

**MINUTES
ST. CLAIR SHORES CITY COUNCIL MEETING
July 2, 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, Rusie, Tiseo, and Vitale

Absent & Excused: Council Member Rubino

Also Present: City Manager Hughes, City Clerk Kotowski, Director D'Herde, Fire Chief Morehouse, Deputy Police Chief Bowlin, City Planner Liz Koto, Golf Course Superintendent Tim Dorner, 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 and noted Mr. Rubino asked to be excused.

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

Ayes: All – 6
Absent: Rubino

A quorum was present and the Pledge of Allegiance was recited by those present.

2. PROCLAMATIONS & PRESENTATIONS - None

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

Joseph Backus, St. Clair Shores resident, Item #5. Mr. Backus stated he is in opposition to the Fireworks Ordinance changes and that we already have laws that control late night noise and behavior. If it is Council's intent to restrict residents freedom of speech and expression, then any action they take is challengeable in court. He said if dogs are barking when fireworks are being set off, residents can call the police and they can issue a violation. He sees no present danger to restrict any form of freedom of expression.

Marianne Courey, St. Clair Shores resident, Item #5. Ms. Courey mentioned she is in favor of the Fireworks Ordinance. She mentioned they are going on every day and every evening. She is spending time and money to protect her family, giving daily doses of tranquilizers to her dogs and her air conditioning bills are higher. She stated she stays home in the evening due to the hot embers that fall around her house. She asked her neighbor to stop setting fireworks off, but she was yelled at. Last Friday evening she had to move her guests into the house because embers from fireworks fell onto their plates. She said the police will send a car out if they have time. She supports the Fireworks Ordinance 100%.

Chuck Hall, St. Clair Shores resident, Item #5. Mr. Hall stated that Legislature has acted carelessly and State Representatives have failed all communities in regards to Michigan Fireworks Act 256. Their decision is due to revenues first and the quality of life second. He is asking Council to draft a resolution for the repeal of the Michigan Fireworks Act 256 and put pressure on Lansing.

Whitney Ducaine, St. Clair Shores resident, Item #5. Ms. Ducaine is in agreement to the amendment of the Fireworks Ordinance. She mentioned her husband has chronic insomnia and the setting off of fireworks makes his condition worse. She has called the police and appreciates their efforts, but nothing has been resolved because of their efforts. She said the Fireworks Ordinance will be well received by her family.

Erin Stahl, St. Clair Shores resident Items #6 & #8. Ms. Stahl asked in regards to Agenda Item #6, why the foreclosed properties are showing up on the agenda now and why they are not offered to entrepreneurs. She said that the NSP homes are an example of this. In regards to Agenda Item #8, she is looking forward to answers on the four sidewalk follow-up questions she had.

4. REQUESTS FROM PLANNING COMMISSION FOR PETITIONER BARDHOK MARKAJ OF CHARLIE'S RESTAURANT

- a. **PPC120012 Rezoning of 20713 California from RA Single Family Residential to P-1 Vehicular Parking District**
- b. **PPC120012A Site Plan Approval for additional parking, at Charlie's Restaurant, at 22315 Harper**

5. REVIEW OF FIREWORKS ORDINANCE AMENDMENT

Mr. Ihrie put the Fireworks Ordinance together since the last City Council meeting. Mayor Walby said he has received a large amount of calls and emails, as residents are upset about this issue.

Mr. Ihrie indicated that the State Legislature passed a statute on the Michigan Fireworks Safety Act which permitted the types of fireworks people used to drive out of state to get. He said the odd thing about the statute is that the ten major holidays, the day preceding, and the day after, the local government is not permitted to enact or enforce any law which prohibits the discharge of consumer fireworks, and specifically the statute reads as follows: a local unit of government may enact an ordinance regulating the ignition, discharge, and use of consumer fireworks; however, an ordinance enacted under this subsection shall not regulate the use of consumer fireworks on the day preceding, the day of, or the day after a national holiday.

The City of St. Clair Shores will pass a Fireworks Ordinance to protect the health, safety, and welfare of its residents. The proposed ordinance does prohibit the ignition of consumer fireworks everyday that is not the day of, before, or after one of the national holidays. On the national holidays, the ordinance does permit the ignition of consumer fireworks, but with some regulations. The regulations of the consumer fireworks include that no minors shall possess, use, discharge or ignite any consumer fireworks, at any time, nor on any day; is prohibited on public property; shall not be ignited within 20 feet of an open flame, a burner, gasoline, ignited gas or electric grill, or in any enclosed structure, garage, tent or shed, or under any canopy, or overhanging cover, of any nature; no consumer fireworks shall be ignited, launched, or discharged within 50 feet of a residential building or vehicle; or excessive use including the continuous or intermittent ignition of fireworks continuing for more than 20 minutes, or cause damage to any private or public property.

The ten national holidays Mr. Ihrie referred to are New Year's Day (January 1), Birthday of Martin Luther King, Jr. (the third Monday in January), Washington's Birthday (the third Monday in February), Memorial Day (the last Monday in May), Independence Day (July 4), Labor Day (the first Monday in September), Columbus Day (the second Monday in October), Veteran's Day (November 11), Thanksgiving Day (the fourth Thursday in November), and Christmas Day (December 25).

Mr. Ihrie said they anticipate there will be a challenge on our ordinance language and the question as to whether the state can enact an ordinance that is constitutional will have to be determined by a court. The City will abide by the court ruling. Other regulations have not been enacted, but will continue to be enforceable. Violations regarding disturbing the public peace, trespassing, and the nuisance ordinance is not part of this public act, but will be enforceable. Mr. Ihrie noted that trespassing can be a bottle rocket falling on someone else's property.

He stated that in defense of the Police Department, the problem is that someone may hear a noise a few houses down, and see a person where the noise came from, but this is not enough evidence for a violation. To file a complaint someone has to have observed the incident and identify the person to the police before action can be taken.

Fire Chief Morehouse indicated that his concern is how dry it has been and it doesn't take much for something to burn. Inappropriate use can cause a lot of damage, which just recently occurred in Roseville.

Deputy Police Chief Bowlin said possession is no longer an issue. Last year they had 26 calls regarding fireworks and anticipate that number will double this year. They are being proactive and have hired extra officers for July 3rd and July 4th. They will answer every call, but calls may become backed up. If residents are in violation, the police will write a report and take them to court. He wants everyone to have a good time, but to be responsible and safe.

Mr. Hughes recognizes the importance of this issue to residents and is asking everyone to be respectable to their neighbors. The days of verbal warnings are over and police officers will arrive and will issue citations, but they need the support of those who made the call.

