

**WARREN CITY COUNCIL
REGULAR MEETING
February 11, 2014**

A Regular Meeting of the Warren City Council was called for Tuesday, February 11, 2014, at 7:00 p.m. in the Warren Community Center Auditorium, 5460 Arden, Warren, Michigan 48092.

MEMBERS OF THE COUNCIL present:

Cecil D. St. Pierre, Jr., President
Patrick Green, Vice President
Scott C. Stevens, Council Secretary
Keith J. Sadowski, Assistant Council Secretary
Robert Boccomino, Councilman
Kelly Colegio, Councilwoman
Steven G. Warner, Councilman

ABSENT: None

Also Present:

David Griem City Attorney
Gina Hensley, Community Development
Bill Gambill, Neighborhood Services Coordinator
Ron Wuerth, Planning Director
Wilburt (Skip) McAdams Fire Commissioner
Lou Galasso Deputy Police Commissioner

1. CALL TO ORDER

Chairman St. Pierre called the meeting to order at 7:00 p.m.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

All members present

4. ADOPTION OF THE CONSENT AGENDA

Motion:

Motion to approve was made by Councilman Stevens and supported by Councilwoman Colegio.

No discussion

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Roll Call:

A roll call vote was taken on the motion. The motion carried unanimously (7-0).

| | |
|-----------------------|-----|
| Councilman Stevens | Yes |
| Councilwoman Colegio | Yes |
| Councilman Green | Yes |
| Councilman Boccomino | Yes |
| Councilman Sadowski | Yes |
| Councilman Warner | Yes |
| Councilman St. Pierre | Yes |

5. ADOPTION OF AGENDA

Motion:

Motion to approve made by Councilman Stevens with discussion and support motion made by Councilman Boccomino.

No discussion

Roll Call:

A roll call vote was taken on the motion. The motion carried (7-0).

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|-----------------------|-----|
| Councilman Stevens | Yes |
| Councilman Boccomino | Yes |
| Councilwoman Colegio | Yes |
| Councilman Sadowski | Yes |
| Councilman Warner | Yes |
| Councilman Green | Yes |
| Councilman St. Pierre | Yes |

6. APPROVAL OF THE MINUTES

a) Minutes of the Regular Meeting of January 28, 2014

Motion:

Motion to approve made by Councilman Warner and supported by Councilman Green.

No discussion.

Voice Vote:

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A voice vote was taken on the motion. All "Ayes" the motion carried unanimously (7-0).

7. APPROVAL OF THE BILLS

a) General Fund Bills

Motion:

Motion to approve was made by Councilman Green and supported by Councilman Boccomino.

Roll Call:

A roll call vote was taken on the motion. The motion carried (4-3).

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|-----------------------|-----|
| Councilman Green | Yes |
| Councilman Boccomino | Yes |
| Councilman Warner | No |
| Councilman Stevens | No |
| Councilwoman Colegio | No |
| Councilman Sadowski | Yes |
| Councilman St. Pierre | Yes |

b) Water & Sewer System Bills

Motion:

A motion to approve was made by Councilman Warner and supported by Councilman Sadowski.

No discussion.

Roll Call:

A roll call vote was taken on the motion. The motion carried unanimously (7-0).

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|-----------------------|-----|
| Councilman Warner | Yes |
| Councilman Sadowski | Yes |
| Councilman Green | Yes |
| Councilman Boccomino | Yes |
| Councilwoman Colegio | Yes |
| Councilman Stevens | Yes |
| Councilman St. Pierre | Yes |

c) Building Authority Check

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Motion:

A motion to approve was made by Councilman Green and supported by Councilman Sadowski.

No discussion.

Roll Call:

A roll call vote was taken on the motion. The motion carried unanimously (7-0).

| | |
|-----------------------|-----|
| Councilman Green | Yes |
| Councilman Sadowski | Yes |
| Councilwoman Colegio | Yes |
| Councilman Boccomino | Yes |
| Councilman Warner | Yes |
| Councilman Stevens | Yes |
| Councilman St. Pierre | Yes |

8 ANNOUNCEMENTS

Councilman Stevens stated there would be a bowling fundraiser this Saturday, February 15, 2014 at Regal Lanes to help support the CERT Program. Check in was at Noon and bowling would begin at 1:00 p.m. He invited everyone to come support the CERT Team that was such an asset to the Police and Fire Departments for many reasons.

Chairman St. Pierre stated the CERT program does a lot of good programs and the Council should look to provide funding for them.

Councilman Stevens also announced that there was still an opening on the Nuisance Abatement Board of Appeals if anyone would like to apply they could get an application from the Council Office and or contact a Council Member for more information.

Chairman St. Pierre stated the position did not have any special requirements and anyone could apply.

Councilwoman Colegio congratulated Lt. James Matheny on his retirement from the Police Department and wished him the best.

Councilman Sadowski congratulated Kuhnenn's Brewery here in Warren for being named to the world's Top 100 list of Brewer's.

9 PUBLIC HEARINGS/ADMINISTRATIVE HEARINGS:

- a) **PUBLIC HEARING:** Lot split and combination request: Request one lot into two lots and resultant lots combined with abutting parcels; Lot 83 (13-33-202-014) of Liberty Park Subdivision located on the north side of Maxwell Avenue approximately 258 ft. east of Sherwood Avenue split in half and then the west half of lot 83 combined with lot 81 (13-33-202-012) and lot 82 (13-33-202-013) and the east half of lot 83 combined with lots 84 and 85 (13-33-2020-015) all located in Liberty Park Subdivision; Section 33; Holman Management Inc. (Larry Holman). **CONSIDERATION AND ADOPTION OF A RESOLUTION.**

Karen Spranger appeared before the Council and stated the public records should be available to review prior to the meetings and during the meetings for her to review. She would like to know if the applicant was in compliance with their taxes.

