

**MINUTES
ST. CLAIR SHORES CITY COUNCIL MEETING
June 18, 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, Tiseo and Vitale

Absent & Excused: Council Member Rusie

Also Present: City Manager Hughes, City Clerk Kotowski, Directors Babcock, Haney, Rayes and City Attorney Ihrie

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

Mayor Walby called the meeting to order at 7:00 p.m. Ms. Kotowski, City Clerk, called the roll. A quorum was present. Ms. Kotowski noted Ms. Rusie asked to be excused.

Motion by Caron, seconded by Rubino to excuse Council Member Rusie.

Ayes: All – 6

Absent: Rusie

The Pledge of Allegiance was said by all.

Mayor Walby announced that agenda Item 8f(3) was removed from the agenda.

2. PROCLAMATIONS & PRESENTATIONS

a. Matilda Sanderson in honor of her 103 Birthday

**Proclamation
to
MATILDA SANDERSON**

WHEREAS, the Mayor and Council of the City of St. Clair Shores do hereby wish to extend best wishes to **Matilda Sanderson** on the occasion of her 103rd birthday; and

WHEREAS, she was born **Matilda Henderson** in Nova Scotia Canada on April 21, 1909 and in 1927, when she was eighteen years old, she left her parents, brother and three sisters for Boston Massachusetts; and

WHEREAS, in 1930 **Matilda** married and later had two beautiful daughters Marguerite, who still lives in Boston, and Annabel, who is a resident of St. Clair Shores; and

WHEREAS, **Matilda** who prefers to be called **Tillie**, has twenty three grandchildren, forty seven great grandchildren and thirteen great great grandchildren; and

WHEREAS, **Tillie** has made Leisure Manor her home on and off since 1986 where she enjoys birthday parties, loves to play Pokeno and Bingo every Saturday evening and shares her life with her kitty cat named Cindy;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the City of St. Clair Shores, on behalf of all our residents, deem it an honor and a pleasure to extend our sincere congratulations and best wishes to "**Tillie Sanderson**" as she celebrates her 103rd birthday.

Signed this 18th day of June, 2012

Item 2 Cont'd.

b. Patriots Relay for Life Team of Jefferson Middle School

**PROCLAMATION
to
PATRIOTS RELAY FOR LIFE TEAM
of
JEFFERSON MIDDLE SCHOOL**

***WHEREAS**, the Mayor and the Council of the City of St. Clair Shores deem it fitting and proper to publicly recognize those citizens and organizations who unselfishly dedicate their time and effort to the betterment of others; and*

***WHEREAS, THE PATRIOTS RELAY FOR LIFE TEAM**, a fundraising group for Relay For Life of St. Clair Shores, will be participating in their 7th Relay since joining Relay For Life of St. Clair Shores in 2006; and*

***WHEREAS, THE PATRIOTS RELAY FOR LIFE TEAM** since 2006 have had 640 students participate on the Team; and*

***WHEREAS**, in that time **THE PATRIOTS RELAY FOR LIFE TEAM** has raised over \$125,000 for the American Cancer Society; and*

***WHEREAS, THE PATRIOTS RELAY FOR LIFE TEAM** have decorated over 1,500 luminaire bags honoring cancer survivors and some dedicated to the memory of those who lost their battle to cancer; and*

***WHEREAS**, for the past four years **THE PATRIOTS RELAY FOR LIFE TEAM**, have been the top fundraising team for the Relay For Life of St. Clair Shores which will celebrate their 14th year anniversary on Friday, June 8th and Saturday, June 9th, 2012;*

***NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the City of St. Clair Shores, on behalf of all our residents, hereby recognize and honor **THE JEFFERSON MIDDLE SCHOOL PATRIOTS RELAY FOR LIFE TEAM** for their generosity, and extend sincere appreciation to these fine young people for their continued commitment and outstanding fundraising efforts for this worthy cause.*

Presented this 18th day of June, 2012

Terri Lawhorn, Vice-Chair, St. Clair Shores Relay for Life, stated that at the Closing Ceremony on Saturday they had netted \$168,232. One week later they had raised over \$170,832 net. The season goes until August 31. She thanked everyone that participated. They received support from all three school districts. Kris Rice, Chair, St. Clair Shores Relay for Life, thanked the Mayor, City Council and everyone that participated for coming out to support them.

c. St. Clair Shores Memorial Day Parade winners

Debbie Cottrell, Co-Chair, St. Clair Shores Memorial Day Parade Committee, thanked everyone that participated in the parade. She introduced Cheryl Furdos, Advertising and Marketing Chairperson for the St. Clair Shores Memorial Day Parade Committee, to announce the following award winners:

- Second Place Best Special Entry - Entry #19 the Detroit Fire Department Clown Team
- Best Special Entry - Guinness World Book of Records Youngest Professional Drummer Julian Pavone
- Best Overall Entry - Entry #83 The School of Rock
- Best Patriotic Entry - Entry #51 Lac Ste Claire Kiwanis, 785th Military Police Battalion out of Fraser was present
- Best Color Guard - Entry #9 the 82nd Airborne
- Best Musical Entry - Entry #117 the Cass Tech Marching Band
- Best Overall Entry - Entry #245 the Moslem Shriners
- Mayor's Choice Award - the St. Clair Shores Historical Commission

Item 2 Cont'd.

Dave Rubello, St. Clair Shores Memorial Day Parade Committee member, announced the winner of the Horse Pie Bingo Fundraiser. He thanked everyone that participated in the 60th Memorial Day Parade.