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Mayor Walby stated he called State Representative Anthony Forlini, and State Senator Steve Bieda and voiced his displeasure in the State Legislature passing the statute on the Michigan Fireworks Safety Act. Fire Chief Morehouse indicated they get 6% of the firework sales profit funds to train the Fire Training Council and the Fire Prevention Bureau.

Ms. Rusie said she is getting calls and emails complaining about the fireworks issue and it's nice to see the City is responding. She said she has a problem with Section 40.165(c) where it states excessive use is defined as conduct that includes the continuous or intermittent ignition of fireworks continuing for more than 20 minutes. She believes 20 minutes is too restrictive and wanted to know how this number was chosen.

Mr. Ihrie stated the number is arbitrary and was put in the ordinance for people to have a standard. If someone shoots off fireworks and 20 minutes go by, they can then fire them off again. Ms. Rusie said the City has ordinances in effect such as disturbing the peace, trespassing, and the nuisance ordinance that can be used. Mr. Ihrie said that if someone shoots off a firework at 3 a.m., it would be in violation of the disturbing the public peace ordinance. Ms. Rusie stated that in regards to the 20 minutes, it is overstepping our ability to regulate under the act and restricting people's rights.

Mr. Caron said he sat outside last night and the fireworks were continuous. In past years it was a novelty, but now people can get a continuous supply of fireworks and they are setting them off every night and debris is falling in other residents yards. He said if it is limited to 20 minutes that is challenging state law, then let's challenge state law.

Mr. Vitale said we have democracy and will of the people. He doesn't like obscenities being exchanged and doesn't want to put residents in a position of yelling. He said he is voting a yes on this issue. He had not received a single email in support of the ordinance until this evening. The public act was written by the fireworks lobby and it doesn't treat communities differently by lot size.

Mr. Frederick asked about using the word dusk in Section 40.163(b) since it is dark at 5 p.m. in January. Mr. Ihrie indicated that for low impact and novelty fireworks, we can add language including the word dusk. It was suggested they add the wording 'or after dusk whichever is earlier' after 7 a.m. in this section.

Mr. Frederick also asked about adding the word possess in Section 40.164(a). Mr. Ihrie said we could also add that word into the section. Mr. Frederick indicated he was okay with the 20 minutes regarding continuous or intermittent ignition of fireworks.

Mr. Frederick said he wants to get parents or guardians involved with the ticket if a minor is in possession, uses, discharges or ignites any consumer fireworks. Deputy Police Chief Bowlin indicated that parents are responsible for their children and they currently have a parental responsibility ordinance. Parents are held liable for their children.

Mr. Tiseo indicated he is in favor of the ordinance with the changes that were mentioned.

Ms. Rusie said she in favor of the ordinance, but dislikes section 40.165(c). She said the existing ordinance seems to make more sense than the 20 minutes stated in the new ordinance. She said it violates our ability to restrict under the statute.

Mr. Ihrie mentioned that in Section 40.170, Display Fireworks, there is an application fee that should be added. Mr. Frederick suggested we put in an amount of \$100.00.

Ms. Rusie said she will not vote for the Fireworks Ordinance due to Section 40.165(c) regarding the continuous or intermittent ignition of fireworks continuing for more than 20 minutes. She believes that another ordinance can address it better, such as disturbing the peace, etc.

Council supported drafting a resolution in opposition to the Michigan Fireworks Safety Act 256 and sending it to Lansing stating their displeasure.

Motion by Caron, seconded by Tiseo to approve the repeal of current Fireworks Ordinance 40.100 and the adoption of a new Ordinance regarding Fireworks Ordinance Amendment #40.160 Article D – Fire Safety Regulations with the amendments of adding 'or after dusk, whichever is earlier,' in section 40.163(b) after 7:00 a.m., adding the word 'possess' after a minor shall not in section 40.164(a), and adding '\$100.00' in section 40.170 as the application fee which reads as follows:

Agenda Item 5 (cont'd)

The City of St. Clair Shores Ordains:

ORDINANCE NO. 40.100 - FIRE SAFETY REGULATIONS CITY OF ST. CLAIR SHORES, MICHIGAN, CHAPTER 17, ARTICLE D, Sections 40.160 through 40.168, which currently reads as follows:

ARTICLE D

40.160 - Fireworks

40.161 - Definition of fireworks.

Sec. 17D-1

(a) "*Fireworks*" means any device made from explosive, chemical or flammable compositions used primarily for the purpose of producing a visible display or audible effect, or both, by combustion, chemical reaction, deflagration, or detonation. The term "fireworks" includes class B fireworks and class C fireworks.

(b) "*Class B fireworks*" means toy torpedoes, railway torpedoes, firecrackers or salutes that do not qualify as class C fireworks, exhibition display pieces, aeroplane flares, illuminating projectiles, or bombs containing expelling charges or gases with/without bursting charges, flash powders in inner units not exceeding 2 ounces each, flash sheets in interior packages, flash powder or spreader cartridges containing not more than 72 grains of flash powder each, and other similar devices.

(c) "*Class C fireworks*" means toy smoke devices, toy caps containing not more than .25 grains of explosive mixture, toy propellant devices, cigarette loads, trick matches, trick noise makers, smoke candles, smoke pots, smoke grenades, smoke signals, hand signal devices, Very signal cartridges, sparklers, explosive auto alarms, and other similar devices.

(chap. 17 eff. Apr.8, 1986; amend. eff. May 6, 1997)

40.162 - Manufacture of fireworks prohibited.

Sec. 17D-2 The manufacture of fireworks is prohibited within the city.

(chap. 17 eff. Apr. 8, 1986)

40.163 - Sale, possession, transportation, use prohibited; exceptions.

Sec. 17D-3

(a) *Sale, possession, transportation, use.* Except as provided in sections 17D-4 [40. 164], 17D-5 [40.165] and 17D-6 [40.166] a person, firm, partnership, or corporation shall not offer for sale, expose for sale, sell at retail, keep with intent to sell at retail, possess, give, furnish, transport, use, explode, or cause to explode any of the following:

- (1) A blank cartridge, blank cartridge pistol, toy cannon, toy cane, or toy gun in which explosives are used.
- (2) An unmanned balloon which requires fire underneath to propel it and is not moored to the ground while aloft.
- (3) Firecrackers, torpedoes, skyrockets, roman candles, daygo bombs, bottle rockets, whistling chasers, rockets on sticks, or other fireworks of like construction.
- (4) Fireworks containing an explosive or inflammable compound or a tablet or other device commonly used and sold as fireworks containing nitrates, fulminates, chlorates, oxalates, sulphides of lead, barium, antimony, arsenic, mercury, nitroglycerine, phosphorus, or a compound containing these or other modern explosives.

