

**MINUTES
ST. CLAIR SHORES CITY COUNCIL MEETING
JANUARY 4, 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 Frederick, Rubello, Rubino, Rusie and Walby

Absent: Council Member McFadyen

Also Present: City Manager Podolski, City Clerk Kotowski, Directors Haney, Rayes, D'Herde and City Attorney Ihrie

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

Mayor Hison called the meeting to order at 7:00 p.m. Ms. Kotowski, City Clerk, called the roll with a quorum present. The Pledge of Allegiance was recited by those in attendance. She noted that she had not heard from Ms. McFadyen.

Mayor Hison wished everyone a Happy New Year. He said that Council will work together with the residents and businesses to keep the City great.

2. PROCLAMATIONS & PRESENTATIONS – None

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

Jim Goodfellow, 22476 Lakeland, Agenda Item #6. He requested that this item be tabled for sixty to ninety days because of the tough economy and to only consider this item when the market picks up.

4. PERMISSION IS REQUESTED BY THE ST. CLAIR SHORES PARADE COUNCIL TO HOLD THE ANNUAL MEMORIAL DAY PARADE ON SUNDAY, MAY 30, 2010 ON HARPER FROM STEPHENS TO 11 MILE ROAD STARTING AT 1:00 P.M.

Mr. Matt Ahearn, Parade Council President, said this will be the 58th annual parade and it will be on Harper. This year's theme is "Shores Remembers Its Own," in honor of those who have fought to defend our Country. He stated the Parade Council usually honors people in the community and thought it would be best to remember those in our community who have sacrificed so much.

Mayor Hison commented that this year's theme is very appropriate.

Mr. Ahearn mentioned the annual fundraiser dinner that will be held the Wednesday (June 2, 2010) after the parade. He said they are in need of sponsors for floats and they are continuing to look into other ideas for fundraising. There will be more detailed information in the near future. He encouraged businesses to sponsor floats in order to advertise for their businesses, but noted that all floats should be geared toward the theme. He mentioned that volunteers are always needed on the day of the parade.

Motion by Frederick, seconded by Rubello to approve the request by the St. Clair Shores Parade Council to hold the Annual Memorial Day Parade on Sunday, May 30, 2010 on Harper from Stephens to 11 Mile Road starting at 1:00 p.m.

Ayes: All – 6

Absent: McFadyen

5. REQUESTS FROM MICHIGAN LIQUOR CONTROL COMMISSION FOR TWO STEP TRANSFER OF ESCROWED 2009 CLASS C LICENSED BUSINESS WITH DANCE PERMIT LOCATED AT 24935 JEFFERSON, ST. CLAIR SHORES MI 48080, MACOMB COUNTY

- a. **Request for Step #1 transfer of escrowed 2009 Class C Licensed business with dance permit located at 24935 Jefferson, St. Clair Shores, MI 48080, Macomb County (Step 1) from Tom's Oyster Bar-Nautical Mile, Inc. back to Lakeshore Food Company, L.L.C. with a request for new Official Permit (Dance) for Sunday for the hours of 11:00 am to 12:00 pm**

Mr. Brad Egan, Lakeshore Food Company, L.L.C. Representative, said the license is located in escrow at 24935 Jefferson and Lakeshore Food Company, L.L.C. is requesting to redeem their ownership of this Class C Liquor License as a result of an agreement default. Lakeshore Food Company, L.L.C. does not plan to operate this license but is requesting they be "titled back on their license" to then facilitate the transfer to Odyssey Ventures L.L.C.

a. **Request for Step #1 transfer of escrowed 2009 Class C Licensed business with dance permit located at 24935 Jefferson (Cont'd)**

Mr. Egan noted the history of the license as follows: In August 2003, Lakeshore Food Company, L.L.C. was originally granted the license by City Council and LCC. In December 2006, the license was transferred to Tom's Oyster Bar Nautical Mile Inc. On May 6, 2009, Tom's Oyster Bar-Nautical Mile Inc. closed. In December 2009, the City Clerk received applications for the two step transfer.

