

**MINUTES  
ST. CLAIR SHORES CITY COUNCIL MEETING  
MAY 3, 2021**

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, David Rubello, Candice Rusie and Chris Vitale

Also Present: City Manager Matthew Coppler, Assistant City Manager William Gambill, City Clerk Mary Kotowski, City Planner Liz Koto, Directors Bryan Babcock, Henry Bowman, 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. The Pledge of Allegiance was recited.

**2. PROCLAMATIONS & PRESENTATIONS**

**a. Greg Hillman, Petitpren, Music on the Lake Concert Series**

Mr. Hillman thanked the City for a wonderful 30 year partnership. The concert series will kick off on June 9<sup>th</sup>. He spoke about the upcoming season and which bands will be playing each week.

Karl Schwarzwald, Activities Committee member, thanked Petitpren and Mr. Hillman for their generosity and kindness. Everyone is looking forward to this upcoming season.

**b. Emily's Delicatessen 50th Anniversary**

Mayor Walby presented the following proclamation to Sam Hakim, Sr. and Sam Hakim, Jr.:

**Proclamation In honor of their 50<sup>th</sup> Anniversary  
EMILY'S DELICATESSEN**

**WHEREAS**, the Mayor and Council of the City of St. Clair Shores deem it fitting and proper to publicly recognize and express our pride and appreciation to **EMILY'S DELICATESSEN** on celebrating 50 years of business who, from the early days to the present, has served the City well as a thriving part of the business community; and

**WHEREAS, EMILY'S DELICATESSEN** was established by Joe and Emily Hakim on May 1, 1971, when they were able to purchase property and move their business from Mack and St. Clair in Detroit to St. Clair Shores, and they went on to be well known in the community for their hospitality and their great food, including their renowned meat pies, among the many other Lebanese delicacies they offer; and

**WHEREAS**, from the outset, Emily's son, Sam, Sr., worked the front while Emily worked tirelessly in the kitchen to perfect the quality and taste of everything she prepared until she passed away in 2015; and

**WHEREAS, EMILY'S DELICATESSEN** is still family owned now by Sam, Jr., the third generation of Hakim, who for a better part of the last two decades has worked alongside his father, both in the kitchen and up front, carrying on the family tradition of quality, integrity and authenticity offered by both his father and his grandmother since the start; and

**WHEREAS**, from the beginning, **EMILY'S DELICATESSEN**, located at 22205 Greater Mack, St. Clair Shores, Michigan has genuinely cared about its customers and has been a favorite of locals, a hangout for some, a stopping place for anyone who is back visiting, and a popular choice for any party or holiday gathering;

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the City of St. Clair Shores, on behalf of all its citizens, extend our congratulations and best wishes to **THE HAKIM FAMILY** and **EMILY'S DELICATESSEN** celebrating their 50<sup>th</sup> Anniversary providing the best foods in St. Clair Shores and wish them many more years of continued success.

Presented this 3<sup>rd</sup> day of May 2021.

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

**c. Memorial Day Parade**

Cheryl Furdos, Memorial Day Parade Committee Chair, spoke about this year's Memorial Day Parade which will be held on Sunday, May 30, 2021, at 1:00 p.m. on Jefferson Avenue.

Mr. Rubello gave a highlight of the upcoming parade participants. He introduced two of the special guests who will be in the parade this year, Dave Rozema, former Major League baseball player for the Detroit Tigers, and Butch Patrick, Actor – The Munsters. Both of these special guests spoke at this evening's meeting.

Veronica Klinefelt, County Commissioner, presented Cheryl Furdos with a Volunteer of the Year Award from the County. Ms. Klinefelt praised Ms. Furdos for all she does for the Memorial Day Parade as well as the many other events she volunteers for.

Mayor Walby noted that Council Member Pete Rubino passed away one year ago. There will be a memorial mass on May 22, 2021, at St. Joan of Arc at 10:00 a.m.

