

**MINUTES
ST. CLAIR SHORES CITY COUNCIL MEETING
SEPTEMBER 6, 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 Bryan Babcock, Mary Jane D'Herde, Doug Haag, Chris Rayes, Battalion Chief Greg Coplai and City Attorney Robert Ihrle

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

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

2. PROCLAMATIONS & PRESENTATIONS

a. Proclamation - Constitution Week September 17- 23, 2016

Ms. Joan Alsever was present to accept the following proclamation:

**PROCLAMATION
DESIGNATING SEPTEMBER 17-23, 2016
AS "UNITED STATES CONSTITUTION WEEK"**

WHEREAS, September 17, 2016 marks the two hundred and twenty ninth anniversary of the drafting of the Constitution of the United States of America by the 1787 Constitutional Convention; and

WHEREAS, it is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary, and to the patriotic celebrations which will commemorate this grand occasion; and

WHEREAS, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council do hereby proclaim the week of September 17-23, 2016 as

UNITED STATES CONSTITUTION WEEK

in the City of St. Clair Shores and ask our citizens to reaffirm the ideals the Framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties, remembering that lost rights may never be regained.

Presented this 6th day of September 2016.

Ms. Alsever reminded people to let their voices be heard by voting in the upcoming election.

b. 20th Annual Car Show

Mr. Duane Michno spoke regarding the 20th Annual Veterans Memorial Car Show on Sunday, September 18th from 10 a.m. to 4 p.m.

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

Jim Goodfellow, St. Clair Shores resident, spoke regarding Agenda Items #8a, #8c and #8d. He stated the vehicles for the police are a good purchase. He thanked the builder for bidding to do extra work for the same price on the Fire Station roof. He said the repair costs seem quite high for a house that had appraised with such a high value.

Item 3 (Cont'd):

Donna Narva, St. Clair Shores resident, spoke regarding Agenda Item #4. They had flooding in their home on Rosedale in August 2014. The City rebuilt the catch basin in front of their house. They had their sewer looked at and it was clear. They just finished repairing their basement from that flood, and it flooded again. They hope the City can figure out why this is happening.

Judy Eggly, St. Clair Shores resident, spoke regarding Agenda Item #4. They had flooding in their home on Star Valley two years ago and again this July. They received information from the DPW about sewers not able to handle the water. Their main drain has been replaced, and their drains are snaked twice a year. They would like something to be done about the flooding.

Cheryl Gray, St. Clair Shores resident, spoke regarding Agenda Item #4. She has had work done at her own expense to help with flooding at her home on Beste. Other streets in their area do not have this issue. We need to get serious about the streets that are having problems with flooding.

Mark Lysakowsky, St. Clair Shores resident, spoke regarding Agenda Item #4. He said the flooding is a public health concern. He cannot afford professional cleanup, so he does it himself with bleach. His street, Elizabeth, gets a couple feet of water during floods. He does not want to spend \$2,000 for a backflow.

Items 5 and 6 were taken out of order at 7:21 pm.

5. REQUEST FOR AN ON PREMISE LICENSE – MICROBREWERY, JAMEX BREWING CO., 21721 HARPER AVE., ST. CLAIR SHORES MI 48081 (Agenda Item taken out of order)

Mr. Jeffrey Kaye was present with his wife regarding this request. They are not planning on having food on the premises at this time. A partnership is possible in the future. They are allowed to have wine, but they will not be doing so at this time. They are hoping to open around Christmas, however it may be the after the first of the year.

Mr. Ihrie explained that in 2012, the Michigan Liquor Control Commission revamped their Rules as a tool to be business friendly and has significantly changed when City Council approval is required. Council approval is no longer required for Sunday Sales and entertainment permits.

Jamex Brewing Company has made an application with the Michigan Liquor Control Commission (LCC) for a Micro Brewer License with Sunday Sales and entertainment. The LCC requires a Resolution from City Council recommending approval before they will proceed with their approval process.