Mr. Ihrie stated that when a license is transferred back to a licensee who is petitioning to get the license back, the \$2,500 fee does not have to be charged. This transfer process is a requirement from the Liquor Control Commission primarily to keep track of licenses.

Motion by Rubino, seconded by Rusie that the request to transfer ownership of 2009 Class C Licensed business with dance permit, located in escrow at 24935 Jefferson, St. Clair Shores MI 48080, Macomb County from Tom's Oyster Bar-Nautical Mile, Inc. to Lakeshore Food Company, L.L.C. and request new Official Permit (Dance) for Sunday for the hours of 11:00 am to 12:00 pm, be considered for APPROVAL and it is the consensus of the legislative body that this application be RECOMMENDED for issuance "above all others".

Ayes: All – 6
Absent: McFadyen

b. **Request for Step #2 transfer of escrowed 2009 Class C Licensed business with dance permit located at 24935 Jefferson, St. Clair Shores, MI 48080, Macomb County, from Lakeshore Food Company, L.L.C. to Odyssey Ventures, L.L.C. of the Escrowed 2009 Class C, SDM, Sunday Sales licensed business with Dance Permit & Official Permit (food-dance) for 2:30 am to 4:00 am weekdays and 2:30 am to 4:00 am Sundays**

It was noted that Ms. Racine, the petitioner's attorney, cancelled the request to extend their operating hours from 2:30 a.m. to 4:00 a.m.

Mayor Hison asked the Clerk if there were any other conditions from departments other than final inspections to obtain the Certificate of Occupancy. Ms. Kotowski responded there were none.

Mr. Dimitrios Papas, said he will acquire the building located at 24935 Jefferson. He owns Pegasus restaurant in Detroit and he plans to open a similar restaurant at this address in St. Clair Shores. Once the purchase is complete they plan to make renovations to the location and will work with the Community Development Department and Fire Marshall to meet Certificate of Occupancy requirements.

Motion by Frederick, seconded by Walby that the request to transfer ownership escrowed 2009 Class C & SDM Licensed business with Sunday Sales, dance permit and official permit (food-dance) located at 24935 Jefferson, St. Clair Shores MI 48080, Macomb County, from Lakeshore Food Company, L.L.C. to Odyssey Ventures, L.L.C. be considered for APPROVAL and that it is the consensus of the legislative body that this application be RECOMMENDED for issuance "above all others".

Ayes: All – 6
Absent: McFadyen

5. c. **Request from Michigan Liquor Control Commission for a transfer of ownership of 2009 Class C Licensed business (in Escrow) with Dance-Entertainment permit, located at 23109-23117 Harper, St. Clair Shores, MI 48080, Macomb County from Shore Crest Lanes & Lounge, Inc. to 9 Mile Harper L.L.C.**

Item taken out of order for Petitioner arrival.

6. **APPROVAL OF PROPOSED FISCAL YEAR 2009 – 10 BUDGET ADJUSTMENTS AND DEPARTMENT USER FEE INCREASES**

Mr. Podolski said Council reviewed the proposed changes in the December 19, 2009 Study Session. City Staff recommended some changes to the budget that would increase revenues by increasing fees for our services. Making these changes immediately will capture money mid-way through the current budget as opposed to waiting to make these changes at the end of the fiscal year. He asked Council to elaborate on what they would like Staff to incorporate in these changes.

Mr. Walby wants the \$12,296.07 put back into the Activities account and the \$9,600 to the Activities Committee, Parade Council, and Cool Cities. He also wanted the Communications Commission Intern restored.

6. APPROVAL OF PROPOSED FISCAL YEAR 2009 – 10 BUDGET ADJUSTMENTS AND DEPARTMENT USER FEE INCREASES (Cont'd)

Mr. Haney explained that the reduction of \$8,000 for the Boards and Commission account (255) was derived from the calculation of a clerical mistake that was made and the cutting of hours for the temporary position in the Communications Department.