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

**4. PLANNING CASE PPC210006-REQUEST FOR SITE PLAN APPROVAL FOR ROOFTOP OUTDOOR SEATING AT WATERMARK BAR AND GRILLE AT 24420 JEFFERSON, REPRESENTED BY DINO ROPOTOS OF WATERMARK**

**Background:** It was recommended to approve rooftop outdoor seating at Watermark Bar and Grille at 24420 Jefferson.

The petitioner is requesting site plan approval for a rooftop outdoor seating area. The plans indicate the placement of composite wood decking on the roof of the existing building to create an approximately 4,500 square foot outdoor rooftop seating area. The seating area is proposed to be surrounded by a 5-foot-tall glass railing along the east side of the seating area, and an 8-foot-tall metal screen has been proposed on the west side of the seating area to screen the existing rooftop mechanical equipment from view. Two staircases have been proposed to gain access to the rooftop, one on the north side, and one on the south side of the building. The staircases are proposed to be constructed of metal. The petitioner has submitted an engineer's report stating that the existing roof has the capacity to hold a rooftop seating area.

Dino Ropotos, Watermark Bar and Grille, spoke about their efforts to generate more opportunity for people to sit outside. They will be adding approximately 22 tables. There will not be food service on the rooftop, just beverages.

**Moved by Council Member Accica, and supported by Council Member Frederick to approve the request for rooftop outdoor seating at Watermark Bar and Grille at 24420 Jefferson with the months of operation of May through October.**

Ayes: All – 7

**5. PLANNING CASE PPC210007-REQUEST FOR SITE PLAN APPROVAL TO DEMOLISH EXISTING BUILDING, CONSTRUCT A PARKING LOT, AND COMBINE THE LOT AT 29103 AND 29019 HARPER, REPRESENTED BY RAAFAT ISSA**

**Background:** It was recommended to approve the site plan to demolish the existing building, construct a parking lot, and combine the lot at 29103 Harper with 29019 Harper.

The applicant is requesting Site Plan Approval to demolish the existing office building located at 29103 Harper, combine it with 29019 Harper, and construct an asphalt parking lot with underground drainage. Parking blocks have been proposed at the end of each parking space. The plan does not propose any changes to the existing drive approach on to Harper. The plan indicates the parking lot will add 11 more parking spaces to the existing medical office to the south at 29019 Harper. Though the plans do not indicate such, the petitioner plans to remove the deteriorated concrete north of 29019 and pave the area as part of this project.

Raafat Issa, owner, spoke about the changes they are making to these parcels.

Mr. Frederick asked that the City owned alley behind 29103 and 29019 Harper be paved.

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

**Moved by Council Member Frederick, and supported by Council Member Accica to approve the request to demolish the existing building, construct a parking lot, and combine the lot at 29103 Harper with 29019 Harper with the following conditions; stamped and sealed engineered drawings are required for the construction of a parking lot, and the grassy area behind 29019 Harper shall be maintained.**

Ayes: All – 7

**6. PLANNING CASE PPC210008-REQUEST FOR SITE PLAN APPROVAL FOR A PERMANENT OUTDOOR SEATING AND COMMERCIAL RECREATION AREA FOR SHORE LANES AT 31100 HARPER, REPRESENTED BY JUSTIN ROTH OF SHORE LANES**

**Background:** It was recommended to approve the request for an outdoor seating and commercial recreation area at Shore Lanes.

The petitioner is proposing to construct a removable chain link fence around 8,200 square feet of parking lot at the front of the building. Within the fenced in area, the petitioner is proposing a 10-foot by 10-foot temporary service tent, four temporary bocce ball courts made of wood and green turf, and outdoor seating. The petitioner has indicated the fenced in area will only be used when bowling leagues are not in season.

Justin Roth, Shore Lanes, spoke about his desire to add additional recreational activities for people to enjoy themselves outside. This will be seasonal during the summer only.

Ms. Koto said they are scheduled for the first Zoning Board of Appeals meeting in June.

**Moved by Council Member Frederick, and supported by Council Member Caron to approve the request for a permanent outdoor seating and commercial recreation area conditional to a use variance from the Zoning Board of Appeals for commercial recreation use within the B-3 zone; the outdoor seating and recreation area will only be used between the months of May through September; outdoor storage of the fencing, seating, and recreation equipment during the off-season is prohibited; and a variance to allow temporary chain link fencing, a variance for a brick kneewall, and a 105 space parking variance will be required from the Zoning Board of Appeals.**

Ayes: All – 7

**7. BIDS/CONTRACTS/PURCHASE ORDERS**

**a. Request to Award DPW Tree Removal Project**

**Background:** It was recommended that City Council authorize the City Manager to award the DPW Tree Removal Project to Limb Walkers Tree & Snow, of Avoca, MI, in the amount of \$43,250.00. All unit prices provided shall remain valid through June 30, 2021.

