

**MINUTES
ST. CLAIR SHORES CITY COUNCIL MEETING
August 1, 2016**

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

Present: Mayor Kip C. Walby, Council Members Peter Accica, John Caron, Ronald Frederick, Peter Rubino, Candice Rusie, and Chris Vitale

Also Present: City Clerk Mary Kotowski, Directors Doug Haag, Liz Koto, Chris Rayes, and City Attorney Robert Ihrie

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

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

2. PROCLAMATIONS & PRESENTATIONS – Shorewood Kiwanis Harper Charity Cruise Presentation

Dr. Pappa, Roseanne Minne and Karen Biafora, Shorewood Kiwanis members, discussed the Harper Car Cruise which will be held on Wednesday, August 31st from 5:00 p.m. to 9:00 p.m. on Harper Avenue. This event has been held for over 2 decades.

Mayor Walby said Shorewood Kiwanis is a great organization that helps a lot of people. Let's hope for good weather. It is always a great event.

Miss St. Clair Shores

Elizabeth Munger said they crowned their 36th Miss St. Clair Shores. She introduced the 36th Miss St. Clair Shores Vanessa Chamby.

Vanessa Chamby said in 2011 she was Miss Teen St. Clair Shores and she said she is honored and will uphold the duties of Miss St. Clair Shores.

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

Jim Goodfellow, St. Clair Shores Resident, spoke on items 3a & 4.1. He presumes that the people overstaying with Pokemon at Wahby Park will be addressed.

Mayor Walby said there will be an update of what is going on at Wahby Park.

Jim Goodfellow spoke on item 4.1. In 2011 this case came before the Water Resource & Advisory Board and was tabled twice then it went back to Water Resource & Advisory Board in 2012. He thinks it should go back before the Board again before coming before Council.

John Diehl, St. Clair Shores Resident, spoke on item 4. The owner of 22100 Harper was at a previous Council Meeting as was treated poorly. The owner of the building went before the Planning Commission. This new building owner did everything right and this Council did him wrong. He asks that this is approved. This Council cost this petitioner time and money.

Ken Kolacki, St. Clair Shores Resident, spoke on item 3a. His concern living on Revere Street are non-residents and people who are not guests coming on their street. People are crossing their lawns. Yesterday a police officer stopped a man who was in his yard at 9:45 p.m. People are driving on their lawns and parking on their grass. They are speeding on their street. They don't have sidewalks and they have to walk on their street and kids have to ride their bikes on the street. The loud music coming from the parking lot is a problem.

Jim Bennage, St. Clair Shores Resident, spoke on item 3a. He lives next to Mr. Kolacki and reiterates what he said. We have to figure out what to do. He thought it would end, but it seems to gain a lot of momentum. He thinks it's a huge waste of our resources to utilize the police nightly. We have a problem and he would like some solutions.

Scott Dodich, St. Clair Shores Resident, spoke on item 3a. His wife emailed about trespassing and threats. Something needs to change with this. He suggested that it be moved to a park that can handle more people. They can't even walk their dog on their street. Their issue mostly is with the people that come in the evening. Their lives are being very affected by this.

Agenda Item 3 (cont'd)

Laura Tiesler, St. Clair Shores Resident, spoke on item 3a. She and her husband compromised and moved to St. Clair Shores for the quiet neighborhood and beautiful area. The influx of people in the park is causing damage to the park. She and her dog get nervous because there are so many people on their street that she can't even walk her dog. They don't know who is in their neighborhood anymore. That is a private road that they have to maintain and the increase of traffic is damaging their road and is dangerous.

Lauren Casey, Clinton Twp., Item 3a, said she is here on behalf of the pokemon. She is here to tell of the good stuff. In Mt. Clemens, there is a big group of them that pick up their trash and feed the homeless. She has been battling with depression and this has brought her and her son new friends and experiences.

Eddie Paraks, St. Clair Shores Resident, spoke on item 3a. They were setting up for the concert tonight and he saw a Pokemon player bump into 2 handicapped ladies and knocked one of the ladies over. They hit his mailbox and his car. It isn't getting any better. It doesn't feel safe anymore. Most of them are nice people, but the bad come with them.

