

**MINUTES  
CITY COUNCIL MEETING  
CITY OF ST. CLAIR SHORES  
27600 JEFFERSON CIRCLE DRIVE  
ST. CLAIR SHORES, MI 48081**

Tuesday, February 17, 2009

**PRESENT:**

Mayor  
Council Members

Robert A. Hison  
Matthew S. Ahearn  
Beverly McFadyen  
Mark J. Moffitt  
David J. Rubello  
Kip C. Walby

**ABSENT & EXCUSED:**

Ronald J. Frederick

**ALSO PRESENT:**

City Manager  
City Clerk  
City Attorney  
Finance Director/Treasurer  
City Controller  
Community Services Director  
Communications Director  
Recording Secretary

Kenneth R. Podolski  
Mary A. Kotowski  
Robert D. Ihrle  
Tim Haney  
Sharon Schuster  
Chris Rayes  
Mary Jane D'Herde  
Raluca Munteanu

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

Mayor Hison called the meeting to order at 7:00 p.m. Ms. Kotowski, City Clerk, called the roll with a quorum present. The Pledge of Allegiance was recited by those in attendance.

**Motion by Ahearn, seconded by Walby to excuse Mr. Frederick.**

Ayes: All (6)  
Absent: Frederick

**2. PRESENTATIONS – CITY ASSESSOR PRESENTATION ON ASSESSMENT NOTICES**

Mr. Vandemergel, City Assessor, presented the 2009 assessment process. Economically, things have changed; however, the preparation of assessments stays the same.

The first step in the process is issuing assessment notices. They will be released to residents in approximately one week. The notice will provide last year's assessment compared with current year's assessment. In addition, it will announce the Board of Review meeting times. Assessment appeal hearings will take place on March 3, 5, 9 and 10, 2009. This year, the assessment value has decreased about 10%, while the taxable value has increased 4.4%, because of inflation. Residents will see on their notices the anticipated amount by which their taxes will increase or decrease.

Mayor Hison affirmed that because home value and prices are decreasing, State Law predicates the 4.4% increase in taxable value. The Assessor's hands are tied in regards to this increase. Mayor Hison added that the assessment notice is not a bill; it's just an informative statement. Mr. Vandemergel added that when the market was going up, the assessment values worked well to residents' advantage. In the down market, it was never anticipated that the assessment values would decrease so much, therefore it caused taxable value to increase. These requirements have been put in effect by the State and the legislature is just following the rules.

Mr. Walby inquired about the elimination of the winter tax bill. Mr. Vandemergel stated that two tax bills are anticipated, since new millages were passed during the past years which require them to be on the winter tax bill.

**PRESENTATIONS – CITY ASSESSOR PRESENTATION ON ASSESSMENT NOTICES cont'd.**

Mr. Rubello asked if residents can make appointments through email correspondence. Mr. Vandemergel replied that he can arrange appointments for appeals by email. He informed the audience that the Board of Review is made up of three members and one alternate, in addition to City's staff. The board members should be thought of as advocates for the City's residents. They volunteer their time to listen to concerns and make decisions on assessments of homes.

**3. REQUEST TO ACCEPT CITY ATTORNEY RECOMMENDATION ON THE SETTLEMENT AGREEMENT REGARDING TAX TRIBUNAL CASE JEFFERSON BEACH MARINA**

Mr. David Nykanen, Special Counsel, presented the settlement proposal for the tax appeal case of Jefferson Beach Marina. A written proposal was received from Littoral Associates, LLC.

The case included two tax appeals. First, the owner challenged the taxable value of the property. Second, the City uncapped the property for the period of 2001 to 2007 when it was sold, which led to a large amount of tax liability. The owners disputed the uncapping.

Mr. Nykanen was brought in by Mr. Ihrie to work on the case. He appeared before Council in closed sessions to discuss prior settlements. He recommended Council to deny those proposals. Discussion is now held in open session because he believes this written proposal is an appealing offer.