On April 6, 2021, the City of St. Clair Shores received proposals for the DPW Tree Removal Project. The contract consists of the removal of 32 priority trees located in the public road right-of-way at 30 locations throughout the City. The project was advertised in the Macomb Daily Newspaper as well as the Michigan Inter-Governmental Trade Network (MITN) website. The notice was sent to 261 vendors and the City received 4 bids. Limb Walkers Tree & Snow is the low bidder. Limb Walkers has recently removed 30 trees for the City of Port Huron and their reference was happy with the quality of their work and would hire them again.

Ms. Rusie asked if there are any concerns with their prices since they are so much lower than the next bidder.

Mr. Babcock said he did follow up on their equipment and made sure they understood our expectations.

Mr. Frederick asked DPW to consider saving the wood from this year's tree removal project for the Parks & Recreation fire pits.

**Item 7 (Cont'd):**

**Moved by Council Member Rubello, and supported by Council Member Frederick to award the DPW Tree Removals Project to Limb Walkers Tree & Snow, of Avoca, MI, in the amount of \$43,250.00, as recommended by the City Manager.**

Ayes: All – 7

**b. Request to approve Lead Service Line Replacement Project Update & Contract Extension**

**Background:** It was recommended that City Council approve the contract extension for the Water Service Line Replacement Program to D & D Water and Sewer, Inc. of Canton, MI, in the total amount of \$700,000 from Water Department Account No. 590-860-980.086.

Council was provided with information on a \$473,450 Drinking Water Asset Management (DWAM) grant that the City was recently awarded that will partially fund our drinking water service line material type inventory work.

On January 20, 2020, City Council awarded a \$300,000 As-Needed Lead Service Line (LSL) Replacement Project to three contractors as a pilot project. The project was not able to get started before the COVID pandemic halted the work inside residential homes. Work then started again in November/December 2020 and again in March 2021. The City and the contractor quickly found that the work could not be easily done on an as-needed basis when the contractor's schedule allowed because the City is scheduling the LSL replacement appointments with the residents, and it is critical to have a defined schedule of replacement dates far in advance to coordinate with the residents and their schedules. For this reason, two of the three contractors decided they could not commit to such a schedule. One of the contractors, D & D Water & Sewer, has been able to commit to working in the City 5 days per week and replacing three LSL per day. The City has been successful in obtaining LSL Agreements from the residents; confirming the service line material type by visual inspection and hydro-excavating; scheduling the replacement work weeks in advance; and replacing the LSL. City staff, inspectors, and residents have been happy with the quality and cleanliness of the work done by D & D Water & Sewer and their subcontractor, All Seasons.

It is our recommendation that City Council award the remaining \$700,000 FY 2021 budget to D & D Water & Sewer to continue the LSL replacement work.

Mr. Babcock gave an update on the Lead Service Line Replacement Project. We anticipate there are approximately 600 to 700 homes in the City that have lead lines that need to be replaced. If a resident wants to test their water, they can contact the Department of Public Works for information on the contractor the City uses to do the testing.

Mr. Caron asked if we have information regarding the Drinking Water Revolving Loan Funds.

Mr. Babcock said we are still waiting on that information.

Mayor Walby asked that Communications provide residents with information on the Lead Service Line Replacement Project on social media.

**Moved by Council Member Rubello, and supported by Council Member Caron to approve the contract extension for the Water Service Line Replacement Program to D & D Water and Sewer, Inc. of Canton, MI, in the total amount of \$700,000 from Water Department Account No. 590-860-980.086, as recommended by the City Manager.**

Ayes: All – 7

**c. Request to Approve the Updates and Improvements to the Veterans Memorial Park Splash Pad**

**Background:** It was recommended that City Council authorize the City Manager to approve the updates and improvements to the Veteran's Memorial Park splash pad from Vortex Aquatic Structures International, 328 Avro, Pointe-Claire, Quebec, Canada H9R5W5, in the amount of \$42,490.00 and the amendment of the Parks and Recreation Capital Outlay Budget (709.980), increasing the budget \$42,490.00 to accommodate this project.

The splash pad is over 20 years old. No improvements have been made since it was installed. Although only minor repairs have been made to it throughout the years, some equipment had to be altered to decrease the functions in order to be able to work at all.

