

**MINUTES  
ST. CLAIR SHORES CITY COUNCIL MEETING  
MARCH 2, 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, Ron Frederick, Candice Rusie and Chris Vitale

Absent and  
Excused: Council Member John Caron and Council Member Pete Rubino

Also Present: City Manager Matthew Coppler, Assistant City Manager William Gambill, City Clerk Mary Kotowski, City Planner Liz Koto, Director Chris Rayes 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. Ms. Kotowski noted that Council Members Caron and Rubino asked to be excused.

**Moved by Council Member Rusie, and supported by Council Member Frederick to excuse Council Members Caron and Rubino.**

Ayes: All - 5  
Absent: Caron, Rubino

The Pledge of Allegiance was recited.

**2. PROCLAMATIONS & PRESENTATIONS**

**a. Marilyn A. Sanders, Director, Chicago Regional Census Center on Census 2020**

Kimberly Greska and Vickie McClendon, Census 2020 employees, gave the presentation because Marilyn Sanders was unable to attend the meeting. Ms. Greska explained that Ms. Sanders wanted everyone to know the goal of the census is to "Count everyone once, only once, and in the right place". Her contact information is [marilyn.a.sanders@census.gov](mailto:marilyn.a.sanders@census.gov) if anyone would like to contact her with questions. Postcards will be mailed March 12 to residents regarding the census.

**b. Reflections on Ice March 20-22, 2020**

Mayor Walby presented the following proclamation to Claire LaDue and several members of the skating club:

**PROCLAMATION  
for the  
49th ANNUAL "REFLECTIONS ON ICE" WEEKEND  
March 20 – March 22, 2020**

**WHEREAS**, the Mayor and Council of the City of St. Clair Shores deem it fitting and proper to publicly recognize and commend organizations dedicated to serving the youth of St. Clair Shores; and

**WHEREAS**, the **ST. CLAIR SHORES FIGURE SKATING CLUB'S "REFLECTIONS ON ICE"** show is being presented for the 49<sup>th</sup> consecutive year, featuring more than 100 local skaters ranging in age from three years old to adult from the **St. Clair Shores Figure Skating Club** and the **St. Clair Shores Learn to Skate Program**, under the direction of Claire LaDue; and

**WHEREAS**, guests will enjoy this year's themed event entitled "A Night in Wonderland" which will include the **St. Clair Shores Figure Skating Club's** adaption of the classic production with a creative twist on the music and characters, performed by our own accomplished skaters;

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the City of St. Clair Shores do hereby proclaim March 20 – March 22, 2020 as **"REFLECTIONS ON ICE" WEEKEND** and wish the **ST. CLAIR SHORES FIGURE SKATING CLUB** every success in this event and their year of skating.

*Presented this 2<sup>nd</sup> day of March 2020.*

**Item 2 (Cont'd):**

**c. Memorial Day Parade Logo Winner**

Tynan Byrnes was present to receive the following proclamation from Mayor Walby:

*Proclamation in Honor of  
2020 St. Clair Shores Memorial Day Parade Logo Contest Winner  
TYNAN BYRNES*

*WHEREAS, the St. Clair Shores Memorial Day Parade is a time-honored tradition that commemorates the sacrifices made by our men and women serving in the United States of America Armed Services; and*

*WHEREAS, the St. Clair Shores Memorial Day Parade Committee held their ninth annual Logo Contest encouraging students from the three school districts to show their creative artist talents in honoring our armed services veterans in this year's logo design contest; and*

*WHEREAS, Tynan Byrnes, a 10th grader at Lake Shore High School was selected by the Parade Committee as the ninth annual Logo Contest winner; and*

*WHEREAS, Tynan's entry was selected because of the unique design that incorporates the Armed Forces, Stars & Stripes, and a military flyover, all representative of this year's theme 'A Memorial Tribute';*



*NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the City of St. Clair Shores, on behalf of all our residents and the St. Clair Shores Memorial Day Parade Committee, express their appreciation to Tynan Byrnes for his creative logo representation as the St. Clair Shores 68th Memorial Day Parade Logo Contest winner.*