Motion:

A motion to approve was made by Councilman Sadowski and supported by Councilman Stevens.

Chairman St. Pierre asked if there were any taxes owed.

Ron Wuerth Planning Director stated yes the information was sent over to the City Council Office at their request and should be in the back-up provided and the Planning Commission recommends the lot split.

Chairman St. Pierre stated there was also a letter from Detroit Edison that said the utilities could go aboveground or underground.

Ron Wuerth stated that was correct.

Roll Call:

A roll call vote was taken on the motion. The motion carried unanimously (7-0).

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|-----------------------|-----|
| Councilman Sadowski | Yes |
| Councilman Stevens | Yes |
| Councilwoman Colegio | Yes |
| Councilman Boccomino | Yes |
| Councilman Green | Yes |
| Councilman Warner | Yes |
| Councilman St. Pierre | Yes |

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b) PUBLIC HEARING: Request to review and confirm Special Assessment roll No. 429 relating to 8115 Orchard (House Demolition). CONSIDERATION AND ADOPTION OF A RESOLUTION.

Karen Spranger appeared before the Council and asked if the council would explain what the special assessment roll No. 429 relating to 8115 Orchard home demolition, there was a cost of the breakdown of what the figures should be in an itemized list and that paperwork should also be available at the Public Hearing for her to review. She does not feel it was her job to go to the Planning Department or Administration to get the paperwork because 90% of the time she was required to fill out a FOIA to get the information. It was only fair if a citizen wanted to review the paperwork to have it at the hearing for legitimate questions. There is additional information she was still waiting on like the public hearing officer details.

Motion:

A motion to approve was made by Councilman Green and supported by Councilman Warner.

Councilman Stevens stated the question regarding the actual costs, the total of costs was listed but in prior assessments it had been broken down as to what the administrative costs were and that paperwork was not in this back-up.

Chairman St. Pierre stated the record should reflect and it does not say on the agenda \$6,240.00 which was not unreasonable for these types of homes. The record should also reflect that the home has been torn down and the special assessment district creates a lien and on the property which hopefully the property gets purchased and the City would then be made whole.

Councilwoman Colegio stated that at the last two or three Council Meetings request have been sent to the administration for a breakdown of the costs and the Council has of yet to receive that. She would ask that it be made part of the motion to once again make that request. A concern of hers was that Council puts the assessments and liens on the property and had discussed what happens when a property goes to the County. If a person were in default to the City for a special assessment, could they legally receive a license from the City? She asked that the City Attorney get back to her on that. If the City does knowing license someone that has an assessment like this, would that be a violation of the Charter or anything illegal? Was there any other alternative that the City Attorney's office could take to be more aggressive that Council could support them with in

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collecting these fines and fees before being set to an assessment? These properties set and cause blight in neighborhoods and cause rats and crime. Those are questions she would place to the City Attorney and anything else that the City could be doing to tighten this up and be more aggressive. The licensing was something the Council used to say that if it were a landlord that they could not be relicensed and that is not working. Legally she would like to see what the City should be doing.

Councilman Green stated that this has been looked into in the past and nothing could be done to the individual property. He thinks the route she was going were rentals that just got let go. The only asset that the City has that does not have a tax attached was the license the City provides to the rent and if the City could attach to a license and tied to each other. The City does not have to provide a license if the landlord was not meeting the qualifications of an upstanding landlord. The special assessments and the County being able to strip the lien and sell if for the back taxes and the City loses the water bills and what not. The only way to change that would be have the State Law changed. There has been talk about that but that has to happen at the State Law. The one line in there about landlord says the actions of the property occupants cannot be placed onto the landlord. The landlord cannot be held responsible for the actions of a tenant and that was what made these so difficult for the City.

Councilwoman Colegio stated that there have been some very heated Council Meeting with discussions of licensing people that were in default to the City. It was concerning to her because some of the properties she had researched there were some properties that had not had full taxes paid on them since 1999 unless they were purchased in the bulk property purchases and then it rolls over into the barrel again. She has seen some groups in Detroit that have brought slum lords to court and have won some cases. She was looking forward to what the City Attorney would come up with to be aggressive in addressing this issue. She would also like the City Attorney to provide a list of properties that were in default that were being licensed and have him do a little research into that, she thinks it would be useful.

Councilman Stevens stated he whole heartedly agreed to what Councilwoman Colegio was saying and Councilman Green stated with respect to what the State Law dictates. The Charter 5.1 says the City was not to do anything that benefitted people in default to the City. Was the licensing process part of that, he did not know. If someone comes in to get a license does the property maintenance or rental division automatically do a check? Maybe that was where it was falling down.

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Chairman St. Pierre stated maybe the City should create an ordinance to do that and he would like to suggest another issue for the City Attorney to look at regarding working with the 37th District Court and when the people do not have a license that the tenants be informed and set up a rent escrow with the 37th district court to make sure they are in compliance and they do not get evicted. Possibly out of that rent escrow the City could take the funds that were owed to the City in order for them to make money off their property. It was just a thought because he did not want people to be evicted but if they were complying with the law and the ordinances and putting the rent in escrow because the person does not have a valid rental license then everyone could be protected and the City could get its money from rent being put in escrow.

