

**MINUTES  
ST. CLAIR SHORES CITY COUNCIL MEETING  
DECEMBER 19, 2011**

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 Frederick, Rubino, Rusie, Tiseo, and Vitale

Also Present: City Manager Hughes, City Clerk Kotowski, Finance Director Haney 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 roll. A quorum was present. The Pledge of Allegiance was led by Cub Scout Pack #1472, and recited by those in attendance at tonight's meeting.

**2. PROCLAMATIONS & PRESENTATIONS**

Light the Shores Holiday Lighting Winners

Ed Cardenas, Editor of the St. Clair Shores Patch, and Peter Viviano, Viviano Flower Shop, made the presentations to the winners of the contest. This contest enhanced the business lighting competition, and included businesses along Harper and Jefferson and there were over 100 businesses that participated on Harper alone.

The following winners were announced:

**Best Exterior Holiday Decoration:** Michigan Cosmetic and Laser Dentistry

**Runner Up:** American Home Medical and American Sleep Disorder Institute

**Best Holiday Window Display:** Peppino's Hair Fashion

**Runner Up:** SFC Floors – Décor & More

**Most Extreme Holiday Decoration – “The Griswold Christmas Vacation Award”:** Michigan Cosmetic and Laser Dentistry

**Runner Up:** (3-way tie) American Home Medical and American Sleep Disorder Institute, Viviano Flower Shop and Ship to Shore Travel & Events

**Favorite Holiday Shopping Tradition in St. Clair Shores:** (tie) Viviano Flower Shop and Michael Agnello Jewelers

Mr. Viviano thanked everyone for participating in the contest.

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

Jim Goodfellow, St. Clair Shores resident on Agenda items 4 and 8f, stated that John Burtch finished fourth in the election, and that is an important factor, but he was recommending John Caron be appointed.

**4. SELECTION OF CITY COUNCIL MEMBER TO FILL VACANT COUNCIL SEAT WITH TERM ENDING 11/11/13**

Mayor Walby explained that presentations by the five candidates were held at a Special City Council Meeting on Saturday, December 12, 2011. There were 31 applicants that were narrowed down to five. Mayor Walby thanked everyone who applied, and stated this is not an easy decision. At this point, if we can come to a selection that person would be sworn in on January 3, 2012; the next regularly scheduled Council Meeting.

**Motion by Rubino, seconded by Tiseo, to appoint John Caron as the St. Clair Shores City Council Member to fill the vacant seat (Kip Walby's) with a term ending date of November 11, 2013.**

Mr. Frederick stated Mr. Caron is a great candidate and we may need to go beyond that. Mr. Tuzcek withdrew his name with one of his reason being that the person who gets this seat should have run in the prior election. He tends to agree with him. This is a unique opportunity, we just had a city election and we have the voters opinion.

Brad Kress gave a great presentation and has a financial background, which would be an asset. Mr. Kaczmarek received over 5,000 votes and Mr. Downey gave a good plea that the seniors need to be represented here. Mr.

**Agenda Item 4 cont'd.**

Frederick choosing the candidate is not taken lightly. All five were strong candidates. Mr. Frederick feels that the person who is chosen should have received votes in the prior election.

Mr. Frederick stated he would like to amend that motion to appoint John Burtch, who finished 4<sup>th</sup> in the election, as the St. Clair Shores City Council Member to fill the vacant seat with a term ending date of November 11, 2013.

Mr. Vitale stated he would like to amend the motion to appoint Jack Downy as a St. Clair Shores City Council Member to fill the vacant seat with a term ending date of November 11, 2013. He has a history of shedding light on issues, has volunteered from many years, and has the endorsement of the seniors. He would be a good choice for council.

Ms. Rusie stated she thinks John Caron would do a good job.

Mayor Walby stated that all five applicants are qualified candidates, and they all worked hard. He added that it is a crummy job to have to narrow the number of candidates down to one.

**Motion by Rubino, seconded by Tiseo, to appoint John Caron as the St. Clair Shores City Council Member to fill the vacant seat with a term ending date of November 11, 2013.**

Ayes: All – 6

Mr. Caron thanked everyone for the opportunity to be on City Council and stated he is looking forward to working with everyone. He introduced his parents and wished everyone a Merry Christmas and Happy New Year.