Cynthia White, St. Clair Shores Resident, spoke on item 3a. She was always impressed with Council regarding the PCB's and she hopes that Council will help them out now. The crowds at night are the worst. We are not asking people to stop playing the game. Tonight is the concert and the area should be wrapped up in yellow tape. This park is there to be enjoyed by residents. They have to have a barricade at the end of their street. She is asking this Council to think about the problems they have and to do the right thing to help them.

Dustin Kolodge, St. Clair Shores Resident, spoke on item 3a. He reiterated what his neighbors said and supports what his neighbors say. It's escalating and not getting any better. They don't want people to stop playing Pokemon they just want people to stop trespassing and vandalizing. They want some type of resolution.

James Cushman, St. Clair Shores Resident, spoke on item 3a. Most of the residents on Revere Street touched on the same issues that he has. He works in Detroit and comes down Jefferson. People cross the street without looking and almost get hit. He said asking the police to help them out is not fiscally responsible.

a. Wahby Park – Pokemon Go

Mayor Walby said we are all glad to listen to the issues. We are trying to work with the residents. We are involved and are trying to do what we can to help the residents out.

Mr. Smith said we tried to do some research of how the game came into St. Clair Shores. We did not ask for Nintendo to bring this into our City. He's done research online and has been unable to find a phone number. There is a form for spots to be removed. He emailed them asking for it to be turned off from dusk to dawn. We are trying to deal with the issue at the park. We have signs up. We have issues with people parking in non parking spots. We have put it on a list for the police to go through and discourage people at night. We try to get people moved out of there. We had to put more cans in there to keep up with the amount of trash. We've had 37 calls since it started on July 6th. During the day most people don't seem to have a problem with it. If they do turn it off at night he thinks that will resolve a lot of issues that they have there. He's tried to communicate to the people to be respectful.

Mayor Walby asked what the happy medium is. He suggested putting up a snow fence between Revere Street and the park.

Mr. Smith said for us it is to respect the park, the houses, and to get them off Revere Street. Unfortunately, there are people that are not respectful.

Mr. Ihrie said if there is a crime committed call the police. The City does not have the right to issue tickets on a private street. The owners of the street can place a sign to have the vehicles towed. He spoke to the residents of the street and at least one resident mentioned that they have contacted a towing company. That is a private decision. A private street is essentially private property. Certainly trespassing is a misdemeanor. The police will respond to offenses that occur on Revere. He would not discourage residents from calling the police.

Mr. Smith explained what we are doing to get to the happy medium. He asked them to turn it off at night. We can petition them to eliminate the sites along Revere Street. We can ask them to locate it somewhere else. Right outside these Council chambers is a spot and the library is a spot, but the numbers are not as much as in the park so that is why it is not an issue.

Mr. Smith said we put the tape up in hopes that people can enjoy the concerts. He said to have it during daytime hours only and whatever else Council asks us to do. He doesn't think fencing it off is the solution.

Agenda Item 3 (cont'd)

Mr. Vitale said he went out there last night at 10:30 p.m. and there were people in the park and it was a Sunday. There was traffic in Blossom Heath Parking lot. He said there are too many people in that park. He doesn't know what to do for the residents on short term. He saw people plugging their phones in to recharge them. Maybe we should put a fence between Revere Street and the park. We can send a request to move the spot somewhere else. Let's not make it easy for them by allowing them plug in and charge their phones. He is not okay with taxpayers' dollars having to pay for the infrastructure for the park. Kosh Catering has a contract with us. They looked at the park at the time they bid and this is not what they thought it was going to be like. A lot of people get married at that park. Not everyone on Council is okay with just shutting it down at night.

Mayor Walby asked if there is an option to do something about the signal.

Mr. Smith said he will defer to the City Attorney, but it is illegal.