3. AUDIENCE PARTICIPATION ON AGENDA ITEMS

Jim Goodfellow, St. Clair Shores Resident, Agenda Items 4 and 8f(15). He inquired how many meetings were held since March regarding the 40th District Court building. Which Council members and sub-committee members were present at those meetings? Can the City collect interest on the bond money? Regarding 8f(15), the subcontractor for irrigation cost TIFA over \$10,000 because of water losses. Did that subcontractor reimburse the City?

John Frank, New Baltimore Resident and Great Lakes Yacht Club Member, Agenda Item 5. He had concerns about the Brownie proposal to extend the outdoor music allowance. The good news was that last year went well with very few incidents. This year there have already been five calls about excessively loud music that went to 1:30 a.m. He is concerned about moving forward because the music has been going later and later, and a call had to be made. The club would like to see this extended one more year to see how it goes. We want a vibrant Nautical Mile.

Jimmy Diehl, St. Clair Shores Resident, Agenda Item 4. He was concerned about how the District Court project was handled from the onset. He would like to see this item tabled until there is more information. His concerns include: 1) There was only one potential site investigated. 2) The Police Station needs a new location, and they should research something that would house both. 3) The evaluation underestimates the value of that property. (4) It will be difficult to keep the project revenue neutral. He would like to table this item for now, pay for a real appraisal, market the property and seek out a buyer representative that will have access to more availability in the City. If we proceed to final documentation and bidding tonight, it will be an uninformed and reckless decision.

Erin Stahl, St. Clair Shores Resident, Agenda Item 4. She would like to delay the decision on the Court building indefinitely, especially with what is going on in Europe. She has found lots of low cost opportunities to step up service in the Court. We should wait and pay for it. It would be a bad economic decision to move forward with this right now.

4. REQUEST TO PROCEED TO FINAL DOCUMENTATION AND BIDDING OF NEW 40TH DISTRICT COURT BUILDING

Mr. Hughes explained that the architecture firm, Stucky-Vitale Architects, has completed their review of the 40th District Court building, a facility that was originally constructed in the late 1930s. It has been determined that renovating this building is not an economically feasible option from a cost-benefit perspective. The five member committee formed by Mayor Kip Walby (Judge Mark Fratarcangeli, Council Member Pete Rubino, Council Member Candice Rusie, Community Services Director Chris Rayes and Ben Hughes) has reviewed the preliminary design of a new 40th District Court. As such, he is respectfully recommending that Council authorize City Administration to complete the construction documents in order to secure bids for a replacement facility at the corner of 11 Mile Road and Jefferson.

The total cost of the project (including new office furnishings for the Court) shall not exceed \$3.5 million. He proposes financing the project by using the \$1.8 million that exists in the Court Building Fund and borrow the remaining \$1.7 million with competitive municipal bonds payable over a 20 year term. Interest rates are at near historic low. Construction companies are looking for work and giving good bids. Band-aid repairs are not sufficient for this building any longer.

If approved, the existing Court building would be demolished approximately in the month of September. Constructing will require 9-12 months. During that period, he proposed that we lease temporary space in a building on the St. Gertrude Campus located on Jefferson Avenue near Martin Road. This lease arrangement would terminate once the new Court officially opens.

John Vitale, Stucky-Vitale Architects, was present to address issues. He gave a cursory review of where we are in the process. He showed a drawing of the site plan which shows the footprint of the existing building. He stated that after many site plan considerations, the new building is proposed to go on the same or similar to the existing footprint. They carefully looked at numerous plans and schematics, and this step in the process allows them to build a cost model that they are comfortable with in developing a good cost. Storage is one of the many deficiencies, so they have created a mezzanine as a low cost way to accommodate that storage. They will use very durable and simple materials. The design is not exotic, but it is very attractive. They have been very budget conscious. There will be lots of brick and windows along 11 Mile Road. The slides presented included interior and exterior pictures.

Item 4 Cont'd.

Mayor Walby stated that the cost model is supposed to give us good accuracy. This is not final, but if it comes in at \$3.5 million or \$3.6 million it would be an issue. This number must be pretty accurate.

Mr. J. Vitale said that they have checked the cost model many different ways to make sure they have a good cost development.

Mayor Walby asked about soil borings. Mr. J. Vitale stated that they have done soil borings. There are some issues so they have to go a little bit deeper than normal, but they are not concerned.

Mayor Walby asked if there would be a need for more money out of the General Fund.

Mr. Hughes explained that if they move forward tonight, this is not the last vote. Tonight we are just voting to allow Stucky-Vitale and the committee to put construction costs out for bid. They would then come back to Council with a cost and then a proposal. If this comes back at \$3.9 million, then we can stop there. There will not be any money taken out of the General Fund for this step. We anticipate the Court Building Fund to continue to have money pumped into it each year based on the misdemeanor \$5 charge. This is the money that will be used to pay off the annual principal and interest.

Mr. C. Vitale pointed out that he is not related to Mr. John Vitale, Stucky-Vitale Architects. He wanted to know why this building has a flat roof instead of a pitched roof.

Mr. J. Vitale explained that most buildings this size are built with a flat roof because it accommodates the HVAC easily. They can consider a slope roof, but it is more expensive and does not accommodate the HVAC.

Mr. C. Vitale asked if they can warranty a flat roof for 20 years.