Ms. D'Herde elaborated that the clerical mistake accounted for \$5,000 of the total. The cost of the TI line was budgeted for the entire fiscal year, but wasn't installed yet which would bring the cost down since it will be budgeted now for six months of the fiscal year and she decreased printing to arrive at the \$8,000 cost saving.

Ms. D'Herde explained that the temporary employee works thirty-five hours a week and these hours will be reduced by ten hours to twenty-five hours and will save the City \$2,500.

Mayor Hison would not like to make any cuts in the Communications Department or to reduce programming. He would like to keep the Communication Intern's hours at thirty-five hours a week. Nor a reduction of \$20,000 to information services, without additional information provided as the City has downsized staffing, while maintaining services through the use of computers and enhanced programs.

Mr. Walby stated he wants the police and fire overtime reduced by \$300,000 and he would like to discuss eliminating the Code Enforcement Director's position and the DPW/Motorpool Director's position. He suggested that both positions be evaluated over the next sixty to ninety days to determine if the same service could be offered if these positions were eliminated.

Mayor Hison agreed that the police and fire overtime should be reduced which will create a savings of \$300,000. He is not in favor of eliminating positions and laying off employees. The department heads derived one million dollars in savings by making necessary cuts without the elimination of the two positions.

Mayor Hison explained that in the 1980's there was a deficit budget and there were rolling layoffs which only lasted a short while because of the recession. At one point, the City had approximately four hundred employees and currently the City has approximately 251 employees.

Mayor Hison feels even though we are making a good start, a lot of smart changes and not drastic changes will need to be made this year and a plan put into place.

Mr. Walby stated that the property values will decline 14% and revenue sharing will be hit again. He said last year the City's expenses exceeded its revenue by millions. Changes need to be made in order to move forward.

Mr. Rubino said he is disappointed with the budget cuts that were brought back to Council and feels that there was only a shuffling of numbers. He would like all department heads to take another look at the budget to determine what other cuts can be made. Mr. Rubino stated that eliminating the two positions could save the City a lot of money. He stated that the Code Enforcement Director position is only five years old and he thinks the City did well in the past without this position. He does not want money taken out of the Court Building Fund. He said there could be a credit crisis, a real estate crisis, an equity crisis, and possibly a debt crisis in the next five years and we need to look at being progressive when looking at how government is run. He wants to make the right decisions so the City will not have to go into receivership.

Mayor Hison mentioned how every surrounding community is facing the same problems that we are, but we have been preparing for a long time and are now in a better position than other communities. Mayor Hison stated that even though the Code Enforcement Director's position is fairly new, there has always been a DPW Director position for as long as he remembers.

Ms. Rusie stated that she is also disappointed with the budget information that was presented to Council. She stated how eliminating jobs is not an easy thing to do, but feels that we need to make these cuts instead of reducing services. She felt they should give Staff's recommendation deference and implement their recommendations.

Mr. Podolski explained that he asked department heads to look at the budget very thoroughly before making cuts. The only thing that he is not positive about reducing is the \$300,000 for police and fire overtime. He reassured Council that he would not have put these in front of Council if he did not feel that we could do without the suggested cuts.

Mr. Podolski said Ms. Orlando, the Library Director, stated that only four of the larger cities in the area have implemented raising library late fines to twenty-five cents.

6. APPROVAL OF PROPOSED FISCAL YEAR 2009 – 10 BUDGET ADJUSTMENTS AND DEPARTMENT USER FEE INCREASES (Cont'd)

Mr. Rubello agreed with Councilmember Walby that we need to do due diligence regarding review of these positions. He said we won't do anything that isn't workable. He commented that some of our budget cuts may be "cosmetic" and he is concerned that we will run out of money by June 30, 2012 if we do nothing. He stated that our government is not sustaining itself and is running a structural deficit and it is up to Council to make the most economical decisions. Council needs to do everything they can to resolve these issues before having to ask the residents for more money by raising mileages.

Mr. Walby doesn't agree with increasing the library late fines.

Mayor Hison would like more information on the ambulance fees before making the decision to increase that amount. He was under the impression that more information would be provided before any adjustments were made.