(b) *Exceptions.* A permit is not required for the following:

- (1) Flat paper caps containing not more than .25 of a grain of explosive content per cap, in packages labeled to indicate the maximum explosive content per cap.
- (2) Toy pistols, toy cannons, toy canes, toy trick noise makers, and toy guns of a type approved by the director of the department of state police in which paper caps as described in subdivision (1) are used and which are so constructed that the hand cannot come in contact with the cap when in place for the explosion and which are not designed to

Agenda Item 5 (cont'd)

break apart or be separated so as to form a missile by the explosion. These include Party Poppers, Champagne Party Poppers, Whipper Snappers, Pop-It's, Fun Snaps, etc. if such devices contain 15 milligrams or less of explosive composition and emit small report.

(3) Sparklers containing not more than .0125 pounds of burning portion per sparkler of steel wire partially coated with pyrotechnic composition, the bottom third of which serves as a handle and is not coated.

(4) Flitter sparklers in paper tubes not exceeding 1/8 inch in diameter, cone fountains, and cylinder fountains constructed of cardboard or heavy paper containing no more than 50 grams of pyrotechnic composition, and cylinder fountains with an inside diameter no greater than 3/4 inch (19mm) and containing no more than 75 grams of pyrotechnic composition. The latter device may be provided with a spike for insertion into the ground, a wood or plastic base for placing on the ground, or a wood or cardboard handle if intended to be hand held. However, neither fountain may emit an audible report or send a projectile into the air although either may emit a shower of sparks or whistle effect.

(5) Toy snakes not containing mercury, if packed in cardboard boxes with not more than 12 pieces per box for retail sale and if the manufacturer's name and the quantity contained in each box are printed on the box; and toy smoke devices which neither burst nor produce external flame (excluding the fuse and first fire upon ignition) during normal operation.

(6) Possession, transportation, sale, or use of signal flares of a type approved by the director of the department of state police, blank cartridges or blank cartridge pistols specifically for a show or theater, for the training or exhibiting of dogs, for signal purposes in athletic sports, for use by military organizations, and all items described in subsection (a) used by railroads for emergency signal purposes.

(7) The sale of fireworks, provided they are to be shipped directly out of state pursuant to regulations of the United States department of transportation covering the transportation of explosives and other dangerous articles by motor, rail, and water.

(chap. 17 eff. Apr. 8, 1986)

40.164 - Permit for use of fireworks; application; purpose of use; age limitation.

Sec. 17D-4.

(a) The city council, upon application in writing, on forms provided by the director of the department of state police, may grant a permit for the use of fireworks otherwise prohibited by section 17D-3 [40.163], within the City of St. Clair Shores, manufactured for outdoor pest control or agricultural purposes, or for public display by the City, fair associations, amusement parks, or other organizations or groups of individual approved by the city authority, if the applicable provisions of this ordinance are complied with. The permits shall be on forms provided by the director of the department of state police. After a permit has been granted, sales, possession, or transportation of fireworks for the purposes described in the permit only may be made. A permit granted under this subsection shall not be transferable, nor shall a permit be issued to a person under the age of 18 years.

(b) The city council, upon application in writing, may grant a permit, on forms provided by the director of the department of state police, to a resident wholesale dealer a jobber to have in his possession within the City of St. Clair Shores, fireworks otherwise prohibited by section 17D-3 [40.163], for sale only to holders of permits as provided in this section. A permit granted under this subsection is not transferable, nor shall a permit be issued to a person under the age of 18 years.

(c) Before a permit for a pyrotechnic display is issued, the person, firm, or corporation making application therefor shall furnish proof of financial responsibility by a bond or insurance in an amount deemed necessary by the City Council and Chief of the Fire Department to satisfy claims for damages to property or personal injuries arising out of an act or omission on the part of the person, firm, or corporation or an agent or employee thereof, in the amount, character, and firm the city council and Chief of the Fire Department determine necessary for the protection of the public.

(d) A permit shall not be issued under this act to a nonresident person, firm, or corporation for conduct of a pyrotechnic display in this city until the person, firm, or corporation has appointed in writing a resident member of the bar of this state or a resident agent to be his legal representative upon whom all process in an action or proceeding against him may be served.

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(e) The city council with a recommendation from the Chief of the Fire Department shall rule on the competency and qualifications of operators of pyrotechnic displays, as the operator has furnished in his application form, and on the time, place, and safety aspects of the displays before granting permits.

(chap. 17 eff. Apr. 8, 1986)

40.165 - Transportation of fireworks.

Sec. 17D-5. Transportation of fireworks intrastate or within the city shall be made only with the permits provided for in MCLA 750.243 et seq and as follows:

(a) In accordance with United States department of transportation regulations for transportation of explosives and other dangerous articles by motor, rail, and water, including specifications for shipping containers.

(b) In nonpassenger carrying vehicles, in charge of a competent driver not less than 18 years of age, which are equipped with a 15-pound carbon dioxide or a 10-pound dry chemical fire extinguisher, and in or near which smoking shall be prohibited while loading, unloading, or transporting fireworks.

(chap. 17 eff. Apr. 8, 1986)

40.166 - Storage of fireworks: wholesalers, dealers and jobbers.

Sec. 17D-6. The storage of fireworks at the site of a wholesaler, dealer, or jobber, except for a retailer who has goods on hand for sale to the public in a supervised display area, shall be as follows:

(a) In a 1 story, noncombustible building without a basement, which building is weather resistant, well ventilated, and equipped with a strong door kept securely locked except when open for business.

(b) The location of the storage building shall be approved by the local governing authority having jurisdiction, and shall be located not less than the following distances from inhabited buildings, passenger railroads, and public highways according to the number of pounds of fireworks stored, rounded to the nearest pound:

Net Weight of Fireworks	Distance From Passenger Railways and Public Highway		Distance From Inhabited Buildings	
	Highway		Buildings	
	Class C Fireworks	Class B Fireworks	Class C Fireworks	Class B Fireworks
Pounds	Feet	Feet	Feet	Feet
100 or less	25	200	50	200
101 to 200	30	200	60	200
201 to 400	35	200	70	200
401 to 600	40	200	80	208
601 to 800	45	200	90	252
801 to 1,000	50	1200	100	292
1,001 to 2,000	58	230	115	459
2,001 to 3,000	62	296	124	592
3,001 to 4,000	65	352	130	704
4,001 to 5,000	68	400	135	800
5,001 to 6,000	70	441	139	882
6,001 to 8,000	73	509	140	1,018
8,001 to 10,000	75	565	150	1,129
10,001 to 15,000	80	668	159	1,335
15,001 to 20,000	83	745	165	1,490
20,001 to 30,000	87	863	174	1,725

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30,001 to 40,000	90	953	180	1,906
40,001 to 50,000	93	1,030	185	2,060
50,001 to 60,000	95	1,095	189	2,190
60,001 to 80,000	98	1,205	195	2,410
80,001 to 100,000	100	1,300	200	2,600
100,001 to 150,000	105	1,488	209	2,975
151,011 to 200,000	108	1,638	215	3,275
200,001 or more	110	1,765	220	3,530

(c) A person shall not cause or allow smoking, matches, open flames, spark producing devices, or firearms inside of or within 50 feet of a building used for the storage of fireworks. A person shall not store combustible materials within 50 feet of a building used for the storage of fireworks.

