

MINUTES
ST. CLAIR SHORES CITY COUNCIL MEETING
July 18, 2016

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

Present: Mayor Kip C. Walby, Council Members Peter Accica, John Caron, Ronald Frederick, Peter Rubino, Candice Rusie and Chris Vitale

Also Present: City Manager Michael Smith; City Clerk Mary Kotowski; Directors Chris Rayes, Liz Koto, Bryan Babcock, Recreation Sports Manager Gina Rheume, Brandon Abel, Police Chief Woodcox, and City Attorney Robert 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 and a quorum was present. The Pledge of Allegiance was said by all.

2. PROCLAMATIONS & PRESENTATIONS

Mayor Walby said he wants to show support for our Police Department and our community. He said our Police Department has been tremendous for so many years and he thought it was important to have Monsignor Michael Bugarin from St. Joan of Arc Church say a prayer.

Monsignor Bugarin stated he works closely with the City of St. Clair Shores Police Department during their festival and dealing with crisis in the City. He said the Police Department needs our prayers and support as they take great risks to keep us safe.

Monsignor Bugarin said a prayer for our Police Department and First Responders, our country and the City of St. Clair Shores.

Mr. Smith spoke about our police officers and how tough their job is.

Sarah DeDonatis, President of the Women's Civic League, said the Guns and Hoses Softball Game fundraiser will be on August 6th between 5 p.m. and 10 p.m. at Kyte Monroe Park. Family activities and music will be at the event.

Two celebrity players, Nima Shaffe, Channel 7 News, and Ron Savage, Channel 2 News, will be at this year's event. There is a donation of \$5 for those over the age of five and proceeds will be split between the Great Lakes Burn Camp, the Cops for Kids Program, and the Women's Civic League Scholarship Program. Call 586-522-6622 for more information.

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

Jim Goodfellow, St. Clair Shores resident, Item #4, said he hopes City Council will approve this grant money.

Marilyn Florek, St. Clair Shores resident, Item #9, said she is concerned about the new construction at Roy O'Brien Ford as residents get a lot of their traffic on their street. She said it now looks like even more traffic will be coming down their street. The biggest problem is from their Service Department and new customers conducting test drives. The drive from the Service Department is wider than before and is right in front of a resident's home. She asked if City Council looked at this as it is unfair to residents that live on a residential street.

Gayle Knapp, St. Clair Shores resident, Item #9, said there is an issue and there will be cut-through traffic on their street. She said if Roy O'Brien Ford employees could divert themselves to 9 Mile to Mack and back to 9 Mile there would be no issue. She suggested putting up a No Left Turn sign at the exit drive at Roy O'Brien Ford. A No Right Turn sign should also be put up at the employee parking lot.

Erin Stahl, St. Clair Shores resident, Items #6 and #11a, asked about Miller Marine and in regards to the road that was fixed near Blossom Heath Beach. She said at the TIFA Meeting, she asked if anyone knew how much they contributed to the payment of that road and it was not known at that time.

In regards to Item 11a, Check Approval List, she said she was looking for the invoices of the cost to produce the newsletter and the cost to distribute it. She asked that someone call her at 586-774-8181 with that information.

Agenda Item 3 (cont'd)

Mayor Walby stated that in regards to Miller Marine, they are in discussion with them and the amount is zero.

4. PUBLIC HEARING – EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM FISCAL YEAR (FY 2016) LOCAL SOLICITATION

Police Chief Woodcox thanked everyone for the prayer and standing ovation. He said there has been overwhelming support from the community towards the Police Department, especially over the last week and a half.

He said this is an opportunity for the public to speak on the Federal Justice Assistance Grant they are applying for. They are planning to replace all their radios over several years and they are half way through the process. They receive this grant every year and have received it over the last five years. This year they are renewing the grant so they don't have to use City funds.

If approved, the City will only pay \$112.00 to replace the eight radios this year.

Public comments were opened at 7:23 p.m.

Joseph Hunt, City of Warren resident, said he is all in favor of this grant.

Roger Reichenbach, St. Clair Shores resident, said technology has come a long way and radios are not cheap. His only concern is that the frequencies are encoded and encrypted. He stated he presumed that the FEMA security protocols will be in bid specifications and mentioned he is impressed by Mr. Gambill.

Public comments were closed at 7:25 p.m.

Chief Woodcox said these are state certified radios and some of the frequencies are encrypted for cover or SWAT operations, but the day to day operations are on an open frequency and are not encrypted.

5. PLANNING CASE PPC160014, REQUEST FOR SITE PLAN APPROVAL FOR EXTERIOR RENOVATIONS TO THE BUILDING LOCATED AT 22100 HARPER AVENUE, REPRESENTED BY KENNEDY PROPERTY MANAGEMENT

The City recommends the site plan approval for exterior renovations to the building located at 22100 Harper Avenue, represented by Kennedy Property Management.

The applicant is requesting Site Plan Approval for exterior renovations to the existing building located at 22100 Harper. The building was recently purchased, and the owners are interested in giving it an exterior facelift as they look for tenants. The site plan proposes to paint the existing building, add an EIFS cornice, replace the windows, and add a metal awning.

Russ DiBartolomeo, Oakland Township resident, is the owner of the building and purchased it about five months ago and wants to bring it up to date in order to get a tenant into the building. He said this could be an office building, a doctor's office, or used for retail. He stated that the way it currently looks, the will probably not get a tenant into the building.

Mr. Rubino said he disagrees with Mr. DiBartolomeo and thinks it the best looking building on Harper from the exterior and it has a classical look and many in the community appreciate it. He asked why is the brick being painted as it looks in good condition and stated he does not like the idea of painting it.

Mr. DiBartolomeo said it is outdated and he wants to paint the block and the brick.

The building was built in 1943 and has been unchanged since then.

Mr. Vitale said the building has glazed brick and has shine to it and it looks great right now. He can't get behind the idea of painting glazed brick. He agrees the windows and awnings need to be done, but he can't get behind painting the brick and this is not what the City is achieving with the Harper Overlay Zone. He said it is a step backwards to put stucco and paint on it.

Mr. DiBartolomeo said the building does not have glazed brick and it has been vacant for five years.

Mr. Vitale said he would deny the plan and supports Mr. Rubino.

Agenda Item 5 (cont'd)

Ms. Rusie said she won't vote to deny this as it is Mr. DiBartolomeo's building and he is trying to get tenants into it. She does not understand why we would deny site plan approval for this.

