultimately this Council will make the decision. Many citizens have indicated their interest.

3. AUDIENCE PARTICIPATION ON AGENDA ITEMS (2 MINUTE TIME LIMIT) - NONE

4. REQUEST FROM MICHIGAN LIQUOR CONTROL COMMISSION FOR A TRANSFER OF OWNERSHIP OF 2010 CLASS C LICENSED BUSINESS WITH DANCE PERMIT, LOCATED AT 24026 E. JEFFERSON, ST. CLAIR SHORES, MI 48080, MACOMB COUNTY FROM LIDO CORPORATION TO ROJO THREE, LLC

Mayor Hison asked Mr. Ihrie to explain this transfer from Lido Corporation to Rojo Three, LLC.

Mr. Ihrie explained that Mr. Vicari is asking for a transfer of ownership from Lido Corporation to Rojo Three, LLC and this is the normal procedure for this situation.

Mr. John Vicari explained that he is requesting Council's approval to transfer ownership of the Class C Liquor License from Lido Corporation, which is owned by himself and his brother, Joseph Vicari to Rojo Three, LLC, which would allow them to add one additional stockholder, Dan Linnel, in the LLC.

Mayor Hison said that all departments have reviewed this transfer, is in compliance, and recommends approval.

Motion by Frederick, seconded by Walby that the request to transfer ownership of 2010 Class C licensed business with Dance Permit, located at 24026 E. Jefferson, Saint Clair Shores, MI 48080, Macomb County, from Lido Corporation to Rojo Three, LLC be considered for Approval; and it is the consensus of this legislative body that the application be Recommended for issuance.

Ayes: All – 6
Absent: McFadyen

5. ORDINANCE AMENDMENT TO THE BUILDING CODE 22.001, PLUMBING CODE 22.301, MECHANICAL CODE 22.401, ELECTRICAL CODE 22.351 AND PROPERTY MAINTENANCE CODE 18.001

Mr. Rayes explained that this ordinance amendment to the Building Code 22.001, Plumbing Code 22.301, Mechanical Code 22.401, Electrical Code 22.351 and Property Maintenance Code 18.001 is an update that is mandated by the State. The codes need to be updated from the 2006 codes to the 2009 codes. The local Zoning Ordinance would need to be updated as well.

Mayor Hison noted that these codes are utilized for when we make decisions and would need to be updated.

Mr. Rayes stated that these updated codes would apply to any renovations, additions or changes to a property.

Mr. Rubello asked what people are expected to do when making renovations.

Mr. Rayes explained that they should research the company they are hiring and then discuss their plans with the City before they start making renovations.

Mr. Frederick thanked Mr. Rayes for sending the information electronically. He asked Mr. Rayes to explain what type of instances would "trigger" the use of the updated codes.

5. ORDINANCE AMENDMENT TO THE BUILDING CODE 22.001, PLUMBING CODE 22.301, MECHANICAL CODE 22.401, ELECTRICAL CODE 22.351 AND PROPERTY MAINTENANCE CODE 18.001 (Cont'd)

Mr. Rayes said generally, the only changes would be if a property owner were to make changes or additions to the building other than what is currently in place.

Mr. Rubello asked Mr. Rayes to explain how the updated codes would affect someone buying a business that plans to continue the same type of business, such as a hair salon being sold to a new owner who will re-open the hair salon. He asked if the new owner would have to comply with the new codes if the business is only being transferred from one person to another. He asked how we could handle this type of situation while remaining business friendly.

Mr. Rayes stated that if it were strictly a transfer of ownership, then nothing would need to be done, but if the new owner makes changes to anything existing in the building, then they would need to pull permits and bring it up to code.

Mayor Hison commented that this is an example of the City helping the businesses and residents.

Motion by Walby, seconded by Frederick to approve a request to adopt the 2009 Michigan Building Codes, to include Mechanical, Plumbing and Electrical Codes, and all future updates as amended and mandated by the State of Michigan, and to make necessary ordinance amendments to reflect these changes into the city's code of ordinances, which read as follows:

18.000 PROPERTY MAINTENANCE CODE CITY OF ST. CLAIR SHORES, MICHIGAN Chap. 41 Effective: April 22, 1986

18.001 Adoption of state approved property maintenance code.

Sec. 41-1. The ICC, International Property Maintenance Code 2006 Edition and any accumulative supplements thereto are hereby adopted. These regulations shall be known as the Property Maintenance Code of the City of St. Clair Shores. The purpose of this code is to protect the public health, safety and welfare in all existing structures, residential and nonresidential, and on all existing premises. Any and all existing structures, residential and nonresidential, and on all existing premises. Any and all existing prosecutions and/or existing enforcement proceedings under the ICC International Property Maintenance Code 2006 and International Existing Building Code 2006 are hereby continued, and such existing actions shall be maintained under said earlier 1998 code. With respect to such existing actions, the 1998 code shall be deemed to remain in effect as to those existing prosecutions and/or enforcement proceedings until their completion.

Three Code sections of the IPMC call for dates to be inserted into the text:

Section 303.14 Insect Screening

During the period from May 1 to October 31, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm) and every swinging door shall have a self closing device in good working condition.

