

**MINUTES
ST. CLAIR SHORES CITY COUNCIL MEETING
August 20, 2012**

Regular Meeting of the City Council, held in the Council Chambers, located at 27600 Jefferson Circle Dr., St. Clair Shores, Michigan.

Present: Mayor Pro-Tem Rubino, Council Members Caron, Frederick, Rusie, Tiseo and Vitale

Also Present: City Manager Hughes, City Clerk Kotowski, Directors Babcock, D'Herde, Fire Chief Morehouse and City Attorney Ihrie

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

Mr. Rubino called the meeting to order at 7:00 p.m. Ms. Kotowski, City Clerk, called the roll with a quorum present and noted Mayor Walby asked to be excused. The Pledge of Allegiance was said by all.

Motion by Caron, seconded by Rusie to excuse Mayor Walby from this meeting.

All – 6

Absent: Walby

Mr. Rubino announced that Items #5 and #8 were removed from the agenda.

2. PROCLAMATIONS & PRESENTATIONS

State Representative Anthony Forlini announced a Water Quality Town Hall to be held on September 5, 2012 from 6 p.m. to 7:30 p.m. at the MacRay Harbor Event Room. There will be a review of the lake muck issue. They have found that it is an algae forming at the bottom of the lake. We now have scientific data based on DNA profiling for sources of the E.coli found in the lake so they can move forward on how to deal with this.

Ms. Rusie thanked Mr. Forlini for his efforts in this regard.

**3. AUDIENCE PARTICIPATION ON AGENDA ITEMS (2 minute time limit)
[Submit form to City Clerk prior to start of meeting]**

Jim Goodfellow, St. Clair Shores resident, Items #7a and #7b. He would like to see a unanimous vote on these two items for the Fire Department which are going to be covered by grant money.

4. REQUEST TO HOLD OUR LADY OF HOPE FESTIVAL AT THEIR LITTLE MACK CAMPUS ON SEPTEMBER 14 FROM 6 P.M. - 1 A.M., SEPTEMBER 15 FROM 12 P.M. – 1 A.M. AND SEPTEMBER 16 FROM 12 P.M. – 10 P.M.

Bud Flemming and Dion Martucci were present to discuss the Our Lady of Hope Festival to be held at their Little Mack Campus. Mr. Flemming stated that this is an annual event. There will be new games and rides this year, and they may have a sports celebrity on Sunday afternoon. He presented an invitation to Mayor and Council.

Mr. Martucci stated that they have great food and freshly made donuts.

Mr. Frederick said he has helped out for the last 12 years, and it has always been a good time. He has gone through their request, and everything is in order.

Motion by Frederick, seconded by Rusie to approve request from Our Lady of Hope to hold their Family Fun Festival on September 14 from 6 p.m. – 1 a.m., September 15 from 12 p.m. – 1 a.m. and September 16 from 12 p.m. – 10 p.m. at their Little Mack Campus.

Ayes: All – 6

Absent: Walby

5. CONSIDERATION OF NATIONAL LEAGUE OF CITIES RESIDENTIAL SEWER LINE INSURANCE PROGRAM

6. CONSIDERATION OF ADOPTION OF AMENDMENTS TO THE PEDDLERS AND SOLICITATION ORDINANCE

Mr. Ihrie stated that this ordinance is basically new to the City. Council made suggestions the last time it was presented, all of which have been incorporated into this version. The prohibition related to amplifiers has been deleted, and the "No Soliciting List" has been removed because of the complexities involved in maintaining it. He clarified that on page 5 the time limitations should read "from 9 a.m. to 8 p.m." instead of "thirty minutes after sunset".

Mr. Tiseo said that he would like us to require picture identification be worn around the solicitor's neck on a lanyard so that it can be easily and clearly seen when a resident looks out their window. Mr. Ihrie stated that a requirement that their picture with name must be displayed can be added to page 3 under general application requirements.

Mr. Tiseo asked about no soliciting and no trespassing signs. Mr. Ihrie stated that is a separate issue. There will not be a charge if they approach a home, but they can be charged if they do not leave easily when asked to.

Mr. Tiseo referred to section 7h regarding return of the permit upon expiration, and he questioned what we will do if they do not return the identification. Will there be some type of bond? Mr. Ihrie stated that a bond is a good idea, but that should be handled administratively and does not need to be in the ordinance.

Mr. Frederick suggested we add that "the picture shall be no smaller than 2 inches x 2 inches" for the picture size requirement. Mr. Ihrie said the client will supply the picture, and it should be large enough to be seen through the window of the door.

Mr. Rubino questioned if they have to report if they have had a felony or a sex offense, and if that would prohibit someone from soliciting. Mr. Ihrie stated that we ask them to disclose that information which could prevent them from soliciting, but we are not doing a background check at this juncture.