Mr. Smith asked Mr. Ihrie if there has to be a reason have to a site plan approval denied.

Mr. Ihrie stated there has to be a reason to deny it in the sense it does not fall within our ordinance, in other words, it is outside our ordinance.

Mr. Smith asked if there is anything in this requested site plan that requires a variance from any of our administrative bodies.

Ms. Koto stated there are no variances required for this site plan and it meets all aspects of the Harper Overlay Zone.

Mr. Ihrie said if this is denied, they would be subject to challenge in court on this issue.

Ms. Koto stated that this issue is in front of City Council because they received the direction to have all façade improvements come before City Council while the zoning ordinance is being reviewed. She said if that direction was not given, it would have been administratively approved.

Mayor Walby stated that they can deny it, but they don't have a reason to. Ms. Koto again stated that the plan meets every aspect of the Harper Overlay Zone.

Ms. Koto mentioned that the ordinance states that things need to be made of brick, stone or glass and new construction cannot be made of painted brick, but does allow for painted brick on existing construction.

Mr. Vitale stated this is a loophole and he noted there is nothing they can do about this.

Mr. Rubino asked that they Table this issue until he gets more information on the reasons to approve or deny the request. He also wants more information on the materials.

Mr. Vitale stated he wants to know who the manufacturer of the paint is and what their directions are in order to put it over the type of brick on the building. He also wants to know how long the warranty is for.

Mr. DiBartolomeo said he will not be able to attend the August 1st meeting.

Moved by Council Member Rubino, seconded by Council Member Vitale to TABLE this request and place it on the August 1st agenda.

A roll call vote was taken.

Ayes: Accica, Caron, Frederick, Rubino, Vitale, Walby

Nays: Rusie

6. REQUEST FROM MILLER MARINA FOR ADOPTION OF A RESOLUTION FOR CONVEYANCE OF BOTTOM LANDS

The DEQ has notified affected owners of upland riparian property that the 50 year term lease(s) of Lake St. Clair public trust bottomlands expire this year. These property owners have to complete a new Great Lakes Bottomland Conveyance application pursuant to part 325, 1994 PA 451.

As part of their application approval, they need a Resolution from City Council approving their conveyance application. This is the same request that Council adopted for three other marina businesses and the resolution language is drafted by the requestor with them supplying the legal description. Mr. Ihrie has reviewed the documents and the City Assessor has reviewed the legal description.

Mr. Ihrie said he has reviewed this agenda item and is a requirement of statute for them to continue to operate the way they are operating.

Moved by Council Member Frederick, seconded by Council Member Rubino to adopt the following resolution:

Agenda Item 6 (cont'd)

WHEREAS, Miller Marina, Inc., which is the owner and operator of Miller Marina ("Marina"), is filing an application for a conveyance of the Great Lakes Bottomlands surrounding the marina docks located at 24770 Jefferson, St. Clair Shores, MI 48080.

IT IS HEREBY RESOLVED, that the City of St. Clair Shores does hereby approve the conveyance of Great Lakes Bottomlands by the State of Michigan to Miller Marina, Inc. The Great Lakes Bottomlands to be conveyed are fully described as follows:

LAND SITUATED IN THE CITY OF ST. CLAIR SHORES, COUNTY OF MACOMB, STATE OF MICHIGAN, DESCRIBED AS FOLLOWS:

PARCEL 1: LOTS 2 AND 3, KRAMER AVENUE URBAN RENEWAL PLAT NO.1, AS RECORDED IN LIBER 61, PAGES 19 AND 20 OF PLATS, MACOMB COUNTY RECORDS,

PARCEL 2: LOT 36, ASSESSOR'S PLAT NO. 16, AS RECORDED IN LIBER 14, PAGE 48 OF PLATS, MACOMB COUNTY RECORDS.

PARCEL 3: THE EAST 647.00 FEET OF LOT 10, ASSESSOR'S PLAT NO. 16, AS RECORDED IN LIBER 14, PAGE 48 OF PLATS, MACOMB COUNTY RECORDS.

Ayes: All - 7

7. APPROVAL OF AMENDED EXTENET SYSTEMS, INC. METRO ACT AGREEMENT

The City recommends the approval of the expansion of existing ExteNet (formerly Clearlink) in the Public Right-of-Way under the METRO Act Permit.

ExteNet has been approved several times for locations in St. Clair Shores. This request is to add an additional zone to their network. The system is mounted on DTE wood utility poles and approval is secured through DTE for joint use.

Mike Watson stated the Metro Act only applies to wires or lines. He said we are being paid pursuant to a settlement and this bridges the gap of what he believes what Metro Act covers and what ExteNet believes it covers. He said they have not set a negative presence because there are no proliferation poles and there is some money involved to pay us. He mentioned this is a one-time payment.

Mr. Frederick said his biggest issue is if we want to put everything underground. Since there are no poles, he asked what would we do.

Mr. Watson said they agreed to a \$10,000 bond to be in place for the life of the agreement. He mentioned that when technology changes, will \$10,000 be enough to take them all down.

Mr. Watson said they agree to settle without more of a fight. The purpose is to feed the demand to force the issue to bring more band width to the user. They are trying to get that signal down to street level. ExteNet's plan has worked out an agreement with DTE to put the system on existing poles.

Mr. Ihrie said he wanted to include a few comments that were not mentioned.

1 – the City of St. Clair Shores is receiving money for negotiating with the petitioner. The petitioner did not initially feel that we were entitled to any monies other than the Metro Act monies. The City of St. Clair Shores is getting additional monies and is still getting the Metro Act fees.

2 – he doesn't believe that what is going to be constructed will be noticeable to the average person.

3 – Attorney fees that could be generated with a fight with the petitioner, the outcome of which is not assured, would be very substantial.

4 – there will be no new towers or poles built to put up the small structures.

5 – the City is still able to address any issues that we may want to address with any other petitioners.

Mr. Watson stated they are small units, the size of a paint can or a little larger, to be placed on utility poles.

Moved by Council Member Rubino, seconded by Council Member Caron to approve the request for approval of the expansion of existing ExteNet (formerly Clearlink) in the Public Right-of-Way under the METRO Act Permit, as recommended by the City Manager.

Agenda Item 7 (cont'd)

Ayes: All – 7

8. REQUEST FROM LAKEVIEW HIGH SCHOOL FOR APPROVAL OF TEMPORARY BANNER SIGNS ON THE DTE POLES IN THE 11 MILE ROAD RIGHT-OF-WAY BETWEEN HARPER AND LITTLE MACK AUGUST 22, 2016 THROUGH June 30, 2019

The City recommends the approval of the request from Lakeview High School for temporary banner signs on DTE Poles in the 11 Mile Road Right-of-way between Harper and Little Mack August 22, 2016 – June 30, 2019.

