

**MINUTES  
ST. CLAIR SHORES CITY COUNCIL MEETING  
July 16, 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, Directors D'Herde, Haney, Rayes and City Attorney Ihrie

**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. The Pledge of Allegiance was said by all.

**2. PROCLAMATIONS & PRESENTATIONS**

*Proclamation  
to  
Cub Scout Pack 1438*

***WHEREAS, the Mayor and the Council of the City of St. Clair Shores wish to acknowledge and honor those young persons in our community who by their accomplishments are an example to others, and***

***WHEREAS, SCOUT PACK 1438 , of St. Joan of Arc Parish, has over 50 years of tradition serving the families of boys from St. Clair Shores, the Grosse Pointes, Eastpointe, Roseville and surrounding areas comprised of 30 – 40 Scouts who are students from the first through fifth grades; and***

***WHEREAS, SCOUT PACK 1438 with the guidance of their Cub Master, Michael R. Cavazos unselfishly aided the City of St. Clair Shores Activities Committee at Veterans Memorial Park with the clean-up effort after the 2012 Fireworks Display; and***

***WHEREAS, SCOUT PACK 1438 rose early the following morning to pick up litter and clean up the debris left behind in the dark by participants and vendors of the 2012 Fireworks; and***

***NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the City of St. Clair Shores wish to extend our heart-felt appreciation and commendation to this Cub Scout Pack 1438 for their cost saving actions and the exemplary spirit they exhibited by performing Community Service.***

***Signed this 16<sup>th</sup> day of July 2012***

Mayor Walby said that Cub Scout Pack 1438 helped with clean up the day after the fireworks for the last two years.

Cub Master Cavazos spoke as the representative of the Pack. They have cub scouts from elementary schools all around St. Clair Shores. They are happy to help out around the City in any way they can.

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

Robert Schneider, St. Clair Shores resident, Item #6. He has wanted to own this vacant parcel on Larchmont for many years for his own personal use. It is a nice piece of land. He thanked Mr. Rayes, Mr. Vitale and Mr. Hughes for providing him with the information he needed to pursue this. He was going to leave the City but decided to stay when he found out that the property was available for him to purchase.

Chuck Hall, St. Clair Shores resident, Item #4. Two weeks ago he suggested that our state representatives acted carelessly by approving the Michigan Fireworks Act 256. This strips the piece and quiet from our neighborhoods. It puts revenue ahead of quality of life. He respects lawmakers, but they have undermined the law-enforcement community. He urged City Council to adopt this Resolution to Repeal Fireworks Act 256.

#### **4. ADOPT A RESOLUTION IN SUPPORT IN REPEALING FIREWORKS PUBLIC ACT 256**

Mayor Walby stated that we changed the Fireworks Ordinance at the July 2 City Council meeting. At that time, he and City Council directed administration to draft a resolution to be sent to the state legislature expressing the unhappiness of our City and residents with the passage of the Michigan Fireworks Safety Act 256 of 2011.

Mr. Hughes said that we prepared for the holiday by scheduling special police details for both July 3 and July 4 to address firework-related complaint calls. On July 3 there were 26 calls with 9 violations written, and there were no arrests. On July 4 there were 45 calls with 14 violations issued and a total of 9 arrests were made. We had 2 arrests for disorderly conduct, 2 for possession of narcotics, 4 for trespassing and 1 felony complaint of a large-caliber firework being thrown at a neighbor resulting in a minor injury and possible permanent hearing loss. This is being pursued in the prosecutor's office. Currently, we still have residents lighting fireworks, and police are still responding to calls. We do need the continued cooperation of residents in reporting these violations. The next holiday weekend will be Labor Day.

Mr. Rubino stated that he does not support this resolution for repeal. Lansing has said they are amending the law. We should not tell someone in another city that they cannot use fireworks. It can be dangerous in St. Clair Shores because of the close proximity of the houses, where it may not be the same in another city. It is important for our City to govern our own local laws. He would like to see a resolution that asks to change the law to give local municipalities the ability to regulate fireworks themselves.

#### **Motion by Rubino, supported by Rusie to TABLE adoption of the resolution in support of repeal of Michigan's Fireworks Safety Act 256.**

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

Mr. Caron is in favor of pushing for the repeal of Act 256. It will be nearly impossible to fully enforce as long as the supply of fireworks is available. Our statistics show that it is difficult to pinpoint these disturbances because possession of fireworks is not illegal. They should repeal this act and start from scratch.

Mr. Vitale agreed with repealing Act 256, and they can amend the law after they scrap it. There have been many unintended consequences of this act.

Mr. Frederick would like to request an amendment versus a full repeal. This is a revenue law, the state is counting on the cash whether it is from licensing or the 12 percent they collect from each sale. We should issue an amendment that states exactly what we are thinking as opposed to requesting a full repeal.