Section 602.3 Heat Supply

Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during period from September 15 to May 31 to maintain a temperature of not less than 65F (18C) in all habitable rooms, bathrooms, and toilet rooms.

Section 602.4 Occupiable workspaces

Indoor occupiable work spaces shall be supplied with heat during the period from September 15 to May 31 to maintain a temperature of not less than 65F (18C) during the period the spaces are occupied.

(chap. 41 eff. Apr. 22, 1986; amend. eff. June 16, 1987; further amend. eff. Jan. 22, 1991; Mar. 22, 1994; Feb. 16, 1999; Jan. 6, 2003; Apr. 7, 2004; Aug. 21, 2008)

Shall be amended as follows:

18.001 Adoption of state approved property maintenance code.

5. ORDINANCE AMENDMENT TO THE BUILDING CODE 22.001, PLUMBING CODE 22.301, MECHANICAL CODE 22.401, ELECTRICAL CODE 22.351 AND PROPERTY MAINTENANCE CODE 18.001 (Cont'd)

Sec. 41-1. The ICC, International Property Maintenance Code ~~2006 Edition~~ **current edition adopted by the State of Michigan** and any accumulative supplements thereto are hereby adopted. These regulations shall be known as the Property Maintenance Code of the City of St. Clair Shores. The purpose of this code is to protect the public health, safety and welfare in all existing structures, residential and nonresidential, and on all existing premises. Any and all existing structures, residential and nonresidential, and on all existing premises. Any and all existing prosecutions and/or existing enforcement proceedings under the ICC International Property Maintenance Code 2006 and International Existing Building Code 2006 are hereby continued, and such existing actions shall be maintained under said earlier 1998 code. With respect to such existing actions, the 1998 code shall be deemed to remain in effect as to those existing prosecutions and/or enforcement proceedings until their completion.

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

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

STATE OF MICHIGAN)
) ss
COUNTY OF MACOMB)

We hereby certify that the foregoing ordinance is a true copy of an ordinance as enacted by the City Council on the 4th day of April 2011, and that the necessary Charter provisions have been observed.

ROBERT A. HISON, MAYOR

MARY A. KOTOWSKI, CITY CLERK

I, Mary A. Kotowski, Clerk of the City of St. Clair Shores, hereby certify that the foregoing ordinance was published by posting true copies of the same in each of the following places: Police Station, 27665 Jefferson Avenue, Fire Hall, 26700 Harper Avenue, and City Hall, 27600 Jefferson Circle Drive on the 8th day of April 2011.

MARY A. KOTOWSKI, CITY CLERK

5. ORDINANCE AMENDMENT TO THE BUILDING CODE 22.001, PLUMBING CODE 22.301, MECHANICAL CODE 22.401, ELECTRICAL CODE 22.351 AND PROPERTY MAINTENANCE CODE 18.001 (Cont'd)

(ord. amendment eff. April 8, 2011)

22.000 BUILDING CODE Chap. 25 Effective: April 8, 1986

22.001 Adoption and enforcement of state construction code.

Sec. 25-1. Pursuant to the Stille-DeRossett-Hale Single State Construction Code Act, Public Act 230 of 1972 as set forth in MCL 125.1501 et seq., the City of St. Clair Shores hereby adopts and incorporates by reference the state construction code, with all amendments and supplements hereafter enacted, as its Building Code as amended by the state as of August 1, 2008 which adopts the 2006 Editions and all supplements thereof. The City of St. Clair Shores assumes responsibility for the administration and enforcement of said state construction code within its corporate limits. Further, the Building Official of the City of St. Clair Shores is hereby designated as the enforcing authority to discharge the responsibilities of the city under the state construction code.

(chap. 25 eff. Apr. 8, 1986; amend. eff. Jan. 15, 1991; further amend. eff. Mar. 22, 1994; Feb. 16, 1999; Aug. 13, 2001; Apr. 7, 2004; Aug. 21, 2008)

Shall be amended as follows:

22.001 Adoption and enforcement of state construction code.

Sec. 25-1. Pursuant to the Stille-DeRossett-Hale Single State Construction Code Act, Public Act 230 of 1972 as set forth in MCL 125.1501 et seq., the City of St. Clair Shores hereby adopts and incorporates by reference the state construction code, with all amendments and supplements hereafter enacted, as its Building Code as amended by the ~~State of Michigan, as of August 1, 2008 which adopts the 2006 Editions and all supplements thereof.~~ The City of St. Clair Shores assumes responsibility for the administration and enforcement of said state construction code within its corporate limits. Further, the Building Official of the City of St. Clair Shores is hereby designated as the enforcing authority to discharge the responsibilities of the city under the state construction code.