**Item 7 (Cont'd):**

The new features will provide years of enjoyment for an already popular attraction in our City. The splash pad pavilion on average is rented 36 days per season (May-September) for a revenue of approximately \$8,000 per year.

The current splash pad at Veterans Memorial Park is constructed in a fashion that allows for relatively easy swapping of spray features. Installation of new spray features would require minimal construction. Original features would be removed and stored until such a time comes when they are needed.

The vendor will work around our schedule. The splash pad is expected to only be shut down for three days. We anticipate the installation to be completed before mid-June 2021. Vortex has a limited warranty. The coverage periods are from 1 year to 25 years depending on the component and part.

We are receiving Cooperative Purchasing Program Pricing Contract RFP#570.

The splashpad updates and improvements will be purchased out of account 101-709-980.001. The original budgeted amount was \$20,000. The Playground Committee is requesting an increase of \$22,490. We need to reappropriate \$22,490 from the fund balance for a total of \$42,490.

Mr. Bowman said the splash pad will be in operation before Memorial Day.

**Moved by Council Member Rubello, and supported by Council Member Rusie to approve the Updates and Improvements to the Veterans Memorial Park Splash Pad from Vortex Aquatic Structures International, in the amount of \$42,490.00 and to amend the Parks and Recreation Capital Outlay Budget (709.980), increasing the budget \$42,290.00.**

Ayes: All – 7

**d. Approve purchase of Wi-Fi services from All Covered for Lac Ste Clair and Blossom Heath Marinas**

**Background:** It was recommended to approve the statement of work from All Covered to purchase and install necessary WiFi equipment in both the Lac St. Clair Marina and the Blossom Heath Marina at a price not to exceed \$87,113 to be paid out of account number 101.253.950.300 Contingency.

The WiFi that we have at the Lac St. Clair Marina for marina users is currently not operating. Our consultant, All Covered, has been looking at what needs to be done to the system to get it not only operational but also to prevent it from going down again. Additionally, we want to provide the most reliable and robust system to the users of the marina and park. After completing a thorough review of the system requirements and placement of the access points and backhaul radios, All Covered presented a proposal for this project. At the same time, we asked All Covered to propose deploying a similar service to the Blossom Heath Marina (Blossom Heath Marina does not have the Wifi). All Covered proposes utilizing both Cisco and Siklu equipment to form the backbone of a robust and reliable WiFi system that should provide an expected 10 years of service. It is estimated that the Cisco equipment for both marinas will be \$48,192. The Siklu equipment would be an additional \$24,310. All Covered would install the equipment under their contract pricing, along with our Building Maintenance for \$15,008. A total project cost of \$87,113.

Funding is available (\$150,000 was placed in the Contingency for technology improvements but has not been touched to date). All Covered has committed to get this done ASAP. It is expected that this system should be installed at both marinas by the end of May, beginning of June.

Mayor Walby clarified that this project will be done before May 30<sup>th</sup>.

Mr. Coppler said this was discussed during the Budget Hearings. Once the pier project is done, we will budget additional money to extend the area. This will provide service to parks in addition to the marinas. We can do a premium package if we so choose.

**Moved by Council Member Caron, and supported by Council Member Accica to authorize All Covered to purchase and install necessary WiFi equipment in both the Lac St. Clair Marina and the Blossom Heath Marina at a price not to exceed \$87,113 to be paid out of account number 101.253.950.300 Contingency, to be completed by May 30, 2021.**

Ayes: All – 7

**Item 7 (Cont'd):**

**e. Request to award water main and road reconstruction – Share Street, Harper to 13 Mile**

**Background:** It was recommended to approve the replacement of the water main and reconstruction of Share Street – Harper to 13 Mile and award to Pamar Enterprises in the amount of \$1,084,892.27 plus a 10% contingency totaling \$1,193,381.50.

Share Street is rated as a 2 on the PASER and was paved circa 1950's and is budgeted as part of this year's road millage program. The road is being reconstructed in conjunction with the water main.

Mr. Caron asked that CDI/Finance update the proposed 2021/22 Budget Capital water main and road reconstruction projects bid award to reflect these awarded amounts in place of the higher engineering cost estimates.

Mr. Rayes said all of the larger trees will be coming down. They will be replaced with larger caliber trees.

