

City of New Baltimore
Regular Council Meeting
July 13, 2009

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

Roll Call: Butler, Christie, Duffy, Burkhardt, Hayman, Morisette
Absent: None

Also in attendance were Tim Tomlinson, City Attorney, Marc Levis Administrative Assistant, John Bolgar, Police Chief, Ken Lawfield, Fire Chief, Andy Messina, Water Plant Superintendent, Greg Nikkel, Building Official, Craig Higgins, Wastewater Plant Superintendent, Donna Quinn, City Treasurer, Tom Gunst, DPS Superintendent, and John Monte, City Engineer.

Opening prayer was offered by Rev. Philip Myers.

Motion by Christie, second by Morisette to approve the regular City Council meeting minutes of June 22, 2009, the special meeting minutes of June 24, 2009.

All voting yes. Opposing: none Motion carried.

Motion by Duffy, second by Burkhardt to receive and file the monthly department reports from all City Departments for June 2009.

All voting yes. Opposing: none Motion carried.

Motion by Butler, second by Hayman to approve the consent agenda as follows:

- A. Waste Management Invoice \$39,951.70 – June refuse removal
- B. Spicer Group invoice
 - 1. \$15,410.00 – Wastewater Plant Project
 - 2. \$ 4,315.50 – Wastewater Plant Project
- C. Metro Environmental Services, Inc. - \$43,960.74 (final payment) 2009 sewer cleaning and television inspection project
- D. Carrigan Development, Inc. \$2,821.60 – (final payment) 24 Mile Road Sanitary Sewer Replacement project
- E. Tyler Technologies maintenance agreement \$2,087.00
- F. Project Control Engineering \$33,596.52 – Engineering Services for May 2009
- G. Plante & Moran \$6,500.00 – Professional Services
- H. York, Dolan & Tomlinson, P.C. \$12,594.50 – Legal Services for May 2009
- I. Central Solutions, Inc. \$23,610.09 – Phase II Communication & Camera System, payment #5
- J. Sorensen Gross Construction \$312,635.10 – Wastewater Plant Project, payment #25
- K. DuBois –Cooper Associates \$36,204.00 – submersible pump for Bay Estates Subdivision
- L. Schedule of bills

Voting yes: Butler, Hayman, Duffy, Morisette, Burkhardt Opposing: Christie
Motion carried.

Motion by Duffy, second by Morisette to receive and file the following communications and petitions:

- C-1 Treasurer's Report through June 30, 2009
- C-2 Owner's meeting minutes of June 24, 2009 (Wastewater Plant Project)
- C-3 Advisory Committee meeting minutes of June 24, 2009 (Wastewater Plant Project)
- C-4 Downtown Development Authority meeting minutes of June 10, 2009 (approved)

All voting yes. Opposing: none Motion carried.

Motion by Hayman, second by Butler to adopt Resolution No. 724 Designation of a Tool and Die Renaissance Recovery Zone for TransNav Technologies Inc., 35035 Cricklewood, New Baltimore 48047, Parcel ID 09-13-301-002 for a duration of five (5) years with the condition that TransNav will return to the City Council within 2 years and provide City Council with an update on the status of the company projections and investments.

All voting yes. Opposing: none Motion carried.

Motion by Butler, second by Christie to approve MacDonald Public Library, Board of Trustees request that the Library's contribution to the purchase of future Library parking be reduced to

\$4,000.00 to reflect the savings that will be realized from the City's waiver of fees for the Library expansion project.

All voting yes. Opposing: none Motion carried.

Motion by Duffy, second by Butler to table the request from Mike and Joyce Tomtishen 53193 Washington, New Baltimore for the replacement/repair of the sidewalk located in front of the their home to allow the Building Official an opportunity to gather information and report back to Council at the next meeting.

All voting yes. Opposing: none Motion carried.

Motion by Christie, second by Duffy to approve the list of depositories for fiscal year 2009-2010 as follows:

Huntington Bank, Troy, MI; Flagstar Bank, Troy, MI; Community Central Bank, Mt Clemens, MI; National City Bank, New Haven, MI; MBIA Class Investment Pool, MBIA Municipal, Investors Service Corp., Ann Arbor, MI; The Private Bank, Bloomfield Hills; Bank Of America, Troy, MI; Citizens State Bank, New Baltimore, MI; Comerica, Detroit, MI; Michigan School & Government Credit Union, Mt Clemens, MI; Charter One Bank, Troy, MI.

All voting yes. Opposing: none Motion carried.

Motion by Butler, second by Burkhardt to approve the request from Anchor Bay Roadrunners, Anchor Bay High School DECA Chapter to hold the annual New Baltimore Jingle Bell Run on Sunday, December 13, 2009 at 4:00 PM.

All voting yes. Opposing: none Motion carried.

Motion by Duffy, second by Hayman to deny the request from Michelle Holz 37420 Creekview Lane, New Baltimore to waive the late penalty fee on her water bill of \$16.65.

All voting yes. Opposing: none Motion carried.