Mr. J. Vitale said that a flat roof can be no maintenance if it is installed correctly, and you can get a 20 year warranty on the roof. They can evaluate the cost of building with a slope roof as well as the flat roof.

Mr. Tiseo asked if the temporary housing will be in the high school and the gym at St. Gertrude. Mr. Rayes said that it will be in the elementary building only. We will not be involved with the gym at all.

Mr. Tiseo stated that he has received inquiries as to why this cannot be done on the same property. Mr. J. Vitale explained that they have done a number of models that demonstrate the building and every case on that site. The further west you go it starts to break up that parking lot with driveways. From a planning standpoint, it makes sense to be by the intersection which helps to cause an anchor effect. It makes good planning sense to do it as proposed.

Mr. Tiseo asked about the 15 year bond versus the 20 year bond. Mr. Hughes said that we did do a cost analysis comparing the two.

Mr. Tiseo noted that the 20 year will cost about \$300,000 more in interest if it goes full term, and he is more comfortable with that. We will be looking for a call period. Mr. Hughes pointed out that the call period allows us to prepay these bonds early.

Mr. Haney explained that these are just estimates, and we can write it any way we want. It will be structured properly when we get around to doing the actual borrowing.

Mr. Hughes stated that we currently charge the Court \$75,000 per year in rent.

Mr. Tiseo asked if the rent will stop. Mr. Hughes answered that would be the Council's decision, but he would recommend that it does not stop.

Mr. Tiseo said that it is noted that any improvements made by the City at the St. Gertrude Campus are requested to stay in place with no reimbursement required by them. Mr. Rayes stated that they may want to keep some of the changes being made such as doors that we will add for our own use. This does not include any furniture. They will only be using old furniture, and we will dispose of that once we are done there.

Mayor Walby asked what we will be paying to use St. Gertrude. Mr. Rayes said that we will pay \$3,500 a month for the building plus monthly utility bill sharing.

Item 4 Cont'd.

Mayor Walby pointed out that is on top of the 20 year bond service plus rent. Will we meet that based on what we have collected in the past? Mr. Haney stated that we have averaged \$180,000 over 4 years. The \$143,000 is the highest debt service we have here, and that is with the 15 year bond. With the 20 year bond, it would average \$119,000.

Mr. Caron stated that he is in favor of the 20 year bond to provide a cushion. We could add the \$5 fee on parking tickets in the future if we need to do so. He would like the alternates in the construction numbers explained. The first was replace pavement in place of resurfacing. Mr. J. Vitale stated that they need to do a more in-depth review of the existing sewer system. If the existing system is usable, they can just resurface the lot, but if they have to replace the sewer system then that would require pavement replacement.

Mr. Caron asked if there is a concern that the construction equipment may damage the existing surface. Mr. J. Vitale said yes, but the back lot is already in need of repaving. They need to do more borings to do a more detailed evaluation.

Mr. Caron asked about fire protection. Mr. J. Vitale explained that is an option since it is not required by code for that size building, and it is not currently in the plan. Particular storage areas may require it, but the entire building does not have to be fire suppressed based on square footage and construction type.

Mr. Frederick asked about storage and records at the temporary facility. Mr. Rayes stated that we have not made a final plan yet, but there is adequate space where they can be secured in the temporary location.

Mr. Rubino stated that the Court Fund has brought in \$180,000 on average a year. That is net of the rent. So if we go on the 20 year note that leaves \$60,000 extra per year. What happens to that money? Mr. Hughes explained that money would accumulate in that fund to be used for maintenance issues or for future use.

Mr. Rubino asked if they could use it to pay off the bond early. Mr. Hughes stated it could be used for that which speaks to the call option.

Mr. Rubino pointed out that we would be better off putting this money into a hard asset than just having it sit in a fund.

Mr. C. Vitale stated that he thinks the process was rushed by the old sub-committee. They only looked at one other building to use. He was told that the outgoing administration wanted to vote on this so it was rushed. To build and house on the existing site was never feasible, now they need temporary housing during construction. He raised the idea of marketing the current Court site. An appraisal was assembled which he feels undervalued the property. It stated that the cost benefit of selling the property does not increase the bottom line to justify the sale. He wants to see the tangible justification for that. Keeping the Court there is emotional and sentimental. If the comparisons only included St. Clair Shores sales, the value of the property raises to \$790,744. There are other properties around the City that could benefit from a development such as this. He would like to see the Court property used to build condominiums and bring in more revenue. He thinks that this should be tabled, and he moved to table the item.

Mr. Rubino said that we got an appraisal from an independent relator to determine the worth of that property. We have looked at other sites, and the prices were outrageous. To simply state you want condominiums built in this economic environment is not realistic. It makes sense to keep the Court by the Police Department, and we will not be building a new Police Department for many years because it is General Fund dollars. The trouble in Europe has strengthened our bonds. The Court saved their money, and they have almost half of the needed amount. The rates are good. This is not going to cost the residents a penny. It makes sense to do this now. Mr. Rubino stated that this decision is not being rushed into. He asked when the City initially started looking into this. Mayor Walby said that they formed a Blue Ribbon Committee in approximately 1996 to look at a new Court building.

Mr. Rubino asked how many cities charge their Court rent. Mr. Hughes stated that his belief is that no other city charges rent.

Mr. C. Vitale said that residents do not pay us to rubber stamp opinions. He is going to ask the questions. He gave numbers based on common sense and comparisons in St. Clair Shores. He thinks the professional appraisal was not well done.

