

**MINUTES
ST. CLAIR SHORES CITY COUNCIL MEETING
MAY 17, 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, McFadyen, Rubello, Rubino, Rusie and Walby

Also Present: City Manager Hughes, City Clerk Kotowski, Directors Babcock, D'Herde, Esler, Haney, Koto, Rayes, Schuster and City Attorney Albright

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

Mayor Hison called the meeting to order at 7:00 p.m. Ms. Kotowski, City Clerk, called the role with a quorum present. The Pledge of Allegiance was recited by those in attendance.

Mayor Hison noted item 11b has been removed and will be rescheduled at a later time.

2. PROCLAMATIONS & PRESENTATIONS

a. Eagle Scout Roger C. Van Vechten

Mayor Hison presented Eagle Scout Roger C. Van Vechten the following proclamation:

**PROCLAMATION
to
ROGER C. VAN VECHTEN**

WHEREAS, the Mayor and the Council of the City of St. Clair Shores wish to acknowledge and honor ROGER C. VAN VECHTEN, who has earned his Eagle Scout rank with Boy Scout Troop 1941 and by his accomplishments is an example to others; and

WHEREAS, ROGER grew up in St. Clair Shores and started his scouting journey as a Cub Scout ten years ago, which has helped him through his youth development by participating in various programs and projects, acquiring values, talent, leadership and communication skills; and

WHEREAS, ROGER currently volunteers for Gleaners and is part of the family project of fostering puppies for Michigan Anti-Cruelty Society, then plans to serve our Country in the Marine Corps after college, beginning at Macomb Community College in the fall and then transferring to complete a four year program concentrating in Criminal Justice; and

WHEREAS, ROGER earned his Eagle Scout Award by organizing and training a work crew to repair and stain the fence on the property of the local St. Paul's Lutheran Church, through which he has built invaluable skills; and

WHEREAS, ROGER has proven to be an outstanding member of the Boy Scout Troop 1941 and has attained the Eagle Scout honor which will follow him throughout life and will be a beacon to others of the leadership quality and commitment he has shown;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the City of St. Clair Shores, on behalf of all our residents, do hereby congratulate ROGER C. VAN VECHTEN for achieving the rank of Eagle Scout, and in recognizing his fine accomplishments, wish him the very best in all his future endeavors.

Presented this 17th day of May 2010.

Mr. Van Vechten talked about his Eagle Scout project and thanked his family and advisor for their support.

b. St. Clair Shores Sail and Power Squadron Safe Boating Week May 22 – 28, 2010

Mayor Hison presented the St. Clair Shores Sail and Power Squadron with the following proclamation:

2b. St. Clair Shores Sail and Power Squadron Safe Boating Week May 22 – 28, 2010 cont'd.

**PROCLAMATION
to
ST. CLAIR SHORES SAIL & POWER SQUADRON**

WHEREAS, the Mayor and Council of the City of St. Clair Shores wish to acknowledge the St. Clair Shores Sail & Power Squadron by recognizing their organization and its mission to conduct vessel safety examinations during National Safe Boating Week May 22 – 28, 2010 as well as throughout the year; and

WHEREAS, the St. Clair Shores Sail & Power Squadron is dedicated to educating the public about the safe handling of small water craft; and

WHEREAS, the St. Clair Shores Sail & Power Squadron conducts classes on seamanship and navigation every Wednesday at the Civic Center Ice Arena from February through November, affording residents the opportunity to learn about safe boating practices in their own community; and

WHEREAS, the high quality of life in St. Clair Shores is due in part to Lake St. Clair, which is enjoyed by thousands of boating and fishing enthusiasts, making it a water wonderland for boaters of all kinds;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council, on behalf of all our residents, declare May 22 – 28, 2010 to be Safe Boating Week in the City of St. Clair Shores, and extend sincere thanks to the St. Clair Shores Sail & Power Squadron with best wishes for their continued success.

Presented this 17th day of May 2010.

Commander Ronald Negrish talked about the boating safety classes held at the Parks and Recreation facility and encouraged everyone to attend; for more information on the Sail and Power Squadron and their boat club visit www.scsp.com.

c. Presentation by the Cool Cities Committee on new Recycling Containers in City Buildings

Ms. Sarah Roberts and Ms. Maria Martinez, Chair and Vice Chair of the Cool Cities Committee, presented the new green recycling bins available for businesses, municipality buildings and parks. The goal of this project is to educate and encourage recycling throughout the City.

Ms. Roberts added the ultimate goal of the committee is to have the bins available at public events. There will be a dedication ceremony during the Junefest Festival on June 5, 2010 at 11:00 a.m., dedicating the bins to the City and informing the audience of the recycling containers.

Mayor Hison spoke of the Cool Cities Committee and their great projects.

The Cool Cities Committee is in the process of creating an official Facebook page; in the meantime contact Bryan Babcock, staff liaison, for purchase of the new recycling bins.

The bins are intended for non-deposit bottles/cans and they will be emptied by Waste Management during their regular recyclables pick-up.

d. Presentation by St. Clair Shores Firefighters Local 1744 to the Special Needs Program

Mr. Mark Widman, St. Clair Shores Firefighters Local 1744, spoke of their twentieth bowling tournament and the funds raised throughout the years. On behalf of the St. Clair Shores Firefighters Local 1744, Mr. Widman presented a check for \$1,600 to the Special Needs Program.

On behalf of staff and the Special Needs Program, Mr. Esler thanked the firefighters for their time, donations and charities.

Mayor Hison wished Ms. McFadyen a happy birthday.

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

Jim Goodfellow, 22476 Lakeland, Agenda Items 8, 11a, 11c. He inquired about the four parking spots in the alley of 22315 Harper and voiced his concerns about over improving the NSP homes. Mr. Goodfellow suggested using street carryover money to include Van Street in this year's program.

Rodgis Morrison, 32624 Robeson, Agenda Item 15. Mr. Morrison talked about comments made labeling residents.

Richard Swanquist, 21815 Bon Brae, Agenda Item 11a. Mr. Swanquist spoke about the Neighborhood Stabilization Program and the changes that have been made to the program.

4. PUBLIC HEARING ON THE CREATION OF AN INDUSTRIAL DEVELOPMENT DISTRICT FOR PLANT REHABILITATION DISTRICT PROJECT FOR LAND SITUATED IN THE INDUSTRIAL DISTRICT LYING NORTH OF KYTE J. MONROE PARK, GENERALLY KNOWN AS THE FISHER DYNAMICS INDUSTRIAL PARK AND THE FORMER PLASTECH PRODUCTS FACILITY

Mayor Hison noted a resolution is needed to create an Industrial Development District within the City and another resolution is needed to set a public hearing for June 7, 2010 for consideration of approval of Fisher Dynamics Plant Rehabilitation District application.

This is the first time the City received such a request. The district location will be west of Harper, south of 14 Mile Rd. and Fisher Dr., and north of Kyte Monroe Park. All properties within the district except one are owned by the Fisher family.

a. Adoption of a Resolution to Create the Industrial Development District for Plant Rehabilitation District project

Mayor Hison opened the Public Hearing at 7:33 p.m.

Mr. James Ahee, Macomb County Senior Economic Development Specialist, talked about the Fisher Dynamics request. Fisher Dynamics is expecting a new contract with General Motors for seat components. They have the choice to use one of their existing facilities within the proposed district or expand into another community/state. The State passed a law in 1976 to help manufacturing firms reinvest in their communities, creating jobs and growing their business. This Tax Credit is based on jobs created and investment and it allows for a tax abatement of up to 50% from the City. Fisher Dynamics is planning to invest \$8 to \$10 million into new equipment. If the tax abatement is approved, the new investment will be treated at 50% of its value. The proposed application will not affect any of their current taxes paid to the City.

Mr. Hughes advised that Fisher Dynamics currently employs 400 people of which 65% are from Macomb County and 20% are St. Clair Shores residents. The Fisher family has indicated that a minimum of 100 jobs will be created if the General Motors contract and the tax abatement are approved. Mr. Hughes clarified that the first step is to create the Industrial Development District for future applicants. The vote on Fisher Dynamics tax abatement application would be addressed at the June 7, 2010 Public Hearing. A comprehensive packet in regards to the Industrial Development District has been available for public review at the Library, City Clerk's office and on the City's website.

Michelle Williams, 22305 Masonic, inquired about the new products Fisher Dynamics will manufacture and if the proposed jobs to be created will be for St. Clair Shores residents. Ms. Williams talked about the deterioration of the streets caused by Fisher Dynamics.

Mr. Ahee stated Fisher Dynamics will be manufacturing a locking mechanism for GM's car seats. The firm has a strong history of hiring locals, and therefore if candidates meet the criteria, the company will hire City residents first. The City has addressed the traffic issues in the past. Signs have been posted, however enforcement of the signs has been an issue.

Mayor Hison advised concentrating on keeping traffic away from residential streets to avoid deterioration of the streets.

