

**MINUTES  
ST. CLAIR SHORES CITY COUNCIL MEETING  
September 17, 2012**

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

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

Also Present: City Manager Hughes, City Clerk Kotowski, Directors Babcock, D'Herde, Rayes, Fire Chief Morehouse and City Attorney Ihrle

**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 with a quorum present. The Pledge of Allegiance was said by all.

Mayor Walby announced that agenda Items 4a, 4c and 12 were removed from the agenda.

**2. PROCLAMATIONS & PRESENTATIONS**

**a. MDCH Fish Advisory Information**

Christina Busch, Toxicologist, Michigan Department of Community Health activities (MDCH), spoke about the Ten Mile Drain Superfund Site. She has been involved in the PCB investigation since it was first discovered in 2001. This fish advisory is more of a reminder than an update. Michigan Eat Safe Fish Guidelines are available online, and printed copies are available locally.

Do not eat fish from the Lange and Revere canals has been in effect since May 2011, this includes all species. Also, do not eat carp or catfish (bottom feeders) from the Lake. Fish sampling was done five miles north and four miles south of the Lange and Revere canals in 2011. These results will be available late fall and will help MDCH determine if the PCBs from these canals are affecting fish further from the canals and if the guidelines need to be changed.

Residents on these canals should have received literature from the MDCH with the fish advisories as well as recommendations against swimming and irrigating from these canals. The letters are on the MDCH web page. If people on these canals have not received a letter and do not have internet, they can call Ms. Busch and she will mail them the letter. Some signage is already posted with a warning against eating the fish, and more signs will be posted. This information is on the City's website.

Her next step is to review the St. Clair Shores fish data when it becomes available. She will continue to work with federal, state and local agencies as well as the community to make sure public health is protected.

Mayor Walby asked why it takes so long for information on the fish samples.

Ms. Busch said that usually the fish are sampled in one fiscal year and analyzed in the next fiscal year. This sampling was pushed to the front of the list but competing priorities in the state pushed it to second.

The public health assessment will be broader than the fish. The Federal Health Agency does work with the EPA, and their report uses the EPA data. It is not so much from a cleanup point of view, but more for public health.

Mr. Caron asked how often they sample the fish in our lake. Ms. Busch was not sure if it is every year. She will check with the Department of Environmental Quality. There is year-to-year monitoring of fish throughout Michigan

Mr. Caron asked if the process includes a certain number of fish of every species. Ms. Busch stated that is what they try to do.

Mr. Vitale asked if the contaminated fish are bottom feeders. Ms. Busch said that other fish are included as well.

Mr. Vitale pointed out that we are doing everything we can to get rid of the PCBs. We have done the dredging but these fish have PCBs in their body so now they are another source of PCBs. Are the fish breaking down the PCBs?

Ms. Busch noted that the PCBs diminish over time in the fish that are sampled, but it is out of her area of expertise. She will ask the EPA/DPQ if the PCBs are returned to the ecosystem.

**Item 2 Cont'd.:**

**b. Constitution Week September 17 – 23, 2012**

Teresa Jones was present to accept the proclamation.

**PROCLAMATION  
DESIGNATING SEPTEMBER 17-23, 2012  
AS “UNITED STATES CONSTITUTION WEEK”**

*WHEREAS, September 17, 2012 marks the two hundred and twenty fifth anniversary of the drafting of the Constitution of the United States of America by the 1787 Constitutional Convention; and*

*WHEREAS, it is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary, and to the patriotic celebrations which will commemorate this grand occasion; and*

*WHEREAS, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week;*

*NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the City of St. Clair Shores do hereby proclaim the week of September 17-23, 2012 as*

**UNITED STATES CONSTITUTION WEEK**

*and ask our citizens to reaffirm the ideals the Framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties, remembering that lost rights may never be regained.*

*Presented this 17<sup>th</sup> day of September 2012.*

**c. 2012 Beautification Awards**

Most of the recipients were present to receive their awards. Tom Maceri & Son was not able to attend.

**PROCLAMATION  
FOR 2012 BEAUTIFICATION AWARD WINNERS  
DONALD AND MARY CLAIRE BLACK**

*WHEREAS, the Mayor and Council of the City of St. Clair Shores deem it fitting and proper to publicly recognize the outstanding efforts made by individuals and businesses in helping to beautify our City; and*

*WHEREAS, it is the inherent beauty and harmony of the human spirit which enables man to enrich his life by recognizing and appreciating the beauty of his surroundings; and*

*WHEREAS, DONALD AND MARY CLAIRE BLACK, 20708 Meier Street, have displayed community spirit and a willingness to enhance the beauty of their property that demonstrates a strong sense of civic pride;*

*NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the City of St. Clair Shores on behalf of our citizens deem it an honor and pleasure to extend our congratulations to DONALD AND MARY CLAIRE BLACK on receiving the Beautification Award for 2012.*

*Presented this 17<sup>th</sup> day of September 2012.*

**Item 2 Cont'd.:**

**PROCLAMATION  
FOR 2012 BEAUTIFICATION AWARD WINNERS  
KEVIN AND SHERRI ESCH**

*WHEREAS, the Mayor and Council of the City of St. Clair Shores deem it fitting and proper to publicly recognize the outstanding efforts made by individuals and businesses in helping to beautify our City; and*

*WHEREAS, it is the inherent beauty and harmony of the human spirit which enables man to enrich his life by recognizing and appreciating the beauty of his surroundings; and*

*WHEREAS, KEVIN AND SHERRI ESCH, 34170 Jefferson, have displayed community spirit and a willingness to enhance the beauty of their property that demonstrates a strong sense of civic pride;*

*NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the City of St. Clair Shores on behalf of our citizens deem it an honor and pleasure to extend our congratulations to KEVIN AND SHERRI ESCH on receiving the Beautification Award for 2012.*

*Presented this 17<sup>th</sup> day of September 2012.*

**PROCLAMATION  
FOR 2012 BEAUTIFICATION AWARD WINNER  
MARGIE GARBARINO**

*WHEREAS, the Mayor and Council of the City of St. Clair Shores deem it fitting and proper to publicly recognize the outstanding efforts made by individuals and businesses in helping to beautify our City; and*

*WHEREAS, it is the inherent beauty and harmony of the human spirit which enables man to enrich his life by recognizing and appreciating the beauty of his surroundings; and*

*WHEREAS, MARGIE GARBARINO, 23320 Liberty, has displayed community spirit and a willingness to enhance the beauty of her property that demonstrates a strong sense of civic pride;*

*NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the City of St. Clair Shores on behalf of our citizens deem it an honor and pleasure to extend our congratulations to MARGIE GARBARINO on receiving the Beautification Award for 2012.*

*Presented this 17<sup>th</sup> day of September 2012.*

**PROCLAMATION  
FOR 2012 BEAUTIFICATION AWARD WINNERS  
JOE AND LINDA WHELAN**

*WHEREAS, the Mayor and Council of the City of St. Clair Shores deem it fitting and proper to publicly recognize the outstanding efforts made by individuals and businesses in helping to beautify our City; and*

*WHEREAS, it is the inherent beauty and harmony of the human spirit which enables man to enrich his life by recognizing and appreciating the beauty of his surroundings; and*

*WHEREAS, JOE AND LINDA WHELAN, 28868 Jefferson Avenue, have displayed community spirit and a willingness to enhance the beauty of their property that demonstrates a strong sense of civic pride;*

*NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the City of St. Clair Shores on behalf of our citizens deem it an honor and pleasure to extend our congratulations to JOE AND LINDA WHELAN on receiving the Beautification Award for 2012.*

*Presented this 17<sup>th</sup> day of September 2012.*

**Item 2 Cont'd.:**

**PROCLAMATION  
FOR 2012 BEAUTIFICATION AWARD WINNER  
LAKEVIEW CLUB CONDOMINIUM ASSOCIATION**

*WHEREAS, the Mayor and Council of the City of St. Clair Shores deem it fitting and proper to publicly recognize the outstanding efforts made by individuals and businesses in helping to beautify our City; and*

*WHEREAS, it is the inherent beauty and harmony of the human spirit which enables man to enrich his life by recognizing and appreciating the beauty of his surroundings; and*

*WHEREAS, LAKEVIEW CLUB CONDOMINIUM ASSOCIATION, 29156 Jefferson Court, has displayed community spirit and a willingness to enhance the beauty of that property which demonstrates a strong sense of civic pride;*

*NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the City of St. Clair Shores on behalf of our citizens deem it an honor and pleasure to extend our congratulations to LAKEVIEW CLUB CONDOMINIUM ASSOCIATION on receiving the Beautification Award for 2012.*

*Presented this 17<sup>th</sup> day of September 2012.*

**PROCLAMATION  
FOR 2012 BEAUTIFICATION AWARD WINNER  
SHOREPOINTE NURSING CENTER**

*WHEREAS, the Mayor and Council of the City of St. Clair Shores deem it fitting and proper to publicly recognize the outstanding efforts made by individuals and businesses in helping to beautify our City; and*

*WHEREAS, it is the inherent beauty and harmony of the human spirit which enables man to enrich his life by recognizing and appreciating the beauty of his surroundings; and*

*WHEREAS, SHOREPOINTE NURSING CENTER, 26001 East Jefferson Avenue, has displayed community spirit and a willingness to enhance the beauty of their property that demonstrates a strong sense of civic pride;*

*NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the City of St. Clair Shores on behalf of our citizens deem it an honor and pleasure to extend our congratulations to SHOREPOINTE NURSING CENTER on receiving the Beautification Award for 2012.*

*Presented this 17<sup>th</sup> day of September 2012.*

**PROCLAMATION  
FOR 2012 BEAUTIFICATION AWARD WINNER  
SHOREPOINTE VILLAGE**

*WHEREAS, the Mayor and Council of the City of St. Clair Shores deem it fitting and proper to publicly recognize the outstanding efforts made by individuals and businesses in helping to beautify our City; and*

*WHEREAS, it is the inherent beauty and harmony of the human spirit which enables man to enrich his life by recognizing and appreciating the beauty of his surroundings; and*

*WHEREAS, SHOREPOINTE VILLAGE, 26101 East Jefferson Avenue, has displayed community spirit and a willingness to enhance the beauty of their property that demonstrates a strong sense of civic pride;*

*NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the City of St. Clair Shores on behalf of our citizens deem it an honor and pleasure to extend our congratulations to SHOREPOINTE VILLAGE on receiving the Beautification Award for 2012.*

*Presented this 17<sup>th</sup> day of September 2012.*

**Item 2 Cont'd.:**

**PROCLAMATION  
FOR 2012 BEAUTIFICATION AWARD WINNER  
TOM MACERI & SON**

*WHEREAS, the Mayor and Council of the City of St. Clair Shores deem it fitting and proper to publicly recognize the outstanding efforts made by individuals and businesses in helping to beautify our City; and*

*WHEREAS, it is the inherent beauty and harmony of the human spirit which enables man to enrich his life by recognizing and appreciating the beauty of his surroundings; and*

*WHEREAS, TOM MACERI & SON, 23000 W. Industrial Drive, has displayed community spirit and a willingness to enhance the beauty of their property that demonstrates a strong sense of civic pride;*

*NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the City of St. Clair Shores on behalf of our citizens deem it an honor and pleasure to extend our congratulations to TOM MACERI & SON on receiving the Beautification Award for 2012.*

*Presented this 17<sup>th</sup> day of September 2012.*

A special proclamation was presented to Lillian Claycomb.

