



A G E N D A

CITY COMMISSION MEETING

Monday, July 06, 2009

7:00 PM

1. Call to Order.
2. Pledge of Allegiance.
3. Roll Call.
4. Announcement, Acknowledgments, and Communications and Reports.

Presentation of a Proclamation to Mrs. Linda Baarck honoring her husband John Baarck for his years of service on the Mount Clemens Housing Commission by Executive Director Earl Rickman.

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 - Introduction and First Reading of the Dangerous Animals Ordinance.

9-B - Approval of Liquor License Transfer for 86 Macomb Place.

9-C - Request Approval of the Resolution in Support of the Macomb County Trailways Master Plan.

9-D - Request For a Waiver of the Fire Hydrant Tap Fees by Funfest Productions, Inc., for the Stars and Stripes Festival.

9-E - Request Approval to Renew the Michigan Department of Transportation State Trunkline Maintenance Contract.

9-F - Approve Purchases and Payment of Invoices.

10. Consent Agenda

10-A - Second Reading and Adoption of an Amendment to the Water Ordinance of the City of Mount Clemens to Provide for a Change in Water Rates.

10-B - Second Reading and Adoption of an Ordinance to Amend Zoning Ordinance 15.01246 (E) (2), Section 12.46.

10-C - Adoption of Amended Records Retention Schedule.

10-D - Request Approval To Hold a Block Party on Miller Street.

10-E - Request For Permission to Hold the North Broadway Church of Christ Vacation Bible Study Parade.

10-F - Request Approval for the Closure of Macomb Place for a Brick Breaking Show.

10-G - Request Approval to Hold the 129th Old Crowd Parade.

10-H - Request Approval to Hold the Sixth Annual Daughters of Macomb Parade on August 6, 2009.

10-I - Request Approval To Hold a Block Party on South Wilson Between Church and Robertson.

10-J - Request Approval for First United Methodist Church to Hold a Picnic in Wilson Park.

10-K - Request Approval to Use Shadyside Park for Local Youth Recreational Activities.

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 – July 6, 2009

Introduction and First Reading of the Dangerous Animals Ordinance

Over the past several months, numerous citizens have requested that the City address what many perceive as a growing problem and that is the proliferation of pit bulls and other dangerous animals within the City. Administration has been presented with a petition signed by more than 60 residents requesting legislation regulating the ownership and possession of such animals. As a result thereof, City staff has collected detailed and reliable data regarding the subject and has concluded that pit bulls and other dangerous animals constitute an unacceptable risk of harm and fear to the residents of the City and that an ordinance regulating the ownership, possession and harboring of such animals is reasonable and necessary for the protection of the public health, safety and welfare.

SUBMITTED BY:

Michael J. Murray, City Attorney
Jeffrey D. Wood, Public Services Director

RECOMMENDED MOTION:

Approve the introduction and first reading of the Dangerous Animals Ordinance and set July 20, 2009, as the date for the second reading and adoption.

EXPLANATION OF AGENDA – July 6, 2009

Liquor License Transfer at 86 Macomb Place

A request received by the Michigan Liquor Control Commission has been forwarded to the City for consideration. The applicant, Thomas Murray, requests to transfer ownership of a 2006 Class C SDM licensed business from TAM Properties, Inc., to Elite Restaurants, Inc.

Fire, building, and trade inspections have been completed. Required background investigations have been completed by the Macomb County Sheriff Office.

The water bill is current, but there are delinquent real and personal property taxes due to Macomb County Treasurer's Office in the amount of \$15,035.90. The required processing fee has been paid.

SUBMITTED BY: Lynne Kennedy, City Clerk

RECOMMENDED MOTION: To approve the applicant's request to transfer ownership of a 2006 Class C SDM licensed business from TAM Properties, Inc., to Elite Restaurants, Inc.

EXPLANATION OF AGENDA – July 6, 2009

Request Approval of the Resolution in Support of the Macomb County Trailways Master Plan

Macomb County Department of Planning and Economic Development has prepared a draft resolution of support for the Four Seasons Trail. The County has requested that all local municipalities approve the attached resolution in an effort to show the strength of local support in order to seek grants and other funding to finish the trails. A copy of the proposed trail map has been provided for your information and review.

SUBMITTED BY: Barb Dempsey, Mayor

RECOMMENDED MOTION: To Approve the Resolution of Support for the Macomb County Trailways Master Plan.

EXPLANATION OF AGENDA – July 6, 2009

Request For a Waiver of the Fire Hydrant Tap Fees by Funfest Productions, Inc., for the Stars and Stripes Festival

Funfest Productions, Inc., has requested a waiver of the Fire Hydrant Tap Fees. Funfest Productions, Inc., utilized three fire hydrants for a total cost of \$1,500.00. The request letter is attached to the agenda item as is the applicable ordinance.

