

**MINUTES
ST. CLAIR SHORES CITY COUNCIL MEETING
FEBRUARY 3, 2020**

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

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

Also Present: City Manager Matthew Coppler, Assistant City Manager William Gambill, City Clerk Mary Kotowski, Directors Laura Stowell and Chris Rayes, Chief James Piper 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 recited.

2. PROCLAMATIONS & PRESENTATIONS - DETROIT INSTITUTE OF ARTS (DIA) INSIDE/OUT PROGRAM

Ian Rapnicki, Teacher at the Detroit Institute of Arts, spoke about their community partnership and the Inside/Out program. This program consists of placing framed reproductions of art throughout the community. Since 2012, 157 pieces have been placed in tri-county communities. The pieces will be installed in St. Clair Shores in May, and they will be on display for approximately four months.

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

Jim Goodfellow, St. Clair Shores resident, spoke regarding Item #5.

4. STORM WATER APPORTIONMENT STUDY

Background: The City Manager recommended the approval of the proposed scope of work for the Storm Water Charge Apportionment Study as presented by Hubell, Roth & Clark and authorization of the expenditure in an amount not to exceed \$206,000 from Account #590-452-980.463.

Due to the Court's 2019 decision in the B. Patrick v St. Clair Shores (Stormwater utility litigation), the City's ability to charge for operation and maintenance of the stormwater system has been impaired. As Mayor and Council are aware, City staff and our consulting engineers and attorneys are working to develop a methodology to reinstitute a charge within the legal framework of the State of Michigan. One of the components of either methodology that may be chosen is a revision to the way the City apportions those stormwater charges. To that end, Hubell, Roth & Clark (HRC) has developed a scope of services and projected cost for the work necessary to complete the study.

The Apportionment Study will be divided into two parts. The first part is the preliminary study which will develop the Residential Equivalent Units (REU) that will be used to determine how the charge will be assessed to owners of property within the City. This work will include: determining runoff factors for typical zoning classifications, defining the drainage district boundaries, and preparation of the preliminary report. The second part of the study will focus on: the finalization of the methodology, development of specific site data, development of procedures for property owners to appeal their REU assignments, development of procedures to afford property owners the opportunity to receive credits to their fee, and the preparation of the final report.

HRC is proposing a not to exceed cost of \$206,000 to complete this apportionment study. Further, they believe the study will take approximately nine months to complete. Though this study was not considered when the FY 2019-20 Budget was developed, there is \$500,000 available in the Stormwater Utility Capital Account. Staff is recommending that a portion of this funding be set aside to complete this work.

Mr. Coppler stated that the first phase will take about 90 days and cost approximately \$46,000. For the second phase, we will be looking at approximately 25,000 different parcels. They are estimating that this portion of the project will take approximately six months and cost upwards of \$140,000 to complete. These calculations are based on information from the city of Birmingham who recently did this, and it cost them \$100,000 doing about half the number of parcels we have.

Item 4 (Cont'd):

Ms. Rusie asked for the basis for the storm water apportionment study estimate and whom from HRC staff will be doing this, their categories of personnel and their hourly rates.

Mr. Coppler will provide this information to Council.

He explained that each parcel will be looked at individually. There will be an appeal process so that people will be able to appeal the decision on their property. The property owners will also be provided with different measures to reduce their storm sewer charges on their own property, and they will be able to get credit for initiating the suggested measures.

Moved by Council Member Frederick, and supported by Council Member Caron to approve the proposed scope of work for the Storm Water Charge Apportionment Study as presented by Hubell, Roth & Clark and authorize the expenditure in an amount not to exceed \$206,000 from Account #590-452-980.463.

Ayes: All – 7

5. BIDS/CONTRACTS/PURCHASE ORDERS - REQUEST TO PURCHASE LIFEPAK 15 MONITOR/DEFIB FOR FIRE DEPT. WITH TRADE-IN OF LIFEPAK 12

Background: The City Manager recommended awarding the purchase of a LifePak 15 monitor and defibrillator to Stryker for \$31,406.30 which includes a \$3,000 credit for trade-in of a LifePak 12.

We have budgeted this year to continue to replace our outmoded LifePak 12 cardiac monitors with new LifePak 15 models. The majority of our LifePak monitors are from 2013. Physio-Control generally will not repair monitors over seven years old. We would like to eventually replace all LPs on a rotating basis so as not to incur a major expense replacing several at once.