The proposal is for a lump-sum payment of \$1.5 million to the City. St. Clair Shores will then distribute the appropriate portion of money to the other taxing authorities. The numbers of this proposal have been compared with similar past appeals and the amount is consistent. In regards to the uncapping issue, out of the \$1.5 million settlement, money will be allocated to settle this matter. Mr. Nykanen looked at the downside of rejecting the settlement. If continuing to fight the issue, it will cost the City more money and in the end, it might be unsuccessful in the litigation. Economically, it makes sense to go forward with the settlement when \$1.5 million is on the table. Mr. Nykanen stated that the City's best interest in this case is to accept the settlement, reject litigation and take the money from the settlement.

Mrs. McFadyen inquired about the time frame of having the case heard by the Tax Tribunal, in case the offer is rejected. Mr. Nykanen informed that there are 79,000 cases pending in Michigan. It can take up to one year to have the case heard and two years to have an opinion on the case.

Mr. Walby compared the \$1.5 million to the \$1.8 million that has been discussed that Jefferson Beach Marina owes the City. There is a gap of \$300,000; however, to receive the full amount it will cost the City more money and time. He agreed to the settlement, because he knows the City fought for this case.

Mayor Hison added that prior discussions were held in closed session because of legal matters. The purpose of a closed session is to avoid transparency and to protect the taxpayers' money. The decisions made by Council had to be protected from the other party in this litigation.

**Motion by McFadyen, seconded by Rubello to accept the City's Special Counsel recommendation and accept Littoral Associates' settlement agreement regarding the Tax Tribunal Case Jefferson Beach Marina.**

Ayes: All (6)  
Absent: Frederick

**4. REQUESTS FROM THE ST. CLAIR SHORES MEMORIAL PARADE**

**a. Request to hold the Memorial Day Parade on Sunday, May 24, 2009 on Jefferson from 9 Mile to 11 Mile starting at 1:00 p.m.**

Mr. Ahearn's, Parade Council, request was to hold the annual Memorial Day Parade on May 24, 2009. The parade will take place between 9 and 11 Mile Roads, on Jefferson Ave. Any questions or volunteers are asked to contact Mr. Ahearn at 747-3150, or e-mail at scsparade@aol.com.

**Motion by Moffitt, seconded by McFadyen to approve the request to hold Annual Memorial Day Parade, Sunday May 24, 2009 on Jefferson from 9 Mile Road to 11 Mile Road from 1:00 p.m. to 4:00 p.m.**

Ayes: All (6)  
Absent: Frederick

b. **Request to hold the Third Annual Sailing Thru the Shores 5k Run/Walk along the Memorial Day Parade Route on May 24, 2009 at noon, sponsored by the St. Clair Shores Parade Council**

Ms. Liesle Travis requested approval to hold the third annual Sailing Thru the Shores 5k Run/Walk. In the past, funds raised supported four scholarships, Miss St. Clair Shores scholarship and helped out the Memorial Parade. Ms. Travis presented a check to the Parade Council as a jump start for the Memorial Day Parade. The route will be on Jefferson Ave., from 11 to 9 Mile Roads. For more information, visit [www.scsfunrun.org](http://www.scsfunrun.org).

**Motion by McFadyen, seconded by Ahearn to approve the request to hold the Third Annual Sailing Thru the Shores 5k Run/Walk along the Memorial Day Parade Route (11 Mile to 9 Mile and back to 11 Mile on Jefferson) on May 24, 2009 at noon.**

Ayes: All (6)  
Absent: Frederick

5. **REQUEST FROM PEPPER BOTTOMS, 24301 HARPER, TO HOLD A WEEKLY FAMILY CAR SHOW ON SUNDAYS FROM 3 P.M. – 7 P.M. FROM THE FIRST SUNDAY IN MAY THROUGH HALLOWEEN (RESCHEDULED FROM 2/2/09)**

Mr. Lang, Entertainment Director, and Mrs. Pendleton, Pepper Bottoms' owner, presented their request for the weekly Classic Cars Show. It will take place every Sunday from 3 p.m. to 7 p.m. from May 1<sup>st</sup> through November 1<sup>st</sup>. Security will be provided in the parking lot and cars will be parked on the four lanes provided to them through their lease.