Lakeview Public Schools is requesting to erect seven banners on the DTE light poles in the 11 Mile Road median in front of Lakeview High School. The banners are being requested for a period of 3 years.

Heather Huber, Assistant Principal at Lakeview High School, said she is proud to have the K-12 Junior Optimist Clubs and this is part of the work their students are requesting.

With these K-12 groups, they wanted to work on three projects together. They are currently doing two, one being Thanksgiving Baskets and the other is Kids Against Hunger. This agenda item is the third district project they would like to do.

If approved, the first is the 11 Mile Beautification Project and thereafter, they would like to do other beautification projects, attempting one a year, whether in or out of the school district depending on what the community needs.

There will be 14 banners on the seven DTE poles in front of Lakeview High School.

Wording on the banners will be taken from their strategic plan and the banners should be up prior to registration in August. They are also in communication with Landscape Services who will do the landscaping at the base of the light poles.

Several Council Members stated they love the idea and it will look fantastic.

Moved by Council Member Frederick, seconded by Council Member Rusie to approve the request from Lakeview High School for approval of Temporary Banner Signs on the DTE Poles in the 11 Mile Road Right-of-way between Harper and Little Mack August 22, 2016 – June 30, 2019, as recommended by the City Manager.

Ayes: All - 7

9. PLANNING CASE NO. PPC160001R – REQUEST FOR AMENDMENT TO SITE PLAN APPROVAL – REQUEST FOR AN AMENDMENT OF THE SITE PLAN APPROVAL TO APPROVE A CHANGE IN EXTERIOR FINISH MATERIALS ON THE WEST AND SOUTH ELEVATIONS OF 22201 NINE MILE, REPRESENTED BY STUDIO DETROIT, SHANE BURLEY FOR ROY O'BRIEN FORD

The City recommends approval of Planning Case PPC160001R, a request for an amendment of the site plan to approve a change in exterior finish materials on the West and South elevations of 22201 Nine Mile, represented by Studio Detroit, Shane Burley for Roy O'Brien Ford.

The applicant is requesting an amendment to the site plan that was approved by the Planning Commission, City Council, and Zoning Board of Appeals in early 2016. The petitioner is requesting a change of the exterior finish materials on a portion of the south elevation of the building, and a change of the exterior finish materials on the west elevation of the building. The petitioner is requesting to change the approved exterior finish material of corrugated metal on the south side of the building to brick and corrugated metal to match the remaining elevation. On the west side of the building, the petitioner is requesting to change 2/3 of the elevation to concrete block with a corrugated metal coping. The approved west side of the building was corrugated metal from grade to the top of the building. The petitioner will also be required to obtain a variance from the Zoning Board of Appeals.

Ms. Koto said this requires a variance from ZBA (Zoning Board of Appeals) because they are using concrete block which is not an allowable material. They are scheduled to go back to the ZBA at the August meeting.

Mayor Walby mentioned the two residents who came up during Audience Participation and asked if putting up the signs is something that can be done.

Agenda Item 9 (cont'd)

Mr. Smith said this is private property and if the petitioner voluntarily agreed to put up a No Left Turn and No Right Turn sign, it would not be an issue. If we wanted to put up a sign, it would require an ordinance change.

Mr. Burley stated Roy O'Brien Ford would probably approve of putting up the signs. Mr. Smith will get in touch with Mr. O'Brien tomorrow.

Mr. Accica asked if they were going to angle the approaches to make exiting easier.

Mr. Smith said they talked about that issue with the proposed parking lot on the east end of the building, but did not talk about it at the west end, where the problem exists. Since the original discussion, Roy O'Brien realized the parking lot on the east side would cause more problems than solutions, so they are not going to be looking into that.

Moved by Council Member Caron, seconded by Council Member Frederick to approve the request for the amendment of site plan approval PPC160001R at 22201 Nine Mile for a change in exterior finish materials on the West and South elevations, conditional to a variance for exterior finish materials from the ZBA, represented by Studio Detroit, Shane Burley for Roy O'Brien Ford, as recommended by the City Manager.

Ayes: All - 7

10. BIDS/CONTRACTS/PURCHASE ORDERS -

a. Reconfirm Command Officers Agreement (COA)

The City recommends the confirmation of the Command Officers' Agreement.

On August 4, 2014 the collective bargaining agreement between the City of St. Clair Shores and the Command Officers was approved by City Council. Part of that agreement included the ability to allow employees to purchase time towards retirement. This provision was identical to a provision which was included in the previous agreement, which was costed by our pension actuary, and only impacted a handful (3) of employees. Based upon these facts, our Labor Attorney did not feel that it was necessary to have another actuarial evaluation done on this change. Unfortunately, the pension board attorney did not agree with that opinion. There the City has had a supplemental evaluation performed and that document was presented to City Council at their June 6, 2016 meeting.

With this procedural step now completed, we are asking that the bargaining agreement approval be confirmed by City Council at this time.

Mr. Frederick reviewed the issue stating that by reconfirming what we did, we did something out of order. When we collectively bargain with people and agree to a particular benefit, it affects the Pension Fund and an Actuarial Report has to be done. There are two opinions, one is that when you collectively bargain, that trumps anything else, but under PA728, we have to get an Actuarial Report with anything that we collectively bargain. The Actuarial Report was done with an ending date of June 30, 2015. Mr. Smith said a copy of the Actuarial Report was given to the Pension Board.

Mr. Rubino asked why this agenda item is marked Confidential.

Mr. Smith stated it was marked that way as it was handed out in Closed Session.

Ms. Rusie stated if this is a public document, it should be placed on the online packet.

Moved by Council Member Frederick, seconded by Council Member Rubino to approve the request to confirm the collective bargaining agreement between the City of St. Clair Shores and the St. Clair Shores Command Officers which will expire on June 30, 2017, as recommended by the City Manager.

Ayes All - 7

b. 2016 Chiller Maintenance and Repairs (bids opened 7/7/16)

The City recommends the approval of Janssen Refrigeration Co., Inc. in the amount of \$48,586.00 to provide all materials and labor for the opening, cleaning and reassembly of the chiller in accordance with the Alfa Laval Plate Heat Exchanger Operation and Maintenance Manual adding additional recommended materials and labor to increase refrigeration as per specifications.