Stryker is the sole provider of LifePak 15 monitors to hospitals and emergency response services. Their equipment is compatible with the current LifeNet System for sending ECG's to local hospitals for those patients whose EKG demonstrates the need for cardiac catheterization for blocked heart vessels.

Moved by Council Member Rubino, and supported by Council Member Rusie to approve the request to purchase a LifePak 15 monitor and defibrillator for the new Fire Department. ambulance from Stryker for \$31,406.30, which includes a discount of \$3,000 for a trade-in of our LifePak 12.

Ayes: All – 7

6. SECOND QUARTER COUNCIL REPORTS AND BUDGET AMENDMENTS

7. 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 Frederick to approve the Consent Agenda items a – i, separating item j, as follows (item g was previously removed from the agenda):

a. Bills

January 23, 2020 \$5,837,900.35

Resolved to approve the release of checks in the amount of \$5,837,900.35 for services rendered, of the report that is 21 pages in length, and of the grand total amount of \$5,837,900.35, \$2,938,922.36 went to other taxing authorities.

b. Fees - None

c. Progress Payments

Resolved that the following Progress Payments be approved as presented:

Bricco Excavating Company, LLC	\$227,696.00
Galui Construction	\$ 50,488.06
Cross Renovation, Inc.	\$ 49,591.24

Item 7 (Cont'd):

d. Approval of Minutes

Resolved that the following Minutes be approved as presented:

Minutes

City Council
City Council
City Council

Meeting Date

November 18, 2019
December 16, 2019
January 6, 2020

e. Receive & File Boards, Commissions & Committee Minutes

Resolved that the following minutes be received and filed:

Minutes

Building/Property Maintenance Board
of Appeals
Employee Civil Service Commission
General Employees Pension Board
General Employee Retiree Health Care
Board
Library Board
Mechanical Equipment Arbitration Committee
Planning Commission
Sign Arbitration Committee
Tax Increment Finance Authority
Tax Increment Finance Authority
Tax Increment Finance Authority

Meeting Date

December 10, 2019

December 9, 2019
November 19, 2019
November 19, 2019

December 19, 2019
December 2, 2019
December 10, 2019
December 26, 2019
October 17, 2019
November 7, 2019
December 11, 2019

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

Resolved that the following recommendations be approved as presented:

1. Accept with Regret the following Resignations:

Name

Ron Warren
Dan DeSantis
Mike Bojalad (deceased)

Commission

Dog Park Committee
Parks & Recreation Commission
Planning Commission

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

Name

Mary Faba
Madeline Bialecki
Shawn Nicholson
Matthew York
Mike Droogleever

Commission

Cool City Committee
Cultural Committee
Golf Course Committee
Senior Advisory Committee
Waterfront Environmental
Committee (Alt)

Term-End Date

09/30/2020
06/01/2021
09/30/2021
09/30/2021
02/03/2022

3. Recommendations to Mayor with Council to appoint the following:

Name

James Kalich III

Commission

Planning Commission (Alt. to Full)
(Vacant seat of Michael Bojalad)

Term-End Date

12/31/2020

Alex Lince

Water Resources Development &
Advisory Board

12/31/2022

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

Item 7 (Cont'd):

<u>Name</u>	<u>Commission</u>	<u>Term-End Date</u>
David J. Rubello	Activities Committee	09/30/2022
Elizabeth Nicosia	Animal Care & Welfare Committee	12/31/2022
Diana Rascano	Animal Care & Welfare Committee	12/31/2022
Karen Hefferan	Beautification Commission	12/31/2022
Joe Kosiara	Beautification Commission	12/31/2022
Eileen Miskiewicz	Beautification Commission	12/31/2022
Duane Michno	Board of Fence Appeals	12/31/2022
Steve Scavone	Board of Fence Appeals	12/31/2022
Peter Stellas	Board of Fence Appeals	12/31/2022
Robert Fetter	Cool City Committee	09/30/2021
John Cooper	Dog Park Committee	12/31/2022
Carolyn Steele	Dog Park Committee	12/31/2022
Frances Wilson	Golf Course Committee	09/30/2022
Gerald L. Sielagoski	Historical Commission	12/31/2022
Monie R. Smith	Library Board	12/31/2022
John E. Jonassen	Parks & Recreation Commission	12/31/2022
Robert J. Pylar	Parks & Recreation Commission	12/31/2022
Paul Doppke	Planning Commission	12/31/2022
Dennis Krasnicki, Jr.	SCS Memorial Day Parade Advisory Committee	04/02/2021
Tony Bellestri	TIFA/Brownfield Re-Dev. Authority	11/18/2023
Paul Ellis	TIFA/Brownfield Re-Dev. Authority	11/18/2023
Warren C. Danford, Jr.	Water Resources Dev. & Advisory Board	12/31/2022
Ronald S. Dest	Water Resources Dev. & Advisory Board	12/31/2022
Duane Michno	Zoning Board of Appeals	12/31/2022
Steve Scavone	Zoning Board of Appeals	12/31/2022

