

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

Tuesday, August 17, 2009

PRESENT:

Mayor
Council Members

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

ALSO PRESENT:

City Manager
City Clerk
City Attorney
City Planner
Communications Director
Recording Secretary

Kenneth R. Podolski
Mary A. Kotowski
Robert D. Ihrie
Liz Koto
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.

2. PROCLAMATIONS & PRESENTATIONS - none

3. AUDIENCE PARTICIPATION ON AGENDA ITEMS (2 MINUTE TIME LIMIT)

Mr. Mike Descamps, 27300 Little Mack, spoke on agenda item #5 as the vice-chairperson of the Planning Commission, recommending Mayor and Council to deny petitioner's request to allow 24 hours of operation at Marvin's Mini Market. Despite the well kept gas station, there was an agreement made in advance of the petitioner's purchase to not allow 24 hours of operation because of the neighborhood's proximity.

4. REQUEST FOR A NEW CLASS C LIQUOR LICENSE WITH SUNDAY SALES FOR 24317 JEFFERSON, PETITIONER G & R RESTAURANT SERVICES, LLC

Mr. Charles Raffoul, 22831 Newberry, owner of Steve's Backroom at 24317 Jefferson Ave., applied with St. Clair Shores for a liquor license to help increase sales at his business location. Mr. Raffoul had customers walk out because no alcohol was served. The goal is not to turn the facility into a bar, but to keep it a family restaurant serving beer and wine only. Mr. Raffoul will expand into the neighboring property to increase his seating capacity to 150 seats.

Mayor Hison clarified that recently this year, the liquor license ordinance has been revised to lower the seating requirement and to accommodate with certain conditions applicants that do not meet the seating criteria. The petitioner's application indicated they were applying with less than 150 seating.

Mr. Ihrie informed the audience that there are two sets of guidelines for liquor license applicants whether they meet the seating requirement or not. If the applicant meets the seating requirement, there are fewer technical conditions; on the other hand, if the applicant does not meet the seating requirement, investment has to be done to the real property along with other requirements set by City Council.

Mr. Raffoul noted that currently Steve's Backroom holds 100 seats. Mr. Ihrie was under the impression that Mr. Raffoul is applying for a liquor license that does not meet the seating criteria because investment information was provided with the application. Mr. Raffoul replied that he misunderstood the two types of licenses and the application process.

4. **REQUEST FOR A NEW CLASS C LIQUOR LICENSE FOR 24317 JEFFERSON cont'd.**

Mr. Ihrie announced that City Council has the option to approve, deny or condition the license. Mr. Podolski indicated that conditional approval would require him to go back to negotiate the lease and prepare plans for expansion.

Motion by Rubello, seconded by McFadyen to POSTPONE for 30 days (at petitioner's request) action on the request from G & R Restaurant Services, LLC (Steve's Backroom) for a new Class C Liquor License with Sunday Sales to be located at 24317 Jefferson, St. Clair Shores, MI 48080, Macomb County be approved "above all others" and that it is the consensus of the legislative body that this application be recommended for issuance.

Ayes: All (7)

5. **REQUEST TO AMEND SITE PLAN PC 01-05 AT 27633 LITTLE MACK, MARVIN'S MINI MARKET, TO ALLOW SELLING BEER AND WINE AT ITS CONVENIENCE STORE & 24 HOURS OF OPERATION, PETITIONER MARVIN SHARRAK**

Mr. Thomas Giachino, petitioner's attorney representative, stated that the gas station at 27633 Little Mack was presented to City Council on March 19, 2001 for site plan approval. In the process of building the station, the partnership split up and Mr. Eric Haroutunian had an interest in acquiring the property and presented the site plan in front of City Council in 2001. However, Mr. Haroutunian did not purchase the gas station and never contacted the two owners at the time. Mr. Haroutunian had no authority to appear and make conditions on the site plan, because he never closed on the property. Mr. Marvin Sharrak was unaware of the site plan restrictions and the hours of operation. He operated from 5:00 a.m. to midnight until 2005, when he informed the Police Department about changing his hours to 24 hours of operation. That was when Mr. Sharrak was ticketed for violating site plan restrictions.