Councilman Green stated that default was a specific term and if someone was late, 30 days, 60 days late, that was not default. What he was getting at was defining the default. If taxes are due January 1 and not paid on January 15th that was not considered default. He would like the conversations here to be made part of the motion and asked that it be supported and she if the minutes could be directed over to the City Attorney to have that done.

Councilwoman Colegio stated it would be an exciting meeting coming after this from the City Attorney and she thinks Councilman St. Pierre's idea was great but one of the things that are receiving the license but the City was not receiving the taxes. Paying \$200.00 every two years but not paying thousands of dollars in taxes and her issue was if the taxes were not being paid then the City would not license them. She hopes by next month this Council can finally just put a stop to this practice.

Roll Call:

A roll call vote was taken on the motion. The motion carried unanimously (7-0).

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|-----------------------|-----|
| Councilman Green | Yes |
| Councilman Warner | Yes |
| Councilman Sadowski | Yes |
| Councilman Boccomino | Yes |
| Councilwoman Colegio | Yes |
| Councilman Stevens | Yes |
| Councilman St. Pierre | Yes |

10 CORRESPONDENCE FROM THE MAYOR:

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- a) CONSIDERATION AND ADOPTION OF A RESOLUTION Adopting the Designated meeting Dates of March 17th, 18th, and 19th, 2014 for the City of Warren Board of Review and for the meetings to be held in the Van Dyke conference room located in City Hall.

Motion:

A motion to approve was made by Councilman Sadowski and supported by Councilman Colegio.

Voice Vote:

A voice vote was taken on the motion. All "Ayes" the motion carried unanimously (7-0).

- b) CONSIDERATION AND ADOPTION OF A RESOLUTION adopting the 2014 Real Property Tax Poverty Exemption Guidelines for Tax relief under Section 211.7u, Public Act 206 of 1893.

Motion:

A motion to approve was made by Councilman Stevens and supported by Councilman Green.

No discussion

Roll Call:

A roll call vote was taken on the motion. The motion carried unanimously (7-0).

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|-----------------------|-----|
| Councilman Stevens | Yes |
| Councilman Green | Yes |
| Councilman Sadowski | Yes |
| Councilman Warner | Yes |
| Councilwoman Colegio | Yes |
| Councilman Boccomino | Yes |
| Councilman St. Pierre | Yes |

- c) Request of the Neighborhood Service and Grant Coordinator for an increase in budgeted revenue and appropriations in the amount of \$538,292.00 to account for the receipt of a SEMCOG Transportation Alternatives Program (TAP) grant, along with matching funds from Warren's TIFA, Detroit Eastside Community Collaborative and the 8 Mile Boulevard Association. CONSIDERATION AND ADOPTION OF A RESOLUTION.

Motion:

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A motion to approve was made by Councilman Stevens and supported by Councilman Green.

Councilman Green asked Mr. Gambill to provide some details on the project.

Bill Gambill Neighborhood Services and Grant Coordinator appeared before the Council and introduced the project partners that were present: Jordan Twordy from the 8 Mile Boulevard Association, formerly worked for the City of Warren and he was the new Executive Director, also Alex Allen from the Eastside Community Collaborative was present and Jennifer Jahob from AEW who designed the plans and the Mayor's environmental advisory committee was also present. The City of Warren received a grant from the Community Foundation of Southeast Michigan in 2005 to connect Warren to the regional not motorized transportation plan. There were some challenges to the plan in that the only non-motorized regional path that connects Warren right now was the Conner Creek Greenway. The challenge of that grant was to create that connection. When MDOT passed the complete streets policy in July 2012 and the City of Warren passed one, when the State passed the complete streets policy that allowed the City to start looking at MDOT roads to make a bike plan that would connect. MDOT required a very extensive traffic study and he would send a copy to Council. The results were favorable so he started looking into how to possibly fund it. The TAP Grant was something the City applied for and received. Since that time he had been working toward MDOT approval for the plan and SEMCOG recently awarded an additional \$79,500.00 and there were matching funds in place from Warren's TIFA, there was a public hearing back in April with adjacent property owners and there were also matching funds made available from the 8 Mile Boulevard Association that would make improvements to the median. There were also matching funds received from the Eastside Community Collaborative.

Councilman Green stated this was going from 8 Mile to Stephens.

Bill Gambill stated that was correct and there were discussions with Sterling Heights to create the connection north as well and he would be identifying grant to do that.

Councilman Green noticed in the meeting minutes from the public hearing and suggested that someone from Property Maintenance be in attendance at future meetings to address some of the concerns.

Councilman Sadowski stated the funds being talked about today were not all going to be spent between 8 Mile and Stephens.

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Bill Gambill stated that was correct. It extended from Outer Drive west to Van Dyke and north and that was why there was matching funds from Detroit Eastside Collaborative, the group that maintains the Conner Creek Greenway.

Councilman Sadowski stated so the path being talked about right now would be ending at Stephens. Where will the City be looking to extend it to next year?

Bill Gambill stated that was correct and they would be looking to go Stephens east to possibly the ITC Corridor or perhaps a north south road like Lorraine. There were a few studies done with different options and they would be looking into that.

Councilman Sadowski stated he felt the ITC corridor would be ideal for that.

Bill Gambill stated there were also ways to buffer the areas with different kinds of vegetation to the sides of possible paths, also to give privacy to possible homeowners. There are a lot of options and possibly take this up to the Metro Parkway Trail.