**Moved by Council Member Rubello, and supported by Council Member Frederick to approve the Share Street Reconstruction and Water Main Replacement and award to Pamar Enterprises in the amount of \$1,084,892.27 plus a 10% contingency totaling \$1,193,381.50, as recommended by the City Manager.**

Ayes: All – 7

**f. Request to award water main and road reconstruction – Dorion Street, Waterloo to east end at cul-de-sac**

**Background:** It was recommended to approve the replacement of the water main and reconstruction of Dorion Street – Waterloo to east end at cul-de-sac and award to Pamar Enterprises in the amount of \$1,857,788.71 plus a 10% contingency totaling \$2,043,567.58.

Dorion Street is rated as a 2 on the PASER and was paved circa 1950's and is budgeted as part of this year's road millage program. The road is being reconstructed in conjunction with the water main.

Ms. Rusie asked that Council be provided with the road reconstruction and water main schedules for Pamar who were awarded four of these projects.

**Moved by Council Member Accica, and supported by Council Member Frederick to approve the Dorion Street Reconstruction and Water Main Replacement and award to Pamar Enterprises in the amount of \$1,857,788.71 plus a 10% contingency totaling \$2,043,567.58, as recommended by the City Manager.**

Ayes: All – 7

**g. Request to award storm replacement road reconstruction – Meier Street, Joan to Rockwood**

**Background:** It was recommended to approve the replacement of the storm sewer and reconstruction of Meier Street – Joan to Rockwood and award to Mark Anthony Contracting in the amount of \$389,989.57.

Meier Street is rated as a 2 on the PASER and was paved circa 1950's and is budgeted as part of this year's road millage program. The road is being reconstructed in conjunction with the storm sewer.

Ms. Rusie asked if there will be a contingency.

Mr. Rayes noted the purchase order will include a contingency automatically.

Mr. Vitale asked that the affected Lakeview School District traffic be taken into consideration during the storm replacement road reconstruction.

**Moved by Council Member Vitale, and supported by Council Member Accica to approve the Meier Reconstruction and award to Mark Anthony Contracting in the amount of \$389,989.57, as recommended by the City Manager.**

Ayes: All – 7

**Item 7 (Cont'd):**

**h. Request to award water main, storm sewer and road reconstruction – Harmon Street, Statler to Frazho (CDBG)**

**Background:** It was recommended to approve the replacement of the storm sewer, water main and reconstruction of Harmon Street – Statler to Frazho (CDBG) and award to Pamar Enterprises in the amount of \$1,344,430.51.

Harmon Street is rated as a 2 on the PASER and was paved circa 1950's and is budgeted as part of this year's road millage program. The road is being reconstructed in conjunction with the water main.

**Moved by Council Member Accica, and supported by Council Member Rusie to approve the Harmon Street Reconstruction and Water Main Replacement – Statler to Frazho (CDBG) and award to Pamar Enterprises in the amount of \$1,344,430.51, as recommended by the City Manager.**

Ayes: All – 7

**i. Request to award reconstruction of Kyte Monroe Parking Lot**

**Background:** It was recommended to approve the reconstruction of Kyte Monroe Parking Lot and storm sewer (south main lot) to Al's Asphalt in the amount of \$507,132.50 plus a 10% contingency totaling \$557,845.75.

The Kyte Monroe parking lot has well surpassed its useful life, and it is recommended to proceed with the reconstruction of the lot. Funding is available in the current budget to proceed with this project.

Mr. Rayes said this is for the main parking lot. They have not figured out the schedule yet. It is understood that this needs to be completed before late fall.

There was discussion regarding the sign and concerns about the cost. There are alternatives being researched.

Mr. Rubello said he is going to provide Mr. Rayes with suggestions from the Waterfront Environmental Committee regarding drainage of the parking lot.

**Moved by Council Member Rubello, and supported by Council Member Caron to approve the Kyte Monroe Park Parking Lot Reconstruction and award to Al's Asphalt in the amount of \$507,132.50 plus a 10% contingency totaling \$557,845.75, and authorization to proceed with subsequent Budget Amendment to Account No. 101-707-980.342 as recommended by the City Manager.**

Ayes: All – 7

**j. Request to award reconstruction of Brys Park Parking Lot and walking path**

**Background:** It was recommended to approve the reconstruction of Brys Park Parking Lot and Nature/Walking Path to Al's Asphalt in the amount of \$537,974.00 plus a 10% contingency totaling \$591,771.40.