SUBMITTED BY: Douglas C. Anderson, City Manager

RECOMMENDED MOTION: Grant the request for a waiver of the fire hydrant tap fees to Funfest Productions, Inc., for the hydrant use during the Stars and Stripes Festival.

EXPLANATION OF AGENDA – July 6, 2009

Request Approval to Renew the Michigan Department of Transportation (MDOT) State Trunkline Maintenance Contract

The Michigan Department of Transportation (MDOT) is requesting the renewal of the attached contract with the City of Mount Clemens for Routine Maintenance on State Trunkline Highways. This contract is the same as the previously awarded five (5) year contract.

The contract is for a five-year term period from October 1, 2009 through September 30, 2014, for routine maintenance along Northbound M-3 and Southbound M-3 within the City limits of Mount Clemens.

Upon adoption of the attached resolution, a copy of the resolution, a Certificate of Insurance, and copies of applicable Union agreements which include the Macomb Supervisor Employee Association contract (Crew Leaders) and the Macomb Municipal Employees Association contract (DPW Employees), will be provided to MDOT per the contract agreement.

SUBMITTED BY: Jeffrey D. Wood, Public Services Director

RECOMMENDED MOTION: To adopt the Resolution approving the 2009 - 2014 State Trunkline Maintenance Contract, MDOT No. 2009-0341, as presented; and to authorize the Mayor and the City Clerk to sign and enter into the agreement.

EXPLANATION OF AGENDA – July 6, 2009

APPROVE PURCHASES AND PAYMENT OF INVOICES

VENDOR (PURCHASES)	DESCRIPTION	FUND/ DEPARTMENT/ APPROPRIATION	ACCOUNT NUMBER	AMOUNT	CURRENT BALANCE
1. PVS Technologies, Inc. 10900 Harper Avenue Detroit, MI 48213	Estimated annual Requirement of Ferric Chloride Needed by the Sewage Plant	Sewer-Utilities Fund/ Operation of Plant/ Chemicals	590-53708-743000	\$15,808.00- \$19,456.00	\$32,040.29
2. Polydyne, Inc. One Chemical Plant Road Riceboro, GA 31323	Estimated annual Requirement of Polymer needed By the Sewage Plant	Sewer-Utilities Fund/ Operation of Plant/ Chemicals	590-53708-743000	\$2,375.00	\$32,040.29

VENDOR (INVOICES)	DESCRIPTION	FUND/ DEPARTMENT/ APPROPRIATION	ACCOUNT NUMBER	AMOUNT	CURRENT BALANCE
1. Miller, Canfield, Paddock and Stone, P.L.C. 150 West Jefferson, Suite 2500 Detroit, MI 48226	Legal Services Environmental; Landfill Issues	General Fund/ Community Development/ Legal Services	101-72100-826000	\$8,615.10	\$12,100.03
2. Station Service & Equipment 215 Madison Mount Clemens, MI 48043	Repairs to Emergency Generator Fuel Storage tanks due To State of Michigan Citations	Sewer-Utilities Fund/ Retention Basin/ Contractual Services	590-53707-818000	\$2,163.00	*
		Sewer-Utilities Fund/ Operation of Plant/ Contractual Services	590-53708-818000	\$1,742.00	*

*Budget amendment.

SUBMITTED BY: Marilyn Dluge, Finance Director/Treasurer

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

EXPLANATION OF CONSENT AGENDA – July 6, 2009

Second Reading and Adoption of an Amendment to the Water Ordinance of the City of Mount Clemens to Provide for a Change in Water Rates

The 2010 Water Fund budget was approved at the May 18, 2009 meeting and was based on an increase in water usage rates from \$2.44 to \$2.70 and a decrease in the minimum flat rate from \$20.91 to \$20.66 per quarter.

The changes in the water rates are, in part, the results of the State of Michigan Drinking Water Revolving Fund Loan requirements. A formula to calculate rates based on water system loan payments and operating costs was developed by City of Mount Clemens Finance Director Marilyn Dluge. The most up to date cost figures have been applied to the rate formula in order to develop the rates requested in this ordinance change. Also, part of the rates is the deficit elimination plan approved by the State of Michigan in February 2006.

SUBMITTED BY: Charles B. Bellmore, Director of Utilities

RECOMMENDED MOTION: Approve the Second Reading and Adoption of the Water Ordinance Amendment as presented.

EXPLANATION OF CONSENT AGENDA – July 6, 2009

Second Reading and Adoption of an Ordinance to Amend Zoning Ordinance 15.01246 (E) (2), Section 12.46

The Mount Clemens Planning Commission has recommended changes to the Wireless Communication Tower Zoning Ordinance section which describes the allowable height of Wireless Towers within the City. The current Zoning Ordinance allows the tower to be 120' in height. The change would increase the height allowed to 160'. This change will allow for more antennas to be located on a single sight rather than having additional towers built within the City.