Rodgis Morrison, 32624 Robeson, addressed the traffic issue on Robeson Street caused by Fisher Dynamics. He noted one of the signs installed by the City has been removed. Mr. Morrison stated the firm has not been a good neighbor and asked the City to consider its neighbors when approving this item.

Mayor Hison stated the issues presented tonight will be reviewed by staff.

4. PUBLIC HEARING ON THE CREATION OF AN INDUSTRIAL DEVELOPMENT DISTRICT cont'd.

Jack Doerr, 22407 Bayview, questioned the abatement value and pay of the possible jobs. Mr. Doerr suggested prorating taxes according to commercial and industrial property within each district.

Mr. Hughes replied Fisher Dynamics proposed 100 full time jobs with full benefits and pays between \$14 and \$17 per hour.

Duke Nelson, 22315 Alexander, is a sub-contractor for Fisher Dynamics. He stated trash is not picked up early in the morning and the firm does not remove signs.

Keith Jolliffe, 23726 Deziel, talked about Fisher Dynamics' use of the roads and serious accidents involving large trucks.

Mayor Hison closed the Public Hearing at 8:03 p.m.

b. Request to set a Public Hearing June 7, 2010 for consideration of approval of a Plant Rehabilitation District Application

Mr. Rubello clarified that the 50% tax abatement is for personal property tax on new equipment only. The City will not be decreasing their current tax intake from Fisher Dynamics. Mr. Rubello is in favor of creating jobs and expanding businesses in the City.

Mr. Ahee noted an Industrial Development District is intended for new investments and a Plant Rehabilitation District is aimed for buildings that are declared 50% obsolete. Tonight's request is for the creation of an Industrial Development District.

Mr. Ahee stated the request is for twelve years tax abatement. The law gives the company two years to complete investment requirements. Mr. Ahee added that manufacturing companies are the core of any economy because every manufacturing job generates seven other job positions.

Ms. Rusie inquired about the timeframe of this project. Mr. Hughes confirmed General Motors will finalize their decision by June 15, 2010 and allow Fisher Dynamics three months to acquire equipment and be running.

Mr. Walby suggested reviewing all the issues brought up tonight before the June 7, 2010 Public Hearing.

Ms. Rusie asked if the proposed application fee was based on administrative fees related to processing the application. Mr. Hughes responded that was correct.

Motion by Rubino, seconded by McFadyen to adopt the resolution, which reads as follows:

WHEREAS, pursuant to P.A. 198 of 1974, as amended, this St. Clair Shores City Council has the authority to establish Industrial Development District within the City of St. Clair Shores; and

WHEREAS, Fisher & Company has petitioned the St. Clair Shores City Council to establish an Industrial Development District on its property located in the City of St. Clair Shores hereinafter described; and

WHEREAS, construction, acquisition, alteration, or installation of a proposed facility has not commenced at the time of filing the request to establish this district; and

WHEREAS, written notice has been given by mail to all owners of real property located within the district, and to the public by newspaper advertisement in the St. Clair Shores *Sentinel* on May 12, 2010 and the Macomb Daily on May 15, 2010; and

WHEREAS, on Monday, May 17, 2010 a public hearing was held at which all of the owners of real property within the proposed Industrial Development District and all residents and taxpayers of the City of St. Clair Shores were afforded an opportunity to be heard thereon; and

WHEREAS, the St. Clair Shores City Council deems it to be in the public interest of the City of St. Clair Shores to establish the Industrial Development District as proposed; and

4. PUBLIC HEARING ON THE CREATION OF AN INDUSTRIAL DEVELOPMENT DISTRICT cont'd.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of St. Clair Shores, that the following described parcels of land situated in the City of St. Clair Shores, Macomb County, and State of Michigan, to wit:

Parcel Number: 14-02-101-051, Property Address: Vacant Fisher Drive
Legal Description: GROSSE POINTE LAKESIDE FARMS SUBDIVISION (LIBER 3, PAGE 203), PART OF LOTS 68 THROUGH 70, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 68; THENCE SOUTH 01°37'00" WEST 20.21 FEET; THENCE NORTH 86°26'51" WEST 262.00 FEET; THENCE NORTH 01°42'29" EAST 64.87 FEET; THENCE SOUTH 87°58'31" EAST 172.25 FEET; THENCE NORTH 84°59'50" EAST 90.10 FEET; THENCE SOUTH 01°37'00" WEST 62.67 FEET TO THE POINT OF BEGINNING (CONTAINING 0.422 ACRES OF LAND, MORE OR LESS)

- and -

Parcel Number: 14-02-101-012, Property Address: Vacant Fisher Drive
Legal Description: ASSESSOR'S PLAT NO. 74 (LIBER 53, PAGE 20), PART OF OUTLOT A, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SECTION 2; THENCE DUE SOUTH 246.53 FEET ALONG THE WEST SECTION LINE TO THE POINT OF BEGINNING; THENCE NORTH 83°13'13" EAST 104.71 FEET; THENCE SOUTH 89°21'53" EAST 169.71 FEET; THENCE 331.11 FEET ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 1736.24 FEET AND WHOSE LONG CHORD BEARS NORTH 85°10'19" EAST 330.61 FEET; THENCE SOUTH 10°05'03" EAST 9.91 FEET; THENCE 225.07 FEET ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 2001.57 FEET AND WHOSE LONG CHORD BEARS SOUTH 77°11'53" WEST 224.95 FEET; THENCE SOUTH 73°58'36" WEST 200.26 FEET; THENCE 87.15 FEET ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 292.40 FEET AND WHOSE LONG CHORD BEARS SOUTH 82°30'56" WEST 86.83 FEET; THENCE NORTH 88°56'45" WEST 106.94 FEET; THENCE DUE NORTH 85.92 FEET ALONG THE WEST LINE OF SECTION 2 TO THE POINT OF BEGINNING

- and -

Parcel Number: 14-02-101-014, Property Address: Vacant Fisher Drive
Legal Description: ASSESSOR'S PLAT NO. 74 (LIBER 53, PAGE 20), PART OF OUTLOT A, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF OUTLOT A; THENCE DUE SOUTH 246.53 FEET; THENCE NORTH 83°13'13" EAST 104.71 FEET; THENCE SOUTH 89°21'53" EAST 169.71 FEET; THENCE EASTERLY ALONG THE ARC OF A CURVE TO THE LEFT, 331.11 FEET, HAVING A RADIUS OF 1736.24 FEET AND WHOSE LONG CHORD BEARS NORTH 85°10'19" EAST 330.61 FEET TO THE POINT OF BEGINNING; THENCE EASTERLY ALONG THE ARC OF A CURVE TO THE LEFT, 549.47 FEET, HAVING A RADIUS OF 1736.24 FEET AND WHOSE LONG CHORD BEARS NORTH 70°38'33" EAST 547.18 FEET; THENCE SOUTH 76°33'23" EAST 185.38 FEET; THENCE SOUTH 01°15'03" WEST 30.88 FEET; THENCE SOUTH 80°25'10" WEST 703.94 FEET; THENCE NORTH 10°05'03" WEST 9.91 FEET TO THE POINT OF BEGINNING

- and -

Parcel Number: 14-02-101-035, Property Address: Vacant Fisher Drive
Legal Description: GROSSE POINTE LAKESIDE FARMS SUBDIVISION (LIBER 3, PAGE 203), THE EAST 150.00 FEET OF LOTS 63 THROUGH 66

- and -

Parcel Number: 14-02-101-018, Property Address: 33100 Fisher Drive
Legal Description: ASSESSOR'S PLAT NO. 74 (LIBER 53, PAGE 20), LOT 9 AND PART OF OUTLOT A, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF OUTLOT A; THENCE NORTH ALONG THE WEST LINE OF OUTLOT A, 29.25 FEET; THENCE SOUTH 88°56'45" EAST 168.72 FEET; THENCE ALONG THE ARC OF A CURVE TO THE LEFT, 85.73 FEET, HAVING A RADIUS OF 287.63 FEET AND WHOSE LONG CHORD BEARS NORTH 82°30'55" EAST 85.41 FEET TO THE NORTHWEST CORNER OF LOT 9 OF ASSESSOR'S PLAT NO. 74; THENCE SOUTHWESTERLY ALONG THE SOUTHERLY LINE OF OUTLOT A, 43.86 FEET; THENCE ALONG AN ARC OF A CURVE TO THE RIGHT, 213.64 FEET, HAVING RADIUS OF 663.10 FEET, AND WHOSE LONG CHORD BEARS SOUTH 83°12'24" WEST 212.72 FEET TO THE POINT OF BEGINNING