(chap. 25 eff. Apr. 8, 1986; amend. eff. Jan. 15, 1991; further amend. eff. Mar. 22, 1994; Feb. 16, 1999; Aug. 13, 2001; Apr. 7, 2004; Aug. 21, 2008; **amend. eff. April 8, 2011**)

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(ord. amendment eff. April 8, 2011)

5. ORDINANCE AMENDMENT TO THE BUILDING CODE 22.001, PLUMBING CODE 22.301, MECHANICAL CODE 22.401, ELECTRICAL CODE 22.351 AND PROPERTY MAINTENANCE CODE 18.001 (Cont'd)

22.300 PLUMBING CODE* Chap. 28 Effective: December 3, 1968 as Amended Effective: May 31, 1989

*Editor's note--Although the Plumbing Code ordinance effective December 3, 1968, was repealed by ordinance effective May 31, 1989, administration requested the former history notes to remain after each section.

22.301 Plumbing code adopted.

Sec. 28-1. All plumbing work and construction performed within the City of St. Clair Shores shall, in addition to provisions set forth in this ordinance, conform to the provisions, rules and regulations of the International Code Council, ICC International Plumbing Code, 2006 Editions and all Supplements thereto which are hereby adopted and incorporated by reference as part of the St. Clair Shores Plumbing Code.

(chap. 28 eff. Dec. 3, 1968; amend. eff. May 21, 1975; further amend. eff. Mar. 24, 1980; Apr. 7, 1981; June 19, 1984; Apr. 22, 1986; June 16, 1987; May 31, 1989; Jan. 22, 1991; Mar. 22, 1994; Feb. 16, 1999; Apr. 7, 2004; Aug. 21, 2008)

Shall be amended as follows:

22.300 PLUMBING CODE* Chap. 28 Effective: December 3, 1968 as Amended Effective: May 31, 1989

*Editor's note--Although the Plumbing Code ordinance effective December 3, 1968, was repealed by ordinance effective May 31, 1989, administration requested the former history notes to remain after each section.

22.301 Plumbing code adopted.

Sec. 28-1. All plumbing work and construction performed within the City of St. Clair Shores shall, in addition to provisions set forth in this ordinance, conform to the provisions, rules and regulations of the International Code Council, ICC International Plumbing Code, ~~2006 Editions~~ **current edition adopted by the State of Michigan** and all Supplements thereto which are hereby adopted and incorporated by reference as part of the St. Clair Shores Plumbing Code.

(chap. 28 eff. Dec. 3, 1968; amend. eff. May 21, 1975; further amend. eff. Mar. 24, 1980; Apr. 7, 1981; June 19, 1984; Apr. 22, 1986; June 16, 1987; May 31, 1989; Jan. 22, 1991; Mar. 22, 1994; Feb. 16, 1999; Apr. 7, 2004; Aug. 21, 2008; **amend. eff. April 8, 2011**)

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(ord. amendment eff. April 8, 2011)

5. ORDINANCE AMENDMENT TO THE BUILDING CODE 22.001, PLUMBING CODE 22.301, MECHANICAL CODE 22.401, ELECTRICAL CODE 22.351 AND PROPERTY MAINTENANCE CODE 18.001 (Cont'd)

22.350 ELECTRICAL CODE* Chap. 27 Effective: December 3, 1968 as Amended Effective: May 17, 1994

*Editor's note--Although the Electrical Code ordinance effective December 3, 1968, was repealed by ordinance effective May 31, 1989, administration requested the former history notes to remain after each section.

22.351 Adoption and enforcement of state electrical code.

Sec. 27-1. Pursuant to the Stille-DeRossett-Hale Single State Construction Code Act, Public Act 230 of 1972 as set forth in MCL 125.1501 et seq., the City of St. Clair Shores hereby adopts and incorporates by reference the state electrical code 2006 Editions with all amendments and supplements hereafter enacted, as its Electrical Code. The City of St. Clair Shores assumes responsibility for the administration and enforcement of said state electrical code within its corporate limits. Further, the Building Official of the City of St. Clair Shores is hereby designated as the enforcing authority to discharge the responsibilities of the city under the state electrical code.

(chap. 27 eff. Dec. 3, 1968; amend. eff. Sept. 6, 1972; further amend. eff. Feb. 18, 1975; Nov. 8, 1977; Feb. 21, 1979; Apr. 7, 1981; June 30, 1981; Jan. 25, 1983; June 19, 1984; June 16, 1987; May 31, 1989; Jan. 22, 1991; Dec. 2, 1991; Mar. 22, 1994; May 17, 1994; Feb. 16, 1999; Aug. 13, 2001; Apr. 7, 2004; Aug. 21, 2008)

Shall be amended as follows:

22.350 ELECTRICAL CODE* Chap. 27 Effective: December 3, 1968 as Amended Effective: May 17, 1994

*Editor's note--Although the Electrical Code ordinance effective December 3, 1968, was repealed by ordinance effective May 31, 1989, administration requested the former history notes to remain after each section.

22.351 Adoption and enforcement of state electrical code.

Sec. 27-1. Pursuant to the Stille-DeRossett-Hale Single State Construction Code Act, Public Act 230 of 1972 as set forth in MCL 125.1501 et seq., the City of St. Clair Shores hereby adopts and incorporates by reference the ~~State Electrical Code 2006 Editions~~ **current edition adopted by the State of Michigan**, with all amendments and supplements hereafter enacted, as its Electrical Code. The City of St. Clair Shores assumes responsibility for the administration and enforcement of said state electrical code within its corporate limits. Further, the Building Official of the City of St. Clair Shores is hereby designated as the enforcing authority to discharge the responsibilities of the city under the ~~State Electrical Code~~.