**5. REQUESTS FROM ST CLAIR SHORES ORGANIZATION**

- a. Shorewood Kiwanis request to hold Harper Charity Cruise on Harper Avenue from Old Eight Mile Road to Bayside on August 29, 2012, from 5:00 p.m. to 9:00 p.m.

Mr. Peter McInnes, President of Shorewood Kiwanis, explained this is an annual request for Council, and it is the same as in past years. The Cruise will be on August 29, 2012 from 5:00 to 9:00 p.m. All permits and insurance have been obtained. Money made goes back into community and various foundations.

Mr. Rubino added that it was awesome last year. He asked Mr. McInnes if they ever figured out how much money is brought back into the local economy from the cruise. Mr. McInnes replied they cannot physically contact every merchant on Harper. They do put out jugs; people donate and buy t-shirts during the cruise.

Mr. Vitale stated he has participated in the cruise for many years, and asked if they ever considered moving the cruise a little further north. Mr. Cascione replied it is not cost effective because of the police presence, although he is considering going from 8 ½ mile to 12 Mile in the future.

Ms. Rusie stated the City Manager worked with the Police Department to bring down costs for the Memorial Day Parade. Maybe he could do the same for the cruise. Mr. Hughes replied he is committed to this and will look into the options.

**Motion by Frederick, seconded by Rusie, to approve the request from Shorewood Kiwanis to hold the Kiwanis Harper Charity Cruise on August 29, 2012, from 5:00 p.m. to 9:00 p.m. on Harper Avenue between Old 8 Mile Road and Bayside Avenue, with a rain date of August 30, 2012.**

Ayes: All – 6

- b. Request from the St. Clair Shores Hockey League to be recognized as a non-profit organization to hold a raffle in January

Shawn Nicholson and Paul Doppke, explained that the St. Clair Shores Hockey League is a competitive amateur hockey league. They want to hold a fund raising raffle in conjunction with the St. Clair Shores Nautical Mile Pond Hockey Tournament in January 2012. City Council's approval is the first step required so they can apply to the Michigan Charitable Gaming Division to hold their raffle.

Mr. Ihrie stated when the organization was originally created they were the St. Clair Shores Hockey League so tonight's resolution needs to use that name for the state to recognize City Council's resolution.

**Agenda Item 5 b cont'd.**

Mr. Nicholson stated the demand for Pond Hockey is there. Brownies Restaurant will be housing for the locker room and serve beverages and food.

Mr. Frederick added Pond Hockey is a brilliant way to do something fun in the winter.

Ms. Rusie if asked tickets can be purchased. Mr. Nicholson replied there are no tickets to be sold for the events as teams are paying an entry fee. He stated that all are welcome to come out to Brownies and area restaurants. The event begins around 12 noon on Friday. Raffle tickets will be sold at Brownies and Rojos . The winner will receive a Suite at a Red Wing Game and 25 tickets. The proceeds from the raffle will go to support youth hockey.

**Motion by Frederick, seconded by Rusie, to approve the request from the St. Clair Shores Hockey League of the City of St. Clair Shores, County of Macomb, requesting they be recognized as a non-profit organization operating in the City of St. Clair Shores for the purpose of obtaining a Charitable Gaming License.**

Ayes: All – 6

Mr. Doppke thanked everyone for their support

**6. SOUTHEAST REGIONAL EMERGENCY SERVICES AUTHORITY (SERESA) ARICLES OF INCORPORATION**

Mr. Hughes, explained that on December 13, 2010, the City of St. Clair Shores Consolidated 911 Dispatch Services went live at the Roseville location. A five member Board of Directors was established to oversee this public authority. Council is being asked to approve a resolution modifying Articles of Incorporation between the City of St. Clair Shores and SERESA.

In 2010, council was presented with opportunities for a public authority. St. Clair Shores, Roseville and Eastpointe joined into a centralized authority. All three communities had to adopt Articles of Incorporation. Mr. Hughes stated Council is being asked to approve minor changes.