Mr. Rubino pointed out that you cannot compare a residential area to a busy business district. He trusts a professional realtor and a professional architect. We do not know everything that is why we go to professionals for opinions and appraisals. He will go with people that he trusts that have done this extensively before emotion and common sense.

Item 4 Cont'd.

Mayor Walby clarified that the next step will be to take it out for bid and further evaluate the parking lot issues. He would like it written up with the roof having a 20 year warranty.

Mr. Hughes stated that they will call back potentially on July 16 with information. There will be construction drawings provided July through mid-September with periodic updates.

Motion by Frederick, seconded by Caron to approve request to proceed to final documentation going out for bid of new 40th District Court Building.

Ayes: 5 - 1
Nay: Vitale
Absent: Rusie

5. REVIEW OF ONE YEAR TRIAL FOR SITE PLAN AMENDMENT TO PLANNING CASE 93-32, BROWNIES ON THE LAKE, LOCATED AT 24214 JEFFERSON, TO ALLOW OUTDOOR MUSIC AND ENTERTAINMENT MONDAY - THURSDAY, NOON TO 11 P.M., FRIDAY AND SATURDAY, 11 A.M. TO 12 A.M. AND SUNDAY, NOON TO 11 P.M.

On June 6, 2011, Council approved the petitioner's request for site plan amendment, to allow outdoor music and entertainment, with a one-year test period.

Frank Palazzolo, Attorney for Brownies on the Lake, stated that John Vicari and his brother Joe have been working the waterfront for 20 years. It was a surprise to them that boaters were complaining since they are usually the noisiest on weekends. We will work towards whatever you want us to do. We noticed one resident complained about motorcycles, and we cannot control that. Our valets will remind motorcycles that this area has residents and to please keep that in mind. We are 1,000 feet from the condominium complex compared to the Beach Grill which is 400-500 feet away. Our sound is directed toward the lake. Our outside music only goes until 12:00 a.m. not 1:30 a.m. Inside there is a band to 1:30 a.m., and maybe that is what was heard. They have earned the opportunity to prove they can do what the City wants.

John Vicari, Brownies on the Lake owner, said that he had not gotten a call this year from the condominium administration. He has not been spending much time at Brownies recently but will be conferring with staff. He did hear about the couple police calls, and they responded to those calls right away. We get complaints, we turn down the music. He was surprised to hear about music after midnight. We have a window of Mother's Day to Labor Day to make money. We almost did not survive November to April. Winter is tough in St. Clair Shores, and this is the time we can make money. We need to have outside entertainment. Sometimes we make more money outside than inside. I apologize for the late time, but that is what we need to do to survive.

Mr. Vitale said that he has a stack of emails, handwritten letters and phone calls from residents. It is hard to get people to take a stand. If we have 20 phone calls, there were probably 60 people that were impacted. He appreciates their situation, but we have to respect the residents as well. The only thing he could support would be another extension. We may not even have an accurate tracking.

Mr. Vicari said that he will make sure they abide by their times. People on boats have huge stereos, and they play them until all hours. He would like them to be sure that the music is actually coming from Brownies.

Mr. Caron asked what the rules are for Beach Grill. They have a larger outdoor area than Brownies. Ms. Kotowski stated that Beach Grill asks for 12 special events on certain dates. They have the music inside and a Tiki bar.

Mr. Caron said he agrees that it is quite a distance from the condominiums, and when he drove up he had to get pretty close before he heard the music. He asked if they aware that the speakers need to be pointed toward the lake. Mr. Palazzolo said that there is only one way the speakers can be faced, and that is toward the lake.

Mr. Tiseo asked if there are different rules for boats for noise. Mr. Ihrie said that they are the same as for residents.

Mr. Rubino asked what the sound limit is. Mr. Ihrie said it is 80 decibels, and the police have the equipment to test for that.

Mr. Hughes stated that, per Deputy Chief Bowlin, during 12 months there were approximately six calls. Some were unsubstantiated once the police arrived. Two to three times they were asked to turn the music down.

Item 5 Cont'd.

Mr. Frederick said that he has been down there numerous times, and he has not heard anything that would cause problems. He has heard boats that are loud. He has known Mr. Vicari to be one of the most reputable businessmen and neighborly businesses in the area. He has no problems with this. We need them there, and we need to get them through this tough period.

Motion by Frederick, seconded by Rubino to approve a review of site plan amendment, to allow outdoor music and entertainment Monday - Thursday, Noon to 11 p.m., Friday and Saturday, 11 a.m. to 12 a.m. and Sunday, Noon to 11 p.m., at 24214 Jefferson for a one-year trial period.

Ayes: 5 - 1
Nay: Vitale
Absent: Rusie

6. BIDS/CONTRACTS/PURCHASE ORDERS

a. Dasher Board Purchase for Olympia Arena from the National Joint Powers Alliance under Cooperative Bids

Gina Rheame, Arena Manager, explained a request for proposal was received from Becker Arena Products, Inc. on May 17, 2012 for the purchase and installation of dasher boards for the Olympia Rink at Civic Arena. The new dasher board panels and doors will be completely installed by Becker Arena Products, Inc with tear out and disposal to take place with Arena staff, Parks staff and Building Maintenance in a time savings and cost savings effort. Becker Arena Products, Inc. was selected through the National Joint Powers Alliance Purchasing Program (NJPA) municipal contracting agency. The NHPA is a member-owned cooperative discount program that the City of St. Clair Shores is a participating agency member. The athletic and equipment accessories national contract was last competitively bid, compiled and awarded to Becker Arena Products, Inc. in October, 2010. Only government agencies, education facilities, public schools and private schools, as well as non-profit organizations are able to take advantage of this pricing.