**PROCLAMATION  
to  
Lillian Claycomb**

*WHEREAS, the Mayor and the Council of the City of St. Clair Shores deem it fitting and proper to publicly recognize the many contributions to our City by LILLIAN CLAYCOMB; and*

*WHEREAS, LIL and her husband Joe have made St. Clair Shores their home for 46 years, where they raised two fine daughters, Carolyn and Christine, and have three wonderful grandchildren, Sophia, Dylan and Alexis; and*

*WHEREAS, LIL has been a frequent star on St. Clair Shores Local Matters Cable Show where she educates residents on which beautiful plantings will blossom in St. Clair Shores, which are harmful to our waterways and gently reminding us to be "good neighbors" by bringing beauty to our homes and community; and*

*WHEREAS, LIL, along with members of the Waterfront Environmental Advisory Commission, educates public officials and the public at large of the danger of invasive species, such as Phragmites and Purple Loosestrife; and*

*WHEREAS, LIL, as a member of the St. Clair Shores Beautification Commission for 23+ years, Chairperson since 2007, leads the planting and maintenance of over ten city flowerbeds working with volunteers and donations from local businesses, and annually recognizes residents and businesses with Beautification Awards; and*

*WHEREAS, there is not a challenge, project or new idea to try that she has not been the go to person who tackles every problem with vigor and sincerity; having every elected official on speed dial and finishing each project whether big or small with that same vigor; and*

*WHEREAS, it has been said that LIL knows every inch of the City, where every weed is and her car is recognized on sight at Hall's and Soulliere Nurseries; and*

*WHEREAS, her quiet good works, exceptional services and contributions to the community justly earned LIL the respect, admiration and high regard of her fellow Beautification Members who consider her the glue that keeps them together;*

*NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the City of St. Clair Shores, on behalf of all our residents, wish to convey to LILLIAN CLAYCOMB our sincere appreciation for her many years of dedicated service to our community and say Thank You for making St. Clair Shores "a beautiful place to call home."*

*Presented this 17<sup>th</sup> day of September 2012.*

**Item 2 Cont'd.:****d. St. Clair Shores Youth Diversity Group**

Several students and representatives from all three districts were present to raise awareness for their group. The group meets every Wednesday during the school year starting October 10 at 6:30 p.m. at South Lake High School. The meeting location will alternate between the high schools. They focus on youth leadership as well as diversity and inclusion. They look forward to working with the City in the future. The group does have a Facebook page.

**3. AUDIENCE PARTICIPATION ON AGENDA ITEMS**

Jim Goodfellow, St. Clair Shores resident, Agenda Items 4b and 5. Hopefully everything is in order on Agenda Item 4b so that it can be approved. On Item 5 regarding the sale of the condominiums, he questioned where the money came from. With TIFA, the request was for \$200,000 but the cost was more. Was the TIFA money used for that? He does hope that there will not be any losses. Where does the money come from to cover losses?

Mayor Walby said that the money does not come from TIFA. We have had some losses with NSP, but the foreclosures and HUDs have been profitable. We have been profitable as a whole.

**4. BIDS/CONTRACTS/PURCHASE ORDERS****a. District Court Construction****b. Award Bid for Weight Exercise Equipment (bid opened 8/21/12 and tabled at 9/4/12 meeting)**

Mr. Hughes stated that this is the third part of a three-part grant that Council approved.

Chief Morehouse explained that the St. Clair Shores Fire Department is purchasing weight exercise equipment as part of a wellness and fitness program to help reduce on-the-job injuries. He recommends that we approve and award the bid for weight training exercise equipment to be paid for with an Assistance to Firefighter (AFG) grant.

Mr. Rubino asked if these are the lowest bids. Chief Morehouse said that they are the lowest bids that meet the exact specifications.

Ms. Rusie stated that she did not vote to take the money, so she cannot vote to spend the money.

**Motion by Rubino, seconded by Frederick to approve and award the bids for weight training exercise equipment to the following companies: Hammerhead Fitness \$3,720 for three rowing machines, Rogue Fitness \$12,726.10 for weight equipment.**

Ayes: Caron, Frederick, Rubino, Tiseo, Vitale, Walby

Nay: Rusie

**c. ~~Award Bid 2012 City Calendar (bid opened 9/4/2012)~~****d. Request from MDOT to enter into agreement 12-5278 for milling and resurfacing work on northbound I-94 from 11 Mile Road to 12 Mile Road, adopting a resolution authorizing Manager and Clerk to sign the agreement and commitment for City portion of costs**

The Michigan Department of Transportation (MDOT) is requesting the City's approval of the Local Cost Share Agreement. The work is scheduled for 2013. The total construction cost is \$5,984,100 and the St. Clair Shores local cost share is \$139,900. This project includes Customs and Border Patrol (CBIP) Funding. Costs associated with the I-94 milling and resurfacing project have been budgeted in the FY 12/13 budget. A change in funding has doubled our local share and will be accounted for by the Finance Department with the First Quarter Budget Amendment.

Mr. Babcock asked for local approval for MDOT to move forward on this. We had budgeted \$67,000 over the past summer. MDOT has changed the funding, and now our local cost-share has doubled. We get funding for our roads and streets department through MDOT. Because of that, we have to participate in these projects. Mr. Hughes added that Roseville is in the same situation.