Mr. Giachino stated that petitioner qualifies for a beer and wine license in conjunction with gas stations meeting all the requirements, such as inventory of \$250,000, distance between pumps and store, etc. The petitioner operates a large convenience store, very meticulously maintained with no violations of the noise ordinance or littering. Mr. Giachino added that in today's economy, the petitioner is struggling and to avoid closing down the station, he would like to increase his revenues by extending his operation hours and obtaining a SDM liquor license.

Mr. Ihrie clarified that this is not a request to approve a liquor license; it is rather an approval to amend the site plan. In March 19, 2001 City Council minutes, the motion does not include a restriction to obtain a beer and wine license; however, discussion was brought by the representative at the time about not obtaining one and each statement of intent made by petitioner are binding conditions to site plan approval.

Ms. Koto stated that Mr. Haroutunian presented himself as the legal representative in 2001 in front of City Council and the Planning Commission.

Mr. Ihrie noted that City Council has the authority to grant one request and deny the other, or modify the hours of operation.

Mr. Descamps, vice-chairperson of the Planning Commission, stated that initially the hours of operation were approved as 6:00 a.m. to 10:00 p.m. Decisions were made thinking that the legal representative is presenting the site plan for approval, because he made that clear. The Planning Commission revised the Master Plan in the mid 1990's, and part of the amendment was to preserve the residential nature of Little Mack, which led to zoning down Little Mack. Last year, the Planning Commission revised the Master Plan again with the same goal in mind. The Marvin's Mini Market is surrounded by residents.

Mr. Moffitt stated that restrictions on the hours of operation were made because of the residents surrounding the business. He suggested approving the request to sell beer and wine and have the petitioner come back to extend the hours of operation to see how traffic and noise will follow after the license is approved.

Mr. Frederick pointed out that the gas station has operated in violation of the restriction, being open from 5:00 a.m. to 12:00 a.m. for years. He also noted that this location was built using the site plan conditions from PC Case #01-05 and these conditions remain with the land/building even when ownership changes.

5. REQUEST TO AMEND SITE PLAN PC 01-05 AT 27633 LITTLE MACK cont'd.

Mr. Ihrie confirmed a petitioner came and had a site plan approved by the City in order to build the gas station. It is the petitioner's responsibility to inquire of any restrictions and regulations at time of purchase.

Mr. Rubello inquired about selling liquor next to a school. Mr. Ihrie responded restrictions are for hard liquor licenses, which should be served 500' from any church or school.

Motion by Walby, seconded by McFadyen to DENY a request to amend Site Plan PC #01-05 to allow 24 hours of operation at 27633 Little Mack.

Ayes: All (7)

Motion by Walby, seconded by Moffitt to approve a request to amend Site Plan PC #01-05 to allow selling beer and wine at 27633 Little Mack.

A roll call vote was taken.

Ayes: Walby, Moffitt, Rubello, Hison

Nay: Ahearn, Frederick, McFadyen

Motion carried.

6. REQUEST TO AMEND SITE PLAN PC 04-35 AT 21211 HARPER, WALGREEN COMPANY, TO ALLOW THE SALE OF BEER AND WINE, PETITIONER WALGREEN CORPORATION

Ms. Brandy Noechel, store manager of Walgreens at 21211 Harper, requested approval for site plan amendment to allow the sale of beer and wine for customer convenience. Walgreens is trying to acquire such licenses for all stores.

Mayor Hison noted how Walgreens has changed their perspective of their stores. When they first opened, they did not want to sell any alcoholic beverages and now more than 400 stores sell alcohol.

Mr. Moffitt inquired why this request was not brought in front of the Planning Commission. Ms. Koto stated that on February 7, 2005, City Council granted site plan approval for a new Walgreens and adjoining tenant space, with the conditions that the hours of operation would be from 8:00 a.m. to 10:00 p.m. and that there would be no alcoholic beverage sales, which brings them here for approval of a site plan amendment.