Councilman Sadowski stated it was nice having the bike paths to also connect the business districts and the Community Center to City Hall and some of the parks. He felt the pocket park on the corner of 13 Mile and Chicago would be a good watering station for the different bike groups and that it was in the plans.

General discussion took place about the benefits of having such amenities in the community.

Chairman St. Pierre asked what the estimated time frame would be for this project.

Bill Gambill stated November 2014.

Chairman St. Pierre stated on behalf of the City Council he wanted Mr. Gambill to know that the effort was appreciated and everyone's involvement.

Councilman Warner asked who would be responsible for the upkeep.

Bill Gambill stated the 8 Mile Boulevard Association would be taking care of the medians.

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Councilman Boccomino stated this was in District 5 and he wanted to thank Mr. Gambill for taking the time to go into detail on the project. This will help in making Warren a destination City if not at least a stop on some of the biking tours. He thanked everyone helping in this matter.

Chairman St. Pierre asked for Mr. Gambill to explain the No Bike Left Behind Program.

Bill Gambill stated that was a non-profit program that may be moving into one of the TIFA properties and they rehab bikes and give them out to people in need.

Councilwoman Colegio stated No Bike Left Behind also partnered with Summerfest and they have kids come in and rehab bikes and give them away to other kids that do not have a bike. If any resident has an old bike in the garage they want to get rid of they can look them up online or call Bill Gambill at City Hall and get in touch with them.

Roll Call:

A roll call vote was taken on the motion. The motion carried unanimously (7-0).

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|-----------------------|-----|
| Councilman Stevens | Yes |
| Councilman Green | Yes |
| Councilman Sadowski | Yes |
| Councilman Warner | Yes |
| Councilwoman Colegio | Yes |
| Councilman Boccomino | Yes |
| Councilman St. Pierre | Yes |

- d) CONSIDERATION AND ADOPTION OF A RESOLUTION approving agreement with Animal Care Hospital of Sterling Heights, Inc. for Animal Control Veterinary Services.

Motion:

A motion to approve was made by Councilman Sadowski and supported by Councilman Green.

Councilman Stevens stated that over the years he has pushed for the Animal Control to utilize different venues rather than Macomb county Services because they did not have as long of period that the animal was kept for people to claim it. He received many e-mails about the animals being killed immediately and there would be an amendment that talks about the Spay Neuter and Return program that the County was now

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offering for free with feral cats through December 2014. At that point there would be a charge but what that charge was he was not sure. It would not be putting the animals down immediately, it would be spay, neuter and return program for the cats.

Councilwoman Colegio stated she did not have the amendment before her and she would like to have Deputy Police Commissioner come up and discuss the item.

Lou Galasso Deputy Police Commissioner appeared before the Council and stated the Macomb County Animal Shelter was no longer a kill shelter for cats and he wanted to make a few points. On January 14, 2014 the Council agreed to resolution that allowed Warren to enter a coalition with five other communities within Macomb County. That coalition is known as the Macomb Animal Control Coalition. The five communities are Warren, Sterling Heights, Roseville, East Pointe and St. Clair Shores. The reason the Coalition was found to be necessary was because the Macomb County Animal Shelter put them on notice that the fees would be drastically increasing and entering into a questionable or controversial type program that involves the capture and sterilization and returning cats back into the community they were originally from. The benefits of the coalition was the fact that it allows for other options for the impoundment and veterinarian services for animals that are captured in the City of Warren. It also satisfies the requirements of the State of the Michigan relevant to grants and state revenue sharing. Phase two of the program was to consider the proposed resolution and choose a vendor and basic vendors would be the Macomb Animal Shelter which was known tripled and in some cases quadrupled its fees for the impoundment and veterinarian services for animals that come from Warren as well as another option the coalition has found through the solicitation of proposals to be a highly qualified and cost effective venue which would be located half a mile north of the Cities border in Sterling Heights which was the Animal Care Hospital of Sterling Heights. A tour of the facility proved that they would be adequate in providing animal control services and that was why the coalition moved forward with this agency.

Councilwoman Colegio stated there has been quite a bit of concern about what was done with cats after they are taken to the Macomb County Shelter verses the Sterling Heights Animal Care Hospital. Could he explain the differences in that?

Deputy Police Commissioner Lou Galasso stated the county had just adopted a new policy and practice which was brand new and foreign to the City of Warren. When he started the City has had the practice of capturing animals for various reason, most of them as result of citizen complaints and

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concerns which encompasses several different kinds of animals. The County would hold animals for 5 days and if they could not find a home they would be put for adoption and ultimately euthanized if there were no other options. As compassionate as the people in this industry are both at a governmental or a private level that certainly becomes a sensitive issue for pet owners but he wanted to emphasize the mission and the philosophy of the Warren Police Department was not changing from what it was decades ago from what it was currently now. What the Police Department feels was a better direction for at least a four and half month period was to stay on the course with the animal hospital while considering the other options. The only other option would be to engage with the Macomb County Animal Hospital Shelter that would no longer take cats to be housed instead exam them, sterilize the animal and return it into the area a resident had called and asked to have it removed. Some of the interesting issues with this and something extremely important to consider was the impact that it would have on the citizens that are requesting the cats be removed. The animal care hospital has pledged that their number one goal would be to hold the cat twice as long as it ever was with the Macomb County Animal Shelter and place them in adoptive homes. They have networked with several rescue organizations and they are funded privately. They claim to have a significant success rate in locating healthy kittens that are not a menace and not the sort of cat that is a street type cat. All we are doing is maintaining the same philosophy that we have had for decades for another 4 months. The Police department feels that the residents at Panama and Toepfer would be best served with the existing program rather than have them picks up and returned two weeks later. There are also legal issues that would need to be addressed as well. He asks the Council to move forward with the four and half month program that was before them today.

