

**MINUTES
ST. CLAIR SHORES CITY COUNCIL MEETING
March 19, 2012**

Regular Meeting of the City Council, held in the Council Chambers, located at 27600 Jefferson Circle Dr., St. Clair Shores, Michigan.

Present: Mayor Walby, Council Members Caron, Frederick, Rubino, Rusie, Tiseo, and Vitale

Also Present: City Manager Hughes, City Clerk Kotowski, Directors Rayes, Claeson, Babcock, and City Attorney Ihrle

1. CALL TO ORDER, ROLL CALL AND PLEDGE OF ALLEGIANCE

Mayor Walby called the meeting to order at 7:02 p.m. Ms. Kotowski, City Clerk, called the roll. A quorum was present and the Pledge of Allegiance was recited by those present.

2. PROCLAMATIONS

a. St. Clair Shores Memorial Day Parade Committee 2012 Logo Contest Winner

Mayor Walby presented Sara Skoney with a proclamation for being the 2012 St. Clair Shores Memorial Day Parade Logo Contest winner.

*Proclamation in Honor of
2012 St. Clair Shores Memorial Day Parade Logo Contest Winner
SARA SKONEY*

WHEREAS, the St. Clair Shores Memorial Day Parade is a time-honored tradition that commemorates the sacrifices made by our men and women serving in the United States of America Armed Services; and

WHEREAS, the St. Clair Shores Memorial Day Parade Committee held their first Logo contest encouraging students from the three St. Clair Shores school districts to participate in the parade logo design; and

WHEREAS, Sara Skoney, a Junior at Lakeview High School was selected by the Parade Committee as the first logo contest winner; and

WHEREAS, the design was well executed by Sara and offers a true example of the St. Clair Shores Memorial Day Parade Committee's 2012 theme "Freedom's Not Free";



NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the City of St. Clair Shores, on behalf of all our residents and the St. Clair Shores Memorial Day Parade Committee, express their appreciation to **Sara Skoney** for her creative logo representation as the St. Clair Shores 60th Memorial Day Parade Logo Contest winner.

Presented this 19th day of March 2012.

Sue Nesbitt presented Sara with a T-shirt showing her logo on it.

Cheryl Furdos said since this was the 60th Annual Memorial Day Parade, they wanted to give it its own identity. They came up with the idea for the logo contest and chose the theme, Freedom's Not Free. They put the word out to art teachers, school superintendents, and principals and Sara's design was chosen by Veterans. The T-shirts showing Sara's logo design is available for purchase and all proceeds go support the Parade. The T-shirts are available at Bubbles and Barks, Viviano Flower Shop, and at the Spaghetti Dinner fundraiser to be held on March 29th at Assumption Cultural Center.

Agenda Item 2a (cont'd)

Ms. Nesbitt asked for volunteers needed for fundraising or for the day of the Memorial Day Parade. Those interested can call her at 586-504-0493 or email her at nesbitt.paradevolunteers2012@yahoo.com.

b) 41st Annual "Reflections on Ice" Weekend March 30 – April 1, 2012

Mayor Walby presented the proclamation to skaters Justin and Molly.

**PROCLAMATION
for the
41st ANNUAL "REFLECTIONS ON ICE" WEEKEND
March 30 – April 1, 2012**

WHEREAS, the Mayor and Council of the City of St. Clair Shores deem it fitting and proper to publicly recognize and commend organizations dedicated to serving the youth of St. Clair Shores; and

WHEREAS, the **ST. CLAIR SHORES FIGURE SKATING CLUB'S "REFLECTIONS ON ICE"** show is being presented for the 41st consecutive year, featuring 130 local skaters ranging in age from 4 to 22 years old from the St. Clair Shores Figure Skating Club and the St. Clair Shores Learn to Skate; and

WHEREAS, this year's theme "...and so they lived happily ever after", the **ST. CLAIR SHORES FIGURE SKATING CLUB** will combine their skating and acting skills to present an enchanting adaptation of five classic Disney princess stories, Snow White, Cinderella, Sleeping Beauty, The Little Mermaid and Beauty and the Beast;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the City of St. Clair Shores do hereby proclaim March 30 - April 1, 2012 as "**REFLECTIONS ON ICE WEEKEND**" and commend the **ST. CLAIR SHORES FIGURE SKATING CLUB** for its service to the City's youth and for providing outstanding entertainment, and hereby wish the Club and its members every success in their future endeavors.

Presented this 19th day of March 2012.

Reflections on Ice will be held from March 30th through April 1st. The show starts at 7:30 p.m. on March 30th, 1:00 p.m. and 7:30 p.m. on March 31st, and at 2:00 p.m. on April 1st.

Tickets are available at the Civic Arena for \$9.00 adult in advance and \$10.00 adult at the door. Prices for seniors and children are \$7.00 in advance and \$8.00 at the door.

3. AUDIENCE PARTICIPATION ON AGENDA ITEMS (2 minute time limit)

Jim Goodfellow, St. Clair Shores resident, Items #6b and #4. He asked if any forfeiture money is being used to purchase the police vehicles instead of money from the General Fund. In regards to #4, he stated that at the City Council Meetings on November 28th and November 21st, this Site Plan was approved and passed 6 – 0. He stated it seems strange it is brought back again.

Mike Descamps, St. Clair Shores resident, Item #4. Stated that this item coming back before Council was a surprise to the Planning Commission. He requested that when this happens, they be notified so they know about it. The plans he saw tonight were good as far as he's concerned. He said that the Planning Commission is in favor of the plan.

Mayor Walby stated they are trying to speed up the process and move things along.

Erin Stahl, St. Clair Shores resident, Item #4, 5, 6, 8, 9f, and 10. Asked that item #9f be removed from the consent agenda. She indicated that Councilman Frederick should also disclose any donations received in regards to items #4, 5, 6, and 9 for transparency.

4. REVIEW OF SITE PLAN PPC 110014 LOCATED AT 22501 HARPER

Mayor Walby indicated there was a slight change and he asked that it is brought back in front of City Council. Mark Rossman, attorney for Matthew Ahearn of Wally's Frozen Custard and Michelle Sargeant, the architect, brought forth specifications. Mr. Rossman indicated that what is different is there is now a door in place of a window (one in the front and one in the back) and the roof is now a hip roof and not a flat roof, which gives it a more residential look. The business

Agenda Item 4 (cont'd)

owner, instead of leasing out the other space, wants to use it himself. He put two overhead doors in (one in the front and one in the back) instead of a storefront window so he could pull in the vehicle the business uses for events.

Mayor Walby asked that with the new roof, does it still meet the height requirement. Ms. Sargeant indicated that it has a 30 – 35 foot roof restriction, but it is currently at 23 feet. The other change she indicated was the covered awning on the north side that will be used for outdoor seating.

Mr. Caron asked if they will be driving in and out the back door only and not the front door. Ms. Sargeant indicated that if he can make the turn, he plans to pull in the back and out the front. Mr. Caron asked if the brick pavers will withstand the weight of the vehicle. Ms. Sargeant stated that they may not be brick pavers, but whatever they will be, they will be reinforced so they can drive on it.

Mr. Caron indicated that they will be having a catering business as well. He asked if that business will be in the same building as the truck or a separate part. Ms. Sargeant stated that the catering will be in the store part only and no food preparation will be in the truck area.

Ms. Sargeant stated that the company's branding is in the colors shown, green and yellow, so they want to accent with them.

