



A G E N D A

CITY COMMISSION MEETING

Tuesday, September 6, 2011

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 - Request for Approval of an Industrial Facilities Tax Exemption for Personal Property for CBS Boring & Machine Company, Inc., Under Public Act 198 of 1974, As Amended.
 - 9-B - Request Approval of the July 1, 2010 – June 30, 2013 Crew Leaders Collective Bargaining Agreement.
 - 9-C - Request Approval to Enter into an Agreement with Oakland University for the Lease of Parking Spaces in the Towne Square Municipal Parking Lot.
 - 9-D - Adoption of Resolution Extending Moratorium Regarding the Establishment of Businesses Engaged in Dispensation or Distribution of Medical Marijuana.
 - 9-E - Approve Purchases and Payment of Invoices.

10. Consent Agenda

10-A - Appointments to Boards, Committees and Commissions.

10-B - Approval of Resolution Regarding the Beautification Advisory Committee.

10-C - Request Authorization to Submit a Grant Application to the Michigan Department of Natural Resources (DNR) for the Urban and Community Forestry Program Tree Planting Grant.

10-D - Request by the Mount Clemens Fire Department to Close Main Street for the Fallen Heroes Memorial Ceremony.

10-E - Request Approval to Hold the First United Methodist Church Picnic at Wilson Park on Sunday, September 18, 2011.

10-F - Request Approval to Hold the Annual Kiwanis Peanut Days on September 22, 23, & 24, 2011.

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 – September 6, 2011

Administrative Response to Issues or Questions Raised During Previous Meetings

1. A Commissioner asked what will happen if the Charter Amendment does not pass in November; specifically, what services and / or employees will be eliminated.

If the Charter Amendment does not pass, the elimination of services and / or employees will be addressed once we receive the final year-end figures from the auditors and once the property tax revenues are calculated for the fiscal year. Administration is currently working on information to provide to the public which will explain why the City is asking the voters for a Charter Amendment.

EXPLANATION OF AGENDA – September 6, 2011

Agenda Item No. 9-A

Request for Approval of an Industrial Facilities Tax Exemption for Personal Property for CBS Boring & Machine Company, Inc., Under Public Act 198 of 1974, As Amended

CBS Boring & Machine Company, Inc., located at 138 North Groesbeck, has applied to the City for an Industrial Facilities Tax Exemption on an investment of \$2,590,660 in new personal property. Along with the investment in machinery and equipment in an existing Industrial Development District, the Company will retain 34 existing jobs and create 8 new jobs in the City of Mount Clemens.

Should the City Commission approve the application, it would reduce the Company's personal property tax liability on the new investment by 50 percent. The Company asks that the reduction be in effect for 12 years; the Commission can, under the statute, approve up to 12 years; however, it is recommended that this application be awarded an abatement not to exceed 6 years for a personal property investment of \$2,590,660. It is important to note that approval of this application will have no effect on the current level of taxes paid by the Company to Mount Clemens or any other taxing jurisdiction.

Approval of this application is by resolution, which is included in this agenda item. Also included is an Abatement Agreement, crafted in conjunction with the City Attorney, which spells out the provisions under which the exemption is granted. If the resolution is adopted, the application and supporting documentation will be forwarded to the State Tax Commission for its approval.

SUBMITTED BY:

Brian L. Tingley
Community Development Director

RECOMMENDED MOTION:

Move to adopt the resolution granting an Industrial Facilities Tax Exemption under PA 198 of 1974, as amended, for personal property to CBS Boring & Machine Company, Inc., for a period of 6 years and authorize the City to enter into an Abatement Agreement.

EXPLANATION OF AGENDA – September 6, 2011

Agenda Item No. 9-B

Request Approval of the July 1, 2010 – June 30, 2013 Crew Leaders Collective Bargaining Agreement

The City Administration and the Crew Leaders union have reached a tentative agreement on a three-year labor contract. The members of the Crew Leaders union ratified this agreement.

A copy of the contract is provided under separate cover for your review.

SUBMITTED BY: Douglas C. Anderson, City Manager

RECOMMENDED MOTION: To approve the proposed July 1, 2010 – June 30, 2013 Crew Leaders contract and authorize the execution of same.

EXPLANATION OF AGENDA – September 6, 2011

Agenda Item No. 9-C

Request Approval to Enter into an Agreement with Oakland University for the Lease of Parking Spaces in the Towne Square Municipal Parking Lot

Attached is the agreement between the City of Mount Clemens and Oakland University for the lease of 150 outer lying parking spaces in the Towne Square Municipal Parking Lot.