(chap. 27 eff. Dec. 3, 1968; amend. eff. Sept. 6, 1972; further amend. eff. Feb. 18, 1975; Nov. 8, 1977; Feb. 21, 1979; Apr. 7, 1981; June 30, 1981; Jan. 25, 1983; June 19, 1984; June 16, 1987; May 31, 1989; Jan. 22, 1991; Dec. 2, 1991; Mar. 22, 1994; May 17, 1994; Feb. 16, 1999; Aug. 13, 2001; Apr. 7, 2004; Aug. 21, 2008; **amend. eff. April 8, 2011**)

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5. ORDINANCE AMENDMENT TO THE BUILDING CODE 22.001, PLUMBING CODE 22.301, MECHANICAL CODE 22.401, ELECTRICAL CODE 22.351 AND PROPERTY MAINTENANCE CODE 18.001 (Cont'd)

MARY A. KOTOWSKI, CITY CLERK

(ord. amendment eff. April 8, 2011)

22.400 MECHANICAL CODE Chap. 29 Effective: May 31, 1989

22.401 Mechanical code adopted.

Sec. 29-1. All work relative to design, construction, installation, maintenance, service and use of gas burning and oil burning equipment and appliances and appurtenances, refrigeration equipment for cooling shall be in accordance with provisions of the International Code Council, ICC International Mechanical Code, 2006 Editions and all supplements thereof which are hereby adopted and incorporated by reference as part of the St. Clair Shores Mechanical Code.

(chap. 29 eff. May 31, 1989; amend. eff. Jan. 22, 1991; further amend. eff. Mar. 22, 1994; Feb. 16, 1999; Apr. 7, 2004; Aug. 21, 2008)

Shall be amended as follows:

22.401 Mechanical code adopted.

Sec. 29-1. All work relative to design, construction, installation, maintenance, service and use of gas burning and oil burning equipment and appliances and appurtenances, refrigeration equipment for cooling shall be in accordance with provisions of the International Code Council, ICC International Mechanical Code, ~~2006 Editions~~ **current edition adopted by the State of Michigan** and all supplements thereof which are hereby adopted and incorporated by reference as part of the St. Clair Shores Mechanical Code.

(chap. 29 eff. May 31, 1989; amend. eff. Jan. 22, 1991; further amend. eff. Mar. 22, 1994; Feb. 16, 1999; Apr. 7, 2004; Aug. 21, 2008; **amend. eff. April 8, 2011**)

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MARY A. KOTOWSKI, CITY CLERK

(ord. amendment eff. April 8, 2011)

Ayes: All – 6
Absent: McFadyen

6. REQUEST FROM TWO COUNCIL MEMBERS FOR A REVIEW OF THE LAKEFRONT FENCE ORDINANCE (JEFFERSON AVE. ONLY) (rescheduled to 4/18/11)

7. CONSIDERATION OF ADOPTION OF THE CITY OF EASTPOINTE'S RESOLUTION TO THE STATE REGARDING THE LOCAL TAX STRUCTURE

Mayor Hison explained that the City of Eastpointe's Mayor Pro Tem came before Council at the last meeting to provide Council with Eastpointe's resolution to the State regarding the local tax structure for review.

Mr. Rubello asked for an explanation of what the resolution to the State regarding the local tax structure actually means.

Mayor Hison explained that MML (Michigan Municipal League), SEMCOG and the City of Eastpointe are trying to have the governor and legislatures review this local tax structure again since Proposition A passed in 1994. At that time, inflation was growing and they wanted to cap the rate of inflation, which kept the homes at the rate of inflation or at 5%, whichever was less. The economy has changed in the last three years and Proposition A did not address times when the inflation is at zero or negative. They are asking legislatures to review this and think about the up and down swings in the economy. It is an attempt to have the governor and legislature review it again, but it doesn't mean that anything will necessarily change.

Mr. Rubello asked if we approve this, it is only for consideration and does not lock us into anything.

Mayor Hison clarified that this is only a request for legislature to review what is currently in place.

Mr. Rubino said when property values go down property taxes should go down. He understands the dilemma in this situation, but cannot support this.

Mr. Frederick stated that he understands that we are supposed to be working with other cities, but he is worried that something may be held against us in the future for teaming up with the City of Eastpointe on this issue. Maybe the resolution is the beginning of getting the dialogue out there.

Discussion was held that this is only the first step and does not commit us to anything. Whatever legislature decides will have to be discussed and voted on by Council later. A question was raised about if we know how many cities have approved this already. There was a request to find out how many cities approved this already.

Motion by Walby, seconded by Frederick to POSTPONE to the May 2, 2011 City Council Meeting Adoption of Resolution to urge the Michigan Legislature and the Governor and to reevaluate and modify the current tax structure to provide for long-term stability of Local Governments, and for the City Clerk to confirm which other municipalities have adopted the resolution.