Mr. Tiseo stated that he has a problem with the solicitor providing the picture. He would like us to take the picture so we know it is current and that it is actually the person soliciting. Mr. Ihrie was not certain if we have that capability since we do not know the volume yet. If it is low volume, we probably could handle doing that. He also pointed out that we are not charging a fee for solicitors, we are only charging peddlers. He asked Ms. Kotowski if she knew the volume of peddlers we currently have.

Ms. Kotowski stated that previously peddlers were done in Community Development so she is unaware of the current volume. Regarding solicitors, they sometimes have 12 people applying on one permit.

Mr. Rubino asked if they could provide the picture and we could check it.

Ms. Rusie made the point that if we require the picture to be taken onsite every person who is soliciting would have to come to City Hall at different times instead of their company being allowed to submit all of the pictures at one time on behalf of their employees so the identification cards could all be prepared at the same time.

Mr. Tiseo stated that this whole procedure is being done for security. If we allow one person to bring in all of the pictures, how will we know they are the correct pictures of the solicitors?

Mr. Vitale asked for clarification about solicitations for political and/or religious organizations. Mr. Ihrie explained that if someone is soliciting funds and is political in nature then they will need a permit.

Mr. Frederick stated that if it is an inconvenience to send people to City Hall then they should not be soliciting. If we are going to actually take a stand, we should take the photos onsite with the fee covering that cost.

Mr. Rubino agreed that we should definitely charge a fee if we do take the photos at City Hall.

Mr. Vitale pointed out that you would not want to go out with an incorrect photo because you risk being called in. A reputable company is not going to send in wrong pictures. He does not think it is necessary that we add having the picture taken at City Hall to the process.

Item 6 Cont'd.:

Mr. Tiseo stated that it will take just as much time to affix a photo to a permit as it would to print a permit with a photo. It may actually be easier for the person to come here and have us take the picture. He wants the picture and badge to be current, clear and obvious to everyone.

Mr. Vitale suggested that a digital picture may be a better process. Maybe we could give them the option of submitting their own 2 inch x 2 inch picture or let us take the picture. If we renew their permit every 90 days, they should not need a new picture for that time period.

Ms. Kotowski explained that our pictures are not digital. It would be just as quick, easy and cost effective for us to use a passport photo. Mr. Ihrie stated that we do not need to put the fee in the ordinance.

Motion by Tiseo, seconded by Frederick to adopt a new Peddlers and Solicitors Ordinance to include using photo identification with a 2 inch by 2 inch photo, and that the fee schedule be set by the City Clerk, the Ordinance language which reads as follows:

**Amendment to the City of St. Clair Shores License Ordinance 19.300
PEDDLERS AND SOLICITORS Ordinance 2012**

The City of St. Clair Shores ordains that Ordinance 19.352 Section 7.52 Peddlers and Transient Merchants; Definition; not allowed; which reads as

19.352 - Peddlers and transient merchants; definitions; not allowed.

Sec. 7-52. No person, business entity or corporation whether for profit or nonprofit, which may fall within the definitions of peddler, transient merchant, itinerant merchant or itinerant vendor as described herein shall be permitted to engage in selling goods, wares or merchandise in any place in this City except in accordance with the Temporary Outdoor Sales Ordinance [19.358].

The term "peddler" means any person who goes about from place to place, selling or offering for sale any goods, wares, merchandise and any kind of property, traveling on foot or in vehicles, and selling from house to house or by carrying his wares from the street. Such term shall include "hawkers" and "hucksters."

The term "transient merchant" means any person engaged temporarily in the retail sale of goods, wares or merchandise in any place in this City and who, for the purpose of conducting such business, occupies or uses any lot, building, room, structure of any kind or any vehicle. Such term shall include:

(a) "itinerant merchants"

(b) "itinerant vendors"

(c) persons engaged in selling goods, wares or merchandise at retail and who are not on the tax rolls of this City; and any person who commences a business of selling goods, wares and merchandise at retail after the first day in January in any year and who is not assessed on the tax roll for such year. (chap. 7 eff. Jan. 20, 1987; amend. eff. May 8, 1990)

IS REPEALED IN ENTIRETY

AND A NEW PEDDLERS AND SOLICITORS ORDINANCE IS HEREBY ADOPTED AND READS AS FOLLOWS:

PEDDLERS AND SOLICITORS ORDINANCE 2012

19.352 Sect 7.52

1. PURPOSE

The purpose of this chapter is to license and regulate the movement, location, business practices and hours of operation of peddlers and solicitors in the City; to reduce vehicular and pedestrian traffic congestion; to promote the safe use of the streets and sidewalks; to protect the citizens' quiet enjoyment and peace while leaving ample business opportunity and means for peddlers and solicitors; to protect against misrepresentations, fraud, and crime; to promote the safety and privacy of

Item 6 Cont'd.:

residences within the City; to allow individuals to determine their level of comfort with privacy and whether or not they wish to receive solicitation; and to protect the health, safety and welfare of the people of the City.