Mr. Vitale said that they are not changing the roof to give it a more residential feel, but rather to add on a 14' bay door to the front of the building. Ms. Sargeant stated she did not change the wall height. Mr. Vitale said they were at 16', but now they are at 23'. Ms. Sargeant stated that where the walls were did not raise, they just added a roof onto it.

Mr. Vitale pointed out that it is not a catering truck, but rather a fire engine. He asked if this is not going to be used as promotion of the business and parked in front of the business. Mr. Rossman indicated that the truck will be inside the building, behind the windows and visible from the street.

Mr. Vitale stated he sees two different elevation plans. The east elevation does not include any of the brick banding. Ms. Sargeant indicated that it will have the brick banding. She pointed out that the brick banding is on the other photo, but when printed, does not show and the banding was never taken off the building. She indicated that when they work on CAD, there are line weights for each of the lines and if it is printed off a printer that does not pick up those line weights, it will not pick up the dark lines.

Mr. Rayes stated that regarding the setback under the Harper overlay, a building is required only so much; $\frac{3}{4}$ of this building abuts the right-of-way. It was pushed back on the lot so the truck could drive through, but it is not a variance.

Mr. Vitale stated that the brick pavers are not in the original photo. Ms. Sargeant said that the County Department of Roads will not allow the pavers so the revised plans that were submitted do not have that on.

Mr. Rubino asked if the bay for the truck will be used for repairs. Ms. Sargeant indicated no, it is not a mechanics garage.

Mr. Tiseo asked about B1 and it not being rezoned as light industrial. Mr. Rayes indicated not likely, but that would be a Council decision. Mr. Tiseo asked if we have not asked other business owners in the past to rezone as light industrial. Mr. Rayes said some years back there was an area that was asked to rezone as light industrial. Mr. Tiseo asked what constitutes a plan to go back to planning. He thought it was significant enough to go back for review. Mr. Walby indicated he was the one to get in front of council again to speed up the process.

Mr. Vitale asked that if the business should fail, would they have to come before us for rezoning. Mr. Rayes indicated that technically they would because it would be a change in use and may use a different criteria.

Mr. Vitale asked if the storage of a vehicle within requires a fire sprinkler. Ms. Sargeant indicated no.

Ms. Rusie indicated that there are significant changes on this one compared to the one they approved. She indicated that the change in the roof pitch to 7' is not minor and feels it is significant. She said that the bay door in the back and front adds another egress to the building. She asked if the pitched roof, egress, and two bay doors is not a significant amount of changes, what would be a significant change to come back for an amendment. Ms. Rusie asked how much they will be using the door to bring the truck in and out. Mr. Rossman indicated that it would be infrequent activity and that the fire truck will be used for catering events and will not be a constant in and out thing. Ms. Rusie said we didn't hear the changes from administration, but from the St. Clair Shores Patch website. We take it seriously and administration should let us know about this instead of reading it from the newspaper.

Agenda Item 4 (cont'd)

Mr. Caron verified with Mr. Rayes about the north driveway as entrance only. He asked if the fire truck is going to have to drive around the building to get onto Harper. Mr. Rayes said that would be an enforcement issue and it is the County Department of Roads restriction. Mr. Caron asked if the owner is aware of this. Mr. Rossman indicated that he will let the owner know this.

Mr. Frederick stated that he is voting on this item but was disclosing that Mr. Ahearn was a contributor to his campaign and this information can be found on the county website under the Clerk's Office. In addition, to Ms. Stahl's NASCAR comment, Mr. Frederick indicated that he does not take any money from companies or corporate checks. Mr. Frederick indicated that the only thing we should say to people who want to build this type of building is 'how can we help you'.

Motion by Rubino, seconded by Tiseo to approve a request to review the site plan at 22501 Harper.

Ayes: All – 6

Nays: Vitale

5. REVIEW OF VCA ANIMAL HOSPITAL CONTRACT

Mr. Hughes stated in the summer of 2011 Council asked them to research at an administrative level about people calling about stray dogs or cats in dealing with off hours when animal control is not on duty. They asked all veterinary clinics if they had an interest, then they interviewed and Council approved a six-month agreement with the VCA Animal Hospital and promised to bring it back to them prior to the expiration which will occur within the next 2 ½ weeks.

Mr. Hughes stated that Council has before them a contract that does not talk about terms, but in talking with Chief Walleman and Animal Control Officer, we have been very pleased with the service of VCA Animal Hospital. There have been 23 animals dropped off at the clinic. Eleven of them have been picked up by their owners. The remaining 12 have been transported by the Police Department to the County Animal Shelter. Of the eleven picked up from the shelter, VCA Animal Hospital has been paid \$180.00. The twelve taken to the shelter were also billed to the City for \$180.00 pursuant to the contract. Mr. Hughes stated that Mr. Ihrie has a few changes to the contract and if approved by Council, be made adoptable for an additional three years.

Mr. Ihrie spoke about the proposed changes.

- 1) on the first page, first WHEREAS paragraph that refers to a 'partnership', he asked that the word be changed to 'agreement' for legal reasons.
- 2) a paragraph should be added to read that the term is for three years.
- 3) typos be corrected as a housekeeping issue.
- 4) on the last page, the Applicable Law indicates that the contract will be construed and enforced in accordance with the laws of the States of Michigan and California. He will talk with their Legal Counsel, but believes this will cause massive confusion so it should read construed and enforced in accordance to the laws of Michigan.
- 5) under Mutual Indemnification, would like to see the word 'Company' in the last paragraph, be changed to the 'Department of Public Safety'.
- 6) on Page 2, Section B, 3rd paragraph, delete the sentence stating: Dog owners must also provide proof that the rabies and distemper vaccinations are current for their pet(s), prior to VCA releasing the pet(s) to the owner.

Ms. Rusie stated that there have been some changes in the time availability in this contract versus the prior agreement. Maggie Prozinski, Hospital Manager at VCA Animal Hospital, stated that the hours for Monday – Friday were until 8:00 p.m. that is now changed until 7:00 p.m. Saturday they were open until 6:00 p.m., they are now open until 2:00 p.m. and Sunday they are open 12 p.m. - 4:00 p.m.

Ms. Rusie asked about persons claiming ownership and that they needed proof of ownership. She mentioned the words identifying photographs because not everyone has vet records handy, but you have photos of your pet. In addition, sometimes vet records have only a name, but a photo is more definitive. She indicated that the term photograph is removed from the new contract, but she would like it to be added in.

In Section 2D, Ms. Rusie indicated that VCA Animal Hospital will not administer any vaccinations under the terms of this agreement, but later in the contract it says that dog owners must provide proof of rabies, distemper, vaccinations prior to releasing their pets to their owner. If they cannot provide those records, VCA administers those vaccinations indicating there is a discrepancy to those terms. Mr. Ihrie stated that if proof of proper vaccinations cannot be shown, the animal is not released unless vaccinations are administered and VCA would do so at their normal price. Ms. Prozinski stated that they have not been doing that. She said that if an owner cannot provide proof of vaccinations, but they describe their animal

Agenda Item 5 (cont'd)

perfectly right down to the spotted tail, they are releasing them to the owner. They are not forcing any vaccinations on them. They are asking if they want them, but not forcing them. Ms. Rusie wants added to the contract that in an emergency situation, an animal can be released without proof of vaccinations. Mr. Ihrle stated that under Section B, Intake, Notification and Reclaiming Procedure, the second from the last paragraph where it states that owners must provide proof of rabies and distemper vaccinations are current for their pets prior to releasing the pets to their owner, will be deleted from the contract.