Mayor Walby stated that this is Act 51 money. He would like to know what will not get done because of the doubling of our share. Mr. Babcock said that he will need to get that information from Tim Haney, and he will then provide a detailed report.

**Item 4 Cont'd.:**

Mr. Vitale asked if we will lose other funds if we do not participate in this project. Mr. Babcock said that our agreement is to participate in all of their projects that touch St. Clair Shores. If we do not participate, we are jeopardizing all Act 51 funding. We put the Act 51 money in the Streets Department for cleaning streets, cutting trees, etc.

Mr. Hughes pointed out that we have the upcoming 13 Mile Road project. We will get matching money for this project because we are part of Act 51. Mr. Babcock added that our local share is only 10 percent on that project.

Mr. Caron asked why the packet was put together by CDI but Mr. Babcock is presenting it. Mr. Hughes explained that Mr. Babcock will monitor the project in 2013.

Mr. Caron asked if they will be doing anything about the draining issues. Mr. Babcock said that the drainage is all underground. There has been some flooding at 12 Mile Road, and they are going to try to improve that.

Mr. Caron asked when the work will get done. Mr. Babcock said he will have information on when the work will be done when it gets closer to the project starting. The last project was done at night. They will replace the entire barrier.

Mr. Tiseo asked what happens if Roseville does not come up with the money. Mr. Babcock said they would not get Act 51 funds. The State would fund the program, and it would get done.

Mr. Frederick said that residents are struggling with water problems of their own. There has been street and basement flooding. Will this help with the flooding? Mr. Babcock said that Larchmont is not related to I-94. It is not hooked into that pump system. It drains in a different direction by gravity.

Ms. Rusie asked if the City Attorney has reviewed the contract for approval. Mr. Ihrie said that it is a standard Local Use Agreement. He noted that it calls itself a federal aid progress payment. He recommends approval.

**Motion by Frederick, seconded by Rubino to approve a request to enter into and authorize the execution of MDOT Contract No. 12-5278 for the milling and resurfacing work on northbound I-94 from 11 Mile Road to 12 Mile Road and authorize the City Manager and City Clerk to execute the documents.**

Ayes: 7 - 0

**5. REQUEST TO APPROVE SALE OF THREE CONDOMINIUM UNITS PURCHASED FROM MACOMB COUNTY FROM THE 2012 TAX FORECLOSURE LIST 20821 EASTLAWN, 33266 HARPER, 22845 OVERLAKE AND VACANT PARCEL AT 27720 LITTLE MACK**

The City acquired these condominiums from the County tax foreclosure sales in July 2012. Staff received a fair amount of calls from people interested in acquiring these properties. It was decided by the sub-committee, which was created by the Mayor, to have the parties submit their highest and best offer to be presented to Council. It was also decided that we would ask one of the approved realtors to provide closing services at a fixed price in lieu of a sales percentage if Council accepted any of the offers.

Mr. Hughes explained that the County Treasurer made properties available that were foreclosed for being behind on their taxes. We were offered an "all or nothing" package, and we accepted the whole package. It consisted of residential homes, residential condominiums, a gas station and vacant lots. The Mayor set up a four-person committee to evaluate these and give recommendations to Council. The committee has met four to five times, and they propose that we sell the three condominiums and a vacant parcel.

Mr. Rayes showed current pictures of the condominiums. We would like to sell them "as is" and let the buyers do the repairs. Mr. Hughes explained that there were no after photos because no repairs have been done.

Mayor Walby asked if these are the only condominiums we have. Mr. Rayes said that they are the only condominiums that were in this package. Condominiums are generally difficult to sell and even more difficult to get financed.

Mayor Walby asked if we have done work on condominiums that we acquired in the past. Mr. Rayes said that we have done some repair work on all of those condominiums.

**Item 5 Cont'd.:**

Mayor Walby said the committee, consisting of Mr. Tiseo, Mr. Vitale, Mr. Hughes and Mr. Rayes, was to look at these properties and come up with recommendations that may even be "outside-the-box thinking." They recommend that we do not invest any money in these condominiums.

Mr. Rayes explained that these were advertised as part of the tax foreclosures. People saw that and contacted the City with offers to purchase them. Our normal process is that we fix them and then put them up for sale, but this causes holding costs while we spend time and money repairing them. The committee decided to have them appraised and then consider the offers made in order to possibly save some real estate and investment fees that we may not get back otherwise.

Mr. Vitale said at the first meeting of the committee they were told there was already interest in the condominiums because they were advertised in the local papers. They agreed to first have a professional appraisal done. Offers were made on all three condominiums, and all three offers were above the appraised value. Condominiums offer no opportunity to upgrade the area. Regarding the vacant property on Little Mack, the City would like to restrict building on that parcel, and the adjoining resident would like to purchase it to enlarge his existing lot size.

Mr. Tiseo added that the exteriors are nice, and they are covered by association fees. If these are purchased to be rented, they will enter the rental inspection program. They researched holding costs which are over \$9,000 on these three condominiums. Selling the condominiums at this time will bring back over 20 percent of the \$199,000 we have invested. Profit would be approximately \$40,000 because of some association fees.

Mr. Rubino asked if it will be the same purchaser for all of the condominiums. Mr. Rayes said that one person would purchase two and another person would purchase the third one.

Mr. Rubino asked how people knew to place bids and how many bids were received. Mr. Rayes said that it was advertised that we were obtaining the foreclosures, and interested people called to ask about them. He suggested to the callers that they put bids in an envelope and submit them to Community Development for presentation to Council. There were two people who bid on all three, and two additional people bid on one each.

