

**MINUTES
ST. CLAIR SHORES CITY COUNCIL MEETING
October 1, 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, Director Rayes, Director D'Herde, City Planner Koto, 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. A quorum was present and the Pledge of Allegiance was recited by those present.

Ayes: All – 7

2. PROCLAMATIONS & PRESENTATIONS

a. **Housing America Month**

**Proclamation
to
ST. CLAIR SHORES HOUSING COMMISSION**

WHEREAS, for more than 70 years it has been the policy of this nation, under the US Housing Act to promote the general welfare of the nation by employing its funds and credit to assist the several states and their political subdivisions to remedy the unsafe and unsanitary housing conditions and the acute shortage of decent, safe and sanitary dwellings for families of lower income; and

WHEREAS, according to the "State of the Nation's Housing" report, 15.6 million households now pay more than half of their income for housing; and

WHEREAS, according to the Housing Assistance Council, 1.7 million (6.3 percent) of rural homes were considered substandard in 2005; and

WHEREAS, public housing is home to over 2 million people, more than 40 percent of whom are children, and faces an estimated \$18 billion - \$20 billion backlog in capital repairs; and

WHEREAS, the National Association of Housing and Redevelopment Officials are united in an effort to raise public awareness of the importance of affordable housing and community development programs and resources; and

WHEREAS, the aforementioned officials have declared October Housing America Month, part of a year-long, national campaign to inform the public and decision makers of the critical need to address the nation's housing and community development concerns; and

WHEREAS, the St. Clair Shores Housing Commission for nearly 40 years has been dedicated to the administration of federally subsidized rental assistance programs through the U.S. Department of Housing and Urban Development (HUD) and through these programs as a member of the St. Clair Shores Community we are able to provide safe, secure and affordable housing for low income families, senior citizens, and those who are handicapped or disabled;

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council of the City of St. Clair Shores, on behalf of all its citizens, hereby endorses the Housing America Campaign, and acknowledges the month of October as Housing America Month in St. Clair Shores recognizing the residents, staff, Commissioners and volunteers of **St. Clair Shores Housing Commission** for their efforts in providing safe, comfortable, secure and affordable housing for low income families, senior citizens, and those who are handicapped or disabled in our community.

Presented this 1st day of October, 2012.

Agenda Item 2a (cont'd)

Mr. Matt Young, Housing Director, and Ms. Diane Linch, Tenant President, thanked all residents of Leisure Manor I and II, residents of the 39 scattered site houses around St. Clair Shores, and said how proud he is to be part of the St. Clair Shores community.

b. Shores – Pointes Adventure Triathlon

Lynda M. Charow, Event Director, and Diane Strickler, President of Grosse Pointe Rotary, said they had a wonderful event that included 243 people. They raised \$1,720.00 per school and presented Grosse Pointe North, Grosse Pointe South, South Lake High School, Lake Shore High School, and Lakeview High School with the money.

Ms. Charow distributed the checks and thanked the citizens of St. Clair Shores and the City in providing support for a great event at Blossom Heath Park.

The event will be held on July 20, 2013 and there are other relay teams within the City who want to participate in the event.

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

Dennis Marentette, St. Clair Shores resident, Agenda #5a. He has been a St. Clair Shores resident for over 30 years. He wants to see union labor used for the Court House construction and wants an environmentally safe building built. He said that SMACCNA (Sheet Metal Air Conditioning Contractors National Association) tests and sets the criteria for mechanical equipment, specifically duct work, and how it is constructed and installed. The standards are taught at the Sheet Metal Workers Training Center. He indicated that the non-union entity does not have a school to send their workers to and do not hire equally trained workers. Journeymen that SMACCNA contractors hire are trained in OSHA safety and are drug tested.

Peter Accica, St. Clair Shores resident, Agenda #5a. He spoke about prevailing wage and mentioned that he is a 35-year St. Clair Shores resident and is looking for fair and equal wage so people can raise a family.

Jim Goodfellow, St. Clair Shores resident, Agenda #5a. He stated the City definitely needs a new Court House, but the biggest problem is that meetings have not been posted, and have moved from conference room to conference room. He indicated there should be a Town Hall Meeting or Study Session before a vote on any money being spent. All facts should be put in front of all taxpayers before a decision is made and he hopes this issue is not approved or is tabled tonight.

Carl Holtz, St. Clair Shores resident, Agenda #5a. He said he has lived in St. Clair Shores for 35 years. He is a member of IBEW Local 58 and spoke about the prevailing wage law. He is trained in all aspects of electrical construction. He said that living in St. Clair Shores and doing the work he does, affords him a middle-class income and ability to live in a middle-class home. All contractors should pay a prevailing wage.

Jack Ellis, St. Clair Shores resident, Agenda #5a. He mentioned he is a 42-year resident of the community and spoke about the prevailing wage issue and asked several questions of the City regarding the prevailing wage issue. He said there was some confusion of how the bid was created. The project should provide quality jobs and this should be considered when looking at the bid.

James Chute, St. Clair Shores resident, Agenda #5a. He mentioned he has been a St. Clair Shores resident for 9 years. He is non-union, but believes in paying a union wage to people who are trained in the work that needs to be done since the Court House needs to be a quality building. The City should get their money's worth for what they are paying and they can't afford to do the project over. He suggested that they go with good value right from the beginning.

Michael Economeas, St. Clair Shores resident, Agenda #5a. He said he is an 11-year resident of the City. He has been in plumbing for over 26 years and has worked on Comerica Park, Motor City Casino, the Palace of Auburn Hills, etc. and is proud to represent his craft. He is currently working in Toledo because there is no work in this area. The quality of work, the skills, and the production and professionalism of building trades are unmatched and unsurpassed.

Dennis Borkowski, St. Clair Shores resident, Agenda #5a. He said he has been a resident of St. Clair Shores for 15 years. He said this is the type of community where everyone pitches in, helps out and gives back. He asked Council to take a look at prevailing wage and the cheapest is not always the best. Get a good quality job – it's worth it.

Jack McCool, Waterford resident, Agenda #5a. Mr. McCool is a Business Manager and was recently approached by a St. Clair Shores Committee Member and was asked to be part of an art project to reproduce lighthouses throughout St Clair

Agenda Item 3 (cont'd)

Shores. He said that when they were asked to support St. Clair Shores, they did, now St. Clair Shores tells us they will not support our tradesmen.

Stanley Kokuba, St. Clair Shores resident, Agenda #5a. Mr. Kokuba mentioned he has been a resident of St. Clair Shores for almost 50 years. He came to St. Clair Shores before it was a city. He has seen a lot of things done in this town and done in the right way. He has been a plumber in a union for 65 years. He just doesn't see Councils way of getting someone else in here. He said most of us are unemployed and would be glad to have a job in our hometown and you are giving our jobs to someone not in our town. He said he hopes Council will vote the right way.