Mr. Frederick stated that he recognizes and appreciates how hard the department heads have been working to reduce the budget. He agrees with keeping the Communication Commission Intern's hours at thirty-five hours a week and putting \$9,600 in the Activities account, Parade account, and Cool Cities account. He disagrees with eliminating positions because we are down fifty-one people in the last seven years due to attrition.

There was discussion on what would happen if nothing is done and the best ways to sustain a balanced budget before it gets to the point of having to ask the State to come in and take over.

Mr. Frederick brought up the question of why doesn't Council evaluate all positions and not only the two positions previously mentioned. He questioned if a vendetta could be the reason for singling out only the two particular positions.

Mr. Walby elaborated that he thinks we can consolidate departments to move forward and evaluate any changes made on a regular basis.

Ms. Rusie stated she feels that she has been mischaracterized by previous statements. She clarified that these two cuts in particular are only the first step of more cuts in the future.

Motion by Walby, seconded by Rubino to approve the budget amendment 10-03 with the following changes; restore to Boards and Commissions Account \$9,600 each to the Activities Committee, the Parade Council, and the Cool Cities, to not increase library late fees nor the ambulance fees to the maximum rate Medicare/Blue Cross Blue Shield will pay, to analyze and evaluate the Code Enforcement Supervisor and the DPW/Water Director positions over the next sixty to ninety days and to eliminate \$300,000 for police overtime.

		Increase	Decrease
General Fund			
Revenues:			
Increase Vital Record fees to @15 first copy and \$7.50 each additional		11,700	
Election revenue from County			100,000
Increase price of park passes from \$5 to \$10		55,000	
Increase special needs fees		8,000	
Increase baseball and soccer fees		8,000	
Raise ice rate by \$20 per hour		23,000	
Increase membership fees for the Senior Center		20,000	
Expenditure by Department			
101 Council			
	Eliminate Student Government Day		800
	Eliminate Mayors Exchange		3,000
	Cut operating supplies and services by 50%		1,853
140 Court			
	Reduce Services		5,000
	Reduce janitorial service		2,000
170 Manager			
	Reduce operating supplies		1,500
	Reduce new hire testing		17,000

6. APPROVAL OF PROPOSED FISCAL YEAR 2009 – 10 BUDGET ADJUSTMENTS AND DEPARTMENT USER FEE INCREASES (Cont'd)

		Increase	Decrease
201 Finance			
	Reduce overtime		1,000
	Reduce operating supplies		1,000
215 Clerk			
	Reduce overtime		7,500
	Reduce temporary		20,000
	Reduce office supplies		2,000
	Reduce operating supplies		11,000
	Reduce services		73,500
	Printing and ads.		15,500
	Reduce repair and maintenance		2,500
	Rentals		5,600
241 Assessing			
	Reduce operating supplies		2,000
	Aerial Maps & GIS services		2,000
	Reduce training and related costs		1,500
253 General Government			
	Council designated projects		50,000
255 Boards and Commissions			
	Reduce temporary		8,000
258 Information Systems			
	Overtime		2,000
	Reduce services		20,000
	Reduce repairs and maintenance		2,000
266 Building Maintenance			
	Reduce Honeywell maintenance		15,000
	Reduce janitorial service		5,000
	Reduce Motorpool charges		3,289
300 Police			
	Position vacant 1/2 year		53,000
	Overtime		300,000
	Fringes		100,000
	(2) 24 hour chairs		2,000
	(7) Tasers		5,670
	Reduce uniforms		2,500
	Animal shelter		5,000
	Printing		3,000
	Reduce janitorial service		2,500
	Reduce Motorpool charges		88,126
340 Fire			
	Operating supplies		5,000
	Reduce 800 MHZ radio fees		5,000
	Reduce janitorial service		2,000
	Reduce Motorpool charges		83,376
370 Community Services			
	Vacant position for part of year		29,000
	Reduce temporary		5,000
	Reduce contract inspectors		20,000
	Reduce Motorpool charges		6,629
450 DPW Administration			
	Training and related costs		2,000
	Reduction in Streets departments contribution		93,579
520 Sanitation			
	Eliminate recycle tips		10,000
	Eliminate printing		7,000
	Increase transfer to Sanitation Trust Fund		-17,000