Agenda Item 10b (cont'd)

The existing Alfa Laval Plate Heat Exchanger was installed in 2003 and should last substantially longer than twenty five years with proper inspections and maintenance. In September 2015, an outside refrigeration specialist company, Conti, was brought to Civic Arena to examine existing equipment operations and offer recommendations regarding unfrozen areas of the floor which pointed to a circulation issue of the brine under the Gardens floor. To date, all recommended action steps have been taken and there is documented proof that the suction pressure is running too low, causing the brine to freeze in the chiller and not allowing the brine to get chilled and flow out to the floor.

New gaskets per manufacturers outlined service, will be added to the existing Alfa Laval located in the Gardens rink at St. Clair Shores Civic Arena. Further, the successful bidder, will increase titanium cassettes to the existing system with new pulleys to increase refrigeration tonnage from 72 to 85 tons. The following additional materials will be added: a full volume strainer/air separator, two 4" ammonia valves, and two 6" shut-off valves and a new insulated box case.

Funds are available in the 2015-2016 budget and were originally earmarked for the Wells condenser in account 101 703 980 728 in the amount of \$40,000, but it was determined that although both are badly needed, the priority is the Gardens which is in need of an immediate commitment to action. The intention was to take one of the two rinks down in May 2016, but with the arena improvements we opted to move the repairs to August so both arenas were not shut down and upon completion of the Gardens renovations we would have a newly painted sheet of ice in August at a cost saving measure not to melt down and repaint the same sheet of ice twice. The additional funds of \$8,586.00 would be carried over from compressor repairs 101-703-930-060.

Bids were opened on July, 7, 2016, the proposal and documents were sent to 58 bidders, four bidders attended the walk through and 11 companies reviewed all specifications. Two bids were received.

Gina Rheume stated they have circulation issues. They took the steps that were recommended and documented the findings and put in taps and gages.

Brandon Abel stated that the edge cannot be fixed without a complete floor tear out. According to logs from 2005, when the plate and frame were relatively new, and they were running at phenomenal temperatures and there were no issues except for the edge. Now they have a substantial flow issue and further explained the problems with the ice arena.

Mr. Caron mentioned that figure skating has had to go elsewhere to skate and they have overtaxed the system. He believes they are taking the right steps to fix the problem.

Mr. Abel mentioned that this is something that needs to be done, whether we had a floor issue or not.

Ms. Rheume said if this maintenance and repair is completed, the equipment will run at the expected manufacturer's specification and it will chill the ice. They anticipate the center portion, minus the perimeter strip, will freeze.

Mr. Abel said there is no way to fix the edge without replacing the floor. The floor is entombed in concrete and concrete is better for what they want to do.

Mr. Smith mentioned that discussion was held regarding putting new tubing around the outside, but we would be doing so on a 20 year old header and asked if this makes sense.

Mr. Abel said if we had a new floor, the chiller would still not operate.

Mayor Walby said he hears numbers of \$300,000, \$500,000, and \$1 million. He asked if we can get some numbers so we do not have to guess at the cost.

Discussion was held regarding the chiller repairs and replacing the floor.

Ms. Rheume stated there is no air conditioning in the facility at all and believes after this fix that the next step would be to look at cooling the ice arena.

Mr. Smith mentioned that they are trying to find a company to look at their energy audit to see if there are ways to save energy and the biggest place would be Civic Arena, as the arena uses the same amount of electricity all year long.

Agenda Item 10b (cont'd)

Mayor Walby said the locker rooms are coming along and should be done at the end of September. The opening game is October 30th.

Moved by Council Member Accica, seconded by Council Member Caron to approve the request to approve Janssen Refrigeration, Co., Inc. in the amount of \$48,586.00 to provide all materials and labor for the opening, cleaning and reassembly of the chiller in accordance with the Alfa Laval Plate Heat Exchanger Operation and Maintenance Manual adding additional recommended materials and labor to increase refrigeration as per specifications as recommended by the City Manager.

Ayes: All - 7

c. Request to award DPW bid for Motor Pool Vehicle & Equipment Tires (bids opened 7/11/16) and award Blanket purchase order for FY 2017

The City recommends City Council authorize the City Manager to award a 2-year contract and blanket purchase order for Tire Purchasing to Trader Ray Tire, Inc., in the annual amount of \$40,000. All unit prices shall remain valid through June 30, 2018.

The City of St. Clair Shores Department of Public Works (DPW) received proposals for the 2016-2018 Tire Purchasing Contract on July 11, 2016. The contract consisted of a list of most commonly used tires by the Motor Pool Department.

The proposals gave the vendors the opportunity (on page 5 of the proposal) to provide a contract extension and a change in unit prices for the period of July 1, 2017 through June 30, 2018. Trader Ray Tire, Inc. checked that a 1-year extension would be provided with a 5% increase in unit costs for FY 2018.

Trader Ray, Inc. has held the tire contract in the past with the City and had delivered a quality product in a timely manner.

Therefore, it is the City's recommendation to award the 2-year contract and blanket purchase order to Trader Ray Tire, Inc. in the annual amount of \$40,000.

Costs associated with this contract will be funded from the FY 16/17 Motor Pool Department budget account no. 661-602-930.000.

Moved by Council Member Caron, seconded by Council Member Rusie that the recommendation of the City Manager be approved.

Ayes: All - 7

d. Request to award 2016-2018 Pavement Marking Program (bids opened 7/11/16) and award Blanket purchase order for FY 2017

The City recommends City Council authorize the City Manager to award a 3-year contract and blanket purchase order for the Pavement Marking Program to R.S. Contracting, Inc., in the annual amount of \$95,000. All unit prices shall remain valid through June 30, 2019.

On Monday, July 11, 2016, the City of St. Clair Shores opened bids for the 2016-2019 Permanent Pavement Marking Program. The low bidder is R.S. Contracting Inc., 9276 Marine City Hwy., Casco Twp., MI 48064 at \$188,454.44.

Work will consist of applying waterborne longitudinal lines twice per season; and waterborne symbols, cross walks, stop bars once per season. The project was bid for a duration of three cycles, which will cover the pavement markings thru Spring of 2019.

The project was advertised on the Michigan Inter-Governmental Trade Network (MITN) and was sent to 41 companies. Two (2) contractors submitted bids. These are the two (2) main companies in the Metro-Detroit area that do this type of work.

The project is currently budgeted under Streets Account No. 120-451-930.030 in the amount of \$95,000.00 per year.