John Gorajczyk, St. Clair Shores resident, Agenda #5a. He said he is a 30-resident of St. Clair Shores and a 30-year member of IBEW Local 58. He would like to add that he has always supported the police and fire and proposals the City had regarding welfare, but now it seems that Council is turning their back on them. They should consider this and keep the work here with members in the City.

Jim Arini, St. Clair Shores resident, Agenda #5a. He is a 30-year member of Operating Engineers Local 324 and strongly opposes Council building the Court House using non-union workers. He said union workers are more highly trained, work safer, and go through routine drug testing. Comerica Park, Ford Field, and Cobo Arena were built using union contractors. One thing they all have in common is they believe that a better construction project would result by using union contractors.

Dan Nixon, Sterling Heights resident, Agenda #5a. He represents members who live in St. Clair Shores and said prevailing wage is near and dear to them. The need for prevailing wage is to prevent the public sectors, the large expenditures, and strict competitive bidding requirements from destabilizing the local and regional construction markets by taking wages out of the equation. He stated, let's use highly trained, highly skilled workers and use contractors that pay prevailing wage.

Patricia Weber, St. Clair Shores resident, Agenda #5a. She is a licensed electrician for Local 58. She is asking for consideration of prevailing wage to all skilled trades employees working on the Court House project. She has not worked in St. Clair Shores, but has worked in surrounding communities. All the work she has done has been paid at prevailing wage. These wages are a living wage to her and gave her the ability to purchase a home in St. Clair Shores. She asks that Council respects and values the knowledge, skill, and talent that the tradesmen and women will provide on the Court House project. Prevailing wage helps maintain the middle class and standard of living which supports the citizens of this community.

William Kunes, St. Clair Shores resident, Agenda #5a. He has lived in this town for almost 52 years and was a member of Local 58. The City is not getting anywhere with low wages. He has traveled throughout the country to find work to feed his family and pay property taxes.

Bob Fetter, St. Clair Shores resident, Agenda #5a. He believes the Court House is a reflection of the community. He is asking for prevailing wage which is a fair compensation for workers. He said the middle class is fading and the company with the lowest bid is underpaying workers by \$400,000. He asked how can this happen, it is not one thing, but a lot of little things. He said the Council votes show their values and he writes down the names of members who do not vote for prevailing wage.

Bryan Stowe, Madison Heights resident, Agenda #5a. Mr. Stowe is a business representative for IBEW Local 58. He is here tonight because St. Clair Shores plans to build a new state of the art Court House with non-union workers. He said the middle class is dying because of this and the City's economy will dissipate.

Andrew VanAssche, St. Clair Shores resident, Agenda #5a. He is speaking on behalf of IBEW Local 58 and is a lifelong resident of St. Clair Shores. He does not like the idea of building the Court House with sub-standard craft people. It may save a buck now, but if it is not built right this time, more money will be spent to maintain it or build a new one. He supports the prevailing wage.

Erin Stahl, St. Clair Shores resident, Agenda #5a and #6a. She asked that the check approval list be looked at further in regards to #6a. She wants a breakdown for the cost of the 2012 Sidewalk Program without having to complete a FOIA. She said 75% – 85% were mismarked. In regards to agenda #5a, she has concerns that the Court House was designed without customer service in mind and asked why there is no second floor involved. Her concern is that there is no efficiency there.

Ron Sarata, Northville Township resident, Agenda #5a. He is a business representative for Pipefitters Local 636. They are hardworking, highly trained, and all members go through apprenticeship programs, and safety training is similar to OSHA Safety Training. He is not concerned about cost, but rather quality. Good quality work does not come cheap.

Agenda Item 3 (cont'd)

William I. Kunes, Sr., St. Clair Shores resident, Agenda #5a. Mr. Kunes, Sr. said it is nice to work in a beautiful environment. If you vote to use non-prevailing wages, you won't get a nice environment at the Court House. He asked, do you want to pay for a good future or a bad future.

J. R. Kettler, St. Clair Shores resident, Agenda #5a. Mr. Kettler stated he is a 20-year resident of St. Clair Shores. He decided to come here because of the wage he makes. He said their training is top notch. It costs twice as much to fix problems. He wants to live here, but he can't live here if he doesn't work.

Tom Lipinski, St. Clair Shores Business Owner, Agenda #5b. Mr. Lipinski is the Associate Broker at Realty Executives Select. They are staffed for and have systems in place to successfully market the City properties. Their goal is to get the most amount of money with the least hassles. They have three agents that are in the top 70 nationally per units sold and they do a lot of volume.

Sarah Terrien, St. Clair Shores resident, Agenda #5a. She said she is a 20-year resident of St. Clair Shores. She is in support of the community using prevailing wage to build the new Court House.

David Schelosky, St. Clair Shores resident, Agenda #5a. He has been a St. Clair Shores resident for almost 42 years. He asked the question if state or federal money is being used for this project. He is hoping that his group, the electricians, have put into effect a market recovery act. It's a different wage structure where they can be more competitive when bidding on a project like this. They also have a targeting fund which all members contribute to. Some of these things may have been overlooked when deciding on a project like this.

Sarah Roberts, St. Clair Shores resident, Agenda #5a. Ms. Roberts supports our community to pay prevailing wage to build the new Court House. A prevailing wage is about paying a living wage. She thinks Council's decision on whether workers are paid a prevailing wage is a symbol of what we stand for in a community. She stated these are members of St. Clair Shores in this room - what are we saying to them if we don't pay them a living wage. She urges Council to change their minds and put a prevailing wage requirement back into the bid package because our community deserves that.

Chris Harthen, St. Clair Shores resident, Agenda #5a. He believes in this community. Prevailing wage means workers are safer, trained right and skilled. Money comes from the City and from the pockets of some in this room. We can and should do better.

Dave Ivers, St. Clair Shores resident, Agenda #5a. He indicated he has retired from Wayne State University. He made the wages he did because of collective bargaining. We need to keep the middle class.

4. REQUESTS FROM PLANNING COMMISSION FOR PETITIONER MARIO BIONDO

a. PPC120014 Rezoning of 22713 Pallister from RA-Single Family Residential to P-1 Vehicular Parking District

Ms. Koto gave an overview and said this agenda item should only be in consideration of rezoning. There was a public hearing held before the Planning Commission regarding this item and it was approved initially and then the site plan approval was tabled so Mr. Biondo would be able to speak to the neighbor who lives next door to the lot that he owns to see if they could come up with an agreement to sell a portion of land to him so there is additional room for the driveway. Mr. Biondo and the homeowner did come to a resolution and Mr. Biondo will be selling the homeowner 18" so he would have the ability to open the car door in the driveway.

Mr. Vitale supported the idea of giving more parking to the business, however, one of the residents who submitted a letter indicated that when they moved in, they did not move in next to a brick wall. He asked if they will be softening the effects of the brick wall with landscaping. Mr. Biondo said he will be following up with landscaping on the existing parking lot.