(d) The interior of a building used for the storage of fireworks shall be kept clean and free from debris and empty containers. A person shall not use a building used for the storage of fireworks for the storage of any metal tools or any commodity other than fireworks.

(e) A person shall not provide a building used for the storage of fireworks with heat or lights, except that if lights are necessary, an electrical safety flashlight or safety lantern shall be used.

(f) A building used for the storage of fireworks shall bear lettering on each side and top in letters not less than 4 inches high, the words "explosives-keep fire away".

(g) A building used for the storage of fireworks shall be under the supervision of a competent person, who shall be not less than 18 years of age.

(h) In addition to the requirements of subdivision (b), salutes that do not qualify as class C fireworks shall be considered to be hazardous material and shall be stored in accordance with rules for the storage and handling of hazardous material promulgated under section 3c of Act No. 207 of the Public Acts of 1941, as amended, being section 29.3c of the Michigan Compiled Laws.

(chap. 17 eff. Apr. 8, 1986)

40.167 - Disposal of unfired fireworks.

Sec. 17D-7. Any fireworks that remain unfired after the display is concluded shall be immediately disposed of in a way safe for the particular type of fireworks remaining.

(chap. 17 eff. Apr. 8, 1986)

40.168 - Sale of fireworks.

Sec. 17D-8.

(a) The sale of "class C fireworks" only shall occur wholly within permanent buildings and permanent structures, as defined by the BOCA Basic National Building Code, which shall have been deemed safe and proper by the appropriate code official(s). It shall be unlawful to sell fireworks within temporary facilities, tents or air-supported structures.

(b) It shall be unlawful for any person, firm, corporation, business or organization to offer for sale, to sell, furnish, give or cause to be sold, furnished, or given any fireworks to a person under the age of eighteen years except as follows:

(1) Flat paper caps which do not contain more than .25 grain of explosive content per cap. Packages must be labeled to indicate the maximum explosive content per cap.

(amend. eff. May 6, 1997)

is repealed in its entirety and replaced as follows:

Agenda Item 5 (cont'd)

The City further ordains that a new Ordinance No. 40.100 Fire Safety Regulations City of St. Clair Shores, Michigan Chapter 17 Article D Sections 40.160 through 40.172 is hereby adopted which reads as follows:

ARTICLE D

40.160 - Fireworks

Purpose. This is an ordinance to provide for the regulation of the ignition, discharge and use of consumer fireworks, as allowed under the Michigan Fireworks Safety Act, MCL 28.451 et seq., as amended. The City of St. Clair Shores finds that fireworks endanger property, can cause physical injury, and disrupt the peace and quality of residential neighborhoods and other districts. The City of St. Clair Shores endeavors to reconcile the rights that the Act confers upon sellers and consumers, with the rights of citizens and families to reside in a safe, peaceful, and harmonious community. This ordinance is adopted to repeal existing fireworks ordinances that conflicted with the Act, and to impose conditions on the time, place, manner of use, discharge, and ignition of fireworks deemed to be within the purview of local regulation, and to protect the public health, safety and general welfare.

40.161 - Definitions

The following words, terms and phrases when used in this article shall have the meanings ascribed to them in this section, except when context clearly indicates a different meaning:

Act means the Michigan Fireworks Safety Act, Act 256 of 2011, and any amendments to the Act which may be from time to time be adopted.

APA standard 87-1 means 2001 APA standard 87-1, standard for construction and approval for transportation of fireworks, novelties, and theatrical pyrotechnics, published by the American pyrotechnics association of Bethesda, Maryland.

Consumer fireworks means fireworks devices that are designed to produce visible effects by combustion, that are required to comply with the construction, chemical composition, and labeling regulations promulgated by the United States consumer product safety commission under 16 CFR parts 1500 and 1507, and that are listed in APA standard 87-1, 3.1.2, 3.1.3, or 3.5. Consumer fireworks does not include low-impact fireworks.

Display fireworks means large fireworks devices that are explosive materials intended for use in fireworks displays and designed to produce visible or audible effects by combustion, deflagration, or detonation, as provided in 27 CFR 555.11, 49 CFR 172, and APA standard 87-1, 4.1.

Articles pyrotechnic means pyrotechnic devices for professional use that are similar to consumer fireworks in chemical composition and construction but not intended for consumer use, that meet the weight limits for consumer fireworks but are not labeled as such, and that are classified as UN0431 or UN0432 under 49 CFR 172.101.

Fireworks means any composition or device, except for a starting pistol, a flare gun, or a flare, designed for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation. Fireworks consist of consumer fireworks, low-impact fireworks, articles pyrotechnic, display fireworks, and special effects.

Low-impact fireworks means ground and handheld sparkling devices as that phrase is defined under APA standard 87-1, 3.1, 3.1.1.1 to 3.1.1.8, and 3.5.

Novelties means that term as defined under APA standard 87-1, 3.2, 3.2.1, 3.2.2, 3.2.3, 3.2.4, and 3.2.5 and all of the following:

- (i) Toy plastic or paper caps for toy pistols in sheets, strips, rolls, or individual caps containing not more than .25 of a grain of explosive content per cap, in packages labeled to indicate the maximum explosive content per cap.*

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(ii) Toy pistols, toy cannons, toy canes, toy trick noisemakers, and toy guns in which toy caps as described in subparagraph (i) are used, that are constructed so that the hand cannot come in contact with the cap when in place for the explosion, and that are not designed to break apart or be separated so as to form a missile by the explosion.

(iii) Flitter sparklers in paper tubes not exceeding 1/8 inch in diameter.

(iv) Toy snakes not containing mercury, if packed in cardboard boxes with not more than 12 pieces per box for retail sale and if the manufacturer's name and the quantity contained in each box are printed on the box; and toy smoke devices.