- and -

Parcel Number: 14-02-101-019, Property Address: 33140 Fisher Drive
Legal Description: ASSESSOR'S PLAT NO. 74 (LIBER 53, PAGE 20), LOT 8 AND PART OF LOT 10, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 8 AND PROCEEDING NORTH 73°54'01" EAST 156.40 FEET; THENCE 44.89 FEET ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 1874.66 FEET AND A CENTRAL ANGLE OF 01°22'19"; THENCE SOUTH 09°26'55" EAST 488.43 FEET; THENCE NORTH 68°15'08" WEST 233.81 FEET; THENCE NORTH 09°26'55" WEST 344.54 FEET TO THE POINT OF BEGINNING (CONTAINING 1.913 ACRES OF LAND, MORE OR LESS) TOGETHER WITH, AND SUBJECT TO, A 30.00-FOOT DRIVE-ACCESS EASEMENT, 15.00 FEET ON EITHER SIDE OF A LINE, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 8, AND PROCEEDING SOUTH 09°26'55" EAST 488.43 FEET TO THE POINT OF ENDING

4. PUBLIC HEARING ON THE CREATION OF AN INDUSTRIAL DEVELOPMENT DISTRICT cont'd.

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Parcel Number: 14-02-101-020, Property Address: 33180 Fisher Drive

Legal Description: ASSESSOR'S PLAT NO. 74 (LIBER 53, PAGE 20), LOT 7 AND PART OF LOT 10, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 7 AND PROCEEDING 172.75 FEET ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 1874.86 FEET AND A CENTRAL ANGLE OF 05°16'45"; THENCE NORTH 80°33'05" EAST 27.50 FEET; THENCE SOUTH 09°26'55" EAST 617.45 FEET; THENCE NORTH 68°15'08" WEST 233.75 FEET; THENCE NORTH 09°26'55" WEST 488.43 FEET TO THE POINT OF BEGINNING (CONTAINING 2.546 ACRES OF LAND, MORE OR LESS) TOGETHER WITH, AND SUBJECT TO, A 30.00-FOOT DRIVE-ACCESS EASEMENT, 15.00 FEET ON EITHER SIDE OF A LINE, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 7 AND PROCEEDING SOUTH 09°26'55" EAST 488.43 FEET TO THE POINT OF ENDING

- and -

Parcel Number: 14-02-101-010, Property Address: 33200 Fisher Drive

Legal Description: ASSESSOR'S PLAT NO. 74 (LIBER 53, PAGE 20), LOTS 5 AND 6; ALSO PART OF LOT 10, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF LOT 6; THENCE SOUTH 09°26'55" EAST 178.52 FEET; THENCE SOUTHEASTERLY TO THE SOUTHWEST CORNER OF LOT 11, NORTH 33°04'30" EAST TO A POINT IN THE SOUTH LINE OF LOT 5; THENCE WESTERLY TO THE POINT OF BEGINNING

- and -

Parcel Number: 14-02-101-021, Property Address: 33300 Fisher Drive

Legal Description: ASSESSOR'S PLAT NO. 74 (LIBER 53, PAGE 20), LOT 4 AND LOT 11, EXCEPT A PORTION DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHERNMOST MOST POINT OF SAID LOT 11; THENCE NORTH 56°40'30" WEST 400.00 FEET; THENCE NORTH 33°04'30" EAST 295.75 FEET; FOLLOWS: COMMENCING AT THE MOST SOUTHERLY CORNER OF SAID LOT 11, SAID CORNER ALSO BEING ON THE NORTHWESTERLY LINE OF HARPER AVENUE (120.00-FEET WIDE); THENCE NORTH 33°04'30" EAST 288.66 FEET ALONG THE SOUTHEASTERLY LINE OF LOT 11 AND THE NORTHWESTERLY LINE OF HARPER AVENUE (120.00-FEET WIDE) TO THE POINT OF BEGINNING OF THIS PORTION OF LOT 11; THENCE NORTH 56°55'30" WEST 337.04 FEET; THENCE NORTH 09°26'55" WEST 42.63 FEET TO A POINT ON THE NORTHERLY LINE OF LOT 11; THENCE NORTH 89°35'51" EAST 438.61 FEET ALONG THE NORTHERLY LINE OF LOT 11 TO THIS SOUTHEASTERLY LINE OF LOT 11 AND THE NORTHWESTERLY LINE OF HARPER AVENUE (120.00-FEET WIDE); THENCE SOUTH 33°04'30" WEST 273.36 FEET ALONG THE SOUTHEASTERLY LINE OF LOT 11 AND THE NORTHWESTERLY LINE OF HARPER AVENUE TO THE POINT OF BEGINNING OF THIS PORTION OF LOT 11

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Parcel Number: 14-02-101-022, Property Address: 33101 Harper Avenue

Legal Description: ASSESSOR'S PLAT NO. 74 (LIBER 53, PAGE 20), PART OF LOT 11, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHERNMOST POINT OF SAID LOT 11; THENCE NORTH 56°40'30" WEST 400.00 FEET; THENCE NORTH 33°04'30" EAST 295.75 FEET TO THE MOST SOUTHERLY CORNER OF SAID LOT 11, SAID CORNER ALSO BEING ON THE NORTHWESTERLY LINE OF HARPER AVENUE (120.00-FEET WIDE); THENCE NORTH 56°40'30" WEST 400.00 FEET ALONG THE SOUTHWESTERLY LINE OF LOT 11; THENCE NORTH 33°04'30" EAST 295.75 FEET ALONG THE NORTHWESTERLY LINE OF LOT 11; THENCE NORTH 89°35'51" EAST 40.94 FEET ALONG THE NORTHERLY LINE OF LOT 11; THENCE SOUTH 09°26'55" EAST 42.63 FEET; THENCE SOUTH 56°55'30" EAST 337.04 FEET TO A POINT ON THE SOUTHEASTERLY LINE OF LOT 11 AND THE NORTHWESTERLY LINE OF HARPER AVENUE (120.00-FEET WIDE); THENCE SOUTH 33°04'30" WEST 288.66 FEET ALONG THE SOUTHEASTERLY LINE OF LOT 11 AND THE NORTHWESTERLY LINE OF HARPER AVENUE (120.00-FEET WIDE) TO THE POINT OF BEGINNING (CONTAINING 2.669 ACRES OF LAND, MORE OR LESS)

- and -

Parcel Number: 14-02-101-006, Property Address: 33195 Harper Avenue

Legal Description: ASSESSOR'S PLAT NO. 74 (LIBER 53, PAGE 20), LOTS 2 AND 3

are established as an Industrial Development District pursuant to the provisions of PA 198 of 1974, as amended, to be known the Fisher & Company Industrial Development District.

BE IT FURTHER RESOLVED that the St. Clair Shores City Council sets the Application fee for this and any future Plant Rehabilitation District and/or Industrial Development Districts be set at \$500.

BE IT FURTHER RESOLVED that the St. Clair Shores City Council sets a Public Hearing for June 7, 2010 at 7:00 pm or as soon thereafter as the agenda will permit, to consider an application for an Industrial Exemption Certificate for Plant Rehabilitation by Fisher and Company for their properties located within this district.

4. PUBLIC HEARING ON THE CREATION OF AN INDUSTRIAL DEVELOPMENT DISTRICT cont'd.

Ayes: All – 7

RESOLUTION DECLARED ADOPTED.

I, Mary A. Kotowski, the duly qualified and appointed City Clerk of the City of St. Clair Shores, Macomb County, Michigan do hereby certify that the foregoing is a true and complete copy of a resolution adopted at a regular meeting of the City Council held on Monday, May 17, 2010 the original of which is on file in my office.

MARY A. KOTOWSKI, CITY CLERK

5. REQUEST FROM THE WATERFRONT ENVIRONMENTAL COMMITTEE TO HOLD THE 15TH ANNUAL NAUTICAL COAST CLEANUP ON MAY 23, 2010 FROM 8:00 A.M. TO 2:00 P.M.

Mrs. and Mr. Peter McInnes, Waterfront Environmental Committee, requested approval to hold the 15th annual Nautical Coast Cleanup on May 23, 2010 from 8:00 a.m. to 2:00 p.m. Check-in will take place at 8:00 a.m. at the Jefferson Yacht Club. Breakfast, lunch and live entertainment will be provided for the volunteers.

This 100% volunteer event has gathered more than 474 tons of debris from the Lake St. Clair Shoreline. For more information, email scswateradvisory@lycos.com or call (586) 779-8777.

Motion by Rubello, seconded by Walby to approve the request from the Waterfront Environmental Committee to hold the 15th Annual Nautical Coast Cleanup on May 23, 2010 from 8:00 a.m. to 2:00 p.m.

Ayes: All – 7

6. REQUEST FROM NINE-MACK MERCHANTS ASSOCIATION TO HOLD THE ANNUAL JUNEFEEST ON SATURDAY JUNE 5, 2010, 10:00 A.M. TO 5:00 P.M., ON GREATER MACK, NINE MILE TO CAVALIER DRIVE, CLOSING THIS PORTION OF GREATER MACK FOR THE EVENT FROM 5:00 A.M. TO 7:00 P.M.