Ayes: All – 6
Absent: McFadyen

8. REQUEST TO APPROVE THE SALE OF NSP HOMES

9. BIDS/CONTRACTS/PURCHASE ORDERS - CONSIDERATION OF THE ACQUISITION OF THE METRO EAST CHAMBER STRUCTURE

Mr. Hughes explained that he had previously discussed using the \$1 HUD funds to purchase the Metro East Chamber structure. He did receive a response from the State of Michigan and they informed him that the drug forfeiture money could be used to purchase the building if the building would be used for the Police Department. If the building is to be demolished, then it must be used for the Police Department whether it be for parking or for reconstructing another building. This building would be used for Police Department storage and we would possibly demolish the building in the future.

Mr. Hughes said the building needs ascetic fixes to blend in the neighborhood. He said the difference between the offered price and the mortgage value is \$17,000.

Ms. Rusie understands that there are many constraints on what the drug forfeiture money can be used for. She asked how much drug forfeiture money the City currently has.

Mr. Hughes said that it is in the process of being sorted it out since there was a recent acquisition.

9. BIDS/CONTRACTS/PURCHASE ORDERS - CONSIDERATION OF THE ACQUISITION OF THE METRO EAST CHAMBER STRUCTURE (Cont'd)

Ms. Rusie asked about the cost of maintaining the building as a storage unit and if the forfeiture money could be used for maintenance of the building and property and for how long.

Mr. Walby stated that the audit last year determined that there was \$670,000 in the drug forfeiture account. It's been a substantial amount for a long time.

Mr. Rubino noted that the City temporarily moved acquisitions to other buildings, which cost the City money. He asked what the current taxes were.

Mr. Rayes commented that the current value could be estimated at \$50,000, so the taxes are approximately \$2,500 with one-third coming back to the City.

Mr. Walby stated that drug forfeiture money is difficult to use and administration has done a good job coming up with a good way to benefit the City with this money.

Mr. Frederick said he hopes that administration could come up with a better use for the building down the road.

Motion by Walby, seconded by Frederick to approve a request to use drug forfeiture money to acquire the Metro East Chamber structure located at 27601 Jefferson.

Ayes: All – 6
Absent: McFadyen

10. REQUEST TO APPROVE REVISED SECOND QUARTER BUDGET REPORT AND APPROVAL OF BUDGET AMENDMENT 11-07

Mr. Haney stated that the second quarter budget report and budget amendment 11-07 went before Council at the last Council meeting. It was Council's decision to revise the second quarter budget report and budget amendment 11-07 and have it brought back before Council tonight.

Mayor Hison noted that there was a change from \$47,000 being taken out of the General Fund to \$53,000 being added to the General Fund, where we are recognizing the cable franchise fees.

Mr. Walby stated there was talk that there were going to be changes to the Police and Fire overtime and he clarified that there were no changes to the Police and Fire overtime.

Mr. Haney confirmed that there were no changes to the Police and Fire overtime.

Motion by Frederick, seconded by Walby to receive and approve the Revised December 31, 2010 Quarterly Report and Budget Amendment 11-07, which reads as follows:

Fund/

Dept.	Account	Description	Increase	Decrease
BUDGET AMENDMENT 11-07				
101	General Fund			
Rev	584.000	Senior Grants		13,000
Rev	601.000	Senior Programming	13,000	
To reclassify amount to the correct revenue line item				
241	701.000	Assessing Wages		37,366

10. REQUEST TO APPROVE REVISED SECOND QUARTER BUDGET REPORT AND APPROVAL OF BUDGET AMENDMENT 11-07 (Cont'd)

241	720.000	Assessing Fringes	22,232
241	706.000	Assessing Temporary	47,414
Fbal	390.000	Fund Balance	12,184
To account for resignation of Assessor			
255	950.000	Boards and Commissions Miscellaneous	9,600
To reclassify the parade stipend			
300	711.000	Police Overtime	200,000
340	711.000	Fire Overtime	20,000
Fbal	390.000	Fund Balance	220,000
To adjust Police and Fire overtime to estimated annual amount net of wage savings and roll up fringe costs			
300	701.000	Police Dispatch Wages	246,870
300	711.000	Police Dispatch Overtime	16,745
300	720.000	Police Dispatch Fringes	191,476
300	750.000	Police Operating Supplies	1,300
300	930.000	Police Repairs and Maintenance	5,075
300	810.000	Police Dispatch Services	450,981
Fbal	390.000	Fund Balance	10,485
To transfer dispatchers to the new entity			
340	635	Fire Ambulance Fees	24,000
Fbal	390.000	Fund Balance	24,000
To estimate increase in ambulance revenue			
370	701.000	Comm Services Building Official Wages	32,863
370	720.000	Community Services Building Official Fringes	23,984
370	701.000	Community Services Engineering Assistant Wages	64,974
370	720.000	Community Services Engineering Assistant Fringes	45,426
370	810.000	Community Services Rental Inspection Services	16,500
370	810.000	Community Services Building Official Services	18,100
Fbal	390.000	Fund Balance	132,647
To eliminate vacant positions			
450	960.000	DPW Admin Contribution to Streets	21,000
F bal	390.000	Fund Balance	21,000

