



## A G E N D A

### CITY COMMISSION MEETING

Monday, May 17, 2010

7:00 PM

1. Call to Order.
2. Pledge of Allegiance.
3. Roll Call.
4. Announcement, Acknowledgments, and Communications and Reports.
5. Adoption of Agenda.
6. Public Comments.
7. Administrative Response to Issues or Questions Raised During Previous Meetings.
8. Approval of Minutes.
9. General Business
  - 9-A - Public Hearing to Consider the Proposed Fiscal Year 2010-2011 City of Mount Clemens Budgets and the Possible Millage Rate Increase from "Truth in Taxatin" to "Headlee".
  - 9-B - Adoption of the Budget Appropriations Resolution and the Millage Rates.
  - 9-C - Adoption of Resolution to Place a Headlee Override Millage Proposal on the August 3, 2010 Ballot.
  - 9-D - Request for the Adoption of a Resolution to Approve the Location of the Macomb County 70 Mile Trail Loop and Letter in Support of Funding.
  - 9-E - Adoption of Resolution Establishing Moratorium Regarding the Establishment of Businesses Engaged in Dispensation or Distribution of Medical Marijuana.

9-F - Approve Purchases and Payment of Invoices.

10. Consent Agenda

10-A - Second Reading and Adoption of an Amendment to the Mount Clemens Mobile Home Ordinance.

10-B - Request Permission for the Tried Stone Missionary Baptist Church to Hold a "Praise Trot" Beginning at Shadyside Park.

10-C - Request Approval for the NAACP to Utilize Shadyside Park to Host the 16th Annual Juneteenth Celebration and Community Unity Walk on June 19, 2010.

11. City Manager's Report.

12. Commissioners' Comments.

13. Adjournment.

The City of Mount Clemens will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audiotapes of printed materials being considered at the meeting, to individuals with disabilities at the meeting/hearing upon one week-notice to the City of Mount Clemens. Individuals with disabilities requiring auxiliary aids should contact the City of Mount Clemens by writing or calling the following:

City Clerk's Office  
One Crocker Boulevard  
Mount Clemens, Michigan 48043  
586.469.6818, Extension 310  
911 - TDD

## **EXPLANATION OF AGENDA – May 17, 2010**

### **Administrative Response to Issues or Questions Raised During Previous Meetings**

1. A Commissioner asked if the house involved in a recent newspaper article was subject to criminal forfeiture.

The Macomb County Sheriff's Office, in conjunction with the Macomb County Prosecutor's Office, is responsible for determining which properties will be subject to drug forfeiture as a result of criminal activity conducted thereon. There are a multitude of factors considered when making such determination including ownership, liens, etc. It is our understanding that the home in question has not been forfeited as a result of the recent activity.

## **EXPLANATION OF AGENDA - May 17, 2010**

### **Agenda Item No. 9-A**

#### **Public Hearing to Consider the Proposed Fiscal Year 2010-2011 City of Mount Clemens Budgets and the Possible Millage Rate Increase From "Truth in Taxation" to "Headlee"**

The public hearing will be to consider the proposed 2010-2011 fiscal year budgets and to raise the millage rate from "Truth in Taxation" to "Headlee". The difference between Truth in Taxation and Headlee is **.6505** mills. This will make the total City-wide millage rates levied **15.5371** and the Downtown Development Authority district millage of **1.6132** mills. The definition between "Truth in Taxation" and "Headlee" is Truth in Taxation does not include the annual CPI (Consumer Price Index) increase and the Headlee Tax does.

This will be the sixth consecutive year for these millage rates to be the same. The amount of difference between the "Headlee" tax collection and the "Truth in Taxation" tax collection is approximately \$256,429. The Public Hearing was advertised in the legal portion of The Macomb Daily on May 9, 2010 according to the City's Charter. The proposed budget was prepared using the maximum allowable millage under the "Headlee" amendment.

**SUBMITTED BY:** Marilyn J. Dluge, Finance Director/Treasurer

**RECOMMENDED MOTION:** Motion to open the public hearing to consider the 2010-2011 fiscal year proposed budgets and the possible millage rate increase from Truth in Taxation to Headlee.

Motion to close the public hearing on the 2010-2011 fiscal year proposed budgets and the possible millage rate increase from Truth in Taxation to Headlee.