*Presented this 2nd day of March 2020.*

**3. AUDIENCE PARTICIPATION ON AGENDA ITEMS (2 MINUTE TIME LIMIT) – None**

**4. a. Planning Case PPC200001 Request for Special Land Use Approval for a drive-thru at 20660 Nine Mile (formerly part of 22801 Harper), represented by Justin Shaffer, Seritage Growth Properties**

Background: The Planning Commission recommended approval of Planning Case PPC200001, a request for a drive thru restaurant, represented by Justin Shaffer, Seritage Growth Properties.

The applicant is requesting Special Land Use approval to allow a drive thru fast casual restaurant on an outlot at 22801 Harper. The existing property owners, Seritage Growth Properties, will continue to own the property and provide a long-term lease to the new user, Panera Bread Restaurant. The application is proposing a new restaurant with service over a counter including a drive thru within the existing parking lot at 22801 Harper. The proposed development will be required to obtain its own parcel number and maintain it as a separate parcel with the address of 20660 Nine Mile.

The applicant submitted a revised site plan and elevations to address the items of concerns raised in the plan review and recommended by the Planning Commission. The revised plans propose orienting the drive-thru along the east side of the building as recommended.

Derik Leary, Kimley Horn Consultants, asked Council for approval of items 4a and 4b.

**Moved by Council Member Rusie, and supported by Council Member Accica to approve the special land use request for a drive-thru restaurant at 20660 Nine Mile (formerly part of 22801 Harper) as revised.**

Ayes: All – 5  
Absent: Caron, Rubino

**b. Planning Case PPC200001B Request for site plan approval for a new Panera Bread Restaurant with drive thru at 20660 Nine Mile (an outlot of 22801 Harper), represented by Justin Shaffer of Seritage Growth Properties**

**Item 4 (Cont'd):**

**Background:** The Planning Commission recommended approval of Planning Case PPC200001B, a request for site plan approval for a new Panera Bread Restaurant with drive thru, represented by Justin Shaffer, Seritage Growth Properties.

The project was recommended for approval by the Planning Commission conditioned upon receipt of a final revised site plan orienting the drive-thru to the east and the outdoor seating area to the north. The revised submittal package also included the following improvements to the original submittal:

1. The proposed front setback is approximately 18 feet larger than the original submittal
2. The proposed store size was reduced from 3,501 to 3,410 square feet
3. Dumpsters were moved to the south end of the site as requested
4. The exterior finish material is comprised almost exclusively of brick instead of the original submittal of brick and EIFS
5. More windows have been added to two of the elevations
6. A metal awning has been proposed over the front entrance
7. The height has slightly increased to 22'7" from 22'.

The applicant is requesting site plan approval for a new 3,410 square foot fast casual restaurant with a drive-thru and service over a counter. The site plan indicates the placement of the building within the parking lot of 22801 Harper Avenue, formerly K-Mart and soon-to-be Kroger. The building fronts Nine Mile Avenue with parking on three sides. The drive thru is proposed along the east side of the building, with an outdoor seating area on the north side. The exterior elevations are proposed to be Quik Brick integrated concrete masonry units with fabric and metal awnings and aluminum storefront windows. Extensive landscaping has been proposed on site.

**Moved by Council Member Accica, and supported by Council Member Rusie to approve the site plan approval for a new Panera Bread Restaurant with drive thru with the following conditions; extend the bypass lane for any patrons in the drive-thru line, new paving and drainage is required throughout the site; engineering drawings are required for building permit submittal; should the petitioner choose to light the parking lot, the Nautical fixture shall be used in order to match Kroger's parking lot lighting; all landscaping requires underground irrigation and annual color; all brick, whether structural masonry units or otherwise, are required to be full dimensioned; all mechanical equipment, whether placed at grade or on the roof of the structure shall be screened from view; and "no left turn" sign at the east exit.**