Mr. Rubello disagreed approving the sale of beer and wine because it is not fair to the small independent businesses in the City.

Motion by Moffitt, seconded by Walby to approve a request to amend Site Plan PC #04-35 to allow the sale of beer and wine, at the Walgreen Company at 21211 Harper subject to approval of outstanding violations.

A roll call vote was taken.

Ayes: Moffitt, Walby, Hison

Nays: Ahearn, Frederick, McFadyen, Rubello

MOTION FAILED.

7. REQUEST TO AMEND SITE PLAN PC 03-11A AT 25015 LITTLE MACK, WALGREEN COMPANY, TO ALLOW THE SALE OF BEER AND WINE, PETITIONER WALGREEN CORPORATION

Ms. Jane Kopitvke, store manager of Walgreens at 25015 Little Mack, requested approval for site plan amendment to be able to sell beer and wine. Beer would be stored in coolers and wine on the floor with staff being trained to sell alcohol.

Motion by Moffitt, seconded by Walby to approve a request to amend Site Plan PC #03-11A to allow the sale of beer and wine, at the Walgreen Company at 25015 Little Mack.

A roll call vote was taken.

Ayes: Moffitt, Walby, Hison

Nays: Ahearn, Frederick, McFadyen, Rubello

MOTION FAILED.

8. PRESENTATION OF AGREEMENT BETWEEN THE CITY OF ST. CLAIR SHORES AND WALTCO LAND COMPANY FOR THE STEP I TRANSFER OF MICHIGAN LIQUOR CONTROL COMMISSION OWNERSHIP OF A 2001 CLASS C LICENSED BUSINESS WITH DANCE PERMIT IN ESCROW AT 25225 E. JEFFERSON FROM EPIC EVENTS, INC. TO HUNTINGTON BANK

Mr. Gary Miller, Waltco Land Company, presented an agreement drafted by their attorney. Mr. Ihrie discussed the agreement's issues. The agreement calls for bidding out the demolition and in case of a disagreement, it will be taken to a mediator and then to Circuit Court. Mr. Ihrie pointed out that Waltco Land Co. will provide \$50,000 in escrow for the demolition of the Gourmet House; but if Waltco is not approved for reimbursement by the Brownfield Re-development Authority, then the City has to return the \$50,000. Under this agreement, the City is completely contingent to their approval for reimbursement.

Mr. Miller responded that demolition is scheduled to start October 1, 2009, unless there is an interested party in the property.

Mr. Walby stated that Brownfield Re-development Authority will not be able to reimburse right away and in order for them to approve projects, they need to see proposals and plans. Only after the project is developed and taxes are paid, reimbursement is considered. Mr. Miller has scheduled to meet with the Brownfield Authority on August 26, 2009.

Mr. Ihrie emphasized the City's goal to remove the Gourmet House. If an agreement is not reached, we are delaying our goal.

Mr. Podolski stated that if there is no dollar value to a project, Brownfield can not reimburse without knowing the assessment of the project.

Mayor Hison clarified the two steps of this agreement: to transfer the ownership of a Class C license and to demolish the Gourmet House building. The agreement is very complex and it could create road blocks in removing the building. Mayor Hison requested a more streamlined agreement that will get the building demolished by October 1, 2009. Mr. Miller responded that Waltco's goal is to transfer the liquor license, demolish the building and be reimbursed for the demo; the agreement can be rewritten.

Mr. Ihrie added that maintenance of the property is not included in this agreement. Mr. Ihrie clarified that the issues discussed can be cleaned up in a redrafted agreement.

Mr. Miller requested postponing the decision after he meets with the Brownfield Authority on August 26, 2009. Mr. Podolski added that the Gourmet House qualifies for Brownfield because it is obsolete, but if there is no dollar value to the property, no decision can be made.

Mr. Moffitt stated that the reimbursement condition will not solve the City's problem and he called for the vote on the question.