A "Brewer" License, as defined by MCL 436.1105 (11), is issued by the LCC to a person located in Michigan to manufacture and sell to licensed wholesalers, beer produced at the licensed brewery facility. They may sell to consumers for on-premise consumption, may offer free samples, and may sell to consumers for off-premise consumption with no additional license.

A Micro Brewer as defined by MCL 436.1109(3)"Micro brewer" means a brewer that produces in total less than 60,000 barrels of beer per year and that may sell the beer produced to consumers at the licensed brewery premises for consumption on or off the licensed brewery premises and to retailers as provided in section 203. In determining the 60,000-barrel threshold, all brands and labels of a brewer, whether brewed in this state or outside this state, shall be combined and all facilities for the production of beer that are owned or controlled by the same person shall be treated as a single facility.

It is not a Class C Liquor License request as a Micro Brewer License falls under the LCC Manufactures & Wholesale Licensing and not under the Class C (on premise) licenses. It does not count against the City's available Class C Liquor Licenses. We have two (2) Class C licenses available.

City Departments Review - They have made an application for a Certificate of Occupancy, and while they are making their interior renovations, final inspections are still pending. A preliminary review by the Fire Marshall notes any items will be addressed prior to the C of O being issued and the final occupancy will be determined. Their preliminary plans indicated occupancy capacity of 48. There are no outstanding bills for Jamex Brewing. They are the tenant at this location and not the property owner.

Item 5 (Cont'd):

The Police Department would recommend approval based on their preliminary findings.

As always, the Michigan Liquor Control Commission (LCC) does not allow conditions included in the Council Resolution. LCC policy is not to process the application without City Council approval. The City holds final say in the business opening up under approval and issuance of their Certificate of Occupancy.

They have completed the City's application and provided necessary documents under the City's Class C Ordinance and have paid the \$2500 application fee. Per Mr. Ihrle's previous legal opinion, they were subject to our \$2500 application fee.

Council approval of this resolution allows this new business to proceed simultaneously with all the different agency approvals at the same time.

Moved by Council Member Rusie, supported by Council Member Frederick that the recommendation of the City Manager be approved by the adoption of the following resolution:

BE IT RESOLVED that the application from Jamex Brewing Company for the following license: Micro Brewer, new small wine maker license and the following permits: entertainment and Sunday Sales permits p.m., to be located at 21721 Harper Ave., St. Clair Shores, MI 48080, Macomb County be considered for approval. It is the consensus of this body, that it recommends this application be considered for approval by the Michigan Liquor Control Commission.

Ayes: All - 7

6. BUDGET AMENDMENT FOR MILK RIVER INTERCOUNTY DRAIN PROJECT DEBT PREPAYMENT (rescheduled from 8/15/16) (Agenda item taken out of order)

Mr. Bryan Babcock explained that the Milk River Intercounty Drain Drainage District (MRIDDD) improvement project is referred to as the "Priority 1B and Select Improvements Project" in the attached documents. The MRIDDD improvements will be made to the Milk River Combined Sewer Overflow Retention Treatment Basin and Pumping Station; and the Milk River Recirculation System. Equipment processes, and buildings at the facilities are being rehabilitated and improved so that reliable wastewater service continues and to ensure that the facilities are in compliance with the current and future regulatory requirements. The improvements are required to satisfy a Notice of Violation and Administrative Consent Order by the Michigan Department of Environmental Quality.

Funding for the above SRF project was approved as part of the debt schedule on page 74 of the FY 2017 budget in the amount of \$90,210. Because the City's share (0.31%) was relatively small we recommended that it be prepaid to avoid finance charges.

However, our local cost share of this project has increased by \$25,096 to \$115,306 due to the project coming in \$8 Million over the engineer's estimated cost. Since the millage rate has been set and the tax bills issued, we are recommending that the difference be paid from the Utility Fund/Storm Sewer Department.

This is before Council now because the Milk River Drainage Board has requested that all prepayments be made by September 16, 2016 so that they can finalize the amount of debt to be issued.

