

**MINUTES
ST. CLAIR SHORES CITY COUNCIL MEETING
September 4, 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, Fire Chief Morehouse, 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

Mayor Walby thanked Mr. Rubino for conducting the last City Council Meeting.

2. PROCLAMATIONS & PRESENTATIONS

Mr. Pullin and Mr. Carver announced the 16th Annual Veterans Motor Car Club of America (VMCCA) Car Show being held at Blossom Heath Park on Sunday, September 16th. There will be a Swap Meet inside the park along with 200 classic antique collectible cars. The Veterans Motor Car Club of America has over 3,000 members worldwide and the purpose of the club is the preservation, restoration and use of antique and historic automobiles. He indicated that the word Veterans in the title of the name refers to the automobiles. Contact Ken Carver at 586-293-1284 or Jim at 313-303-5541 for more information. Registration is from 8 a.m. – 10 a.m., and cars begin moving into the park at 8 a.m. The park is open to the public free of charge at 10 a.m. Show cars registered prior to September 10th are \$12 and those registered the day of the event are \$15 at the park entrance. Food will be available for purchase.

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

Jim Goodfellow, St. Clair Shores resident, Agenda Items #4, 5, & 7a. Mr. Goodfellow complimented Mr. Rubino on the good job he did chairing the last City Council Meeting. He stated he had been to the Planning Commission Meetings and both the landlord and tenant spent a lot of money in regards to Charlies Restaurant and is hoping Council will approve the demolition of the house. He asked if Charlie's Restaurant can go up 50' on the west side and plant some trees to break things up a bit. He said the City Planner and CDI Director met with South Lake and he hopes a hold harmless agreement will be signed or the City may be held accountable. In regards to the exercise equipment for the Fire House, he hopes this agenda item will be approved.

4. REQUEST FOR REZONING OF 20713 CALIFORNIA, FROM RA SINGLE FAMILY RESIDENTIAL TO P-1 PARKING, FOR USE BY 22315 HARPER, AS A PARKING LOT, PPC120015

The Planning Commission recommended approval of the rezoning request, as presented, which included 1) The Planning Commission and City Council understand that your presence here tonight constitutes that you are a legal representative of the petitioner for Planning Case PPC120015. 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 rezoning approval.

Mr. Hughes stated there are minor changes to the site plans submitted today.

Bardhok Markaj, owner of Charlie's Restaurant, is requesting to extend the parking lot of the restaurant. He indicated that business has been running good so far due to hard work and the support of residents in St. Clair Shores and other areas. He said business can and will get better and the parking lot extension is one way to do this. He stated he worked hard to design a plan to meet the needs of the restaurant.

Mayor Walby reiterated that the request is rezoning only from RA Single Family Residential to P-1 Parking.

Motion by Rubino, seconded by Rusie to approve the request for rezoning PPC120015 from RA Single Family Residential to P-1 Parking at 20713 California and the City of St. Clair Shores Ordains that Zoning Ordinance 15.1000 shall be amended by the following Rezoning:

Agenda Item 4 (cont'd)

(175) *Rezone from RA Single Family Residential to P-1 Vehicular Parking District at 20713 California.*

20713 California – Heffner & Flemming’s Glenhurst Subdivision Lot 457 Liber 10 Page 37, Macomb County Records, Macomb County, Michigan, North side of California, 114 feet west of Harper Avenue 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 4th day of September 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. Oct. 24, 2012)

Ayes: All - 7

5. REQUEST FOR SITE PLAN APPROVAL FOR ADDITIONAL PARKING AT 22315 HARPER, PPC120015A

Ms. Koto gave a broad overview of the request. The petitioner has a purchase agreement to buy the house on California Street. The plan is to expand the parking lot, demolish the existing house, and pave the lot. The petitioner gave Council a slightly revised set of plans this evening. The change is a curb cut, moved about 20' to the west of the existing approach. The original site plan from the Planning Commission approved only one approach.

Mr. Tiseo asked why the second approach is not preferred by Staff.

Ms. Koto indicated they don't recommend an approach farther into the neighbor so they can try and deter traffic from making a right-hand turn into the neighborhood. There is currently a sign there indicating no right-hand turns.

Mayor Walby asked how the wall closeness to the neighbor was resolved.