Mr. Rubino stated that these were not put out for bid and questioned if that is the appropriate way for government to sell properties. Mr. Rayes said that if Council had been opposed to accepting these offers he would have told the interested parties to contact whatever real estate company we would be dealing with and that agent would have taken the proposals. The difference is that they gave bids to him instead of to an agent.

Mr. Rubino said that the integrity of the City requires us to put these out for bid, otherwise it seems like backdoor dealing. Three years ago we tried to do this. Three of us voted no because we did not think it was the proper way to do business.

Ms. Rusie stated that these were not listed or advertised so not everybody was aware that these were for sale. If they were advertised for sale, then there would be no opportunity to feel that there was a backdoor deal going on.

Mr. Rayes stated that the issue of the previous condominium was that we did not have an appraisal done on that property, and the offer was significantly below the value of the other comparable condominiums in that complex. We used this process on a house on Evergreen. It was listed, and the contractor made an offer the same day it was listed and got the house.

Ms. Rusie said her concern is that the process was not followed, and she wants the integrity of the process. Nothing has to change. We should just list these before we accept any offers. We do not want the appearance of a backdoor deal.

Mr. Caron pointed out that the process is different but that is why we appointed a committee to make these kinds of decisions. We would like to recoup the money invested and make sure we have money to invest in other properties. In this case, we have had multiple bids, and they are all above the appraised value. It was advertised that we received these homes as foreclosures, and they were advertised on the agenda for this meeting. It is public knowledge that we own them. We recently sold a vacant lot to a neighbor that was not listed.

Mr. Vitale said that the City has no cash invested in these properties yet. We can list them "as is" although he did not think it would reflect well on the City to list them in such disrepair. We will not get the appraised value if we do not fix them up. The offers we received all exceed the certified appraisals.

**Item 5 Cont'd.:**

Nothing forces the City to list every piece of property that we sell. We do not put houses out for bid, we list them. By doing that, we may get more offers, but then we will have to pay a commission and other fees while we wait for them to be sold. The difference between the condominiums and a home is the association fee which is \$750 a month for each of these three.

The condominiums were published by the County and then in our local papers as foreclosures. We then received several offers. We have sold properties without a real estate in the past. This vacant lot will have deed restrictions that will make it undesirable to just about anyone other than a neighbor. We do not want to enter into a bidding war with an investor versus a senior resident.

Ms. Rusie commented that it is public knowledge that the City owns these but not that we wanted to sell them. Regarding the other vacant lot, we did not look for other buyers because it was landlocked. These were different circumstances. How reputable do we look if we bypass our own process? We got the money from the public, and we should not take away their opportunity to purchase these. She asked Mayor Walby if he was aware that he gave this committee the authority to bypass the City's regular process.

Mayor Walby answered that the committee was given direction to evaluate what to do with these properties and come back to Council with their ideas and recommendations. They made determinations. They are thinking outside the box, and it is fair to let them deliver it that way. Today they have come back to Council with their recommendations, and we will vote on what they came up with.

Mr. Rusie stressed that she thinks this process lacks integrity.

Mr. Rubino said he thought this committee was going to determine what we were going to do, not the procedure on how we were going to sell houses. If we want to sell a vacant lot, he has no problem with that because we will not get any more for that lot. The vast majority of our residents do not know that these were for sale. He feels it is about the process and giving everybody the fair opportunity to purchase these. It was tax dollars that bought these homes so everybody should have the opportunity to purchase these instead of an investor who will buy them and rent them out.

Mr. Tiseo said that we do not even know if they can rent these out because most townhouses do not allow it. All we are asking for today is for a vote. We are not doing anything unethical, we are thinking outside the box. We would not have suggested this process for the homes. It is just because they are condominiums. We have a \$30,000 offer for a condominium that cost us \$7,700. We did our due diligence even if it does not please everyone.

Mr. Frederick stated that we do talk a lot about process and doing things the right way. He was not happy that we took these offers without a realtor. He agrees with Mr. Rubino on many of his points. He thinks these guys did a great job of thinking outside the box and making money on condominiums that he felt were potential losers. This is the right thing to do for the tax payers. If there is something going on that is not integrity proof on these deals, we need to know right now. Who are these people making these offers?

Mr. Rayes said that he has not met any of these people before except for the one gentleman who is not the low bidder. He is on one of our committees.

Mr. Frederick said that the committee was creative, and the residents will benefit. He would like to amend the motion on the table.

Ms. Rusie said that Mr. Frederick cannot amend the motion in that way because it would destroy the original motion. Mr. Ihrie agreed with her. The proper procedure would be to vote on the motion in question.

Mr. Vitale said that they were not limited in what they were going to do as a committee. Their purpose was twofold: 1) Do their best to improve the surrounding neighborhoods and 2) Maximize our return on investment.

**Motion by Rubino, seconded by Rusie to deny the requests to sell 20821 Eastlawn, 33266 Harper, 27720 Little Mack and 22845 Overlake.**

Ayes: Rubino, Rusie  
Nays: Caron, Frederick, Tiseo, Vitale, Walby

Motion failed

**Item 5 Cont'd.:**

Motion by Frederick, seconded by Caron, to approve requests to sell 20821 Eastlawn for \$13,500, 22845 Overlake for \$30,000, 33266 Harper for \$17,500 condominiums acquired through the MC 2012 Tax Foreclosure List, and 27720 Little Mack, a parcel of land purchased from the MC 2012 Tax Foreclosure List, for \$12,000 to the adjacent landowner for accessory use and limiting use.