The budget amendment is as follows:

BUDGET AMENDMENT				
<u>590</u>	<u>Utility Fund</u>	<u>Description</u>	<u>Increase</u>	<u>Decrease</u>
		STORM SEWER – Contribution to Capital Projects		
452	960.000	Fund	25,096	
Fbal	390.000	Fund Balance - Utility		25,096
<i>Purpose: To establish a revised budget for the additional cost of the Milk River Intercounty Drain Project.</i>				

Item 6 (Cont'd):

Moved by Council Member Frederick, supported by Council Member Rubino, to approve the request for a budget amendment in the amount of \$25,096 in order to prepay the City's entire share of the Milk River Intercounty Drain project in the amount of \$115,306 and Budget Amendment as follows:

BUDGET AMENDMENT				
590	Utility Fund	Description	Increase	Decrease
		STORM SEWER – Contribution to Capital Projects		
452	960.000	Fund	25,096	
Fbal	390.000	Fund Balance - Utility		25,096

Purpose: To establish a revised budget for the additional cost of the Milk River Intercounty Drain Project.

Ayes: All - 7

4. STORM AND SANITARY SEWER SYSTEMS CAPACITY IMPROVEMENTS DISCUSSION (Item taken out of order after Item 5 and Item 6)

Mr. Babcock gave a brief overview of how the City storm and sewer systems work. He spoke about the reasons why the flooding may occur. AEW will talk about the plan moving forward.

Mr. Roy Rose and Mr. Lyle Winn were present on behalf of Anderson, Eckstein & Westrick, Inc. (AEW). Mr. Rose explained that they created maps from resident calls collected from six separate flood events in the years 2011, 2014 and 2016. There are six focus areas which have had reoccurrence. The sewer lines will be cleaned. Once that is done, they will TV the line to look for obvious obstructions and work on any necessary repairs. There will be several solutions presented after an evaluation is done.

Mr. Caron asked that administration confirm that all the reported basement flooding was included in the AEW maps presented. He asked that, in compiling an action plan for basement flooding, the City consider again looking to ensure that ordinance be enforced regarding minimizing rain water entering the sanitary sewer via drain tiles around homes. He would like administration to provide Council with a proposal and deadline timetable for compliance.

Communications will place the Storm and Sanitary Sewer Systems Capacity Improvements discussion from this Council meeting on the website.

Ms. Rusie wants our communications to educate the residents about solutions they can implement.

AEW will be back in October with an update on the findings from the TVing and with recommendations on how to proceed.

Mr. Smith advised council that we could prefund the 10 Mile TIP project and then be reimbursed in 2018. The project has to be into MDOT by November to be part of the March Bid process from MDOT and then it can be bid together as one project.

Mayor Walby noted that the issue is one of capacity and where and how to increase the lines. In compiling an action plan for basement flooding, consider again looking to ensure that ordinances be enforced regarding minimizing rain water entering the sanitary sewer via drain tiles around homes. Provide Council with administration's proposal and deadline timetable for compliance. It was requested that Council receive a memo documenting the 10 Mile TIP project advance.

Moved by Frederick, supported by Accica to extend the Doetsch contract for 90 days to conduct sanitary sewer investigations regarding the basement flooding.

Ayes: All – 7

Moved by Frederick, supported by Rubino to advance the 10 Mile Road Construction TIP Project \$1.3 million out of the utility fund (to receive reimbursement of up to 80%).

Ayes: All - 7

7. REQUEST TO ADOPT RESOLUTION REGARDING RELOCATION OF COUNTY DRAIN FOR REDEVELOPMENT OF PROPERTY AT 28801 JEFFERSON

8. BIDS/CONTRACTS/PURCHASE ORDERS

a) Approval to Purchase Two New Police Ford Explorers and Buildups

Lt. Anthony Pietrzak was present to request the purchase of two new Police Ford Explorers. This vendor meets all requirements of the Purchasing Policies of the City of St. Clair Shores City Ordinance 12.451. The quotes for the vehicles were done under a State Bid through MI-Deal #071B1300005-11. Cruisers quoted the buildup based off of the buildup contract.

These vehicles will be replacing two Chargers that were flooded out recently. Both vehicles purchased will be utilizing some funds recovered from insurance payouts.