10. REQUEST TO APPROVE REVISED SECOND QUARTER BUDGET REPORT AND APPROVAL OF BUDGET AMENDMENT 11-07 (Cont'd)

To reduce contribution to local streets

520	701.000	Sanitation Wages	20,714
520	720.000	Sanitation Fringes	14,640
Rev	693.520	Transfer from Sanitation Trust	35,354

To record transfer of Labor position funded out of Sanitation

101	General Fund (continued)		
701		Parks & Rec Administration	
701	950.000	Miscellaneous	9,600

To reclassify the parade stipend

701	706.000	P&R Administration Temporary Wages	10,000
Fbal	390.000	Fund Balance	10,000
706	706.000	Senior Center Temporary	18,000
Fbal	390.000	Fund Balance	18,000

To adjust for estimated temporary wages

110		Major Streets	
455	807.000	Non Act 51 costs Major	10,606
Fbal	390.000	Fund Balance Major	10,606

To record transfer of Labor position

120		Local Streets	
120	693,100.000	Contribution From General Fund	21,000
Fbal	390.000	Fund Balance Local	21,000

To reduce contribution to local streets

451	701.000	Streets Wages	20,714
451	720.000	Streets Fringes	14,640
451	808.000	Offset	35,354
455	807.000	Non Act 51 costs Local	24,748
Fbal	390.000	Fund Balance Local	24,748

To record transfer of Labor position

580		Recreation Revenue	
709	706.000	Pool Temporary Wages	20,000
708	706.000	Boating Temporary Wages	5,000
855	706.000	Golf Temporary Wages	15,000

10. REQUEST TO APPROVE REVISED SECOND QUARTER BUDGET REPORT AND APPROVAL OF BUDGET AMENDMENT 11-07 (Cont'd)

To reclassify temporary wages based on estimate

710	Sanitation Trust		
710	960.000	Contribution to General Fund	35,354
Fbal	390.000	Fund Balance	35,354

To fund transfer of labor position

Rev	453.000	Cable Franchise Fees	100,000
Fbal	390.000	Fund Balance	100,000

To increase Cable Franchise Fee budget based on revenue collected for the calendar year ended December 31, 2010

Ayes: All – 6
Absent: McFadyen

11. 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.

Motion by Walby, seconded by Rubello to approve the Consent Agenda items a - f, which include the following:

a. Bills

April 4, 2011 **\$1,902,481.82**

To approve the release of checks in the amount of \$1,902,481.82, of the report that is 19 pages in length and of the grand total amount of \$1,902,481.82, \$0 went to other taxing authorities.

b. Fees - None

c. Progress Payments - None

d. Approval of Minutes

To approve the following minutes:

<u>Minutes</u>	<u>Meeting Date</u>
City Council	March 7, 2011

e. Receive & File Boards, Commissions & Committee Minutes

To receive and file the following minutes:

<u>Minutes</u>	<u>Meeting Date</u>
Dog Park Committee	February 3, 2011
Activities Committee	January 20, 2011
Activities Committee	February 17, 2011
Brownfield Redevelopment Authority	January 20, 2011
Library Board	February 17, 2011
Planning Commission	March 8, 2011
Sign Arbitration	January 27, 2011
Sign Arbitration	February 24, 2011

11. CONSENT AGENDA (Cont'd)

Tax Increment Finance Authority

January 20, 2011

- f. **Adoption of a resolution to set a Public Hearing on April 18, 2011 for the Adoption of a Brownfield Plan for the City of St. Clair Shores for parcels of property having the address 23117 Harper, petitioners 9 Mile Harper, LLC**

Ayes: All – 6
Absent: McFadyen

12. UPDATES AND FOLLOW-UPS FROM COUNCIL MEETING

- **PCB's** – Mr. Hughes stated that the Environmental Protection Agency held two public meetings last Thursday. This is part of the public information process. The turnout was moderate to good. The primary goal is to identify and contain the source of the PCB's.

Mayor Hison noted there was a very informative handout that will be posted on the City's website. The handout gives information about having immediate results in 24 to 48 hours after testing.

Harper Water Main and Street Lighting – Mr. Rayes said that the paving portion is in progress on Harper Avenue between 13 Mile and 14 Mile Roads. The County is in the process of bidding the project out and they are expecting to start the project in the beginning of May.

Mayor Hison commented that Clinton Township is in a much more difficult position than we are because we may be able to utilize money on Harper in the southern portion of the City.

Little Mack between 10 Mile and 12 Mile Roads – Mr. Rayes said this project was delayed a couple of weeks due to the weather. There has not been a new start date.

Parking on Residential Streets During the Fireworks – Mr. Hughes stated that the annual fireworks event brings in many people and some residents asked if we could only implement parking on one side of the streets. After discussion, it was decided that the process would continue this year the same as the previous years and there would be parking on both sides of the street. We would be monitoring blocking of driveways and parking on lawns. The concerns that ambulance and emergency vehicles may not be able to travel down the street has been proven false. We sympathize with the residents and we ask that they can be patient with us for this one-day event. He noted that there were other events in the past that requested parking on one side of the streets and their request was denied. This is the first year that we are charging for parking and we will monitor the parking.