Councilwoman Colegio asked how long the Macomb County has had spay, neuter and return program going.

Deputy Police Commissioner Galasso stated this was the first year they have done the program.

Councilwoman Colegio asked the City Attorney about the topic that had been brought up regarding the legality of what the Macomb County Animal Shelter was doing, was it legal?

David Griem City Attorney stated he did not believe that it was legal. In addition to City ordinance in section 7.3 there was also section 7.101 of the ordinances that he believes makes it unlawful for anyone in possession of a cat to let that cat go and run free. In addition to the State Statute that was mentioned by Deputy Commissioner Galasso there was another Statute

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MCL433.12 which was entitled animals running at large, permitting and aiding animals to run at large which makes it a state misdemeanor, section one reads An animal shall not run at large in this State and subsection 3 reads a person other than the owner of an animal shall not willfully and knowingly enable an animal to run at large in this State making it again a misdemeanor. This could have our animal control people prosecuted under State law if they follow the direction if the Macomb County Animal Shelter.

Councilwoman Colegio stated it was a difficult issue and if her cat had been picked up it probably would have been put to sleep. She wants to make sure what is being passed here was legal. The reason it was stated that the City was going to go to this new place was a cost effective issue and she thinks there are some different information that she has not been able to explore. She was not comfortable with this item tonight. She could not vote for anything that was illegal and yet one of the best defenses against the rat issue here in the City was outside cats. She thinks this item should be tabled to have more time to look into the item more.

Motion:

Councilwoman Colegio made the motion to table the item and Councilman Boccomino supported the motion.

Roll Call:

A roll call vote was taken on the motion. The motion carried (4-3).

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|-----------------------|-----|
| Councilwoman Colegio | Yes |
| Councilman Boccomino | Yes |
| Councilman Warner | No |
| Councilman Sadowski | No |
| Councilman Green | No |
| Councilman Stevens | Yes |
| Councilman St. Pierre | Yes |

- e) CONSIDERATION AND ADOPTION OF A RESOLUTION approving amendment No. 4 to EMS Transport and Fire Service Billing Service Agreement with AccuMed Billing, Inc. d/b/a AccuMed Group.

Motion:

A motion to approve was made by Councilman Warner and supported by Councilwoman Colegio.

Councilman Warner stated he wanted to explain that this in no way effected the agreement with AccuMed and it was basically dotting the l's and crossing the T's to be in compliance with the Affordable Care Act.

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Fire Commissioner McAdams stated yes, part of the Affordable Care Act strengthened the HIPPA requirements with the patient privacy rights and the contract was out of alignment. It required that the electronic information be encrypted at a higher level to protect patient privacy.

Roll Call:

A roll call vote was taken on the motion. The motion carried unanimously (7-0).

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|-----------------------|-----|
| Councilman Warner | Yes |
| Councilwoman Colegio | Yes |
| Councilman Sadowski | Yes |
| Councilman Green | Yes |
| Councilman Stevens | Yes |
| Councilman Boccomino | Yes |
| Councilman St. Pierre | Yes |

- f) CONSIDERATION AND ADOPTION OF A RESOLUTION approving the emergency adoption of an Ordinance to Amend Chapter 13, Article II, Division 1, Section 13-12 of the Code Of Ordinances of the City of Warren relating to Fire Prevention and Protection as an Emergency Adoption pursuant to Charter Section 6.4(a). (First and Second Reading).

Motion:

A motion to approve was made by Councilman Warner and supported by Councilman Green.

Councilman Sadowski stated when the ordinance says that no person, firm, corporation or entity shall place, sweep, push, plow, shovel or cause to be placed, swept, pushed, plowed or shoveled any ice dirt or leaves of any kind that block any fire hydrant. He understood the importance of that but the City of Warren plows the residential streets and with the snow that the City has had this season, does that now make the City liable to dig out each and every one of the fire hydrants in the residential areas?

David Griem stated he did not believe it did but it was never easy to cover all of the bases that must be covered. There was a situation with numerous complaints from citizens of being concerned that the fire hydrant closest to their home has been buried with snow. Most of the situations where the fire hydrants are covered with snow was done by independent agents making a living plowing people's driveways. These are situations often where it is being pushed from one driveway across the street and covering the hydrant. The purpose of the ordinance was to send a message to those

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that are hired to clear driveways that they cannot cover hydrant while doing it.

Councilman Sadowski stated the Commissioner stated his concern was on commercial properties that have hydrants being covered by snow. The way the ordinance was written it puts the City in a seat of responsibility when clearing the streets. He would think better verbiage would be making the property owner named as the one responsible for making sure the fire hydrant was clear.

David Griem stated he liked that thought but he would also include the words of the property owner or someone acting on behalf of the property owner. That would make it stronger and cover situations where there was an agent of the property owner.

Councilman Sadowski stated it was listed as an emergency ordinance and if the Council wanted to make this the first reading and let the legal department polish that language up and bring it back for a second reading.

David Griem stated he liked the idea and his office would accomplish that.