Ms. Rusie indicated that one owner was very happy that VCA Animal Hospital had her pet, but then found herself on a mailing list. Ms. Prozinski stated that the postcards have stopped.

Ms. Rusie stated that this is a stop gap measure, but it doesn't stop the gap fully when there are times when you are closed or animal control officers are off duty. She asked if we are trying to find a stop gap measure for the stop gap. Mr. Hughes stated that there is a 24-hour facility in Harper Woods, but at this time they are not interested in a contract with the City. Ms. Rusie asked that we still investigate for a stop gap since emergency situations do pop up.

Mr. Caron thanked VCA Animal Hospital for doing this for the City. He asked about dispatch when someone calls in. Since it is joint between Eastpointe, Roseville, and St. Clair Shores, do they have the necessary script when someone calls in to say they have a lost animal and asks where they can take it. Mr. Hughes stated they were all provided with that information, although in the fall when this was voted on by Council, they encourage people to call the front desk of the Police Department which is staffed 24 hours a day. We are better able to help them if they call the general number at the Police Department. Mr. Hughes said they will put the number as a scroll on the webpage, but 911 still works, but it is preferable to call the front desk at the Police Department.

Motion by Vitale, seconded by Rubino to approve a request to extend the contract with VCA Animal Hospital, for animals at large during non-business hours for a three-year agreement with the detailed contract changes to be made by the City Attorney as follows:

- 1) on the first page, first WHEREAS paragraph that refers to a 'partnership', he asked that the word be changed to 'agreement' for legal reasons.
- 2) a paragraph should be added to read that the term is for three years.
- 3) typos be corrected as a housekeeping issue.
- 4) on the last page, the Applicable Law indicates that the contract will be construed and enforced in accordance with the laws of the States of Michigan and California. He will talk with their Legal Counsel, but believes this will cause massive confusion so it should read construed and enforced in accordance to the laws of Michigan.
- 5) under Mutual Indemnification, would like to see the word 'Company' in the last paragraph, be changed to the 'Department of Public Safety'.
- 6) on Page 2, Section B, 3rd paragraph, delete the sentence stating: Dog owners must also provide proof that the rabies and distemper vaccinations are current for their pet(s), prior to VCA releasing the pet(s) to the owner.

Ayes: All - 7

6. BIDS/CONTRACTS/PURCHASE ORDERS

a. Blanket Purchase Order Increase for DPW Water Meter Replacements

Mr. Hughes said they are fulfilling the promise to come back to Council with further information regarding an increase of \$100,000 to a blank purchase order to allow for the purchase of the related equipment for change outs as needed to keep inventory stock through the fiscal year, June 30th for water meters.

Mr. Babcock, DPW Director, and Chuck Schwanger, Water Department Supervisor, are here for two reasons. First, to answer questions that came out of the Study Session in December and second, to ask for \$100,000 to replace water meters through June 30th.

Mr. Babcock indicated they have over 25,000 water meters in different sizes. The current water meters were installed in the early to mid-1980's putting them at over 25 years old. Water meters that are replaced are run through a bench test using the American Water Works Standard Procedure. Mr. Babcock showed a picture of a calibrated tank and the meter is placed in the piping and they run various flow rates through the meter to check for accuracy. Over 250 meters have been tested currently with a 92% accuracy which is less accurate than they originally thought and there is unaccounted water use of 8%. Using the purchased water rate from Detroit, that comes to \$1,234,000. In 2006 and 2007 the City started the meter replacement program. To date they have replaced approximately 25% of the meters within the City. The main reason for this replacement is that the current technology being used, having a water meter in your basement with a wire that runs outside

Agenda Item 6a (cont'd)

of the basement to an Outside Reading Device (ORD), are subject to spiders and the sun, but the main problem is from the sun. Numbers are faded off and are unable to read and they also run slower than the meter in the basement so we begin to get a mismatched number. When there are final readings, we trade out meters. Some readers just stop or if they have to go for a service call, they are replacing the meter. In 2006 and 2007 the City looked at different reading technologies such as:

- 1) An Outside Reading Device (being phased out by the industry)
- 2) A Touch Pad Reading which uses a handheld piece of equipment to take reading
- 3) A Drive By Reading System where you drive by the house and a computer in the car wakes up the meter in the basement and tells it to send a reading
- 4) A Fixed Network Reading System, the technology that is currently being installed, where the transmitter automatically sends information to City Hall.

Mr. Babcock indicated that the cost for meter reading technology is \$110,000 per year which includes personnel and vehicle cost as well as having to go out to do final readings and re-reads. The problem with the current technology is that it is being phased out and there are only a handful left in the country and they cannot be purchased any longer. They then looked at the costs at the other three technologies. Cost show for only the remaining 18,786 meters to be replaced and includes end unit only (not the meter cost). The Touch Pad System for 15 years would be \$2M, the Drive By Reading System would be \$1,850,000, and the Fixed Network System \$1,650,000. We have chosen the Fixed Network Reading System. They then met with companies to go over technology and cost. Mr. Babcock agrees with the companies chosen in 2006 and 2007. He believes they should still stick with Elster and KP Electronic Systems since they are the most cost efficient. Their radio frequency is low compared to other companies and the radio frequency is owned by the City so there will be no interference. In regards to the radio technology, new technologies are coming out which sends a signal through the Verizon network. Also a high/low consumption warning that can be picked up and monitored daily. They can contact the homeowner and tell them of high water consumption. An example was a business on Harper with high water consumption which ended up being a broken pipe. Mr. Babcock indicated that within the transmitter there is a battery pack that is replaceable. Finally, it is also being chosen because it has the most U.S. components.

Mr. Babcock indicated that there were health concerns about the radio frequency. He showed examples of how low the frequency was compared to other items being used in the home (FM radio, TV Broadcast, microwave).

The FCC is charged with regulating these types of transmitters and is approved by the FCC. It records once a day for one to two seconds and is a one-way transmission to City Hall.

Mr. Babcock said 25% of the meters have been replaced, but over 18,000 need to be replaced and they are looking at cost of \$2.8M, with a total cost to replace all the meters of \$4M. The \$100,000 they are asking for will replace approximately 625 water meters and transmitters.

Mayor Walby stated that the original budget was for \$200,000, then they asked for \$150,000. He asked if this was because the ORD's could not be read any longer. Mr. Babcock said he should have caught this during the Budget Meeting last May. He said they had to replace so many meters that he had to come back and ask for an increase.

Mr. Rubino asked what the price difference is in the \$1.6M and the \$2.8M. Mr. Babcock said that when he compared the three reading technologies, he compared the actual cost of the end unit as well as the labor and vehicle costs.

Mr. Rubino asked if we were going to be able to do high and low consumption warnings. Mr. Babcock indicated yes and we will need someone who is experienced in monitoring and interpreting the data.

Mr. Rubino asked about an Opt Out Program. Mr. Babcock indicated he would rather not and has not found a community that has an Opt Out Program and would rather work with the person as much as possible. It is expensive, for example, if you have ten people who opt out we have to send someone in on Saturday to read the meter. Someone will have to schedule the appointment, someone needs to go out and read the meter, the supervisor has to download the data, then water billing will have to generate a bill. Mr. Babcock figured that \$17- \$20 per quarter will be added on to your water bill if you are in an Opt Out Program.