Mr. Mark O'Brien, President of the Nine-Mack Merchants Association, requested permission to hold the annual Junefest on Saturday June 5, 2010 from 10:00 a.m. to 5:00 p.m. on Greater Mack from 9 Mile to Cavalier Drive. Greater Mack between 9 Mile and Cavalier will be closed on June 5th from 5:00 a.m. to 7:00 p.m. The event will host fifty crafters and artists, food, local vendors, rides for children, and a petting zoo. This is an annual event (last fifteen years) with the exception of last year.

Businesses located within the barricaded portion of Greater Mack have been notified and they have agreed to use other entrances. The Post Office will be accessible from Cavalier Drive.

Motion by Rubello, seconded by McFadyen to approve the annual request of the Nine-Mack Merchants Association to hold the Annual Junefest on Saturday, June 5, 2010 from 10:00 a.m. to 5:00 p.m. on Greater Mack, Nine Mile to Cavalier Drive, closing this portion of Greater Mack from Nine Mile to Cavalier for the event from 5:00 a.m. to 7:00 p.m.

Ayes: All – 7

7. REQUEST FROM THE ST. CLAIR SHORES ASSEMBLY OF GOD TO HOLD A MICHIGAN GOSPEL BARN CLASSIC CAR SHOW, DINNER AND CONCERT ON MAY 21, 2010 FROM 3:00 P.M. TO 9:00 P.M.

Mr. Dan Fox, St. Clair Shores Assembly of God, requested approval to hold the Michigan Gospel Barn and Cruis'in at the Shores Deaf Church on 10 Mile Road, one block west of Harper. The event will take place Friday, May 21, 2010 from 3:00 p.m. to 9:00 p.m. The dinner and show will take place inside the church, but the car display will be outside requiring Council's approval.

Mayor Hison asked about the insurance requirement. Ms. Kotowski responded due to the cost they would obtain the additional rider after they receive Council's approval.

Mr. Fox noted he had the insurance coverage with him and handed it to the City Clerk.

7. REQUEST FROM THE ST. CLAIR SHORES ASSEMBLY OF GOD TO HOLD A MICHIGAN GOSPEL BARN cont'd.

Motion by McFadyen, seconded by Walby to approve the request from the St. Clair Shores Assembly of God to hold a Michigan Gospel Barn Classic Car Show, Dinner and Concert on May 21, 2010 from 3:00 p.m. to 9:00 p.m.

Ayes: All – 7

8. REQUEST FOR SITE PLAN APPROVAL, PC 10-05A, AT 22315 HARPER, FOR ADDITIONAL PARKING, PETITIONER, MR. RISTIC

Mr. Cedomir Ristic bought the house behind his property at 22315 Harper to provide additional parking for the building. The home on the lot has been removed and he requested site plan approval for additional parking.

The house on California was zoned commercial for decades and it did not need to be rezoned. A parking district is not required because parking lots are allowed in commercial districts.

Mr. Ristic stated he will start next week building the cement wall and preparing the property for pavement. He has had many inquiries for leasing the building and thinks it will probably be a restaurant.

Ms. Koto noted the four parking spaces closest to California (two on each side) are to remain as proposed. The Planning Commission minutes have been corrected to include the four spaces.

Mr. Rubello inquired whether the concrete wall be replaced with shrubs or a rod iron fence. Mr. Rayes confirmed there is no room for shrubs and car lights would shine through the rod iron fence to the homes. A 30" opaque wall is necessary to divide the residential and commercial districts.

Mr. Rubino discussed the signs that prohibit turning left or right onto a residential street coming out of these restaurants. Residents that live on those streets have to go out on the main road and turn around to get to their street.

Mayor Hison responded the goal of these signs is to restrict commercial traffic onto residential streets.

Mr. Frederick inquired of language for the signs so residents on those streets will not be prohibited from turning onto their street.

Motion by Rubino, seconded by McFadyen to approve the request for site plan approval, for additional parking at 22315 Harper, PC 10-05A, as recommended by the Planning Commission subject to the conditions of the City Planner's report, including: 1) The petitioner will retain the four parking spaces at the south end of the proposed parking lot, 2) The proposed six foot concrete wall, on the west side of the new parking area on California, must stop 25 ft from the southeast corner, to allow the adjacent residence to maintain views of the street from their home, 3) The proposed new curb cut onto California, is to be eliminated, 4) A 30" brick kneewall is to be installed on the south end of the new parking area, 5) A "No Right Turn" sign is to be installed at the existing curb cut, to eliminate traffic on to California, 6) 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 10-05A. 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; and to adopt the traffic ordinance amendment which reads as follows:

THE CITY OF ST. CLAIR SHORES ORDAINS THAT CHAPTER 21.448 (SECTION 15B-18) ENTITLED "SIGNS LIMITING TURN" SHALL BE AMENDED BY THE ADDITION OF THE FOLLOWING:

(132) California - No Right Turn onto California from the parking lot at 22315 Harper (ord. eff. May 27, 2010)

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

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

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

8. REQUEST FOR SITE PLAN APPROVAL, PC 10-05A, AT 22315 HARPER 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 the City Council on the 17th day of May 2010, 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 27th day of May 2010.

MARY A. KOTOWSKI, CITY CLERK

(ord. amendment eff. May 27, 2010)

Ayes: All – 7

9. REQUEST TO ADOPT AMENDMENTS TO THE SIGN LIGHTING AND DISPLAY ORDINANCE CHAPTER 19.150 SECTION 19.155 TO ADD SECTION 39.5 M AND TO REPEAL SECTION 39.5 B (18)

Mr. Rayes stated the Sign Ordinance Advisory Committee recommended allowing A-frame signs within the City. The amendments would permit A-frame signs to be placed in the right-of-way (between sidewalk and street). However, on County owned streets (Harper Ave. and even Mile Roads west of Harper), business owners would only be allowed to place signs on private property. The County Road Commission stated they will not allow the signs in the right-of-way.

Mr. Rubello has been concerned with bringing in new business and believes that A-frame signs will help out businesses especially in the current economy.

Mr. Frederick highlighted a few regulations outlined in the ordinance amendment: maximum size of sign to be six square feet, maximum height being 42 inches, permit process (\$50 fee), durable and aesthetic materials, allowed to display signs only during business hours.

Ms. Rusie advised the amendment calls for repealing Section 39.5 B (18), which prohibits sandwich signs. The advisory committee used Eastpointe's A-frame ordinance for reference which has been proved to work. More amendments to the sign ordinance will follow as the advisory committee reviews other issues; however, the A-frame provision was a top priority because of the spring season and to help out our businesses.

Discussion was held regarding the enforcement of A-frame signs within the right-of-way of County roads. City Council feels the City should not be the one required to enforce the requirement on behalf of the Macomb County Road Commission.

The H!AVE program signs will also have to comply with the new ordinance.

Motion by Rubello, seconded by Rusie to approve amendments to the Sign Lighting and Display Ordinance Chapter 19.150, Section 19.155 to add Section 39.5 M and to repeal Section 39.5 B (18), which reads as follows:

The City of St. Clair Shores ordains that Chapter 19.150 Sign Lighting and Display Ordinance shall be amended as follows:

19.153 Definitions.

Sec. 39.3. For the purpose of this Ordinance, the following definitions shall govern the meaning of the terms used:

9. REQUEST TO ADOPT AMENDMENTS TO THE SIGN LIGHTING AND DISPLAY cont'd.

"Sandwich Sign:" A sign consisting of two advertising boards laid back-to-back and at least partially supported by each other.

Shall be amended as follows:

19.153 Definitions.

Sec. 39.3. ~~"Sandwich Sign or A-Frame Sign:" A sign consisting of two advertising boards laid back-to-back and at least partially supported by each other.~~ A portable non-permanent sign placed within the public right-of-way during regular business hours; consisting of an "A" frame or "inverted T" frame or other temporary style, with not more than two (2) flat surfaces containing messages, and is not permanently affixed to any structure or to the sidewalk itself. (amend. eff. May 27, 2010)

Or can be found in definitions as:

"A-Frame Sign or Sandwich Sign:" A portable non-permanent sign placed within the public right-of-way during regular business hours; consisting of an "A" frame or "inverted T" frame or other temporary style, with not more than two (2) flat surfaces containing messages, and is not permanently affixed to any structure or to the sidewalk itself. (amend. eff. May 27, 2010)

Section 19.155 General limitations and provisions.

Sec 39.5

- B. *Prohibited signs.* The following signs shall not be permitted or erected in any district:
(18) Sandwich Signs

Shall be amended to repeal item B (18) and renumber 19 & 20 as follows:

- B. *Prohibited Signs.* The following signs shall not be permitted or erected in any district:
(18) ~~Sandwich Signs.~~
(18) (19) Any other sign not specifically authorized by this Ordinance.
(19) (20) Signs on street furniture, such as benches, newspaper stands, and trash receptacles. (amend. eff. May 27, 2010)

Section 19.155 General limitations and provisions.