Two of the five Board Members are to be filled by a respective Police Chief and Fire Chief with the probability to rotate all of the Chiefs every year. Now instead of removing the Chiefs after one year, they are asking to leave the present Chiefs there for three years. The Cities of Eastpointe and Roseville will also be voting on this request. Mr. Hughes stated we are coming up on our first year anniversary of SERESA.

St. Clair Shores has saved \$250,000 over the past year, and this savings has allowed us to reduce the use of the rainy day fund. There are currently 18 dispatchers, 5 supervisors and 1 director employed by SERESA. Mr. Hughes added that it is important that citizens know they have the right to remain anonymous when they call in.

Mr. Frederick asked if he had heard anything about other cities that might want to join. Mr. Hughes replied there have been inquiries from cities in Macomb and Wayne counties, as well as townships.

Mr. Frederick stated that if a city is added, additional money could be saved.

Mr. Hughes replied that the cost proposal for joining would incorporate the start up costs that we faced when we joined.

Mr. Rubino stated it might be more realistic in the future to have rotating chiefs. Mr. Hughes replied it is better this way for now because it is still in the infancy stage.

Mr. Rubino asked if all the bumps have been worked out. Mr. Hughes replied some changes have been made. Meetings were held with Police and Fire Departments and SERESA.

**Motion by Rubino, seconded by Vitale to approve a resolution modifying the Articles of Incorporation between the City of St. Clair Shores and South East Regional Emergency Services Authority (SERESA) that amends the term of office for the designated Police Chief position and the designated Fire Chief position which reads as follows:**

**STATE OF MICHIGAN, CITY OF ST. CLAIR SHORES**

**WHEREAS, St. Clair Shores and the Cities of Roseville and Eastpointe have agreed to consolidate the E911 Dispatch operations within their cities through the formation of the "South East Regional Emergency**

**Agenda Item 6 cont'd.**

Services Authority” (“SERESA”) which now handles all E911 call answering and emergency service dispatch activities within the three communities;

WHEREAS, the attached Articles of Incorporation created SERESA (“Articles”);

WHEREAS, Section 3.2A(1) of the Articles prescribes that the terms of SERESA Administrative Policy Board (“SERESA Board”) members will be three (3) years, with the police and fire representative serving one (1) year terms;

WHEREAS, Section 3.2A(2)(k) of the Articles authorizes the SERESA Board members to approve bylaws for itself;

WHEREAS, the SERESA Board has determined that its operations could be improved if it had the authority in its bylaws to prescribe terms with varying lengths to stagger term expiration and to give some fire chiefs and police chief appointees the opportunity to serve terms longer than one (1) year;

WHEREAS, the City Council determines that it would be in the best interests of the City’s citizens and SERESA if the Articles were amended to permit the SERESA Board to prescribe the terms of its members up to a maximum of three (3) years through its bylaws and then subsequent resolution;

NOW, THEREFORE, BE IT RESOLVED that Section 3.2A(1) of the Articles is amended to permit the SERESA Board through its bylaws and then subsequent resolution of its Board to set the terms of all SERESA Board members up to a maximum of three (3) years;

BE IT FURTHER RESOLVED that nothing in this resolution shall be construed as prohibiting the SERESA Board or any participating municipality from reappointing a SERESA Board member to a succeeding term;

BE IT FURTHER RESOLVED this Resolution supersedes, modifies, and where appropriate, replaces, any inconsistent or previous act, including the SERESA Articles, addressing the same or similar subjects.

Ayes: All – 6

**7. BIDS/CONTRACTS/PURCHASE ORDERS - NONE**

**8. CONSENT AGENDA** – *All items listed on the consent agenda are considered to be routine and will be enacted by one motion and approved by a vote of City Council. There will be no separate discussion of the items unless the Mayor and or a Council Member so requests, in which event the item will be removed from the general order of business and considered under the last item of the Consent Agenda.*

Mr. Vitale asked that Item # a. Bills be removed from the Consent Agenda.