2. DEFINITIONS

As used in this chapter:

Peddler means any person who engages in peddling. The word peddler shall include, but is not limited to, the words "hawker," "itinerant merchant," and "street vendor."

Peddling, unless otherwise defined in this chapter, shall mean traveling by foot, automotive vehicle or any other means, carrying, conveying or transporting goods, wares, merchandise, including food products, offering and exposing the same for sale or making sales and delivering articles to purchasers, or taking or attempting to take orders for the sale of goods, wares and merchandise, books or magazines, personal property of any nature whatsoever for future delivery, or for services to be furnished or performed presently or in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of such sale or whether the subject is collecting advanced payments on such sales or not.

Person shall mean any individual, firm, co-partnership, corporation, company, association, or joint stock association, church, religious sect or denomination, society, organization or league, and includes any trustee, receiver, assignee, agent or other similar representative.

Solicitor means any person who engages in soliciting.

Soliciting shall mean requesting, on behalf of a non-profit entity or cause, money, credit, property, financial assistance or other thing of value, or offering for sale any goods, wares, merchandise or service, by personal interview or otherwise, on the plea or representation that such money, credit, property, financial assistance or other thing of value, or the net proceeds over reasonable expenses thereof, will be used for charitable, religious, patriotic, civic, educational or philanthropic purposes.

3. PERMIT REQUIRED

Except those activities listed in section five of this chapter, no person shall engage in peddling or soliciting without first obtaining a permit authorized and issued by the City Clerk, as provided in this chapter.

4. PERMIT FEES AND DURATION

(a) *Fees.* The fee for a permit shall be set by City Clerk initially and then as set by City Council resolution from time to time.

(b) *Exemption from fees.* The following are exempt from payment of all fees under this chapter:

- (i) A solicitor;
- (ii) Any person otherwise exempt by law.

The applicant shall provide the City Clerk with proof of the claimed exemption. The City Clerk shall indicate upon the face of the permit that it was issued, pursuant to such exemption without any fee being paid.

(c) *Maximum Permit duration.* A permit issued pursuant to this chapter shall be valid for a period not exceeding ninety (90) days.

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5. EXCEPTIONS TO PERMIT REQUIREMENT

The following activities are exempt from this chapter:

- (a) Solicitations made to a congregation or group in attendance at one location and made by the person or organization inviting the individuals composing the congregation or group;
- (b) Any communication by an organization soliciting contributions solely from persons who are members of the organization at the time of such solicitation;
- (c) Any solicitation pursuant to a political candidacy or ballot issue;
- (d) Any peddler traveling on an established route at the request, express or implied, of their customers;
- (e) Salespersons calling on regularly licensed business establishments;
- (f) The distribution of handbills or leaflets where the individual distributing them does not provide estimates, accept payments, orders, contributions or estimates.

6. GENERAL APPLICATION REQUIREMENTS

Applications. An application for a permit under this chapter shall be completed and submitted to the City Clerk.

The application shall be upon a form provided by the City Clerk, sworn to accuracy by the applicant, and shall include the following:

- (a) The name of the person(s) who will engage in peddling or soliciting within the City, including the person's current home address and length of residence at such address, business address if other than the residence address, business and residence telephone numbers, driver's license or state identification number, and a physical description including height, weight, and color of hair and eyes.
- (b) A brief description of the business or activity to be conducted including the methods to be used and a description of the types of goods or services to be sold.
- (c) The dates, hours and location for which the right to engage in peddling or soliciting is sought.
- (d) Proof that the applicant has obtained all licenses or permits, if any, required by state law.
- (e) If employed by or acting as an agent for another entity, the name, address and telephone number of the other entity that is being represented, and when this entity was formed, including the form of its organization.
- (f) A statement as to whether the applicant's parent organization has ever been found to have violated a municipal ordinance regulating peddling or soliciting, and if "yes," the details thereof.
- (g) A statement as to whether the applicant, any solicitor or peddler, or an officer or director of the applicant's parent organization has/have ever been convicted of a felony, and/or of any sex offense, and if so, the date and location of such conviction, and a brief description of the offense.
- (h) A current photograph of the applicant and a photograph of the person(s) who will be engaged in the peddling or soliciting, taken within 60 days immediately prior to the date of the filing of the application, which picture shall be two inches by two inches in size showing the face and shoulders of the peddler or solicitor, in a clear and distinguishing manner.

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(i) The application shall be signed by the applicant stating that the information contained therein is true and correct, that the City shall have the right to investigate and verify the information contained in the application, and that the applicant has read the peddlers and solicitors ordinance and agrees to abide by its terms.

7. PROHIBITIONS AND REQUIREMENTS - ALL PEDDLERS AND SOLICITORS

a) ***Blocking traffic.*** No peddler or solicitor shall block, obstruct, impede or otherwise interfere with the normal flow of vehicular or pedestrian traffic upon a public street, alley, sidewalk or other public area within the City unless specifically authorized.