Agenda Item 10d (cont'd)

The contractor completes the pavement marking programs in most all adjoining cities and also the pavement markings for all roads under the jurisdiction of the Macomb County Department of Roads.

Therefore, based on the past work experience with the City, we recommend a 3-year project award and blanket purchase order annual amount of \$95,000 to R.S. Contracting, Inc..

Moved by Council Member Rubino, seconded by Council Member Caron that the recommendation of the City Manager be approved.

Ayes: All - 7

e. Request to award 2016-2017 Rock Salt MITN Purchasing Cooperative contract and blanket purchase order

The City recommends City Council authorize the City Manager to approve the second year contract and the 2016-2017 blanket purchase order to purchase Rock Salt from Detroit Salt Company in the amount of \$100,000.

The City purchases rock salt for use by the Streets Department through the Michigan Intergovernmental Trade Network (MITN) bid cooperative with 33 organizations. The low bidder for the 16/17 winter season is Detroit Salt Company at \$60.40 per ton.

The 2015/2016 winter season cost was \$58.90 per ton and the Streets Department used 1,670 tons of salt. The City's contracted amount (or estimated usage) for 2015/2016 was 2,750 tons of salt to be delivered as needed. The contract stated that the City is obligated to pay for 70% of the contract amount, or 1,925 tons. The contract also stated that the City is allowed to order 130% of the contract amount, or 3,575 tons.

During 2015/2016 season the City actually used 1,670 tons and therefore is responsible to prepay for 1,925 – 1,670 = 255 tons to be stored at Detroit Salt for use during the 2016/2017 season. The cost of the prepayment is 255 tons x \$58.90/ton = \$15,019.50.

Salt	Contract Amount (Ton)			\$/TON	Budgeted	Actual	Tons
	100%	70%	130%				
FY 11 / 12					\$145,650	\$45,869	960
FY 12 / 13					\$100,000	\$71,881	1,601
FY 13 / 14	2,750	1,925	3,575	\$41.27	\$100,000	\$135,272	3,229
FY 14 / 15	2,750	1,925	3,575	\$49.82	\$100,000	\$92,483	1,912
FY 15 / 16	2,750	1,925	3,575	\$58.90	\$100,000	\$98,372	1,670
FY 16 / 17	2,100	1,470	2,730	\$60.40	\$100,000		

It is our recommendation to approve the 2016-2017 blanket purchase order with Detroit Salt, Co. in the amount of \$100,000.

Funding for this purchase has been budgeted in Streets Department account no. 120-451-930.020 in the amount of \$100,000.00.

It is also our recommendation that the City approve the payment of \$15,019.50 to Detroit Salt Company to meet our contract obligations. The salt will be stored at Detroit Salt Company at no additional cost and will be available to use during the 2016/2017 winter season.

Moved by Council Member Frederick, seconded by Council Member Caron that the recommendation of the City Manager be approved.

Ayes: All - 7

Mr. Smith asked Mr. Babcock to give an overview of the flooding that occurred on July 8th.

Mr. Babcock said that 3" of rain fell within two hours. The entire Sewer Department came in early, but from about 6 a.m. to 8 a.m. residents began calling stating they had water in their basement. They heard from 73 homes with

Agenda Item 10e (cont'd)

flooded basements. DPW will be mailing information to residents of those homes so they know what to do. They will also be given information on the appropriate way to clean, and options they may have if they want to try and protect their basement in the future. He asked that residents who have flooded basements call the City. DPW will check the mains and make sure it is not a mass problem. On Deziel Street, they found heavy grease and caught the problem quickly.

Mr. Rubino stated that some streets/areas tend to flood a lot and wanted to know why we have some areas that flood every time.

Mr. Babcock said that there are systems in the City that when we receive a lot of rain, the closer that sewer elevation is to the elevation of your basement, the higher chances are that when it reaches capacity and the water has to go somewhere.

f. Request to award RFP for Professional Building/Construction Plan Review Services and Building Inspection Services (all disciplines) (bids opened 7/7/16)

The City recommends the approval to award the contract for Professional Building Inspection/Plan Review Services and Construction Inspector to the City of Roseville for a 5 year period. (bids opened 7/7/16)

An RFP was placed on MITN. Three proposals were received for all disciplines and a fourth for electrical only. The City of Roseville was the low bidder for all services. They are currently our service provider and have provided excellent service and will continue on a five day inspection schedule and will be supplying us with a construction inspector which is currently being supplied through AEW. They recommend Roseville in the amount of \$308,500 including the construction inspector.

Mr. Rubino mentioned that he thought the City was going to look at prices at doing this work in-house. He asked where the numbers are as he doesn't see any. He asked, if we can pay Roseville all this money, how come we can't do this in-house.

Mr. Smith said the difference is that Roseville is absorbing all of the liability as they have the personnel and are not hiring extra people to do our work. If we hired our employees to do our inspections, we would be absorbing all the liability and legacy costs.

Mr. Rubino said he doesn't see where this is any different. He said he has asked a number of times how much it would cost us to do this in-house and he wants an explanation of why Roseville can do this, but we can't.

Mr. Rayes said under the new contract, six inspectors from Roseville do this work for us right now.

Mr. Rubino asked if we would have to hire someone full time to do these inspections, mentioning the hourly rates are from \$50 to \$65.

Mr. Rayes stated they provide the vehicles and all the costs such as mileage, fuel, insurance, etc., but not including wages. He said when we switched to the service, our cost reduction was \$250,000 when they first proposed going to Roseville. It was a significant cost savings going this route. It is just less than \$49,000 cheaper by going with Roseville for everything versus Roseville and AEW.

Mr. Rubino said they were told that City Council would see in-house costs and numbers.

Mr. Rayes mentioned that he did look into it a little bit, but it was so long ago since we had some of those positions as they have been out of contract.

Ms. Rusie asked if City Council could get the analysis that Mayor Walby and Mr. Rubino are looking for before this item is approved.

Mr. Smith stated they can, but they would have to extend the current contract with Roseville for a period of time that it would take to get back with City Council.

Mr. Rubino stated he wants, within six months, the best and worst case scenario of a comparison between the cost of Building Inspection Services in-house versus contracting them out.

Mr. Smith said he will talk to Mr. Rubino after the meeting.

Agenda Item 10f (cont'd)

Moved by Council Member Caron, seconded by Council Member Frederick to approve the RFP for Professional Building Inspection/Plan Review Services and Construction inspectors to the City of Roseville for the 5 year period bid (bids opened 7/7/16), as recommended by the City Manager.