## **EXPLANATION OF AGENDA – May 17, 2010**

### **Agenda Item No. 9-B**

#### **Adoption of the Budget Appropriations Resolution and the Millage Rates**

A public hearing was held on May 17, 2010, for the 2010-2011 fiscal year budgets and to raise the rates from “**Truth in Taxation**” to “**Headlee**” which is **.6505** mills for City-wide millages. This will make the total City-wide millages levied of **15.5371** and the Downtown Development Authority district millage of **1.6132** mills. The millage rates for the City have been the same for the past six years.

The amount of difference between the “Headlee” tax collection and the “Truth in Taxation” tax collection is approximately \$256,429. The proposed budget was prepared using the maximum allowable millage under the “Headlee” amendment.

**SUBMITTED BY:** Marilyn J. Dluge, Finance Director/Treasurer

**RECOMMENDED MOTION:** To adopt the millage rates requested for the 2010 Property Taxes and adopt the Budget Appropriation Resolution for fiscal year 2010-2011.

**EXPLANATION OF AGENDA – May 17, 2010**

**Agenda Item No. 9-C**

**Adoption of Resolution to Place a Headlee Override Millage Proposal on the August 3, 2010 Ballot**

As a result of declining property tax revenues and continually increasing costs, administration is projecting a budget deficit for fiscal year 2010–2011 and beyond. The deficit cannot be eliminated by spending cuts alone and additional sources of revenue must be explored. One such potential source of additional funding is a Headlee Override. This is a vote by the electors to return the millage to the amount originally authorized by the City Charter prior to Headlee rollbacks. City Charter provided for an operating millage of 15 mills, which as a result of the 1978 Headlee Amendment to the State Constitution has been reduced to 13.7097 mills. If approved by the voters, the levy of 1.2903 mills would restore the total general operating millage to the 15 mill Charter level and raise an estimated \$508,638 annually.

**SUBMITTED BY:** Marilyn J. Dluge, Finance Director/Treasurer

**RECOMMENDED MOTION:** Adopt the attached resolution to place a Headlee Override Millage Proposal on the August 3, 2010 ballot.

**EXPLANATION OF AGENDA – May 17, 2010**

**Agenda Item No. 9-D**

**Request for the Adoption of a Resolution to Approve the Location of the Macomb County 70 Mile Trail Loop and Letter in Support of Funding**

The City of Mount Clemens has been working with the County with regard to the placement of a trail within the County's 70 Mile Trail Loop. At this time, funding has been secured for the Mount Clemens portion of the trail and build out is expected to begin next year. The County is requesting that the City adopt the attached resolution confirming the location of the trail as well as the attached letter in support of the County seeking funding for the Lake St. Clair portion of the trail.

**SUBMITTED BY:** Bonnie M. McInerney, Director  
Community Development Department

**RECOMMENDED MOTION:** Adopt the attached resolution to approve the location of the Macomb County 70 Mile Trail Loop and direct administration to send the attached letter in support of the County seeking funding for the Lake St. Clair portion of the trail.

## **EXPLANATION OF AGENDA – May 17, 2010**

### **Agenda Item No. 9-E**

#### **Adoption of Resolution Establishing Moratorium Regarding the Establishment of Businesses Engaged in Dispensation or Distribution of Medical Marijuana**

Administration has received inquiries regarding the establishment of businesses for the dispensation and/or distribution of medical marijuana. The State Department of Community Health has recently formulated rules for the implementation of Michigan's Medical Marijuana law, however, the same are unclear. As a result, there is a tremendous uncertainty among municipalities across the state as how best to regulate the dispensing and distribution of medical marijuana. Therefore, administration is recommending establishment of a moratorium on the establishment of any business or premises for the dispensation or distribution of medical marijuana for a period of one hundred eighty (180) days. This moratorium is a proactive measure to protect the public health, safety and welfare, and to ensure that proper approval processes are established for licensing and review of such dispensaries, if allowed, including ordinance adoption and zoning amendments.

**SUBMITTED BY:** Michael J. Murray, City Attorney

**RECOMMENDED MOTION:** Adopt the attached Resolution Establishing Moratorium Regarding Establishment of Businesses Engaged in the Dispensation or Distribution of Medical Marijuana.