Mr. Moffitt stated he would like to see a trial of this event. He suggested approving the event for four weeks, and if no problems occur, let the City Manager approve the remaining events.

Mayor Hison noticed that their insurance expires June, 2009. They will have to renew the insurance and name the City as an additional insured. He added that a request to have a sign off from adjoining businesses was incomplete as only two out of the four businesses replied.

Mrs. Pendleton stated she would obtain the other two businesses sign off acknowledgments and insurance renewal also.

Mr. Ihrie responded that the petitioners have noted that there will be no liquor service outside. So the LCC 12 Special Event Provision is not applicable. Mr. Lang confirmed that no alcohol will be served outside.

**Motion by Moffitt, seconded by McFadyen to approve the request from Pepper Bottoms, 24301 Harper, to hold a weekly Family Car Show on Sundays from 3 p.m. – 7 p.m. from the first Sunday in May for a four week trial period and let the City Manager approve the rest of the events, noting no alcohol will be served outside at any of these events, subject to sign off acknowledgements from the other two adjoining businesses and insurance policy covering the entire period of the events.**

Ayes: All (6)  
Absent: Frederick

6. **REQUEST FROM HUNTINGTON BANK FOR A TRANSFER OF MICHIGAN LIQUOR CONTROL COMMISSION OWNERSHIP (STEP 1) ON A 2001 CLASS C LICENSED BUSINESS WITH DANCE PERMIT IN ESCROW AT 25225 E. JEFFERSON, FROM EPIC EVENTS, INC. (GOURMET HOUSE)**

Mr. Ihrie stated that the Gourmet House has a liquor license in escrow since 2001, and the escrow period is nearing its expiration period. The City Clerk has received a request from Huntington Bank to transfer this license to them, rather than letting it expire. Selling the license with the property makes it more attractive to buyers and the property might sell quicker. The bank will not be an "operating license owner."

Mayor Hison inquired about the status of demolishing the building. Mr. Rayes replied that he met with the estate representative and their attorney and they are still discussing this issue because of lack of funds to pay for the demolition.

Mr. Ihrie explained that if the bank holds the license, it is considered to be an enhancement to the property sale and the license can be transferred with the property. The building can not operate in its current state, so the license can be sold to and transferred to a prospective new applicant owner.

**REQUEST FROM HUNTINGTON BANK FOR A TRANSFER OF CLASS C LICENSE cont'd.**

Mr. Walby inquired if the City Attorney has written conditions that Huntington Bank agrees to not sell the license outside of the City as a contract with the City on the transfer. Mr. Ihrie replied that something in writing can be requested from the bank, or it can be conditioned in the motion.

Mrs. McFadyen agreed that a document is needed to clearly state that if something happens to the property or if the facility will not require a license, the liquor license will be returned to the City.

Mayor Hison stated that the Council needs more precise documentation of this request. Mr. Ihrie added that the net effect and rationality of Huntington Bank's request is to enhance the sale of the property.

Mr. Moffitt suggested negotiating with the bank to clean up the area, demolish the building, in order to have the liquor license transferred.

**Motion by Walby, seconded by McFadyen to TABLE to March 2, 2009 Council meeting the request from Huntington Bank to transfer Michigan Liquor Control Commission ownership (Step I) on a 2001 Class C Licensed business with Dance Permit in escrow at 25225 E. Jefferson, from Epic Events, Inc. (Gourmet House).**

Ayes: All (6)  
Absent: Frederick

**7. REQUEST FROM PAT O'BRIEN'S TAVERN, 22385 10 MILE ROAD, TO HOLD ST. PATRICK'S DAY EVENTS**

**a. March 17, 2009 Event with outside tent and entertainment hours 10 a.m. – 2 a.m.**

Mr. Colombo, Pat O'Brien's owner, requested approval to hold their annual St. Patrick's Day event on March 17, 2009 from 10 a.m. to 2 a.m. Entertainment will be stopped at 12 a.m. and the tent will close at 2 a.m. Electricity will be used from existing outlets. Mr. Colombo stated that security and EMT service will be on site the entire time.