Sec 39.5

Shall be amended to add Item M as follows:

- M. *A-Frame/Sandwich Board Signs.* A-Frame signs as defined in Sec. 39.3 shall be permitted subject to the following regulations:

- (1) *The maximum message area shall be six (6) square feet per side of sign with the maximum height being 42 inches. The sign board shall continue to the ground for detection by those who are visually impaired. The bottom two (2) inches of the sign shall also have a strong color contrast with the grade below.*
- (2) *Acceptable A-Frame signs shall be in good condition and consist of the following durable materials: stainless steel or other weather resistant steel, iron, metal and wood or plastic.*
- (3) *There shall only be one sign at each customer entrance, regardless of the number of tenants on the premises and the sign cannot refer to off-premise locations.*
- (4) *The signs shall be placed in the right-of-way between the sidewalk and the street or upon private property. Signs are not to be placed on the public sidewalk. Signs shall not be erected or maintained in a manner that prevents free ingress or egress from any door, window or fire escape. Signs shall not be placed any nearer to the street or sidewalk than the measured total height of the sign.*
- (5) *The sign shall not unreasonably interfere with the view, access to, or use of adjacent properties.*

9. REQUEST TO ADOPT AMENDMENTS TO THE SIGN LIGHTING AND DISPLAY cont'd.

- (6) *A sign permit is required prior to the placement of the A-Frame sign. Only one sign permit for an A-Frame sign is allowed per business and such permit is not transferable. Permits are valid for one (1) year and are renewable. A numbered sticker will be issued with the sign permit. The sticker must be affixed to the sign in a location that is visible from the street. If the sign is to be located within the public right-of-way, business owners shall sign a hold harmless agreement that indemnifies the City of any liability for use of said public right-of-way.*
- (7) *A sketch including dimensions, materials, and location of the A-Frame sign must be attached to the permit application. The permit application must be approved and signed by the Community Development Department before the A-Frame sign may be displayed. If a sign is displayed prior to obtaining an A-Frame sign permit, the application may be denied.*
- (8) *The signs shall not be illuminated, nor shall they contain moving parts, or have balloons, windsocks, pinwheels, streamers, pennants, or similar adornment attached to them. Attaching the signs to structures, poles, objects, signs, etc. by means of chains, cords, rope, wire, cable, etc. is prohibited.*
- (9) *Signs placed in violation of this section may result in immediate removal of the sign and the business' temporary sign permit privileges may be denied for the remainder of that year. A-frame signs displayed without approved permits shall be disposed of at owner's expense.*
- (10) *Signs within the public right-of-way may be moved/removed by the City for municipal purposes (i.e., code enforcement, snow removal, traffic issues, maintenance, etc.)*
- (11) *Each sign shall be placed outside only during the hours when the business is open to the general public, and shall be stored indoors at all other times.*
- (12) *The sign shall have no sharp edges or corners. All surfaces shall be smooth and be free of protruding tacks, nails and wires. All parts, portions and materials of the sign shall be kept in good repair. The display surface shall be kept clean, neatly painted, and free from rust, corrosion and graffiti. Any cracked or broken surfaces, missing sign copy or other poorly maintained or damaged portion of a sign shall be repaired, replaced or removed. No glass, breakable materials or attached illumination shall be allowed.*
- (13) *The sign shall be removed when weather conditions create potentially hazardous conditions. (amend. eff. May 27, 2010)*

19.157 Office and commercial district signs.

Sec. 39.7. The following signs shall be permitted in all districts zoned for office or commercial uses, including those districts zoned O-1, CR, B-1, B-2, B-3, WM, R-F and P-1:

Shall be amended to add Item O as follows:

19.157 Office and commercial district signs.

Sec. 39.7. The following signs shall be permitted in all districts zoned for office or commercial uses, including those districts zoned O-1, CR, B-1, B-2, B-3, WM, R-F and P-1:

- O. *A-Frame Signs. A-Frame signs shall be permitted subject to the provisions set forth in Section 39.5 [19.155] M. (amend. eff. May 27, 2010)*

19.158 Industrial district signs.

Sec. 39.8. The following signs shall be permitted in the LI District, which is zoned for industrial uses.

Shall be amended to add Item G as follows:

19.158 Industrial district signs.

Sec. 39.8. The following signs shall be permitted in the LI District, which is zoned for industrial uses.

- G. *A-Frame Signs. A-Frame signs shall be permitted subject to the provisions set forth in Section 39.5 [19.155] M. (amend. eff. May 27, 2010)*

9. REQUEST TO ADOPT AMENDMENTS TO THE SIGN LIGHTING AND DISPLAY cont'd.

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

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

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

STATE OF MICHIGAN)
) ss
COUNTY OF MACOMB)

We hereby certify that the foregoing ordinance is a true copy of an ordinance as enacted by the City Council on the 17th day of May 2010, 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 27th day of May 2010.

MARY A. KOTOWSKI, CITY CLERK

(ord. amendment eff. May 27, 2010)

Ayes: All – 7

10. REQUEST TO APPROVE THE ACTIVITIES COMMITTEE 2010 FIREWORKS (postponed from 5/3/10)

Mr. Hughes noted at the last meeting there was a request for further clarification on the revenues and expenses associated with the 2010 Fireworks event. The original cost estimates for the fireworks display was roughly \$23,000 and \$24,000 for overtime. The Parks and Recreation Department, Department of Public Works, Fire Department and Police Department were able to reduce their expenses, bringing down the overtime costs by approximately \$4,500. Factoring the new overtime cost, the total expense for the Fireworks event is roughly \$42,000 for June 25, 2010. If a rain day is necessary and the cancellation notice is released after 4:00 p.m. on Friday, the Police overtime costs will increase.

Mr. Duane Michno thanked businesses and residents who have responded very well with donations. They hold roughly \$45,000 in donations for the fireworks from the following supporters: First State Bank, Roy O'Brien, Inc., the Beach Grill, Wideopenwest Michigan, LLC, Landscape Services, El Charro of St. Clair Shores, Anderson, Eckstein & Westrick, Bagnasco & Calcaterra Funeral Home, Plante & Moran, Viviano Flower Shop, Brian and Eleonore Ellero, Nino Salvaggio, Janssen Refrigeration, Waste Management, Official Towing, Fleetwood Collision, Swany Construction Inc., Alexander & Hornung, David Gilboe and Associates Inc., Kaul Funeral Home, Colleen's Irish Pub, National Coney Island, Maloof Jewelry & Gifts, Fred Maloof Trust, Duane Michno, Beverly McFadyen, David Rubello, Shores Auto Wash Harper, Ride Perfection Center, Platinum Plumbing, Simasko, Simasko & Simasko, Jeffrey Buick, Service Floor Covering Inc., Guastello's Village Market, Mastroh's Ice Cream Parlor, Manzella Fruit Market, Gilbert's Pro Hardware, Citizens Republic Bancorp, Fishbone's Restaurant, Shores Inn, L&G Concessions, Commartios, Sabby's, Bob Ihrie, Mayor Hison, Ron Frederick, North Shore Apartments, Fisher Dynamics, Mitchell Family Dentistry, Amy Maison, Sherry England, Copper Penny Restaurant, and Gene Pavola.

Mr. Esler confirmed that no General Fund dollars will be used. The generous contributions will cover all the expenses this year. Mr. Esler noted the contract with Great Lakes Fireworks calls for 50% due upon signing, which is past due. He requested permission to pay the past due balance.

Motion by McFadyen, seconded Rubino to grant permission to have the 2010 First State Bank Fireworks Extravaganza on Friday, June 25, 2010 with back up rain date of June 26, 2010 if necessary.

Ayes: All – 7

11. BIDS/CONTRACTS/PURCHASE ORDERS

a. Request to award bids for the Renovation and Rehabilitation of Single family Homes funded through the NSP (bids opened 5/7/10)

Ms. Koto stated six out of the nine NSP homes have been advertised for bids for the rehabilitation work; the contracts will be funded completely with Neighborhood Stabilization Program funds. Contractors were given an extra week to submit their proposals and had to comply with the Section 3 Federal requirements and the Equal Opportunity requirements. Jaywark Construction submitted proposals for all six homes; unfortunately, they were unable to provide the information requested and based on the insufficiencies, they were disqualified.

Mr. Rayes gave an overview of the existing condition of these homes; examples of serious issues are water leaks, code violations, moisture and mold, deteriorating driveways, and serious code violations and health/human safety standards issues.

Ms. Rusie stated she would be a no vote on the NSP Homes. She expressed her concerns with over improving the homes. The renovation costs total more than \$652,000 which is federal tax money. She advised the NSP application indicates to bring homes to a decent, habitable condition. Ms. Rusie would like to see the homes bid out again with standards comparable to our community.