Ms. Koto said it is a requirement by Ordinance to have the 6' concrete wall between the P-1 zoning and the Single Family Residential zoning. The letter received is from a neighbor two doors down. Mr. Biondo agreed to put in arborvitae or dense landscaping against the portion of the parking lot that would abut the sidewalk. The concrete wall would completely end at the 25' front yard set-back line.

Motion by Caron, seconded by Rubino to approve the request for rezoning PPC120014 from RA-Single Family Residential to P-1 Parking at 22713 Pallister and the City of St. Clair Shores Ordains that Zoning Ordinance 15.1000 shall be amended by the following Rezoning:

Agenda Item 4a (cont'd)

(176) ***Rezone from RA Single Family Residential to P-1 Vehicular Parking District at 22713 Pallister.***

22713 Pallister – Dalby & Campbell Eastlawn Subdivision Lot 366 & the north 15' Lot 367 Liber 7, Page 75, Macomb County Records, Macomb County, Michigan, west side of Pallister, 200 feet south of Nine Mile, from RA Single Family Residential to P-1 Vehicular Parking District. (effective on October 24, 2012)

Any ordinance or parts of any ordinance in conflict with any provisions of this ordinance are hereby repealed.

This Ordinance shall become effective 7 days after publication and copies of this ordinance are available at the Office of the City Clerk 27600 Jefferson Circle Drive, St. Clair Shores MI, 48081 during normal business hours 8:00 a.m. – 4:30 p.m. Monday through Friday.

STATE OF MICHIGAN)
) ss
COUNTY OF MACOMB)

We hereby certify that the foregoing ordinance is a true copy of an ordinance as enacted by City Council on the 1st day of October 2012 and that the necessary Charter provisions have been observed.

Kip C Walby, Mayor

Mary A. Kotowski, City Clerk

I, Mary A. Kotowski, City Clerk of the City of St. Clair Shores, hereby certify that the foregoing ordinance was published in the Sentinel Newspaper on October 17, 2012 by posting true copies of the same in each of the following places: Police Station, 27665 Jefferson Avenue, Fire Hall, 26700 Harper Avenue, and City Hall, 27600 Jefferson Circle Drive and shall become effective on October 24, 2012.

Mary A. Kotowski, City Clerk

Published: 10/17/2012
(ord. amendment eff. October 24, 2012)

Ayes: All - 7

b. **PPC120014A Site Plan Approval for additional parking at 20020 Nine Mile Road**

Ms. Koto indicated the site plan approval would be to add approximately 21 – 22 parking spaces to the existing commercial space. This will allow Mr. Biondo to have more intensive uses when he leases his property. There will be the 6' wall to 25' line and dense landscaping matching what he has on Pallister for the remainder, concrete curbs, engineered drawings and typical requirements.

Mr. Biondo said the house should be demolished within a couple of months.

Motion by Rubino, seconded by Caron to approve the site plan PPC120014A for additional parking at 20020 Nine Mile Road, as recommended by the Planning Commission and subject to the conditions of the City Planner's report, including: 1) This parcel is to be combined with the parcel adjacent, to ensure that the parking area will be available to 20020 Nine Mile in perpetuity, 2) A 6 ft wall is required on the south side of the parking area, to stop 25 ft from the southeast corner of the property line, in order to maintain a view of the street, by the adjacent neighbor, 3) A 30" brick knee wall, or landscaping, is required on the east end of the new parking area, to screen the parking area from the adjacent residences, 4) Engineered drawings of the parking lot, including concrete curbs, catch basins and drainage are required, 5) Each statement of intent, promise and/or pledge, made by you, the petitioner or agent, either orally or in writing, if permitted by Ordinance, shall be binding upon the petitioner and shall be a condition of said site plan approval.

Agenda Item 4b (cont'd)

Ayes: All - 7

5. BIDS/CONTRACTS/PURCHASE ORDERS**a. District Court Construction (bid opening 09/19/12)**

In accordance with Council's directive, the City hired John Vitale to design and secure bids for a new 40th District Court building. Bids were received on 9/19/12 and are presented before council for action.

Mr. Hughes spoke about the history of the Court House. Going back to 1999, if not earlier, many residents know that the Court House has been under review and the building is nearly 80 years old. A committee formed by former Mayor Hison in 2011 comprised of Chief Judge Fratarcangeli, former Mayor Hison, five representatives, some citizens, and Mr. Hughes. They came to Council and recommended that reconstruction of the Court was needed. After the elections in 2011, Mayor Walby appointed a committee to interview architects and follow-up on the committee's recommendations. The committee was comprised of Mayor Pro-Tem Rubino, Ms. Rusie, Chief Judge Fratarcangeli, Mr. Rayes and Mr. Hughes. They asked for Council's permission to proceed with hiring of an architect, Stucky-Vitale, and then solicit bids. Mr. Hughes indicated that the motion for Item #4 on June 18, 2012 said the following: a request to proceed final documentation in bidding of the new 40th District Court Building at a cost not to exceed \$3.5 million. Mr. Hughes then convened meetings and went through items they felt were needed in a Court House that would serve the City for the next 80 years.

Mr. Hughes said with that in mind, they put together bid specs and it was his decision of what is or is not included in bids. He did authorize bid specs to go out that did not include language that prevailing wage be used. He said he did not make that decision lightheartedly or carelessly. Based on research and recommendation, he determined that mandating a prevailing wage would result in bringing back bid results that would be significantly higher than \$3.5 million. He said he understands that is was his decision.

Included in Council's packet tonight, is a summary of the two low bidders, Bernco, Inc. and the Dailey Company. He said he sat in interviews of the two lowest firms and asked the companies if they could provide a solid estimate of what increase, if any, their bid results would be if they did require prevailing wage and those results were included in the Council packet. Mr. Hughes said he has a responsibility to be a good steward toward tax dollars and the proposal he has tonight involves using approximately \$1.8 million accumulated in a Court Building Fund. He is asking Council's approval to borrow \$1.7 - \$1.8 million through the municipal bond market to fund the remaining approximately 50% of this project. He does not want to have taxpayers, through the General Fund, pay off the bond. He would have that payment funded each year by new money pumped into the Court Building Fund from citations, motor vehicle violations, etc. His recommendation is to award the contract to Bernco, Inc. as general contractor. Included in the cost estimates is the cost of demolition, and the cost of temporarily relocating the 40th District Court to St. Gertrude's School.

Mr. John Vitale, the architect for the project, said they worked hard to prepare a bid package that was complete and clear and they felt good about the bids. In the bid process they asked for a detailed breakdown of each item of the construction which helps identify and make sure bids are well aligned between the various contractors. They analyzed a few other areas outside the bid such as the roofing issue and asked to prepare an analysis of a sloped metal roof.

Mr. Hughes said that there was a question that if there are cost overruns, would the City be seeking state or federal money. He stated the answer is a confident no.

Mayor Walby said there was a question that we bid behind closed doors. Mr. John Vitale said it was published in publications, it was an open bid, it was a public bid, and the room was full of contractors and sub-contractors. He indicated they also did a pre-qualification which include what bidders had the capabilities in performing the work, their financial wherewithal, their experience, etc.