This contract outlines the operating arrangements, fees, and times of usage between Oakland University and the City. It will be the responsibility of Oakland University to inform the students and staff of the appropriate parking places and issue their own permits. Anyone choosing not to park in the spaces identified will be subject to the penalties of the parking ordinance unless they are paying the meter as instructed. It should also be noted that this agreement is for a one-year term and will generate \$11,700 in additional revenue for the parking system.

This contract was drafted by the City Attorney's office.

SUBMITTED BY: Jeffrey D. Wood
Public Services Director

RECOMMENDED MOTION: To approve the agreement between Oakland University and the City of Mount Clemens for 150 parking spaces in the Towne Square Municipal Parking Lot.

EXPLANATION OF AGENDA – September 6, 2011

Agenda Item No. 9-D

Adoption of Resolution Extending Moratorium Regarding the Establishment of Businesses Engaged in Dispensation or Distribution of Medical Marijuana

On May 17, 2010, the City Commission adopted a Resolution imposing a 180 day moratorium prohibiting the establishment of any business or premises for the distribution or dispensation of marijuana other than for use by the person occupying the premises as a resident who has a debilitating medical condition allowing the use of marijuana as allowed pursuant to State law. Subsequent thereto, the Commission has twice extended the moratorium. The rules formulated by the State Department of Community Health for implementation of Michigan medical marijuana law are still unclear and offer little guidance to local communities, however, there is legislature pending which would require medical marijuana to be grown by and distributed through State licensed and regulated facilities. This legislation may need to be revised in light of the recent Michigan Court of Appeals ruling that medical marijuana dispensaries are illegal and the Wayne County Circuit Court ruling that the Federal Controlled Substance Act prohibits all of the activity authorized by the Michigan Medical Marijuana Act. Based upon the foregoing, the Administration recommends that the May 17, 2010, moratorium as extended, be further extended for One Hundred Eighty (180) days to determine if legislation has been adopted that will allow adequate planning for adoption of appropriate land use regulatory controls to comply with the Michigan Medical Marijuana Act, MCL 333.26423(d), in order to protect the public health, safety and welfare.

SUBMITTED BY: Michael J. Murray, City Attorney

RECOMMENDED MOTION: Adopt the attached resolution extending the May 17, 2010, moratorium regarding establishment of businesses engaged in the dispensation or distribution of medical marijuana.

EXPLANATION OF AGENDA – September 6, 2011

Agenda Item No. 9-E

APPROVE PURCHASES AND PAYMENT OF INVOICES

VENDOR (PURCHASES)	DESCRIPTION	FUND/ DEPARTMENT/ APPROPRIATION	ACCOUNT NUMBER	AMOUNT	CURRENT BALANCE
1. Morton Salt, Inc. 123 North Wacker Drive Chicago, IL 60606	Early Fill of Road Salt STATE CONTRACT	Major Street & Trunkline Fund/ Winter Maintenance/ Road Maintenance Materials & Supplies	202-44649-782000	\$48.39/ton For 200 tons = \$9,678.00	\$35,000.00
		Local Street & Trunkline Fund/ Winter Maintenance/ Road maintenance Materials & Supplies	203-44649-782000	(Last year we Did not order Any early fill)	\$30,000.00
2. Morton Salt, Inc. 123 North Wacker Drive Chicago, IL 60606	Seasonal Backup Of Road Salt STATE CONTRACT	Same as above.	Same as above	\$53.39/ton For 1,400 tons= \$74,746.00 (Last year's Price \$52.22/ Ton)	Same as above
3. HydroDynamics, Inc. 6200 Delfield Industrial Drive Waterford, MI 48329	Fairbanks Morse Submersible Pump Rebuild	Water-Utilities Fund/ Operation of Plant/ Contractual Services	591-53708-818000	\$5,712.00	\$59,090.50

VENDOR (PURCHASES)	DESCRIPTION	FUND/ DEPARTMENT/ APPROPRIATION	ACCOUNT NUMBER	AMOUNT	CURRENT BALANCE
4. Nickel & Saph, Inc. 44 Macomb Place Mount Clemens, MI 48043	Property and Liability Renewal	Various	Various	\$218,072.00 \$17,626.00 (Bridge and Terrorism) Last year's Price: \$216,467.00 \$ 17,199.00 respectively	Various