Ms. Rusie stated that she would rather provide guidance in amending the act with regard to what types of changes we want instead of asking for repeal of the act. The act takes away all of our power to regulate. She wants an amendment of the act to give back local control of the usage of fireworks. When she asked for a resolution, she was looking for a resolution for amendment not for repeal. Council should have been solicited for input in creating this resolution.

Mr. Rubino questioned how many complaints were received last year during this holiday when fireworks were illegal.

Mayor Walby said that there were 26 calls received on July 4 last year. This year it almost doubled to 45 calls. The amount of fireworks was incredible. The calls and emails from our residents have expressed their desire for a repeal of Act 256.

Mr. Rubino stated that prohibition will not fix the problem. It may lessen it, but it will not get rid of it.

Mr. Vitale summarized each of the points made in the resolution. These were all statements of facts. If he had been solicited for input on the resolution, he would not have disagreed with any of these points. Repealing this act was discussed at the last meeting. None of us could think of every unintended consequence of this act. The best course would be to request them to start from scratch.

**Item #4 Cont'd.:**

Mr. Caron commented that legislature already amended this law, and it did go through both legislatures a few weeks ago. Their solution was that the communities would be happy once they received money generated by this act. They are totally missing the point. It is not about the money. It is about the quality of life that deteriorated from the quantity of fireworks being available.

Mr. Ihrie outlined the grammatical changes that he will make to the resolution if it is approved.

Ms. Rusie does not believe that they will repeal this act. They will probably amend it, and she would like us to provide some guidance on what we would like. We should put a clear emphasis on retaining local control so that they do not miss it this time.

Mr. Frederick would like to revise the resolution to be worded to "repeal or amend the act" and ask them to give back local control for both licensing and policing of the actual explosion of these devices. They should also address the number of days that have been allocated for the fireworks.

**Motion by Caron, seconded by Vitale to approve adoption of the resolution in support of repeal of Michigan's Fireworks Safety Act 256 as follows:**

**City of St. Clair Shores, Macomb County Michigan  
Resolution for the Repeal of the Michigan Fireworks Safety Act 256 of 2011**

**WHEREAS, the State of Michigan adopted into law the Michigan Fireworks Safety Act 256 of 2011 that took effect on January 1, 2012; and**

**WHEREAS, Act 256 now provides for the sale of consumer fireworks in various retail locations, while also allowing for the discharge of such consumer fireworks during 30 prescribed calendar days; and**

**WHEREAS, Act 256 attempts to significantly supersede and nullify municipal ordinances related to fireworks (see section 28.457); and**

**WHEREAS, Act 256 has resulted in a substantial decline in quality of life issues within our neighborhoods as a result of firework-related noise, littering, and disturbance of the peace; and**

**WHEREAS, Act 256 failed to account for the increased demands of both the Police Department and the Fire Department to respond to a massive volume of citizens' complaints related to the discharge of fireworks. This has resulted in a substantial increase in operating expenses to the City of St. Clair Shores for which the State of Michigan offers no financial reimbursement, creating essentially an unfunded mandate; and**

**WHEREAS, Act 256 has unquestionably resulted in a diminution of the quality of life and safety that our citizens expect us to preserve; and**

**WHEREAS, Act 256 attempts to remove local control and discretion on this important issue,**

**NOW, THEREFORE IT IS RESOLVED THAT THE CITY OF ST. CLAIR SHORES:**

- a. **Hereby urges the Michigan Legislature to repeal Public Act 256 of 2011 (the Michigan Fireworks Safety Act) and to recognize the multiple unintended consequences that this legislation created; and**
- b. **Directs the City Clerk to forward this resolution to the Governor of the State of Michigan, our State Senator and Representative.**

Ayes: 5 - 2  
Nays: Rubino, Rusie

**5. BIDS/CONTRACTS/PURCHASE ORDERS – AWARD BUILDING INSPECTION SERVICES. CODE ENFORCEMENT AND RENTAL INSPECTION SERVICES CONTRACT (RFP OPENED 6/22/2012)**

Mr. Hughes explained that our procedure is to put contracts out for RFP or sealed bid. We let the free market dictate who we choose. The current Inspection Services contract expired June 30, 2012. This was the final year of a three-year contract. As part of this year's bidding process, the Code Enforcement Division will be completely contracted, and bids for the Rental Inspection program were included as well. Bids for the Building, Plumbing, Mechanical, Electrical, Code Enforcement and Rental Inspections were due to the City of St. Clair Shores, on June 15, 2012. Six bids were received, and their fees were summarized as outlined on the attached spreadsheet. Staff is recommending a three-year contract for all portions of the contract to the various low bidders. We have satisfactory experience with several of the low bidders and feel comfortable with a three-year time period. The proposal did include language that will be included in the contracts that permits the City to cancel the contract, if we deem necessary, at any time for any reason the City may so choose. They were allowed to split the bids. We received five private corporation bids and one government bid which was the City of Roseville.