Mr. Hughes stated that the Opt Out Program is something they would like to come back to in the next fiscal year with Mr. Babcock.

Ms. Rusie indicated that she does not think 250 meters is a significant amount to test and they may have been the worst ones. AWWA Acceptable Range is between 98.5 – 101.5%, but Ms. Rusie believes the AWWA Acceptable Range for low flow is 97% and asked if this doesn't lower the accuracy. Mr. Babcock said how they rate the average flow is that 20% of water used every day is at low flow, 65% is at mid flow, 15% is high flow. You run the test at those three flow rates, multiply

Agenda Item 6a (cont'd)

by that percentage and that gives you a weighted average. He did not include the 20 meters that are reading nothing at all in the testing. Each meter test takes 45 minutes to perform. They have a difficult time to have one person dedicated to test them one meter at a time and other work is not getting done.

Ms. Rusie asked what the accuracy is of the new meter. Mr. Babcock stated it is right on 100%.

Ms. Rusie stated that they need an opt out surcharge. We do have residents with concerns on technology which they think is too new. Mr. Babcock said he was okay with an opt out cost. Ms. Rusie would like one very soon as a resident may have a new meter on their house before an Opt Out Program is created.

Mr. Caron asked what the cost is for a new meter and about the reliability of the equipment. Mr. Babcock indicated it would be between \$140 - \$150 for the meter and transmitter. He also stated that they have no problems with the new meters that are being installed.

Mr. Vitale asked what one unit of water equals. Mr. Babcock stated 748 gallons. Mr. Vitale asked how many gallons of water are used for watering grass for approximately two hours. He indicated that we have an ordinance from Detroit regarding the alternate watering program and asked if there is a way to pinpoint to see when people are watering their lawn. Mr. Babcock said the transmitter takes a reading every day, but at different times of the day and said complaints about people watering their lawn every day are neighbors calling on neighbors. Mr. Vitale asked if the data can be used in a court of law to prosecute a person. Mr. Babcock said it is not their intention.

Mr. Vitale asked if we have an Opt Out Program and changing out meters, can we build up a stock pile of legible meters so we'll have used meters to install for those who want to opt out. Mr. Babcock said that was a great idea.

Mr. Walby stated that the concerns needing to be addressed are:

- Preparing an Opt Out Program
- Use a 9 – 10 year water meter replacement program or a 3 – 4 year program

Mr. Babcock said the Opt Out Program is ready and he will put something in writing. He is ready to move forward.

Ms. Rusie said she will not buy new meters until the Opt Out Program is in place.

Motion by Rubino, seconded by Caron to approve the increase in the Water Meter and Radio Read Transmitter Blanket Purchase Order by \$100,000 for the continued replacement of water meters by the Water Department of St. Clair Shores for the fiscal year which ends June 30th.

Ayes: All – 6
Nays: Rusie

b. Purchase of replacement vehicles for the Police Department

Mr. Hughes said the budget approved by Council allowed for the purchase of five police vehicles. Two vehicles were purchased earlier in the fiscal year and are now looking at the final three. We are committed to the Dodge Charger with a total cost (excluding buildup) of \$69,603.00. He indicated that some parts, such as radar units and light bars, are transferrable from an old vehicle to a new vehicle. The total cost of buildups over the last two years is \$3,000.00 per vehicle. If Council approves the purchase tonight and we move forward with \$3,000.00 buildup per vehicle, we would end the year with \$41,000.00 of unspent money in this vehicle account, money that would be returned to the Rainy Day Fund. A previous citizen asked that we look at drug forfeiture money to purchase these police vehicles. Mr. Hughes indicated that in the proposed budget to be submitted, he would be asking for five vehicles and will be using drug forfeiture money with Councils approval and this will not be an expense to the General Fund.

Ms. Rusie asked if there was any reason we are not using drug forfeiture funds for this purchase. Mr. Hughes stated that he not only wants to use drug forfeiture money for the next fiscal year, but looking at the five year forecast, it is his full intention that he ask for it and use it in the 2013/2014 fiscal year.

Ms. Rusie said we purchased the building across the street, and purchased a police dog for the department so we have been utilizing it for other things. We can now use drug forfeiture money due to a change at the state, for this purchase. Mr. Hughes stated that the Federal Fund gives greater flexibility in how we can use it.

Motion by Caron, seconded by Frederick to approve the purchase of three (3) Dodge Charger Police vehicles from

Agenda Item 6b (cont'd)

Slingerland Chrysler Dodge for \$69,603.

Ayes: All – 7

c. Request approval of a purchase order for replacement stock of Nautical Street Lights

Mr. Rayes indicated that this is a purchase order for replacement stock outside the Nautical Mile District. The ones that have been struck by vehicles have been claimed on insurance and a third one has already been ordered. If there is an accident report filed and the pole damage is not a hit and run, we file a claim on the individuals insurance, otherwise our insurance is used.

Mr. Frederick asked if the pole painting is still being done by Edison. Mr. Rayes said they would not be painted until this year. He said Edison will install them and fix the base, but they don't carry this type of fixture as a stock fixture.

Mr. Tiseo asked if there is more than one place where these lights can be purchased. Mr. Rayes said yes, but they are not exact matches.

Mr. Rayes said the ones in the TIFA District are reimbursed by TIFA.

Motion by Frederick, seconded by Caron to approve a request for approval of a purchase order for replacement stock of nautical street lights.

Ayes: All – 7

7. SECOND QUARTER BUDGET REPORT AND APPROVAL OF BUDGET AMENDMENTS #12-08 THRU 12-18

Mr. Claeson gave an overview of the proposed budget amendments which read as follows:

Budget amendment 12-08 amends the budget for additional anticipated proceeds from the State of Michigan's Economic Vitality Incentive Program. This program essentially replaced Statutory Sales Tax revenues received in prior fiscal years. Under the program, each city that received FY 2010 statutory payments will be eligible to receive a maximum of 67.84% of its FY 2010 statutory payments if it meets the requirements of each of the three program categories: 1.) Accountability and Transparency, 2.) Consolidation of Services, and 3.) Employee Compensation. The city will receive 1/3 of the maximum amount for each of the three categories that it fulfills. Previously approved budget amendment 12-03 reflected the City's compliance with Category 1. This budget amendment reflects the City's compliance with Category 2. The requirements of Category 3 need to be met by May 1, 2012.

Budget amendment 12-09 reduces the interest income budget within the General Fund to more closely reflect anticipated earnings at June 30, 2012. The amended annual budget amount of \$90,000 is in line with FY 2011 actual earnings and likewise reflects the lower interest rate environment that currently exists as compared to the previous fiscal year.

Budget amendment 12-10 increases the budget for both revenues and expenditures relative to services rendered through the department of Community Development for grass cutting, weed control, rodent baiting and property clean ups. The City continues to aggressively pursue code enforcement issues. These measures have steadily increased due to property foreclosures and the near record rainfall of last year as it relates to grass and weed control enforcement.

Budget amendment 12-11 amends the Assessing Department's budget to reflect an Appraiser III position that has been and is anticipated to remain vacant in the current fiscal year. It also amends the "services" budget within the department to reflect any anticipated contractual assessing assistance for the balance of the fiscal year.

Budget amendment 12-12 amends the Utility and Major Streets Funds debt service requirements for FY 2012. Previously approved budget amendment 12-04 amended the budget for debt service requirements relative to the issuance of \$8.465 million of 2011 Capital Improvement Bonds. It was subsequently discovered that estimated principal and interest payments relative to this bond issue were in fact incorporated within the original adopted budget.