(b) ***Special events.*** The City may restrict peddling and/or soliciting to certain hours or to certain areas within the City during special events where the City has determined that peddling and/or soliciting may be hazardous to the health, safety or welfare of the public due to congestion in City streets, sidewalks or other public places or when peddling and/or soliciting may cause an impediment to the free flow of pedestrian or vehicular traffic. No peddler or solicitor shall engage in peddling or soliciting during such an event in any area or during any time that peddling or soliciting is restricted after having received written notice from the City Clerk of such restriction.

(c) ***"No Soliciting" signs.*** No peddler or solicitor shall enter or remain on property that has a posted "No Soliciting" sign, nor remain on property after being requested to leave by the occupant.

(d) ***Threatening or harassing behavior.*** No peddler or solicitor shall threaten or harass any person in the course of their activities or in any way engage in conduct that threatens the health and safety of another or causes a nuisance.

(e) ***Effect of delinquent personal property taxes.*** No peddler or solicitor permit shall be granted to any person owing any personal property taxes or other indebtedness to the City, or who contemplates using any personal property on which personal property taxes are owed, in the operation of such business.

(f) ***Sales limited to products/services on application.*** Peddlers and solicitors shall be limited to the sale or promotion of products/services specified on their application. Amendments to originally approved applications must be submitted to the City Clerk for review and approval, and shall not be effective prior to such approval. An application fee of an amount established in the schedule of fees must accompany each request for an amendment.

(g) ***Permits non-sellable and non-transferable.*** Peddler and solicitor permits issued under the authority of this chapter shall be non-sellable and non-transferable, either as to persons or as to location.

(h) ***Possession, display and return of permit required.*** A person issued a permit under this chapter shall have in his or her possession a copy of the permit at all times during which he or she is peddling and shall display said permit by wearing same around the neck. The permit shall be returned to the City Clerk upon the expiration of the permit term. The permit shall include the picture reference in Section 6 (h).

(i) ***Abusive activity.*** No person shall engage in abusive peddling or solicitation. Abusive activity shall include, but not be limited to, one or more of the following while peddling or soliciting or immediately thereafter: coming closer than three feet to the person peddled or solicited unless and until such person indicates he or she wishes to make a purchase or otherwise receive the peddling or solicitation; blocking or impeding the passage of the person being peddled or solicited; repeating peddling or solicitation after the person has indicated his or her objection to the peddling or solicitation; following a person by proceeding behind, ahead or alongside such person after the person has indicated his or her objection; threatening a person with physical harm by word or gesture; abusing a person being peddled or solicited with words which are offensive and inherently likely to provoke an immediate violent reaction; or touching the person being peddled or solicited without consent.

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(j) *Requests to leave doorway.* No peddler or solicitor shall request a person being peddled or solicited to retrieve something from inside his or her home which requires him or her to leave the front door.

(k) *Requests to enter the home.* No peddler or solicitor shall request a person being peddled or solicited to allow him or her to enter the person's residence.

(l) *Changes of information.* While a permit is in effect, a peddler or solicitor shall, within three calendar days after a change occurs, report to the City Clerk in writing any material change in any information previously provided on the application form.

(m) *Time limitations.* Except as otherwise provided herein, peddling or soliciting in the City shall only be permitted from 9:00 a.m. to 8:00 p.m.

8. PEDDLER PERMIT

(a) *Basis for granting peddler permit.* The City Clerk shall issue a peddler permit upon a determination that the applicant has met all provisions of this chapter, including:

(i) The required fees have been paid.

(ii) The applicant has not made a material misrepresentation of fact in and/or falsified any of the contents of the application.

(iii) The applicant has not had a peddler's or solicitor's permit denied or revoked by the City within a period of two years prior to the date of the application.

(iv) The applicant has never been convicted of a felony and/or convicted of any sexual offenses.

(vi) The applicant has met all other requirements of this chapter.

9. SOLICITOR PERMIT

(a) *Applications.* Persons applying for a solicitor permit under this chapter shall also provide the following information on the application:

(i) A brief description of the non-profit nature of the organization.

(b) *Basis for Granting Solicitor Permit.* The City Clerk shall issue a solicitor permit upon a determination that the application has met all provisions of this chapter, including:

(i) The applicant has not made a material misrepresentation of fact in and/or falsified any of the contents of the application.

(ii) The applicant has not had a peddler's or solicitor's permit denied or revoked by the City within a period of two years prior to the date of the application.

(iii) The applicant has never been convicted of a felony and/or convicted of any sexual offenses.

(iv) The applicant has met all other requirements of this chapter.

10. NO SOLICITING SIGNS

(a) The owner(s) or occupant(s) of any residence or business in the City may evidence a determination to refuse to receive any uninvited peddlers and solicitors by posting a card, decal or sign not less than

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three inches by four inches in size upon or near the main entrance door to the residence, containing the words "no soliciting." Any such card, decal or sign that complies with the requirements of this section shall be exempt from any additional or different requirements contained in the zoning ordinance.