When bids are not as precise and specific as we would like, we call in the top two or three candidates to expand on their proposal in order to give clarity. They are not brought in to bargain. On the Code Enforcement Officer we had two meetings, one with Landscape Services and one with PMI. He and Mr. Rayes met with each of the owners individually. The Landscape Services initial bid for \$27 an hour for code enforcement was given with the assumption they would utilize iPad tablets in the field to enter data and forward it to our staff. They own these and are prepared to use them. However, we may not have the ability to link up with their software. If we do not use tablets, the hourly rate goes to \$25 per hour. The same was true for the supervisor position. It was \$37 per hour initially, but without the tablet and hand held computer technology, it reduced to \$35 per hour. PMI language referenced a retainer or annual fee. They are concerned about the increasing cost in gasoline. Their employees use their own vehicles and can drive up to 300 miles. They do not want to charge a retainer but want to increase their fee to \$30 an hour to reflect what they think will be consistent with the high cost of gasoline over the next three years. During the budget sessions and study sessions this year it was reinforced that it is critically important how our buildings and owner/renters take care of their property. We want to be assertive in code enforcement, and we need to choose the correct firm to do this.

Mayor Walby asked that these three bids be split out from here and do the Building Inspection Services first.

**Building Inspection Services**

Mr. Rayes stated that currently our inspections are done three days a week on the PMI schedule. Roseville is proposing to do inspections five days a week, Monday through Friday. There will be no delay in the inspection process. If you call today, you can get an inspection tomorrow. They will coordinate multiple inspections to be done at the same time. This is better than what we have today since we have been using two companies. We currently use the City of Roseville as a stop gap because PMI's contract expired on June 30.

	Current Fee Structure	Proposed Fee Structure
Bldg	\$81,000	\$75,000
Electrical	\$28,080	\$28,000
Mechanical	\$36,000	\$33,000
Plumbing	\$32,000	\$28,000
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Rental	\$32.50	\$25.00/unit

Mr. Frederick asked if this counts toward our State Shared Services Requirement. Mr. Hughes stated that it will. He has spoken to the Roseville City Manager to get assurance that we will receive top rate service.

Mr. Vitale was concerned that the areas of Roseville that adjoin St. Clair Shores are not well maintained or kept up, and he asked if we can make the City of Roseville step up their own code enforcement by possibly using this contract as enticement. He has trouble voting for a City when he does not think they take code enforcement seriously. Mr. Rayes explained that Roseville would only be doing the building code enforcement for us. That code enforcement issue is probably more political and needs to be discussed with their City Council more than it being an issue with their staff not doing their job.

**Item 5 Cont'd.:**

Mr. Vitale asked if we can dissolve the contract if we are dissatisfied. Maybe we should award this as a one-year contract instead of a three-year contract. Mr. Rayes explained that the RFP includes language that allows us to cancel with a 30-day notice during the entire contract period. We do not need grounds to cancel.

Mr. Rubino sees the value in locking in this contract for three years since we can cancel for any reason with a 30-day notice.

**Motion by Rubino, seconded by Caron to approve a request to award the bid for Building Inspection Services, to City of Roseville, with prices as outlined in the spreadsheet which will be attached to the minutes as Exhibit A.**

Ayes: All - 7

**Code Enforcement Officer**

Under this proposal, the City can assign any five out of six days, Monday through Saturday, for inspection. It is our intention to have one inspector work on Saturday (how many Saturday's has not been decided yet) to do code enforcement and provide personal service of tickets.

1. With this contract we will eliminate the current full time position in CDI and replace the position with a contracted employee.
2. The current employee with benefits is budgeted at \$46.91/hr. The replacement employee (\$35.00/hr level) will be \$11.91 an hour less or \$23,224.50/year
3. CDI will reduce its city vehicle count from 3 to 2 – saving \$4,936.00.
4. It would be our intention to have two (\$25.00/hr) code enforcement employees and one (\$35.00/hr) employee. There would be two (\$25/hr) employees working full time from March through November. December through February, weather depending, we would go down to two employees.

\$25/hr X 37.5 hrs week x 40 weeks = \$37,500  
 \$25/hr X 37.5 hrs week x 52 weeks = \$48,750  
 \$35/hr X 37.5 hrs week x 40 weeks = \$68,250

Current Fee Structure	Proposed Fee Structure
26.24/HR	25.00/Hr
24.24/Hr plus \$350 month (gas allowance or \$2/hr)	

Mr. Rayes explained that the contractor intends to provide us with new vehicles that will be parked at City Hall. They will have cell phones, and we will have the option of using either a regular code enforcement officer or a supervisor code enforcement officer. The same language applies that we can terminate the contract with a 30-day notice. Landscape Services has performed satisfactorily for us. We would recommend awarding the Code Enforcement contract to them.