Chairman St. Pierre asked why it was being put under the International Fire Code. How was this any different that the sidewalk ordinance that states the adjacent sidewalks have to be clear of snow? Why not include fire hydrants?

David Griem stated his office could bring back two alternatives and use this as the first reading.

Councilwoman Colegio stated her concern was residents and their lots. She agreed with the first reading of this but she knew the Commissioner was looking at stores, apartment buildings, etc. She agreed that the fire hydrants need to be kept clear but thought this would make a great program for the community service of the Courts to help seniors and not have residents have to move all the deep snow that a City plow may have pushed on to the hydrant. Section C states that this section shall not apply to any actions performed by City employees.

Fire Commissioner McAdams stated there are alternatives in place and any complaints that have been received his department along with other City departments have addressed them. The intent was not to ticket or berate a homeowner for having snow around a hydrant. The main issue was a private vendor that pushes snow from a private property across the street

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and it piles up. A bigger concern was for the retail and large parking lot owner.

Councilman Stevens stated he understood the need for this and there was an ordinance already for pushing the snow into the street or across the street and that was not enforced now. Would this be another ordinance that was not enforced, that was his problem with it. There are poles that stick up that can be put on the hydrant to help identify where the hydrant are located. It was not a matter of not knowing where they were at it was not wanting to waste time digging a fire hydrant out. He liked the idea of making this a first reading and having massaged to get it to where it needed to be. He would also like to see the other ordinances enforced.

Councilman Green stated the seniors have neighbors in the area that are able that could help out. On this he understands there may be some changes that could be made but he feels the emergency was warranted due to the large snowfall because waiting for a second reading and second guessing would not have the ability to force the contractor to come and clean it out. He thinks the ordinance should be passed now and it could come back and have it amended again at a later date. This was something that was going to go away in the next few months. Council could do the emergency and come back and amend it. He feels the situation warrants it.

Roll Call:

A roll call vote was taken on the motion. The motion carried (5-2).

| | |
|-----------------------|-----|
| Councilman Warner | Yes |
| Councilman Green | Yes |
| Councilman Sadowski | No |
| Councilman Boccomino | Yes |
| Councilwoman Colegio | Yes |
| Councilman Stevens | No |
| Councilman St. Pierre | Yes |

- g) CONSIDERATION AND ADOPTION OF A RESOLUTION** awarding bid contract ITB-W-8886 for the Demolition of a single family home and shed at 21824 MacArthur be award to Blue Star, Inc. the lowest qualified bid in the amount of \$12,363.00.

Motion:

A motion to approve was made by Councilman Sadowski and supported by Councilman Green.

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Councilwoman Colegio stated there was reference to the City's Community Development Committee and she did not know who sat on that committee.

Gina Hensley Community Development stated various members of City departments.

Councilwoman Colegio asked if there was a representative from Council on the committee.

Gina Hensley stated there was a Council ex-officio member.

Councilwoman Colegio asked if this committee was responsible for selecting which properties would receive NSP funding.

Gina Hensley stated no.

Councilwoman Colegio asked if this committee was responsible for working with the purchasing agent for bidding out the demolitions.

Gina Hensley stated yes, the properties go through nuisance abatement and then they are sent to the Community Development Department and then on to working with purchasing to get the work done. Public Service decided which properties would be demolished with NSP funds.

Roll Call:

A roll call vote was taken on the motion. The motion carried (6-1).

| | |
|-----------------------|-----|
| Councilman Sadowski | Yes |
| Councilman Green | Yes |
| Councilman Warner | Yes |
| Councilman Boccomino | Yes |
| Councilman Stevens | Yes |
| Councilwoman Colegio | Yes |
| Councilman St. Pierre | Yes |

- h) CONSIDERATION AND ADOPTION OF A RESOLUTION awarding bid contract ITB-W-8739 for the Demolition of a legal non-conforming two (2) story dwelling at 8605 Republic, be award to Blue Star, Inc. the lowest qualified bid in the amount of \$14,540.00

Motion:

A motion to approve was made by Councilman Stevens and supported by Councilman Boccomino.

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Councilman Stevens asked what the square footage of the home here and the last item. The prices are a bit higher than normal and that was why he was wondering.

Gina Hensley stated she did not know.

Chairman St. Pierre asked if there was any explanation as to why there were only two bids.

Gina Hensley stated it was done the same as usually done but had less response. There was a lot of extra paperwork that goes with the federally funded tear downs.

Councilwoman Colegio stated the back said on May 7, 2013 the Nuisance Abatement Board of Appeals determined there was a nuisance. It was bid out on July 24th and it was bid out as an NSP project. It stated adequate funding did not exist when this was bid out.

Gina Hensley stated there was \$10,000.00 in the account and they were hoping it would be enough to get this down, but it came in higher so there were not enough funds to get it torn down.

Councilwoman Colegio asked why the nuisance was allowed to sit for almost a year and not just tear it down and add an assessment. She knows from looking at some of the other properties she has seen up to a year before torn down and she now sees that it may be a case of waiting for funding but is that a good policy for the City.

Councilwoman Colegio asked the City Attorney, with NSP Funds Council could be held responsible and it appears that a house was bid out for demolition and it then held for a full year. She was concerned.

Gina Hensley stated when this came back she contacted HUD and they said they had been considering increasing the cap on the demo's and she went ahead and put it through. The process was started in September and it just completed to be sent to Council.

Councilwoman Colegio stated she was still having a difficulty in understand how the Public Service Department was selecting properties to be torn down with NSP Funds and which ones do not. She asked the City Attorney to research that and report back to Council. She would also like to know if the Committee meeting should be open to the public.