Mr. Caron said he put a request into the company and also received a form. He agrees with putting up a fence along the park and Revere Street. He doesn't know what we can do. They are ignoring signs and barricades. He agrees with putting temporary barrier up there. It's unfortunate that we have to do this, but it is a public park. We can't block off Blossom Heath Road because that is an emergency road for Leisure Manor. He thinks that company is gathering information from that data and he worries that they will never shut it off.

Ms. Rusie said she agrees with John. She thinks the fence will be good. Putting a temporary fence by Revere Street will let people know that it is a private road. Increasing the signage will be helpful. She is not sure if we could easily turn off and on the Wi-Fi. She read an article that the company has not responded to requests to move the spots. The issue with people looking at their phones has been an issue. The problem people and problems should be addressed. She is glad to hear that we are working on solutions.

Mr. Accica said those people need to be respectful. He knows the police are busy, but maybe they can do a run every half hour and start giving ticketing violators. He thinks the word will get out.

Mr. Frederick said the issue here is that we have ordinances that people cannot be in the park after hours. He asked what ticket we are writing.

Mr. Smith said it's a civil infraction.

Mr. Frederick asked how many tickets were issued from the 37 calls.

Mr. Smith said we issued 15 tickets for being in the park after dark and then there were parking tickets issued.

Mr. Frederick said he would be in favor of turning off Wi-Fi, but you can get Wi-Fi from the phone signal. He likes the idea of putting the temporary snow fence up tomorrow and then looking into a possible permanent fence. He asked why this street is private. He asked if that is something we can change. He suggested a barricade arm that comes down at the end of the street. He asked if disturbing the peace ticket could be issued in this situation.

Mr. Ihrie said St. Clair Shores has an ordinance called disturbing the peace for noise, yelling, swearing, and loud speakers.

Mr. Frederick asked if there is a way for the residents on Revere to temporarily give us permission to treat Revere Street as a public street. He said we will need to put a guard in the park full time.

Mayor Walby said we will be more aggressive. He agrees that the next step will be a security guard.

Mr. Frederick asked how soon we can research that park to see if it can be a residents' only park.

Mayor Walby said Mr. Ihrie will research and get back to us.

Mr. Frederick said he feels that it is different people every week.

Mr. Rubino said it is a lot of the same people. It is an application that is made in California. As far as helping the people on Revere Street, he thinks start with a temporary fence and go from there. He believes that cutting Wi-Fi will do nothing. He doesn't think cutting the electricity at night will help. He can't think of anything to stop people from coming down the street. If people are on the street and they are asked to leave is that trespassing.

Mr. Ihrie said he will have to look into it.

Agenda Item 3 (cont'd)

Mr. Rubino said we will keep looking for solutions. He mentioned night security and getting the police on overtime to give them tickets at night. He said they can play Pokemon, but the need to follow the rules. We have to make sure that people breaking the rules receive consequences.

Mr. Vitale said if we do have the police on it then they will need to write enough tickets to cover it. He is glad about the temporary snow fence. That park was not designed to have hundreds of people every day and that is causing damage. He called Kosh at Blossom Heath and they are not happy about the situation. There may be future similar apps down the road. He was sent something by a resident about how the Holocaust Museum had it shut down in an hour.

Mr. Vitale said that he called the Pokemon players zombies, but when he was young you made eye contact with people. He hopes there is some shame brought to this.

Mr. Caron mentioned that there are 7 spots and other avenues that have just as many or more spots.

Mayor Walby said we will continue to search for a resolution. He reiterated some ideas that were discussed, such as, shutting of the game at night, put a snow fence up tomorrow, using the police officers, and post on our media and Facebook that we be aggressive in enforcement. He said Mr. Ihrie will look into it being a public park and trespassing on a private street. It was mentioned to leave the electric and Wi-Fi turned on.

Mr. Smith apologized to the residents on Revere Street because there will be more flashing lights there.