Mr. Hughes pointed out that code enforcement violations often occur on weekends. Our biggest challenge is not having someone available to issue citations on the weekend, and this will help us address that issue. Mr. Rayes added that we will use them as process servers on Saturday as well.

Mr. Caron questioned if the lead person will be working 52 weeks a year. Mr. Rayes said that the supervisor would work all year.

Mr. Caron asked if Landscape Services cuts the lawn when a citation is issued. Should the same company doing the work issue the citations as well?

Mr. Rayes stated that the City staff instructs Landscape Services on where to go to cut the grass. We do physical and photographic verification before they are sent out to cut grass or shovel snow. There will be a separate supervisor outside of this contract to oversee the program.

**Item 5 Cont'd.:**

Mr. Rubino asked if the supervisor will be a City employee. Mr. Rayes stated we will contract an individual to do it. Mayor Walby said that is what we have done in the past.

Mr. Vitale asked if the supervisor position will be a working supervisor. Will they go out and do work in the field such as pull signs if there is no other work for them to do? Mr. Rayes said they will be working in the field, and they will be doing the court presentations as well. We anticipate having three persons in the field.

Mr. Hughes stated that the supervisor will be a working supervisor, and we will be providing a recommendation shortly dependent upon the vote tonight. He envisions that they will manage this portfolio of problematic properties and provide the needed communication. This is financial too. As we increase code enforcement, we increase violations and citations, so some of these positions will be producing money.

Mr. Vitale said he was troubled that the same company cuts the grass and gives out the violations even though a City employee will be making the determination. He suggested forming some type of panel of citizens that would be willing to review some of these issues as a third-party review. This way a resident can contest their fine.

Mayor Walby would like to move forward on the contract and look at a panel further down the road. Mr. Hughes suggested that this could be discussed at the study session that they may have in September. Right now, there is great frustration in the lack of expediency in which things issues are handled. A panel may lengthen that.

Mr. Vitale made a motion to approve this contract contingent upon the forming of a review panel for these fines.

Mr. Rayes explained that there actually is a process now. It does come up that a resident has extenuating circumstances, and we waive the fees. This is done internally by him. If he turns down a resident, they are sent to Mr. Hughes or Mr. Smith for further review.

Mr. Hughes said that in the past 2 ½ years he has waived somewhere between 10 to 20 fines with the vast majority being for snow removal. He has personally met with the applicants in all of these cases.

Mr. Tiseo saw a home where the current company showed up with a measuring stick, took a picture and then cut the grass. Did we send them out, or do they just look around the neighborhoods for long grass? Mr. Rayes said they were not canvassing the City. They were working from a list as a directive from the City.

Mr. Rubino asked what process Landscape Services uses for snow removal. Mr. Rayes explained that they sticker the door with a 24-hour notice. The next day, they take a picture and shovel the snow. There is a before and after list. The properties that have been cleared are removed from the list, and the properties that are not cleared are then shoveled. They do not canvass the City looking for snow removal issues.

Mr. Rubino likes that a 24-hour notice is given. We should consider doing the same with the grass issues. Mr. Rayes stated that we can discuss whatever Council wants with Landscape Services.

Ms. Rusie said that she is not opposed to a panel. She would like to see more information and discuss it in the future. Regarding the code enforcement supervisor, who goes to court right now? Mr. Rayes said that our full-time City employee does that now. This is our next step to reducing that cost.

Mr. Vitale questioned if we will be changing any of the rules we follow right now. Mr. Rayes said that we have no intention of changing the rules, and the directive will not change. We do expect there will be a transitional period where clarification may be required.

Mr. Hughes said that the way we currently conduct code enforcement is largely reactive based. If a complaint comes in, we investigate it. We should have the staff capacity to drive around the City and address these issues if we award this contract to the private company we are recommending.

Mr. Tiseo asked if the supervisor will be the point of contact for Council. Mr. Hughes said we are not there yet but that is what we are looking at. We are proposing a person that would be dedicated to this type of work. What we currently have is not working quite as well as we would like.

**Item 5 Cont'd.:**

Mr. Frederick pointed out that this is the lowest bid. In the interest of transparency, he mentioned that one of the principals of Landscape Services made a small donation to his campaign about six years ago.

**Motion by Frederick, seconded by Tiseo to approve a request to award the bid for Code Enforcement Inspections, to Landscape Services, for the hourly rate as outlined in the spreadsheet which will be attached to the minutes as Exhibit A.**

Ayes: All – 7

**Rental Inspection Services**

Mr. Rayes explained that the low bidder, Kevin Stultz, is an electrician and an inspector for other small communities. He will give up those communities if we give him this contract. He is prepared to hire an additional person if necessary to keep up with the workload.

Mr. Hughes added that the Rental Registry Program will be reviewed at the July 30 Study Session. This calls for an inspection every three years. Mr. Stultz has the capacity to keep up with us if we decide to do more than what we currently require.