Ms. Koto advised that each architect came up with their own bid specifications. Some went in great detail asking numbers for each line item, but others did not. Reduction was provided for replacing the tile floors and granite countertops with laminate.

Mr. Rubino stated it would be easier to make a decision if details were provided on how the money will be spent. He was concerned with spending too much money, including master bedrooms and baths, double sinks and walk in closets.

Mayor Hison stated this is a favorable program to rehabilitate and occupy vacant homes in the City. However, the lack of detailed information does not allow Mayor and Council to make an evaluated decision.

Mr. Walby would like to see this request come back before Council revised with less modernization.

The plans submitted to Council at the Study Session were advertised for bids. The architects overseeing each house created comprehensive manuals and plans to identify what is required for each house. After comments were made about over improving the homes, some items were reduced. However, there was no consensus direction by Council on what kind of renovations to avoid. By taking out granite, tile flooring, and appliances, staff believed the major concerns were addressed.

Council directed the City Manager to determine how to proceed with the NSP program and to have more specific information by the next meeting.

Mr. Rubino asked the City Attorney to review the NSP bid documents and advise Council if deletion of individual items in the bids is allowed or if the projects need to be re-bid.

Motion by Walby, seconded by McFadyen to postpone consideration of bid awards for the following Neighborhood Stabilization Program homes: 20011 Avalon, 20315 Avalon, 20319 Avalon, 22655 Carolina, 21907 Colony, and 22326 Rosedale, to the June 7, 2010 meeting.

Ayes: All – 7

Mayor Hison stated that Council members should forward to the City Manager any items they feel should or should not be included in these renovations as soon as possible.

b. Request to award proposal for Investment Management Services (proposals opened 4/13/10) (item to be rescheduled)

c. Request to Change Order the 2009 Paving Contract

Mr. Babcock noted the current Local Paving Contract (using street millage dollars and CDBG grant) was originally bid and awarded to Tiseo Brothers, Inc. on April 18, 2006. The contract was recently extended on November 18, 2008 to complete the 2009 projects at the original unit prices. Lingemann, from Edgewood to Loren, was part of the 2009 project but was not completed due to seasonal limitations. The contractor plans to return in June to complete the project.

11c. Request to Change Order the 2009 Paving Contract cont'd.

Staff requested that the 2009 contract be change ordered to complete both Englehardt (Sanders to Edgewood) and Chapoton (Englehardt to Lingemann) at the original unit prices due to the proximity of these streets to one of last year's remaining streets. The streets proposed are very close to each other and therefore the project would take less time and be easier on the residents. In addition, the project will be billed at 2006 unit prices; this is a savings because concrete cost has increased since then.

Costs associated with these streets will be paid for using remaining funds from the FY 09/10 street millage budget, the FY 10/11 street millage budget, and Community Development Block Grant funds, \$350,940 total for both streets.

The remaining 2010 Local Paving streets are currently being advertised for bids and a recommendation will be brought before City Council for approval at the June 21, 2010 meeting. Those streets include Princeton (Paloma to Ursuline); Frazho (Manhattan to Harper); Meier (Rockwood to Little Mack); Briarcliff (Thorncrest to Tanglewood); Ursuline (Statler to Frazho – CDBG funds); and Florence (11 Mile to Stanley – CDBG funds).

Mr. Rubello inquired how residents can get a street on the local paving list. Staff tracks all complaints and perform three types of repairs: cold patch, small concrete patch or repaving of the entire block.

Completed streets are inspected by the engineers and the Community Development Department before the final payment is made. In addition, bonds are required to warrant the streets for two years.

Motion by Rubello, seconded by Frederick to approve the request to Change Order the 2009 Local Paving Contract to include Englehardt (Sanders to Edgewood) and Chapoton (Englehardt to Lingemann).

Ayes: All – 7

d. Request extension of Anderson, Eckstein and Westrick's Contract to Complete Existing Projects

Mr. Babcock stated that engineering services is currently being bid. The existing contract with Anderson, Eckstein and Westrick expires June 30, 2010. There are a number of active projects and it is recommended that they be completed by AEW. An extension of their current contract is needed to cover the overlap in completing the existing projects. AEW has offered to extend their contract retaining the current hourly rates for the next year.

Mr. Walby discussed that when we extended their contract last year it was with the understanding it would be bid out. He was against extending for 27 projects.

Mr. Babcock noted that they were ready to go out for RFP's since the beginning of the year. They waited for the new City Manager to be on board, so they had his approval on the process they would follow.

Mr. Babcock explained that whenever a new engineering company takes over, there will always be a transition period. The projects listed in the packet have been started by AEW. AEW will not be assigned any new work; they will only oversee the progress of active existing projects. If a new company is selected, every step for existing projects will be evaluated to see whether AEW or the new engineers should complete. Mr. Babcock added the contract with AEW can be canceled at any time with a 30 day written notice.

Mr. Hughes advised Council that staff can reduce the extension timeline but the City does have the obligation to close some of the existing projects with the current engineer. The list of sample projects is a listing of worst case scenario. This was to ensure that we have an engineer in place until the July 19 bid award. The City is comfortable to shorten the period for the extension.

Mayor Hison noted that according to their contract, the City can continue working with AEW on a month to month basis, giving a 30 day notice when terminating the contract.

Ms. Rusie pointed out that many of the existing projects have not even been bid out yet. Mr. Babcock responded that this allows AEW to work on answering items like the DWSD project application questions. This project listing may have been too broad.

Mr. Rubello stated he was disappointed to be at this point when last year it was said no more extensions but to bid.

Mr. Rayes stated that regardless of when the contract expires, there must be an overlap between the current engineers and a new company. The transition between engineering companies with so many projects is an

11d. Request extension of Anderson, Eckstein and Westrick's Contract to Complete Existing Projects cont'd.

enormous task which takes time. Council is not locking the City into anything by approving the extension to AEW's contract.

Motion by Walby, seconded by Frederick to award the request to extend Anderson, Eckstein and Westrick's contract for 30 days to complete existing projects.

Ayes: All – 7

Mayor Hison noted the AEW contract will now expire August 1, 2010, at which time the bid process should be complete. He suggested having a Council liaison involved in the interview process for the engineering firms.

Mr. Roy Rose, President of Anderson, Eckstein and Westrick, stated he had no problem with an ongoing timeline to continue until/if there is a separation notice. Their contract provides for an hourly rate during transition. They are willing to extend a continuous good working relationship with the City. They extended their rates last year and are willing to extend their rates again. If a new firm is selected, AEW will work to provide a smooth transition for the City.

12. REQUEST FOR APPROVAL OF THE ADMINISTRATIVE REGULATIONS (postponed from 5/3/10)

Mr. Hughes noted Council has requested additional information in regards to the AR4 agreement. Legal counsel recommends discussing individual examples during closed session; discussion would take place under item 21, then the meeting would be brought back to the public and votes will occur during open session. Mr. Hughes advised the City is actively searching for a new Police Chief and a benefit package is needed to provide to the applicants. By postponing action on this agreement, the application process for hiring a new Chief will be delayed.

Mr. Walby stated he agreed to discuss the issues during open session.

Mr. Rubino noted he was not in favor of discussions on this item in closed session as there are a lot of issues that residents are concerned about.

Ms. Rusie added she would have liked to see the additional information presented ahead of time to give Council an opportunity to review the documents.

Motion by Frederick, seconded by McFadyen to move item 12 for consideration in closed session.

A roll call vote was taken.

Ayes: Frederick, McFadyen, Rubello, Hison

Nays: Rubino, Rusie, Walby

Motion carried.

Motion by Frederick, seconded by McFadyen to remove item 12 from consideration with item 21 for closed session.

Ayes: All – 7

Motion by McFadyen, seconded by Frederick to postpone action on request for approval of the Administrative Regulations to the June 7, 2010 meeting.

Ayes: All – 7

13. THIRD QUARTER BUDGET REPORT FOR MARCH 31, 2010 AND APPROVAL OF BUDGET AMENDMENTS 10-05 AND 10-06

Ms. Schuster presented the March 31, 2010 Quarterly Report containing Budget Amendments 10-05 and 10-06. Budget amendment 10-05 reflects adjustments for various wages/fringes as a result of the following: hiring a new City Manager, the vacancy of the DPW Director position, and the reorganization within the Parks and Recreation department to the elimination of a Supervisor position.

Budget amendment 10-06 reflects the following adjustments necessary as revealed during the review process: re-allocating 50% of the original retiree health prefund – the general employee portion will be transferred to carryover fund balance to help balance future years and the Police and Fire portion will be transferred into the pension system to help reduce the increase in the City's future required contribution rate since the funds are coming from the P&F

13. THIRD QUARTER BUDGET REPORT FOR MARCH 31, 2010 AND APPROVAL OF BUDGET AMENDMENTS 10-05 AND 10-06 cont'd.

Pension millage; increasing budgeted expenditures covered by CDBG for Gaffke Park; reducing budgeted bond proceeds in the Utility Fund for projects that will be funded out of current working capital; eliminating the EPOKE Dispenser and increasing the budgeted amount for the E-3 refurbish within the Motorpool Fund; and adjusting various other expenditures in the General Fund, DLEF Fund and Utility Fund to anticipated amounts.