Special effects means a combination of chemical elements or chemical compounds capable of burning independently of the oxygen of the atmosphere and designed and intended to produce an audible, visual, mechanical, or thermal effect as an integral part of a motion picture, radio, television, theatrical, or opera production or live entertainment

Minor means an individual who is less than 18 years of age.

National holiday means the following legal public holidays:

- (1) New Year's Day, January 1.*
- (2) Birthday of Martin Luther King, Jr., the third Monday in January.*
- (3) Washington's Birthday, the third Monday in February.*
- (4) Memorial Day, the last Monday in May.*
- (5) Independence Day, July 4.*
- (6) Labor Day, the first Monday in September.*
- (7) Columbus Day, the second Monday in October.*
- (8) Veteran's Day, November 11.*
- (9) Thanksgiving Day, the fourth Thursday in November.*
- (10) Christmas Day, December 25.*

Person means any individual, agent, legal representative, association, charitable organization, church, non-profit organization, unincorporated organization, labor organization, partnership, limited liability company, corporation, or any other entity or organization. An individual shall include a minor as defined in this article.

40.162 - Manufacture of Fireworks

The manufacture of fireworks is prohibited within the City.

40.163 - Prohibited Fireworks

(a) Consumer fireworks. A person shall not ignite, discharge or use consumer fireworks, except on the day preceding, the day of, or the day after a national holiday, provided that a person shall not ignite, discharge or use consumer fireworks in violation of the Act and/or this article.

(b) Low Impact and Novelty Fireworks. Low impact or novelty fireworks may not be discharged between the hours of 11:00 p.m. and 7:00 a.m., or after dusk, whichever is earlier, and may not otherwise be discharged in violation of this article and/or the Act.

(c) Illegal fireworks. Any use, possession, or discharge of fireworks that is illegal and not approved by the State of Michigan or the State Fire Marshall is prohibited, regardless of how it is labeled.

40.164 - Minors

(a) A minor shall not possess, use, discharge or ignite any consumer fireworks, at any time, nor on any day, including national holidays, and the day before and day after a national holiday.

Agenda Item 5 (cont'd)

(b) A minor shall not use, discharge, or ignite any low impact fireworks or novelty fireworks, unless under the supervision of a parent or guardian, and the use, discharge and/or ignition is within permitted hours, and does not violate the provisions of this article and/or the Act.

40.165 - General Restrictions

(a) Unless specifically authorized, on any day, the use, discharge or ignition of any fireworks, including consumer fireworks, is prohibited on public property.

(b) Fireworks, including consumer fireworks, shall not be ignited within 20 feet of an open flame, a burner, gasoline, ignited gas or electric grill, or in any enclosed structure, garage, tent, or shed, or under any canopy, or overhanging cover, of any nature.

(c) Excessive use of fireworks, including consumer fireworks, that results in the disruption of residents is prohibited, notwithstanding anything to the contrary in the Act. Excessive use is defined as conduct that includes the continuous or intermittent ignition of fireworks continuing for more than 20 minutes.

(d) No person shall either individually or in concert with another person, cause damage to any private or public property by the use, discharge or ignition of any fireworks.

(e) No consumer fireworks may be ignited, launched or discharged within 200 feet of a residential building or vehicle.

40.166 - Applicability of General Ordinances

Nothing in this article or in the Act shall preclude the enforcement of ordinances prohibiting conduct that is secondary or incidental to the use, discharge, or ignition of fireworks.

40.167 - Zoning Ordinances

Any person selling, distributing or transporting fireworks shall otherwise comply with the Act, and is required to comply with the zoning ordinances of the City, including obtaining necessary approvals thereunder. Failure to obtain necessary zoning approvals is subject to penalty as provided in the code of zoning ordinances of the City.

40.168 - Imminent Dangers

Notwithstanding the Act, any use, discharge or ignition of fireworks that is presenting an imminent danger or threat to the public health, safety, or welfare, as deemed by the Fire Marshall, shall be prohibited, and the fireworks may be immediately seized.

40.169 - Seizure

All fireworks used, discharged, and/or ignited in violation of the Act and/or this article are subject to seizure. Any costs incurred by the City to seize and store the fireworks shall be paid by the responsible party.

40.170 - Display fireworks

No display fireworks shall be used, discharged, ignited or displayed unless approved by City Council, upon application made to the City Clerk providing proof that the display and applicant are adequately insured and bonded to the satisfaction of the City Council, the applicant has submitted a security plan, safety compliance plans, and an application fee in the minimum amount of \$100.00, plus any additional costs incurred by the City to administer the permit. A permit for display fireworks is supplemental to any other requirement for such display under the City's ordinances.

40.171 – Penalty

Agenda Item 6 (cont'd)

updates and they can then be sold to homeowners and the City can make a small profit. He recommends that the one property on 21818 Grand Lake should be a tear down and used as a vacant lot. The other 14 will be inspected, but the interior may be worse than the exterior. If this is the case, they will recommend it to be demolished. The City will hold onto vacant lots for period of time until the economy improves and will be responsible for cutting the grass and removing the snow. The condominiums may be difficult to sell since they are harder to finance in the current market. As for the commercial property, it does not make sense to make it a new gas station since the area is saturated with gas stations.

Mr. Ihrie stated that the gas station has a couple of underground gas tanks that have been or are leaking. He asked if the City purchases the properties, do they get into liability of cleanup which can cost a lot of money. He contacted the state and they told him that the City is exempt of being responsible for the cleanup if they involuntarily become owners of the property. Mr. Ihrie told the state we are not involuntarily becoming owners, but voluntarily becoming owner for taxes, but according to the state, they consider this as involuntarily. There may be about 2 1/2" of fluid in the underground tanks. They need to pump the tanks to less than 1" of fluid and then the City can hold onto them for six months without removing them and possibly get an extension to the six months. He said that state law provides for tax foreclosed properties and offers parcels to municipalities first, and only if the municipality rejects the offer, they go to the tax sale auction.

Mr. Hughes asked if Council says no to this issue, what is the next step. The answer is that the properties will be on an auction market, however, we have the opportunity to invest in these properties using local contractors, which allows us to be in control of that neighborhood. If the City had a bad track record on taking a loss on these properties, Mr. Hughes would be first to say no to this issue, but the City's track record has been good, and he feels the City can deliver.

Mr. Vitale said this is a way for the City to take control of the housing stock and a way to bring houses up to code. He is in favor of purchasing the properties and made the suggestion of offering the vacant lots to adjoining homeowners. He mentioned that residents would like to see the Citgo gas station removed. This is a chance for the City to do something good for the neighborhoods and will be money invested wisely.