A public hearing was held by the Planning Commission with regard to the suggested amendment. At that time, the Planning Commission recommended forwarding the amendment to the City Commission for approval.

SUBMITTED BY: Bonnie M. McInerney,
Community Development Director

RECOMMENDED MOTION: To approve the second reading and adoption of the amendment to Zoning Ordinance 15.01246 (E) (2).

EXPLANATION OF CONSENT AGENDA – July 6, 2009

Adoption of Amended Records Retention Schedule

On September 4, 2007, the City Commission adopted the General Retention and Disposal Schedule #8, as presented by the Michigan Municipal League and the Michigan Department of History, Arts & Libraries.

They have recently updated schedules that pertain to Election Records, City Clerk's Office, and Human Resources Department. At this time, we are requesting that these amended schedules be adopted.

SUBMITTED BY: Lynne Kennedy, City Clerk

RECOMMENDED MOTION: To adopt the amended Records Retention Schedule for Election Records, City Clerk's Office, and Human Resources Department.

EXPLANATION OF CONSENT AGENDA – July 6, 2009

Request Approval to Hold a Block Party on Miller Street

Residents of Miller Street, between Cass Avenue and Church, are asking for permission to close the street on Sunday, July 19, 2009, to hold the 8th Annual Miller Street Block Party. Proposed event hours are 2:00 p.m. to 12 midnight. As part of the request, they are asking for the use of barricades which the Department of Public Services can deliver on Friday and retrieve on Monday so that no overtime is necessary. The residents will be required to place and remove the barricades at the approved times. The organizer has committed to allowing residents access to their homes during the closure.

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

RECOMMENDED MOTION: Grant permission to close Miller Street on Sunday, July 19, 2009, from 2:00 p.m. to 12 midnight for the 8th Annual Miller Street Block Party.

EXPLANATION OF CONSENT AGENDA – July 6, 2009

Request for Permission to Hold the North Broadway Church of Christ Vacation Bible Study Parade

The North Broadway Church of Christ is requesting permission to hold its annual parade. The parade will travel on North Broadway, Clemens, Walnut, Jones and Howard Streets on Saturday, August 1, 2009. They may also stop at Cairns Field for a concert. No street closures have been requested. Sergeant Sparks has stated that the Macomb County Sheriff's Office will be able to provide the requested police escort. A Certificate of Insurance naming the City as an additional insured has been provided.

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

RECOMMENDED MOTION: Grant permission to the North Broadway Church of Christ to hold a Vacation Bible Study Parade on Saturday, August 1, 2009.

EXPLANATION OF CONSENT AGENDA – July 6, 2009

Request Approval for the Closure of Macomb Place for a Brick Breaking Show

On New Year's Eve, Kevin Taylor entertained crowds by breaking bricks that had been set on fire. Mr. Taylor is now requesting the closure of Macomb Place on Saturday, September 12, 2009, in an effort to break 100 yards of brick and break a world record. He has requested that the street be closed at 9:00 a.m. to allow time for set up prior to the event at 12 noon. The event will take place immediately following the Mount Clemens Grand Prix and the Summer Fun Saturday children's events. Mr. Taylor anticipates having the street cleaned and ready to be reopened by 3:00 p.m. Mr. Taylor has provided the required insurance naming the City of Mount Clemens as an additional insured.

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

RECOMMENDED MOTION: Grant permission to close Macomb Place between the Fountain and Southbound Gratiot Avenue on Saturday, September 12, 2009, between 9:00 a.m. and 3:00 p.m. to allow for a Brick Breaking Show on Macomb Place at 12 noon.

EXPLANATION OF CONSENT AGENDA – July 6, 2009

Request Approval to Hold the 129th Annual Old Crowd Parade

The Old Crowd is requesting to host the 129th annual parade and meeting on August 20, 2009. The group is scheduled to gather at the Macomb County Building at 8:00 a.m. and the parade will commence at 9:00 a.m. Event organizers are asking for North Main to be closed between Cass Avenue and Market between 8:00 a.m. and 9:00 a.m. for a police escort to lead the procession along the route and for the Department of Public Services to close streets along the parade route, as necessary, to facilitate their travel through town.

No overtime expenses are expected to be incurred for this event. Event organizers have committed to supplying a Certificate of Insurance prior to the event. The event organizer will be provided a copy of the new Special Events Application for use in future years.

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

RECOMMENDED MOTION: Grant permission to hold the 129th Annual Old Crowd Parade and to close North Main Street from Cass Avenue to Market Street between 8:00 a.m. and 9:00 a.m. on Thursday, August 20, 2009.

