

Motion by Butler, second by Hayman to designate Mayor Larry Smith as the Street Administrator for the City of New Baltimore.

All voting yes. Opposing: none Motion carried.

Motion by Christie, second by Hayman to approve the annual application and permit for the state highway operation within the City of New Baltimore and designate Marc Levis, Administrative Assistant as the authorized signing agent for the City.

All voting yes. Opposing: none Motion carried.

Motion by Christie, second by Butler to deny the request from Mr. Clifton Morgan 54903 Bradshaw Drive, New Baltimore a credit on his high water bill.

All voting yes. Opposing: none Motion carried.

Motion by Butler, second by Christie to approve the budget amendment for fiscal year 2009-2010 to decrease the general utility charge allocated to the Water, Sewer and Storm Water Funds in the amount of \$56,032.00.

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

Motion by Hayman, second by Butler to approve the recommendation from Project Control Engineering for road patches on Birch Street and Cricklewood Street and award the project to Robert Clancy Contracting, Inc., in the amount of \$10,160.00.

All voting yes. Opposing: none Motion carried.

Motion by Butler, second by Burkhardt to approve the request from the Anchor Bay Giving Tree to use the Fire Hall for the annual pancake breakfast with Santa on Sunday, December 6, 2009 from 8:00 AM to 1:00 PM.

All voting yes. Opposing: none Motion carried.

Motion by Hayman, second by Christie to approve the recommendation from the City Treasurer granting authorization to collect the 2010 summer taxes for Macomb County Community College and Macomb Intermediate School District at a charge of \$.30 per parcel.

All voting yes. Opposing: none Motion carried.

Motion by Butler, second by Christie to move into closed session at 7:45 PM regarding the following:
Discussion regarding pending litigations:

1. Legacy Land Development vs. City of New Baltimore
2. Larry Roulo vs. City of New Baltimore

Written Legal Opinions:

3. Attorney's written legal opinion regarding: Transient Harbor update
4. City Attorney's written legal opinion regarding collapse of headwork's building,

Wastewater Plant Project

All voting yes. Opposing: none Motion carried.

Council reconvened into open session at 9:00 PM.

Motion by Butler, second by Hayman to approve the additional funding in the amount of \$125,000.00 which includes the Title Insurance and up to \$20,000.00 for the additional taxes owed on the property, Direct the assessor to work with Attorney Beth Andrews, regarding the conservation easement from Legacy Land Development and the possibility of Legacy Land Development filing a petition for tax relief with the tax tribunal. If granted, that would lower the assessment on the land for tax years 2007, 2008 and 2009 due to clerical error or mutual mistake as the City was unaware of the 2001 conservation easement which designated over half of the parcel as unbuildable wetlands with the possibility of a refund to the City for tax years 2008 and 2009.

All voting yes. Opposing: none Motion carried.

Motion by Butler, second by Aprea to authorize the City Attorney and Mayor to resolve the lawsuit, Larry Roulo vs. The City of New Baltimore in the amount of \$15,000.00.

All voting yes. Opposing: none Motion carried.

Motion by Butler, second by Christie to authorize the City Attorney to proceed with litigation against all Parties involved in the headworks building collapse at the Wastewater Plant Project.

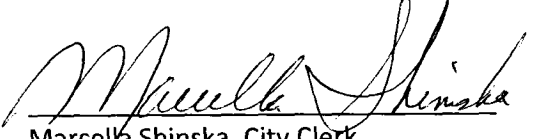
All voting yes. Opposing: none Motion carried.

Motion by Butler, second by Christie to adjourn at 9:05 PM.
All voting yes. Opposing: none

Motion carried.



Larry Smith, Mayor



Marcela Shinska, City Clerk