Ms. Koto said the 6' wall would stop 25' from the front property line and would have a step down so the adjacent property owner would have full view.

Mr. Markaj is asking for two exits and indicated that if there is only one exit he would have only six more parking spaces. With two curb cuts, both exists will have signs to turn left.

Mr. Frederick indicated the approach is a little close to the building now. He asked on the second approach if it can be made as an entrance only which will save parking spaces.

Agenda Item 5 (cont'd)

Mr. Markaj said that with two curb cuts, delivery trucks can enter more easily.

Ms. Koto said if there is no second approach, they would recommend eliminating four spaces to have traffic flow in a circle. Mr. Rubino said that if someone wants to turn left, they will, no matter what the sign indicates. If there is a curved entrance toward Harper, this may eliminate someone turning left into the neighborhood, but he sees no problem with having two. Mr. Hughes indicated he likes the curved entrance.

Mr. Vitale asked what was being done regarding landscaping to hide the wall. Mr. Markaj indicated he will make sure grass is put in. Ms. Koto indicated that the wall will be 30" at the south end of the parking lot between the two driveways.

Motion by Rubino, seconded by Caron to approve the site plan PPC120015A for additional parking at 22315 Harper with a western exit as a curved cut toward Harper, as recommended by the Planning Commission and subject to the conditions of the City Planner's report, including: 1) The proposed 6' concrete wall will stop 25' from the southeast corner of the property line, to allow the adjacent residence to maintain views of the street, 2) There will be two curb cuts on California and the one closest to Harper shall be moved west 20 feet toward Harper with this cut curved western towards Harper, to the drive aisle closest to the restaurant, to reduce the traffic infiltration into the neighborhood, 3) A brick wall, or landscaped berm, is to be installed on the south end of the new parking area, to screen the parking, 4) The petitioner is to combine this parcel with the parcel adjacent to Harper, to ensure that the parking area will be available to 22315 Harper, in perpetuity, 5) The Planning Commission and City Council understand that your presence here tonight constitutes that you are a legal representative of the petitioner for Planning Case PPC120015A. 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.

Ayes: All - 7

6. CONSIDERATION OF RESIDENTIAL SEWER LINE WARRANTY PROGRAM

At the study session held on July 30, 2012 the Sewer Line Warranty Program offered by Service Line Warranties of America was presented. Mike Chambers, Regional Account Manager, is present tonight to answer any questions.

Mr. Hughes mentioned that from the research conducted, Huntington Woods uses the firm and spoke highly of the services provided by Service Line Warranties of America. Two other communities said they use them, but it is too early to comment on the program. He indicated they would work with the City Attorney to look at a marketing agreement and research what would be written on City letterhead. If approved, all names of elected officials and Mr. Hughes name would not be on the letterhead, just the City logo. He also mentioned that the City is not interested in collecting a 10% royalty, but asked Mr. Chambers to recalculate the fee to lower the fees charged to residents.

Mr. Chambers gave an overview stating it was a full turn-key program for the City when lines get clogged or break. Instead of paying \$3,000 - \$4,000, residents pay a small monthly fee. All the money is kept in the community and jobs go to local plumbers/contractors in St. Clair Shores.

Mr. Ihrie, after the last council meeting, asked whether the contract is regulated by the Michigan Insurance Commission. He said he received a letter from the attorney and felt the company was supposed to be regulated, but was not. He feels this is not an insurance product, but a home service warranty product not regulated by the Michigan Insurance Commission.

Ms. Rusie asked that even without City participation in this program, can a resident purchase coverage with this warranty. Mr. Chambers said they would service anyone who signed up with the City and if the City terminates the program, they would no longer market in St. Clair Shores.

Ms. Rusie asked why they use the City logo and address on the letter to residents. She indicated this seems deceptive to her. Mr. Chambers said the letter indicates who the company is and what they service. The agreement is a non-exclusive program and they are the only company working with the City to offer lower fees.

Ms. Rusie indicated the letter uses wording that says, we would encourage you to consider this important service line warranty offer, and asked why they are doing this. Mr. Chambers said there is a problem in the City and they are offering a solution, and the residents have an option, but are not forced into the program.

Mr. Chambers mentioned the only advertising is the letter sent to residents and is only marketed twice a year, once in the spring and once in the fall. He indicated that St. Clair Shores has the opportunity to review the letter before it is sent out to residents.