**EXPLANATION OF AGENDA – May 17, 2010**

**Agenda Item No. 9-F**

**APPROVE PURCHASES AND PAYMENT OF INVOICES**

VENDOR (PURCHASES)	DESCRIPTION	FUND/ DEPARTMENT/ APPROPRIATION	ACCOUNT NUMBER	AMOUNT	CURRENT BALANCE
1.Rio Supply Michigan Meter, Inc. 799 East Whitcomb Madison Heights, MI 48071	Estimated annual Requirement of Water meters and Supplies (new)	Water-Utilities Fund/ Transmission/ Meter Parts  Water-Utilities Fund/ Transmission/ Water Meters	591-53704-791000   591-53704-978000	\$190,590.60	2010-2011 Fiscal Year
2.Gunner’s Metes and Parts 454 North Cass Pontiac, MI 48342	Estimated annual Requirement of Water Meters and Supplies (used)	Water-Utilities Fund/ Transmission/ Meter Parts  Water-Utilities Fund/ Transmission/ Water Meters	591-53704-791000   591-53704-978000	\$12,460.40	2010-2011 Fiscal Year
3. LiquiVision Technology, Inc. 711 Market Street Klamath Falls, OR 97601	Cleaning and Video Inspection Of the 4-Million Gallon Potable Water Clearwell Reservoir.	Water-Utilities Fund/ Operation of Plant/ Contractual Services	591-53708-818000	\$8,510.00	\$48,874.67

VENDOR (INVOICES)	DESCRIPTION	FUND/ DEPARTMENT/ APPROPRIATION	ACCOUNT NUMBER	AMOUNT	CURRENT BALANCE
1. Kramer and Murray, P.C. Ruggirello, Velardo, Novara & VerBeek, P.C. 65 Southbound Gratiot Mount Clemens, MI 48043	Legal Services For the month of April, 2010	General Fund/ Legal Services/ Legal Fees	101-26600-826000	\$12,526.25	\$16,603.05
		General Fund/ Legal Services/ Legal Fees-Labor	101-26600-826001	\$1,175.00	\$11,532.50
2.EQ-Environmental Quality Company P.O. Box 673974 Detroit, MI 48267	On 03/15/10 the City Commission Awarded a Contract to EQ For sanitary Sewer TV and Cleaning in the Amount of \$8,719.00. At This time we are requesting an additional \$1,644.00 for additional work that was ordered.	Sewer-Utilities Fund/ Catch Basins/ Contractual Services	590-53705-818000	\$1,644.00	\$2,679.59

**SUBMITTED BY:** Marilyn Dluge, Finance Director/Treasurer

**RECOMMENDED MOTION:** Approve purchases and payment of invoices as presented.

**EXPLANATION OF CONSENT AGENDA – May 17, 2010**

**Agenda Item No. 10-A**

**Second Reading and Adoption of an Amendment to the Mount Clemens Mobile Home Ordinance**

As discussed in a previous work session, staff is recommending a change to the Mobile Home Ordinance. The proposed change will update the name of the ordinance to reflect the regulation of recreational equipment. In addition, definitions have been updated to reflect current recreational equipment uses. This ordinance change will also allow storage of recreational equipment in the driveway behind the front setback of the house between April 1 and October 31.

**SUBMITTED BY:** Bonnie M. McInerney, Director  
Community Development Department

**RECOMMENDED MOTION:** Approve second reading and adoption of the amendment to the Mount Clemens Mobile Home Ordinance, Sections 17.100 through 17.108.

**EXPLANATION OF CONSENT AGENDA – May 17, 2010**

**Agenda Item No. 10-B**

**Request Permission for the Tried Stone Missionary Baptist Church to Hold a “Praise Trot” Beginning at Shadyside Park**

The Tried Stone Missionary Baptist Church would like to change the date of the previously approved “Praise Trot” from May 15, 2010 to May 22, 2010. This event would begin at Shadyside Park and progress from there into Clinton Township.

Event organizers will be required to provide required insurance documentation. The Macomb County Sheriff’s Office has been notified of the event. No additional City services are required and no concerns have been expressed over this event.