Additional parking will be available on the east side lots and Mr. Colombo will keep an eye on the neighbor's parking lot across the street. Mr. Rubello asked how Pat O'Brien's responds to Mr. March Point's concern about the event. Mr. Colombo replied that Pat O'Brien's has been there for 63 years, it's a once a year event and there will be security monitoring the outside at all times.

**Motion by Ahearn, seconded by Rubello to approve the annual Special Event request from Pat O'Brien's Tavern, 22385 10 Mile Road, to hold St. Patrick's Day Event on March 17 (Tuesday) from 10 a.m. – 2 a.m. with outside tent, tent entertainment stopping at 12:30 a.m., and the tent closing at 2 a.m.**

Ayes: All (6)  
Absent: Frederick

**b. March 13, 14 and 15 live entertainment on Patio from 8 p.m. – 12 a.m.**

Mr. Colombo stated that bands will be playing March 13 – 15, 2009 from 8 p.m. – 12 a.m. Mr. Walby addressed his concern about music so late on Sunday.

**Motion by Moffitt, seconded by McFadyen to approve the Special Event request for live entertainment on the Patio from Pat O'Brien's Tavern, 22385 10 Mile Road, to hold St. Patrick's Day Weekend Events on March 13 and 14 from 8 p.m. – 12 a.m., and Sunday, March 15 from 8 p.m. – 10 p.m.**

Ayes: All (6)  
Absent: Frederick

**c. Temporary Sign Permit Ordinance Variance for Irish Flags (3 x 5) around the Patio March 13 – 18, 2009**

**Motion by Walby, seconded by McFadyen to approve the request from Louis Colombo, Pat O'Brien's Tavern, 22385 10 Mile Road, for a Temporary Sign Permit Ordinance Variance for 12 Irish Flags (3 x 5) around the Patio from March 13 – 18, 2009.**

Ayes: All (6)  
Absent: Frederick

**8. BIDS/CONTRACTS/PURCHASE ORDERS**

**a. Award bid for 2009 Sidewalk Repair Program (bids opened 2/3/09)**

Mr. Rayes announced that Italia Construction was the qualified low bidder for the 2009 Sidewalk Repair Program. Their total bid of \$941,480.00 includes the base bid and two alternates. Italia Construction has successfully completed this project for the last ten years. The contract will include the 2009, 2010 and 2011 projects.

Mr. Walby was concerned that, economically, this is not the time to bill residents for sidewalk repairs. He suggested delaying the project a couple years.

Mr. Rayes replied that money is put aside from the Block Grant Program to help residents that need help and qualify.

Mr. Podolski stated that the City's Risk Managers disagree to delay the project. Slip and fall litigations are constant and it is important to maintain the sidewalks.

Mayor Hison added that it was decided by Council to go forward with the project prior to bidding it.

**Motion by Ahearn, seconded by Moffitt to award the bid for the 2009, 2010, 2011 Sidewalk Repair Program to Italia Construction, the low bidder, at unit pricing which estimates the total cost for these years in the amount of \$941,480.00.**

Ayes: Ahearn, Moffitt, McFadyen, Hison  
Nays: Rubello, Walby  
Absent: Frederick

**b. Cost Share Agreement with Road Commission of Macomb County for the resurfacing of 10 Mile Road, from I-94 to Harper**

Mr. Rayes stated that this is a standard agreement between the County Road Commission and the City. He recommends entering this agreement with the R.C.M.C. for 10 Mile Road resurfacing.

Mayor Hison noticed that the resurfacing will take place in the same area where the water main will be replaced. Mr. Rayes announced that the water main project will occur before the resurfacing.