There are two proposed budget amendments because one vehicle was originally purchased through the Motor Pool Fund and the other directly from General Fund.

Lt. Pietrzak stated there is a part that is not guaranteed but should help discourage the vehicles from being flooded out. This cost includes the costs of the buildup.

Mr. Vitale asked for the itemized costs on the Cruisers invoice for the buildup costs for the new Police Vehicles approved at this meeting.

Lt. Pietrzak will provide an itemized list for the \$7,000 to Council this week.

Moved by Council Member Frederick, supported by Council Member Accica, to approve the purchase of 2 new Ford Explorers from Gorno Ford and buildup costs from Cruisers as recommended by the City Manager with budget amendments as follows:

Proposed Budget Amendment – Fund 661 – Motor Pool				
Account	Description		Increase	Decrease
100-681.000	REV – Sale/Insurance	To reflect insurance proceeds	\$20,985	
602-910.000	EXP – Insurance	To reflect cost of new vehicle	\$38,875	
000-390.000	FBAL – Fund Balance	To reflect difference in above		\$17,890

Proposed Budget Amendment – Fund 101 – General Fund				
Account	Description		Increase	Decrease
100-691.000	REV – Sale/Insurance	To reflect insurance proceeds	\$33,735	
300-980.001	EXP – Capital Outlay	To reflect cost of new vehicle	\$38,875	
000-390.000	FBAL – Fund Balance	To reflect difference in above		\$5,140

Ayes: All - 7

b) Request to purchase DPW Fork Lift

Mr. Babcock explained that the Fork Lift is used daily by the Forestry, Streets, Sewer and Water Departments for material handling in the DPW yard and buildings. The DPW handles all deliveries for the City since no City building has a delivery dock. Therefore the fork lift is used to unload all deliveries made to the City.

The fork lift will replace No. 52 which is a 1969 Hyster Hi-Lo Fork Lift. The old fork lift has a lifting capacity of 4,000 lbs. and a lift height of 7-feet. The old fork lift has brakes that are failing and a transmission leak with parts unavailable for either repair due to the age of the machine. The old fork lift has small, smooth tires with no traction that results in the machine being unsafe to use in the winter months. The tires are not replaceable due to the small size.

The fork lift is a 2006 Toyota Model 7FGU32 Fork Lift with a lifting capacity of 6,000 lbs. and a lift height of 15-feet. The new fork lift will have larger solid pneumatic tires with traction that will make it safer to use in the winter months when unloading deliveries outside the building.

Item 8 (Cont'd):

There was \$30,000 budgeted for this purchase in the fiscal year 2015/2016 Sewer Department Budget Account No. 590-870-980.001. Therefore, we are also requesting that \$12,500 of the \$30,000 be carried over to the fiscal year 2016/2017 budget to cover the cost of the fork lift.

A quotation for the used machine (\$12,500) and pictures; quotation for the same machine new (\$30,418); quotation for a similar competitor model new (\$27,805); as well as a couple of similar used prices (\$16,695-\$18,950) were provided to Council.

Ms. Rusie asked why this was not purchased when it was budgeted. Time and time again Council approves money for purchases and they are not made. This is frustrating when they approve a budget item and then the purchase is not made.

Mr. Babcock stated this was not purchased when budgeted because it took time to shop a new fork lift and then find the used fork lift. Mr. Smith explained that after we researched getting a new fork lift it became evident a used fork lift was a better option. We do try not to let this happen.

Mr. Babcock said there are no plans for disposal of the old fork lift at this time.

Moved by Council Member Vitale, supported by Council Member Frederick, to purchase a used 2006 Toyota Model 7FGU32 Fork Lift from Bell Fork Lift, Inc., 34660 Centaur Dr., Clinton Twp., MI 48035, in the amount of \$12,500.00 and to carryover \$12,500 from the budgeted fiscal year 2015/2016 budget to the fiscal year 2016/2017 budget.