Mr. Tiseo said he agrees with Mr. Vitale and asked how many lots the City now owns. Ms. Koto said that we currently own eight from last year's foreclosure list. Mr. Tiseo asked if we own more condominiums. Ms. Koto said one was sold on Ridgemont.

Ms. Rusie stated this is not an opportunity since we have to purchase all or nothing and if we don't purchase them, we owe the taxes to them. She said we are forced to purchase them because of the consequences. She was not happy with the process of not being able to enter the sites.

Mr. Ihrie said the reason for the all or nothing is to avoid cherry picking where we take only the good properties and the county is left with the bad properties.

Ms. Rusie stated that it is ridiculous that we can't even inspect these homes and it is a horrible process to have to go through every year.

Mr. Hughes said the price on the houses is what the City is held for unpaid taxes. The vacant lots may be held for the market to improve.

Mr. Caron asked who is responsible to pay for the toxic cleanup at the Citgo gas station. Mr. Ihrie indicated it would be the potential purchaser who will test the property to tell where toxicity is, but the new owner is only responsible for new toxicity. He stated that the cleanup charge can go to the previous owner if they are identified. Mr. Vitale said that regardless of risk, it is the right thing to purchase the commercial property and clean it up.

Mr. Tiseo asked how much it costs to tear down a house. Ms. Koto said the average cost is between \$6,000 - \$8,000.

Ms. Rusie asked about turning vacant lots into a community garden. Mayor Walby said he thinks this is a good idea and could be tried on one or two lots. Ms. Rusie would also like to look at the City bidding out the listing services and let realtors in the City bid on this listing again.

Motion by Rusie, seconded by Tiseo to approve a request to purchase the listing of properties from Macomb County Tax Reversion Process for a cost of \$255,732.11 and bid out the real estate listing process we have for the selling of the property to real estate agents.

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Ayes: All - 6
Absent: Rubino

7. BIDS/CONTRACTS/PURCHASE ORDERS

a. Award Bids and Blanket Purchases for 2012-13 Fiscal Year for:

i) Motor Pool Automotive Parts (Bid opened 6/7/2012) tabled at 6/18/12

The Motor Pool Department typically uses vendors to supply the most commonly used stock automotive parts for use on municipal vehicles on a weekly basis. These parts include batteries, oil filters, brakes, air filters, fuel filters, and light parts.

Mayor Walby stated it was legal for the City to choose the second lowest bidder, if they wanted, if they were a local business. He stated that after thinking about it, it was right that we take the lowest bidder.

Mayor Walby mentioned that if the City wants to help support local businesses, they need to put an ordinance in place stating they can go with a local bidder instead of the lowest bidder. He asked Council to let him know if they want to see an ordinance amendment.

Motion by Rusie, seconded by Frederick to award the 2012-2015 blanket purchase order for automotive parts purchasing to Automotive Supply Co., Inc. in the amount of \$40,000 and Great Lakes Battery in the amount of \$7,500 through June 30, 2015.

Ayes: All - 6
Absent: Rubino

ii) Golf Course & Parks Fertilizer and Chemicals

Fertilizer and chemicals are purchased for the Golf Course and Parks on an as needed basis. In 2011, the City joined the National IPA which allows us to take advantage of various publicly solicited and awarded master agreements from around the country. The City will use this agreement to purchase fertilizer & chemicals from Harrell's for the golf course and parks. In addition, it will purchase products for the greens fertilization program from Great Lakes Turf who is the sole distributor in the state.

Motion by Caron, seconded by Frederick to approve the request to award blanket purchase orders to Harrell's (\$40,000 Golf, \$15,000 Parks) and Great Lakes Turf for fertilizer (\$25,000) and chemical purchases for fiscal year 2012-13.

Ayes: All - 6
Absent: Rubino

b. Internet Website Redesign/Web Content Management System (RFP opened 5/14/2012)

The Website Development Subcommittee consisted of Communications Director D'Herde, Controller Claeson, IT Director Corless, Assistant City Manager Smith, resident Bruce Tegtmeier, and Council members Caron and Rusie (Chairperson).

After consideration of numerous municipal websites and their web design RFPs, the City placed an RFP on MITN on April 23, 2012 to be distributed to at least 375 potential bidders. Six companies responded with proposals, which were opened on May 14, 2012. They included 3 Sixty Interactive, Energy Web Design, KIC Developers, CivicPlus, Vision Internet, and Skidmore Studio.

After reviewing the proposals, the Committee invited four companies for interviews, but only three responded to the invitation. The full Committee conducted interviews with companies 3 Sixty Interactive, CivicPlus, and Vision Internet on June 12, 2012.

Based on the content of the proposal, the quality of work, the pricing and services offered, and the interview, the Committee is recommending unanimately that a contract be awarded to CivicPlus. The Committee is recommending the pricing with the Redesign Option with a 3-year service agreement. This includes one change CivicPlus agreed to:

Agenda Item 7b (cont'd)

increasing the amount of media storage available to the City to 20 GB, or roughly 80 hours of programming available online.

Development costs will be \$34,550 (which includes the first year of hosting and service), with \$5,880 fee the 2nd year and \$6,174 in the 3rd year (5% increase per year). Additionally, the Committee would recommend Council the approval of two optional items: 1) \$2,800 for an on-site kickoff meeting to make sure CivicPlus fully understands the City's needs and requirements, and 2) \$1,450 to add 50 additional pages of content.

Mr. Caron showed several examples of homepage websites that other cities in the country had that were produced by CivicPlus.

The key items of the proposal is that programming and modules will be the same. We are in control of the design of the website and what we want to highlight and CivicPlus gives us a blank slate to begin. Several examples of modules included are Agenda Center, Emergency Notification, Calendars, FAQ's, Notify Me Email Alerts, etc.

The New Web Media Center gives live streaming of meetings, ability to view past Council Meetings online, view special events online, etc.

Annual support, which is included in the annual fee, has automatic updates where system bugs can be addressed and the City does not have to pay for every bug to get fixed.

Mr. Caron mentioned that before going live there is training for all department heads for the modules integrated at that time. For future enhancements, the City can choose between either online training or have CivicPlus come to St. Clair Shores for training.

Mayor Walby asked how we were going to pay for this. Mr. Caron said that it can be taken out of the IT Computer Replacement Account.

Mr. Caron stated that we retain ownership of the code, but storage is at the CivicPlus facility and if Council approves this tonight, they are looking to go live approximately January 1, 2013.