Mr. Rayes stated the total cost estimate to resurface 10 Mile Road, from I-94 to Harper, is \$1,146,572. Based on that amount, the City of St. Clair Shores' share will be approximately \$178,971.00

**Motion by Walby, seconded by Rubello to approve a request to enter into a cost share agreement with the Road Commission of Macomb County, for the resurfacing of 10 Mile Road, from I-94 to Harper.**

Ayes: All (6)  
Absent: Frederick

**9. SECOND QUARTER BUDGET REPORT AND APPROVAL OF BUDGET AMENDMENT 09-04**

Mrs. Schuster introduced the minor adjustments made to the Quarterly Budget which were identified during review analysis. The major change was made in the General Fund because of decreasing interest revenue. Currently, interest rates are less than 1%.

Mr. Moffitt inquired about contingency accounts. Mrs. Schuster replied that the City budgeted money aside to cover adjustments in the General Fund which amounts to roughly \$250,000 for "unknown expenses."

**Motion by Moffitt, seconded by Walby to receive and approve the December 31, 2008 Quarterly Report and Budget Amendment 09-04 as follows:**

Fund/ Dept.	Account	Description	Increase	Decrease
<b>BUDGET AMENDMENT 09-04</b>				
<b>101</b>	<b>GENERAL FUND</b>			
Rev	582.500	Fire Grant Revenue	13,400	
340	980.351	FIRE Capital Outlay (Fire Rescue Equipment)	16,750	
253	950.000	GENERAL GOVERNMENT Miscellaneous (Contingency) To establish a budget for a grant awarded to the Fire Department for the purchase of fire rescue equipment.		3,350
201	930.000	FINANCE Repairs & Maintenance	8,000	
253	950.000	GENERAL GOVERNMENT Miscellaneous (Contingency) To increase the budget for costs for a needed upgrade conversion for the City's financial software.		8,000
340	980.028	FIRE Capital Outlay (In-Vehicle Toughbook Computers)		11,500
253	950.000	GENERAL GOVERNMENT Miscellaneous (Contingency) To decrease budget for expenditure that was mistakenly budgeted twice.	11,500	
340	850.000	FIRE Phone & Communications	2,500	
253	950.000	GENERAL GOVERNMENT Miscellaneous (Contingency) To increase budget due to rate increases passed down from the County for radio technical service effective 1/1/09.		2,500
Rev	675.000	Donations	7,254	
705	980.000	PARKS Capital Outlay (Civic South Concession Building)	1,200	
300	950.150	POLICE Miscellaneous (donation purchases)	6,054	
To increase budget for various donations received.				
Rev	664.000	Interest Revenue		290,000
Fbal	390.002	Fund Balance - Carryover		290,000
To decrease revenue to estimated amount due to increased poor economic conditions.				
<b>265</b>	<b>DRUG LAW ENFORCEMENT FUND</b>			
Rev	664.000	Interest Revenue		13,000
Fbal	390.000	Fund Balance - DLEF		13,000
To decrease revenue to estimated amount due to increased poor economic conditions.				
<b>590</b>	<b>UTILITY FUND</b>			
Rev	664.000	Interest Revenue		250,000
Fbal	390.000	Fund Balance - DLEF		250,000
To decrease revenue to estimated amount due to increased poor economic conditions.				
<b>661</b>	<b>MOTORPOOL FUND</b>			
Rev	664.000	Interest Revenue		57,500
Fbal	390.000	Fund Balance - Motorpool Fund		57,500
To decrease revenue to estimated amount due to increased poor economic conditions.				

**SECOND QUARTER BUDGET REPORT AND APPROVAL OF BUDGET AMENDMENT 09-04 cont'd.**

<b>Fund/ Dept.</b>	<b>Account</b>	<b>Description</b>	<b>Increase</b>	<b>Decrease</b>
<b>675</b>	<b>COMPUTER REPLACEMENT FUND</b>			
Rev	664.000	Interest Revenue		4,500
Fbal	390.000	Fund Balance - Computer Replacement Fund		4,500
To decrease revenue to estimated amount due to increased poor economic conditions.				
<b>710</b>	<b>SANITATION TRUST FUND</b>			
Rev	664.000	Interest Revenue		90,000
Fbal	390.000	Fund Balance - Sanitation Trust Fund		90,000
To decrease revenue to estimated amount due to increased poor economic conditions.				