Ayes: All – 5  
Absent: Caron, Rubino

**5. PLANNING CASE PPC20004 REQUEST TO AMEND THE ZONING ORDINANCE TO ALLOW THE ZONING BOARD OF APPEALS TO GRANT THE SALE OF SEASONAL GOODS/PRODUCTS OVER MULTIPLE YEARS**

**Background:** The Planning Commission recommended approval of Planning Case PPC200004, a request to amend the zoning ordinance to allow the Zoning Board of Appeals to grant the sale of seasonal goods/products over multiple years. Based on a request by the City Council to amend the zoning ordinance to allow the outdoor sale of seasonal products for periods of up to five years, an ordinance amendment was proposed.

Mr. Coppler said they removed items related more to the winter months but added shovels. These items are to be used as a guideline.

Ms. Koto said businesses can ask for a permanent outdoor display area for items year-round.

**Moved by Council Member Frederick, and supported by Council Member Accica to amend the zoning ordinance 15.620 Hearing on Appeals to allow the Zoning Board of Appeals to grant the sale of seasonal goods/products for up to 5 years, as follows:**

**AMENDMENT TO THE CITY ZONING ORDINANCE Article XXII Section 15.620 Hearing on Appeals**

**The City of St. Clair Shores ordains that Chapter 15.000 Zoning Ordinance Article XXII Section 15.620 Hearing on Appeals which reads as follows:**

**Item 5 (Cont'd):**

15.626 Hearing on Appeal

(1). B. (v) Permit temporary buildings and uses for periods not to exceed two (2) years in undeveloped sections of the City and for periods not to exceed six (6) months in developed sections, except that the Board may permit temporary buildings to be used for school classrooms for accredited or state-recognized educational institutions or for other legitimate municipal, governmental or other public purposes for periods not to exceed three (3) years.

**Shall be amended to read as:**

15.626 Hearing on Appeal

(1). B. (v) Permit temporary buildings and uses for periods not to exceed ~~two (2) years in undeveloped sections of the City and for periods not to exceed six (6) months~~ **nine (9) months** in developed sections, and **permit temporary structures and uses for the outdoor sale of seasonal products from March 1st to November 30th for periods not to exceed five (5) years provided that temporary structures are removed at the end of each selling period for that year.** ~~except that~~ The Board may also permit temporary buildings to be used for school classrooms for accredited or state-recognized educational institutions or for other legitimate municipal, governmental or other public purposes for periods not to exceed three (3) years. **Seasonal Goods/Products are goods and/or products that are either not available on the market during certain seasons or periods of the year or are available throughout the year but with regular fluctuations in their quantities and prices that are linked to the season or time of the year. Outdoor Seasonal goods/products include but are not limited to packaged soil, packaged mulch, packaged fertilizer, live horticultural products, bundled firewood, tools such as rakes and shovels, and other similar products as reviewed and approved by the Community Development Department. Seasonal products do not include any firework product as defined in MCL 28.452.**

Any ordinance(s) or parts of any ordinance(s) in conflict with any provisions of this ordinance are hereby repealed.

This Ordinance shall become effective 7 days after publication and copies of this ordinance are available at the Office of the City Clerk, 27600 Jefferson Avenue, St. Clair Shores MI, 48081 during normal business hours 8:00 a.m. – 4:30 p.m. Monday through Friday.

We hereby certify that the foregoing ordinance is a true copy of an ordinance as enacted by the City Council on the 2<sup>nd</sup> day of March 2020, and that the necessary Charter provisions have been observed.