Budget amendment 12-13 establishes a budget for the City's participation in an agreement with DTE Energy and the Michigan Suburbs Alliance for the conversion of approximately 800 streetlights from Mercury Vapor to LED. Under the terms of the agreement the City will finance repayment of the interest free loan from the energy savings realized by converting to LED. Those savings are estimated to be approximately \$57,000 per year. Actual loan repayment is not expected to begin until FY 2013.

Agenda Item 7 (cont'd)

Budget amendment 12-14 amends the Drug Law Enforcement Fund's budget to reflect additional anticipated seizure and forfeiture revenues, amends the capital outlay budget for additional costs incurred in renovating the Annex Building, and establishes a budget for both DLEF overtime expenditures and federal reimbursement of those expenditures.

Budget amendment 12-15 Generally Accepted Accounting Principles (GAAP) requires that the value of any foreclosed properties purchased from the County and held by the City at the end of the fiscal year be recorded on the balance sheet as an asset titled "Assets Held for Resale". Those properties must be valued on the basis of "lower of cost or market". This amendment establishes a budget for the amount *estimated* to be recorded as an expenditure after the "lower of cost or market" analysis has been performed. Items contributing to this amendment include any expenditures that do not inherently increase the value of the property such as property taxes, demolition or routine property maintenance costs; as well as any adjustments that may be required to reduce the City's investment in the property down to a "lower of market" valuation.

Note: The estimated "lower of cost or market" value of foreclosed properties on hand at December 31, 2011 is approximately \$350,000. Since funds have been expended to acquire these "assets", they are no longer available for future appropriation. Accordingly, this has a negative impact on "Fund Balance – Designated for Carryover" (please refer to pg. 6). Conversely, as these properties are sold and the value of the inventory decreases, there will be a corresponding positive impact on "Fund Balance – Designated for Carryover" since additional funds will then be available for future appropriation.

Budget amendment 12-16 amends the gasoline & diesel fuel portion of operating supplies within the Motor Pool. FY 2012 gas & diesel expenditures are estimated to be \$500,000 as compared to the current budget of \$340,000. This estimated amount is consistent with actual gasoline and diesel fuel purchases in FY 2011 and FY 2010 on a price adjusted basis.

Budget amendment 12-17 establishes a budget for the receipt of a Homeland Security Grant for the benefit of the Fire Department. The grant is for the purchase of air packs and other firefighting equipment that would otherwise need to be replaced during the next 2-3 fiscal years. Under the terms of the grant, the City is required to fund 20% of the project costs with the Department of Homeland Security funding the remaining 80%.

Budget amendment 12-18 Upon adopting the Fiscal Year 2011 budget, the election was made not to fund the Police and Fire Retiree Health Care Trust but rather pay for retiree health care on a pay-as-you-go basis. As monies were levied and collected in FY 2010 in anticipation of funding the Health Care Trust, the election was made at the end of that fiscal year to transfer approximately \$1.0 million to the Police & Fire Retirement System in excess of the actuarial required contribution. Subsequently, contracts were negotiated with the Police Command Officers and Firefighter unions containing provisions enabling members to purchase adequate amounts of service credit in order to qualify for normal retirement benefits. To date, 9 Firefighters and 7 Command Officers have exercised this option. In doing so, approximately \$626,000 of accrued sick and vacation time has been paid out that was not anticipated at the time of adopting the FY 2012 budget. Accordingly, an election has been made to reduce FY 2012 contributions to the Police & Fire Retirement System by the amount previously over funded in FY 2010. After funding the previously mentioned sick and vacation payouts, the remaining funds will be credited to Fund Balance - Reserved for Police & Fire Retirement Benefits.

Mr. Caron asked for clarification on amendment 12-18 more because we are taking a hit of general government fund expenditures. Mr. Claeson said those were amounts that were paid out and not anticipated in the budget such as early retirement payouts. He said what we are doing is based upon budgeted allocation between police and fire budget of what they are paying into the pension, when we are bringing this money back in we are reducing those departments allocations accordingly, so \$715,000.00 will be positively coming back to the police department and \$415,000 to the fire department.

Mr. Caron stated that by the Assessor getting additional training and not filling the open position we are saving money. Mayor Walby stated that she is being very flexible with her staff to save us money.

Mr. Caron stated that on page 12, regarding the Court Building Fund, the first half of year only \$34,000 deposited into this fund is significantly lower than the budgeted amount of \$228,000. He asked that the Court Administrator and Controller review these figures.

Motion by Rubino, seconded by Rusie to receive and approve the December 31, 2011 Quarterly Report and Budget Amendments 12-08, 12-09, 12-10, 12-11, 12-12, 12-13, 12-14, 12-15, 12-16, 12-17 and 12-18.

Fund/ Dept.	Account	Previously Budgeted	Description	Increase	Decrease
BUDGET AMENDMENT 12-08					
101	General Fund				
	Rev	575.500	Economic Vitality Incentive Program	173,439	
	Fbal	390.000	Fund Balance - General Fund	173,439	

Agenda Item 7 (cont'd)

To amend budget for anticipated receipt of Economic Vitality Incentive Program funds from the State of Michigan. This amendment reflects compliance with Part 2 of the EVIP program being Consolidation of Services. (Replaces Statutory Sales Tax revenues recorded in previous years)

101 General Fund

BUDGET AMENDMENT 12-09

Rev	701.002	Interest Earned	75,000
Fbal	390.000	Fund Balance - General Fund	75,000

To amend budget to reflect expected general fund interest earnings at June 30, 2012

101 General Fund

BUDGET AMENDMENT 12-10

Rev	630.370	Charges for services - CDI	200,000
370	810.000	COMMUNITY DEVELOPMENT - Services	150,000
Fbal	390.000	Fund Balance - General Fund	50,000

To amend the budget for anticipated CDI revenues and expenditures relating to grass cutting, weed control, rodent baiting and property clean-up activities through June 30, 2012.

BUDGET AMENDMENT 12-11

101 General Fund

241	701.000	ASSESSING - Wages	53,350
241	711.000	ASSESSING - Overtime	7,182
241	720.000	ASSESSING - Fringe Benefits	43,322
241	810.000	ASSESSING - Services	9,000
Fbal	390.000	Fund Balance - General Fund	94,854

Adopted fiscal year 2012 budget reflects two Appraiser III positions. One of those positions has remained unfilled. In addition, the Services budget has been increased to reflect anticipated contractual assessing assistance.

BUDGET AMENDMENT 12-12

590 Utility

860	991.000	Principal Payments	195,736
590	980.000	Interest Payments	125,000
Fbal	390.000	Fund Balance - Utility	320,736

110 Major Street Fund

455	990.000	Debt Service	113,340
Fbal	390.000	Fund Balance - Major Streets	113,340

120 Local Street Fund

451	808.000	STREETS Offset - Act 51 Costs	113,340
451	960.000	STREETS - Contributions	113,340

Budget Amendment 12-04 recognized FY 2012 debt service requirements attributable to the sale of \$8.465 million of 2011 Capital Improvement Bonds. The original budget included estimated principal and interest payments relative to this issue.