Agenda Item 6 (cont'd)

Ms. Rusie said she does not like getting this mail on official letterhead. She is concerned that residents think this is a program endorsed by the City and does not feel comfortable with this. It might be a good product, but is not comfortable with how marketing is handled. She indicated she is obviously a no on this.

Mr. Ihrle said a sample correspondence included with the material shows a letter on letterhead and looks like it came from the City of St. Clair Shores. If this item is approved tonight, the City will have the opportunity to review and approve a letter that appears coming from the City, but the sample letter is not part of the yes vote.

Mr. Rubino said he doesn't see this as deceptive, but as going in a partnership with the company. He has seen mailers come to houses for a lot more money and thinks this program may help a lot of people in the City.

Mr. Vitale said the letter should be changed to state they have a 24-hour hot line since this is something he thinks they would like to offer residents. He indicated he believes this is a service that is needed since St. Clair Shores is a City of Trees and hates to see everyone cutting trees down because of sewer lines. He stated he is in favor of this program.

Mr. Chambers said if residents pay a monthly fee, they are covered. They can terminate their participation in the program by not paying their bill.

Mr. Frederick stated he agrees with Mr. Rubino and that this program will help a lot of people and stated they will have to change the phone number on the letter. He mentioned that the cost to participate in the program is to pay up front at \$67.00/year or \$6.00/month (\$72.00/year). He also asked who will be approving the letter. Mr. Ihrle said he agrees that approval will be by Mr. Hughes and himself. Mr. Frederick said this is a great program for residents and he likes that residents can get out of it by not paying their bill.

Mayor Walby asked about obtaining community reports. Mr. Chambers said any report needed can be accessed on the website.

Mr. Ihrle asked when and under what circumstances can the City terminate their relationship with the company. Mr. Chambers indicated that if there is a material breach with the company, written notice must be given and they have 30 days to correct the breach and the contract continues. The contract is for one year and if the City does not wish to extend it, they must give written notice at least 90 days prior to the 12 months. If no written notice is received, the contract will be automatically renewed. If the City terminates the contract after one year, the company can continue their existing marketing program which will last no more than three months.

Mr. Caron asked if verbiage can be added to the outside of the envelope containing the resident letter that states 'part of sewer warranty program'. Mr. Chambers indicated that can be done.

Mr. Caron indicated he agrees with moving forward with the program. He also asked how far away from the house is the line covered. Mr. Chambers said it covers anything the resident is responsible for.

Mr. Tiseo asked if Service Line Warranties of America had to go into the street, would a resident know the price before their front yard is ripped up. Mr. Chambers said residents would call them and a contractor will call the resident. The resident would then send the bill to Service Line Warranties of America.

Mr. Vitale asked if they cover a problem from where it leaves the basement to the street. Mr. Chambers said anything that is buried is covered and if residents have a problem with the quality of the work, they can contact Service Lines Warranties of America

Mr. Chambers indicated they service over 550,000 customers and over 45,000 claims in Huntington Woods.

Motion by Rubino, seconded by Frederick to approve the Marketing Agreement with Utility Service Partners Private Label, Inc. d/b/a Service Line Warranties of America ("SLWA") and that the City Manager and City Attorney will give final approval of the letter, press release and envelope used.

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

7. BIDS/CONTRACTS/PURCHASE ORDERS

a. Award Bid for Weight Exercise Equipment (bid opened 8/21/12)

The St. Clair Shores Fire Department is purchasing weight exercise equipment as part of a Wellness and Fitness program

Agenda Item 7a (cont'd)

to help reduce on-the-job injuries. All purchases will be made with approved grant money.

Chief Morehouse indicated they were before the City Council for a grant application approval. The reason for the delay was cumbersome and confusing when the first RFP was sent out, so it was resubmitted on MITN. Seven companies submitted signed bids, they advertised through 34 companies, and 17 companies viewed the documents.

Mr. Rubino indicated that all the bids were not contained in the packet and he can't vote on this item without seeing them. He asked that this item be tabled.

Motion by Rubino, seconded by Caron to table the bid for weight training exercise equipment to the next meeting.

Roll Call Vote.