6. APPROVAL OF PROPOSED FISCAL YEAR 2009 – 10 BUDGET ADJUSTMENTS AND DEPARTMENT USER FEE INCREASES (Cont'd)

		Increase	Decrease
701 P&R Admin			
	Printing		4,000
	Reduce Motorpool charges		3,915
	Reduction in contribution to the Recreation Revenue System		86,177
702 Recreation			
703 Arena			
	Reduce temporary budget to reflect actual use		10,000
	Reduce janitorial service		34,000
	Reduce electric budget to reflect new lighting		20,000
	Reduce Motorpool charges		11,406
705 Parks			
	Overtime		8,000
	Services		4,000
	Reduce Motorpool charges		33,343
706 Senior			
	Eliminate Saturday dance		3,000
	Reduce janitorial service		4,000
	Reduce Motorpool charges		7,830
730 Library			
	Reduce services		9,500
	Reduce printing		1,000
	Reduce janitorial service		1,500
910 Insurance			
	Worker compensation		30,000
	General liability contribution lowered		29,000
General Fund Fund Balance		1,421,293	
Utility Fund			
452 Storm Sewer			
	Grant cancelled by County – mosquito control		12,500
	Reduce overtime		3,000
	Mosquito control services		30,000
860 Water			
	Eliminate vacant position		76,000
	Eliminate temporary for water meter conversion		26,000
	Reduce other temporary		13,000
	Reduce services		15,000
	Reduce tank repairs and maintenance		50,000
	Reduce Motorpool charge		43,950
870 Sanitary Sewer			
	Reduce Motorpool charge		23,033
	Utility Fund fund balance	267,483	
Motorpool			
	Motorpool revenues		404,980
	Vacant position 3/4 year		53,480
	Gas and diesel fuel		300,000
	Insurance		50,000
	Reduce janitorial service		1,500
Streets			
	Contribution from General Fund		93,579
	Street lighting surcharge effective 7-26-2009	100,000	
	Reduce janitorial service		1,000
	Salt		100,000
	Reduce Motorpool charges		81,510
	Streets Fund fund balance		11,069

6. APPROVAL OF PROPOSED FISCAL YEAR 2009 – 10 BUDGET ADJUSTMENTS AND DEPARTMENT USER FEE INCREASES (Cont'd)

Recreation Revenue System		Increase	Decrease
709 Pool			
708 Boating			
	Eliminate night guard and gate guards during winter		17,604
	Dredging		50,000
	Reduce Motorpool charges		2,010
855 Golf			
	Reduce Motorpool charges		16,563
	Contribution from General Fund		86,177

A roll call vote was taken.

Ayes: Frederick, Rubello, Rubino, Rusie, Walby, Hison

Absent: McFadyen

Motion passed.

5. c. Request from Michigan Liquor Control Commission for a transfer of ownership of 2009 Class C Licensed business (in Escrow) with Dance-Entertainment permit, located at 23109-23117 Harper, St. Clair Shores, MI 48080, Macomb County from Shore Crest Lanes & Lounge, Inc. to 9 Mile Harper L.L.C. (taken out of order)

Mr. Ihrie said that he spoke with the petitioner's attorney and told him to come to the meeting at 7:45 p.m. He asked Council to hold this item until he arrives.

Mr. Carl Rashid, the Attorney Representative for 9 Mile Harper L.L.C., explained that there was a Court order on March 2, 2009 noting the sale of the assets including the Class C liquor license. He noted the Michigan LCC has requested that the license be transferred to their buyer, 9 Mile Harper L.L.C. 9 Mile Harper L.L.C. never intends to use the license and will sell the license to a business in Eastpointe.