Motion by Rubino, seconded by Rusie to receive and approve the March 31, 2010 Quarterly Report and Budget Amendments 10-05 and 10-06, which read as follows:

| Fund/ Dept. | Account | Previously Budgeted | Description | Increase | Decrease |
|--|----------------------------------|------------------------|--|-----------|-----------|
| <u>BUDGET AMENDMENT 10-05</u> | | | | | |
| 101 | GENERAL FUND | | | | |
| 170 | 701.000 | | CITY MANAGER Fringes | 18,200 | |
| Fbal | 390.002 | | Fund Balance - Carryover | | 18,200 |
| To adjust the fringe budget to accommodate additional expenditures as a result of hiring a new City Manager. | | | | | |
| 450 | 701.000 | | DPW ADMIN Wages | | 40,560 |
| 450 | 720.000 | | DPW ADMIN Fringes | | 26,160 |
| Fbal | 390.002 | | Fund Balance - Carryover | 66,720 | |
| To adjust wage/fringe budget to recognize savings as a result of vacancy. | | | | | |
| 701 | 701.000 | | P&R ADMIN Wages | 10,001 | |
| 701 | 706.000 | | P&R ADMIN Temporary | 3,700 | |
| 701 | 720.000 | | P&R ADMIN Fringes | 3,945 | |
| 705 | 701.000 | | PARKS Wages | | 59,554 |
| 705 | 711.000 | | PARKS Overtime | | 8,555 |
| 705 | 720.000 | | PARKS Fringes | | 46,432 |
| Fbal | 390.002 | | Fund Balance - Carryover | 96,895 | |
| To adjust the budget for various wage increases resulting from the elimination of the Parks supervisor position. | | | | | |
| 580 | RECREATIONAL REVENUE FUND | | | | |
| 855 | 701.000 | | GOLF Wages | 7,200 | |
| 855 | 720.000 | | GOLF Fringes | 3,495 | |
| Fbal | 390.000 | | Fund Balance - Recreational Revenue Fund | | 10,695 |
| To adjust the budget for various wage increases resulting from the elimination of the Parks supervisor position. | | | | | |
| <u>BUDGET AMENDMENT 10-06</u> | | | | | |
| 101 | GENERAL FUND | | | | |
| 253 | 720.000 | | GENERAL GOVERNMENT Prefunding General Health | | 847,467 |
| 253 | 720.000 | | GENERAL GOVERNMENT Prefunding P & F Health | | 1,018,261 |
| 253 | 720.000 | | GENERAL GOVERNMENT Add. P&F Pension Contributi | 1,018,261 | |
| Fbal | 390.002 | | Fund Balance - Carryover | 847,467 | |
| To re-allocate 50% of the original retiree health prefunding (OPEB). The General employee portion will be transferred to carryover fund balance to help balance future years. The P&F portion will be transferred into the pension system to help reduce the City's future required contribution rate since the funds are coming from the P&F Pension millage. | | | | | |
| 705 | 980.722 | | PARKS Capital Outlay (Gaffke Park) | 33,113 | |

13. THIRD QUARTER BUDGET REPORT FOR MARCH 31, 2010 AND APPROVAL OF BUDGET AMENDMENTS
10-05 AND 10-06 cont'd.

| | | | | |
|---|---------|---|---------|-----------|
| Rev | 531.000 | CDBG Revenue | 33,113 | |
| To increase budgeted expense for Gaffke Park being covered by CDBG. | | | | |
| 706 | 706.000 | SENIOR CENTER Temporary | 12,000 | |
| 706 | 980.101 | SENIOR CENTER Capital Outlay (Renovations) | 5,000 | |
| Rev | 584.600 | SMART Revenue | 5,000 | |
| Rev | 601.300 | Senior Center Memberships | | 18,000 |
| Rev | 531.000 | CDBG Revenue | 18,000 | |
| Fbal | 390.002 | Fund Balance - Carryover | | 12,000 |
| To adjust budget to anticipated amounts. | | | | |
| Rev | 675.000 | Donations Received | 2,000 | |
| 730 | 950.150 | LIBRARY Miscellaneous (Donation Purchases) | 2,000 | |
| To establish a budget for donations received. | | | | |
| 590 DRUG LAW ENFORCEMENT FUND (DLEF) | | | | |
| Rev | 500.000 | Seizure & Forfeitures | 34,000 | |
| Rev | 500.100 | Seizure & Forfeitures - Federal | 105,000 | |
| Rev | 582.000 | Federal Grants | 15,000 | |
| Rev | 691.000 | Sale of Assets | 4,000 | |
| 333 | 711.000 | Overtime | 15,000 | |
| 333 | 930.000 | Repairs & Maintenance | 15,000 | |
| 333 | 950.000 | Miscellaneous | 35,000 | |
| 333 | 980.000 | Capital Outlay | 45,000 | |
| Fbal | 390.000 | Fund Balance - DLEF | 48,000 | |
| To adjust budget to anticipated amounts. | | | | |
| 590 UTILITY FUND | | | | |
| 452 | 980.856 | STORM SEWER Capital Outlay (Doremus Pump Station) | 9,285 | |
| 452 | 980.455 | STORM SEWER Capital Outlay (Alger Pump Station) | 7,785 | |
| 452 | 930.004 | STORM SEWER Repairs & Maint. (Emergency Repairs) | | 17,070 |
| To adjust budget to anticipated amounts. | | | | |
| Rev | 690.000 | Bond Proceeds | | 4,102,000 |
| 860 | 991.000 | WATER Principal Payments | | 12,672 |
| 860 | 992.000 | WATER Interest Payments | | 411,331 |
| Fbal | 390.000 | Fund Balance - Utility Fund | | 3,677,997 |
| To reduce budgeted bond proceeds for projects that will be funded out of current working capital. | | | | |
| 661 MOTORPOOL FUND | | | | |
| 662 | 980.001 | MOTORPOOL Capital Outlay (E-3 Refurbish) | 20,000 | |
| 662 | 980.001 | MOTORPOOL Capital Outlay (EPOKE Dispenser) | | 90,000 |
| Fbal | 390.000 | Fund Balance - Motorpool Fund | 70,000 | |
| To increase budget for E3 refurbish to anticipated amount and to eliminate the purchase of the EPOKE dispenser. | | | | |

Ayes: All – 7

14. REQUEST APPROVAL TO PUBLISH THE NOTICE OF PUBLIC HEARING ON THE PROPOSED BUDGET AND MILLAGE RATES TO BE HELD ON JUNE 7, 2010

Mr. Haney presented the notice of public hearing on the proposed budget to be published on May 26, 2010. The public hearing is scheduled for June 7, 2010. The notice complies with State law and is required to be published a minimum of six days prior to the meeting. In addition, the notice establishes the maximum tax rate and in no way limits Council from establishing a tax rate below that.

Motion by Walby, seconded by McFadyen to approve for publication the notice of public hearing on the proposed 2010 – 2011 City Budget, which includes proposed City millage rates.

Ayes: All – 7

15. DISCUSSION ON AUDIENCE PARTICIPATION POLICY/PROCEDURE

Mayor Hison noted that the City Attorney had provided recommendations (four different options) in regards to amending the audience participation policy during Council meetings.

Ms. McFadyen preferred option three which requires only name and city of residence.

Ms. Rusie liked option two because there are a lot of safety concerns in giving out addresses publicly. It is important to know the city of residence when comments are made at the podium.

Mr. Rubino noted this issue came to light at a previous meeting and agreed with option two.

Option two would require a sign-in sheet (name and address) at the podium to be completed and then just stating name and city of residence publicly. This would eliminate having the addresses of speakers known publicly.

Motion by Rubino, seconded by Rusie to amend the Audience Participation Policy/Procedure requiring each speaker to give out their name and city of residence publicly and provide their home address on a sign-in sheet placed at the podium prior to speaking, with this change effective immediately.