VENDOR (INVOICES)	DESCRIPTION	FUND/ DEPARTMENT/ APPROPRIATION	ACCOUNT NUMBER	AMOUNT	CURRENT BALANCE
1. Trident Insurance Services P.O. Box 974934 Dallas, TX 75397	Sewer Backup Deductible from 07/11/10 claims	Sewer-Utilities Fund/ Commercial Activities/ Liability Insurance	590-53703-928000	\$10,000.00	\$60,000.00
2. Trident Insurance Services P.O. Box 974934 Dallas, TX 75397	Sewer Backup Deductible from 06/07/10 claims	Sewer-Utilities Fund/ Commercial Activities/ Liability Insurance	590-53703-928000	\$8,668.84	\$60,000.00

SUBMITTED BY: Marilyn Dluge, Finance Director

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

EXPLANATION OF CONSENT AGENDA – September 6, 2011

Agenda Item No. 10-A

Appointments to Boards, Committees and Commissions

Historical Commission

Mayor recommends appointing David Buntak to the Historical Commission. This is for a 3-year term, in progress, which will expire June 30, 2012.

Mayor recommends reappointing Nancy Donahue to the Historical Commission. This is for a 3-year term, which will expire June 30, 2014.

Election Commission

Mayor recommends appointing Mary Cassidy to the Election Commission. This is for a 2-year term, in progress, which will expire July 1, 2013.

Mayor recommends reappointing Joan Henk to the Election Commission. This is for a 2-year term, in progress, which will expire July 1, 2013.

SUBMITTED BY: Barb Dempsey, Mayor

RECOMMENDED MOTION: To approve appointments as presented.

EXPLANATION OF CONSENT AGENDA – September 6, 2011

Agenda Item No. 10-B

Approval of Resolution Regarding the Beautification Advisory Committee

At the July 19, 2010, City Commission meeting, a resolution was adopted that increased the number of members on the Beautification Advisory Committee from seven to nine. The Beautification Advisory Committee has requested that the number of members be increased to eleven.

SUBMITTED BY: Mayor Barb Dempsey

RECOMMENDED MOTION: To adopt the resolution increasing the number of members on the Beautification Advisory Committee from nine to eleven.

EXPLANATION OF CONSENT AGENDA – September 6, 2011

Agenda Item No. 10-C

Request Authorization to Submit a Grant Application to the Michigan Department of Natural Resources (DNR) for the Urban and Community Forestry Program Tree Planting Grant

The Michigan Department of Natural Resources made available a tree planting grant to communities throughout the State of Michigan. Communities must commit to a 50/50 match as a part of the grant criteria.

City staff is requesting permission to submit the attached grant using Local Street Funds as the funding match. We are seeking funding in the amount of \$4,000 from the DNR to purchase replacement trees lost due to age, deterioration, and/or disease. This grant award would be matched by an allocation of \$4,000 from the City for the remaining balance of the trees and installation costs.

The full grant application must be postmarked by September 16, 2011, to be eligible for consideration.

SUBMITTED BY: Jeffrey D. Wood
Public Services Director

RECOMMENDED MOTION: Approve the submission of the grant application to the Michigan Department of Natural Resources in the amount \$4,000 with an approximate local match not to exceed \$4,000.

EXPLANATION OF AGENDA – September 6, 2011

Agenda Item No. 10-D

Request by the Mount Clemens Fire Department to Close Main Street for the Fallen Heroes Memorial Ceremony

The Mount Clemens Fire Department, in conjunction with the Macomb County Fallen Heroes Memorial Committee, is requesting the closure of Main Street from Market to Cass Avenue on September 11, 2011, from 2:30 p.m. to 6:00 p.m. Some small tents and chairs may be placed on Main Street during the event. As part of the ceremony, they will include a piece of steel from the World Trade Center, Honor Guards lowering and raising the American and Memorial flags, and a candlelight vigil for everyone to participate in as they pay respect to those who have lost their lives trying to save others on that day 9/11/01.

The Department of Public Services will drop the barricades at the Fire Department the night before the event and the Fire Department will set them up and take them down after the event. No overtime for City Staff will be required for the event.

SUBMITTED BY: Jeffrey D. Wood
Public Services Director

RECOMMENDED MOTION: Grant permission to the Mount Clemens Fire Department and Macomb County Fallen Heroes Memorial Committee to close Main Street from Market to Cass Avenue on September 11, 2011, from 2:30 p.m. to 6:00 p.m. for the Fallen Heroes Memorial.