Ayes: All - 7

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. Five companies submitted proposals, three companies neglected to provide a sample listing agreement, and one company proposed a different commission fee schedule than outlined in the invitation. Staff recommends approving all five companies contingent to receipt of a sample listing agreement and confirmation of agreement of a flat 4.5% (or 5% co-op) commission with no added fees, exceptions or minimum dollar values.

Mr. Hughes indicated they used two sets of criteria as a requirement for a bid to be accepted: 1) the company had to be a licensed real estate broker or agent, and 2) have a commercial property office based in St. Clair Shores (a home office will not be qualified to submit a proposal).

Ms. Koto sent the proposal to 22 real estate agencies in St. Clair Shores. She used such searches as Google, online city records, etc., ensuring each business had a valid Certificate of Occupancy. She indicated one individual who said they did not receive the bid information, found out they were part of a firm that was notified.

Twenty-two companies were notified and five submitted qualifications. Of the five, one or two things were missing from a few, but most of the information was there. Keller Williams Real Estate and Royal Real Estate, LLC did not submit a listing agreement. One agency asked for a minimum of \$2,500 per sale commission in the specifications. Ms. Koto mentioned that she recommends a 4.5% or 5%, if split, commission for everyone. Mayor Walby indicated we are not accepting \$2,500. Ms. Koto mentioned that by submitting paperwork, the real estate company agrees to a 4.5%, or 5% commission. She indicated that only one company, Real Estate One, submitted everything.

Ms. Koto would have a list of agents used on a rotating basis as homes become available and the City has the right to change agents if a home is on the market for more than 60 days.

Mr. Rubino stated that it looks like they have only one qualified bid.

Mr. Vitale said it doesn't sit well with him when real estate agents don't give them all the information they asked for since the City has to do their due diligence for them.

Ms. Rusie indicated she has some relationships with prospective real estates so she will abstain on this item.

Mr. Caron mentioned that ReMax Associates provided only three pages. Ms. Koto said there should have been four pages of text and a signed invitation to provide specifications. Mr. Caron pointed out that some pages are not signed. He asked how their qualifications are verified.

Ms. Koto ensured each bidder was a licensed real estate agent or broker and they have to take it for what they submit based on their track record. Mr. Caron stated if a real estate agent can't complete a packet correctly, they should be excluded.

Mr. Tiseo asked what the three real estates agents were missing. Ms. Koto said they missed providing their listing agreement.

Agenda Item 7b (cont'd)

Mr. Tiseo said they are doing this to spread business within the City and doesn't believe all of them should be disqualified. He spoke to some of the agents and is not crazy about the 60 day issue. He would prefer to see 90 days.

Mr. Ihrie said one of the bidders plugged in a minimum fee in the listing agreement, but was not sure that is a condition of their bidding. He thought the City was looking for a blank copy of the listing agreement. The fact that they did bid, and do agree to the 4.5% commission does not disqualify them. Mr. Ihrie said we normally have language to reserve the right to waive minor discrepancies or deficiencies on a bid package, but it would have to be left up to City Council.

Mr. Frederick said he agrees with Mr. Ihrie regarding the listing agreement and the bid does not say anything about the \$2,500 at all. He said he wouldn't mind sending this bid out again. He suggested calling ReMax Associates and asking them if this is part of the bid. He would like to spread this around which makes it better for the City. He is not in favor of awarding it to only one company.

Mr. Vitale asked that this item be tabled and they can come back to the next meeting and give the real estate companies a chance to get it right. He said we need to make it clear to the five real estate agents that they didn't give us complete information, but if they do they will be back in the running. He said this bid should not be opened again, but rather just go back to the five who originally bid. Mr. Hughes suggested coming back at the October 1st meeting.

Ms. Koto said she will see if bidders want to go to 90 days and change the specifications. Mr. Hughes indicated all but one sold in 60 days. In today's economy, it may be harder to do, so 90 days is valid.

Motion by Vitale, seconded by Frederick to table this item to the October 1st Meeting and direct staff to go back to the original five bidders asking them for complete information regarding the creation of a real estate services list based on the submitted proposals.