Ayes: All – 7

c) Request to award the bid for emergency roof replacement at the North Fire Station (bids opened 08/16/2016)

Battalion Chief Greg Coplai spoke regarding the roof replacement at the North Fire Station, 31201 Greater Mack. This was approved by Council in June 2016. Unfortunately, the specifications used for the RFP did not meet the code for vapor barrier insulation in the Apparatus Room. Subsequently, a new specification was proposed and approved by the Building Inspector for submission on MITN.

Twenty-five businesses reviewed our request, with four submitting an RFP. Sealed bids were opened August 16th. Upon review of those four, only one met the requirement to submit a bid bond.

The company that has met all our requirements is J.D. Candler Roofing. Their bid is the same price as their initial bid for re-roofing, which was approved by Council in June, even with the additional insulation requirement.

Incidentally, J.D. Candler has also provided a fee schedule for any unforeseen repairs that may be required due to leaking over the winter and spring once they begin the restoration and repairs.

It is requested that City Council approve the bid of \$55,500. Because this is an emergency repair, we are requesting a budget amendment from the General Fund Contingency to the Fire Dept. Capital Outlay account for \$55,500.

After a lengthy discussion regarding the requirements of the bid and which contractors met those requirements, it was the consensus of Council to deny this request.

Ms. Rusie requested that the attorney look at the bid process and clean it up. Does the bond requirement need to be in the RFP, or is being specified on MITN enough? Also, clarify if email submissions with e-signatures are in compliance with our City purchasing ordinance.

Mr. Ihrie confirmed a performance bond and a bid bond, while are similar, are not the same. He also confirmed that items that are both on MITN and in the RFP need to be complied with.

After further discussion about whether or not the bid bond or a performance bond was actually a viable requirement, Mr. Rubino requested that the City Manager verify that all requirements were met so this emergency repair can proceed.

Item 8 (Cont'd):

Council Member Vitale suggested they award to the low bidder, Hollbrock, providing they meet bond requirement and all bid specifications without changing their initial bid made.

Mayor Walby stated that there is no way to make a decision on this item the way it was presented. Mr. Smith needs to work with AEW and CDI to get this rebid as soon as possible.

Moved by Council Member Rubino, supported by Council Member Caron to DENY the request to award the bid for roof replacement at the North Fire Station.

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

d) Request to approve award of contract for rehabilitation of tax foreclosed property at 23036 Edgewater

Mr. Rayes explained that this property is the last of the 2015 Tax foreclosed properties. Two bids were received. The low bidder has successfully completed work in St. Clair Shores previously. They met the specifications. Therefore, we recommend awarding the project to Dennis Building Company.

Moved by Council Member Caron, supported by Council Member Rubino, to approve awarding the bid to Dennis Building Company for the renovation of 23036 Edgewater in the amount of \$71,103.00, as recommended by the City Manager.

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

e) Request to Approve sale of vacant \$1 HUD parcel at 21526 Maple

The City worked with HUD to allow us to sell this property without any income restrictions on prospective buyers. They are requiring that the proceeds be returned to the \$1 HUD account less the realtor commission and used for projects in keeping with previous allowed uses. We have rejected offers to build without a basement and countered a lower offer which was accepted. Therefore, based on the offer to meet the building restriction and an acceptable price we are recommending selling this parcel.

Ms. Rusie disclosed that her mother works for Real Estate One.

Moved by Council Member Frederick, supported by Council Member Caron, to approve the sale of \$1 HUD parcel at 21526 Maple for \$15,000 as recommended by the City Manager.

Ayes: All – 7

f) Approval of the collective bargaining agreement for the AFSCME Local 1015 for the period 7/1/16 – 6/30/19

Mr. Smith explained the following changes to this proposed agreement as follows:

2016 - 2% (total cost in wages \$98,364)
2017 – 2%
2018 – 2%

Funeral Leave – Change number of days for death in the immediate family from the current language that permits up to five (5) workdays depending on the day of the week the death occurs on to four (4) regardless of day of death.

Retiree Health Care – Effective 1/1/2018 eliminate the cap on co-pay and deductible increases for retiree health care. Current cap limits increases to 3% per annum.