Mayor Walby asked Mr. John Vitale is they are comfortable with the low bidder. Mr. John Vitale indicated yes.

Mr. Rubino asked Mr. John Vitale if he can stand on the evaluation process that we are getting a quality building. Mr. John Vitale said the guidelines and standards are included and they publish a specification booklet. That booklet defines many of the guidelines mentioned tonight. Guidelines are very important and are included in their specifications so any contractor that bids that work are required to follow that specification.

Ms. Rusie asked why alternates #2 and #4 are not being recommended. Mr. John Vitale said there were two systems for perimeter heating. One of the systems is based on electric perimeter heat and the asked for an alternate which would be a natural gas boiler system. They wanted to see the cost difference between a boiler system versus electric heat. This way they can do a comparison and perhaps a boiler system is more energy efficient.

Agenda Item 5a (cont'd)

Mr. John Vitale said the parking lot expansion was something they wanted to consider. They are using the current lot that is already there, but the City owns some property further north, and it was considered to see what it would cost to pave that additional area to provide an additional parking lot.

Ms. Rusie asked how much more it would cost if we go with a prevailing wage. Mr. John Vitale said the contractor indicating that in adjusting all the contractors to prevailing wage would cost about \$404,000.

Mayor Walby asked Mr. John Vitale about the electrical and if the savings did not pan out. Mr. John Vitale said the annual payback per square foot is about 20 cents. Mr. Hughes indicated that the return on investment is about \$100,000 on top of the base bid. The return on investment on the years it would take to pay off was much longer than he was comfortable with.

Mr. Vitale said he thought electric heating is least efficient. He is troubled that if the budget is so razor thin and they can't put in a good heating system and prevailing wage, maybe it is not time for a Court House.

Mr. Vitale asked about air quality problems. Mr. Hughes said they have been put on notice that there have been concerns about the air quality. They went in and did everything they could about the HVAC System and are now in compliance, but that long term repairs are something that was not authorized.

Mr. Vitale said he sees a \$20,000 additional cost to begin construction in the winter. He asked why don't we save this money and start in the spring. Mr. John Vitale said it depends on the weather we have in the winter. Mr. Vitale asked when are the terms when Bernco, Inc. can charge us the \$20,000. Mr. John Vitale said it depends on certain operations, for example, when they pour concrete or masonry. Those types of tasks require proper weather or preparation. He said they will monitor that situation and tell them to not proceed or go ahead at whatever cost.

Mr. Frederick said he voted for getting an architect in here and even compromising on a flat roof versus a sloped roof, but that was before he knew it would be built with sub-standard labor. One of the mechanical contractors who submitted for Bernco, Inc. and Dailey Company sent a letter that because of several errors of arriving at our bid of \$175,000, we have to withdraw our proposal because the price is more than \$50,000 lower than our cost for material and labor. Here is a sub-contractor who is already sub-standard in the ability to bid the job and we have to take a second look at this. He said he is a no vote on this, but would like to make a motion to put prevailing wage back in and have it rebid. He said we have not asked union members if there is target money available and wants to know why we didn't we ask.

Mr. Hughes said the decision not to ask was based on the goal to give clear and concise data. They respect the integrity of the sealed bid process. He said they engaged in a closed sealed bid and for that reason he rejected the request from Bernco, Inc. to modify a bid in the highest amount because the integrity of the process matters.

Mr. John Vitale mentioned that in the design of a second floor, they analyzed a lot of different scenarios and arrived at the most efficient plan and had a lot of concern about security, flow of prisoners, and safety of people at the Court House. It was closely looked at. They even looked at circulation under the building.

Mr. Frederick said Bernco, Inc. is using two unions, one for asphalt and one for concrete and the Dailey Company who sent in a number of \$220,000 to add prevailing wage back in is something we really need to take a look at. Mr. John Vitale said that their contract is getting paid \$168,000 for the engineering contract. Mr. Frederick asked what do they do if a sub-standard worker is not doing something right. Mr. John Vitale said they stop them and many times they help to replace that contractor. There is a process to do this. It would be a qualified contractor and a process they would go through with the general contractor and bonding coming into play.

Motion by Frederick, seconded by Vitale to table this agenda item and evaluate the issue longer and look at target money, and to evaluate prevailing wage.

Roll Call Vote.

Ayes: Vitale, Frederick

Nays: Caron, Rusie, Tiseo, Rubino, Walby

Motion Failed.

Mr. Rubino said he makes his decision based on what's best for every resident in the City. This is the most unsafe Court House in the area and we need a new Court Building. He said he was raised in a union family. He stated that Sarah Roberts said something that is outright dishonest. She compared a prevailing wage to a living wage. He said those are two completely different wages. A living wage in Macomb County pays \$20.97/hour. A prevailing wage for a plumber is about \$57 or \$58 per hour. He said we are in a horrible economy and asked, do we not want to put people to work

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because we can't afford a prevailing wage or do we want to put people to work. We can't afford bids when it comes to prevailing wage. Based on the numbers given to him, that's how he based his decision. Prevailing wage puts the project over budget. It comes down to people working or not working. He asked the question, are workers going to be local, in state, out of state, etc. Mr. John Vitale said the majority of workers are local contractors.

Mr. Hughes said they were assured by the low bidder that a significant number of their employees come from Macomb County, and others come from southeastern Michigan. They have used those employees on other projects and there was no mention of out of state people in their interview.

Mr. Rubino asked about the bidding behind closed doors. Mr. Hughes said he takes the openness of the government very seriously. The government takes great pride to do things in the open and this issue was not done in violation of the law.

Mr. Rubino said we need a new building, it is unsafe, and the number given to Council puts prevailing wage out of the budget. His decision is also based on putting people to work right now.

Mr. Vitale said he met with Judge Fratarcangeli and he never indicated the Court House was unsafe, but rather pointed out the deficiencies of the building. The building is cramped and there is some risk of parolees being near office workers. At one time the Patrol Department was in a separate building. If we return to this practice, we would increase square footage, would provide some relief for the existing problems, and would increase the cost in the short term out of the Courts budget, but if we took 1/10 of the amount of money that is set aside each year for a new court building, which is \$150,000, after they pay the City rent, that is \$15,000. The second issue is that he took a tour of the Police Department which suffers the same deficiencies of the Court House and then some. They are operating with twice the number of officers, and it was not designed with female officers, and female criminals. He indicated we should be looking at a plan of replacing this building, or planning a court building with room for expansion and the economies of scale from constructing a new Court House. Finally, he indicated he did not take an endorsement from or take a dime of any union money, but it is the final insult to realize we are going to use non-union contract workers because the budget is razor thin.

Mr. Frederick asked if there is any state law that requires us to pay prevailing wage. Mr. Ihrie said Michigan is a prevailing wage state for state projects and this is not a state project. So the answer is no.