(b) No person shall go upon any residence and ring the door bell, rap or knock upon any door, or create any sound in any other manner calculated to attract the attention of any occupant of such residence for the purpose of securing an audience with the occupant(s) thereof and engage in peddling or solicitation in disregard of a notice posted pursuant to this section.

11. ENFORCEMENT

Any police or code official may require any person seen soliciting or peddling, who is not known by such official to hold a valid permit, to show proof of a permit issued by the City Clerk, and to enforce the provisions of this chapter against any person found to be violating them.

12. DENIAL OR REVOCATION AND APPEAL

(a) The City Clerk is authorized to deny or revoke any permit issued or requested under this chapter for violation of the provisions of this chapter, including, but not limited to the following:

(i) Peddler or solicitor has violated any provision of this chapter, any provision of this Code, or state or federal laws, rules or regulations pertaining to peddling or soliciting.

(ii) Peddler or solicitor has made a false material statement in the application or has otherwise become disqualified for issuance of the permit.

(iii) Peddler or solicitor has had a written complaint filed against him or her for violation of this chapter and probable cause exists for substantiation of the complaint.

(iv) Peddler or solicitor has acted in a manner contrary to the public health, safety or welfare of the residents of the City.

(b) The City Clerk shall provide the peddler or solicitor with written notice of the denial or revocation of the permit at the address on the application for the permit. The written denial/revocation notice must clearly set forth in writing the grounds for the denial/revocation, and allow the solicitor or peddler to file a written request with the City Clerk's office for a hearing to appeal the denial/revocation; such request shall be filed with the City Clerk within 15 days from the date appearing on the notice of denial/revocation. The hearing shall be held by the city manager or the city manager's designated representative.

(c) If a peddler's or solicitor's appeal of the denial/revocation to the city manager or his designee is not reversed by the city manager, the peddler or solicitor has seven (7) days to file a written appeal of the denial/revocation to the City Council, so that the appeal can be placed on the next available council agenda for a hearing and consideration of the appeal. The appellant shall be notified of such a hearing and may appear at the hearing; and if at the conclusion of the hearing the council finds that the appellant has committed or allowed to be committed any of the acts stated in subsection (a) of this section, a permit may thereupon be denied and/or revoked.

13. NO PROPERTY INTEREST

Any permit applied for and/or granted pursuant to this article does not grant any property right or right to receive such permits in the future.

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14. OTHER PERMITS OR LICENSES

A permit obtained under this chapter shall not relieve a person of the responsibility for obtaining any other permit, license or authorization required by any other ordinance, statute or administrative rule.

15. VIOLATION/PENALTIES

(a) *Misdemeanor.* Any person who violates any section of this chapter shall be guilty of a misdemeanor punishable by up to ninety days in jail and/or a five hundred dollar fine.

(b) *Review of police chief.* The police chief, or appointed officers of the police department, shall report to the City Clerk all violations of this chapter and the City Clerk shall maintain a record for each permit issued and record the reports of violations. The City Clerk shall file with the police chief a copy of each permit and the police chief shall report to the City Clerk any complaints against any permit holder and any convictions, pleas or other findings of responsibility for violations of this chapter. The City Clerk shall keep a record of all such complaints and violations.

Any ordinance or parts of any ordinance in conflict with any provision of these ordinances are hereby repealed

The ordinances shall become effective upon publication by the City Clerk.

This ordinance shall be published by posting the same in three (3) public places within the City of St. Clair Shores and the Clerk is hereby ordered to post the same upon the bulletin boards in the Police Station, 27665 Jefferson Avenue, the Fire Hall, 26700 Harper Avenue, and the City Hall, 27600 Jefferson Circle Drive.

STATE OF MICHIGAN)
) ss
COUNTY OF MACOMB)

We hereby certify that the foregoing ordinance is a true copy of an ordinance as enacted by the City Council on the 20th day of August 2012, and that the necessary Charter provisions have been observed.

KIP C. WALBY, MAYOR

MARY A. KOTOWSKI, CITY CLERK

Amendment effective: 9/19/2012

Ayes: All – 6
Absent: Walby

7. BIDS/CONTRACTS/PURCHASE ORDERS

a. Award Bid for Fire Department Cardio Exercise Equipment (bid opened 7/24/12)

Chief Morehouse explained that the St. Clair Shores Fire Department is purchasing cardio exercise equipment as part of a Wellness and Fitness program to help reduce On-the-Job Injuries. All purchases will be made with approved grant money. We will be able to purchase the cardio exercise equipment on a piecemeal basis for the best prices.

Bids for the Weight training equipment will be submitted at a later date.