Motion by Ahearn, seconded by Rubello to DENY the agreement between the City of St. Clair Shores and Waltco Land Company and upon execution of the agreement adoption of resolution Step 1 for the transfer of Michigan Liquor control Commission ownership on a 2001 Class C Licensed business with Dance Permit in escrow at 25225 E. Jefferson as follows:

That the Request from Huntington Bank to transfer ownership on a 2001 Class C Licensed business with Dance Permit located in escrow at 25225 E. Jefferson, St. Clair Shores, MI 48081, Macomb County, from Epic Events, Inc. (Step I) be considered for approval "above all others" and that it is the consensus of the legislative body that this application be recommended for issuance.

A roll call vote was taken.

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

9. REQUEST TO LEASE A PORTION OF THE RIGHT-OF-WAY AT THE SOUTHEAST CORNER OF 10 MILE AND HARPER AVENUE FOR AN OUTDOOR SEATING AREA AT 25010 HARPER, SABBY'S LOUNGE, PETITIONER NICKE ENTERPRISES

Mr. Anthony Miserendino, owner of Sabby's Lounge at 25010 Harper, presented a revised site plan and elevation to request an outdoor serving area. Mr. Miserendino wants to become more competitive in the business and provide a smoke free environment.

Mr. Miserendino has been in the business for four years and is proposing putting six to eight tables outside with one TV and no outdoor music. The tables will be covered by an awning, with side curtains and surrounded by wrought iron fence. Mr. Miserendino prefers the wrought iron fence instead of a brick wall, because the area is subject to easement and it would be easier and less expensive to remove if needed to do so.

Sabby's Lounge shares the parking lot with Swick Tax Service which agreed to allow Sabby's to use the additional parking spaces, as the tax service's busy season is from January 15 to April 15.

Mr. Ihrie stated that the right-of-way is owned by the City but he recommends sending plans for review to the Macomb County Road Commission. The petitioner needs City Council approval, at this time, to gain permission to erect the outdoor seating area on City-owned land. If the seating area surrounded by the wrought iron fence was proposed on privately held land, then no approvals would be required as indicated in the Harper Avenue Overlay Zone. Mr. Ihrie added the lease to operate on City-owned land would be for one year.

Mayor Hison inquired about hours of operation for the outdoors and the time frame for this project. Mr. Miserendino responded that he hopes to have the outdoor seating open from April 16 to November 30 with hours of operation similar to Gilberts.

Mr. Ihrie advised Council that he has done work as an attorney for the petitioner, Mr. Miserendino, in the past.

Mr. Rubello requested information on how residents can turn in complaints. Mr. Miserendino replied that any problems can be brought up to him and residents are welcome to call the bar. He will be available and is willing to comply with the neighborhood.

Motion by Frederick, seconded by Moffitt to approve a request for a permanent outdoor service area on the north side of the building at 25010 Harper Ave. on City owned land, subject to the following conditions: the petitioner enters into a one year right-of-way lease agreement (rent as negotiated) with the City of St. Clair Shores, naming the City as an additional insured on their liability insurance; providing a hold harmless agreement to the City; use of outdoor area to be from April 16 through November 30; hours of operation to be similar to Gilberts outdoor use (Gilbert's hours are 11:00 am to 11:00 pm Sunday through Thursday, and until midnight Friday and Saturday); no outdoor music; and use of one TV on the patio.

Ayes: All (7)

10. BIDS/CONTRACTS/PURCHASE ORDERS

a. Request to award bid for Tires

Mr. Sean Houtekier, Deputy DPW/Water Director, stated the Department of Public Works appeared before Mayor and Council July 7, 2009 for approval of several purchase items. In three cases, they requested to split the bids which was not permissible due to lack wording in the bid specifications. After conferring with the City Attorney, verbiage was added to the three bid specifications which would allow bid splitting. The bids were advertised as prescribed by Charter, opened the bids on August 11, 2009 and concluded to three recommendations for consideration.