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Councilman Boccomino stated there was an article in the news about neglecting to tear down abandoned houses and how children had to walk past that on the way to school. He wanted them torn down and worry about the paperwork later.

Chairman St. Pierre asked if the funds would remain as a lien on the property and was it possible to get a loan on the NSP 4 funds coming in.

Gina Hensley stated it was not possible to take loans on the funds not yet received.

Councilman Stevens asked if the money that gets recouped goes back to NSP.

Gina Hensley stated if the liens are placed on the properties she knows for a fact that the money has to come back to NSP. It was a revolving fund and she explained how the system worked.

Roll Call:

A roll call vote was taken on the motion. The motion carried (6-1).

| | |
|-----------------------|-----|
| Councilman Stevens | Yes |
| Councilman Boccomino | Yes |
| Councilwoman Colegio | No |
| Councilman Green | Yes |
| Councilman Warner | Yes |
| Councilman Sadowski | Yes |
| Councilman St. Pierre | Yes |

- i) Request of the Parks and Recreation Department to award bid ITB-W-8862 for Plant Bed Maintenance to the low responsible and cost effective bidder, Frank's Landscaping & Interlocking Brick in an annual amount not to exceed \$12,395.00. CONSIDERATION AND ADOPTION OF A RESOLUTION.

Motion:

A motion to approve was made by Councilman Green and supported by Councilman Stevens.

No discussion

Roll Call:

A roll call vote was taken on the motion. The motion carried unanimously (7-0).

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| | |
|-----------------------|-----|
| Councilman Green | Yes |
| Councilman Stevens | Yes |
| Councilwoman Colegio | Yes |
| Councilman Boccomino | Yes |
| Councilman Warner | Yes |
| Councilman Sadowski | Yes |
| Councilman St. Pierre | Yes |

- j) Request of the Parks and Recreation Department to award bid ITB-W-8863 for Mowing and Maintenance Services for Parks, Athletic Fields and Recreation centers to the low responsible and cost effective bidder, JR Services Group, LLC., in an annual amount not to exceed \$88,008.00 and the two-year grand total not to exceed \$176,016.00. CONSIDERATION AND ADOPTION OF A RESOLUTION

Motion:

A motion to approve was made by Councilman Green and supported by Councilman Stevens.

Councilman Green stated the company being awarded the bid does a fantastic job and always has. Last year there were issues with other companies and if there comes a point this year let's not wait until August. Send Council a memo and fix it.

Councilman Warner stated a majority of the locations were 30 cuts a year but Halmich Park Ball Fields were 60 cuts a year and the stadium here at the community Center was 60 cuts a year.

Henry Bowman Parks and Recreation Director stated both of those were because of the amount of use.

Councilman Warner stated the soccer fields also need that kind of attention.

Henry Bowman stated the new contractor was working to address that situation.

Roll Call:

A roll call vote was taken on the motion. The motion carried unanimously (7-0).

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|--------------------|-----|
| Councilman Green | Yes |
| Councilman Stevens | Yes |

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| | |
|-----------------------|-----|
| Councilwoman Colegio | Yes |
| Councilman Boccomino | Yes |
| Councilman Warner | Yes |
| Councilman Sadowski | Yes |
| Councilman St. Pierre | Yes |

- k) Request of the Water Division to award bid ITB-W-8900 for the printing and Processing of City of Warren utility bills and informational inserts be awarded to the low responsible and cost effective bidder, DIVDAT for a two year period in the estimated annual amount of \$77,460.41. CONSIDERATION AND ADOPTION OF A RESOLUTION.

Motion:

A motion to approve was made by Councilman Warner and supported by Councilman Green.

Councilman Green stated the agenda item says estimated annual amount and the resolution says not to exceed and he would like the motion to be not to exceed.

Councilman Sadowski asked that four inserts a year be allocated to the Council for different advertisements that it would like to promote.

Roll Call:

A roll call vote was taken on the motion. The motion carried unanimously (7-0).

| | |
|-----------------------|-----|
| Councilman Warner | Yes |
| Councilman Green | Yes |
| Councilman Sadowski | Yes |
| Councilman Boccomino | Yes |
| Councilwoman Colegio | Yes |
| Councilman Stevens | Yes |
| Councilman St. Pierre | Yes |

- l) Request of the Waste Water Treatment Plant to award bid ITB-W-8550 for the replacement of the WWTP's wet well stairs be awarded to the sole bidder, Michigan Steel Fabricators, Inc. in the amount of \$30,810.00. CONSIDERATION AND ADOPTION OF A RESOLUTION.

Motion:

A motion to approve was made by Councilman Stevens and supported by Councilman Sadowski.

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Roll Call:

A roll call vote was taken on the motion. The motion carried unanimously (7-0).

| | |
|-----------------------|-----|
| Councilman Stevens | Yes |
| Councilman Sadowski | Yes |
| Councilman Warner | Yes |
| Councilman Green | Yes |
| Councilwoman Colegio | Yes |
| Councilman Boccomino | Yes |
| Councilman St. Pierre | Yes |

- m) Request of the Communications and the Parks and Recreation Department for the approval of an RFP Committee for a WI-FI in the parks Pilot Program and the appointment of one Council Representative.

Motion:

Councilman Stevens made the motion to approve and appoint Councilman Sadowski for the position and Councilman Green supported the motion.