Mr. Ihrie explained that more recently debts taken by the lender, such as in this case, have included the liquor license. It is in writing that 9 Mile Harper L.L.C. cannot use the license and this is a standard transfer of a debtor's asset. The goal is to demolish the facility. All previous bills have been paid that were required to be paid. Mr. Ihrie said our ordinance states that prior to the transfer, all taxes and bills must be paid. There is a bill for taxes that is not past due, but is due in February 2010.

Mr. Rashid said the taxes that are due in February 2010 will be paid.

Ms. Rusie said she doesn't feel that we can transfer this until the taxes are paid per our ordinance.

Mr. Ihrie stated Council has conditionally approved a request in the past until all taxes were paid. We cannot approve it with a condition as what we send to the Liquor Control Commission may not have conditions. We can approve it internally with a condition, but that would be up to Council.

Mayor Hison noted his concern is that we may not be paid for the taxes that due in February 2010.

Mr. Ihrie recommends that the taxes be paid and then bring it back before Council to request a transfer.

Mr. Walby was concerned that if we approve this transfer, Mr. Rashid will come before Council at a later time when the property is developed to request one of the City's liquor licenses. He asked Mr. Rayes if he knows what the development plans are for this property.

Mr. Rashid couldn't comment as he doesn't know what the development plans are.

Mr. Rayes said that someone has looked at the location, but he doesn't know the full details yet.

Motion by Rusie, seconded by Frederick to POSTPONE the request that 9 Mile Harper L.L.C. request to transfer of ownership of (escrowed) 2009 Class C Licensed business with Sunday Sales, Dance-Entertainment Permit, Outdoor service (1 area), Official Permit (Bowling) and 4 bars located at 23109-23117 Harper, St. Clair Shores, MI 48080, Macomb County from Shore Crest Lanes & Lounge, Inc.; to the January 18, 2010 meeting for resolution of outstanding taxes.

Ayes: All – 6

Absent: McFadyen

7. BIDS/CONTRACTS/PURCHASE ORDERS

a. Purchase of police vehicles

Lt. Pietrzak explained that \$136,000 was budgeted for this and he is asking for \$96,656.01 for three Dodge Chargers and one Chevrolet Tahoe that will replace four vehicles in the Police Department. The vehicles to be replaced will be "recycled" and replace other vehicles and ultimately those vehicles not used in other City departments will be sent to the Motor Pool to be auctioned.

Mayor Hison noted that this is a process that we have used for many years.

Mr. Rubino questioned the average life span of a police vehicle and the need for a Tahoe.

Lt. Pietrzak said it is difficult to determine the life span of each vehicle because each vehicle is made differently. The life span of a vehicle is not only based on the mileage. He explained that idling time can be approximately fifty percent of the calculated mileage. The Police vehicles have been replaced an average of every two years and if we start to put off purchasing new vehicles, it will only compile the need for more vehicles next year.

Lt. Pietrzak explained that the Tahoe is not that much more expensive than the Charger and the Tahoe will last longer because the trucks are not driven at high speeds like the Charger. The main need for the Tahoe is to hold all the evidence equipment which will help the evidence technician be more efficient by not having to drive back and forth to the Police station for equipment. There will not be a need to duplicate the evidence equipment because all the equipment will be moved from the Police station to the truck and will remain in the truck at all times.

Motion by Walby, seconded by Rubino to purchase three (3) Dodge Charger Police vehicles from Slingerland Chrysler Dodge for \$69,183.21 and purchase one (1) Chevrolet Tahoe Police vehicle from Shaheen Chevrolet for \$25,472.80 from the Macomb County Consortium bid.

Ayes: All – 6
Absent: McFadyen

b. Amendment #1 to the water service contract between the City of Detroit and the City of St. Clair Shores

Mr. Sean Houtekier, DPW, and Mr. James Rabine, Anderson, Eckstein and Westrick, Inc. are requesting the approval of the Water contract between the City of Detroit and the City of St. Clair Shores.

Mr. Houtekier explained the first seven amendments are word changes only that have been reviewed by the DPW Director, the City Attorney and Mr. Rabine. Change two is noted on Exhibit A which changes the ownership of the value and PRV pressure valve at Eight Mile site to standardize. This PRV was installed in 1971 and hasn't operated since 1971 as it had low pressure. The third change is the volumes used on maximum days and high flow days to include water consumption uses from actual 2008 and 2009 City's use.