Mr. Houtekier recommended awarding the bid for tires for the next fiscal year to Tire Wholesalers, Inc. The City submitted nine different tires typically used on City's vehicles as bid specifications. These ranged from heavy duty truck tires for plows to hi-speed rated tires used on police vehicles. Tire Wholesalers, Inc. is the low bidder on all of the items and will help the City secure State bids available for the police tires.

Motion by Ahearn, seconded by Moffitt to award the bid for tire purchases in fiscal year 2009-2010 to Tire Wholesalers, Inc. and approve this blanket purchase order.

Ayes: All (6)

Absent: McFadyen

b. Request to award bid for Water and Sewer Utility Excavation Debris Disposal and Backfill Materials

Mr. Houtekier recommended splitting the bid for the next year, awarding the disposal of excavation spoils and leaf removal, as well as sand and topsoil delivery to Hernden Trucking and awarding the delivery of 21aa and 3" concrete and removal of vacuum sweeping debris to Clancy Excavating.

The City has utilized Hernden Trucking and Clancy's services for years; all references were checked and their customers are very happy with their performance. Through the bid process, they've maintained, lowered or minimally raised their prices from last year. Both contractors continue to commit to 24 hour emergency service, if needed, and have met all insurance requirements.

While Fiore's Crushed Concrete was less expensive than Clancy's per ton, Clancy Excavating is still recommended because of their acceptance of concrete from the City at no charge. The City makes approximately twenty concrete dumps a month, ten months out of the year. If we no longer make our purchases with Clancy, we would be charged a \$20 fee per dump, which can exceed \$4,300 a year. The location of Fiore's Crushed Concrete is also not to our advantage, a twenty six mile roundtrip. In the end, what seemed to be a saving would end up costing the City money.

Motion by Moffitt, seconded by Ahearn to award the bid for Delivery of Class II sand and topsoil and removal of excavated spoils and leaves to Hernden Trucking and award delivery of 21aa and 3" crushed concrete backfill material and removal of vacuum sweeping debris to Clancy Excavating for the fiscal year 2009-2010 and approve the blanket purchase orders to both vendors.

Ayes: All (7)

c. Request to award bid for Water and Sewer Utility Repair Materials

Mr. Houtekier recommended splitting the bid between HD Supply and East Jordan Iron Works, the City's current suppliers. The City has utilized East Jordan Iron Works for over fifty years and HD Supply for over ten years. The standardization of materials cannot be overemphasized in savings, inventory of parts, field maintenance, efficiency and emergency response effectiveness. The frames and covers are all stocked locally with timely distribution and knowledgeable sales representatives. Some of the repair materials, such as the manhole covers from East Jordan, have the City's logo molded into their castings. Finding another vendor to duplicate this would be costly and take time to complete. The successful bidders have met all insurance requirements.

Mr. Walby commented on the fact that only two companies bid on the project. Companies are being downsized and they might not have the people to research for bids. The bid was advertised as prescribed by Charter. Ms. Kotowski confirmed the bid being published in the Sentinel and on the City's website.

Mayor Hison stated that currently the City does not have a policy to use a governmental program for advertising bids, but will look into new avenues to expand the market area.

Mr. Ihrie added the City's purchasing policy permits employees to contact known reliable vendors. Mayor Hison noted that by doing that, it can become a problem; if the City doesn't contact all contractors, some might think they are being excluded.

Motion by Ahearn, seconded by Rubello to award the bid for general water and sewer utility repair materials purchases for the fiscal year 2009-2010 to East Jordan Iron Works and HD Supply and approve the blanket purchase order for this vendor.

Ayes: All (6)
Nay: Walby

11. RECEIVE AND FILE BOARD OF CANVASSERS CERTIFIED RESULTS AND MINUTES FROM THE AUGUST 4, 2009 CITY PRIMARY ELECTION

Motion by Frederick, seconded by Ahearn to receive and file Board of Canvassers certified results and minutes from the August 4, 2009 City Primary Election.