Voice Vote:

A voice vote was taken on the motion. All "Ayes" the motion carried unanimously (7-0).

11 MISCELLANEOUS CORRESPONDENCE:

- a) In re: Quarterly Water and Sewer Report for fourth quarter 2013.

Motion:

Councilman Stevens made the motion to receive and file and Councilman Green supported the motion.

Voice Vote:

A voice vote was taken on the motion. All "Ayes" the motion carried unanimously (7-0).

12 Audience – an opportunity for citizen participation

Members of the audience who would like to address the City Council this evening may do so under the Audience portion by filling out the designated form. You will have three minutes to speak.

Chris Shelton appeared before the Council and stated he was concerned about the Animal Care Hospital of Sterling Heights. Veterinarians are not

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usually equipped to act as an animal shelter. It was hard to image that the business of an animal hospital would not suffer with all the extra responsibilities and possibly the animals. He would expect many animals to be euthanized. Need to change policy because catch and kill has not worked in 30 years. Sterilized cats left in place are the Cities best defense against rodent infestations.

Dr. Matthew Bruzick appeared before the Council and also wanted to discuss the Animal Care Hospital of Sterling Heights. The price increases from the County have also been a source of contention not only with the Cities but also with the rescues. Cost was an issue and the proposal being offered to the City of TNR or SNR was a cost savings to the City of Warren. TNR focuses on feral cats. Feral cats are not considered owned animals so any law regarding wild animals would not apply. The department of Agriculture is aware of the Counties policy and they know that this is an issue that each of the Cities are going to have to review on a case by case basis. The current guideline for animals requires that the animals be held for a set period of time, number of days and he believes that is five days. If no owner or suitable home is identified then the animal is euthanized. The costs to the City are almost guaranteed under the current program. The TNR program would almost eliminate that expense with the exception of sick or frail cats the first year being free and the cost going to \$25.00 per cat next year. Warren has an opportunity to move forward with a humane and progressive approach to deal with some of the issue they are handling right now. If not 100% agreement with the County then maybe just this program of trap, neuter and release for the cats.

Jill Ross appeared before the Council and stated she did not know how a veterinarian would handle the intake of all the animals or who would determine a feral cat from a domesticated one and how would the strays be kept away from the incoming paying customers. Euthanizing a cat in Birmingham is \$66.00 and TNR is \$25.00. How will residents be able to search for a pet if all of them are taken in to the animal hospital? Residents should be given the breakdown of the proposed cost savings. The City has decided to put down all these animals and All About Animals is right here in the City of Warren offering this service for free for the 2014 year. Please learn about the issue and stop the kill policy and try the TNR program for one year.

Courtney Protz Sanders from the Michigan Political action Committee for Animals appeared before the Council and was glad the item was tabled and allowing members of Council to get better educated on the issue. The residents have spoken up against this program for capture and kill. As a pet owner how do I know to go to a pet hospital to look for a lost pet? A private

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vet service is not equipped to handle four Cities with animal control services and vet care. She believes they are well intended but it does not mean they can run an animal shelter. Shelter care is completely different from Vet care. The kind of care and regulations that go with it is not learned over night. She strongly urges the Council to speak directly with Macomb County to see what it is they are offering and to find out which fees were raised, because not all of the services were used by the City of Warren in the past year. Feral cats are not pets and they serve a purpose in the community.

Joseph Hunt appeared before the Council and asked the City Attorney why the Committee of the Whole meeting were not open to the public regarding the settlement agreements. He also asked why the CDBG Technical Committees were not open to the public. In addition, why are all the Boards and Commissions assigned by ordinance not filled or attended to? He could ask through the Chair to the City Attorney but the City Attorney has disappeared when members of the City come up here and respond to various aspects of the legislative body's adaptation towards his recommendations. Regarding the cats why does the City mandate that every pet in the City be licensed, but now debating what is right and what is wrong regarding catching and killing cats. There should be a no kill shelter that was talked about five years ago and the Animal Welfare Commission talked about it two years ago. Of course it goes nowhere. Why doesn't the City have a Communications Commission and a Publishing and Mailing Commission or an investment and Policy Commission. Last year the Council dropped the ball on the Elected Officials Compensation Commission. What happened to the list of assignments of the various Boards and Commissions that Council had requested? He continued with additional commission questions and fire hydrant concerns.

Karen Spranger appeared before the Council and stated there were a lot of disappointments on how things are organized to answer legitimate questions. Citizen in the community is top of the chart in ranking order but they are ignored. Meetings are not open to the public and any decision made for the benefit of the community on behalf of the residents was in her opinion under the jurisdiction of the open meetings act. Committees meet for the purpose of making decisions. When the public is not included she believes it demonstrates that the elected officials do not care. The fire hydrant problem could be solved very simply by placing a cone over it and preventing the snow from piling on it. What about right-of-way issues. The snow this year was more than normal but the City has snow every year, it was not an emergency. The snow goes away after a while and it was an act of God. She is more upset when the City plows her street and blocks her driveway and she has to spend hours out there clearing it out again. What

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was going to be done about that issue? Have more Committee of the Wholes and better communications.

13 Council – Calendar of Pending Matters

14 COUNCIL BUSINESS:

15 ADJOURNMENT

Councilwoman Colegio made the motion to adjourn and Councilman Boccomino supported the motion.

A voice vote was taken on the motion and the motion carried (7-0).

The meeting adjourned at 9:27 p.m.

Scott C. Stevens
Secretary of the Council
Mayor Pro Tem

APPROVED