**SUBMITTED BY:** Bonnie M. McInerney, Director  
Community Development Department

**RECOMMENDED MOTION:** Move to grant permission to the Tried Stone Missionary Baptist Church to hold a “Praise Trot” beginning at Shadyside Park on May 22, 2010 rather than the previously approved date of May 15, 2010.

**EXPLANATION OF CONSENT AGENDA – May 17, 2010**

**Agenda Item No. 10-C**

**Request Approval for the NAACP to Utilize Shadyside Park to Host the 16<sup>th</sup> Annual Juneteenth Celebration and Community Unity Walk on June 19, 2010**

The Macomb County Branch of the NAACP is requesting permission to hold the 16<sup>th</sup> Annual Juneteenth Celebration and Community Unity Walk on June 19, 2010, at Shadyside Park from 6:00 a.m. to 6:00 p.m. Due to the anticipation of a large crowd, they are requesting to have extra tables situated throughout the park.

The organization has committed to submitting a Certificate of Insurance to the Purchasing Department naming the City as an additional insured. The Department of Public Services has committed to grass cutting, and the placement of trash barrels and tables throughout the week so that no overtime costs are incurred.

**SUBMITTED BY:** Bonnie M. McInerney, Director  
Community Development Department

**RECOMMENDED MOTION:** Approve the 16<sup>th</sup> Annual “Juneteenth Celebration” and “Community Unity Walk” on June 19, 2010, from 6:00 a.m. until 6:00 p.m. at Shadyside Park.

## EXPLANATION OF AGENDA – May 17, 2010

**TO:** The Honorable Mayor Barb Dempsey and  
All City Commissioners

**FROM:** Douglas C. Anderson, City Manager

**DATE:** May 13, 2010

**RE:** Report from the City Manager's Office

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1. City Commission Meetings: There will be a City Commission Work Session on Monday, May 17, 2010, at 6 p.m. Nick Poliski from RT Arena Management will present possible upcoming changes to the Mount Clemens Ice Arena and Fitness Center. The Regular City Commission meeting will begin at 7 p.m.
2. Memorial Day: City offices will be closed on Monday, May 31, 2010, in observance of the Memorial Day holiday. Refuse pickup will be one day behind schedule from Monday, May 31, 2010 through Friday, June 4, 2010. Regular garbage pickup will resume on Monday, June 7, 2010.
3. Summer Jobs Program: L'Anse Creuse Community Schools has contacted us regarding a Summer Jobs Program. This is a grant subsidized Summer Youth Employment Program through the school district and Michigan Works. The City will partner with the school by hiring part-time help from June through August utilizing the assistance in many of the offices and in the field. The school will pay for their employment through the grant. There will not be any charges to the City. We are honored that the school district has chosen us to participate in this program and we look forward to working with the students.
4. Construction Project: The Michigan Department of Transportation is resurfacing Southbound Gratiot Avenue from Cass Avenue to Sunnyview. This project is expected to continue through the end of August and may cause some delays.
5. Special Events: The Anton Art Center will present the 2<sup>nd</sup> Annual Mount Clemens Art Fair on Macomb Place on Friday, June 4<sup>th</sup> through Sunday, June 6<sup>th</sup>. The hours are from 12 noon until 9 p.m. on Friday; 11 a.m. until 8 p.m. on Saturday; and 12 noon until 6 p.m. on Sunday. For additional information, please contact 586.469.8666. Also, on Saturday, June 5<sup>th</sup>, there will be a Summer Fun Children's Show on Macomb Place at the Fountain Stage beginning at 10 a.m. For more information regarding the Children's Show, please contact 586.469.4168.

6. Cruise Night: This year's first Bud Light Classic Car Show & Cruise Night is on Saturday, June 5<sup>th</sup> from 12 noon until 10 p.m. on Main Street. Registration will take place on Friday, June 4<sup>th</sup> from 5 p.m. to 7 p.m. and will feature a drive-in movie at dusk. Please contact 586.469.4168 for additional Cruise Night information.
  
7. Macomb County Sheriff's Office: I would like to thank Lieutenant Craig Sparks for his commitment to the City over the past five years and wish him well in his new position with the Macomb County Sheriff's Office. I would also like to welcome Sergeant Matthew Murphy to the City of Mount Clemens Sub-station.