The new dasher board system will be totally constructed and supported with galvanized steel as opposed to the current system which was reinforced with 2' x 4' wood. The solid steel is proven in the industry to withstand the test of time and will be its nature hold up better to tear downs an daily use. The new boards would be manufactured by Becker Arena Products, Inc. having 100% American content ,and their plant is located in Savage, Minnesota. Becker Arena Products was awarded the Civic Arena Gardens dasher board installation conversion project in June of 2008 and completed the project in 10 working days.

We recommend accepting the RFP for the dasher boards with vision supportless shielding on the spectator sides, utilizing our own end glass and supports in the amount of \$120,802.63 from Becker Arena Products, Inc. We intend to place the order immediately and plan installation for July 22-August 4, 2012 to accommodate all of the programs and rentals. We are also taking into consideration the best time of year in our industry to reduce revenue impact.

Funding was budgeted over three fiscal years and is available in Arena Capital Outlay 101-703-000-980-721.

Mr. Caron asked if the advertisements that are on the boards will be replaced. Ms. Rheame stated that they need to find a different place for these because they weaken the strength of the boards. They will use the walls.

Mr. Caron asked if the boards will be less flexible. Ms. Rheame stated that the boards and glass are designed to give and take what is dished out in hockey. She would be more concerned with the glass. The new glass they are using it better than what they had.

Mr. Frederick asked if we are okay with the exact spot where this is. Mr. Rheame stated that it will be put back on the exact same structure as it is on now.

Mayor Walby pointed out that rink is paid for by the people that use it, it is profitable and it is a great asset.

Motion by Frederick, seconded by Caron to approve the purchase and installation of complete steel dasher board system at St. Clair Shores Civic Arena from Becker Arena Productions, Inc. 6611 West Hwy 13, Savage, MN 55378 in the amount of \$120,802.63, fund provided from the Civic Arena Budget 101-703-000-980-721 Refurbish Dasher Boards Capital Outlay.

Ayes: All – 6
Absent: Rusie

Item 6 Cont'd.

b. Request for approval of First State Bank ACH Agreements

Mr. Haney said that the City utilizes Automated Clearing House (ACH) entries in processing certain payroll and utility billing transactions. First State Bank is in the process of a system upgrade and has requested that new ACH Agreements be executed for both the Payroll and Utility Billing accounts, respectively.

Mr. Hughes explained that we cannot enter into this agreement without council approval.

Mayor Walby asked what is different. Mr. Haney stated that it is virtually identical to the old one. It is basically housekeeping.

Motion by Caron, seconded by Tiseo to approve execution of new ACH Agreements with First State Bank for the Payroll Account and Utility Billing Account.

Ayes: All – 6
Absent: Rusie

7. REQUEST FOR APPROVAL OF THE SALE OF HOME(S) ACQUIRED THROUGH TAX FORECLOSURES – None

8. 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*

Motion by Caron, seconded by Tiseo to approve the Consent Agenda items as presented, with the exception of the following item numbers: f(6) and f(8) that were removed and considered separately.

a. Bills

Check Approval List **\$781,096.93**

To approve the release of checks in the amount of \$781,096.93, of the report that is 19 pages in length and of the grand total amount of \$781,096.93; \$0 went to other taxing authorities.

b. Fees

Kirk Huth & Lange **\$ 452.45**
Ihrle & O'Brien **\$13,697.50**

c. Progress Payments

Carr's Outdoor Services, Inc. **\$28,472.40**

d. Approval of Minutes

<u>City Council</u>	<u>Meeting Date</u>
City Council	April 16, 2012
City Council	May 7, 2012
City Council	May 21, 2012
City Council	June 4, 2012
City Council Budget Hearing	April 30, 2012
City Council Budget Hearing	May 1, 2012

e. Receive and Place on File Boards, Commissions and Committee Minutes

<u>Minutes</u>	<u>Meeting Date</u>
Beautification Commission	March 14, 2012
Beautification Commission	April 11, 2012
Board of Review	March 6, 2012
Golf Course Committee	March 20, 2012
Planning Commission	April 24, 2012
Sign Arbitration	March 22, 2012

Item 8 Cont'd.

Minutes

Meeting Date

Sub-Committee on Boards, Committees & Commissions
 Sub-Committee on Boards, Committees & Commissions
 Special Meeting
 Waterfront Environmental Committee
 Website Improvement Committee
 Zoning Board of Appeals

March 27, 2012
 April 2, 2012
 May 15, 2012
 April 12, 2012
 May 3, 2012

f. Award Bids and Blanket Purchases for 2012-13 Fiscal Year for the following:

DEPT	ITEM	VENDOR	AMOUNT
1) Police Dept	Annual Maintenance Contract for Motorola Radios (Bids opened 5/29/12)	State Electronics	\$ 14,850
2) Fire Dept.	ALS Supplies	J & B Medical Supply, Inc	\$ 17,500
	Turnout Gear	Apollo Fire Equipment Company	\$ 17,220
3) Golf & Park	Fertilizer and Chemicals		
4) Motor Pool	Gas and Diesel Bid Consortium	Petroleum Traders	\$348,000
		RKA Petroleum	\$252,000
		Atlas Oil	\$ 18,000
5) Motor Pool	GPS Services	Teletrac, Inc.	\$ 12,276
7) Motor Pool	Vehicle & Equipment Tires (Bids opened 6/7/12)	Trader Ray Tire Center Detroit MI	\$ 40,000
9) DPW	Water Meters & Radio Transmitters	SLC Meter Services, Inc.	\$350,000
10)DPW	U.P.M. Permanent Pavement Repair Material Contract (Proposals opened 6/7/12)	Barrett Paving Materials, Inc. for Streets	\$ 40,000
		for Water Dept.	\$ 40,000
11)DPW	Material Delivery & Removal (Bids opened 6/7/12)	Hernden Trucking Co.	\$109,000
		Clancy Excavating Co.	\$ 40,000
12)DPW	Repair Supplies (Bids opened 6/7/12)	HD Supply Co.	\$ 35,000
		ETNA Supply Co.	\$ 80,000
		East Jordan Iron Works	\$ 80,000
13)City Clerk	Licensing, Service Agreements & Coding	Elections Systems & Services (ES & Printing Systems, Inc. (PSI)	\$ 25,500
	Election Supplies	Municipal Code Corporation	\$ 26,000
	Ordinance Publications		\$ 6,550
14)CDI	Property Clean Up Services (Bids opened 3/27/12)	Excel Services	\$ 50,000
15)CDI	2012 Irrigation Systems Maintenance (RFP opened 4/10/12)	H2O Irrigation, Inc.	\$ 27,250
16)CDI	2012 Landscaping Maintenance (RPF opened 3/27/12)	Landscape Services, Inc.	\$ 51,900
17)CDI	Rodent Control Services (Bids Opened 3/27/12)	Landscape Services, Inc.	\$150,000
18)CDI	Snow Removal Services (Bids Opened 3/27/12)	Landscape Services, Inc.	\$ 50,000
19)CDI	Weed Control Services (Bids Opened 3/27/12)	Landscape Services, Inc.	\$ 70,000

Ayes: All – 7

Separated Items:

f(6). Award Bid and Blanket Purchase for 2012-13 Fiscal Year for the following:

DEPT	ITEM	VENDOR	AMOUNT
Motor Pool	Automotive Parts (Proposals opened 6/7/12)	Automotive Supply Co., Inc.	\$ 40,000
		Great Lakes Battery	\$ 7,500

Mayor Walby asked about the recommendation to award the automotive supply company. It states \$40,000. What is the difference between that and George's? It looked close, and George is in St. Clair Shores.

Item 8 Cont'd.

Mr. Babcock stated that we did bid this out. It is difficult to do because these are the most common, and we tried to put an estimated quantity. We have been very happy with both suppliers. I told George I was going to recommend Auto Supply based on the bids.

Mayor Walby would rather see George on Harper get this for a couple hundred dollars.

Mr. Vitale asked if we have wording that gives neighborhood preference. Mayor Walby said we do not.

Mr. Vitale thinks that it is not fair to other bidders without that language. This is tough for him because he wants to support local business, but we do not have the wording.

Mr. Ihrle suggested that we table this for the next meeting so his office can look at this unless there is an emergency for these parts.

Mr. Tiseo asked if there was something done recently which was similar with batteries where it was split. Mr. Hughes said that we did that in July 2011.

Motion by Rubino, seconded by Caron to TABLE Item 8f(6) Blanket Purchase Motor Pool Automotive Parts for further review and place on 7/2/2012 Agenda.

Ayes: All – 6

Separated Items:

f(8). Award Bid and Blanket Purchase for 2012-13 Fiscal Year for the following:

DEPT	ITEM	VENDOR	AMOUNT
DPW	Rock Salt Co-operative Contract Extension	The Detroit Salt Company	\$ 28,808

Mr. Rubino asked to clarify if we have to order 2,450 tons of salt over a two year period.

Mr. Babcock explained that is for one year. We have ordered 3,500 tons of salt as part of our contract, and they say we must purchase 70 percent of that amount which is 2,450 tons. This year we only used 960 tons so we have prepaid for almost 1,500 tons of salt which is being held for us right now.

Motion by Frederick, seconded by Caron to approve the Blanket Purchase DPW for fiscal year 2012/13 Rock Salt Co-operative Contract Extension with The Detroit Sale Company for \$28,808.

Ayes: All - 6

9. UPDATES AND FOLLOW-UPS FROM COUNCIL MEETING

- **K2 Substance** – Mr. Hughes is proud to announce that our Police Department went out and did a City-wide sweep and did not find one single establishment that sold this product. We will continue to monitor what will happen with the State and report back.
- **Fireworks** – Mr. Hughes and Mr. Ihrle have been monitoring legislature. It has become much more difficult for the police to enforce the noise ordinance regulations during federally-regulated holidays as well as the day before and day after. Mr. Ihrle explained that on January 1, 2012 the State did pass the Firework Safety Act which takes away much of the municipal authority to monitor and enforce the use and purchase of fireworks. It is a tax generating measure. He recommended that Council put together a specific fireworks ordinance so that we can regulate them on all the other days of the year. He recommends that we take action that is protective of the peace and quiet for the residents of our City, but it may result in having to re-amend the ordinance based on subsequent court decisions. He does not believe it was actually meant to keep a City from prohibiting the igniting of very loud fireworks at 3 a.m.

Mayor Walby would like a fireworks ordinance drafted for the July 2 meeting.