Mr. Frederick stated that the critical part is information going into the website and mentioned it is important that training be the best we can get. He also wants to bring CivicPlus into St. Clair Shores for departmental training.

Motion by Tiseo, seconded by Frederick to approve the request to award bid for Internet Website Redesign/Web Content Management System to CivicPlus in an amount not to exceed \$40,000 for development costs and 1st year support along with the \$5,880 for the 2nd year with a 5% increase for each year afterward.

Ayes: All - 6
Absent: Rubino

c. Request approval to award Pre-Press, printing and/or the distribution of "Inside St. Clair Shores" City Newsletter (Bid opening 6/25/2012)

Advertisement for sealed bids for pre-press, printing and distribution of *Inside St. Clair Shores*, the City newsletter, was placed on the Michigan Inter-governmental Trade Network Purchasing System on May 31, 2012. One hundred sixty nine e-mails were sent out to qualifying companies and forty companies viewed the specifications. A notice was also published in *The Sentinel* the week of June 12, 2012. An invitation to bid, bid specs and samples of the newsletter were also sent to a department list of printers that includes every printer in St. Clair Shores. Bidders were invited to submit proposals for one or more sections or a package. Eleven bids were received and opened on June 25, 2012.

As the attached *2012-2014 City Newsletter Bid Summary* shows, bids were analyzed on the basis of the total project cost, which includes pre-press, printing, and distribution, compared to the City's current contracted cost with C&G Publishing. Contract costs for insertion into *The Sentinel* were a constant factor in the comparison.

The Communications Commission reviewed the bids proposals/comparisons and recommends approval of the C&G Publishing package proposal. C&G Publishing has not increased their rates since 2009. At an issue price of \$3,680 for a 4-page issue, 4-color, C&G Publishing offers the City the best price as well as the most reliable distribution vehicle---the U.S. Post Office. The City newsletter will be inserted into *The Sentinel* and mailed to *all* residents. In

Agenda 7c (cont'd)

addition, the package proposal offers 4-color process at no charge to the City and includes a free editorial notice on the front page of *The Sentinel* to direct residents to our newsletter.

Ms. D'Herde mentioned that this bid is done every three years. There are three ways of distribution - home delivery which was not effective, mailing separately which has high mailing costs associated with it, or to insert it into a publication. Since 2005 the City has inserted it into the *Sentinel* publication. The package price C & G offered the City is \$3,680 which was the best value and the most efficient. Currently there are eight issues of *Inside St. Clair Shores* a year.

Motion by Frederick, seconded by Rusie to approve the request to award bid for Pre-Press, printing, and distribution *Inside St. Clair Shores* newsletter to C&G Publishing for a three-year contract.

Ayes: All - 6
Absent: Rubino

8. REQUEST FOR APPROVAL OF THE SALE OF HOME(S) ACQUIRED THROUGH TAX FORECLOSURES

a. 29722 Rosebriar

This property was acquired as part of a tax foreclosure through Macomb County. The property has been on the market through Realty Executives, in which they have secured a full price offer.

This is the last of the 2011 homes per Mayor Walby.

Ms. Koto said this is one of the homes where we didn't know what we were getting. Updates and repairs were made and cleanup was conducted. There were also expenses for the removal of trees, utilities, grass cutting, etc.

Ms. Koto stated there were \$2,000 in concessions, \$4,650 in a real estate fee, and \$700 in title insurance. A \$22,000 profit would be made on this property.

Ms. Rusie asked about the repairs on the seller's expense sheet and why they were not caught in December and repaired with the \$5,000. She also asked what the cost was of all the repairs. Ms. Koto stated she did not have the information, but will get back to her. Ms. Koto will also get back to Ms. Rusie on what the \$400 additional expenses were on the VHA/VA Addendum.

Ms. Rusie and Mr. Vitale said they would like answers to the questions before approving this agenda item.

Ms. Koto said they can get an amendment of extension if the buyer is in agreement and can come back to Council in two weeks with some answers.

Ms. Rusie and Mr. Vitale said they don't want to stop the sale of this property, but would like some answers. Mr. Hughes said he would hate to lose a deal over a few unanswered questions and the City is not in business of holding properties too long.

Mayor Walby indicated they could put a monetary value limit on the repairs. Mr. Vitale suggested \$1,000. Mayor Walby agreed with the amount.

Ms. Koto will get follow-up answers to Council by Tuesday morning.

Motion by Frederick, seconded by Tiseo to approve a request to sell 29722 Rosebriar, in the amount of \$95,000 with repairs at seller's expense not to exceed \$1,000.

Ayes: All - 6
Absent: Rubino

b. 21908 Alger

This property was acquired as part of a tax foreclosure through Macomb County. The property has been on the market through Realty Executives, in which they have secured a full price offer.

Ms. Koto said this was a rehabilitation home where the owner conducted update work on his own and three walls in the basement had serious foundation issues. She said we did not know what we were getting when we purchased

10. UPDATES AND FOLLOW-UPS FROM COUNCIL MEETING

- **Old Fergie Site.** There is construction and debris stored in the parking lot. Mr. Rayes and Mr. Hughes spoke to Mr. Gilbert about this issue. They will continue to look at this vacant building.
- **Tiseo Construction.** In regards to Ms. Stahl's questions about Tiseo Construction, the City Attorney and the Police Department took a look at the tapes presented by Ms. Stahl and collectively and independently could not find any data to bring charges. Mr. Hughes does not speak for Mr. Tiseo, but believes his offer to reimburse Ms. Stahl for possible water theft from a garden hose remains on the table. Mr. Hughes wanted to close the loop on this issue.
- **Sidewalk Program.** Mr. Hughes stated that the sidewalks have been marked and the City re-evaluated District 1. Mayor Walby called and verified that the area has been walked. Sidewalk panels east and west of Harper were consistent with policy.
- **Triathlon.** The Second Annual St. Clair Shores Triathlon event is set for Saturday, July 21st. In late June there have been 147 registered participants. This is not a St. Clair Shores event, but the City is partnering to make the event successful. The event will be held at Blossom Heath. Call Linda at 586-863-3373 for information.
- **Marinas.** Security Guards are being brought in at the marinas. Boat slip registrations are down, and rates will be lowered by 50% on July 15th. Mayor Walby spoke about getting a sign out that the marinas are open and slips are available.
- **Mr. Maiorano.** Mayor Walby stated that in regards on the lead based certification of the contractor, he received a letter from Mr. Davis. He will review it and get back with Mr. Maiorano and will give him a copy of the letter if he wants. He also mentioned they are still doing work regarding Mr. Maiorano's downspout issue and will get back to him.