5. **Recommendation to Mayor and Council to reduce the size of the SCS Memorial Day Parade Committee from 13 members to 11 members**
Resolved to approve the Council Sub Committee recommendation that the SCS Memorial Day Parade Committee size be reduced from 13 to 11, as requested by the SCS Memorial Day Parade Committee.
6. **Recommendation to Mayor and Council to change the name of Older Persons Advisory Committee to Senior Advisory Committee**
Resolved to approve the Council Sub Committee recommendation that the name of the Older Persons Advisory Committee be changed to Senior Advisory Committee, as requested by the Older Persons Advisory Committee.
- g. **Set Public Hearing for March 16, 2020 for Approval of Land and Water Conservation Grant Application**
- h. **Request to adopt 2020 Poverty Packet**
Resolved to approve the 2020 Poverty Packet as recommended by the City Manager using the Federal poverty guidelines due to a tax tribunal decision.
- i. **Set Council Budget Hearing Days for FY 2020-2021**
Resolved to schedule the 2020-2021 Fiscal Year Budget Hearings on April 27 and 28, 2020 starting at 6:00 p.m.

Ayes: All – 7

Separated Item:

- j. **Adoption of Great Lakes Bottomlands Conveyance Resolution for the Eight and One-Half Mile Relief Drain Drainage District**

Mr. Vitale separated this item in order to make the public aware of what is going on.

Item 7 (Cont'd):

Moved by Council Member Frederick, supported by Council Member Caron to adopt the following resolution:

At the Regular City Council Meeting of the St. Clair Shores City Council held on February 3, 2020, the following resolution was offered:

CONVEYANCE RESOLUTION

Moved by Council Member Frederick, and supported by Council Member Caron to adopt the following resolution:

WHEREAS, The Eight and One-Half Mile Relief Drain Drainage District, which is the owner of Chapaton RTB Facility is filing an application for a conveyance of the Great Lakes Bottomlands extending waterward in the existing canal located at 23001 9 Mile Road, 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 The Eight and One-Half Mile Relief Drain Drainage District. The Great Lakes Bottomlands to be conveyed are fully described as follows:

A PARCEL OF UNPATENTED LAKE ST. CLAIR BOTTOMLANDS LYING CONTIGUOUS AND ADJACENT TO LOT 43, ASSESSOR'S PLAT NO. 11 AS RECORDED IN LIBER 14, PAGE 43 OF M.C.R. AND TO 9 MILE ROAD OF CITY OF ST. CLAIR SHORES, MACOMB COUNTY, MICHIGAN AND DESCRIBED AS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 43; THENCE S73°24'41"E 1496.87 FEET TO THE SOUTHWEST CORNER OF PARCEL 2, THENCE CONTINUING S73°24'41"W 784.56 FEET ALONG THE SOUTH LINE OF SAID PARCEL 2 AND THE ~~6~~ OF NINE MILE ROAD EXTENDED, TO THE POINT OF BEGINNING, THENCE THE FOLLOWING SEVEN (7) COURSES ALONG THE WATER'S EDGE, ALSO BEING AN EXISTING STEEL SHEET PILING: S16°43'32"W 7.36 FEET; S73°21'37"E 191.54 FEET; S16°14'50"W 15.80 FEET; S74°29'35"E 23.35 FEET; S68°02'42"E 109.75 FEET; S82°15'17"E 76.51 FEET; S72°44'01"E 559.77 FEET; N16°45'49"E 131.54 FEET TO THE SOUTH LINE OF PARCEL 2 AND THE WATER'S EDGE OF THE EXISTING BOTTOMLANDS; THENCE N73°11'06"W 1443.88 FEET ALONG THE WATER'S EDGE OF THE EXISTING BOTTOMLANDS; THENCE S16°07'23"W 97.30 FEET; THENCE S73°42'11"E 46.00 FEET; THENCE S16°43'32"W 10.87 FEET TO THE POINT OF BEGINNING CONTAINING 4.24 ACRES +/-.