Mr. Frederick asked if there is something we can do in the meantime. Mr. Ihrle suggested that the residents call the police if this happens.

Item 9 Cont'd.

Mr. Hughes stated that this has been the highest amount of calls received by the police in the evening for the past 7 to 10 days. We live in a great City, and our residents respect their neighbors. Let's issue a plea to celebrate together, but keep in mind quality of life.

- **Solicitation Ordinance.** Mr. Hughes said that this has been completed. Mayor Walby said that this will be discussed at a Study Session sometime in July.
- **Laukel Street.** Mr. Hughes stated that we will be putting in four street lights that will capture the vacant lots where vandalism has been going on. We are working with DTE, and it will take some time.
- **Laukel Gravel Road.** Mr. Hughes reported that it has been graded. We worked with Macomb County Department of Roads. We will continue to keep our eye on it. We will revisit in late fall for pot holes.
- **Laukel and Harper City-owned lot.** Mr. Hughes explained that we will have a chain link fence installed.
- **Greater Mack and Laukel.** Mr. Hughes said that we will be working with DPW for a City-sponsored street barricade stating no thru traffic except emergency vehicles.
- **Harper Lake and Ridgeway.** Mr. Hughes stated that Landscape Services was ordered to do a lot cleanup. There has been a remarkable improvement. We need continued support of residents on Harper Lake and Ridgeway. They must maintain property from the sidewalk to the street. This is a City ordinance.
- **Boat Marinas.** Blossom Heath and Lac St. Clair Budget called for the elimination of funding for the security guard position which paid approximately \$14,000 per year. Based on complaints, it is a warranted expense, and we will reinstate the security guard beginning this week. Mayor Walby stated that at budget time he pushed staff to drive down costs. This decision was a result of that push. It was not a good decision, and it had to be changed.

Mayor Walby stated that the gates have not been locked at night, and the lights have been off. Mr. Hughes explained that the lights are off because of fishflies, and they will be relit when the fishflies are gone. We do believe there were two mornings when fishermen lifted the gates. It has been reinforced to staff that gates cannot be left open.

- **Laukel Energy Audit.** Mr. Hughes stated that this agreement was entered into late 2007/early 2008 by a previous City Manager. There was no cost to the City. There was no payment made to a firm called Cost Control Analyst. The firm came in and said if they find overages they keep 45% and the City would retain 55%. The audit identified areas of the City that were overlit. Mr. Rayes worked with DTE to correct that.
- **Sidewalks.** Mr. Rayes stated that everything is marked. The initial batch has been taken care of.
- **Mack Apartments.** Mr. Rayes sent someone out to talk to the building official regarding the furniture that was outside. They were told that those areas need to be kept clear.
- **Senior Center Bathrooms>Showers.** Mr. Rayes said that the proposals are just about done to be put out for bid. This should be on the Agenda for the second meeting in July.
- **22326 Rosedale.** Mayor Walby stated that we did receive a note from Jim Davis, Construction Management Specialist, stating that they have been out to investigate. They found a possible discrepancy with the general contractor. The City of St. Clair Shores did have the proper documents. James Copeland, Compliance Officer, stated the contractor was cited for being uncertified for doing abatement work, and this has been closed. We are still working on the air conditioner issue. A quieter unit was offered, we are still waiting to hear if that is sufficient.
- Angela Venditti, Miss St. Clair Shores, was crowned Miss Michigan. Shelby Gardiner, a St. Clair Shores resident, was named first runner-up. Sarah Suydam, St. Clair Shores, was second runner-up.

10. COMMENTS BY INDIVIDUAL COUNCILPERSONS

Council Member Rubino asked when the house on Edgewood will be cleaned up. Mr. Rayes stated that they will move the bobcat so it cannot be seen. They are just finishing the inside, and then they will do the outside landscaping.

Mr. Rubino asked if we offer a rodent program if someone has issues with rodents. He said that residents have been told there is no program, and there is no money for a program like that. Mr. Hughes stated that we do have an abatement program. If any resident has a rodent problem they should call Community Development at the City Hall so we can track

Item 10 Cont'd.

and assist them. Mr. Rayes stated that sometimes people call but there is no sign of rodents. We can only bate when there are signs of rodents.

Mr. Rubino addressed Mr. Maiorano's claim that he did not do anything to help him. He felt that was an unfair remark. Mr. Maiorano called him about a dumpster that he did not want hurting his walls so we had that removed. There was a problem with dust in Mr. Maiorano's lawn, and he tried to stop by to talk to him about that. He went to Mr. Maiorano's home and talked to him about the air conditioning and downspout. He argued with people at City Hall about the air conditioner, and they determined it was in the wrong spot. We offered a quieter unit, and Mr. Maiorano was alright with that, but he changed his mind. We need to know what he wants us to do, and we will tell him what we can and cannot do.

Mr. Hughes agreed that the air conditioner unit was in wrong spot. We offered to replace it with a quiet and efficient unit. The downspout was not in violation but we would talk to the current homeowner about relocating it. Mr. Maiorano agreed to that. We talked to the current homeowner who agreed to work with us. Mr. Maiorano then said he changed his mind about the agreement. The offer to Mr. Maiorano holds true. We cannot ask the current homeowner to move the air conditioning unit to the back of their property.

He thinks the new Court building is fantastic. There are no taxpayer dollars being spent. A new updated building is a great thing for everybody. He ran on fiscal responsibility, and he thinks that this is as responsible as you can get.