**Motion by Caron, seconded by Rubino to approve a request to award the bid for Rental Inspections, to Kevin Stultz, with per unit prices as outlined in the spreadsheet which will be attached to the minutes as Exhibit A.**

Ayes: All - 7

**6. REQUEST THE SALE OF REMNANT PARCEL TO ABUTTING PROPERTY OWNERS ON LARCHMONT**

This parcel of property is located between 11 Mile and Hazelwood, east of the I-94 sound wall. It was acquired by the City of St. Clair Shores from the Michigan Department of Transportation in January of 2000. The purchase agreement included a 10-year reversionary clause. The intent was to acquire the property for resale to the property owners to the east of the property once the reversionary clause expired. The City was contacted by Mr. Schneider inquiring whether he could purchase this portion of the property, as he would like to construct a garage on the parcel before winter. Letters were sent to all the abutting property owners, and there was only one response. The City has no objection. The balance of the property will not be land locked as we acquired two of the adjacent properties through the 2012 Macomb County tax foreclosure list approved at the previous Council meeting.

Mr. Hughes explained that he and Mr. Rayes worked with Mr. Ihrle to develop the process to sell this to a private owner. The land was appraised by a professional.

Mr. Rubino asked if this would prevent us from selling those tax foreclosed properties near this parcel.

Mr. Rayes stated that one property is currently vacant, and one currently has a house. We have not been in the house to determine if it can be fixed up or if demotion will be done. They will remain vacant for now. We are able to get into this spot from the north.

Mr. Vitale said he will abstain from voting on this because he owns one of the adjoining properties, and he is good friends with Mr. Schneider. There is access right now from a driveway three houses north. If he decides to purchase a property, he will be willing to grant the City a 15-foot wide easement at the back of his property, if necessary, that would allow them to access the properties to the south through the property to the north.

Mr. Tiseo asked about the southern properties. Why does the marking stop where indicated? Mr. Rayes explained that the deeds include part of the little parcels south of the yellow markers. The county tax plats only show the boundary indicated.

Mr. Vitale said they have fences that extend all the way to the I-94 barrier, and they have been maintained for many years.

Mr. Rayes said that if the fences need to be moved, it would be at the expense of the property owners.

**Item 6 Cont'd.:**

Mr. Caron asked if this gives permission to sell all of these properties if it is granted tonight. Mr. Rayes said they are voting on just the one parcel.

**Motion by Caron, seconded by Frederick to approve the sale of remnant parcel (located between 11 Mile Road and Hazelwood, east of the I-94 sound wall) to abutting property owners on Larchmont, in the amount of \$250.00.**

Ayes: All – 6  
Abstain: Vitale

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

a. **Bills**

Check Approval List: \$3,784,459.37

To approve the release of checks in the amount of \$3,784,459.37, of the report that is 21 pages in length and of the grand total amount of \$3,784,459.37; \$0 went to other taxing authorities.

b. **Fees**

Attorney Payments:

Ihrle & O'Brien \$16,371.00

c. **Progress Payments**

Galui Construction Company, Inc. \$21,380.42  
Carr's Outdoor Services, Inc. \$24,047.10  
Galui Construction Company, Inc. \$62,058.47

d. **Approval of Minutes**

	<u>Meeting Date</u>
City Council	June 18, 2012
City Council	July 2, 2012

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

**Minutes**

	<u>Meeting Date</u>
Cool City Committee	May 9, 2012
Cool City Committee	June 13, 2012
Election Commission	May 1, 2012
Planning Commission	May 22, 2012
Sign Arbitration	May 24, 2012
Water Resources & Advisory Board	May 1, 2012
Waterfront Environmental Committee	June 19, 2012

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

**Fireworks** – Citations and arrests were reported earlier in the meeting.

**Item 8 Cont'd.:**

**Tax Foreclosures** - Council voted on July 2 to approve the sale of a tax foreclosure conditional upon repairs costing below \$1,000. This has been researched, and the total expenses will be \$520. We will move forward with the repairs.

**Sidewalks** – Replacement of panels that have been marked will begin in August. There have been concerns that Council directives were not followed. We have brought in a third-party engineering firm to assess all streets west of Harper. Their first visit was after July 4, and their final visit will be done July 18 with Mr. Rayes. Approximately 1,090 panels were removed. This will conclude District 1. Panels that are portland cement could be subjective. District 2 will be done in 2013 using much clearer criteria.

**9 Mile and Harper** – We contacted the owner and developer. The crew was out today, and there was some minor touch up work left to do tomorrow.

**9 Mile and Jefferson** – It has garbage, tires, etc. It is a mess and needs to be cleaned up.

**Imagine Theater** – They have decided to go elsewhere. We put a lot of effort into this project to try to move this forward, but they have found another location that appears to be a better site for them.