Mayor Hison mentioned that we have a thirty year contract with Detroit and there are provisions in the contract that allow adjustments. This is an interval for us to "tweek" some of the parameters that are set to help us reduce our rate over this three year period.

Mr. Rabine said the rates are raised every three years. About thirteen of the twenty-six cities have approved the contract with Detroit so far. A final decision must be made before January 15, 2010 and then those are the rates that will be effective this June.

Mr. Rabine explained that costs are increasing and Detroit's controllable costs are less than three percent of the budget as they have excessive outstanding capital debt.

Citizens have been educated on use of water and controlling the peak usage times.

It was discussed that the facility at 10 Mile Road and Harper water tank is not in use and Council has not authorized the cost of replacement of the motors and gauges, etc. to make it functional.

Mr. Rabine explained that if the City exceeds the calculated usage on any one day, the overage will be used to calculate the new rate and it will be added to the current rate. He personally analyzed the data 365 days a year for 7 years for the City and feels confident that this is a good rate.

b. **Amendment #1 to the water service contract between the City of Detroit and the City of St. Clair Shores (Cont'd)**

Ms. Rusie clarified that this amendment changes benefited us more than the old contract.

Mr. Ihrie noted that other than technical language changes there were no substantial changes in this amendment.

Motion by Rubello, seconded by Walby to approve Amendment No. 1 to the Water Service Contract between the City of Detroit and the City of St. Clair Shores and authorize the City Manager and City Clerk to execute the agreement.

Ayes: All – 6
Absent: McFadyen

8. **CONSENT AGENDA**

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

a. **Bills**

December 22, 2009 \$1,161,887.30

To approve the release of checks in the amount of \$1,161,887.30, of the report that is 16 pages in length and of the grand total amount of \$1,161,887.30, \$0 went to other taxing authorities.

b. **Fees - None**

c. **Progress Payments**

Italia Construction, Inc. \$ 65,059.26

To approve the above progress payment, subject to audit.

d. **Approval of Minutes**

To approve the following minutes:

<u>Minutes</u>	<u>Meeting Date</u>
City Council	December 21, 2009

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

To receive and file the following minutes:

<u>Minutes</u>	<u>Meeting Date</u>
Library Board	November 19, 2009
Police and Fire Pension Board	November 19, 2009
Police and Fire Retiree Health Care Trust Board	November 19, 2009
Board of Review	December 15, 2009

Ayes: All – 6
Absent: McFadyen

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

- **PCB's** – Mr. Podolski said that EPA installed oil snares to prevent the oil from moving prior to the end of the year. These oil snares can sit on the bottom and can prevent the oil from moving.
- **Noise Ordinance** – Mr. Ihrie clarified that the noise ordinance prohibits loud noises between the hours of 11:00 p.m. to 7:00 a.m. in residential neighborhoods and that includes snow blowers.

9. UPDATES AND FOLLOW-UPS FROM COUNCIL MEETING (Cont'd)

- **2010 City Calendar** – Ms. D’Herde said the City hired Target Distribution to distribute the 2010 City calendars for cost savings reasons in their bid. Target Distribution was hired in the past by the City of Grosse Pointe Woods. We had a number of complaints from Council Members, Staff, and residents about the calendars not being distributed properly. The calendars were supposed to be put in a plastic bag and hung on the door. Target Distribution has not provided the service that was contracted and she is in the process of dealing with these issues. She asked anyone who did not receive a calendar to contact her and mentioned that a form will be on the web in the near future for residents to fill out.
- **Garbage Pick Up** – Mayor Hison mentioned that Christmas trees will be picked up at the residents regular trash pick up time from now until January 15.

10. COMMENTS BY INDIVIDUAL COUNCILPERSONS

Council Member Rubello mentioned the Waterfront Environmental Committee’s Annual meeting will be held at the City on January 14. He said the Historical Commission is looking for museum guides. He asked Mr. Rayes about businesses being allowed to put up sandwich board signs to advertise. He wished everyone a Happy New Year.