4. PLANNING CASE PPC160014, REQUEST FOR SITE PLAN APPROVAL FOR EXTERIOR RENOVATIONS TO THE BUILDING LOCATED AT 22100 HARPER AVENUE, REPRESENTED BY KENNEDY PROPERTY MANAGEMENT

The applicant is requesting Site Plan Approval for exterior renovations to the existing building located at 22100 Harper. The building was recently purchased, and the owners are interested in giving it an exterior facelift as they look for tenants. The site plan proposes to paint the existing building, add an EIFS cornice, replace the windows, and add a metal awning.

The petitioner could paint the building and replace the windows without any approvals from Planning Commission or City Council; however, the installation of the metal canopy and the EIFS cornice are renovations that would trigger the site plan approval process. The proposed renovations are all in compliance with the Harper Avenue Overlay Zone and the remainder of the zoning ordinance. This request for approval from the Planning Commission and City Council is required by 15.509 Site Plan Review of the city's zoning ordinance.

Mayor Walby said this was tabled from the last meeting.

Mr. Smith communicated with the property owner last week to let him know that the 2 things were not part of the site plan approval. These façade changes are permitted and meet our ordinance.

Mr. Vitale said this was not how it was submitted to Council. He is not at all happy with the way this was communicated to Council by Administration.

Mr. Smith said the 2 pieces before you tonight are part of the site plan approval. That doesn't mean they automatically get approved. That is not the way the ordinance is written. He apologizes if it wasn't communicated clearly.

Mr. Caron asked about the shed or garage in back of the property. The front drawing shows consistent material. He asked about the pathway or the opening.

The petitioner replied that it will still be there.

Mr. Rubino said the reason he motioned to table it was for clarification. He agrees with Mr. Vitale that there was no clarification.

Mr. Frederick said we have a great Planning Commission. They do their research and take their time and they spent a lot of time that this would come to us in the right package. He doesn't want to discount what the Planning Commission does. He thanked them for their hard work.

Agenda Item 4 (cont'd)

Moved by Council Member Frederick, supported by Council Member Rusie to approve the request for Planning Case PPC160014, Request for site plan approval for exterior renovations to the building located at 22100 Harper Avenue, represented by Kennedy Property Management.

Ayes: All – 7

4.1 REQUEST FOR EXTENSION OF THE CITY COUNCIL APPROVAL FROM MAY 21, 2012 FOR WATER RESOURCES & ADVISORY BOARD CASE 24-2011, DAVID PILARSKI, 30030 JEFFERSON, TO MOVE EXISTING BOAT HOIST 100 FEET.

The petitioner appeared before the Water Resources board three times in 2011 and 2012 before they denied the request to extend the existing dock 100 feet and relocate the existing boat hoist. The petitioner appeared before the City Council in May of 2012 to appeal the Water Resources Board's decision. The City Council approved the petitioner's appeal to extend the dock an additional 100 feet and relocate the boat hoist.

The petitioner obtained a permit to extend the dock in 2014 and completed the work in late 2015. On July 25, 2016, when the petitioner returned to obtain another permit to complete the work by relocating the boat hoist, it came to staff's attention that the approval from City Council had expired.

The petitioner has a permit from the MDEQ that was issued in 2011 but is only valid until August 18, 2016. The petitioner is seeking an extension of the City Council approval granted in 2012 to complete the work on the dock and boat hoist before the expiration of the MDEQ permit in a few weeks.

Mr. Pilarski, 30030 Jefferson, said last year Council approved his request to move his dock and now he was moving the hoist but the approval by City Council has expired.

Mr. Smith said we did not send it back to the Water Resource & Advisory Board as the DEQ permit expires on 8/18/2016 and would expire if he had to appear before both WRAB and City Council.

Mr. Accica asked if the hoist will have lights.

Mr. Pilarski said there will be lights. The dock has a solar light, but the hoist will not have a solar light.

Mr. Rubino said nothing has really changed. It's just a time issue.

Mr. Pilarski said that is correct.

Moved by Council Member Rubino, supported by Council Member Caron to approve the request for extension of the City Council approval from May 21, 2012 for Water Resources & Advisory Board Case 24-2011, David Pilarski, 30030 Jefferson, to move existing boat hoist 100 feet, as recommended by the City Manager.