**Lac St. Clair Baseball** - 14 and Under Girls team, the Hurricanes, became the first team to qualify to go to the State finals. They won the District finals at Kyte Monroe.

**9. COMMENTS BY INDIVIDUAL COUNCIL PERSONS**

**Council Member Frederick** congratulated the Hurricanes and both baseball programs. It was a great season across the board.

He expressed his disappointment that Imagine Theater did not decide to move into St. Clair Shores.

He said that there was a very nice party at Rojo's to welcome home Miss Michigan. He thanked Rojo's for their hospitality, and he thanked Elite Entertainment for providing the music for this event.

He inquired how things are progressing with Buffalo Wild Wings. Mr. Rayes said that there are a handful of other national companies that are interested in moving to this site as well, and they are trying to develop ideas on how to set it up. Regardless of any other deals, the ground breaking is planned for this fall.

Mr. Frederick made the following announcements:

The Miss St. Clair Shores Pageant is July 28. It will be held at South Lake High School starting at 6 p.m.

The Art Fair is the weekend of September 15 and 16. Set up is September 14. Contact Dave Martin or Ron Frederick for details if you want to volunteer to help with set up.

The Aquafest is this weekend. There will be Casino games to raise money for charity.

Concerts in the park have started, and they will be going for the next six weeks.

The Special Needs Golf Outing is on August 1. This is a big fundraiser for them.

GTJ Foundation is having their 4<sup>th</sup> Annual Golf Outing on August 6. It will benefit Wigs for Kids this year.

**Council Member Vitale** asked why the City cannot go after Citgo for the cleanup costs of the gas station which we acquired through the foreclosure process. His belief is that the owner of that property is a franchisee of Citgo. Citgo did not own it. The company that owned the property is bankrupt and out of business.

Mr. Rayes explained that there are procedures that have to be followed to determine liability for this contamination. We hired a consultant to do a phase I test to verify if there was fuel in the tank to limit our liability as potential

**Item 9 Cont'd.:**

owners. There was a minimal amount of fuel which met state requirements, so no pumping needs to be done. Mr. Ihire added that these issues are typically handled at the state level. This site is on their list, and he will find out what actions have been taken and report back on this.

Mr. Vitale said he would like to have a better understanding of the recent firework complaints. Mr. Hughes said he has to verify that information. He will respond to this in the next day or so.

Mr. Vitale noted a property by Shock and Martin Road with a car-sized pile of trash, and the earliest their trash day is in that area is Thursday.

He addressed the fact that someone pointed out he had an overdue fine from the Macomb County Election Board, and he has paid that fine.

The VFW Bruce Post is promoting a Monday Night Cruise Night which is 5:00 p.m. to 8:00 p.m. every Monday.

**Council Member Caron** announced that the Concerts in the Park are every Wednesday evening, and they will be selling parade shirts there for \$10 each.

He walked Avalon to do a sidewalk evaluation. There is still an issue with the inconsistency of the markings. We will continue to address that.

**Council Member Rusie** congratulated the Hurricanes on their victory.

She agreed that Avalon sidewalk markings are inconsistent. We need to take care of that.

She attended the Heart of America memorial dedication. This is located in front of the County Administration building. It is to honor those killed in action from Macomb County since 9/11 in the war against terror. It is very moving and worth visiting.

The residents impacted by the removal of the lights on Laukel want to know when these lights will go up. Mr. Hughes stated that he was confident they will be put up before the end of this year, hopefully by fall. The recent power outage has put DTE off track on this project.

Ms. Rusie said that those residents also want to know when the City property will get fenced off. Mr. Rayes said that the quotes were due today. He will look at them on Wednesday when he is back in the office. Mayor Walby said that this is being done in conjunction with a fence project at Kyte Monroe.

Ms. Rusie said that she has gotten many calls from residents frustrated with the fireworks. By the time police arrive, the fireworks are over and no violations are written. Continue to call the police at their non-emergency number (586) 777-6700, and give them the address if you have it. They can go out and speak to the accused about the law.

**Council Member Rubino** thanked Pack 1438. They are out at the park late the evening of the fireworks and back there very early the next morning to do the cleanup. They did a great job.

He asked if the Edgewood and Marter property has been settled. Mr. Hughes stated that he drove by this morning and again this afternoon. All of the conditions have been met. He also spoke with the property owner about the neighbors being frustrated with the lengthy process.

Mr. Rubino asked about an article in which the St. Clair Shores Connection reported the City was charged \$4,500 for 5 grass cuttings and 13 baitings at the City home that we recently sold. Mr. Rayes thought that amount may include cleanup charges that were incurred. Mr. Hughes said he was not familiar with that article and will do some research to get an answer.

Mr. Rubino said that he walked Avalon as well. Sidewalk marking is somewhat subjective. There must be a system that we can use such as developing a template of some sort with the acceptable sizing for pitting. Mr. Hughes stated that we are working on developing something.