Ayes: All - 7

g. Request to approve the sale of vacant parcel at 21735 Maxine 2010 Tax Foreclosed lot

The City recommends the approval of sale of the vacant lot at 21735 Maxine (2010 Tax Foreclosure Property) in the amount of \$22,000.00.

This parcel was acquired in July 2010, from the Macomb County Treasurer's Office, as part of the tax foreclosure program. The asking price was \$25,000.00. After counter offering, they accepted the amount of \$22,000.00, being presented for approval.

Mr. Rayes indicated that the builder has purchased three other parcels from the City.

Ms. Rusie stated she wants to make the disclosure that her mother does work at Real Estate One as a listing agent.

Mr. Vitale said his issue is that there is another house built on the street and the way the City ordinance is written, the house has to be 25' off the property line. Most of the homes are set back 75'. When this resident built their house 25' off the lot line, it put this house in the shadow.

Mr. Rayes stated that the house to the west of the first lot is so far back it will not adjoin this house.

Mr. Vitale said this is another loophole in the Ordinance.

Moved by Council Member Frederick, seconded by Council Member Caron to approve the sale of the vacant lot at 21735 Maxine (2010 Tax Foreclosure Property) in the amount of \$22,000.00, as recommended by the City Manager.

Ayes: All - 7

h. Request to approve the sale of vacant parcel at 21717 Maxine 2012 Tax Foreclosed lot

The City recommends the approval of the sale of the vacant lot at 21717 Maxine (2012 Tax Foreclosure Property) in the amount of \$22,000.00.

This parcel was acquired in July 2012 from the Macomb County Treasurer's Office as part of the tax foreclosure program. The original listing price was \$25,000.00. After counter offering, they accepted the amount of \$22,000.00, being presented for approval.

Moved by Council Member Caron, seconded by Council Member Frederick to approve the sale of the vacant property at 21717 Maxine (2012 Tax Foreclosure Property) in the amount of \$22,000.00, as recommended by the City Manager.

Ayes: All - 7

i. Request to approve the purchase of 2016 Tax Foreclosed properties from Macomb County Treasurer's Office

The City recommends to approve the purchase of the 2016 Tax Foreclosed properties from Macomb County Treasurer's Office.

The list contains one house and one condominium. These two properties provide value and can be resold to offset the acquisition costs. One parcel is on Ursuline and one on Allen Court.

Moved by Council Member Rusie, seconded by Council Member Caron to approve to the purchase of the 2016 Tax Foreclosed properties in the amount of \$13,179.57 from Macomb County Treasurer's Office, as recommended by the City Manager.

Agenda Item 10i (cont'd)

Ayes: All - 7

j. Request to approve the demolition bid for 22014 Stephens

The City recommends awarding the contract to Complete Maintenance and Building Co., LLC., for demolition of all structures located at 22014 Stephens.

This property is in the blight program and is part of a court order allowing the City to demolish the structure. The demolition project was posted to MITN and six bids were received. Complete Maintenance and Building Co., LLC. had the lowest bid. This contractor is currently renovating three tax foreclosed properties for the City of St. Clair Shores. References were checked and found to be acceptable. Thus far their work with the City is satisfactory.

9/28/12 Referred from Code Enf, blight letter sent, title search ordered, memo to city atty/cf
 10/8/12 Title work received, invoice processed for pay/t/cf
 4/17/13 8am Settlement Conference, Judge Druzinski
 6/12/13 8am Settlement Conference, Judge Druzinski
 7/25/13 Rich, There was no agreement made. I reviewed the list of violations with "Larry". In my opinion he is over simplifying the repairs that are needed. We can enter into a repair agreement but I can see a lot of problems down the road. Any agreement should include providing the minimum habitable area required by the SCS zoning ordinance. Let me know if you need anything else. Glenn
 7/26/13 Received copy of the Order of Settlement Conference to be held on 7/25/13.
 10/30/13 CA to repair all violations within 150 days.
 11/21/13 Received Stipulated Order for Dismissal
 12/3/13 Bench Trial, Judge Druzinski – Cancelled
 7/23/14 Letter stating that city will begin demo process.
 1/6/15 Received copy of letter from P.O.
 2/11/15 Early Disposition Settlement Conference Notice for 3/25/15 at 8:00 a.m., Judge Druzinski
 2/26/15 Per CRR, to seek demo.
 2/26/15 Hearing scheduled for 3/2/15 at 8:30 a.m., Judge Druzinski
 2/27/15 5/3 mortgage interest remains intact
 3/2/15 Not needed in Court.
 3/31/15 Copy of Early Disposition Settlement Conference Notice received. Status Conference scheduled for 5/20/15 at 8 AM
 3/31/15 Per Glenn's call with City Attorney, Consent Agreement coming soon.
 5/21/15 Received copy of Order of Early Disposition Settlement Conference Notice scheduled for 6/24/15.
 6/2/15 Received copy of Consent Judgment; Item K not acceptable to Glenn
 6/30/15 Received copy of Order of Adjournment of Status Conference.
 9/30/15 Received copy of Consent Judgment/Final Order
 2/10/16 Received copy of Order Granting Plaintiff's Motion to Reopen Case and schedule Evidentiary Hearing on 3/18/16 at 8:30 a.m. All repair must be completed in 90 days. (12/23/15) except the concrete which is allotted 365 days. (9/23/16)
 3/21/16 Not needed in Court.
 4/20/16 Received copy of Order Adjourning Evidentiary Hearing to 5/13/16 at 8:30
 5/13/16 Court found that defendant did not comply and City has right to demo.

Moved by Council Member Rusie, seconded by Council Member Rubino to approve to award the contract to Complete Maintenance Building Co., LLC. for demolition of all structures located at 22014 Stephens, as recommended by the City Manager, in the amount of \$11,695.

Ayes: All - 7

11. 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.