Motion by Butler, second by Burkhardt to approve the request from the VFW Post 7573 to borrow twenty five (25) City picnic tables to be delivered by the Department of Public Service for the first Sports Fest on August 1, 2009 at the VFW Post 35011 23 Mile Road, New Baltimore

All voting yes. Opposing: none Motion carried.

Motion by Butler, second by Burkhardt to adopt the Resolution#725 to begin nuisance abatement proceedings for 54544 Ridge Road, New Baltimore, MI.

All voting yes. Opposing: none Motion carried.

Motion by Christie, second by Duffy to adopt Ordinance Amendment No. 165 – Prohibiting the supply of water to any other person or building, providing for a penalty, repealer, severability and to become effective immediately upon adoption and publication due to the emergency nature of amendment.

All voting yes. Opposing: none Motion carried.

MOTION MADE BY: CHRISTIE
MOTION SECONDED BY: DUFFY

TO ADOPT AN ORDINANCE TO AMEND AND REVISE THE CODE OF ORDINANCES FOR THE CITY OF NEW BALTIMORE, CHAPTER 54, ARTICLE II, TO PROHIBIT SUPPLY OF WATER TO ANY OTHER PERSON OR BUILDING, TO PROVIDE FOR PENALTY, REPEALER, SEVERABILITY AND EFFECTIVE DATE.

CITY OF NEW BALTIMORE
MACOMB COUNTY, MICHIGAN

ORDINANCE NO. 165

THE CITY OF NEW BALTIMORE ORDAINS:

Section 1. Chapter 54, Article II, Sec. 54-59, is hereby amended to provide that if the meter is found to be accurate, a charge of \$25 shall be imposed in lieu of \$2.

Section 2. Chapter 54, Article II, Sec. 54-66, is hereby added to provide as follows:

Sec. 54-66. Illegal Connections.

- (a) The owner or occupant of any building or premises connected to the water supply system shall not supply water to any other person except upon written permission of the superintendent, nor shall he permit unnecessary waste of water. Under emergency conditions, as determined by the superintendent, and upon notification, lawn sprinkling or other nonessential use of water may be banned entirely and any service may be restricted if the public health, safety or general welfare is in danger.
- (b) Any person found tampering with a water meter or bypassing a water meter shall be charged with fraudulent use of a public utility and be subject to the penalties provided in this Article. In addition, a tampered water fee will be charged to the owner or occupant of any building or premises connected to the water supply system by being billed twice the estimated water usage, in an amount not less than \$500.00.
- (c) Any person found turning on the water service to a residence that was turned off for nonpayment shall be charged with fraudulent use of a public utility and be subject to any penalties provided in this Article, as well as any additional turnoff fees. In addition, a tampered water fee will be charged to the owner or occupant of any building or premises connected to the water supply system by being billed twice the estimated water usage, in an amount not less than \$500.00.

Section 3. Chapter 54, Article II, Sec. 54-67, provides as follows:

Sec. 54-67. Account Inactivation.

The owner or occupant of any building or premises connected to the water supply system wishing to inactivate an account for a building that has been vacant for one year or more, may request the City to do so once the meter has been removed and the water service has been turned off. When service is turned back on, a turn on fee and meter installation charge shall be added to the next water bill.

Section 4. Chapter 54, Article II, Sec. 54-97, is hereby added to provide as follows:

Sec. 54-97. Violation; Penalty.

- (a) Any person, firm, corporation, or other business entity who violates provisions of this article shall be guilty of a misdemeanor and upon conviction shall be subject to a penalty not to exceed \$500.00, or by imprisonment for a period not to exceed 93 days, or by both such fine and imprisonment. Each day the violation continues shall be deemed a new and separate offense.
- (b) In addition to the penalties provided in subsection (a) of this section, the City may enjoin or abate any violation of this article by appropriate action.

Section 5. 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 6. 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, being the intent of the City that this Ordinance shall be fully severable

Section 7. Effective Date. This Ordinance shall become effective immediately upon adoption and publication due to the emergency nature of same.

Motion by Butler, second by Christie to designate Mayor Thomas Goldenbogen as the Delegate representing the City at the annual Michigan Municipal League Convention and the alternates of Councilperson Flo Hayman and Ken Butler.

All voting yes. Opposing: none Motion carried.

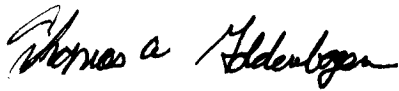
Motion by Duffy, second by Burkhardt to go into closed session at 8:09 PM regarding pending litigation: Legacy Land Development vs. City of New Baltimore.

All voting yes. Opposing: none Motion carried.

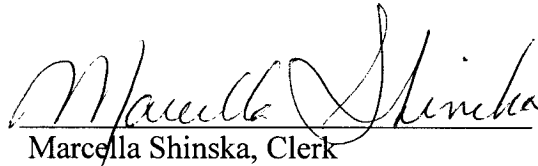
Council reconvened into open session at 8:25 PM.

Motion by Butler, second by Christie to adjourn the Council meeting at 8:26 PM.

All voting yes. Opposing: none Motion carried.



Thomas Goldenbogen, Mayor


Marcella Shinska, Clerk