11. COMMENTS BY INDIVIDUAL COUNCILPERSONS

Council Member Tiseo clarified what the local newspaper had said and indicated that Phase 2 of the Court Building is paid off by revenue of the Court Building Fund. He mentioned the winners of the First Annual Council Kids Showdown and congratulations Red Sox. He wished everyone a safe and enjoyable 4th of July.

Council Member Frederick mentioned that Friends of the Library is having their Bargain Book Sale on Monday, July 9th from 10 a.m. – 8 p.m. All books will sell for \$1.00. A list of movies for Classic Film Friday's during July and August can be found at www.scslibrary.org. The Library also has a Summer Reading Program. Call 586-771-9020, if interested. He wished a happy and safe 4th of July to everyone and asked that they be safe with fireworks. Kiwanis "Kids Day at the Farm" is July 28th at Wolcott Park and is open to all kids. Contact Bryan Mazey at 586-255-6616 for information. Habitat for Humanity has a benefit at Ardmore Park Place on Tuesday, July 17th. There are two seatings – one at 5:30 p.m. and the other at 7:30 p.m. with celebrity guest servers Mayor Walby, and former Mayor's Hison and Wahby. All proceeds will benefit the Macomb Habitat St. Clair Shores Project.

Council Member Vitale mentioned the article in the local papers regarding the courthouse. He said his objections were with the proposed location and not with cost. He said the City has done all they can regarding the fireworks issue, and said residents should call State Representative Anthony Forlini, State Senator Steve Bieda and Governor Snyder with their concerns.

Council Member Caron wished everyone an enjoyable, safe, and happy 4th of July and asked that they be courteous to their neighbors.

Council Member Rusie mentioned that the Senior Center has new hours and rates beginning July 1st. The new hours are Monday – Thursday from 7 a.m. – 7 p.m. and Friday 7 a.m. – 4 p.m. The new membership rates are \$25 for St. Clair Shores residents and \$40 for all others. The Senior Center is looking for volunteers to help work the Welcome Desk in the afternoon. Those interested can call 586-445-0996. She also thanked Mr. Ihrie for drafting the Fireworks Ordinance so quickly.

12. CITY MANAGER'S REPORT

Mr. Hughes said the American Red Cross will be at St. Clair Shores City Hall for a blood drive on Monday, July 9th from 8 a.m. – 6:45 p.m. It will be held in Council Chambers. Call 877-505-9527 to donate.

13. AUDIENCE PARTICIPATION (5 minute time limit)

Joseph Backus, St. Clair Shores resident, complimented Mr. Rubino. He indicated that everything Mr. Rubino said about why we should continue moving forward with the court house is correct.

He stated he went to the County Website and pulled up a list of Candidate Committees who owes fines. He has never seen Mayor Walby, Mr. Frederick or Mr. Hison's name on the list, but did see Mr. Vitale's name on it who owes \$50. He indicated he hopes he will find time to resolve the issue.

He asked Ms. Kotowski when Absentee Voter Ballots will be mailed out. She indicated that they will be going to the Post Office on Monday, July 9th.

Jamie Victory, St. Clair Shores resident, indicated that he had a very good time at the fireworks.

Shari Ann Raby, St. Clair Shores resident, thanked every person who put effort into the Court Building located at 11 Mile and Jefferson and she looks forward to seeing it. She said the fireworks are out of hand and thanked Council for the excellent job they did with the Fireworks Ordinance.

Frank Maiorano, St. Clair Shores resident, said he is fighting for integrity regarding the house located at 22326 Rosedale and is still concerned about the air conditioner located at the house. He is also concerned about the location of the downspout.

Glenn McCullough, St. Clair Shores resident, said he wants to understand about losing money for the property located at 21908 Alger. He said there was a selling price of \$63,000, but there was a higher offer. He wanted to make sure the City had the facts. Mayor Walby said that \$63,000 is the net amount and \$67,000 was the sale price.

Erin Stahl, St. Clair Shores resident, spoke about the Sidewalk Program. She said she documented sidewalk panels on Avalon and 75% were marked incorrectly which is \$10,000 in overcharges. She is asking Council to delay repairing the sidewalks on the east side of Harper until August 1st. She stated she helped create the criteria for this program and the City is violating City Charter. She said the Sidewalk Program has no consistency and should be stopped.

Ms. Stahl spoke about Tiseo Construction. She indicated there was theft and they did the same thing in 2010 on Blackburn. She said the next contract should state no littering, and no stealing.

Ralph Kosal, St. Clair Shores resident, said that Gilbert's has had a dumpster sitting at their location for over a month and they are not in compliance. He is sick and tired of it and it is unethical. Gilbert's parking lot is overgrown with weeds and the flower beds are overgrown off of Rosedale. Mayor Walby said the City is not unethical.

Chuck Hall, St. Clair Shores resident, congratulated Council on how they voted on the fireworks. He said if residents are not happy with how Lansing handled the fireworks issue they should write their legislature.

He mentioned about a property at the intersection of Ridgeway and Jefferson. He stated there is still cement laying around on the back lot and the weeds are growing too high. He mentioned that the property to be developed on 9 Mile and Harper have weeds that are getting too long.

He mentioned there is a lot of burrowing going on around the pads under the boxes that hold cables. He said if you see burrow holes, you'll see rats. He asked if it is required that a rat wall be around these pads. Mr. Hughes said no, but if anyone sees signs of burrowing, residents can call Community Services and they will have them baited.

Rodgis Morrison, St. Clair Shores resident, said he contacted Mr. Dornier regarding the security light shining on his house off Kyte Monroe Field. He asked that it be angled so it will not shine on his house. He said Mr. Dornier indicated they did not have a boom long enough, but would have to find a 100' boom to reach the light. That was on June 15th, and Mr. Morrison is still waiting for the light to be angled.

Mr. Morrison mentioned that there is no fence at the end of his property line going north. The fence was stopped and never continued. If a fence continued and a gate put in, it can be a thoroughfare for people in the community to get to Kyte Monroe Field. He also mentioned some City employees were using his property as an egress when driving golf carts to and from a supply yard. Mayor Walby stated they are trying to get a fence put up again.

14. MAYOR'S COMMENTS

Mayor Walby said the fireworks were a great show and was well attended. It was a better show than the last couple of years due to the proposal being sent out to bid. He said the Activities Committee, SCOTS Board, Police and Fire, and the volunteers all did a great job.

15. ADJOURNMENT

Motion by Caron, seconded by Rusie to adjourn at 10:37 p.m.

Ayes: All – 6
Absent: Rubino

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).