**Motion Frederick, seconded by Rubino, to approve the Consent Agenda items b – f, which include the following:**

<b>b. <u>Fees</u></b>		
Kirk, Huth & Lange		\$ 657.75
Ihrie & O’Brien		\$ 7,013.75
<b>c. <u>Progress Payments</u></b>		
Fontana Construction, Inc.		\$ 87,976.55
Doetsch Environmental Services		\$ 25,666.91
Blade Action, Inc.		\$ 26,745.94
Galui Construction Company		\$157,684.35
Galui Construction Company		\$115,310.38
<b>d. <u>Approval of Minutes</u></b>		
City Council Minutes		None

**Agenda Item 8 cont'd.**

- e. **Receive & File Boards, Commissions & Committee Minutes**  
 To receive and file the following minutes:

<u>Minutes</u>	<u>Meeting Date</u>
Beautification Commission	August 10, 2011
Beautification Commission	September 14, 2011
Beautification Commission	October 12, 2011
Beautification Commission	November 9, 2011
Cool City Committee	November 9, 2011
Historical Commission	November 1, 2011
Memorial Day Parade Commission	November 3, 2011
Police & Fire Pension Board	October 27, 2011
Police & Fire Retiree Health Care Trust Board	October 27, 2011
Sign Arbitration Committee	October 27, 2011
Waterfront Environmental Committee	November 15, 2011
Zoning Board of Appeals	November 3, 2011

- f. **Appointment to SEMSD (Southeast Macomb Sanitary District) of Mayor Kip Walby as Voting Delegate and DPW Director Bryan Babcock as the Alternate Voting Delegate**

Ayes: All - 6

Mr. Vitale questioned a check written by TIFA for \$10,000 for an ad for Pond Hockey. Mayor Walby explained the money did not go to the City. Mr. Hughes stated that the TIFA board met early in November seeking funding support for publicly advertising the Pond Hockey Event in the Nautical Mile, and the TIFA board voted to approve up to \$10,000 for advertising.

**Motion by Frederick, seconded by Rubino to approve Consent Agenda Item 8 a. Bills**

- a. **Bills**  
**December 8, 2011** **\$1,666,888.93**  
 To approve the release of checks in the amount of \$1,666,888.93 of the report that is 21 pages in length and of the grand total amount of \$1,666,888.93, \$151,450.19 went to other taxing authorities.

Ayes: All - 6

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

**Dumpster Placed on Taylor** – Mayor Walby explained the dumpster is outside of a City owned house that is being renovated.

**Senior Center Restrooms** – The question was asked if the Senior Center bathrooms could be renovated in lieu of putting down tile. Mr. Rayes stated he is working with HUD to determine the guidelines in reconstructing bathrooms but hasn't received an answer yet.

**10. COMMENTS BY INDIVIDUAL COUNCILPERSONS**

**Council Member Rubino** asked if our governmental cable access station can post local organizations events.

Mr. Rubino stated it was a very difficult decision to vote for the new council member. He made his decision on presentations and points he was looking for. He congratulated John Caron on his appointment to City Council. Mr. Rubino thanked Council Member Tiseo for the Christmas cookies, and wished everyone a Merry Christmas and Happy New year.

**Council Member Rusie** thanked everyone who applied for a position on City Council. She added it was a difficult decision, and it was nice to see the residents get involved. She congratulated Mr. Caron.

Ms. Rusie asked if the work is finished on the NSP homes on Carolina or Avalon, and have they been closed yet. Mr. Mr. Hughes replied that eight of the nine NSP have closed and ownership has been transferred. The one that is still not sold is on Colony.

**Agenda Item 10 cont'd.**

Ms. Rusie thanked Cub Scout Troop 1472 for leading the Pledge of Allegiance this evening. She noted that Lake Shore Public Schools sent out handmade Christmas cards and she thanked them for the cards. Ms. Rusie wished everyone a very Merry Christmas and Happy New Year.

**Council Member Vitale** stated that only one candidate could be chosen for the vacant Council seat. He was pleased at all of the citizen involvement. He noted that there are now three different reporters covering our City Council Meetings.

Mr. Vitale wants everyone to know that there is no requirement to leave a name when you call police dispatch via SERESA. Everything can be anonymous. He added that it is police policy that a caller's name not be revealed if you choose to give it. He wished everyone a Merry Christmas and Happy New Year.