Mr. Frederick asked if the City investigated anything about money available to fund a project like this. Mr. Hughes said they did investigate money for renewable energy, homeland security, and with the Office of Court Administrator, and there is no money available for the project they are proposing. Mr. Frederick said they checked on grants, but did not check on target money. He is asking for a couple of weeks to figure it out and postpone this issue until the meeting after the election.

Motion by Frederick, supported by Vitale to postpone this agenda item until the November 19th City Council Meeting.

Roll Call Vote.

Ayes: Frederick, Vitale

Nays: Caron, Rubino, Rusie, Tiseo, Walby

Motion Failed.

Mr. Rubino asked what target money is. Mr. Hughes said it is a pool of money that collective bargaining units have put together that allows them on targeted projects to come in and be more competitive with non-organized labor. Mr. Rubino asked when this comes into play. Mr. Hughes said if that is the approach we wanted to take, it should have been included in the bid specs. Mr. Rubino asked if we approve the bid, can we ask the contractor to negotiate for targeted funds. Mr. Ihrie said we have the authority to negotiate only with the low bidder regarding any issue.

Mr. Hughes said the question of what percentage of the total value of your bid currently has unionized labor was posed to the low bidder and second low bidder. Dailey Company said approximately 55%, and Bernco, Inc. said approximately 30%.

Mr. Rubino asked if all union contractors pay prevailing wage. Mr. John Vitale said he is not certain of that. Mr. Rubino asked if we approve the low bidder, how can we put on there to have them work for targeted funds.

Mr. Ihrie said if we approve the low bidder, we have authority to discuss whether there is any benefit in accessing target funds, but he is not an expert on target funds. If there is a motion to approve the low bidder, then the vote could instruct the Administration to look into target funds and make a determination to whether or not the accessing of target funds

Agenda Item 5a (cont'd)

would benefit the City of St. Clair Shores.

Mr. Rubino said targeted money should offset the prevailing wage cost. Mr. Ihrie said his guess is that if targeted funds are monies paid out of every union laborers hour, unions are likely not willing to give target money to a contractor. A wash is highly unlikely.

Mayor Walby said the low bidder would have to go back and evaluate the sub-contractors that they have proposed. Mr. Rubino asked if it is all or nothing to get targeted funds. Mr. Ihrie said if some of the sub-contractors that the general contractor is going to use are union sub-contractors, then target money may be available for those union contractors and not be available for the non-union contractors.

Mr. John Vitale said there are no contracts formed between the general contractor and the sub-contractor at this time. There could be an opportunity for the general contractor to go back and substitute a union contractor with target money for a non-union contractor. Mayor Walby said we would at least keep the integrity of the sealed bid process.

Mr. Rubino indicated that he wanted to make a motion to award the contract to the low bidder with the instruction that they evaluate the target funds wherever possible to offset prevailing wage. Mr. Rayes said what Mr. Rubino is trying to say is that we go back and ask them to give the unions the opportunity to propose a bid that meets the current sub-contractor quote and include that in the contract, if target money is available.

Mayor Walby said there needs to be a timeframe to bring it back to Council. Mr. John Vitale said they could have an answer by the October 15th meeting.

Mr. Ihrie said he doesn't think anyone knows what the procedure is for the union to make a determination as to whether target money is available. The process could take longer. Mayor Walby said it is acceptable if more time is needed.

Mr. Vitale asked if we are voting to spend the additional \$20,000 to work in the winter. Mayor Walby said at this point it's in there and it is less than 1% of entire contract.

Mayor Walby said no one ever talked about prevailing wage or target money at the June 18, 2012 Council Meeting.

Mayor Walby said they have about \$97,000 for contingency (about 3% of the total project). On June 18th we all knew this project was razor tight. Part of the reason we pushed it forward was because the bond rates were less than 3% and we wanted to keep the payment down.

Mayor Walby stated that Bernco, Inc. does have a relationship with his company, and he has never taken any donations, he has no income, he has no relationship, but the fact is they do have it with his business, however, there is no reason why he shouldn't vote and he does plan to vote because he believes it is the right thing to do.

Motion by Rubino, seconded by Rusie to award the contract for the construction of the new 40th District Court Building to Bernco with instructions to Administration to go back to Bernco in an effort to determine if additional monies such as Target Funds or other monies is available to fund the project, and to report back to City Council at the November City Council meeting.

Roll Call Vote.

Ayes: Caron, Rusie, Tiseo, Rubino, Walby

Nays: Vitale, Frederick

b. Award Bid for Real Estate Services (bid opened 8/14/12)

Based on a request made by members of City Council at an earlier meeting in 2012, staff solicited 22 real estate companies located in St. Clair Shores to submit their qualifications to provide real estate services. The companies would agree to charge a flat 4.5% (or 5% if co-op) commission on the sale of the home, as well as agree to the possibility of re-assignment of an unsold home after 60 days on the market. The companies were notified that, if their qualifications were acceptable and approved by City Council, then they would be put on a rotating list for the sale of properties. Of the five companies that submitted proposals, only one submitted a complete package. City Council postponed action until complete packages were submitted. All firms have submitted the requisite information and staff recommends leaving the maximum list time at 60 days.

Ms. Koto stated that Council has additional information that was provided between the last meeting and this one regarding the real estate services for the tax foreclosed residential properties that were acquired. There were five companies that submitted information packets and only one had a complete packet and four were incomplete. Since

Agenda Item 5b (cont'd)

then the other four supplied the additional information needed. One had a purchase agreement that had additional funding, but they have agreed to remove that additional funding from their listing agreement.

Ms. Koto gave an overview of the tax foreclosed properties stating they have nine residential properties that have homes on them. Four will be demolished, leaving five homes that will be sold through the tax foreclosure sale. That will give each company one home. She indicated that the City may not even have the five homes stated above.

Mr. Hughes stated this is a key point by Ms. Koto. He said it may be possible that of the five homes, up to three of them may be recommended for demolition. He said he doesn't want to mislead the bidders that there will be a guaranteed five.

Ms. Rusie will abstain from voting on this agenda item since she has a relationship with one of the bidders.

Mr. Caron asked what kind of process are they going to come up with when there are less than five properties and how they are going to start the rotation.

Ms. Koto said they will have additional properties in the future and these companies can market them. They don't have to be tied just to 2012 tax foreclosures and Council can rule on this. She reiterated that one bidder removed the clause within his listing agreement regarding additional funding. Mr. Rubino stated this lacks great integrity.

Mr. Tiseo said this is not a bid process. They asked companies to sell houses at 4.5% (5%, if a split commission) and they have agreed to it.

Mr. Vitale stated he agrees with Mr. Tiseo and he is fatigued with the idea we are lacking integrity. He said it's not a bid, but a qualification.

Mr. Rubino said he is questioning the integrity of the process. It's not right that someone comes in and gives us a number, but we'll let them change it.

Mr. Hughes said he hears the motion as open ended. He asked if that is the intent or if they would like to cap it at two or three years.

Mr. Caron stated to cap it at three years.