Ayes: All – 7

5. BIDS/CONTRACTS/PURCHASE ORDERS - ~~Request to award contract for rehabilitation of 2015 tax foreclosed property at 23036 Edgewater (bids opened 7/26/16)~~

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

Moved by Council Member Caron, supported by Council Member Frederick to approve the Consent Agenda Items a – e, separating item f for discussion, which include the following:

a. Bills

July 21, 2016

\$2,129,983.61

Resolved to approve the release of checks in the amount of \$2,129,983.61 for services rendered, of the report that is 28 pages in length, and of the grand total amount of \$2,129,983.61, \$140,533.69 went to other taxing authorities.

Agenda Item 6 (cont'd)

b. **Fees - None**

c. **Progress Payments**

Resolved that the following Progress Payments be approved as presented:

L. Anthony Construction	\$161,136.12
Doetsch Industrial Services	\$ 68,478.70
Florence Cement Company	\$499,603.55

d. **Approval of Minutes - None**

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

Resolved that the following minutes be received and filed:

<u>Minutes</u>	<u>Meeting Date</u>
Activities Committee	June 1, 2016
Beautification Commission	April 13, 2016
Beautification Commission	May 11, 2016
Beautification Commission	June 8, 2016
Building/Property Maintenance Board of Appeals	May 10, 2016
Fence Arbitration	May 18, 2016
Library Board	June 16, 2016
Parks and Recreation Commission	May 12, 2016
Parks and Recreation Commission	June 9, 2016
Planning Commission	June 14, 2016

Ayes: All – 7

Separated Consent Agenda Item 6f

f. **Cash & Investment Report – Fourth Quarter, FY 2016**

Mr. Rubino asked Mr. Haag about the general fund cash and balances. He asked Mr. Haag if he has an idea of what that is now. He asked if that is going up from the \$7.5 million (on page 2).

Mr. Haag said yes. He said tax bills went out July 1st, so cash will go up.

Mr. Rubino said in September we will get another quarterly and it will show a higher number.

Mr. Haag replied yes.

Mr. Caron said on here we have sanitation fund and sanitation trust. Doug is going to get back to us on those.

Moved by Council Member Rubino, supported by Council Member Frederick to receive and file the Cash & Investment Report – Fourth Quarter, FY 2016 as is required under the City Investment Policy.

Ayes: All – 7

7. UPDATES AND FOLLOW-UPS FROM COUNCIL MEETING

Wahby Park hours Signage – Mr. Smith said we have bigger signs on order.

Signs for Lakeview Street at Roy O'Brien Ford – Mr. Smith said Mr. O'Brien has agreed to the no left turn signage.

Chiller for Gardens Arena – Mayor Walby said, due to financial constraints it was not presented to Council at the November 17, 2003 meeting, option were not presented to Council. Mistakes were made.

Mr. Smith said Council at that time did what Administration requested. We need to do a better job at giving all options to Council.

8. COMMENTS BY INDIVIDUAL COUNCILPERSONS

Council Member Frederick asked if we ordered the chiller. He asked what the ETA is.

Mr. Smith said yes. He didn't get an update today. Last week we were looking at 6 to 8 weeks.

Mr. Frederick wished Ms. Rusie a Happy Birthday. He congratulated Miss St. Clair Shores and everyone in the program.

Mr. Frederick made library announcements.

Mr. Frederick commented on the Kiwanis concerts at Wahby Park.

Council Member Vitale asked about the property at 9 Mile and Harper.

Mr. Rayes said we left messages and haven't had a return call yet.

Mr. Vitale asked what our ordinance is on boarded up doors. He asked if we allow that. He said we should leave them a message and if they don't respond then we issue a ticket. He asked about the sign there and if we can have it removed.

Mr. Rayes said we can.

Council Member Accica gave an update on the bathrooms at Veteran's Memorial Park. He thanked Bricklayers union, the cement local, the electricians, laborers, roofers and painters unions who volunteered their time and skills working on the bathrooms. He said the project is coming along.