Ayes: All - 7

8. UPDATES AND FOLLOW-UPS FROM COUNCIL MEETING

- **Council Workshop** - Council has been provided with information requested from the January 11th Workshop.
- **Snow Plow Tracking Software** – The snow plow tracking software stores information for one year. Staff is working on the ability to take screen shots to show progress during snow plowing.
- **Communication for Council and Residents** – We are looking at several things including a Twitter feed from the City Manager's Office and this will be linked to Facebook.
- **Council Sub Committee on Boards, Commissions and Committees** – OPAC was added to their agenda regarding their name change request.
- **Recodification** – The City Attorney has his staff working on the recodification.
- **Performance Report/Major Projects** - HRC is in the process of performing these performance reports.
- **St. Margaret Property** – This is going through the legal process. We are working to resolve this issue.
- **Harper/Repairs between 8 Mile and 10 Mile** – This will probably be done after Labor Day based on the State's TIP study.
- **Jefferson/Road Closures** – There will be a number of closures again this year due to high lake water. Sand and sand bags are available now.
- **Kroger** - They will wait until March to break ground to avoid bad weather.
- **Panera** – They will be back on an agenda in March.

9. COMMENTS BY INDIVIDUAL COUNCIL MEMBERS

Council Member Caron congratulated the new member of the South Lake School board.

Item 9 (Cont'd):

Council Member Frederick spoke about events going on at the Library.

He talked about the new Public Service Announcement regarding the Citizen Alert on the St. Clair Shores website.

Council Member Vitale asked if the Fire Department would be using the Kroger building for training.

Council Member Accica has a commitment from the bricklayers at Local 2 to repair the guard shack at Blossom Heath.

Council Member Rusie raised a resident issue regarding their third estimated water bill and requested Council be provided with the number of customers getting estimated reads each billing and the cause of these estimated bills.

Council Member Rubino asked for an update on the rear yard drain on Shady Lane which he raised previously.

Mr. Rayes said the inspector has reached out by email. They are waiting on a response.

10. CITY MANAGER'S REPORT -

Mr. Coppler reminded everyone about the meeting on the Lead Service Line which is this Thursday, February 6th at 7:00 p.m. at Blossom Heath.

The next City Council meeting will be on Tuesday, February 18th because City Hall is closed on Monday for President's Day.

11. AUDIENCE PARTICIPATION (5 MINUTE TIME LIMIT) -

Dennis Wheaton, St. Clair Shores resident, spoke regarding a problem with his neighbor who has trenched his yard.

Lindsey Thayer, St. Clair Shores resident, spoke regarding coyote sightings around St. Clair Shores.

Jeff Lorenz, St. Clair Shores resident, spoke about the abandoned house next door to him.

Jamie Victory, St. Clair Shores resident, spoke regarding a Spaghetti Dinner fundraiser and the leaking roof at the VFW Bruce Post.

Dave Rubello, St. Clair Shores resident, spoke regarding the St. Clair Shores Memorial Day Parade.

12. MAYOR'S COMMENTS -

Mayor Walby attended the Waterfront Environmental Committee 2020 Annual Meeting. He thanked the committee members and everyone involved for all of their efforts throughout the year.

He announced the following ad-hoc committees and their Council liaisons:

- Playground Committee – Council Member Frederick, Council Member Rusie
- Garbage Committee – Council Member Accica, Council Member Caron, Mayor Walby
- Sign Committee – Council Member Frederick, Council Member Rusie
- Residential Design Committee – Council Member Caron, Council Member Vitale, Council Member Rubino

13. REQUEST TO ENTER CLOSED SESSION AS PERMITTED BY STATE STATUTE MCLA 15.268, SECTION 8(f)

Moved by Council Member Caron, supported by Council Member Frederick to enter closed session as permitted by State Statute MCLA 15.268, Section 8 (c) at 8:22 p.m.

Roll Call Vote
Ayes: All – 7

Item 13 (Cont'd):

Moved by Council Member Caron, supported by Council Member Frederick to return to Open Session at 8:50 p.m.

Ayes: All – 7

14. ADJOURNMENT

Moved by Council Member Caron, supported by Council Member Frederick to adjourn at 8:50 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).