

City of New Baltimore
 CDBG Public Hearing at 6:45 PM
 and the
 Regular City Council Meeting of
 February 23, 2009
 7:00 PM

Mayor Thomas Goldenbogen called the Public Hearing to order at 6:45 PM.

Roll Call: Butler, Christie, Hayman, Burkhardt, Morisette

Absent: Duffy

At this time the public was invited to the address City Council regarding their request to the City for a portion of the City's 2009-2010 Community Development Block Grant (CDBG) funds in the amount of \$33,000.00.

Ms. Donna Remer representing the Macomb County Warming Center explained to the Mayor and Council their program to assist the less fortunate in these difficult times and requested the City Council consideration of a donation to their program.

McCrest although not present at this meeting made a written request of the Mayor & City Council for consideration of \$2,000.00 of the City's share of the 2009/2010 CDBG Funds.

The Mayor explained that the City has designated the City portion of CDBG funds to a multi-year handicap sidewalk ramp program at this time.

Motion by Butler, second by Morisette to close the public hearing at 6:52 PM.
 All voting yes. Opposing: none Motion carried.

Mayor Thomas Goldenbogen called the regular meeting of the City Council to order at 7:00 PM.

Roll Call: Butler, Christie, Hayman, Burkhardt, Morisette

Absent: Duffy

Also in attendance were Tim Tomlinson, City Attorney, Marc Levis Administrative Assistant, John Monte City Engineer, John Bolgar, Police Chief, Ken Lawfield Fire Chief, Greg Nikkel, Building Official, Ron Ziehmer, Construction Inspector, Tom Gunst DPS Superintendent, Mike Hoffard, Parks & Recreation Director, Craig Higgins, Wastewater Plant Superintendent and Judy Sproat, Director of Planning & Economic Development.

Motion by Christie, second by Butler to excuse Councilman Duffy.
 All voting yes. Opposing: none Motion carried.

Opening prayer was offered by Mayor Thomas Goldenbogen .

State Representative Jennifer Haase was also in attendance. Representative Haase announced that she has an office on Front Street with office hours 4 days a week. The Mayor and Council thanked her for attending tonight's meeting.

Motion by Christie, second by Morisette to approve the regular City Council meeting minutes of February 9, 2009.
 All voting yes. Opposing: none Motion carried.

Motion by Morisette, second by Burkhardt to approve the Budget & Revenue reports for January 2009.
 All voting yes. Opposing: none Motion carried.

Motion by Christie, second by Butler to approve the consent agenda as follows:
 A. Plante & Moran \$6,500.00 Professional Services
 B. Schedule of bills
 All voting yes. Opposing: none Motion carried.

Motion by Christie, second by Duffy to receive and file the following communications and petitions.

- C-1 DDA regular meeting minutes of November 5, 2008, December 10, 2008, and January 14, 2009 (approved)
- C-2 Utility Advisory Committee meeting minutes of February 11, 2009
- C-3 Road Committee meeting minutes of January 29, 2009
- C-4 Planning Commission work study meeting minutes of February 2, 2009 (approved)

All voting yes. Opposing: none Motion carried

Motion by Christie, second by Hayman to add agenda item S-11 Setting the fees for the Mayor to perform marriage ceremonies and change C-3 to Road Committee meeting minutes of January 29, 2009.

All voting yes. Opposing: none Motion carried.

Motion by Hayman, second by Morisette to adopt the recommendation of the Planning Commission and approve Sign Application No. 73-01-14-09 Dan Good Pizza 35346-23 Mile Road, New Baltimore, MI.

All voting yes. Opposing: none Motion carried.

Motion by Hayman, second by Morisette to receive the file the Planning Commission's annual report to the Mayor & City Council.

All voting yes. Opposing: none Motion carried.

Motion by Butler, second by Burkhardt to approve the request from the Water Department Superintendent for blanket purchase orders for the following chemicals and individual amounts:

- a. PVS Nolwood – Fluoride \$5,000.00
- b. Kemira Solutions – Alum \$5,000.00
- c. Carus Phosphates – Poly phosphate \$1,200.00
- d. Alexander Chemical – Chlorine \$5,000.00

All voting yes. Opposing: none Motion carried.

Motion by Butler, second by Morisette to approve the request from the Chief of Police to Purchase eight (8) in-car computers with mounting decks and wireless cards from Mobiletek in the amount of \$18,368.00.

All voting yes. Opposing: none Motion carried.

Motion by Hayman, second by Butler to approve the request from the Chief of Police to contract with CORE Technology computer system in the amount of \$4,979.40 per year.

All voting yes. Opposing: none Motion carried.

Motion by Butler, second by Burkhardt to approve the request from the City Clerk to purchase seven (7) Dell OptiPlex 760 computers in the amount of \$7,226.48 for the Clerk's Department.

All voting yes. Opposing: none Motion carried.

Motion by Christie, second by Morisette to adopt Resolution No. 712 Supporting the Grant Application to service all developments along the City's major industrial corridor including the local match of 48% (\$491,851.00) with a total amended project cost of \$991,851.00.

All voting yes. Opposing: none Motion carried.