Ayes: Caron, Frederick, Tiseo, Vitale, Walby  
 Nays: Rubino, Rusie

6. **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 a – e, which include the following:

a. **Bills**

Check Approval List	\$3,602,273.25
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To approve the release of checks in the amount of \$3,602,273.25 of the report that is 16 pages in length and of the grand total amount of \$3,602,273.25; \$0 went to other taxing authorities.

b. **Fees**

Ihrie & O'Brien	\$13,142.00
Kirk, Huth & Lange	455.00

c. **Progress Payments**

Doetsch Environmental Services	\$58,288.33
Doetsch Environmental Services	\$87,023.66
C&L Enterprizes, Inc.	\$164,305.53
C&L Enterprizes, Inc.	\$156,565.39
Italia Construction, Inc.	\$91,173.69

d. **Approval of Minutes**

**City Council - NONE**

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

<u>Minutes</u>	<u>Meeting Date</u>
Police & Fire Pension Board Meeting	July 26, 2012
Police & Fire Retiree Health Care Trust Board	July 26, 2012
Waterfront Environmental Committee	August 21, 2012
Zoning Board of Appeals	August 2, 2012

Ayes: All – 7

**7. UPDATES AND FOLLOW-UPS FROM COUNCIL MEETING**

**11 Mile & Harper** – Mr. Hughes said that banners were missing from some of the poles. The banners have been returned, and the poles will be repositioned.

**Elmira** – The dead end portion has significant pot holes. This road is in difficult shape, and it will be evaluated in the spring of 2013. Hot patching may not suffice any more.

**Weekly Supplements** – Complaints have been made that these are not making it onto porches again. We have followed up with the distribution manager and discussed this with our police and our attorney. If people see papers being thrown recklessly, they should call the police nonemergency number. The people distributing them will be ticketed for littering.

**Item 7 Cont'd.:**

**Road Repair Projects** – In 2013, when work is being done to a small area of a street that may inconvenience a whole block, we will try to notify residents of a timeframe when the work will be done. If an emergency such as a water main break occurs, we cannot give advance notice of the repair.

**Lakeside Apartments** – There has been illegal trash outside of the apartment building. We have issued citations and will continue to do so.

**Code Enforcement** – There are concerns with new Code and Field Inspectors doing code enforcement. There are 39 rental homes owned by St. Clair Shores Housing Commission. These homes, regardless of who lives there, will be expected to follow the same ordinances as permanent residents.

**Sidewalk Program** – This program is taking far longer than it should. On September 10, our third-party contractor started just south of 9 Mile Road on the western side of Harper and will work in a southern direction over the next four to six weeks. Then they will go to the eastern side of Harper to conclude District 1. We go through cycles where we have difficult times with our cement construction companies overextending themselves in the spring and summer. We are now entering fall and, with weather permitting, this should be done in a timely manner.

**Malooof Donation** – The official date for the ribbon cutting to celebrate the Malooof Family Pavilion at Veteran's Memorial Park will be Friday, October 12 at Noon. Mr. Malooof and his family have invited everyone in the community to attend this event.

**Rat Abatement** – Mr. Rayes explained that staff takes the complaint and registers it with code enforcement who schedules an inspector to go investigate the next day. We track all of the complaints on a map to identify pockets of rodent infestation. A wider investigation is then done by a staff member for rat nests. Mr. Hughes added that if you believe your property or a neighbor's property is infested you can call City Hall, and we will send someone out to investigate. If a whole street is affected, we will let you know. We will not tell you over the phone that you need to go buy a trap. Mr. Rayes pointed out that we will not go into a home or a garage because that is private property, and the resident is responsible to hire an exterminator. Mr. Hughes also said that we will not use tax dollars if you are deemed to be part of the problem because you have code violations and are part of the problem. We will work with you to handle the problem, but we will have to issue violations.

**Road Paving** - Mr. Rayes stated that the north side of Brys and the driveways on Old Eight Mile Road just east of Brys were done today. The saw cutting will be going on tonight, and the homeowners were notified. They started removing the west side of Wood Street between Valera and 10 Mile Road. They are getting the stone base ready. They have completed all of the underground repairs on Cubberness between 10 Mile Road and Statler. There is a bit of underground work left on Taylor. Weather permitting this week, they will be starting on both sides of Cubberness and Taylor. The west side of all these streets should be done by the next meeting.

**Laukel** – Mayor Walby asked if the lights will still be completed by the third week in September. Mr. Rayes said DTE made this commitment publicly, and he will follow up to make sure they are still on track.

**Kroger Gas Station/9 Mile** – Mr. Ihrle explained that there is a lawsuit from the property owners east of 9 Mile Road who are suing St. Clair Shores because they felt that the Zoning Board of Appeals did not make their decision based on substantial materials and competent evidence on the record, and it also claimed a money loss. Recently, the Macomb County Circuit Court judge ruled in favor of the City of St. Clair Shores regarding the Zoning Board of Appeals decision. That still leaves the portion of the lawsuit that claims money damages.

**Maiorano/NSP1 Program** – Mayor Walby said that we did not ask Mr. Maiorano about replacing the air conditioner, and he did not ask us. We made this decision with the homeowner. By doing that, we made the air conditioner 30 percent quieter.

He also read a letter received in June 2012 from Mr. Jim Davis, Construction Management Specialist, Michigan State Housing Development Authority (MSHDA) addressing the City of St. Clair Shores NSP1 compliance. All guidelines were adhered to with the contractor lead-abatement licensing discrepancy. The City of St. Clair Shores had the proper documents.

We accepted the lowest bidder that did have the subcontractor to do the lead-abatement work. MSHDA was contacted and approved that decision. We approved the lowest bidder. We did not rebid this, and we did not repost this to MITN.