BUDGET AMENDMENT 12-13

110 Major Street Fund

Rev	689.000	ACT 51 - Loan Proceeds	135,000
455	807.000	ACT 51 - Non-Act 51 Expenditures	135,000

120 Local Street Fund

Rev	689.000	Act 51 - Loan Proceeds	315,000
455	807.000	ACT 51 - Non-Act 51 Expenditures	315,000
451	808.000	STREETS Offset - Act 51 Costs	450,000
451	980.466	STREETS - LED Street lighting	450,000

To amend the budget for the City's participation in an agreement with DTE Energy and the Michigan Suburbs Alliance for the conversion of approx. 800 streetlights from Mercury Vapor to LED. Repayment of the interest free loan is expected to commence in FY 2013 and is to be financed from the energy savings realized from operating LED as compared to Mercury Vapor streetlights.

Agenda Item 7 (cont'd)

Fund/ Dept.	Account	Previously Budgeted	Description	Increase	Decrease
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BUDGET AMENDMENT 12-14

265	DLEF				
	Rev	500.000	Seizures, forfeitures and sales	67,400	
	Rev	582.000	Federal grants	10,000	
	Rev	664.000	Interest earned		2,400
	333	711.000	Overtime	10,000	
	333	980.000	Capital outlay	65,000	

To amend the DLEF budget for anticipated forfeiture & seizure revenue in excess of original budget, recognition of Federal reimbursement of DLEF related overtime expenditures and costs associated with the renovation the Annex Building.

BUDGET AMENDMENT 12-15

101	General Fund				
	370	930.370	COMMUNITY DEVELOPMENT Repair/Maint Foreclosed Homes	175,000	
	Fbal	390.000	Fund Balance - General Fund		175,000

To amend the budget for the anticipated net expenditure of recording the value of foreclosed homes at June 30, 2012 on the basis of lower of cost or market.

BUDGET AMENDMENT 12-16

661	Motor Pool				
	602	750.000	MOTOR POOL Operating Supplies	160,000	
	Fbal	390.000	Fund Balance - Motor Pool		160,000

To amend Motor Pool operating supply budget for anticipated cost of gas and diesel fuel in excess of original budget.

BUDGET AMENDMENT 12-17

101	General Fund				
	Rev	583.300	Homeland Security Grants	112,805	
	340	980.013	FIRE Homeland Security Equipment	141,006	
	Fbal	390.000	Fund Balance - General Fund		28,201

To establish a budget for the receipt of two Homeland Security Grants for the Fire Department. The first grant is for the purchase of air packs and other firefighting equipment. The second grant is to assist Firefighter health and wellness programs with a goal of reducing health insurance expenses.

BUDGET AMENDMENT 12-18

101	General Fund				
	253	701.002	GENERAL GOVERNMENT Wages - Police & Fire	626,000	
	300	720.000	POLICE Fringe Benefits		715,478
	340	720.000	FIRE Fringe Benefits		420,202
	Fbal	391.000	Fund Balance - Police & Fire Retirement	509,680	

To amend the budget to reflect an anticipated reduction in contributions to the Police & Fire Retirement System via a reclamation of excess funds contributed in a previous fiscal year. Also amends the budget to fund unanticipated accrued sick and vacation time payments to those Command Officers and Firefighters exercising early retirement options.

Ayes: All – 7

8. REQUEST FOR APPROVAL OF THE SALE OF HOME AT 21401 EVERGREEN ACQUIRED THROUGH TAX FORECLOSURES

Mr. Rayes said this is a request of two meetings ago to sell the home at \$113,900. The appraisal of the home came in at \$110,000 and based on FHA requirements, either the owner or the buyer needs to come up with the difference cost where we need to reduce the price. We have negotiated to split the difference and modify the sale price to \$111,900 with no other concessions other than we paid for the installation of a dishwasher that the buyer will provide.

Agenda Item 8 (cont'd)

Motion by Rubino, seconded by Frederick to approve a request to amend a motion to allow for the sale of 21401 Evergreen in the amount of \$111,900.

Ayes: All - 7

9. CONSENT AGENDA Items shall be considered without debate by motion and vote of Council, unless a member of Council specifically requests action taken separately on said item

Ms. Rusie asked to remove item 9d.

Motion by Rubino, seconded by Caron to approve the Consent Agenda items as presented, with the exception of item number 9d that was removed and considered separately.

a. Bills

Check Approval List \$1,897,780.11

To approve the release of checks in the amount of \$1,897,780.11, of the report that is 21 pages in length and of the grand total amount \$1,897.780.11, \$0 went to other taxing authorities.

b. Fees

**Kirk Huth & Lange \$ 135.00
Ihrle & O'Brien \$ 6,082.00**

To approve the above attorney payment to Kirk Huth & Lange and Ihrle & O'Brien subject to audit.

c. Progress Payments - none

e. Receive & File Boards, Commissions & Committee Minutes

<u>Minutes</u>	<u>Meeting Date</u>
Communications Commission	October 12, 2011
Corridor Improvement Authority	February 8, 2012
Historical Commission	February 7, 2012
Memorial Day Parade Committee	March 1, 2012
Parks & Recreation Commission	February 9, 2012
Zoning Board of Appeals	February 2, 2012

f. Request to schedule Council budget hearings for April 30 and May 1, 2012

Ayes: All - 7

Separated Consent Item 9d

d. Approval of Minutes

<u>City Council</u>	<u>Meeting Date</u>
City Council	February 6, 2012

Ms. Rusie asked to remove the February 6, 2012 minutes from the Consent Agenda Item 9d and update the wording on this issue. Under Audience Participation for Jamie Victory, read St. Clair Shores resident, and for Dr. Cervone read Dr. Kenneth Cervone, Grosse Pointe Shores resident.

Motion by Rusie, seconded by Caron to approve the City Council Minutes of February 6, 2012 noting on page 17, paragraph 2 under Audience Participation to read, "Jamie Victory, St. Clair Shores resident", and paragraph 13 to read, "Dr. Kenneth Cervone, Grosse Pointe Shores resident".

Ayes: All - 7

10. UPDATES AND FOLLOW-UPS FROM COUNCIL MEETING

- **Residential streets reconstructing / repaving streets.** Mr. Hughes stated there will be five streets in 2012 to be reconstructed / repaved. They are 1) Brys from Harper to Old Eight Mile, 2) Wood from Paloma to 10 Mile, 3) Taylor from Waldron to Jewell, 4) Cubberness from 10 Mile to Statler, 5) L'ance from Harper to Mack. These are in most need of repair.
- **Lange and Revere Canals.** Mr. Hughes stated that a resident asked for guidance of clarification on the high concentration of weeds and muck in the Lange Canal. Mr. Ihrle said we started the process of review of the 50-year old court order and started a conversation with Mr. Graboski, County Public Works and are in the process to find whose responsibility it will be to clear the canal. The answer should be in by the next Council Meeting.
- **Soliciting.** Mayor Walby asked that if someone has a 'No Trespassing' sign on their property, does that trump someone from walking on their property. Mr. Ihrle stated that a 'No Trespassing' sign should stop someone from knocking or ringing door bells. It does not apply to the Post Office, but the limitations of a 'No Trespassing' sign will be reported back to you. 'No Trespassing' signs do have some credibility, but Mr. Ihrle will get back to Council as to what people or organizations they can keep out.
- **Adopt-A-Sign Program.** Mayor Walby stated that the program has been around for a long time and we don't even know if the organizations are still maintaining the streets. We need to investigate and asked Mr. Hughes to look into this issue.
- **Yard waste.** Mayor Walby stated that the warm weather is creating yard waste. Mr. Hughes stated that Monday, April 2nd is when yard waste will be picked up again. Waste Management has given us a fee to pick up the yard waste now at about \$175.00/hour for an 8 -hour day (approximately \$1,400.00/day). Mayor Walby wondered that because of this cost, as we are trying to cut costs, if we can go back to Waste Management and if they could pull it a week ahead, starting on March 26th. Mr. Hughes will look into this issue and if they can do this service, he will see that it is posted on the website.
- **Website Committee.** Mary Jane D'Herde said they will look at a 7-step approach to include reviewing selected websites considered to be the best. Some of the things they liked in other websites were ease of navigation or ease of update, search by keyword, online bill payment and registering for a class or tee time. They will then request review for proposals from other cities since they don't want to reinvent the wheel. They are currently at Step 3 where they will contact three to five cities and find out what happened to the RFP, who they selected, what the cost is, and what features they got. They will then move into Step 4 which is to develop our own RFP. It will go out for bid, they will analyze the bid, then it will come to Council in June with a recommended website improvement plan.
- **Budget Hearing.** Will be held this Saturday at 8:00 a.m. in Council Chambers and is open to public and televised. It is in regards to how we move forward in anticipation of the April 30th and May 1st Budget Hearings.
- **General Employee Pension Board Trustee Opening.** We have a position open on the Board and are looking for individuals who have experience in investments.