Temporary Employees – Lengthens the amount of time temporary employees can be used. Temporary Employee usage with DPW Streets and Water Departments from April 1st to November 30th. Water was previously limited to June 1st to September 15th.

Item 8 (Cont'd):

Provide a Long Term Disability Plan for those employees covered under the Defined Contribution Pension plan. (\$5,300 annually).

Moved by Council Member Frederick, supported by Council Member Rubino to confirm approval of the collective bargaining agreement between the City of St. Clair Shores and AFSCME Local 1015 with a term of July 1, 2016 through June 30, 2019.

Ayes: All – 7

g) Approval of the collective bargaining agreement for the 40th District Court Employees for the period 7/1/16 – 6/30/19

Mr. Smith summarized the changes which include:

Wages:

2016 - 2% (total cost in wages \$23,749)

2017 – 2%

2018 – 2%

Moved by Council Member Frederick, supported by Council Member Accica to confirm approval of the collective bargaining agreement between the City of St. Clair Shores and 40th District Court Employees MAPE with a term of July 1, 2016 through June 30, 2019.

Ayes: All – 7

h) Approval of the collective bargaining agreement for the Professional Employees' Association (PEA) UAW Local 412, Unit 44 for the period 7/1/16 – 6/30/19

Mr. Smith summarized the changes which include:

Wages:

2016 - 2% (total cost in wages \$47,676)

2017 – 2%

2018 – 2%

Moved by Council Member Frederick, supported by Council Member Caron to confirm approval of the collective bargaining agreement between the City of St. Clair Shores and Professional Employees' Association (PEA) UAW Local 412, Unit 44 for the period 7/1/16 – 6/30/19 with a term of July 1, 2016 through June 30, 2019.

Ayes: Frederick, Caron, Accica, Vitale

Nays: Walby, Rubino, Rusie

Motion carried

i) Approval of the collective bargaining agreement for the AFSCME Local 1015A, AFL-CIO Crossing Guards for the period 7/1/16 – 6/30/19

Mr. Smith summarized the changes which include:

Wages:

2016 - 2% (total cost in wages \$1,782)

2017 – 2%

2018 – 2%

Effective September 2017, members with more than three (3) years of service shall receive an allowance of \$120. This is an increase of \$20 per employee.

Item 8 (Cont'd):

Moved by Council Member Frederick, supported by Council Member Rusie to confirm approval of the collective bargaining agreement between the City of St. Clair Shores and AFSCME Local 1015A, AFL-CIO Crossing Guards with a term of July 1, 2016 through June 30, 2019.

Ayes: All – 7

j) Approval of changes to the Administrative Regulations #4 for the period 7/1/16 – 6/30/19

Mr. Smith summarized the changes which include:

Wages:

2016 - 2% (total cost in wages \$36,849)

2017 – 2%

2018 – 2%

Moved by Council Member Frederick, supported by Council Member Accica to approve the request for modification to the Administrative Regulation #4.

Ayes: Frederick, Accica, Caron, Vitale, Walby

Nays: Rubino, Rusie

Motion Carried

k) Request to approve the sale of a tax foreclosed vacant parcel at 32716 Robeson

Mr. Rayes explained that this parcel is made up of 35' lots that were acquired separately between 2001 and 2005. The City had to demolish the home on the southern parcel. The listing price is \$13,500.00. The buyer purchase price is \$14,000.00.

Mr. Caron asked CDI to confirm combined parcel to be a 70-foot lot for the sale of the tax foreclosed vacant parcel.

Ms. Rusie disclosed that her mother works for Real Estate One.

Moved by Council Member Rubino, and supported by Council Member Caron, to approve the sale of the tax foreclosed vacant parcel, 32716 Robeson, for \$14,000.00 as recommended by the City Manager.