EXPLANATION OF CONSENT AGENDA – September 6, 2011

Agenda Item No. 10-E

Request Approval to Hold the First United Methodist Church Picnic at Wilson Park on Sunday, September 18, 2011

First United Methodist Church is seeking permission to hold its Church Picnic on Sunday, September 18th from 1 p.m. until 4 p.m. They are requesting the use of Wilson Gymnasium and the park facilities. The organization is aware of the rental fee for the use of Wilson Gymnasium and has committed to submitting a Certificate of Insurance to the Purchasing Department naming the City as an additional insured. No concerns were received pertaining to this request.

SUBMITTED BY: Brian L. Tingley
Community Development Director

RECOMMENDED MOTION: Move to grant approval to First United Methodist Church to hold its Church Picnic at Wilson Park on Sunday, September 18, 2011, with the use of park facilities and Wilson Gymnasium.

EXPLANATION OF CONSENT AGENDA – September 6, 2011

Agenda Item No. 10-F

Request Approval to Hold the Annual Kiwanis Peanut Days on September 22, 23, & 24, 2011

The Kiwanis Club of Mount Clemens is seeking permission to hold its Annual Peanut Days on Thursday, September 22, Friday, September 23, and Saturday, September 24, 2011. Club members would be located on the following public areas: Cass Avenue at Southbound Gratiot Avenue (in front of the Methodist Church – 9/22 & 9/23), Crocker Boulevard Bridge (9/22 & 9/23), and the Farmers Market parking lot (9/23 & 9/24).

A Certificate of Insurance has been submitted along with this request and is included with this agenda item.

Fundraisers would be required to wear reflective vests while soliciting donations in the street intersections. The organization is requesting the use of several traffic safety cones that they will pick up and return following the event.

SUBMITTED BY: Brian L. Tingley
Community Development Director

RECOMMENDED MOTION: Move to grant approval to the Kiwanis Club of Mount Clemens to hold its Annual Peanut Days on Thursday, September 22, Friday, September 23, and Saturday, September 24, 2011.

EXPLANATION OF AGENDA – September 6, 2011

TO: The Honorable Mayor Barb Dempsey and
All City Commissioners

FROM: Douglas C. Anderson, City Manager

DATE: September 1, 2011

RE: Report from the City Manager's Office

1. City Commission Meetings: There will be a City Commission Work Session on **Tuesday**, September 6, 2011, at 6:30 p.m. to discuss a temporary program for retirees age 55 and older who are not yet eligible for Medicare. The Regular City Commission meeting will begin at 7:00 p.m.
2. Reminder: Just a reminder that refuse pickup will run one day behind schedule the week of September 5, 2011, due to the Labor Day holiday. Normal refuse pickup will resume on Monday, September 12, 2011.
3. Railroad Tracks: We have received further correspondence which indicates that Canadian National still has plans to repair the railroad crossings within the City of Mount Clemens during the month of September. The tracks on Elizabeth are scheduled for repair the week of September 19th through September 23rd and the tracks on both Church Street and Hubbard Street are scheduled for September 26th through September 30th. Please expect possible road closures, detours, and delays in these areas during the construction.
4. Road Construction: The resurfacing of Northbound and Southbound Gratiot Avenue within the City as well as the bridge construction is still on schedule and is expected to continue into the fall. The contractors have given us a tentative completion date for early November; however, we will continue to keep you updated as the project continues to progress.
5. Mount Clemens Grand Prix: The Annual Soap Box Derby Race will take place on Saturday, September 10, 2011, at 10:00 a.m. on the Crocker Bridge. For more information, please contact 586.468.7746.
6. Pancake Breakfast: In conjunction with the Mount Clemens Grand Prix, the Mount Clemens Fire Department will hold their Annual Pancake Breakfast on Saturday, September 10, 2011, from 7:30 a.m. to 11:00 a.m. All proceeds will benefit local charities.

7. Summer Fun Saturdays: Also, on Saturday, September 10, 2011, the Downtown Development Authority will again host a Summer Fun Saturdays with Rosco the Clown at the Fountain Stage beginning at 11:00 a.m. For more information regarding this event, please contact 586.469.4168.

8. Mount Clemens Farmers Market: The annual Tater & Pork Roast at the Farmers Market is scheduled for Saturday, September 17, 2011, beginning at 9:00 a.m. until it is sold out. For further information regarding the Farmers Market or any of its events, please contact 586.493.7600.