11. COMMENTS BY INDIVIDUAL COUNCILPERSONS

Council Member Caron gave a reminder that the Michigan Parkinson Foundation Walk-A-Thon/5K Run is Saturday, May 19th. Online website registration is now open at parkinsonsmi.org or contact the organization directly.

He received an email from a friend in Lansing regarding a letter from Macomb Area Communities for Regional Opportunities (MACRO) the City Council agreed to go into last August. They are still using former Mayor Hison's signature on the letter which is an electronic signature. Mayor Walby and Mr. Hughes were not aware of the letter. Mr. Hughes missed the February meeting, but stated he made it clear that we have new mayor and this dissemination was not acceptable. MACRO helps to identify regional savings and efficiencies between governments. It is not intended to be a lobbying committee.

Mr. Caron stated that MACRO is saying we have to eliminate 600 police officers, but he indicated that St. Clair Shores is not doing that. Mr. Caron said that the activity out of them is not appropriate and in the future would not want to see these communications going out on policy unless approved by Council. Mr. Caron asked Mr. Hughes if we were going to receive quarterly updates. Mr. Hughes stated he will give an update at the next Council Meeting. Mr. Caron asked if there were any new ideas in the seven months we have been with this organization. Mr. Hughes said there were no new ideas, but ideas previously discussed are becoming more of a reality. For example, each city has their own payroll components in-house, but looking at one central payroll thus reducing staff. They are also looking at equipment sharing such as front-end loader or a hook and ladder truck. Mr. Hughes indicated he will be attending the April meeting. Mr. Caron asked if there is still a benefit to be part of this organization. Mr. Hughes believes it may be a benefit to still belong, but if Council thinks they should get out, he would understand that. Mayor Walby stated that it is more important for Mr. Hughes and Mr. Smith to work on the budget before attending MACRO meetings.

Council Member Rusie congratulated Sara Skoney, the 2012 St. Clair Shores Memorial Day Parade Committee logo winner, and stated she is very talented.

Agenda Item 11 (cont'd)

In regards to MACRO, Ms. Rusie stated it is important that this does not happen again.

She said a few residents had a question regarding Nixle, a system used for updates from the Police Department, and when will it be used again and why haven't notifications been sent out. Mr. Hughes stated Nixle was down for a brief period of time, but is back up again. It has just over 1,000 subscribers. It is intended for blanket announcements regarding severe weather, public infrastructure emergencies (boil water advisory), and crime notification such as a missing child or someone with dementia who has wandered from home. It was never intended to give updates on crime, house break-ins, etc. Ms. Rusie asked about other types of crime notification. The concern is what can the City do to make people more aware of crime issues before they read them in the paper. Mr. Hughes will continue to talk to Chief Walleman and we have to be strategic about it. Ms. Rusie challenged the department to come up with some ideas or alternatives to this issue.

Ms. Rusie asked that we work with Waste Management in starting the yard waste pick-up date a little sooner due to warm weather.

The St. Clair Shores Memorial Day Parade Bowling Fundraiser is on Friday, May 4th at Shores Lanes on Harper near 13 Mile road at 8:00 p.m. The cost is \$22 prepay per bowler and \$88 for team of four. Walk-ins are \$25 per bowler and \$100 for a team of four. This includes three games of bowling, shoes, pizza, pop, and mystery games. Prepay is due April 30th. Contact Sue Nesbit at 586-504-0493 or call Sue to volunteer for the Memorial Day Parade.

Four Paws One Heart Bowling Fundraiser is on May 19th. This is a pet charity to raise funds for the medical treatment of animals who are strays, abandoned, or relinquished. The fundraiser is at Harbor Lanes and starts at 6:45 p.m., bowling starts at 7:30 p.m. Payment is due May 5th. Before May 5th cost is \$15 for 3 games bowling, shoes and pizza. After May 5th cost is \$20 at the door. Contact Ms. Rusie and she'll put you in contact with right people or call Diana Rascano at 586-296-8470.

Council Member Rubino requested City Administration to speed up the Water Meter Opt Out Program for Council action.

Mr. Rubino asked if someone frequents a business and they have their only fire exit blocked, who can they call? Mr. Hughes indicated they can call the Fire Marshall or the Community Development Department. Mr. Rubino asked what if it continues. Mr. Rayes indicated that the Fire Marshall can write a ticket and take them to court and they would have greater authority over an issue like that than the Community Development Department.

Mr. Rubino thanked the Boy Scout group from St. Margaret's who interviewed him this evening with a lot of great questions.

HABA (Harper Avenue Business Association) and the Macomb Chamber of Commerce will be hosting a Consumer to Business Expo on Saturday, April 14th from 10 a.m. – 4 p.m. at Rodgers School in St Clair Shores. Vendors who have products or businesses you want to introduce to the community can call Nicole McKee at the Macomb County Chamber at 586-493-7600 or email macombcountychamber.com.

Council Member Tiseo indicated that all the papers landed on the porch and they were gone within hours where residents picked them up and took them into the house.

Mr. Tiseo stated that the St. Isaac Jogues Men's Club called the City more than once to Adopt-A-Road and never got a response. They may still be interested if it is still available. Mayor Walby indicated that they will go back and look at this.

Mr. Tiseo stated that it is fish fry season for local churches are they are getting a lot of support and they appreciate it.

Council Member Frederick stated that there is some graffiti on a stop sign and a no right turn sign at 13 Mile and Mack across from the fire station.

He announced the following upcoming City events:

There will be a cash mob at Lakeside Fishing Shop in St. Clair Shores at Jefferson and 10 Mile on Friday, March 23rd. The event starts at 5 p.m.

The 3rd Annual Shorian Taste Fest is Sunday, March 25th. It takes place from 1 – 5 p.m. at Barrister Gardens. Contact the Lakeshore Athletic Department at 586-285-8920.

The Annual Easter Egg Hunt will be held at the City Park behind Blossom Heath at 12:00 noon on Easter Sunday, April

Agenda Item 11 (cont'd)

8th.

Wigs For Kids fundraiser is on March 30th at the National Coney Island from 6 – 9 p.m. Contact 586-772-6656.

WigsFor Kids Annual Gala will take place on September 14th.