Ayes: Caron, Frederick, Tiseo, Vitale

Nayes: Rubino, Walby

Abstain: Rusie

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

Motion by Caron, seconded by Frederick to approve the Consent Agenda items a – e, which include the following:

a. **Bills**

Check Approval List	\$6,439,649.36
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To approve the release of checks in the amount of \$6,439,649.36, of the report that is 29 pages in length and of the grand total amount of \$6,439,649.36, \$4,964,149.57 went to other taxing authorities.

b. **Fees - None**

c. **Progress Payments**

Florence Cement Company, Inc.	\$186,489.75
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d. **Approval of Minutes**

<u>City Council</u>	<u>Meeting Date</u>
City Council	July 16, 2012
City Council	August 6, 2012
City Council Study Session	July 30, 2012

e. **Receive & File Boards, Commissions & Committee Minutes**

<u>Minutes</u>	<u>Meeting Date</u>
Election Commission	August 1, 2012
Fence Arbitration	July 18, 2012

Agenda Item 8e (cont'd)

General Employees' Pension Board	June 26, 2012
General Employee Retiree Health Care Board	April 17, 2012
Golf Course Committee	July 17, 2012
Library Board	July 19, 2012
Parks & Recreation Commission	June 14, 2012
Planning Commission	July 10, 2012
Sign Arbitration	June 28, 2012

Ayes: All – 7

9. UPDATES AND FOLLOW-UPS FROM COUNCIL MEETING

- **Utility work at 14 Mile and Harper.** DPW Director has been in contact with AT & T asking them to wrap this up quickly.
- **Commercial property at 12 Mile and Little Mack.** The property has been cleaned up on the southeast corner.
- **Property owned by family on Edgewood Street.** The home is not occupied, but is maintained. The shrubs were not in compliance, but the City was a little overly aggressive in their removal. We made a mistake on this one and landscaping will be restored. We are currently changing the way we handle code enforcement, but this was a hiccup.
- **Clinton Township Compost Facility.** Mr. Ihrie indicated his firm represented this company about 1½ - 2 years ago, but no longer represent them. He said there are a number of complaints from that area regarding odors from this business in Clinton Township. The lawsuits have been turned into a class action suit. Mr. Ihrie spoke to legal council and the area is the same general area where the disposal plant used to be. In order to handle complaints in the interim, residents can call Clinton Township. If the odor is coming from this company, they will do what it takes, as best as possible, to cover certain materials. He does not know the outcome of the litigation.
- **Driveway on Louise.** This issue has been resolved.
- **Sprinkler system requirements for businesses.** Mayor Walby mentioned the Sunoco Station at 9 Mile and Harper. He said they did a lot of work, but someone drove through the grass and it turned brown. He asked Ms. Koto about the new construction and requirements of putting in a sprinkler system. Ms. Koto will follow up and see if having and maintaining an underground irrigation system was part of their original site plan approval.
- **Bathrooms in Senior Center.** Ms. Koto stated they are currently in the public comment stage of the 30-day comment period. She said they received a request from the Senior Center to hold off until after the apple pie sale which is part of the Fall Harvest Festival on September 22nd. Ms. Koto said things will probably begin in early October.
- **Veterans Memorial Park Pavilion.** Mr. Hughes said they are getting the Maloof Family Pavilion constructed in a timely manner and is a high priority. The ribbon cutting will be in early to mid fall (late September or early October). He said they will do this right and are working diligently on it. Mayor Walby indicated that the circle driveway will be repaired using park carry-over funds.
- **Police related arrests.** The Police Department made a second arrest regarding the Exodus Hair & Nail Studio armed robbery. Mr. Hughes stated we will catch people who commit crimes in our City. He stated it was a job well done.
- **Great Lakes Navy Band.** Mayor Walby mentioned that there were a couple hundred people in attendance for their performance at Veterans Memorial Park.
- **Women's Civic League.** A Meet the Candidate night will be held at City Hall in Council Chambers on September 13th at 7:00 p.m. for State Representative Candidates and County Commissioner Candidates.
- **\$1 HUD Home.** There was a \$183,000 profit on the \$1 HUD Home Sales Program. There was a \$64,535 profit on the 2011 tax foreclosure parcel sales.

10. COMMENTS BY INDIVIDUAL COUNCILPERSONS

Council Member Rusie said Elmira Street is crumbling. It has cracks, pot holes, and looks like cold patching has been done on it. Ms. Rusie asked if we can get DPW out there to repair it. She received a complaint on St. Gertrude Street, between Little Mack and Harper regarding 'YES' papers in the approach of driveways. She complimented city contractors regarding Little Mack and 12 Mile Road. She said it looks great.