Ayes: All (7)

12. **REQUEST TO APPOINT VOTING DELEGATE TO MICHIGAN MUNICIPAL LEAGUE ANNUAL BUSINESS MEETING**

Motion by Moffitt, seconded by Ahearn to appoint Councilmember McFadyen as Voting Delegate and Councilmember Frederick as Alternate for the Michigan Municipal League Annual Meeting to be held September 22-25, 2009 in Acme, Michigan.

Ayes: All (7)

13. **CONSENT AGENDA**

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

a. **Bills**

August 7, 2009 \$2,221,116.70

To approve and release of checks in the amount of \$2,221,116.70, of the report that is 25 pages in length and of the grand total amount of \$2,221,116.70, \$0 went to other taxing authorities.

b. **Fees**

Ihrie & O'Brien \$11,689.00
Roumell & Lange, PLC \$3,930.61

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

c. **Progress Payments**

PMB Excavating \$1,535.80
Tri-Valley Landscaping, Inc. \$1,885.48
FDM Contracting, Inc. \$143,443.33
Tiseo Brothers, Inc. \$321,175.04

To approve the above progress payments subject to audit.

d. **Approval of Minutes**

To approve the following minutes:

<u>Minutes</u>	<u>Meeting Date</u>
City Council	August 3, 2009

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

To receive and file the following minutes:

<u>Minutes</u>	<u>Meeting Date</u>
Waterfront Environmental Committee	June 16, 2009
Board of Canvassers	November 6, 2008
Police & Fire Pension Board	June 25, 2009
Police & Fire Retiree Health Care Trust Board	June 25, 2009
Activities Committee	June 8, 2009
Building/Property Maintenance Board of Appeals	June 17, 2009

f. **To receive and deny the claims of Danielle Rashid v St. Clair Shores, Esther & Allison Trust and Payless Shoe Source Inc. and refer to legal counsel.**

Ayes: All (7)

14. UPDATES AND FOLLOW-UPS FROM COUNCIL MEETING

- **PCB's** – Mr. Podolski stated the City received DEQ's approval to proceed with cleaning of the drain; more filters are on order and it is anticipated to continue cleaning the drain from mid September throughout the end of the year.

15. COMMENTS BY INDIVIDUAL COUNCILPERSONS

Council Member Ahearn announced a Democrat BBQ to be held on August 20, 2009 from 6:00 p.m. to 9:00 p.m. meeting Congressman Sander Levin and State Representative Sarah Roberts.

Council Member Moffitt reported on temporary employees hired by the City. If the State increases the minimum wage to \$10, it would cost the City an additional \$240,000 a year. Mr. Moffitt thanked a resident who provided information on federal and energy grants available for the Court House renovation. Mr. Podolski added that the City is aware of the grants accessible and will make use of them.

Council Member McFadyen presented a picture of her one year old great-granddaughter.

Council Member Rubello informed residents of the Purple Loosestrife plant. This plant spreads rapidly, is difficult to remove and it is a predator to wetlands. In addition, when the plant is removed it leaves the opportunity for fragmentation to grow, which are even more invasive and hard to remove, with roots that go up to 15' below the ground. Mr. Rubello noted that the Purple Loosestrife should not be placed with yard waste, because it will contaminate the compost and spread the seeds.

Mr. Rubello requested a report on the HIAVE program, dollar HUD homes, and road construction projects. Mr. Podolski replied that concrete has been poured at 8 Mile Road and they are working on the landscape phase. The contractor on Harper is moving slow, but all the work has been done with grant money. Work on Harper at 14 Mile Road will not be done any time soon, because Clinton Township does not have the funds available to complete their part of the project.

Mr. Rubello thanked everybody for the support and thoughts for the passing of his father.

Council Member Frederick asked City Council to look into geothermal companies for significant ways to save energy by taking it out of the ground. Mr. Frederick announced Representative Sarah Roberts' Green Town Hall meeting August 24, 2009 about green manufacturing and jobs in Michigan and her Coffee Hours August 28, 2009 at Big Apple in Harrison Township.

Mr. Frederick added that the City is working with AT&T to have the Council meetings aired on their network.