Council Member Tiseo announced the Bruce Post VFW 1146 is having their annual golf outing July 28, 2012. The cost is \$80 per person. They are still looking for golfers. All proceeds go to help veterans.

He congratulated Angela Venditti on becoming Miss Michigan.

Council Member Frederick announced the following:

The Library's Summer Reading Club is in full swing. For more information go to www.scslibrary.org or call (586) 771-9020.

The Annual Garden Party at the Selinsky-Green Farmhouse Museum will be held June 20. Tickets will be sold at the gate.

St. Clair Shores was well represented at the Miss Michigan pageant. Seven young ladies were part of the scholarship program. Angela Venditti is the 58th Miss St. Clair Shores and only the 2nd Miss Michigan from St. Clair Shores.

The 59th Annual Miss Teen and Little Miss Pageant will take place on July 28 at 6 p.m. at South Lake High School. For more information go to www.missstclairshores.com.

Council Member Vitale clarified that common sense is not a buzz word, it is something we use. If he went to a tax tribunal with a comparable from another city that was worth 1/6th the value of lowest comparable found in the city it would be tossed out based on common sense. His intention is to bring fresh energy to a part of the City that needs it. He agrees we need a Court house, and it is his duty to make these kinds of suggestions.

Regarding the fireworks legislation, he suggested that residents ask their State Representative how they voted on this. They have taken away our local control.

Mr. Vitale asked if the lights on Laukel will be LED. Mr. Hughes stated that they will be.

Mr. Vitale has visited Mr. Maiorano's home, and he has proposed a solution that will solve the issue with the downspout and help the new homeowner with erosion by their driveway.

Council Member Caron thanked administration for help with the Relay for Life. They raised a huge amount of money. St. Clair Shores is consistently in the top 5 of all the cities that participate.

He supports an ordinance on the fireworks. He appreciates that the trash at Doremus has been cleaned.

He announced the following:

The Dog Park will be holding new member classes on June 21, June 30 and July 19. Attendance is required if you want a Dog Park pass.

The City Fireworks will be June 29 at the Memorial Park at dusk. The radio frequency for the music is 87.9 FM within a one-mile radius of the park. Admission is \$2. The wrist bands are on sale at Parks & Recreation at the Civic Arena. Parking passes are \$5 to park in the Memorial Park Parking lot.

Item 10 Cont'd.

The Senior Center is looking for 50 people to help sell two books of tickets each for their raffle. The program serves over 5,500 meals per year. The raffle is July 5. Contact the Senior Center at (586) 445-0996 to help sell the tickets.

The Cultural Committee announced the First Annual Shoreline Festival of Short Films (SFSF). These films must be shot in Michigan or submitted by someone who has permanent address in Michigan. There will be a Screening Event and Awards Gala on November 10, 2012. For more information, go to www.scsculture.com/SFSF.

Wally's is going up fast. They had to pull up a section of the side street which they have put black top over. Are they required to put concrete back? Mr. Hughes stated that they will put the concrete back.

11. CITY MANAGER'S REPORT

Mr. Hughes announced the fireworks will be held on Friday, June 29 at dusk. No parking on Masonic between Jefferson and Greater Mack. You will be ticketed or possibly towed if you do so.

12. AUDIENCE PARTICIPATION (5 MINUTE TIME LIMIT)

Joyce Pease, St. Clair Shores Resident for 40 years, addressed Mr. Vitale about the "ghettos and hillbillies" comment he made at the last meeting. She thinks he owes all the people that voted for him an apology.

Jamie Victory, St. Clair Shores Resident, said that the Fireworks and Parade are great events in our City. He hopes everyone comes out and enjoys these events and the music from Outrageous Jams. Most of the street lights on Masonic are not working, and he would like to know why.

Ralph Kosal, St. Clair Shores Resident, spoke regarding blight issues on his street. There are renters who are allowed to clean out their homes on weekends and leave it there until the trash day which causes blight. He wants to know why the City inspector keeps coming to his home. He is unhappy with how administration has been handling this issue.

Erin Stahl, St. Clair Shores Resident, has questions she would like follow up on. She would like Council to consider allowing residents to speak after the presentation of each agenda item. The packet on the Court was inadequate. Regarding the Police and Fire Pension meeting, was all of Council invited to that or just Mr. Frederick. She would like to know about the follow-up with Tiseo Construction on the theft which occurred. Sidewalks – June 30 is fast approaching, is the whole area going to be remarked or just people who call in. She feels that sections of the Charter have been violated by not following direction in regard to the sidewalk program. What will be done about that?

Mayor Walby explained that the MAPERS Conference is offered to members who are on two specific Pension Boards.

Frank Maiorano, St. Clair Shores Resident, said thank you for the findings on Swany Construction. They were cited on a federally-funded project as a contractor of the City. They have done wrong to the City, and he would like to know what will be done about that. He would like to know why Swany was allowed to bid because he was not lead certified. Where should he go when he is dissatisfied with the results he has gotten from the City?

13. MAYOR'S COMMENTS

Mayor Walby asked about the status of some of our new businesses. Butter Run and Wally's are making progress toward opening. Mr. Rayes will have an update on Biggy Coffee at the next meeting.

Mr. Rayes has called Emagine Theater, but he has not heard back. We are trying to find out if they are going before the Planning Commission on June 26.

14. ADJOURNMENT

Motion by Caron, seconded by Rubino to adjourn at 10:12 p.m.

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).