## **8. COMMENTS BY INDIVIDUAL COUNCILPERSONS**

**Council Member Rubino** asked if the inspection notices being sent out in St. Clair Shores for the cross-connection control program to prevent backflow with water needs to be done annually and if it is only required for businesses that have drinking water.

Mr. Babcock explained that we do have this program which is mandated by the NDEQ for safe drinking water. We have 75 high-hazard locations that have to be visually inspected once a year. There are 1,100 low-hazard commercial properties that have to be inspected once every five years. Each property has a number of back flow preventers, and they are required to hire a plumber and submit a form that it is working properly. It is mandated by the State not by the City. If any of those chemicals get into the drinking water supply it is difficult to find out where they came from.

Mr. Rubino would like a list of business that need to be inspected.

Regarding the selling of the real estate, he would rather make \$90,000 and do it the way he feels is right than make \$100,000. There may have been other people interested in purchasing these properties. He thinks we need to follow a process.

With the Rat Program, who do we charge, and who does not get charged. Mr. Hughes clarified that we will charge a property owner who has been determined to have violations that could harbor rats. If you are a neighbor of a violator, we will pay to help with rat abatement.

Mr. Rubino stated that Eastpointe is putting out bids for privatizing their ambulance service. We have a mutual aid agreement with them, and it seems like that could have a negative effect on us. Mr. Hughes said that he is aware of that, and we are working on a contingency plan. The vote is tomorrow, so we will have an update at the next meeting in October. We have cancelled our mutual aid agreement with the City of Harper Woods because we ended up basically being their fire department. We will watch carefully how this will affect us. If privatization makes it so that they are not reciprocating any more, we will look at it again.

Mr. Rubino spoke about the Town Hall Meeting that was held by State Representative Forlini regarding the water quality. They said the muck contains fecal matter. That is not really true. There are two separate issues. Muck is organic algae blooms happening all over the State. The real eye opener was that Veteran's Memorial Park beach E. coli is from human origin. We have been told for years that it was from geese and wildlife, but testing shows that the vast majority is of human origin. We need to put together a strongly-worded resolution and send it to the State of Michigan saying we will not continue to be the dumping ground. We should do testing ourselves to see if we are at fault or if someone else is at fault. If we are not, we should press to find out where it is coming from. It does no good for us to look like our water is unfit. We have PCBs, and now human E. coli which is sewage from somewhere.

**Council Member Tiseo** said that it was creative for the committee to think outside of the box. He and Mr. Vitale have the Council's integrity on their minds. They do not want to do the whole project this way. These decisions do not come easily. They just wanted to maximize taxpayer dollars. We are confident that there were no backdoor deals or anything of that nature.

He received a call from a resident on Taylor who said that machinery was moved there. Neighbors had been complaining about dirt, and the street should be cleaned up before it gets closed.

Regarding construction trucks that fill water from our hydrants, do they pay for that? Mr. Rayes explained that they are authorized to fill at locations for projects in St. Clair Shores. They do not pay for water because if they charge us it would be marked up.

Mr. Tiseo remembered having the same questions as Mr. Goodfellow about the Alger house. He has learned by being on this committee that the loss would have incurred had we sold it for a loss or knocked it down based on the cost of knocking a house down.

He announced the following Community events:

The Fall Harvest Celebration will be September 22 at 4 p.m. at the Senior Center. There will be apple pies for \$10. There will be music, a food truck and a movie. They are also looking for eight people to play them in bocce ball.

St. Isaac Jogues is having their Oktoberfest on October 5 & 6.

The St. Germaine's event was a great success.

**Item 8 Cont'd.:**

**Council Member Frederick** asked for the status on the Biggby Coffee Shop. Mr. Hughes said the issues in Lansing have been resolved, now they are having some financing holdups. He and Mr. Rayes will be taking a portfolio of properties to an International Shopping Center Convention in October to market them.

Mr. Frederick asked if we have an opening date for Butter Run. Mr. Rayes said he has not heard from them. They are making good progress. He will provide an update at the next meeting.

Mr. Frederick also asked about Buffalo Wild Wings and when they will be breaking ground. Mr. Rayes said that plans will be submitted to the Planning Commission in the next six weeks, and we should have an update then. Mr. Hughes added that they were negotiating with a second national retailer to join them in building, but those negotiations broke off. Buffalo Wild Wings is resetting their priorities because of the tough economy.

Mr. Frederick would support sending a resolution to the State regarding the E. coli issue. All of the communities along the lake may also have the same problem eventually.

He mentioned that some cities grind sidewalks with their sidewalk program. Mr. Rayes said that our City does not grind, but a homeowner can make the choice to do that. We do have specifications outlined in our newsletter.

Mr. Frederick asked if it is expensive to grind. Mr. Babcock said that we do not have a machine so we would have to purchase one. He will research the cost of doing it.

Mr. Frederick congratulated the Beautification Award winners.

He announced the following Community events:

The Cool City Committee Pub Crawl is September 20. Tickets can be purchased at City Hall or the Civic Arena.

The Optimist Club Anniversary Celebration is September 20 and is being held at Blossom Health.

There is a Fun Fest Appreciation Day on September 29 from 10 a.m. to 3 p.m. at the South Lake Stadium.

The Library has free story time on September 18 at 1:30 p.m. for preschoolers. Family story time is at 7 p.m. on Tuesday.

There is a Genealogy meeting on September 27 at 7 p.m. It is free.

Classic Film Friday continues. For more information call the Library at 771-9020.

St. Germaine's festival was very successful, and attendance was up over the year before.

The Wigs for Kids gala was sold out for the third year in a row. It was a great success. Thank you to attendees and the donors.

The Cops for Kids cruise was last Thursday night. He thanked the donors.