Motion by Caron, seconded by Vitale to approve the creation of a real estate service list, based on the five submitted proposals with a cap of three years for properties owned by St. Clair Shores, where the companies would agree to charge a flat 4.5% (or 5% if co-op) commission on the sale of the home, as well as agree to the possibility of re-assignment of an unsold home after 60 days on the market and random selection of firm.

Ayes: All – 5
Nayes: Rubino
Abstain: Rusie (refused)

c. Award Bid for 2012 City Calendar (bid opened 9/4/12)

The City of St. Clair Shores advertised for bid proposals for the printing and the distribution of the City Calendar (2012 – 2014) on the Michigan Intergovernmental Trade Network (MITN), in the August 22, 2012 issue of *The Sentinel* and *The Macomb Daily* as well as mailed invitations to bid to select printers including all printing companies located in the City of St. Clair Shores. Bidders were invited to submit proposals on 1) printing or 2) distribution or 3) a total package price that included a discount for both printing and distribution. 121 companies received the MITN notice and 32 accessed the bid specifications. A total of eight bids are received from all sources.

The Communications Commission reviewed the bid proposals at their September 20, 2012 meeting and recommended that the award be split as follows:

- a) Printing: To be awarded to Printwell in Taylor, Michigan at a bid price not to exceed \$14,300 (2012), \$14,700 (2013) and \$15,100 (2014) for a calendar with 32-pages text and with a cover size of 3 panels in the back, scored and gathered with inside text.
- b) Distribution: To be awarded to C&G Publishing not to exceed \$5,310 per year (2012-2014). The City Calendar will be inserted into *The Sentinel*.

As it has been in the past, the printing and distribution of the City Calendar will be funded solely by business sponsorships.

Agenda Item 5c (cont'd)

Mr. Frederick said this was looked over carefully and Printwell does a lot of printing for Ford Motor Company, Nino Salvaggio, the Little Blue Book, as well as calendars for other cities. He said the C & G distribution has the least amount of aggravation.

Ms. D'Herde said C & G Publishing puts a blurb on the upper right-hand corner that says the calendar for the City is inserted in this addition. She also indicated that C & G is responsible, not the City, if a resident does not get a calendar.

Motion by Frederick, seconded by Rusie to approve the recommendation of the Communications Commission to award the printing of the 2012 – 2014 City Calendar to Printwell at a bid price not to exceed \$14,300 (2012), \$14,700 (2013) and \$15,100 (2014) for a calendar with 32-pages text and with a cover size of 3 panels in the back, scored and gathered with inside text and the distribution to C&G Publishing not to exceed \$5,310 per year (2012-2014). (The City Calendar will be inserted into the *Sentinel* Newspaper, owned by C&G).

Ayes: All – 7

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 Frederick to approve the Consent Agenda items a – h, which include the following:

a. Bills

Check Approval List \$22,767,795.10

To approve the release of checks in the amount of \$22,767,795.10, of the report that is 26 pages in length and of the grand total amount of \$22,767,795.10, \$19,270,764.21 went to other taxing authorities.

b. Fees - None

c. Progress Payments

Florence Cement Company \$118,871.12

d. Approval of Minutes

<u>City Council</u>	<u>Meeting Date</u>
City Council	August 20, 2012

e. Receive & File Boards, Commissions & Committee Minutes

<u>Minutes</u>	<u>Meeting Date</u>
Activities Committee	September 21, 2012
Communications Commission	May 9, 2012
Communications Commission	July 18, 2012
Council Sub-Committee on Boards, Committees & Commissions	May 22, 2012
Cultural Committee	August 8, 2012
Fence Arbitration Board	August 15, 2012
General Employees' Pension Board	August 21, 2012
Golf Course Committee	July 17, 2012
Planning Commission	August 14, 2012
Public Library Board	August 16, 2012
Sign Arbitration	August 23, 2012
Zoning Board of Appeals	August 2, 2012

Agenda Item 6 (cont'd)**f. Recommendations from the Council Sub Committee on Boards, Commissions, and Committees**

1. Accept with regret the following resignations (Thank you letters have been sent by City Clerk/Resignation letters are on file):

- Rosemarie DeGrandis Bldg/Property Maint. Board of Appeals
- Robert Montgomery Historical Commission
- Gerald Peruski Water Resource and Advisory Board
- Michael Peterson Water Resource and Advisory Board
- George Recor Memorial Day Parade Committee
- Skip Schwartzberg Housing Commission
- *Kathleen Zenisek Cool City Committee

2. Recommendation to Mayor and Council to appoint the following:

<u>Name</u>	<u>Committee</u>	<u>Term Ending Date</u>
Charles Metzke <i>(Vacant seat of Duane Michno)</i>	Activities Committee	03/30/2014
Karl Schwarzwalder <i>(Vacant Seat of John Caron)</i>	Activities Committee	09/30/2015
William Gorncy <i>(Vacant seat of Michael Mync)</i>	Dog Park Committee	12/31/2014
Robert Hison <i>(Vacant Seat of David Schelosky)</i>	Planning Commission – Alternate	10/01/2014

3. Recommendation to the Mayor to appoint the following and accept her *resignation from Cool City Committee as these meet at the same time and day:

<u>Name</u>	<u>Committee</u>	<u>Term Ending Date</u>
Kathleen Zenisek <i>(Vacant Seat of Mary Jane Amicarelli)</i>	Communications Commission	09/30/2015

4. Recommendation to re-appoint the following:

<u>Name</u>	<u>Committee</u>	<u>Term Ending Date</u>
Hollie Rudoni	Activities Committee	09/30/15
Shirley Devine	Communications Commission	09/30/15
August Gitschlag	Communications Commission	09/30/15
Goran Mistic	Cool City Committee	09/30/15
Carla LaGodna	Cultural Committee	06/01/15
Edmund A. Stanczak	Cultural Committee	06/01/15
Mona Gualtieri	Development Area Citizens Council	09/30/15
Arthur Gorgon	Development Area Citizens Council	09/30/15
Leonard Goodlesky	Employee Civil Service	07/01/15
David Grauzer	Golf Course Committee	09/30/15
Anthony Rascano	Golf Course Committee	09/30/15
Michael Liess	Mechanical Equipment Arbitration	09/30/15
Mary Cipriano	Older Persons Advisory Committee	09/30/15
Michael Hansen	Older Persons Advisory Committee	09/30/15
Eugene Meyer	Older Persons Advisory Committee	09/30/15
Sue Zanoni	Older Persons Advisory Committee	09/30/15
Gerrit Ketelhut	Sign Arbitration	09/30/15
Erich Royal Eggert	Waterfront Environmental	09/30/15
Stephen Kiluk	Waterfront Environmental	09/30/15
Lee Bertolo	Zoning Board	10/01/14

Agenda Item 6 (cont'd)

5. **Request from Assessor to Change Terms for Board of Review Members to be in compliance with the General Property Tax Act two-year terms beginning at noon on 01/01/15. By extending the terms to 01/01/15 we do not shorten anyone's current appointment.**

<u>Name</u>	<u>Term Ending</u>
Lee Bertolo	01/01/15
Mario Como	01/01/15
Gary Edgar	01/01/15
Albert Melfi	01/01/15
Phillip Myers	01/01/15
Roger Reichenbach	01/01/15
Steven Scavone	01/01/15
Jason Strat	01/01/15

- g. **Request to set public hearing for the application for an Industrial Facilities Exemption Certificate for K & K Stamping located at 23015 W. Industrial Drive on October 15, 2012**

- h. **Request approval of the 2013 Council Meeting Schedule as follows:**

January 7 January 21	July 1 July 15
February 4 *February 19 (Tues)	August 5 August 19
March 4 March 18	*September 3 (Tues) September 16
April 1 April 15	October 7 October 21
May 6 May 20	November 4 November 18
June 3 June 17	December 2 December 16

Exceptions: *When City Offices are closed on Monday due to a legal holiday, Council Meetings are held on the Tuesday of that week.