He reported that 47 companies were sent the bid specifications, 20 companies reviewed them and we received 7 bids for different parts of this equipment. These bids were opened on July 24, 2012. They were reviewed, and we are in complete compliance with the federal requirements. We are recommending the low bidders.

Mr. Caron asked if this equipment will come in at or lower than budget. Chief Morehouse said that it will.

Mr. Rusie explained that she voted against taking the grant money initially, so she cannot vote yes on this.

Mr. Frederick asked if we contacted Tim's Bike Shop, which is a local business, regarding the Schwinn bikes with warranties. Chief Morehouse said that Tim's is not a dealer for the specific exercise bikes needed.

Motion by Frederick, seconded by Caron to approve and award the bids for assorted cardio exercise equipment to Life Fitness for \$51,433, All Pro Exercie for \$17,143.80 and Jeff Wimmers for \$4,500 as recommended by the Fire Department Exercise Committee.

Ayes: 5 – 1
Nay: Rusie
Absent: Walby

b. Award Bid for Fire Department Employee Physicals (bid opened 7/24/12)

Chief Morehouse explained that the St. Clair Shores Fire Department is acquiring an employee physical examination program as part of a Wellness and Fitness program to help reduce On-the-Job Injuries. Grant money will be used for these services, and Henry Ford Health Systems provided the best price on physicals. This is the second portion of the three part grant.

He reported that 80 companies were sent the bid specifications, 18 companies reviewed them and 6 companies submitted bids. He recommends approving Henry Ford to facilitate this. They came in under the grant amount that was submitted.

Mr. Rubino asked him to clarify some of the charges that were provided in the backup information. Chief Morehouse explained that 9 employees need a stress test because of their age which is \$245 in addition to \$837 being charged for everyone else. There is a class lecture on nutrition, an exercise prescription for each individual and a data study.

Mr. Vitale asked how the data study will be presented. Chief Morehouse said that it will be presented as a before and after report.

Ms. Rusie asked if some of these charges are covered by health insurance. Chief Morehouse said the City will not incur that expense this year because of the grant.

Ms. Rusie explained that she voted against taking the grant money initially, so she cannot vote yes to spending the money now. She wanted to know how the results will be communicated to us. Chief Morehouse said he was not sure of the format yet, but he expects it to be a database format with statistics of how everyone ranks at the beginning and then the post results will be added after a 12-month period. This report will be submitted to Council to validate the value.

Item 7 Cont'd.:

Mr. Rubino asked if this will be reported using a formula because of HIPAA laws. Chief Morehouse said it will be reported as a median, for example body mass, blood pressure, etc.

Mr. Caron inquired how the nutrition and exercise prescription classes that were listed by Henry Ford will be done. Chief Morehouse explained that we have permission to video tape and share them.

Mr. Frederick asked which Henry Ford will be facilitating this. Chief Morehouse said that Henry Ford System Occupational Health will be doing it somewhere nearby.

Motion by Caron, seconded by Frederick to approve and award the bid for employee physical examinations to Henry Ford Health Systems for \$43,818 as recommended by the Fire Department Exercise Committee.

Ayes: 5 – 1
Nay: Rusie
Absent: Walby

c. Award Bid for Cold Water Meters (bid opened 8/8/12)

Mr. Hughes explained that there was a proposed three-year City-wide replacement program of water meters that was approved. We then put the equipment out for bid. We are moving ahead with the planning for the installation of these meters. We will be aggressive in advertising this fall. We are on target to begin sometime in November pending approval.

Mr. Babcock requested approval to continue purchasing water meters and radio transmitters that will be installed in residential homes as part of the Water Meter Replacement Program in District No. 1. Bids were opened 08/08/12.

He reported 61 companies received the bid specifications, 15 reviewed them and 3 bids were received. The low bidder is our current supplier, but they have changed names. We have been happy with their performance for 15 years. We pay the lowest cost for meters in the state with one exception.

We have asked for bids on transmitting units. Washington Township recently bid this out, and it is the exact same price we are paying.

Water Meters	\$403,588.75
Mobile Transmitting Units	<u>\$534,000.00</u>
Total	\$937,588.75

Mr. Rubino asked if this pricing is for the entire project. Mr. Babcock stated that it is for the first year. We do not want to have equipment sitting around. This is a potential three-year contract, but we can rebid next year if that is Council's direction, or we could just approve any revisions by Council.

Mr. Vitale asked if we are voting on a three-year or one-year contract. Mr. Babcock said that he is asking approval for a one-year contract with the option for an extension for additional years. There may be a fluctuation of 0 to 3 percent.

Mr. Caron asked if we can lock the price in for the transmitter. Mr. Babcock said that it locks the price through 2015.

Mr. Caron questioned the two alternate bids. Mr. Babcock explained that the first bid included recycling of the old water meters. We actually get more the way we do it now. We will not be able to physically do the recycling ourselves when we are doing 500 meters a month, so we are still looking at that. The other alternate bid was for a different type of meter. We have chosen to stay with what we are currently using.