Motion by Butler, second by Burkhardt to authorize the City Engineer to proceed with the engineering design and preparation of the construction plans for the Michigan Department of Transportation Economic Development Fund for the road improvements for Cricklewood and Cypress Streets in the amount of \$71,900.00.

All voting yes. Opposing: none Motion carried.

Motion by Christie, second by Hayman to authorize the City Engineer to proceed with the engineering design and preparation of the construction plans for the road reconstruction and drainage improvements on Hooker Street in the amount of \$23,100.00.

All voting yes. Opposing: none Motion carried.

Motion by Butler, second by Christie to authorize the City Engineer to proceed with the preparation of the 2009 Michigan Natural Resources Trust Fund grant application for the County Line Road non-motorized pedestrian pathway in the amount of \$4,380.00, and to provide the

Council with a cost estimate to connect to the existing portions of the five (5) foot sidewalk along County Line Road.

All voting yes.

Opposing: none

Motion carried.

Motion by Butler, second by Hayman to approve and authorize the City Engineer to proceed with the preparation of the 2009 Michigan Natural Resources Trust Fund grant application for the Maple Creek/Legacy Land property in the amount of \$3,900.00.

All voting yes.

Opposing: none

Motion carried.

Motion by Christie, second by Morisette to adopt Ordinance Amendment No. 160 amending Chapter 12 of the City Code of Ordinances regulating massage parlors in the City of New Baltimore as provided by State Law.

MOTION MADE BY: CHRISTIE

MOTION SECONDED BY: MORISETTE

**CITY OF NEW BALTIMORE
MACOMB, COUNTY, MICHIGAN
ORDINANCE NO. 160**

**ORDINANCE AMENDING CHAPTER 12 OF THE CODE OF ORDINANCES
ARTICLE VII LICENSES TO CREATE AN EXCEPTION FROM LICENSING
PURSUANT TO THIS CHAPTER FOR A MASSAGE THERAPIST
LICENSED PURSUANT TO PUBLIC ACT 471 OF 2009 AS AMENDED,
PROVIDING FOR REPEAL, SEVERABILITY AND EFFECTIVE DATE**

THE CITY OF NEW BALTIMORE ORDAINS:

Section 1. The Code of Ordinances of the City of New Baltimore, Chapter 12, Section 12-224 is hereby revised and amended to read as follows:

Employees: Massologist License.

It shall be the responsibility of the holder of the license for the massage parlor, massage school or similar business or the employer of any person purporting to act as a massagist therein, to ensure that each person employed as a massagist shall first have obtained a valid license pursuant to this Article or a valid license pursuant to Public Act 471 of 2009 as amended. All other employees who work closely with the massage activity shall provide annually, a medical certificate required under Section 12-259(11).

Section 2. The Code of Ordinances of the City of New Baltimore, Chapter 12, Section 12-256 is hereby revised and amended to read as follows:

Business License Required.

No person shall practice, engage in, carry on or operate the business of a massagist or conduct, operate and carry on a massage parlor, massage school or similar business within the City without first having applied for and obtained the required license and complying with all requirements of this Article. In addition, no person shall employ as a massagist any person who does not hold a current unrevoked license as required by this Article, or pursuant to Public Act 471 of 2009 as amended. No person shall practice massage for compensation without obtaining and maintaining an effective license as a massagist as required by this Article or pursuant to Public Act 471 2009 as amended.

Section 3. The Code of Ordinances of the City of New Baltimore, Chapter 12, Section 12-257 is hereby revised and amended to read as follows:

Massagist License Required; Duties of Owner, Operator, Manager or Licensee.

It shall be the responsibility of an owner, operator, manager or licensee in charge of or in control of a massage parlor, massage school or similar business to ensure that each

person employed or engaged by him in the business as a massagist, shall have first obtained a valid massagist license required by this Article or be in possession of a valid license issued pursuant to Public Act 471 of 2009 as amended as a massage therapist. Any owner, operator, manager or licensee in charge of or in control of a massage parlor, massage school or similar business who employs a person performing as a massagist who is not in possession of a valid massagist license issued pursuant to this Article or a valid license issued pursuant to Public Act 471 of 2009 as a massage therapist, or who allows such employee to perform, operate or practice within a massage parlor, massage school or similar business such regulated activities shall be in violation of this Article.

Section 2. Repealer. All ordinances or parts of ordinances in conflict herewith are repealed only to the extent necessary to give this ordinance full force and effect.

Section 3. Severability. If any article, section, subsection, sentence, clause, phrase, or portion of this ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of remaining portions of the ordinance, it being the intent of the City that this ordinance shall be fully severable.

Section 4. Effective Date. This Ordinance shall become effective immediately upon adoption and publication due to the emergency nature of the same.

AYES: Christie, Morisette, Hayman, Butler, Burkhardt

NAYS: None

ABSENT: Duffy

All voting yes.

Opposing: none

Motion carried.

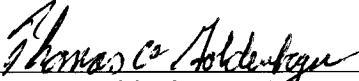
Motion by Butler, second by Hayman to adopt Resolution #713 – Setting a fee of \$50.00 for the Mayor to perform marriage ceremonies.

All voting yes.

Opposing: none

Motion carried.

Motion by Butler, second by Christie to adjourn at 7:55 PM.



 Thomas Goldenbogen, Mayor



 Marcella Shinska, Clerk