KIP C. WALBY, MAYOR

MARY A. KOTOWSKI, CITY CLERK

I, Mary A. Kotowski, City Clerk of the City of St. Clair Shores, hereby certify that the foregoing ordinance was published in the Sentinel Newspaper on March 11, 2020, and by posting true copies of the same in each of the following places: Police Station, 27665 Jefferson Avenue, Fire Hall, 26700 Harper Avenue, and City Hall, 27600 Jefferson Avenue and shall become **effective on March 18, 2020.**

Ayes: All – 5  
Absent: Caron, Rubino

**6. REQUEST APPROVAL OF NOTICE OF INTENT AND RESOLUTION FOR THE 8.5 MILE PETITION**

Background: The City was recently contacted by The Macomb County Public Works Office regarding the Chapaton Canal Expansion project and the required next step to be taken by the City. The City of St. Clair Shores must submit to the County Public Works a Notice of Intent to File a Petition for the ability to levy a special assessment fee under Section 463 of the Drain Code of 1956 to pay for a portion of this project. The Macomb County Public Works will delineate a proposed drainage district for this drain project within the City limits. The City will, in the near future, need to schedule a public hearing on this special assessment and drain project.

**It was moved by Council Member Frederick, and supported by Council Member Accica, to adopt the resolution that reads as follows:**

**WHEREAS, the City of St. Clair Shores, Michigan, is a Michigan municipal entity ("City"); and**

**WHEREAS, the City acting by and through its legislative body, the City Council, recognizes that it is necessary for the public health to perform maintenance and improvements to the 8 1/2 Mile Drain pursuant to Chapter 20 of Public Act 40 of 1956, as amended, and that this maintenance and improvement work is required at this time due to flooding, pollution, siltation, and other impairment of the 8 1/2 Mile Drain or**

**Item 6 (Cont'd):**

parcels benefitted by the 8 1/2 Mile Drain, resulting in pollution and other impairment of the waters of the state and natural resources; and

WHEREAS, a portion of the lands to be benefitted by the 8 1/2 Mile Drain are located within the City; and

WHEREAS, the City recognizes that it may be subject to assessment to pay for a percentage of the cost of the Drain; and

WHEREAS, the City has determined that a portion of the lands in the City may be especially benefitted by the proposed 8 1/2 Mile Drain improvement so that a special assessment, fee, or charge may be levied against benefitted parcels under Section 490 of the Michigan Drain Code; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF ST. CLAIR SHORES, MICHIGAN AS FOLLOWS:

Section 1. Pursuant to Section 489a of the Michigan Drain Code, as soon as practical following this meeting, the City Clerk shall forward to the Macomb County Public Works Commissioner via registered mail a copy of this Resolution and the City's Notice of Intent to File Petition under Section 463 of the Michigan Drain Code.

Section 2. The City shall notice and the City Council shall conduct a meeting to hear objections to the proposed drain project or special assessment in compliance with the provisions of Section 489a of the Michigan Drain Code.

Section 3. Following the meeting held by the City Council, the City Clerk shall bring the matter back before the City Council.

Ayes: All – 5  
Absent: Caron, Rubino

**7. BIDS/CONTRACTS/PURCHASE ORDERS – None**

**8. 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 Frederick supported by Council Member Rusie to approve the Consent Agenda items a – g as follows:

**a. Bills**

February 20, 2020 \$1,790,377.17

Resolved to approve the release of checks in the amount of \$1,790,377.17 for services rendered, of the report that is 18 pages in length, and of the grand total amount of \$1,790,377.17, \$0 went to other taxing authorities.

**b. Fees - None**

**c. Progress Payments**

Resolved that the following Progress Payments be approved as presented:

Inland Water Pollution Control, Inc.	\$65,745.07
Michigan Joint Sealing, Inc.	\$38,990.78
Michigan Joint Sealing, Inc.	\$ 876.72

**d. Approval of Minutes - None**

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

Resolved that the following minutes be received and filed:

**Item 8 (Cont'd):**

<u>Minutes</u>	<u>Meeting Date</u>
Beautification Commission	September 11, 2019
Beautification Commission	October 9, 2019
Beautification Commission	November 20, 2019
Beautification Commission	January 8, 2020
Cultural Committee	November 13, 2019
Cultural Committee	January 8, 2020
Election Commission	October 14, 2019
Library Board	January 16, 2020
Planning Commission	January 14, 2020