### **Item 9 Cont'd.:**

Mr. Rubino went to Veterans Memorial Park over the weekend. The water was open but the beach was dirty. There were hundreds of piles of goose droppings all over the beach. He was embarrassed as a representative of our City. Council was told that we could have the beach cleaned cheaper by the City than by putting it out for bid and that it was going to be done every Friday as well as multiple times throughout the week. Mr. Hughes said that this did go out to bid, and our inhouse employees can do that job less expensively. Our goal was three times per week Memorial Day through Labor Day. If the cleanup was done Friday morning, then we need to look at doing Saturday too. If we need a Saturday detail, we will get it out there. The people that work there should take some responsibility.

Mayor Walby said that someone should walk that beach to assess the condition on Friday before they go home.

Mr. Rubino stated that he was given a packet that contained an email from Mr. Maiorano. He would like clarification on what it is about, and he still wants to know what Mr. Maiorano would like the City to do for him.

**Council Member Tiseo** stated that he was concerned about the sidewalk slabs that will not be torn out but have large orange markings on them. We should have a marking system that does not have to be permanent for the slabs that are not being removed.

He asked if there would be overtime authorized to clean the beach on a Saturday. Mr. Hughes explained that we have hourly employees, and we can add hours or move hours around without incurring overtime. We can also move people from park to park as needed.

Mr. Tiseo said that he has sent an email with some concerns about the Shell gas station, and he would like to add the refrigeration trucks that are parked there to his list. They look bad, and it may not even be legal to park them there.

He announced that the St. Clair Shores Red Sox will be "Team of the Day" at Comerica Park on Wednesday. They will be on the field with Detroit Tigers.

### **10. CITY MANAGER'S REPORT**

Our July 9 blood drive was very successful. We had 69 people donate blood. Unfortunately, 6 or 7 donors had to be deferred for medical reasons. We appreciate everyone who came out to give during this sincere time of need.

The Mayor has called for a study session on July 30 at 6 p.m. in the Council Chambers at City Hall. There will be three or four items to cover.

Mayor Walby asked that people keep their comments civil during audience participation. We value the input, but name calling will not be tolerated. We are trying to help run a city during hard economic times, and we have high-quality, hard-working employees with the same goals. He will try to answer people's concerns on updates and follow-ups only. Please maintain common courtesy, decency and civility when speaking at this time.

### **11. AUDIENCE PARTICIPATION** (5 minute time limit)

Erin Stahl, St. Clair Shores resident, presented a list of her statistics relating to the sidewalk replacement program. She referenced the 2004 Modified Sidewalk Program. There were inconsistencies with the sidewalk markings used and slides were shown outlining these concerns. She also had concerns about who is financially responsible for someone injured on a sidewalk.

Joe Backus, St. Clair Shores resident, raised concerns about how long it took to process a donation check he sent to the Parade Committee. He had stopped payment on the check and will pay any fees that may have been incurred because of that. He complimented the condition of the beach. The Mayor joined him in fishing and caught a nice bass.

James Kelly, St. Clair Shores resident, suggested that the audience participation at the end of the meeting would run more smoothly if people signed up when they came in for the meeting.

**Item 11 Cont'd.:**

Mary Myers, St. Clair Shores resident, complained about a storm drain that the City repaired at the base of her driveway two years ago. Since that repair was done, all the cars that pull out scrape on the cement in that area. The City should fix this issue, and she awaits their response.

Mayor Walby stated he will visit the site.

Robert Knight, St. Clair Shores resident, thanked the Mayor, Council and City for allowing him to be in the St. Clair Shores Memorial Day Parade this year. His therapy dog was in the parade with him. He was honored to meet Mr. John Heller who he served with in Guam 67 years ago. Thank you to the City of St. Clair Shores.

Blair Gilbert, St. Clair Shores business owner, addressed allegations that he is unethical and that he does not maintain his property well. When he gets notices he responds. He feels that his business has been hurt by these comments. If anyone has a complaint against him, he requests that they contact him directly.

Frank Maiorano, St. Clair Shores resident, approached Council again with concerns about Swany Construction performing lead abatement at the home next door to his without being properly certified. He presented pictures of the demolition done at that home. He expects the City to get involved and investigate.

Ralph Kosal, St. Clair Shores resident, stated that when he speaks at Council meetings he is sharing facts, not spreading slander. He was very upset with how some property owners do not follow City ordinances in regard to garbage removal and would like to see that addressed.

Kathy Scruggs, St. Clair Shores resident, said she was disgusted by what some residents have been saying at City Council meetings. Someone could take legal action against whoever is accusing them of being involved in illegal activities. Also, the Swany Construction issue has already been addressed and resolved. She hopes everyone will keep things more civil and keep to the issues. Personal vendettas do not belong at a City Council meeting.