**Council Member Frederick** congratulated the Lac Ste. Clair Symphony on having a great concert on Saturday. He wished everyone a Merry Christmas and Happy New Year. Mr. Frederick thanked Mrs. Tiseo for the cookies. He also thanked Elmwood Cub Scout Pack 1472 for leading in the Pledge of Allegiance.

Mr. Frederick stated there is a flooding problem on Beste and Grant. He questioned if the City can do anything to help those residents. Mr. Frederick added that there is also a basement flooding problem on Lange.

Mr. Frederick stated that City Calendars will be going out in mid-January. The delay is due to the vacant Council seat being filled. There is a Holiday skating show this Friday, December 23, featuring Grant Hotshin, at the Civic Arena. The show will raise money with the proceeds going to the US Figure Skating championship. Mr. Frederick wished everyone a Merry Christmas and Happy New Year.

**Council Member Tiseo** he has been on this job for four weeks, and welcomed John Caron. Mr. Tiseo added he did his first Council Connection.

Mr. Tiseo complimented the great Senior Center we have in St. Clair Shores. He added the seniors have a bi-monthly newsletter, which is available at the VFW, City Hall and the Senior Center.

Mr. Tiseo announced a Mom-to-Mom sale scheduled for February 4, 2012. The contact person is Jennifer Washburn at 586-779-4076.

Mr. Tiseo wished everyone a Merry Christmas and Happy New Year.

**11. CITY MANAGER'S REPORT - NONE**

Mr. Hughes wanted to remind everyone that City offices are closed on December 23, and December 26, 2011. They are also closed on December 30, 2011 and January 2, 2012. The Library will be closed on both Saturdays.

Mr. Hughes stated the Blood Drive is this Wednesday, December 21, 2011, at City Hall. Mr. Hughes stated he is hoping to have 80 donations, but only 32 people have signed up so far. The number to call is 1-877-505-9527.

Mr. Hughes wished everyone a Merry Christmas and Happy New Year.

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

Jamie Victory, resident of St. Clair Shores, stated he has a question about 911 emergency services. He asked if a person could call 911 from a cell phone. Mayor Walby replied you can.

Erin Stahl, resident of St. Clair Shores, stated when she was a Council Member, she always stood up for the best interest of our community. She showed everyone a short presentation regarding the upcoming budget. She added that if anyone has any questions or concerns, to call her at 586-774-8181, or email her at erinstahl.com. She also recommended scheduling smaller budget meetings.

Patrick Biange, resident of St. Clair Shores, spoke about true market value, and asked what does every employee in the City feel they would be worth in in the private sector.

Brad Kress, resident of St. Clair Shores, stated he is one of the candidates that was running for City Council, and has been volunteering in the City for the last ten years. He hopes some of the ideas he had about extending the park to the lake become a reality. As residents of St. Clair Shores, we want to make sure the lake is clean. We fish, drink and swim in the lake. Mr. Kress wished everyone a Merry Christmas and Happy New Year.

**Agenda Item 12 cont'd.**

Vito Romito, resident of St. Clair Shores, stated he thinks the decision for Council seat did not get enough consideration and questioned why one of the candidates who ran in November were not appointed.

Donald Lobsinger, resident of St. Clair Shores, stated the true significance of Christmas is being blurred. He wished the peace of Christ reside in everyone.

**13. MAYOR'S COMMENTS**

Mayor Walby wished everyone a Merry Christmas and Happy New Year.

**14. REQUEST TO ENTER CLOSED SESSION AS PERMITTED BY STATE STATUTE MCLA 15.268, SECTION 8 (e) GARMEN V ST. CLAIR SHORES**

**Motion by Frederick, seconded by Rusie to enter Closed Session at 8:45 p.m.**

**A roll call vote was taken.**

Ayes: All - 6

**Motion by Rubino, seconded by Frederick to return to Open Session at 9:19 p.m.**

Ayes: All - 6

**Motion by Frederick, seconded by Rubino to proceed as discussed in Garmen v St. Clair Shores.**

Ayes: All – 6

**15. ADJOURNMENT**

**Motion by Rubino, seconded by Frederick to adjourn at 9:21 p.m.**

Ayes: All – 6

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KIP C. WALBY, MAYOR

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MARY KOTOWSKI, CITY CLERK

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