Census 2011 – Mayor Hison stated that our population for the 2011 Census is 59,715. There is a process that would allow us to question the numbers and he thinks that we should pursue that avenue.

Mr. Hughes commented that the population figure of 59,715 residents was a 5.4% decrease from the 2000 Census of 63,096 people. This decrease caused us to narrowly miss the mark that the Federal Government has determined. We don't have the new thresholds for the Federal Housing and Urban Development and Michigan Department of Transportation for grant money. Based on the population, we may lose as many as three of our liquor licenses.

Mayor Hison noted that this number is for the next ten years and we will pursue this to make sure the number is correct and what this means in terms of dollars.

Mr. Hughes commented that one good reason to question the numbers is if there was a gain or loss of land in the City.

Mr. Frederick clarified that if we are to lose any liquor licenses it would be the liquor licenses that we are holding onto and are not in use.

13. COMMENTS BY INDIVIDUAL COUNCILPERSONS

Council Member Rubello mentioned the Memorial Day Parade benefit was a success and Dave Coulier was very entertaining. We sold 1,015 tickets. He thanked the many people involved in making this wonderful event happen.

13. COMMENTS BY INDIVIDUAL COUNCILPERSONS (Cont'd)

Mayor Hison said that it was a wonderful event and the Swing Orchestra was excellent. He said most people were surprised on how good the whole performance was.

Mr. Rubello stated that Lakeview High School was very accommodating. He thanked Lakeview High School, the volunteers and residents for making the event successful.

Mr. Rubello congratulated the St. Clair Shores Senior Olympians: Gene Meyer won a Gold Medal in Bocce, Mary Cipriano won a Silver Medal in Bocce, Sue Zanoni won a Silver Medal in Bocce, Marie Krenzer won a Silver Medal in Bocce and Mary Bohnhoff won a Silver Medal in Bocce.

Mr. Rubello congratulated Bommarito Bakery for celebrating their 50th Anniversary. He mentioned that Giglio's Market is moving.

Mr. Rubello gave Chris Rayes a few business friendly zoning ordinances from other cities in the area.

Council Member Frederick asked about the Gourmet House property and why they haven't planted grass yet.

Mr. Rayes said that the weather has prevented them from doing so, but once it gets a little dryer, they will put top soil and grass seed on the property.

Mr. Frederick commented that he is glad to hear about the Ethics Ordinance Sub Committee's decision to include three board members that are residents.

Mr. Frederick apologized to Mrs. Rusie and to Mr. Rubello.

Mr. Frederick said he did not make it to the Memorial Parade Fundraiser event, but he heard it was a great event. He mentioned that the figure skating show was a success.

Mr. Frederick thanked Mr. Rayes for his participation in the Mustache Madness event that benefited the Muscular Dystrophy Association. He said Mr. Rayes placed second, but was the top fundraiser. He thanked all the contestants and Magic Touch Salon for their participation in the event.

Mr. Frederick made a few announcements; the Cops for Kids Golf Scramble will be on June 20, 2011, the Optimist Champion Competition banquet is coming up and the Michigan Parkinson Foundation 5k walk/run is coming up.

Mr. Frederick wished his wife a Happy 30th Wedding Anniversary and announced that he will be taking her to Italy.

Council Member Walby announced that Ram's Horn is now opened. They opened on Thursday. He said the food was very good. He asked about the building next to Gilbert's Lodge where the Izzy's restaurant was.

Mr. Rayes said the owner applied for a sign permit, but has not applied for the certificate of occupancy.

Mr. Walby announced that Kroger would be coming before the Zoning Board of Appeals this Thursday at 7:00 p.m. looking for a variance.

Mr. Walby asked Mr. Rayes if all the sidewalks are marked for the sidewalk program.

Mr. Rayes said the letters were sent out but we are in the process of marking the sidewalks and about 20% of the district is marked.

Mr. Walby commended administration for thinking outside the box in regards to purchasing the Chamber of Commerce property with drug forfeiture money.

Mr. Walby said the Memorial Day Parade fundraiser was a success and it was a pleasurable evening for the entire family to enjoy. He thanked everyone involved and for donating their time.

Council Member Rusie said the figure skating event was a success. She asked for an update on the dispatch program at the next meeting.

Ms. Rusie said that Ms. D'Herde and her family are in our thoughts during this difficult time of losing a loved one.

13. COMMENTS BY INDIVIDUAL COUNCILPERSONS (Cont'd)

Ms. Rusie thanked everyone involved in the Memorial Day Parade fundraiser. She said the event was a success. She thanked Dave Coulier, the Swing Shift Orchestra, Lakeview High School, volunteers and everyone involved in the event.

Ms. Rusie announced that it was posted on Facebook that there is a missing cat.

Council Member Rubino asked if we considered making some of the streets "one way" in the area the day of the fireworks.

Mr. Hughes replied that we have not discussed that option and we will look into it and get back to him.

Mr. Rubino asked if the City made Grissom's Pub remove their awning because it looks horrible and it is in the heart of the City. Mr. Rayes replied that we did not make them remove their awning.