Moved by Council Member Caron, seconded by Council Member Frederick to approve the Consent Agenda items a - i, as follows:

a. Bills**July 7, 2016****\$6,570,536.18**

Agenda Item 11a (cont'd)

Resolved to approve the release of checks in the amount of \$6,570,536.18 for services rendered, of the report that is 41 pages in length, and of the grand total amount of \$6,570,536.18, \$8,695.55 went to other taxing authorities.

b. Fees

Resolved that the following Fees be approved as presented:

Ihrie O'Brien \$14,685.80

c. Progress Payments

Resolved that the following Progress Payments be approved as presented:

Fontana Construction, Inc.	\$470,437.01
Italia Construction, Inc.	\$ 16,104.00
Italia Construction, Inc.	\$ 16,104.00
R.S. Contracting, Inc.	\$ 19,715.08
Doetsch Industrial Services	\$ 5,059.70

d. Approval of Minutes - none

e. Receive & File Boards, Commissions & Committee Minutes

Resolved that the following minutes be received and filed:

<u>Minutes</u>	<u>Meeting Date</u>
Animal Care & Welfare Committee	May 9, 2016
Brownfield Redevelopment Authority	April 21, 2016
Council Sub-Committee on Boards, Commissions & Committees	May 24, 2016
Election Commission	April 27, 2016
General Employees' Pension Board	May 17, 2016
Historical Commission	June 7, 2016
Library Board	May 19, 2016
Older Persons Advisory Committee	May 19, 2016
Planning Commission	May 10, 2016
Sign Arbitration	April 28, 2016
Tax Increment Finance Authority	May 19, 2016
Zoning Board of Appeals	May 5, 2016
Zoning Board of Appeals	June 2, 2016

f. Recommendations from the Council Sub Committee on Boards, Commissions and Committees

The Sub-Committee met on June 28, 2016 and these are recommendations from that meeting.

1. Recommendation to Mayor and Council to appoint the following:

<u>Name</u>	<u>Committee/Commission</u>	<u>Term-Ending Date</u>
Starr Cellitti	Cultural Committee <i>(Vacant seat of Amy Lynn Jadzinski)</i>	06/01/2019
Tony Bellestri	Zoning Board of Appeals <i>(Vacant seat of Mark Foster)</i>	12/31/2018

2. Recommendation to Mayor to appoint the following:

<u>Name</u>	<u>Committee/Commission</u>	<u>Term-Ending Date</u>
Joan Perry	Library Board <i>(Vacant seat of Joan Perry)</i>	12/31/2017

3. Recommendation to Mayor and Council to reappoint the following:

<u>Name</u>	<u>Commission</u>	<u>New Term-Ending</u>
Bob Pylar	Activities Committee	09/30/19
David J. Rubello	Activities Committee	09/30/19
Eileen C. Sullivan	Cultural Committee	06/01/19
Grace Descamps	Election Commission	05/01/17

Agenda Item 11f (cont'd)

BeBe Frahm	Election Commission	05/01/17
Bo Kirk	Golf Course Committee	09/30/19
Frances Wilson	Golf Course Committee	09/30/19
Emil DePasquale	Older Persons Advisory Committee	09/30/19
Carol Kapusnak	Older Persons Advisory Committee	09/30/19

4. Recommendation to Mayor to reappoint the following:

George Recor	Communications Commission	09/30/19
Bruce Tegtmeier	Communications Commission	09/30/19

g. Award Blanket Purchase Order for 2017 Fiscal Year – Golf & Parks – Fertilizer and chemicals for golf course and parks (rescheduled from 6/20/16 meeting)

The City recommends awarding a blanket purchase order to Harrell's in the amount of \$40,000 for golf and \$15,000 for parks to Harrell's utilizing the National IPA bid.

Fertilizer and chemicals are purchased for the golf course and parks on an as needed basis. In 2011, we joined the National IPA which allows us to take advantage of various publicly solicited and awarded master agreements from around the country. In this agreement, Simplot was awarded the bid for all areas west of the Mississippi and Harrell's was awarded the bid for everything east of the Mississippi. Last year, council approved using the National IPA bid to purchase fertilizer and chemical for the golf course and parks. The contract with Harrell's runs through 2018. We will use this agreement to purchase fertilizer & chemicals from Harrell's for the golf course and parks for the 2017 fiscal year.

Moved by Council Member Caron, seconded by Council Member Frederick that the recommendation of the City Manager be approved.

h. Request to award the bids for the residential Rehab Projects

The City recommends awarding two bids for CDBG Homeowner Rehabilitation Projects. The first recommendation is to award the bid for Property #1 to Optimum Construction for required repairs. The second recommendation is to award the bid for Property #2 to Mando Construction.

HUD's purchasing regulations for the CDBG program begin for purchases in excess of \$100,000. All purchases under \$100,000 should adhere to the local jurisdiction's procurement policies.

The City Council action is an approval of the adherence to the City's procurement policies. Because the contract being approved is between the homeowner and the contractor, City Council may not change or alter the project. Additionally, there are other federal guidelines that this program must adhere to, and in some cases, the City is required to award contracts to a certain bidder (lowest bidder, minority or women-owned business, low income company, etc).

An ongoing advertisement is posted on MITN inviting contractors to inquire about possible projects, and an advertisement is run in the newspaper every few months stating the same. The Homeowner Rehabilitation Coordinator also uses an approved contractor list to solicit bids.

The following repairs are required to be made to Property #1:

1. Strip and Re-Roof Entire House
2. Replace 11 windows
3. Replace garage door
4. Lead abatement

Moved by Council Member Caron, seconded by Council Member Frederick to approve the award of the rehabilitation contract for Property #1 to Optimum Construction in the amount of \$12,475.00 for repairs to a single-family residential owner-occupied property, as recommended by the City Manager.

The following repairs are required to be made to Property #2:

1. Basement Waterproofing
2. Foundation Repairs*
3. Lead Paint Abatement
4. Basement Window Replacement

*Option 2 includes the price of replacing the basement walls; however, should they only need to be braced and repaired, then the contract price will be Option 1. The engineered drawings will determine if the walls need to be replaced or can be braced/repared instead. The homeowner prefers the lower priced option, if it is available.

Moved by Council Member Caron, seconded by Council Member Frederick to approve the award of the rehabilitation contract for Property #2 to Mando Construction up to \$26,545.00 for repairs to a single-family residential owner-occupied property as follows, as recommended by the City Manager.

- i. **Receive and deny claim of S. Love & R. Cureton vs. City of St. Clair Shores etal and refer to the City Attorney for response**

Resolved to deny the claim of Sergio Love and Robert Cureton vs. City of St. Clair Shores etal and refer to the City Attorney for response.