**12. MAYOR'S COMMENTS**

We have acquired 26 foreclosed properties. We plan to develop a subcommittee with Mr. Vitale, Mr. Tiseo, Mr. Hughes and Mr. Rayes to determine where rehabilitations and demolitions are necessary and to track the projects as they progress. He has also created a trash committee of Mr. Babcock, Mr. Hughes, Mr. Frederick and Mr. Caron.

Wally's has their roof installed, and it is coming together. They hope to open by the Harper Cruise.

The Butter Run seems to be moving along.

The gas station by Broadway is finishing up landscaping and some other details.

The development of Biggby has been slowed down by environmental issues.

The trees at Kyte Monroe Park look wilted. Mr. Rayes commented that Parks and Recreation will keep them watered.

Several parking lots around the City have been resurfaced and look much better.

Mayor Walby announced that many St. Clair Shores businesses were listed in the Macomb Daily's Best of the Best on Sunday, June 24.

**13. REQUEST TO ENTER CLOSED SESSION AS PERMITTED BY STATE STATUTE MCLA 15.268 SECTION 8 (e)  
O. LESKA VS. ST. CLAIR SHORES**

**Motion by Frederick, seconded by Rubino to enter Closed Session at 9:50 p.m. Approved 7 – 0**

Ayes: All – 7

**Motion by Frederick, seconded by Tiseo to return to open session at 10:10 p.m. Approved 7 – 0**

Ayes: All – 7

**Motion by Caron, seconded by Frederick to proceed as discussed by the City Attorney regarding O. Leska vs. St. Clair Shores.**

Ayes: All - 7

**14. Adjournment**

**Motion by Frederick, seconded by Rubino to adjourn at 10:11 p.m. Approved 7 - 0**

Ayes: All – 7

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KIP C. WALBY, MAYOR

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MARY A. KOTOWSKI, CITY CLERK

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

**Exhibit A**

**RFP - Bid Tab  
Inspection Services 2012**

	Roseville		Kevin Stultz		Landscape Services		PMI Services		SAFEbuilt Inc			Wade Trim	
Building Inspector	\$75,000.00		X		X		\$79,000.00		80% of Permit Fee	\$214,997.20		\$94,723.00	
Plumbing Inspector	\$28,000.00		X		X		\$34,000.00		80% of Permit Fee	\$33,340.00		\$56,242.00	
Electrical Inspector	\$28,000.00		50% of Permit Fee	\$29,920.00	X		\$34,000.00		80% of Permit Fee	\$47,871.00		\$56,242.00	
HVAC/Refrigeration	\$33,000.00		X		X		\$34,000.00		80% of Permit Fee	\$33,611.00		\$56,242.00	
Rental Inspection	\$32.00		\$25 per unit		X		\$40 per unit \$30.00 Revised		\$40 per unit \$41.50 ('13), \$43.00 ('14)	\$125 per unit, \$40 ea additional unit, \$25.00 re-inspect fee			
Hourly Rates	Regular Time	Overtime	Regular Time	Overtime	Regular Time	Overtime	Regular Time	Overtime	Regular Time	Overtime	Regular Time	Overtime	
Building Inspector	\$45.00	\$67.50	X	X	X	\$75.00	\$50.00	\$75.00	\$78.00	\$117.00	\$69.00	No OT expected	
Plumbing Inspector	\$45.00	\$67.50	X	X	X	\$75.00	\$50.00	\$75.00	\$66.00	\$99.00	\$65.00	No OT expected	
Electrical Inspector	\$45.00	\$67.50	\$25.00	\$45.00	X	\$75.00	\$50.00	\$75.00	\$66.00	\$99.00	\$65.00	No OT expected	
Mechanical	\$45.00	\$67.50	X	X	X	\$75.00	\$50.00	\$75.00	\$66.00	\$99.00	\$65.00	No OT expected	
Code Enforcement Officer	X	X	X	X	CEO LEAD \$37.00 \$35.00 Revised CEO \$27.00 \$25.00 Revised (if I-phone-Ipad is not used)st	\$48.00	\$25.00 \$30.00 Revised (includes gasoline cost)	\$37.50	CEO Lead \$54.00 CEO 1 \$42.00	\$81.00 \$63.00	\$63,148.00 \$46.00 /HR	No OT expected	
Plan Examiner - Review Fee													
Building	20%		X		X		68%		\$78 Hour		75%		
Plumbing Inspector	10%		X		X		68%		\$66 Hour		25%		
Electrical Inspector	10%		25% of Fee Collected		X		68%		\$66 Hour		25%		
HVAC/Refrigeration	10%		X		X		68%		\$66 Hour		25%		
Structural	20%		X		X		68%		\$125 Hour		\$125 Hour		
Fire Suppression			X		X		68%		X		X		

Fee calculated using 2012-12 Revenues