Mr. Rubino asked whom should residents call if there is a halfway house that moved into their neighborhood.

Mr. Ihrie said for residents to call Mr. Rayes.

Mr. Rubino thanked and congratulated Bommarito Bakery. He thanked Giglio's family and wished them good luck. He thanked Cub Scout Troup 1438 for cleaning Blossom Heath Park.

Mr. Rubino commented that the Memorial Day Parade fundraiser was a great event.

Mayor Hison commented that it was a great time in St. Clair Shores with many great successful events.

14. CITY MANAGER'S REPORT

Mr. Hughes announced that the St. Clair Shores Clerk's Office will be participating in the National Passport Day event this Saturday, April 9, 2011. The Clerk's office will be open from 10:00 a.m. to 3:00 p.m. He listed what people need to have when applying.

15. AUDIENCE PARTICIPATION (5 MINUTE TIME LIMIT)

Joe Backus, St. Clair Shores Resident, said he was not able to attend the Memorial Day Parade event and donated \$100 towards the parade.

Jamie Victory, St. Clair Shores Resident, apologized for not being able to attend the Memorial Day Parade event. He mentioned that his co-worker became sick as his blood pressure dropped and the paramedics were called. The paramedics and police responded quickly and did a great job.

Theresa Schefke, St. Clair Shores Resident, said she has been a resident of the City since 1991. She is concerned that Council thinks more about helping businesses than residents. She doesn't understand why the City won't take payments for water bills to help the residents especially in this economy. Every other utility company takes payments. She is having difficulty paying her water bill and she was told to contact DHS. She is unemployed and has two children and the maximum help she can get from DHS is \$300 a year.

Mayor Hison asked her to contact the City Manager who has the authority to make the decision on whether to allow a resident to make payments. He told her that he understands that she is in a very trying time, but it is only through the City Manager that these arrangements could be made and not City Council.

Jack Doerr, St. Clair Shores Resident, said he is concerned with the census numbers of 59,715 and asked if there is a way of cross-referencing residents through the Voter File. He asked if people attending St. Clair Shores schools due to the school of choice can be included in the census numbers.

Mayor Hison explained that we couldn't include the people involved in the school of choice program because they don't live in this community and are accounted for in the community they reside in. He commented that in the 1970's, the census was around 90,000. He said that we will try anything we can to evaluate the numbers.

Frank Mariano, St. Clair Shores Resident, stated that he has an issue with the NSP home next to his. He has submitted a violation to the City, but feels that this is a tough situation because this is a City owned house. His calls and emails are not returned. He made a complaint about the air condition unit. The unit should be installed at the

15. AUDIENCE PARTICIPATION (Cont'd)

most rear window of the home and it was installed right next to his bedroom. He was told that this was covered by the grandfather clause. He feels that this should not be covered by the grandfather clause since the property switched ownership to City. He has filed \$100 worth of Freedom of Information Requests because no one will talk to him.

Mayor Hison said the City Manager will review this issue and respond to his questions.

Paul Gunya, St. Clair Shores Resident, announced that STRAW will be doing a presentation on blight in the City and invited everyone to attend.

Colleen Martel, St. Clair Shores Resident, said she is upset that Council Members change their minds on issues regarding Police and Fire. There is discussion about incorporating a third ambulance that could raise about \$10,000 and some Council Members are not in support of this. The busiest department in the City will now take longer to respond.

Mike Martel, St. Clair Shores Resident, said he has been a Police Officer for over twenty years and the last six years he has worked in the Homicide Department. He is concerned because some Council Members voted against Proposition 2 and some Council Members want to hire civilians in the Police Department. He heard that there was talk about moving the Code Enforcement Department to the Police Department. The Police Officers in the Records Department help back up the officers in the field. He is requesting that Council doesn't manipulate the system.

Don Lobsinger, St. Clair Shores Resident, said he is a veteran and reminded everyone not to lose sight of what the Memorial Day Parade stands for. The Memorial Day Parade is for the supreme warriors who sacrificed their lives in war. He is upset because last year the Memorial Day Parade was tainted by allowing the Michigan Round Table for Diversity and Inclusion to submit a float in the parade and he hopes that they will be banned from submitting a float in the parade this year. It was wrong that the City would allow the Michigan Round Table for Diversity and Inclusion to submit a float because it's "father" was Henry Crane, an ally of the communists. The proper respect is due to our Country's fallen war heroes.

Chuck Hall, St. Clair Shores Resident, said he is happy to hear about the Chamber of Commerce building being purchased with drug forfeiture money. Several weeks ago, he asked about the water tank and he is still waiting for an update. Governor Snyder's plan would greatly reduce funding to our City and is a concern for our City. He thanked Cub Scout Pack 1438 for doing a great job cleaning up Blossom Heath Park.

16. ADJOURNMENT

Motion by Walby, seconded by Rusie to adjourn at 9:13 p.m.

Ayes: All – 6
Absent: McFadyen

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

ROBERT A HISON, MAYOR

MARY A. KOTOWSKI, CITY CLERK