EXPLANATION OF CONSENT AGENDA – July 6, 2009

Request Approval to Hold the Sixth Annual Daughters of Macomb Parade on August 6, 2009

The Daughters of Macomb are requesting permission to hold their sixth annual parade on August 6, 2009. The proposed parade route starts at Madison's Pub on Walnut. From there the parade will turn left at Cass Avenue, left onto North Main Street, left on Market, left on Pine and left on either Macomb or New Street, then a right on Walnut ending in front of Madison's Pub where they will spend the day.

The Department of Public Services will follow the same protocol as in the past for closing streets. As in the past, no overtime will be required. Staff will work to coordinate services through the Macomb County Sheriff's Office to secure a police escort. The organization has committed to providing all the necessary insurance.

SUBMITTED BY:

Bonnie M. McInerney, Director
Community Development Department

RECOMMENDED MOTION:

Grant permission to the Daughters of Macomb to hold their sixth annual parade on August 6, 2009, and for the closure of streets, as necessary, along the parade route.

EXPLANATION OF CONSENT AGENDA – July 6, 2009

Request Approval to Hold A Block Party on South Wilson Between Church and Robertson

Residents of South Wilson, between Church and Robertson, are asking for permission to close the street on Sunday, August 9, 2009, to hold a Street Block Party. Proposed event hours are 12 noon to 6:00 p.m. As part of the request, they are asking for the use of barricades, which the Department of Public Services can deliver on Friday and retrieve on Monday so that no overtime is necessary. The residents will be required to place and remove the barricades at the approved times.

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

RECOMMENDED MOTION: Grant permission to close South Wilson between Church and Robertson on Sunday, August 9, 2009, from 12:00 p.m. to 6:00 p.m. for the South Wilson Block Party.

EXPLANATION OF CONSENT AGENDA – July 6, 2009

Request Approval for First United Methodist Church to Hold a Picnic in Wilson Park

First United Methodist Church is requesting permission to utilize Wilson Park and Gymnasium on Sunday, July 19, 2009, to host a picnic. The hours of the event are 12 noon to 4:00 p.m. Event organizers are aware of the rental fee for the use of the Gymnasium and have provided the required insurance.

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

RECOMMENDED MOTION: Grant permission to First United Methodist Church to host a picnic in Wilson Park and Gymnasium on Sunday, July 19, 2009.

EXPLANATION OF CONSENT AGENDA – July 6, 2009

Request Approval to Use Shadyside Park for Local Youth Recreational Activities

Malcolm Newton and the Southeast Shores Community Development Corporation are seeking to organize summer recreational programming at Shadyside Park. During the summer of 2009, they would like to offer recreational activities on Thursday afternoons beginning July 16th and ending August 20th. The programs would be offered from 2:00 pm until 7:00 pm. Proposed activities include chess lessons, basketball, soccer, and flag football. Southeast Shores is working with the local Optimist Club and other local non – profits to provide supplies and the required insurance. No City services will be required.

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

RECOMMENDED MOTION: Grant permission to utilize Shadyside Park on Thursday afternoons from July 16, 2009 through August 20, 2009 between the hours of 2:00 p.m. and 7:00 p.m. for organized youth activities.

EXPLANATION OF AGENDA – July 6, 2009

TO: The Honorable Mayor Barb Dempsey and
All City Commissioners

FROM: Douglas C. Anderson, City Manager

DATE: July 2, 2009

RE: Report from the City Manager's Office

1. City Commission Meetings: There will be a short Work Session on Monday, July 6, 2009, at 6:30 p.m. to review a request from George Adams for an extension of the Consent Judgment for 380 Cass Avenue. The Regular City Commission meeting will begin at 7 p.m.
2. M-3 Road Project: I attended a meeting at the Michigan Department of Transportation to discuss the proposed road work projects on M-3 in Mount Clemens, including the replacement of both bridges over the Clinton River. Both projects are still scheduled to be constructed in the Spring of 2011.
3. Community Forestry Grant: In June, approximately 40 new trees were planted in front of residential homes thanks, in part, to a grant received by the Michigan Department of Natural Resources. The locations were determined by residential requests.
4. Friday Night Concert Series: The Bud Light Riversight and Sound Concert Series continues on Friday, July 10th featuring Air Margaritaville and Friday, July 17th with Bill Haley's Comets. Both concerts will begin at 7:30 p.m.
5. City Commission Air Dates: The Cable Station is currently undergoing renovations as part of the Creative Arts & Communication Academy construction. During the summer months, electricity may be cut to the building and programming will be interrupted. This may include City Commission and School Board Meeting playback. The Staff at Macomb Cable Network apologizes in advance for any inconvenience this may cause and would like to ask the public's patience during construction. The renovation is scheduled to be completed in early September.