Ayes: All (6)  
Absent: Frederick

**10. CONSENT AGENDA**

Motion by Walby, seconded by Ahearn to approve the Consent Agenda items as presented, which include the following:

**a. Bills**

February 5, 2009 \$1,763,796.34

To approve and release of checks in the amount of \$1,763,796.34, of the report that is 19 pages in length and of the grand total amount of \$1,763,796.34, \$314,995.88 went to other taxing authorities.

**b. Fees**

Roumell & Lange, PLC \$7,422.20  
Ihrie & O'Brien \$10,827.00

To approve the above attorney payments to Roumell & Lange, PLC and Ihrie & O'Brien subject to audit.

**c. Progress Payments – None**

**d. Approval of Minutes**

To approve the following minutes:

Minutes  
City Council Workshop

Meeting Date  
January 31, 2009

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

To receive and file the following minutes:

Minutes  
Building/Property Maintenance Board of Appeals  
Building/Property Maintenance Board of Appeals  
Building/Property Maintenance Board of Appeals  
Building/Property Maintenance Board of Appeals  
Building/Property Maintenance Board of Appeals

Meeting Date  
January 3, 2008  
January 8, 2008  
June 12, 2008  
July 22, 2008  
September 11, 2008

**CONSENT AGENDA cont'd.**

Building/Property Maintenance Board of Appeals	September 25, 2008
Building/Property Maintenance Board of Appeals	November 3, 2008
Building/Property Maintenance Board of Appeals	November 21, 2008
Corridor Improvement Authority	January 23, 2008
Corridor Improvement Authority	July 9, 2008
Fence Arbitration Committee	November 19, 2008
Planning Commission	July 8, 2008
Police & Fire Pension Board	December 18, 2008
Police & Fire Retiree Health Care Trust Board	December 18, 2008
Sign Arbitration Board	December 4, 2008
Zoning Board of Appeals	October 2, 2008
Zoning Board of Appeals	November 6, 2008
Computer Committee	September 2, 2008
Historical Commission	December 2, 2008
Police & Fire Pension Board	October 30, 2008
Zoning Board of Appeals	December 4, 2008

Ayes: All (6)  
Absent: Frederick

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

- **PCB's** – no updates.
- **PEG Update** – Mrs. D'Herde stated that Congress has given more time to consumers to convert to digital. If residents are still using antennas, they might not get all the old stations in as they are converting to digital. Waste Management will pick up antennas and old television sets.
- **Fireworks** – Mr. Moffitt stated the Fireworks event is one of the best events in the City and funds are put aside for rainy days to make sure activities take place in the community. Mr. Moffitt would like to see Parks & Recreation take over the Fireworks event.

**12. COMMENTS BY INDIVIDUAL COUNCILPERSONS**

**Council Member Rubello** asked if the funds from the Neighborhood Stabilization Program can be used for fences and other maintenance activities. Mr. Rayes replied that the money can not be used to maintain residents' properties. The grant is still being reviewed and has not been approved yet.

Mr. Rubello inquired if Waste Management can give a discount to the City because of the large number of vacant homes.

Mr. Rubello added that he doesn't agree to go forward with the Sidewalk Replacement Program because of the economy. He inquired if the program eliminates the slip and fall lawsuits. Mr. Ihrle replied that there will always be slip and fall litigations, but the program minimizes these lawsuits. Mr. Ihrle added that the City's primary concern is the residents' safety and then the City's liability.