Senior Center Apple Pie week begins with baking on September 13th. They are looking for volunteers and people to buy the pies. A double crust pie is \$10.00 and pie packets for \$5.00. They are also looking for 80 people to sponsor a case of apples for \$39.00/case. Contact the Senior Center at 586-445-0996, if interested.

The Fall Harvest Festival is September 22nd. They will have a food truck round-up with about five or six trucks. The movie 'We Bought a Zoo' will be shown at the Senior Center.

Council Member Rubino indicated that in regards to the real estate bid, it opens a can of worms when the bids are changed which allows for leniency and that is why he voted no on the issue. He asked how we change bid specifications once they are in. This creates more problems than it's worth.

He stated that when there is a major crime in the City, he wishes the Police Department would get media attention when they successfully apprehend the criminal.

He has received calls from residents regarding the Rat Abatement Program. Mr. Hughes said \$100,000 was budgeted out of the Sanitation Trust Fund to handle this problem. Mr. Rubino said he found out we are charging residents to bait their property. Ms. Koto said charging residents depends on the situation. If inspectors go out and see rats and ask the resident to bait, and they don't, the resident gets charged for baiting. If a nest is found, the City pays for the baiting. Mr. Rubino said the Rat Abatement Program is messed up. Residents are getting the run around, but it should be a simple process where a resident calls in and we take care of it. He hopes this issue is fixed fast. Mayor Walby indicated he is not sure we are going to bait a person's home. Mr. Rubino said residents are getting three or four different answers. Mayor Walby indicated we need to get one answer to residents, but the problem is much bigger and we need to figure out how to get rid of the problem altogether.

He asked that if we repair a small part of a street, do we send letters out to the residents. Mr. Hughes stated we do not. Mr. Rubino said there was a situation where a legally blind resident could not get out of his driveway because the street was being repaired. He said residents need to be contacted so they know a couple weeks ahead of time when a piece of cement is being removed from in front of their driveway. Mr. Hughes is reluctant to send a letter that is date specific. He would rather send a letter giving them a date range.

Mr. Rubino asked if HUD owns a home, does the City cut its grass if it is over 6" long. Ms. Koto said we contact the Housing Commission immediately and if they do not cut it, we go out and cut it. Mr. Rubino asked how it is fair to anyone that we let certain individuals slide, but we don't do it for our residents. Mr. Hughes, not knowing the address, said consistency and equity will be the cornerstone of how we approach this issue. Mayor Walby said we should not be treating the 34 HUD homes differently than a resident's home.

He said a resident who was not compliant with his property went to City Hall and the person behind the counter yelled at him and berated him in public. The resident has invested millions in his property and he felt he was treated as a child. Mr. Rubino hopes that no one ever yells or disrespects residents and he wants this situation looked into.

He mentioned that the September 13th Meet the Candidates meeting is very important.

Council Member Tiseo mentioned that in regards to the real estate bid, he is glad the issue was tabled. He made two points saying - 1) he wants to get our City out there, and 2) we are not selling houses, so we have time to do it.

In regards to an update on Brys, Taylor, Cubberness and Wood street paving, he asked Ms. Koto if the bid stated to tear up all four streets and then pave them one at a time. He said if all four roads are closed at the same time, it would be disheartening. He said we need to find out what the process is because no one is working on the streets that have been torn up. He suggested putting this information on TV, etc. to get the word out to the residents.

He asked Ms. Koto about the flagpoles on Harper and 11 Mile Road. She said the flags are not up because the banner company has not picked them up yet. The crooked pole has not been fixed yet and Mr. Tiseo is struggling with the whole use of those poles.

He gave a shout out in regards to the St. Germaine Family Festival being held from September 14th – 16th.

Agenda Item 10 (cont'd)

Council Member Fredrick mentioned the Our Lady of Hope (St. Germaine) Family Festival. The Wigs for Kids gala is Friday, September 14th at Barrister Gardens. Contact Ron at 586-808-3478 for information.

He gave a shout out to the Veterans Memorial Park Art Fair being held on September 15th – 16th. The Veterans Motor Car Classic is on September 16th. The Cops for Kids Cruise is September 13th, but may already be sold out.