St. Isaac Jogues, St. Germaine's, Our Lady of Hope and the Bruce Post will be having fish fries.

Four Paws One Heart event on May 19th. Contact Diana Rascano on 586-296-8470.

Special Needs Bowling Fundraiser on Saturday, April 14th at Harbor Lanes. The event takes place from 1 – 4 p.m. Contact Kevin Karapuz at 586-777-7151 or Margaret Mazurkiewicz at 586-296-7522.

Optimists Annual Champions Banquet will be held on Wednesday, May 2nd. Tickets can be obtained by calling Dave Martin at 586-772-2537. The Optimists honor kids from South Lake, Lakeview, and Lake Shore as well as the Adult Ed, but also people from the community. The event will be held at Blossom Heath and are \$30 in advance and \$35 at the door.

As liaison to the Library Committee, Mr. Frederick stated that there are were 346,000 items are checked out a year (approximately 29,000 items per month), 242,000 patrons visited the library last year (an average of 851 people per day) and almost 50% of the people in St. Clair Shores have an active library card. The Board of Trustees at the library purchased a book titled 'The History of Britain and Ireland' and was purchased in the honor of Mrs. McFadyen who served as the Council Library Liaison from January 2004 to November 2011. The Summer Reading Program at the library has over 1,000 kids participate. Call Sue Mihalic at 586-771-9020, ext. 408. Babe will be the upcoming Family Movie Matinee on Saturday, April 7th at 2:00 p.m. Bring your own snacks. The library also has Classic Film Fridays in the afternoon and this Friday they will be showing Arsenic and Old Lace, next Friday they will be showing The Pink Panther.

Council Member Vitale indicated that a resident went to the Tour Lake St. Clair website to see what the new signs are all about. He was surprised to see that the Veterans Memorial Park and Lac St. Clair are on the map. It has been made very clear that residents want parks to be for residents only. He didn't think this was the way to back opening the parks to anyone. Mr. Vitale asked that this be looked into.

Mr. Vitale sends a shout out to the Shores Connection and he doesn't see in his area anymore. Would like a copy of the Shores Connection in his Council mailbox.

Mr. Vitale asked how he can properly dispose of tree limbs when not having a yard waste pickup. Mr. Vitale wants to know if yard waste is defined as yard waste and grass clippings or yard waste, grass clippings, and tree branches. He asked how residents can dispose of branches during the off yard waste collection seasons. Mr. Hughes will look into this matter.

Mr. Vitale stated that an apartment complex or the condos at Martin Road across from the funeral home has been putting trash out early in the week. He believes their trash day is Thursday. Mr. Vitale asked that someone talk to them about this issue.

Mr. Vitale stated that in regards to his vote tonight on the custard shop business, he doesn't like the way it was handled. Mr. Descamps came in tonight and told me that he had never seen updates of the plans. Mr. Vitale said he did see them and spoke to him in favor of them. Mr. Vitale doesn't think it's right, doesn't like the way it was handled, and portrays us one way and within weeks what was portrayed as retail, he mentioned that the word 'office' was used, got turned into a storage bay. Mr. Vitale thinks it was a bait and switch. He said there were major site differences and they do need to come in front of us when making revisions of that size and that is the reason he voted no on it.

12. CITY MANAGER'S REPORT – None

13. AUDIENCE PARTICIPATION (5 minute time limit)

Adrienne Gaspueur, Turning Point representative, said that April is Sexual Assault Awareness month. There were 550 reports of sexual assault in Macomb County in 2010. In 2011, Turning Point provided services to 116 women, children, and men who live in St. Clair Shores. Sexual Assault can be prevented and education is the key to prevention. Turning Point gave 28 sessions to over 478 students regarding sexual assault. They learned skills, learned to be a responsible bystander, and learned to help a friend. Turning Point is in the process of a capital campaign to build a new facility. They have made a commitment to build a new shelter in Macomb County. For updates visit www.turningpointmacomb.org. Ms. Gaspueur thanked members of St. Clair Shores for their support

Agenda Item 13 (cont'd)

through donations and volunteering and thanked the Board including Turning Point in the community block grants. Ms. Gaspeuer said teal is the color given to Sexual Assault. She asked the Board to wear the teal ribbon for one day in April to raise awareness of Sexual Assault.

Jamie Victory, St. Clair Shores resident, indicated that the St. Clair Shores Memorial Day Parade Committee is having a spaghetti dinner on Thursday, March 29th from 4:30 p.m. – 8:00 p.m. at Assumption Cultural Center, 21800 Martin Road.

Dave Rubello, St. Clair Shores resident, mentioned that the spaghetti dinner for the St. Clair Shores Memorial Day Parade Committee will be catered by Marchiori Catering. He also mentioned that on April 21st they are looking for bands in St. Clair Shores for their battle of the bands fundraiser. The world's youngest drummer, Julian Pavone, will be visiting on April 21st. He is also sending a call to the residents of St. Clair Shores. They are looking for 100 people to give \$100, for a total of \$10,000, to the St. Clair Shores Memorial Day Parade. They already have five people, but are looking for more. The parade is on Sunday, May 27th.

The St. Clair Shores Business Expo is April 14th. The deadline for vendor participation is March 31st. Contact 586-493-7600.

Erin Stahl, St. Clair Shores resident, said she hopes you will demand to see more from the City Treasurer and the City Manager. Ms. Stahl showed charts for her concept of City Foundation Teams expenses.

Frank Maiorano, St. Clair Shores resident, spoke to Council about City management of the public funds and the handling of the NSP project. He questioned why Swany Construction was awarded a contract for 22326 Rosedale, when they weren't lead certified.

Mary Nanney, St. Clair Shores resident, is a member of Power House Gym. She said Council should be aware of fire safety issue and that the only emergency exit they have is blocked by the storage of gym equipment.

Ralph Kosal, St. Clair Shores resident, spoke about ethical issues and an ethic policy. He believes people are not disclosing things when voting on issues. He asked where the Ethics Policy was.

Don Lobsinger, St. Clair Shores resident, spoke in reply to Mr. Michno's statement from a previous meeting in regards to Martin Luther King.

Louie Andiaris, St. Clair Shores resident, stated that there is graffiti on Visnaw Street. This was an ongoing thing last year on Greater Mack between 12 Mile and Martin. He said he takes pride in the City and thought it needs to be brought to the attention of law enforcement and neighborhood watches.

14. MAYOR'S COMMENTS - None

15. REQUEST TO ENTER CLOSED SESSION AS PERMITTED BY STATE STATUTE MCLA 15.268 SECTION 8 (e) LESKA VS ST. CLAIR SHORES

Motion by Frederick, seconded by Rusie to enter Closed Session at 10:35 p.m.

A roll call vote was taken.

Ayes: All – 7

Motion by Frederick, seconded by Caron to return to Open Session at 10:50 p.m.

Ayes: All – 7

Motion by Rusie, seconded by Rubino to proceed as proposed by the City Attorney regarding Leska vs St. Clair Shores.

Ayes: All - 7

16. ADJOURNMENT

Motion by Frederick, seconded by Rusie to adjourn at 10:52 p.m.

Agenda Item 16 (cont'd)

Ayes: All – 7

KIP C. WALBY, MAYOR

MARY A. KOTOWSKI, CITY CLERK

(THE PRECEEDING MINUTES ARE A SYNOPSIS OF A CITY COUNCIL MEETING AND DO NOT REPRESENT A VERBATIM RECORD).