Ayes: All – 7

16. CONSENT AGENDA

Motion by Walby, seconded by Frederick to approve the Consent Agenda items b – g as presented, separating item a, which include the following:

b. Fees

| | |
|-----------------|-------------|
| Roumell & Lange | \$11,375.51 |
| Ihrle & O'Brien | \$12,370.00 |

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

c. Progress Payments

| | |
|----------------------------------|--------------|
| Galui Construction Company, Inc. | \$5,131.85 |
| Galui Construction Company, Inc. | \$25,901.90 |
| C&P Construction Company, Inc. | \$131,745.31 |
| Doetsch Environmental Services | \$31,857.00 |

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 | May 3, 2010 |
| City Council Special Meeting | May 10, 2010 |

16. CONSENT AGENDA cont'd.

e. Receive & File Boards, Commissions & Committee Minutes

To receive and file the following minutes:

| <u>Minutes</u> | <u>Meeting Date</u> |
|--|---------------------|
| Brownfield Redevelopment Authority | April 15, 2010 |
| Building / Property Maintenance Board of Appeals | April 22, 2010 |
| Planning Commission | April 27, 2010 |
| Police & Fire Pension Board | March 25, 2010 |
| Police & Fire Retiree Health Care Trust Board | March 25, 2010 |
| Tax Increment Finance Authority | April 15, 2010 |
| Water Resources & Advisory Board | April 6, 2010 |
| Zoning Board of Appeals | April 8, 2010 |

- f. To approve the Mayor's recommendations to appoint Richard Swanquist as an alternate to the Planning Commission with a term ending of May 17, 2012, move Matt Triplett from an alternate to a full voting member of the Planning Commission with a term ending date of December 31, 2012, return Anthony Tiseo to senior alternate of the Planning Commission with a term ending date of March 2, 2011, and appoint Tony Bellestri to the TIFA/Brownfield Redevelopment Authority; to the vacant seat of Tom Bugay with a term ending date of November 18, 2011.**
- g. To set a Public Hearing on June 7, 2010 for the consideration of the creation of a Special Assessment District for the 2010 dredging of the 10 Mile / Beach Canal.**

Ayes: All – 7

Separated item

a. Bills

May 17, 2010 **\$1,813,781.21**

Mr. Walby requested more information regarding the Herden Trucking Co. payment for \$1,700 and the S L C Meter Service Products payment for \$6,140. He inquired what tree service company the City is currently using.

Motion by Walby, seconded by Frederick to approve the release of checks in the amount of \$1,813,781.21, of the report that is 21 pages in length and of the grand total amount of \$1,813,781.21; \$0 went to other taxing authorities.

Ayes: All – 7

19. UPDATES AND FOLLOW-UPS FROM COUNCIL MEETING

- **PCB's** – Mr. Hughes has been meeting with Congressman Sander Levin, Senator Carl Levin, the EPA and DNR in regards to the National Priority List application and potential Superfund money. The next public presentation will be held in July or early August.
- **9 Mile Watermain Project** – Mr. Rayes stated bids were received for the paving of the road and a pre-construction meeting is a week from Wednesday, with more to follow.
- **Department of Public Works** – Mr. Hughes stated the investigation report was submitted to the County Prosecutor on May 4, 2010, awaiting a response.
- **K-9 elimination letters** – Mayor Hison noted that Council received a series of letters from students concerned that the City is eliminating Hondo (K-9 dog). The City did not discuss eliminating the K-9 dogs. Mayor Hison requested a note sent back to the school to communicate the misunderstanding.
- **Telephone System** – the phone system has been down on Monday, May 17, 2010 due to a malfunction. The vendor will replace the part on Tuesday.

20. COMMENTS BY INDIVIDUAL COUNCILPERSONS

Council Member Walby thanked Ms. Fickau, the Senior Center, Parks and Recreation Department and DPW for their hard work on the Armed Forces Day event at the Veterans Memorial Park.

Council Member Frederick also thanked Brian Mazey for his help organizing the Armed Forces event. Mr. Frederick announced the Michigan Parkinson's Walk/Run on May 22, 2010 at the Lakeview High School.

Mr. Frederick thanked Roy O'Brien Ford for helping the Lakeview High School by holding the Drive One 4 UR School fundraiser.

St. Clair Shores Baseball/Softball Association opening day is on May 23, 2010 at Kyte Monroe, diamond A, starting at 10:00 a.m. St. Margaret Church is holding a bowling fund raiser at Shores Lanes on May 21, 2010.

Council Member Rubello spoke of the beautiful monument dedication ceremony this past weekend. Mr. Rubello thanked Roy O'Brien Ford for their involvement in the community.

Mr. Rubello received a complaint about grass being too high at the 21230 12 Mile Road HUD home.

He announced the St. Clair Shores Youth Soccer League's open registration days: June 5, 2010 at Veterans Memorial Park, June 16, 2010 at the Civic Arena and July 10, 2010 at the Civic Arena.

St. Clair Shores will be hosting a community open house on June 6, 2010 from 12:00 p.m. to 5:00 p.m.

Mr. Rubello inquired about the procedure for donations from residents to specific City committees.

Mr. Rubello discussed the proposed tax abatement and the creation of an Industrial Development District. He requested staff to review residential business walls and report back to Council.

Council Member Rubino spoke of the monument dedication and corrected his statements made at the last meeting using the word "silly".

Mr. Rubino received complaints regarding large brush pick-up and the unprofessionalism of Waste Management employees.

Mr. Rubino inquired about a fire truck sold to Mr. Ahearn in 2008 and how many garages are allowed on residential properties. He added that his concerns are related to ethics.

In regards to the AR4 agreement, he is adamant that no City employee should receive more than 70% of their salary as pension.

Mr. Rubino announced the upcoming St. Joan of Arc Spring Festival May 21 – 23, 2010.

Council Member Rusie congratulated everyone that supported and organized the Armed Forces Day at the Veterans Memorial Park. She announced an upcoming car wash fundraiser on May 29, 2010.

Ms. Rusie is thankful the City is giving back to the business community by allowing A-frame signs. The Sign Ordinance Advisory Committee is reviewing other areas of the ordinance which will be presented to Council in the future.

Ms. Rusie clarified the Memorial Day Parade is organized by a private organization and any concerns about the parade or their floats should be addressed to the Parade Council.

Ms. Rusie discussed the K-9 dog letters and clarified that Hondo was never in jeopardy.

Council Member McFadyen congratulated Miss Michigan for winning the Miss USA title. VFW Bruce Post will collect signatures for their Parade Float Banner on Wednesday, May 20, 2010.

Ms. McFadyen talked about the great job the K-9 dogs perform assisting the Police Department.

Mayor Hison passed.

21. CITY MANAGER'S REPORT

Mr. Hughes announced the next City Council meeting on June 7, 2010 is three weeks away.

22. AUDIENCE PARTICIPATION (5 MINUTE TIME LIMIT)

Richard Swanquist, St. Clair Shores, expressed his disappointment in postponing the approval of the NSP bid awards. Contractors, including himself, spent a lot of time and money preparing bid proposals. He suggested clearing up misunderstandings before contracts go out for bid.

Ken Steil, St. Clair Shores, talked about the Neighborhood Watch Program and what a great job Officer Mascarello does for the safety of our community.

Mayor Hison advised the audience that her position or the Neighborhood Watch Program will not be eliminated.

Lee Abisch, St. Clair Shores, spoke of the Neighborhood Watch Program and what he does as a block captain. He commended Officer Mascarello for this wonderful program.

Sandra Hallam, St. Clair Shores, discussed the Neighborhood Watch Program and its importance to the safety of our City. The program has grown tremendously in the past year and it's a positive feature to perspective home buyers and business owners.

John Jonassen, St. Clair Shores, announced the St. Clair Shores Baseball/Softball Association Opening Day Ceremonies on May 23, 2010 starting at 11:00 a.m. at the Kyte Monroe Field.

Dawn Van Gampelaere, St. Clair Shores, talked about the opening day at Kyte Monroe and the fundraising that will take place. There will also be a chance to win two tickets to the Champions Club at Comerica Park.

Sharon Gwizdowski, St. Clair Shores, is involved with the Neighborhood Watch Program. She thanked the City for giving residents the opportunity to express themselves and stated she feels safe in the City with the current Police and Fire Departments.

Sue Jesion, St. Clair Shores, talked about the Michigan Round Table of Diversity and Inclusion, suggested using different ways to communicate and thanked Council for the opportunity to speak.

Matthew Ahearn, St. Clair Shores, stated he bought the fire truck from a private company in Taylor. The truck is used to raise money for charities and he asked that if anyone wants to know facts about him, to ask him directly and he will provide the truth.

Donald Lobsinger, St. Clair Shores, talked about the Michigan Roundtable for Diversity and Inclusion and their request to have a float in the Memorial Parade.

Rodgis Morrision, St. Clair Shores, voiced his opinion about the parade float proposed by the Michigan Roundtable. Mr. Morrison noted that periodically the lights at Kyte Monroe burn all night to dry some of the moisture on the field for a next day game.

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

Motion by McFadyen, seconded by Rubino to enter Closed Session as permitted by State Statute MCLA 15.268 Section 8(c) at 12:16 a.m.

A roll call vote was taken.
Ayes: All – 7

Motion by McFadyen, seconded by Rusie to return to Open Session at 12:40 a.m.

Ayes: All – 7

24. ADJOURNMENT

Motion by Frederick, seconded by Rubino to adjourn at 12:40 a.m.

Ayes: All – 7

ROBERT A HISON, MAYOR

MARY A. KOTOWSKI, CITY CLERK