Council Member Rusie announced two upcoming events. She said Saturday is the Yardeners Tour from 9 a.m. to 3 p.m. She said the Guns and Hoses charity softball game is on Saturday at 7 p.m. and doors open at 5 p.m. She congratulated Vanessa.

Council Member Rubino said he got a couple of calls regarding the women's bathroom at Kye Monroe. He said we have to make sure they are presentable. He doesn't think our bathrooms there are putting out a good impression.

Mr. Rubino said he is concerned because the numbers aren't accurate for the permits for the electrical inspections. He asked for those numbers to be double checked.

Mr. Rubino commented on the building was approved before the Planning Commission. His concern is what his job is as an elected official when it comes before us. He needs clarification before he can vote on it. They did receive conflicting information. If the Planning Commission approves something and we cannot turn them down without being sued then why are they coming before Council. He asked why Council is involved in this.

Mr. Ihrie said City Council is not obligated to be the "rubber stamp". The Planning Commission looks at all the details to make sure it is compliance with our ordinance. The Planning Commission makes a decision and makes a recommendation to Council. Council is the final authority. If it complies with all of the ordinances, City Council does not have the ability to deny it. It is double-checking and if we deny we have to give the reason why it's not in compliance. The law requires that it come before both bodies.

Mr. Rubino said we should not turn someone down if it complies with the ordinance.

Council Member Caron thanked the Communications staff for filming the Beatification Commission winners show. He's been working with the Animal Care Committee on updating our animal ordinance. He is going through the recommendations and will take them to the Animal Care Committee.

Mr. Caron mentioned that he spent Sunday in Wells rink watching the Fighting Saints.

Mr. Caron said he talked to Ms. Kotowski and her staff for a good job on the Primary Election. He noted that absentee ballots returns are lower than normal.

9. CITY MANAGER'S REPORT - None

10. AUDIENCE PARTICIPATION (5 MINUTE TIME LIMIT)

Barry Walter, St. Clair Shores Resident, said the paramedics saved his life 2 years ago. He is forever grateful. The St. Clair Shores firefighters are the best. When you have the best you must pay for it. Please vote yes on the millage. He suggested we call it the "Citizens Millage". These guys are an extension of our families. He said in 2009, we had 4,615 EMS runs and 2,397 Fire runs and in 2015 we had 5,701 EMS runs and 2,546 Fire runs. We need to maintain 89 police officers and 50 firefighters. He can't think of a better way to spend money. He thanked Mr. Smith, Mr. Ihrie, the police, and fire. He asked the residents to thank the police and fire. He said on December 5, 2015 his father-in-law Ted Wahby passed away. He thanked the Mayor for the dedication to his father-in-law.

Sabree, St. Clair Shores Resident, said she found out there was going to be discussion about Pokemon at this meeting from the Fox 2 News Facebook. She's been to Wahby Park and the news has been there. She plays Pokemon and thinks it's a good thing because people are talking to strangers. She said Channel 2 News reported the negative and then reported it was the best place to catch Pokemon. She thinks there needs to be more signage.

Patrice Grant, St. Clair Shores Resident, said she lives on Blossom Heath Blvd. and the people playing Pokemon come on their private property. The seniors don't even want to go out because they are afraid. They shouldn't be restricted because of this Pokemon stuff. The place is getting trashed and there's garbage everywhere. They ride their bikes on the grass and they ride their skateboards on the steps.

11. MAYOR'S COMMENTS

Mayor Walby said there are 2 left Activities Committee hosted concerts in the park; Air Margarita Ville and Joey Vee. There will be a Disney movie after the concert this week.

Mayor Walby said remember to vote tomorrow at the August 2, 2016 Primary Election.

12. ADJOURNMENT

Moved by Council Member Caron, supported by Council Member Frederick to adjourn at 9:21 p.m.

Ayes: All – 7

KIP C. WALBY, MAYOR

MARY A. KOTOWSKI, CITY CLERK

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