**Council Member Walby** informed the audience that the money from the Jefferson Beach Marina settlement will be divided. Most of it will be distributed to the schools and the rest will be going to TIFA. This amount has not been calculated in TIFA's budget, because the outcome of the lawsuit was unknown. The money can be used in the TIFA District. He suggested using the money to upgrade Blossom Heath Park.

Mr. Walby addressed the purchase of water meters for \$5 million. He argued that everyone promotes buying products made in the community or in United States, but the water meters are made in the Middle East. He recommended that if the product can not be found in United States, no purchase should take place.

**Council Member McFadyen** wished a happy birthday to a long time resident of St. Clair Shores, Fred Maloof.

**Council Member Moffitt** passed.



**COMMENTS BY INDIVIDUAL COUNCILPERSONS cont'd.**

**Council Member Ahearn** said he did some research on the water meters and only a small part of the product is made in the Middle East. St. Clair Shores Baseball and Softball Association is taking registrations at the Civic Arena. Cops for Kids fundraiser is coming up on March 12, 2009.

**Council Member Frederick** was absent.

**Mayor Hison** announced the upcoming 100<sup>th</sup> birthday of Mary Boothman, who has been a resident for over 60 years. He stated that past discussions took place on upgrading Blossom Heath Park which included a splash zone, basketball and volleyball sites, and a restroom at the west end of the facility. Mayor Hison will attend a presentation on the Stimulus Package in Michigan next Thursday.

**13. CITY MANAGER'S REPORT – NONE**

**14. AUDIENCE PARTICIPATION**

Jamie Victory, 32069 Williamsburg, addressed his concern about increasing the speed limit on Harper Ave. to 40 mph, because of surrounding schools. Mayor Hison responded that the speed limit increase took effect this week and it was made by the Road Commission of Macomb County, since Harper Ave. is a county road.

Richard Swanquist, 21815 Bon Brae, informed Mayor and Council that he is working on a petition for November's ballot to create a more open form of government. He asked Council to place a request to have the entire Thursday packet and full minutes on the internet on the next agenda.

Mr. Swanquist inquired about the benefits of the advertisements made by the H.AVE Campaign.

Barbara Luckett, 22315 10 Mile Road, lives five houses off Pat O'Brien's and she never had a problem with their events. She questioned the date of snow removal service on the bill she received.

Peter Rubino, 22016 Shady Lane, voiced his concerns about the City's spending. He asked the Mayor to disband the Activities Committee because they canceled one of the City's biggest events. He disagreed on spending \$5 to \$7 million on water meters that are not made in the United States.

Chris Vitale, 27903 Larchmont, suggested purchasing the water meters when they are at a lower cost, which will happen in the future as technology advances.

Steve Smith, 22014 Revere, thanked Mr. Walby on his concern about the sidewalk program. He agreed that the program should be suspended for two years.

Jack Doerr, 22407 Bayview, looked over the City's annual report which was published in the paper and noticed that 49 staff positions have been eliminated in the past 5 years, which accounted for \$4.6 million. Mayor Hison added that the total includes salary and benefits.

**15. REQUEST TO ENTER CLOSED SESSION AS PERMITTED BY STATE STATUTE MCLA 15.268 SECTION 8(e) M. PROST V ST. CLAIR SHORES**

**Motion by Ahearn, seconded by McFadyen to enter Closed Session at 9:58 p.m., as permitted by state statute MCLA 15.268, section 8(e) M. Prost v St. Clair Shores.**

Ayes: All (6)  
Absent: Frederick

**Motion by Moffitt, seconded by Walby to return to Open Session at 10:07 p.m.**

Ayes: All (6)  
Absent: Frederick

**Motion by Moffitt, seconded by Walby to accept City Attorney's recommendation regarding M. Prost v St. Clair Shores.**

Ayes: All (6)  
Absent: Frederick

**16. ADJOURNMENT**

**Motion by McFadyen, seconded by Ahearn to adjourn the meeting at 10:08 p.m.**

Ayes: All (6)  
Absent: Frederick

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

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ROBERT A HISON, MAYOR

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MARY A. KOTOWSKI, CITY CLERK