Ms. Rusie stated that she previously voted against this mandatory across the board replacement program, so in order to stay consistent, she cannot support going forward with this purchase.

Item 7 Cont'd.:

Motion by Caron, seconded by Frederick to approve the purchase order request for SLC Meter Services, Inc. for the purchase of Elster Water Meters in the amount of \$403,588.75 and LC Meter Services, Inc. for the purchase of KP Electronics, Inc. Mobil Transmitting Units in the amount of \$534,000.00.

Ayes: 5 – 1
 Nay: Rusie
 Absent: Walby

8. REQUEST FOR APPROVAL OF THE SALE OF HOME(S) ACQUIRED THROUGH TAX FORECLOSURES

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

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

a. Bills

Check Approval List	\$4,350,382.90
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To approve the release of checks in the amount of \$4,350,382.90, of the report that is 16 pages in length and of the grand total amount of \$4,350,382.90; \$2,564,232.69 went to other taxing authorities.

b. Fees

Ihrle & O'Brien	\$14,249.60
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c. Progress Payments

Italia Construction, Inc.	\$69,070.60
Doetsch Environmental Services	\$58,194.99
Doetsch Environmental Services	\$58,313.04
C&L Enterprizes, Inc.	\$50,640.95
C&L Enterprizes, Inc.	\$38,278.57

d. Approval of Minutes

City Council

NONE

e. Receive and Place on File Boards, Commissions and Committee Minutes

<u>Minutes</u>	<u>Meeting Date</u>
Cool City Committee	July 11, 2012
Cultural Committee	July 11, 2012
Election Commission	July 10, 2012
Water Resources & Advisory Board	July 10, 2012
Waterfront Environmental Committee	July 17, 2012
Zoning Board of Appeals	July 12, 2012

Ayes: All – 6
 Absent: Walby

10. UPDATES AND FOLLOW-UPS FROM COUNCIL MEETING

9 Mile Road & Jefferson - Debris and trash have been taken care of at the gas station.

Roseville Meijers – Mr. Hughes has discussed this with the Roseville City Manager, and he will pursue this issue.

Veterans Memorial Park – We are still battling the nuisance with Canadian geese droppings. We have increased staff cleanup to five days a week, and we are exploring alternative options such as guard dogs, decoys, etc. It is important for us to keep this park looking nice. We are taking this very seriously.

12 Mile and Little Mack Commercial Building with the Dollar General store - We tried to work with the owner in a friendly way to get them to bring this up to code. We will be hiring a contractor to go clean it up and bill the property owner.

Citgo – 13 Mile and Harper – Mr. Ihrie said that this is a tax foreclosure we obtained from the County Treasurer. There are underground tanks, and he has been in contact with the State. We had received a report that the tanks are virtually empty. They are in the process of doing a phase I environmental analysis which will be reported to us later this week. It has been listed for sale, and a sign will be going up shortly.

22008 Grossedale – Mr. Ihrie stated that his office was given permission to take legal action on this property. They are waiting on information from Community Development to file a lawsuit.

Harper and Rosedale – There was an issue with a resident who had unlicensed garage sales on Friday and Saturday about three weeks ago. Mr. Rayes had reported that citations were issued on that property.

11. COMMENTS BY INDIVIDUAL COUNCILPERSONS

Council Member Caron said that in March he asked about possible utility work being done at 14 Mile Road and Harper. There is a dome and plywood covering up two holes. No one has worked on that at all. This needs to be finished. Mr. Hughes will follow up on this item.

There was an article in the Macomb Daily regarding a composting site in Clinton Township that has an odor. He said that they could smell it when they were at Kyte Monroe. Can we find out what is going on with this site and get an update? Mr. Hughes stated that he will take the lead on that.

Mr. Caron also read an article on the Detroit Water System. If anyone is interested in why our water rates are so high, it may be because they are still employing a horseshoer in the water department even though they do not have any horses. This has been a requirement since 1967.

Council Member Rusie asked that we please stop announcing the vacant houses by actual address. She does not think that is safe. She asked for a status on the Laukel lights. Mr. Hughes said that Mr. Rayes has worked with DTE in this regard. We have been told by DTE that the lights will be purchased and installed within the next 4 to 6 weeks.

Ms. Rusie noted that we are still receiving invoices from AccuMed ambulance billing. Mr. Hughes explained that it has been a priority to complete this transition. There were some glitches with software compatibility. He has been assured this transition will be done by the end of the month.

Ms. Rusie said that there were improvements made to the Grecian Table. It looks a lot nicer now, but they were hit with a violation because of the Harper Overlay. Also, a resident wants us to look at the Harper Overlay regarding commercial vehicles parked during business hours. Maybe we can make some business-friendly changes to the Harper Overlay by creating a subcommittee or having a study session.

She also would like the City to look into reinstating the program they had in the past when the Council would do a job-shadowing with local high school students which she feels was a valuable program.