- f. Request to deny the claim of Corp. Walter F. Bruce Post 1146 Veterans of Foreign Wars of the U.S. vs City of St. Clair Shores et al. and refer to the City Attorney for response  
Resolved to deny the claim of Corp. Walter F. Bruce Post 1146 Veterans of Foreign Wars of the U.S. vs City of St. Clair Shores et al. and refer to the City Attorney for response
  
- g. Request to deny the claim of Nancy Jo Squiers and Robert G. Squiers vs City of St. Clair Shores and refer to the City Attorney for response  
Resolved to deny the claim of Nancy Jo Squiers and Robert G. Squiers vs City of St. Clair Shores and refer to the City Attorney for response

Ayes: All – 5  
Absent: Caron, Rubino

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

- Water Meters/Cost – We are working on getting the cost and also if it will be possible to just change battery packs.
- Shores Shopping Center/13 Mile Road Driveway Approach – They have been noticed to repair this by May 1<sup>st</sup>.
- Water Issue/Larchmont and Grant – DPW looked at the area but did not see water coming up through the cement. They will continue to monitor this area.
- Old 8 Mile Road/Police Patrols - Additional police patrols of that area have been added to the list.
- Macomb County Animal Control Contract – The contract does not say anything regarding injured wildlife. Ms. Rusie said we need to have additional dialogue as to what services they are providing to us.
- DTE Street Lights - We are working on getting an estimate to convert additional street lights to LED.
- Sewer Project/City Hall – The road will be open soon.
- City Parking Lot – Bids for the parking lot are due on March 17<sup>th</sup>.
- Erosion at Veterans Memorial Park – We will be discussing this at the March 21<sup>st</sup> Council Workshop.
- Construction/I-94 and Harper - Harper is scheduled for construction in fall 2020, and I-94 is scheduled for 2021.
- Dollar General – The City has been collecting their carts for being in violation. They have not paid the violations. They need to pay their violations to get the carts back.
- St. Margaret Property Update – Mr. Ihrie said that they were in court today. The judge will not allow the estate to abandon the home until the timeframe for filing an insurance claim has elapsed, so it is on hold until mid-April.
- Lead Service Lines – We are gathering all of the information necessary for these homes to start the contractors working.
- Emergency Order/High Water – This will be on the consent agenda once it begins.

**10. COMMENTS BY INDIVIDUAL COUNCIL MEMBERS**

**Council Member Vitale** said he is doing well after his surgery. He thanked everyone who wished him well.

**Council Member Accica** asked for an update on who is paying the taxes on the park at the end of Joy street.

Mr. Coppler said that he will follow up on this item.

Mr. Accica suggested a rag with ammonia may keep away the coyotes.

**Council Member Rusie** spoke about what a great event the Lake Shore Quarterback Club hosted.

She said the Relay for Life pizza party is Tuesday, March 3<sup>rd</sup> at Jefferson Middle School.

**Item 10 (Cont'd):**

**Council Member Frederick** spoke about the Lake Shore Quarterback Club event.

He reminded people that many locations will host a fish fry during Lent.

He made several Library announcements.

**11. CITY MANAGER'S REPORT -**

Mr. Coppler announced the High Water Preparedness meeting March 26<sup>th</sup> at 7:00 p.m. at the Senior Activity Center.

**12. AUDIENCE PARTICIPATION (5 MINUTE TIME LIMIT) -**

Dave Rubello, St. Clair Shores Resident, spoke about the upcoming St. Clair Shores Memorial Day Parade.

**MAYOR'S COMMENTS –**

Mayor Walby asked Ms. Kotowski to give an update on the election. She noted that every election day precinct will have a selfie station.

He announced the upcoming Hall of Fame banquet.

**13. ADJOURNMENT**

**Moved by Council Member Frederick, supported by Council Member Rusie to adjourn at 8:13 p.m.**

Ayes: All – 5  
Absent: Caron, Rubino

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KIP C. WALBY, MAYOR

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MARY A. KOTOWSKI, CITY CLERK

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