- *February 18 – President's Day
- *September 2 – Labor Day

Ayes: All – 7

7. UPDATES AND FOLLOW-UPS FROM COUNCIL MEETING

- **Laukel street lights** – the new deadline from DTE for the installation of lights is October 15th. The lights are located on Laukel between Greater Mack and Harper.
- **Water rates** – Mr. Haney submitted a one page summary as to what other surrounding cities pay for water. Council will have an update soon.
- **Buffalo Wild Wings** – they have hired their engineers and plan on submitting their site plans to the Planning Commission at the end of the month. Mr. Rayes will keep Council updated.
- **Butter Run Saloon** – they had a problem with the electricity they put in and need to call Detroit Edison. It will be about a week and a half before Edison can get out to do the work.
- **Wally's Frozen Custard** – they are still waiting for the Health Department approvals on equipment.
- **Regional Conference** – Mr. Rayes and Mr. Hughes were given authorization to travel to Chicago for the International Shopping Center Association. This is an opportunity to market the City and look at vacant or unutilized properties to recruit businesses into the City.
- **Resolution on dumping and water** – on October 15th Mr. Hughes will be taking the initial draft on the item. He will circulate it so Council has it five or six days prior to the meeting.

Agenda Item 7 (cont'd)

- **Jefferson construction** – the current City Manager of Grosse Pointe Shores has been contacted and is withholding final payment to the contractor until they can clean their street and our City.
- **Ambulance privatization in Eastpointe** – Eastpointe City Council voted in a 5 to 0 vote to authorize the City Manager to enter into negotiations with MedStar. If Eastpointe City Council approves a contract, Mr. Hughes has concerns with a partnership entered into with Roseville and Eastpointe for medical transports. He will be working with City Attorney to draft a letter that will put Eastpointe on notice and will recommend to Council to terminate a mutual aid agreement related to the transport of medical patients with them. He wants residents to know he is in active discussions with the City of Roseville on how we could serve each other on a more frequent basis with mutual aid for ambulance calls.
- **Street update** – in regards to the local paving projects, Mr. Rayes said they did the driveways and sidewalks on the north side of Brys and they should be cured. They will then start the south side. They paved the west half of Wood Street last Thursday, they paved Cubberness this morning, and if it doesn't rain tomorrow, they will pave Taylor.
- **Sidewalks** – since the last meeting, Italia Construction has been in District 1, the west side of Harper, south of Nine Mile working in a southern direction. Mr. Hughes said approximately 1/3 of District 1 on the west of Harper has been completed. He stated we need this work done and it is unacceptable to push it into calendar year 2013. During the calendar year 2012, the engineering company under contract with the City had been paid \$3,795.00 to assist us in the evaluation of sidewalk panels in District 1. There were 1,088 panels removed. Using the approximate cost of \$2.80 per square foot, the price was \$76,160.
- **NSP Home AC Unit** – Mayor Walby stated said they swapped out a better air conditioner which will remain there.

8. COMMENTS BY INDIVIDUAL COUNCILPERSONS

Council Member Tiseo asked Mr. Rayes if the area at Jefferson and Trombley is still on his list in regards to tar. Mr. Rayes said he has been working with the engineers on that and a solution so it won't come back again. There are also issues regarding lane control and how they are going to go about it.

Mr. Tiseo asked about baiting at Giglio's Market. Mr. Rayes stated the City is already baiting there. Mr. Tiseo said they need to look at the inside of the building as well.

Mr. Tiseo said he asked the Police Department at the intersection of Taylor and Violet about a three-way stop. This may have created some other issues. It went from a two to a one stop sign intersection. As the study showed, what should be one stop sign from Taylor leading onto Violet has been made worse. He made calls to Traffic, but got no answer yet.

The schedule for the Study Session is getting heavy, but he is asking about street parking permits and how many are allotted per property. Mayor Walby asked Mr. Hughes to get that information as a first step.

Mr. Tiseo took the Hunter Safety Class and about 100 people participated. It was well spirited and he sends a shout out saying thanks.

St. Isaac Jogues Oktoberfest is this weekend with a lot of events. Call Mr. Tiseo on 586-634-0777 to get involved with Texas Holdem and he will get you in touch with a contact. There will also be a Mushball Tournament.

Council Member Frederick asked Mary Kotowski what the last day is to register to vote. She indicated it was Tuesday, October 9th and Absentee Voter Ballots went in the mail today. Residents can go to michigan.gov/vote to find out if they are a registered voter, if the City has received their Absentee Voter Application, or if we have received their ballot. Ms. Kotowski reminded voters in Precincts 14 and 15, that they now vote at Lakeview High School. She said residents can request an Absentee Ballot 75 days before the election.

Mr. Frederick said kudos to Mr. Hughes for working with K & K Stamping. He sent a shout out to Avalon School who achieved International Baccalaureate Status. To find out more information, call Pam Balint, Superintendent at South Lake, at 586-435-1602. Kudos to Brian Mazey who spearheaded the Fun Fest. He gave a shout out to the Optimist Club who registered 127 kids in their Rapid Search Program.

Free movies at the Library are on October 4th and 5th. Lecture Series is on October 3rd. The Friends of the Library is having their Annual Book Sale on October 10th from 2 p.m. – 8 p.m. They are looking for books.

Council Member Vitale spoke about blight issues and changes going on behind the scenes. One is that Mr. Ihrie's office offered to take over properties on the demolition list and as of right now there are 51 properties. He took on a blight issue that a resident had with a neighbor and the person sent an email back to him telling him they have restored faith in government.

Mr. Vitale went out on Friday on a tip regarding low-priced houses, drove to both houses and got into them. There was a

Agenda Item 8 (cont'd)

third tip that came in and all three houses have demo orders against them.

He said in regards to The Court House, he felt the fatigue of this project. He said the last committee that made a recommendation was full of people that were fundraising for the former Mayor. He doesn't think we did our job for taxpayers. Residents who don't want to spend money are saying we do need a new Police Station. This is the first fiscal year we have had money, but the margins were so thin we could not pay a decent wage. If this issue was about safety, we have the money, but this is about taxpayers not spending general fund money on this issue, but we took the cheapest way out and he is very disappointed about it.