Item 11 Cont'd:

Council Member Tiseo congratulated Joseph Moffitt for making it through the Marine Corps boot camp.

Council Member Frederick is the Library Board liaison, and he reported that 29,311 library cards have been issued in St. Clair Shores. September is National Library Card month, and our Library is part of a Suburban Library Cooperative involved with activities that allow you to go to a business and show your library card and save. If you are a resident, you can show your card at Able Electronics and get a 10 percent discount. Business owners can sign up to be part of this program by calling 586-685-5750 or go to the website for the form www.libcoop.net.

He also believes that parking is the biggest issue with the Harper Overlay, and this should be reviewed.

He asked how the budget is for rat control. Mr. Hughes said that the new budget year has started, and we are running on schedule. This program is complaint driven, so if residents observe an incident they should call Code Enforcement.

Mr. Frederick announced the following:

Our Lady of Hope is having their Annual Fair at the Little Mack Campus on September 14, 15 and 16.

A Wigs for Kids Gala will be held at the Barrister Gardens on September 14. Please email him at rfr frederick@scsmi.net or call him at 586-808-3478 if you have any questions.

The Lac Ste. Claire Fine Art Fair is September 15 and 16 at Veterans Memorial Park.

A golden cocker spaniel named Lucka has been reported missing since Friday. Please call 586-445-0562 or 586-612-2419 if you have seen Lucka.

Council Member Vitale mentioned that one of our police officers suffered puncture wounds from jumping fences in Detroit while chasing a suspect the other day. Our police are doing a good job, and he hopes that it gets the message out there that criminals should stay out of St. Clair Shores.

He asked if the Dollar General cleanup will be done soon because it has become a dumping ground. Mr. Hughes said that they should be there tomorrow.

Mr. Vitale said that he received an email that former occupants of a property on Chalon went back and were looting for scrap metal. It was good that this looting was reported, but this call should have been made to the police directly. The looters were getting the items ready to be picked up, but the police arrived and secured the property so the looters were not able to come back for those items.

12. CITY MANAGER'S REPORT

The 911 SERESA Open House was well attended on Friday. Although there is a rapidly increasing use of social media such as Facebook, Twitter and instant messages, it is still most efficient to call 911 in an emergency.

Monday, September 3 is Labor Day, and the City Hall will be closed except for police and fire. The next City Council Meeting will be held Tuesday, September 4.

13. AUDIENCE PARTICIPATION (5 minute time limit)

Joe Degens, St. Clair Shores resident, has talked to Ms. D'Herde and Ms. Rusie regarding the Pure Michigan campaign which will be here filming a 50-city presentation on August 22. They picked a sailing organization at Jefferson Beach Marina to represent our City. He feels they should have picked someone from our City or gone to one of our parks to film there.

Item 13 Cont'd.:

The shed in back of his house has evidence of rats. He has tried a trap, poison and a tin cat. Nothing catches these. He needs help from the City.

Paul Fritz, St. Clair Shores resident, said his mother's property was entered by the landscaping company used by the City, and her landscaping was destroyed. This is a prime example of the problem with the grass ordinance. A notice or ticket should be issued first. There was no chance for her to resolve the issue before this happened. This exposes the City to liability because they have damaged actual landscaping. There was no public safety issue and no reason to act without giving time to address the issue. The fence-line growth has been there for 12 years, and they suddenly decided it was an issue after a problem neighbor complained.

Mr. Rubino stated that what happened at his mother's was an error in judgment and should have never happened. We will consider the suggestions made.

Frank Maiorano, St. Clair Shores resident, spoke about the NSP program and 22326 Rosedale which is adjacent to his property. The bid for this property was posted on MITN with special requirements. He wanted to know when and how the bidding requirements were changed specifically in order to allow Swany Construction to bid. Was this change ever posted? If a resident seeks help from Mayor and Council and something is found, Council should seek action. It is important to reveal these findings publicly. We should get answers to these questions because we hired you to do this. He would like the City Manager to give him the information showing when and where the bid specification changes were posted.

Mr. Rubino said that nothing was changed for just one contractor it was changed for all contractors. This was approved by the State. The State has audited us and found there was no wrong doing.

Donald Lobsinger, St. Clair Shores resident, talked about having to defend traditional marriage. An assault of true marriage has been waged by people in support of counterfeit marriages. He would like the Council to make a public statement about true marriages being the only recognized marriages.

14. MAYOR'S COMMENTS

Mr. Rubino agreed that we should revisit the Harper Overlay.

The rodent issue seems to be getting worse. We do have a program in St. Clair Shores so please call us if you see them.

15. ADJOURNMENT

Motion by Caron, seconded by Rusie to adjourn at 8:37 p.m.

Ayes: All – 6

Absent: Walby

PETER A. RUBINO, MAYOR PRO-TEM

MARY A. KOTOWSKI, CITY CLERK

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