Council Member Walby thanked the City residents that supported him through the City Primary Election. Mr. Walby asked if the City has inspected sidewalks installed by Italia that were not being stamped. Mr. Podolski replied that he has emailed Ms. Stahl to verify the addresses where there's no stamping because the City's inspectors confirmed that Italia is stamping.

Mr. Walby asked for an update on the AR4 agreement. Mr. Podolski responded that Mr. Smith is working on negotiating all the bargaining units as was the direction of Council.

Mr. Walby read an article in the Free Press by City of Taylor's Mayor opposing the Public Act 312, how it will hurt communities and services will have to be cut. A change has to be made from Lansing.

Mr. Walby spoke his concerns about dollar HUD homes being sold the way they were acquired, not improving the neighborhood. Mayor Hison responded that demolishing the homes and leaving vacant lots around the City will not be attractive to the community. In many sales, the bidders are required to bring the homes up to code and the City will also use grant money to repair these homes. The goal is to bring more people in the community, rather than eliminating homes.

Mr. Podolski stated that the intention was to demolish the homes because maintaining the HUD homes can be costly. Any recommendations on how to proceed with the homes are welcome. Mr. Podolski added that the City of St. Clair Shores is the first municipality in the State that sent a resolution asking for Public Act 312 reform to Lansing.

Mr. Walby spoke of the founders of the U.S. government and suggested listening to residents' voices.

15. COMMENTS BY INDIVIDUAL COUNCILPERSONS cont'd.

Mrs. McFadyen asked residents to keep former Mayor and Councilmember Marcel Werbrouck in their prayers.

Mayor Hison passed.

16. CITY MANAGER'S REPORT – none

17. AUDIENCE PARTICIPATION

Joseph Backus, 21904 Grand Lake, advised residents that he caught a Silver Asian Carp in St. Clair Lake. He has contacted the DNR office and they ask for immediate contact at (586) 465-4771 to identify the species.

Chris Vitale, 28701 Grant, announced the STRAW meeting to take place September 23, 2009 at the Chambers of Commerce. The group would like to hold a short candidate debate and answers to the candidate questionnaire can be found on their website.

Lillian Claycomb, 22552 Statler, talked about the Purple Loosestrife plant. This is an invader and is not easy to get rid of. It is illegal to sell this plant in Michigan, so most of them are passed from residents. The root system is very strong and spreads quickly with thousands of seeds in each flower head. Residents are advised to cover the flower heads with a plastic bag, cut the stems, burn them and then dig up the roots.

Erin Stahl, 20113 Avalon, spoke with sub contractors that were not stamping sidewalks. Ms. Stahl requested information about criteria used to tag vacant homes. Ms. Stahl quoted the City's Charter on Elected Officials and asked for a legal opinion.

Brian Massey, Shorewood Kiwanis, donated \$1,000 check to the City for the memorial to be built at the Veterans Memorial Park. Mr. Massey announced the 15th Annual Kiwanis Harper Charity Cruise to take place August 26, 2009 from Old 8 Mile Road to Martin Road.

Duane Michno, 20913 Ardmore Park, spoke on procedures for purchasing; it is the buyer's responsibility to search for work.

Harrold Norris, 22421 Detour, inquired how he can sell pizza in the park during the Concerts in the Park. Mr. Frederick responded that he would need to bring a proposal to the Activities Committee.

Frank Troester, 22208 Colonial Ct., disagreed with Ms. Stahl's comments and is upset that the system is being confused by what is being said.

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

Motion by McFadyen, seconded by Frederick to enter Closed Session at 10:27 p.m., as permitted by state statute MCLA 15.268, section 8(a).

Ayes: All (7)

Motion by Ahearn, seconded by Moffitt to return to Open Session at 10:55 p.m.

Ayes: All (7)

19. ADJOURNMENT

Motion by Frederick, seconded by Ahearn to adjourn the meeting at 10:55 p.m.

Ayes: All (7)

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

ROBERT A HISON, MAYOR

MARY A. KOTOWSKI, CITY CLERK