Council Member Frederick wished everyone a Happy New Year. He mentioned that boat wells are available for rent and to contact the Parks and Recreation Department. He mentioned that recycling bins are available at DPW now and not at Parks and Recreation. Mr. Frederick announced the upcoming “Daddy Daughter Dance” on February 21st at Blossom Heath and the 1st Annual Community Celebration on January 18, at the Library.

Mr. Frederick asked Mr. Rayes about what is happening at the Gourmet House and Mr. Rayes responded that he is still waiting for a response.

Mr. Frederick raised the proposed layoffs as political paybacks.

Council Member Walby asked Mr. Rayes about the paving on Francis Street and noted the fact that we held money back for blacktop clean up. He requested that the Anderson, Eckstein and Westrick, Inc. contract be brought before Council to make the decision to bid this contract. He feels that it is a large contract and could save us money if changes are made. Mr. Walby explained that difficult decisions will have to be made within the next two years when it comes to the budget. He announced that he and his wife are celebrating their 19th Anniversary.

Council Member Rubino asked if the asphalt clean up will happen in the spring. He noted in the last month he has had two garbage cans damaged and lost a recycling bin cover. He encouraged residents to inform Council and the City of any problems so that they may be resolved with Waste Management. He said that tough decisions will have to be made about the budget. He doesn’t feel that increasing fees slightly will hurt, but thinks it will hurt if they have to raise taxes. He noted he was going to do what is fiscally responsible. He is upset at comments that were made about him. He wished everyone a Happy New Year.

Council Member Rusie announced that a documentary film will play at the Senior Center. She mentioned that a STRAW Committee is hosting a seminar on Wednesday on how to appeal property tax assessments at the library. She wants to do the right thing when it comes to the budget. She said these are tough times and to have our intentions misrepresented is wrong at this time, we need to move forward and not deal accusations. She wished everyone a Happy New Year.

Mayor Hison announced the upcoming St. Clair Shores Fire Department 20th annual bowling fundraiser on February 27 at Shores Lanes. He mentioned that applications for the event are available at the fire stations and at City Hall.

11. CITY MANAGER’S REPORT - None

12. AUDIENCE PARTICIPATION (5 MINUTE TIME LIMIT)

Joe Wielgot, 22424 Raymond Court, said that he doesn’t understand why Council wants to downsize DPW which is critical to our infrastructure. He asked why the Golf Course and Parks and Recreation, Library and Communications cannot be combined. He feels that we should use the “Rainy Day Fund” now.

Tim Focht, 33525 Jefferson, said he has been trying to build a garage on the property in the lot next to his building and he did not get a response from the City staff. If this issue cannot be resolved, he will have to move his business.

12. AUDIENCE PARTICIPATION (5 MINUTE TIME LIMIT) (Cont'd)

Mayor Hison stated that options were given to Mr. Focht about this situation. Mr. Rayes contacted the neighbors who owned the lot next to Mr. Focht's building and no deal can be made. Mayor Hison asked Mr. Focht to meet with Mr. Rayes in order to see what options are available to him concerning building a garage on his property.

Keith Bammel, 23163 Gladhill, mentioned an upcoming STRAW meeting and how they can help residents lower their property assessment. They can also inform residents of how flood zones work. He mentioned that residents can post events on their website.

Jamie Victory, 32069 Williamsburg, wished everyone a Happy New Year.

Karla Anderson, 23130 Liberty, announced St. Clair Shores 1st Annual Celebration for Martin Luther King Day to be held at the St. Clair Shores Library at 4:00 p.m. on January 18, 2010.

Mayor Hison mentioned that the snow removal ordinance has been updated and will be brought before Council at the next meeting.

13. ADJOURNMENT

Motion by Walby, seconded by Rusie to adjourn at 9:53 p.m.

Ayes: All – 6
Absent: McFadyen

ROBERT A HISON, MAYOR

MARY A. KOTOWSKI, CITY CLERK