Council Member Caron mentioned the Dog Park Committee is having their Halloween Event on Sunday, October 21st from 1 p.m. – 3 p.m. for members and non-members. There will be a contest for costumes.

Fire Prevention Week Open House is October 7th from 12 p.m. – 4 p.m. at the Central Fire Station.

In regards to the sidewalks, there was a resident who brought forward that there was a problem with how the markings were done. They had to get fixed. He said he thinks we got remarks right in the end before construction began. That was the west side of Harper. On the east side of Harper he walked the street and did not find any questionable panels, and thinks we got it right.

He mentioned that in regards to the Police Department, we need to look at the Capital Plan and it is a \$9 or \$10 million project. The Court House is a \$3 or \$3.5 million project. We had captured funds to reconstruct the Court House and have sustainable revenue at the Court House. The key thing is that it had to stay within the price range. If it goes above the price range, everything else is thrown out. It has been a year where a committee was put together to study the issue, and a study session that talked about it. It was brought forward asking if Council should go ahead with the project and Council said yes. It was brought forward to hire an architect, and have them go out and get bids at about \$3.2 million. It's been a year- long process where Council said to keep going forward. In the end, the issue regarding the Court House came up and the main advocate did not reach out to fellow Council Members or try and sway votes which is part of the job.

Council Member Rusie said the Senior Center wanted to give a public thank you to those who volunteered with the apple pie project. Thank you to all volunteers, those who purchased pies, and those who donated crates of apples. Jamz and Java Shopping and Music Event at the Senior Center is on October 17th from 5 p.m. - 8 p.m.

Count Day for all schools is October 3rd. All students should attend school all day to maximize the amount of education dollars coming into the City.

Jefferson Masonic Lodge on 11 Mile is hosting an event on October 27th from 10 a.m. – 3 p.m. They will be having the Shriners Outreach Clinic there.

Council Member Rubino stated that a resident called him regarding replacing the street near Edgewood and Malvern. They feel the street was recently replaced and asked Mr. Rayes to check into this.

Mr. Rubino asked about dredging on Bayview and trucking out the soil. Mr. Rayes said they take it down to 9 Mile and let it dry out, then it is disposed of.

He said there is a resident directly across the street and the front of their house is all coned off. He asked if the cones can be removed at the end of the day and put back in the morning. Mr. Hughes will look into this issue.

Mr. Rubino asked when Meet the Candidates Night is showing. Ms. D'Herde said it is showing from beginning to end with no editing every day on St. Clair Shores TV at 12 p.m. and on Wednesday, Friday, Saturday, and Sunday at 10 p.m. on Comcast (Channel 5), WOW (Channel 10), AT & T (Channel 99) and on the City's website.

He said it was very disappointing when you have 100 people in an audience, but no one ever addressed any issues regarding the Court House prior to tonight. He prides himself on being open with people and asked why don't people bring issues up prior to the date of the vote when it's been on the table for months.

9. CITY MANAGER'S REPORT

Mr. Hughes reiterated that the Fire Department has their Open House on October 7th at Central Fire Station on Harper and Sunnydale from 12 p.m. – 4 p.m. This is the one opportunity each year when families can see the Fire Department.

The Maloof Family Pavilion dedication will be held on October 12th at 12:00 p.m. at Veterans Memorial Park.

10. AUDIENCE PARTICIPATION (5 minute time limit)

J. R. Kettler, St. Clair Shores resident, indicated he was also caught off guard in regards to the Court House and he appreciates Mr. Rubino trying to make something happen. Mr. Kettler mentioned that living wage does not include insurance, pension, or benefits. He said he does not make what prevailing wage is and they give up funds to get work and top notch training. He gave up a quarter an hour so when apprentices go to school, they pay them for that day.

He said there is a house on Detour Street and they have not paid taxes for three years. No one lives in the house and the front porch is gone. Mr. Walby said they are presuing demolition on that house and it is part of the 51 homes the City Attorney is working on.

Peter Accica, St. Clair Shores resident, BAC Representative, said target money is usually done before-hand. Bernco, Inc. is very qualified, but no one qualifies the sub-contractors Bernco, Inc. picks.

Jamie Victory, St. Clair Shores resident, said he was involved in an incident where 911 was called. He said the Fire Department was outstanding and they treated him like gold.

Dennis Marentette, St. Clair Shores resident, read a few highlights from the PLA News Bulletin regarding skilled versus non-skilled tradesmen.

He said he was following the bid process of the Court House and it seems the City found a pool of money and they saw the future projections of what the Court House could have and they came up with \$3.5 million which became the City's criteria. He said the City should have looked at the needs of Court House and maybe the \$3.5 million was not enough. He would have liked to see the Police Station combined with the Court House and should have chosen another part of the City to build these two buildings.

Ralph Kosal, St. Clair Shores resident, agrees with Mr. Vitale and Mr. Frederick in regards to the Court House. He said he is now afraid that because of the cost, it will cost integrity of the building. It will cost more with union contractors, and if you go the other way, it will cost less in the beginning, but more in the long run making repairs.

Erin Stahl, St. Clair Shores resident, mentioned the beautiful array of flowers at the 9 Mile and 10 Mile Road and I-94 entrances into the City. She thanked the four volunteers who worked on this project. The next cleanup is on October 13th from 10 a.m. – 12 p.m. at the northeast corner of 10 Mile and I-94. She gave a thank you to Mr. Hughes for taking responsibility for the Sidewalk Program and taking responsibility for the Court House bid. She thanked Mr. Caron in regards to his comments on the Sidewalk Program.

Frank Maiorano, St. Clair Shores resident, acknowledged several residents who made complaints with a resolution from Council. He said his complaint has never had a resolution from Council in regards to moving the air condition and the downspout being disconnected.

Don Lobsinger, St. Clair Shores resident, asked that a proclamation be issued that marriage is between one man and one woman.

John Diehl, St. Clair Shores resident, said he sat down with Mr. Maiorano and looked through what he documented regarding the air conditioner on his neighbor's property. Mr. Diehl said Mr. Maiorano does not exaggerate. He spoke to Council about the location of the air conditioner and asked that any two Council Membes bring this issue up at the next meeting asking the City Manager and City Attorney to use all legal action to have the air conditioner moved to a proper location.

11. MAYOR'S COMMENTS

Mayor Walby indicated that the scheduled closed session is not needed.

He announced the Support Our Troops Halloween Candy Buy Back hosted by Steven Wainess on November 1st from 3 p.m. – 7 p.m. Last year they received 300 pounds of candy and they hope to double it this year. The candy goes to Operation Gratitude and then is sent overseas to the military.

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

13. ADJOURNMENT

Motion by Rusie, seconded by Frederick to adjourn at 11:22 p.m.

Ayes: All – 7

KIP C. WALBY, MAYOR

MARY A. KOTOWSKI, CITY CLERK

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