The Car Cruise from last Wednesday still has T-shirts available. To purchase one, contact Tom Ulrich at Shorewood Kiwanis or Ron Frederick.

September is National Library Card sign-up month. During the month of September, you can show your current library card to have a chance to win a Kindle or a Barnes and Noble gift card. Sign up for a Library card and get two chances to win. September 18th starts the Library Story Time. Toddler Time starts at 10 a.m., Preschooler Time begins at 1:30 p.m., and Family Story Time begins at 7 p.m. Registration is only needed for toddler time.

He asked when we pave a street, how long do we go back and look at adjoining landscaping. He said Colony Street has had grass replaced on either side, but it has now sunk. Mr. Hughes indicated they keep a punch list to go back and examine quality construction. Mr. Frederick will get approximately six addresses for Mr. Hughes.

Pies are available from the Senior Center on September 19th.

Council Member Vitale thanked residents for their kind words and prayers from last week. He asked that he be excused from the Historical Meeting this evening, but he will make next meeting.

He asked if the dumpster is gone at the house on Grossedale. Mr. Hughes said it was gone last Friday.

He mentioned that at Lakeside Apartments, someone put a mattress and television set on the curb early for trash day. Mr. Hughes stated they can be ticketed.

He toured the Police Station and there was no attempt to sell him – he just observed conditions. He said all issues are five-fold at the Police Station. They have no elevator (ADA compliance), no restrooms for female prisoners, no place to sit down, flat roofs are not draining, and dead animal storage smells are awful. He hopes to give them consideration regarding these matters.

He said he enjoyed the cruise and was proud to be out there.

Council Member Caron congratulated the Police Officers in regards to the Exodus Hair & Nail Studio arrests.

He thanked the Parks & Recreation Department for fixing the walking path at the Dog Park.

He mentioned that the website company, Civic Plus, will be here all day tomorrow for interviews before they start the design of the Cities new website. They will be in the Geer Conference Room.

He appreciates the updates regarding AT & T cable lines and the compost issue in Clinton Township.

He said he drove through Sidewalk District 1 and asked why the sidewalks haven't started being replaced yet.

He said there is no clear understanding on defined areas of what departments do. Mr. Hughes stated that Mr. Babcock was elevated to DPW Director and was asked to take with him some duties that were under CDI. He said that with the new website, there will be a navigation area of what each department is responsible for.

Mayor Walby asked why the sidewalks have not been started yet. He said that at this point, if it doesn't start until November, just wait until next year. Mr. Hughes will look into this issue.

11. CITY MANAGER'S REPORT - None

12. AUDIENCE PARTICIPATION (5 minute time limit)

Duane Michno, St. Clair Shores resident, congratulated Council on approving the Sewer Line Warranty Program. He stated that two things he didn't hear at the meeting are 1) he would hope that when a job is done, a City Inspector would be there and 2) when grass is torn up, they replace it not with sod, but fill it with dirt and then reseed it.

Agenda Item 12 (cont'd)

Jamie Victory, St. Clair Shores resident, stated that the Harper Cruise was unbelievable and a great event.

Frank Maiorano, St. Clair Shores resident, expressed his displeasure with the meeting tonight. He left the podium last time with questions regarding where and when the NSP bid changes were posted. He said Administration puts bids out on MITN asking for lead certified contractors and they received what they received and now they changed the criteria. He asked if they rebid it and put it back on MITN.

13. MAYOR'S COMMENTS - None

14. REQUEST TO ENTER CLOSED SESSION AS PERMITTED BY STATE STATUTE MCLA 15.268 SECTION 8 (e) SUZANNE SPAULDING VS. ST. CLAIR SHORES AND SECITON 8 (h)

Motion by Frederick, seconded by Tiseo to enter Closed Session at 9:34 p.m.

A roll call vote was taken.

Ayes: All – 7

Motion by Rubino, seconded by Frederick to return to Open Session at 10:01 p.m.

Ayes: All – 7

Motion by Caron, seconded by Rubino to proceed as proposed by the City Attorney regarding Suzanne Spaulding vs. St. Clair Shores and other items discussed.

Ayes: All - 7

15. ADJOURNMENT

Motion by Frederick, seconded by Rusie to adjourn at 10:03 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).