Ayes: All – 7

9. 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, supported by Council Member Accica to approve the Consent Agenda items a - f, separating item 9d, as follows:

a. Bills

August 23, 2016	\$4,799,544.36
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Resolved to approve the release of checks in the amount of \$4,799,544.36 for services rendered, of the report that is 27 pages in length, and of the grand total amount of \$4,799,544.36, \$25,192.64 went to other taxing authorities.

b. Fees - None

c. Progress Payments

Resolved that the following Progress Payments be approved as presented:

Italia Construction, Inc.	\$ 96,191.04
TSP Environmental	\$108,369.85
TSP Environmental	\$ 20,508.73

Item 9 (Con't):

e. Receive & File Boards, Commissions & Committee Minutes

Resolved that the following minutes be received and filed:

<u>Minutes</u>	<u>Meeting Date</u>
Activities Committee	June 16, 2016
Activities Committee	July 28, 2016
Brownfield Redevelopment Authority	June 16, 2016
Building/Property Maintenance Board of Appeals	July 12, 2016
Council Sub-Committee on Board, Commissions & Committees	June 28, 2016
Cultural Committee	July 13, 2016
Fence Arbitration	July 20, 2016
General Employees' Pension Board	June 21, 2016
Parks and Recreation Commission	July 14, 2016
Planning Commission	July 26, 2016
Sign Arbitration	July 28, 2016
Tax Increment Finance Authority	June 16, 2016

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

1. Accept with Regret the following Resignations:

<u>Name</u>	<u>Committee/Commission</u>
Linda Michon	Animal Care and Welfare Committee
Thomas Sherry	Cultural Committee

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

<u>Name</u>	<u>Committee/Commission</u>	<u>Term-Ending Date</u>
James Daniska	Cultural Committee - Alternate	09/06/2018
John Cooper	Dog Park Committee <i>(Vacant seat of Thomas Collier)</i>	12/31/2019
Kyle Nicholson	Memorial Day Parade Committee <i>(Vacant seat of Maria Mayer)</i>	12/31/2018

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

<u>Name</u>	<u>Commission</u>	<u>New Term-Ending</u>
Mark Moffitt	Bldg/Prop Maint. Board of Appeals	06/01/2021
Mary M. Bohnhoff	Older Persons Advisory Committee	09/30/2019

Ayes: All – 7

Separated Item:

d. Approval of Minutes

Ms. Rusie stated that in the August 15, 2016 minutes, the closed session motion should reflect which legal counsel actually made the recommendation.

	<u>Meeting Date</u>
City Council	July 18, 2016
City Council	August 1, 2016
City Council	August 15, 2016

Moved by Council Member Rusie, supported by Council Member Frederick to approve City Council Minutes for July 18, 2016 and August 1, 2016 as presented and August 15, 2016 with the motion after Closed Session to read: Moved by Council Member Frederick, supported by Council Member Vitale to accept the recommendation of the ~~City Attorney~~ City's litigation counsel concerning S. Love & R. Cureton v St. Clair Shores.

Ayes: All - 7

10. UPDATES AND FOLLOW-UPS FROM COUNCIL MEETING

- **Private Road/Revere** – Mr. Ihrie explained that a road becomes private by never becoming public. At the time of its platting it must be dedicated to the use of the public. The original plat language specifically indicates it is for private use of the adjacent residents.
- **Pokemon Update** – Mr. Smith said from August 1st to today, we have received 14 calls and issued 26 violations.

11. COMMENTS BY INDIVIDUAL COUNCILPERSONS

Council Member Accica said that the painters are at Veterans Memorial Park bath house working. The drywall is being installed at the Civic Arena.

Council Member Rusie announced the Activities Committee is looking for candy vendors for the Halloween party on October 30. It is at Veterans Memorial Park this year.

She asked what residents should do if their garbage is not picked up. Mr. Smith said residents should call Rizzo if their garbage is not picked up. She then asked if the City receives a report from Rizzo on the missed trash pickups that are called in directly to Rizzo. We should check if the numbers are increasing and how they will be addressed. Mr. Smith stated we do get a report from Rizzo regarding calls they receive. He will touch base with them about this issue.

Council Member Rubino asked about soliciting at intersections. Mr. Ihrie stated he is in the process of writing an opinion right now on the AG Opinion on soliciting in City Intersections and the possible need to amend the ordinance.