**Council Member Vitale** asked if we re-pour oversized aprons. Mr. Rayes said that we do not. They looked at this in the spring, and there was only one drive on Cubberness east of Ursuline.

He supports sending a resolution on the lake issue, and he thinks we should invite television media to get the word out.

Regarding the condos, there are bargains on condominiums everywhere.

There is a couch in front of the Lakeshore apartments today. Please send someone over to pick it up and issue a citation as they continue to put trash out early.

He went to the Car Show Sunday, and it was a great time. He got to meet many residents. We should do a similar event in the spring.

One resident questioned why our water rates are higher than other communities. He asked for an answer at the next meeting.

**Council Member Caron** said thank you to Mr. Vitale and Mr. Tiseo for putting a lot of hard work into the committee making decisions on the foreclosures.

He thanked the Beautification Commission. There are many pictures of this year's award winners on our Cable channel.

He also thanked the Women's Civic League for their Meet the Candidate Forum on 9/13. This featured both State Representative candidates and County Commissioner candidates. Ms. D'Herde said the cable schedule will be posted on Facebook over the next couple of days.

**Item 8 Cont'd.:**

The Art Fair and the Our Lady of Hope events were both well attended.

The Senior Center folks are making apple pies, and they are being sold for \$10.00. Pie kits are \$5.00.

He asked about two new signs on Harper by Brys for the Dog Park and Brys Park. Mr. Babcock said that we just purchased a handful of signs and will be putting them up to see what people think. We are trying to standardize the signs around the City. They are brown, and hopefully they will get attention. We will be putting one up for public boat launch.

Mr. Caron asked if these will be for public only parks. Mr. Babcock said we are just replacing signs where signs are currently. They will not put up a sign to the public where the park is private.

Mr. Caron asked if we can get the County testing results from Veteran's Memorial Park beach to help with our issue. Mr. Hughes said we will get that.

**Council Member Rusie** thanked Mr. Hughes for the attention to Elmira. Residents will be happy.

She thanked Bob Ihrie for doing a good job on the Kroger lawsuit.

She supports doing something for the water quality issue.

The Art Fair was wonderful, and it was nice to see the return of the car show at Blossom Heath. It is such a nice venue for the car show. Many people that attended were complimentary.

She announced the Senior Center is having a Fall Harvest Festival on 9/22 at 4 p.m.

On behalf of the Senior Center, she thanked everyone for their support of the meal program through the fund raisers. They serve 5,500 meals a year. They are always looking for sponsors for their crates of apples.

**9. CITY MANAGER'S REPORT**

In the month of October there will be three City Council meetings, October 1, October 15 and October 29. That will allow us to take the first Monday of November off to prepare for the Presidential election.

**10. AUDIENCE PARTICIPATION (5 MINUTE TIME LIMIT)**

James Kelly, St. Clair Shores resident, spoke about the foreclosed properties. He agreed with Mr. Rubino that these sales should be done very openly. We do not need a realtor to advertise these properties. It can be done without a realtor and save the commission. We could explore the "For Sale by Owner" concept for these properties.

Robert Fetter, St. Clair Shores resident, announced the Cool City Committee Pub Crawl fundraiser. The theme is Lakeside Luau. There are six participating locations. There will be food to sample at each of these places. Tickets are \$20. This money is used to fund various events such as the Green Fair and Movies in the Park as well as bike racks, recycling bins at City events, etc.

Jamie Victory, St. Clair Shores resident, said he had a good time at the Wigs for Kids banquet. He was at the car show with White Lighting, and he received a trophy.

Erin Stahl, St. Clair Shores resident, mentioned that the Macomb Daily now has an incredible article about the Waterfront Environmental Committee. She thanked the I-94 Cleanup volunteers. There is one more cleanup on 10/13 at 10 a.m. We have about 50 volunteers and 80 bags of trash so far. This is a good opportunity for community service.

The City has been out four times to reassess the Sidewalk Program instead of taking the suggestions that she has presented. She has provided a lot of information and statistics. She has presented a list of questions that she would like to have answered.

Dave Rubello, St. Clair Shores resident, spoke on behalf of the SCS Memorial Day Parade Committee. They are planning several fund raisers. They will be doing another "Battle of the Bands". He is looking for any bands interested in participating. They are also looking for disc golfers to participate in a "Disc Golf Hole in One Contest" and they need 100 residents to give up \$100 for the parade.

Tom Ulrich, St. Clair Shores resident, said thank you from the Kiwanis and Macomb Chamber Music Society for supporting the eight concerts in the park. He gave the Council a copy of the report. It was a great year. He also thanked the sponsors and everyone that helped them. He presented Mr. Frederick with a Chairperson award.

**Item 10 Cont'd.:**

Donald Lobsinger, St. Clair Shores resident, said he gave the invocation before the monthly meeting of this County's Board of Commissioners. He repeated the same prayer today.

Frank Maiorano, St. Clair Shores resident, said he attended the car cruise Sunday, and it was very nice. He then presented pictures of the air conditioning unit at the house on Rosedale next to his. He complained about where the air conditioner was installed on that property before it was sold. He read the response he received from the City in regard to his complaint. He also was concerned about the downspout at that home being moved. He wants the downspouts put back where they belong and the air conditioning unit moved to the backyard.

**11. MAYOR'S COMMENTS - NONE**

**12. REQUEST TO ENTER CLOSED SESSION AS PERMITTED BY STATE STATUTE MCLA 15.268 SECTION 8 (A)**

**13. ADJOURNMENT**

**Motion by Tiseo, seconded by Rusie to adjourn at 10:14 p.m.**

Ayes: All – 7

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KIP C. WALBY, MAYOR

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MARY A. KOTOWSKI, CITY CLERK

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