Ayes: All - 7

12. UPDATES AND FOLLOW-UPS FROM COUNCIL MEETING

- **Fireworks** – Mr. Smith said they had 149 calls and 50 tickets were issued. He asked that residents call State Representative Roberts and State Senator Brandenburg and ask them to change the law regarding fireworks.
- **St. Gertrude Site and Chapoton Apartment Site** – Mayor Walby said St. Gertrude is making a lot of progress. In regards to Chapoton, Mr. Rayes said their plans have been submitted for permitting and is going through the process. Mr. Frederick stated the weeds are excessively high on that property. Mr. Rayes said the gate is usually left open and they have various issues, but they usually follow-up right away.
- **Kyte Monroe Parking Lot** – Mr. Smith said the parking lot looks great. He said it looks like we will be making more than what we got from the contractor even after initial start-up costs. The jury is still out on the pool vending. He said we missed out on opportunities due to the parking lot renovation, but it was worth the aggravation.
- **Veterans Memorial Park Bathhouse** – Mr. Accica said the shingles will be on this weekend and the electricians and plumbers are both doing their roughs.
- **Town Hall** – the meeting will take place on July 19th at 6:30 p.m. where residents can ask questions about the Police Millage, the language, and City finances. The meeting is for information only and the Police and Fire Departments will be at the meeting.
- **Martin Road** – Mr. Rayes said they are going to push Martin Road out and will be putting Nine/Mack Drive in its place (local streets projects).
- **Library** – when the streets recently flooded, the Library had a pipe break which flooded the first floor. Two other drains on the roof were plugged. They were cleaned out and the Library is now open again.
- **Veterans Memorial Park** – Mr. Smith mentioned they will be getting another dumpster at the park with an enclosure.
- **Pokemon Go** – Mayor Walby stated that Channel 4 was at Wahby Park. Mr. Smith said the problem is that some places are a place of interest, but not at 12:30 a.m. This infringes on the rights of others and this is a problem. Ms. Rusie said Wahby Park is an open area and has no gate. It looks open, but a person may not know what the park hours are. She suggested better signage at this park.
- **Farmer's Market** – is this Sunday from 8 a.m. – 1 p.m. at Blossom Heath Park. Shuttles will be up and running.

13. COMMENTS BY INDIVIDUAL COUNCILPERSONS

Council Member Caron said the Special Needs fundraiser is at Veterans Memorial Park on July 21st. The SCOTS Board will be selling raffle tickets and proceeds will go to the Special Needs Program.

Council Member Frederick asked what is happening to Linda's Place. Mr. Smith stated they had one person interested in the property, but it fell through. Mr. Rayes mentioned that either retail or offices can go into the location.

He announced upcoming Library events.

Council Member Vitale mentioned that Linda's Place has a boarded up entrance, has windows covered in stickers, and has signs advertising the construction company's business. It also has a dead tree in front of building.

Mr. Rayes stated he will contact the builder.

Agenda Item 13 (cont'd)

Mr. Vitale spoke about receiving emails about how the City is being too tough on businesses regarding signs, window coverage, etc. He showed pictures of businesses in another city showing how their city looks with too many signs on the building and on the windows.

Council Member Accica said he has already mentioned the update on Veterans Memorial Park.

Council Member Rusie thanked Council Member Accica for the work on the bathrooms at Veterans Memorial Park.

She announced that many Boards and Commissions have vacancies. All vacancies can be found on the City's website at www.scsmi.net.

She spoke about the Adopt-A-Road Program and those who want to participate can contact DPW. Participants go out four times a year minimum to pick up trash. Bags and vests are supplied by DPW.

She said she noticed that a lot of Park Ordinances are very old. She suggested a good project for the Parks and Recreation Commission is to look at the ordinances and get them more in line with how our parks operate today.

Council Member Rubino asked Mr. Rayes about Marino's Party Store on Masonic. He said the City told them their parking lot was going to be closed for two hours and it was partially closed for three or four days. He asked how does this happen.

Mr. Rayes stated that the question was about the water main project which they are not yet doing. Prior to the project, the gas company replaced the gas main. Federal Paving, a Consumers contractor, was doing patch work. This is not the City's project, but the gentleman at Marino's stated there was a water main break where they were doing the patch. It was Consumers contractor that was fixing their work and had nothing to do with the project the City is currently working on.

Mr. Rubino said he is still getting complaints about the stench from the County Drain Commissioners Bon Heur Pump Station. Mr. Rayes said they are just starting with that project and the contractor has submitted their drawings and once approved there will be more activity.

Mr. Rubino said residents asked if the No Left Turn sign onto Lakeview from southbound Harper could be put back up. Mr. Rayes stated the County has removed a number of signs about five years ago when they conducted a traffic study. He said we will have to ask Traffic if we can erect a sign on a county road. Mr. Smith said if we put the sign up, it would be in our ordinance and if it was taken out, Council would have to adopt a new ordinance to put it back up.

14. CITY MANAGER'S REPORT

Mr. Smith mentioned the St. Gertrude project is in the middle of demolition. They had a few corner stones with dates on them and the City wanted to repurpose them on the new baseball diamonds on the entryway. These large stones were taken by someone. If you have any information on them, call 586-447-3311.

Mayor Walby said there will be an article in the local newspaper about this situation.

Mr. Smith said people who are volunteering to make improvements to the bathrooms at Veterans Memorial Park left some tools at the site and they have been taken. He said they just want the tools back and if anyone has information, call 586-447-3311.

15. AUDIENCE PARTICIPATION (5 MINUTE TIME LIMIT)

Joseph Hunt, City of Warren resident, said he is involved in a Save Lake St. Clair project that takes him closer to the lake. He spoke about the Police & Fire Millage and plans to attend tomorrow's Town Hall Meeting.

Karen Spranger, City of Warren resident, said she is a peoples advocate and spoke about general community concerns.

16. MAYOR'S COMMENTS - none

17. REQUEST TO ENTER CLOSED SESSION AS PERMITTED BY STATE STATUTE MCLA 15.268, SECTION 8 (c) and (e) Stucky Vitale v St. Clair Shores

Moved by Council Member Frederick, seconded by Council Member Rusie to enter Closed Session as permitted by State Statute MCLA 15.268 Section 8 (c) and (e) Stucky Vitale at 11:07 p.m.

A roll call vote was taken.

Ayes: All – 7

Moved by Council Member Caron, seconded by Council Member Rusie to return to Open Session at 11:25 p.m.

Ayes: All – 7

Motion by Council Member Caron, seconded by Rubino to direct the City Attorney to proceed as directed regarding Stucky Vitale v. St. Clair Shores.

Ayes: All - 7

18. ADJOURNMENT

Moved by Council Member Rusie, seconded by Council Member Frederick to adjourn at 11:37 p.m.

Ayes: All – 7

KIP C. WALBY, MAYOR

MARY A. KOTOWSKI, CITY CLERK

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