Mr. Rubino pointed out that there is a rumor on the flooding issue that we turn off some sort of pump for I-94 to make sure it does not flood. How is rainwater taken away from I-94? Mayor Walby said there are two sizable pumps. We do not have anything to do with the I-94 pumps.

Council Member Caron announced the Animal Care and Welfare Committee are looking for members. They would like to have people who have experience dealing with animal rescue.

He asked about a sign permit pulled by the Macomb County Public Works building which was denied for being too large. Sign Arbitration agreed if the sign was reduced in size it would be approved. Is the sign value a consideration? Mr. Smith said approval has no association with the cost of a sign.

Mr. Caron asked about the 10 Mile Relief sewer project. The quote in 2014 was for a 12" sanitary, now the plan is 21" instead of 19", but the quote only had 12" sanitary. AEW has consistent errors. He would like anything AEW commits to it put in writing. Nothing they quote matches up with what they have told the City. We need to put more pressure on them to step up and provide solutions. Mr. Babcock needs their support and judgement, and he is not getting that from them.

Mr. Smith said we do have meetings with AEW which the Assistant City Manager attends.

Council Member Frederick announced upcoming events around the City as well as several Library events.

He asked when they will break ground at the Chapoton location. Mr. Rayes said they are working on the permit.

Council Member Vitale asked when the house on Stephens is going to come down. Mr. Rayes spoke with the contractor; they are waiting on clearance from the State which is required after asbestos removal. If his permit expires, we can make him repurchase one. He drove by today, and there was no equipment. We do not own the property so we cannot do anything. He has tried to get them to commit to a date.

Mr. Vitale wants to know what we can do to take this house down. Mr. Rayes stated that this is a legal question. Mr. Ihrie will look at the contract to determine whether, under clause, we can terminate him.

Mr. Vitale said we should make it a policy to have a completion date as part of the bid contract. He would like Council to be updated on the status of the demolition of the Stephens house.

During the Harper Cruise he noticed the old Linda's Place still has boarded up windows and weeds that are over 8 inches. There are also safety hazards such as holes cut in the parking lot and pieces of sharp wood sticking out. Why haven't we cited this property?

Item 11 (Cont'd):

He asked when this become an abandoned project? Mr. Smith said that is a legal question. He will sit down with Mr. Ihrie and Mr. Rayes and see what we can do.

Mr. Ihrie said he has made contact with the owner and was given certain commitments that the problems addressed by Council were going to be resolved. They have not been. It may not be abandoned, but it does become blighted.

Mr. Vitale said, if we can legally, we should patch the parking lot right away and charge them. We should also start contacting them in writing. We should also go cut the weeds and charge for that. Please put this as a Council Update for the next meeting.

12. CITY MANAGER'S REPORT

Mr. Smith announced "Rockin the Shores" event on September 17th at Roy O'Brien Ford.

He also congratulated the Communications Department for receiving the Philo Festival of Media Arts Award – Central States Region from the Alliance for Community Media. SCSTV was named winner of the Overall Excellence in Government Access Television category.

13. AUDIENCE PARTICIPATION (5 MINUTE TIME LIMIT)

Apollonia Buschmohle, St. Clair Shores resident, is asking for a variance to build a brick retainer wall along her property so neighbors cannot use her property.

Mr. Smith asked her to give phone number to Mr. Rayes.

Beverly Beauford, St. Clair Shores resident, spoke about being ticketed multiple times by the City for a building she needs to have torn down and for her grass needing to be cut.

Mayor Walby instructed her to give name and phone number to the City Clerk so the City Manager can look into this.

Christine Bournias, St. Clair Shores resident, spoke regarding a first-time event Heroes Rock on September 17th she is putting together. All proceeds will be used toward matching service dogs with war veterans.

Don Gala, St. Clair Shores resident, spoke regarding his basement flooding five times.

14. MAYOR'S COMMENTS - None

15. ADJOURNMENT

Moved by Council Member Caron, supported by Council Member Rubino to adjourn at 11:28 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).