Brys Park parking lot and walking path has well surpassed its useful life, and it was recommended to proceed with the reconstruction of the Nature/Walking Path and Alternates 1 & 2. Funding is available in the current budget to proceed with this project.

Ms. Rusie asked that Council be provided with the schedule for the path project. She would like this information posted on Facebook as well.

Mr. Caron asked that signage be posted in the park a week in advance during the paving projects.

Mr. Rayes noted he did find an error of \$900 on the agenda item cover sheet. The cost will actually be \$592,849.40.

Mr. Caron asked about the \$12,730 for storm sewer rehab under the parking lot.

Mr. Rayes said there is a hardened concrete blockage. However, we have not had a problem with water backing up. This was addressed in alternative 3 which is not included on the cover sheet.

**Item 7 (Cont'd):**

Mr. Caron spoke about how difficult it would be to do a green infrastructure in this lot. He has concerns about how this land drains during large storms.

Mr. Frederick asked that we landscape or backfill along the path so that we do not have a problem with washout.

He also asked that electric car charging station grant applications be researched for the Kyte Monroe and Brys Park parking lot projects.

**Moved by Council Member Rubello, and supported by Council Member Accica to approve the Brys Park Parking Lot and Nature/Walking Path and award to AI's Asphalt in the amount of \$592,849.40 with a 10% contingency, and authorization to proceed with subsequent Budget Amendment to Account No. 101-705-980.342 as recommended by the City Manager.**

Ayes: All – 7

**k. Request to award new fencing at Blossom Heath from Beach House east to lagoon**

**Background:** It was recommended to award the new industrial grade aluminum fencing at Blossom Heath from the Beach House east to the lagoon to Michigan Fence Outlet in the amount of \$19,737.00. There is a relatively small difference between the two grades of fencing, and the recommendation is to proceed with the heavier grade that can better withstand contact mowing equipment.

This project was identified on the list of projects to be completed using funding from the revenues in the Tax Foreclosure Fund and was estimated at \$15,000.00.

Mr. Accica would like to award this bid to Tom's Fence even though he was not the low bidder. He is a local contractor, and we should support our local businesses.

Mr. Rayes noted the amount Tom's Fence quoted is \$25,905 for industrial grade fencing.

Mr. Ihrie said that if this is awarded to Tom's Fence this evening, we cannot negotiate because he was not the low bidder.

Mayor Walby noted he would not vote in favor of this because of the \$6,000 difference.

**Moved by Council Member Accica, and supported by Council Member Rubello to approve the Blossom Heath Fencing from Beach House east to lagoon to Tom's Fence in the amount of \$25,905.**

Ross Call Vote

Ayes: Accica, Rubello, Caron, Frederick

Nays: Rusie, Vitale, Walby

Motion Passed

**I. Request to approve sale of Tax Foreclosure parcel at 21620 Colony**

**Background:** It was recommended to approve the sale of the vacant lot at 21620 Colony (2020 Tax Foreclosure) in the amount of \$22,000.00.

This property was acquired in July 2020 from the Macomb County Treasurer's Office, as part of the tax foreclosure program. This revised offer removes the requirement to brick first floor from the Purchase Agreement (there are no brick homes in this area of Colony) and a request to add 3 months to the dead-line.

Ms. Rusie asked that Council be provided with the real estate listing. She noted a correction of the legal description for the purchase agreement and that the purchase agreement should reflect waiving of all brick construction and the one-year completion date be added.



**Item 7 (Cont'd):**

Moved by Council Member Frederick, and supported by Council Member Accica to approve the sale of the vacant lot at 21620 Colony (2020 Tax Foreclosure) in the amount of \$22,000.00, as recommended by the City Manager.

Ayes: All – 7

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 Caron, supported by Council Member Frederick to approve the Consent Agenda items a – k, separating h, as follows:

a. **Bills**

April 22, 2021 \$1,132,001.39

Resolved to approve the release of checks in the amount of \$1,132,001.39 for services rendered, of the report that is 19 pages in length, and of the grand total amount of \$1,132,001.39, \$0 went to other taxing authorities.

b. **Fees** - None

c. **Progress Payments**

Resolved that the following Progress Payments be approved as presented:

D&D Water & Sewer, Inc. \$148,112.93

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>
Brownfield Redevelopment Authority	February 18, 2021
Cool City Committee	January 12, 2021
Cool City Committee	February 9, 2021
Cool City Committee	March 9, 2021
Council Sub-Committee	February 23, 2021
Council Sub-Committee	March 23, 2021
Cultural Committee	March 11, 2020
Fence Arbitration	February 17, 2021
General Employees Pension Board	March 16, 2021
General Employee Retiree Health Care Board	January 19, 2021
Library Board	March 18, 2021
Senior Advisory Committee	March 18, 2021
Sign Arbitration	March 25, 2021
Tax Increment Finance Authority (TIFA)	February 18, 2021
Water Resources Dev. & Advisory Board	March 2, 2021

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 and Vacancies:**

<u>Name</u>	<u>Commission</u>
Robert Pylar (deceased)	Activities Committee; Parks & Recreation Commission
Maureen Moore (deceased)	Animal Care & Welfare Committee
Joe St. John	Water Resources Dev. & Advisory Board

**Item 8 (Cont'd):****2. Recommendations to Mayor and Council to appoint the following:**

<u>Name</u>	<u>Commission</u>	<u>Term-End Date</u>
Robert Knapp (Vacant seat of Katie Carlisle)	Cultural Committee	06/01/2023
Dawn Sketch (Vacant seat of Robert Selwa)	Cultural Committee	06/01/2023
Donna Kjeldsen (Vacant seat of Grace Genova)	Cultural Committee	06/01/2023
Anna Whisenhunt (Vacant seat of Christine Harris)	Community Garden Committee	09/30/2022
Joe Whelan	Cool City Committee (Alternate)	05/03/2023

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

<u>Name</u>	<u>Commission</u>	<u>Term-End Date</u>
Rosalie Lavigne	St. Clair Shores Memorial Day Parade Advisory Committee	04/02/2024

**4. Recommendation to Mayor to reappoint the following:**

<u>Name</u>	<u>Commission</u>	<u>Term-End Date</u>
Gina Jenio	Animal Care & Welfare Committee	12/31/2023

**5. a. Recommendation to Mayor and Council for the dissolution of the Stormwater Charge Review Board due to the repeal of Ordinance 25.110 Stormwater Utility Ordinance****b. Recommendation to Mayor and Council to disband/dissolution of the Computer Steering Committee which has not met since 2009**

Resolved that the Council Sub Committee receives and files the notification that the Stormwater Charge Review Board be dissolved due to the repeal of Ordinance 25.110 Stormwater Utility Ordinance, as requested by the committee; and that the Council Sub Committee recommends that the Computer Steering Committee be disbanded/dissolved, an inactive committee which has not met since 2009.

**g. Approval to Publish Notice of Public Hearing on the Proposed FY 2021-22 Budget**

Resolved to publish the Notice of Public Hearing on the Proposed FY 2021-22 Budget as presented.

**i. Request to deny the claim of James Raymond Tomlin v City of St. Clair Shores et al and refer to the City Attorney for response**

Resolved to deny the claim of James Raymond Tomlin v City of St. Clair Shores et al and refer to the City Attorney for response.

**j. Request for Resolution Allowing the City to Accelerate 2021 Winter Tax Bills Under \$100 to the 2021 Summer Tax Bill**

Resolved to approve the following resolution:

WHEREAS, the State of Michigan has approved Public Act 184 and 185 of 2012 providing local tax collecting units the option of accelerating certain millages from the winter tax collection levy to the summer tax collection levy if the tax and other amounts billed total \$100 or less; and

WHEREAS, the City of St. Clair Shores levied 1.5495 mills as part of the 2020 winter tax collection levy and will have approximately 20,885 tax bills that could be collected as part of the 2021 summer tax collection levy and save the City expenses for preparing, mailing, and collecting the taxes; and

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

**WHEREAS, the City wishes to save its resources and take advantage of the option to accelerate the winter tax levy to the summer tax levy for small tax bills of \$100 or less; and**

**WHEREAS, the City will forward this Resolution to seek approval from the Macomb County Board of Commissioners**

**NOW THEREFORE BE IT RESOLVED that, pursuant to MCL 211.44a (2)(b) the City Council authorizes the summer collection in July, 2021 for the property tax bill amounts that will total \$100.00 or less per individual tax bill and that otherwise would be collected as part of the 2021 winter tax levy.**

- k. Request approval of BS&A Annual Service and Support Purchase Order  
Resolved to approve payment of the Annual Service and Support maintenance contract to BS&A in the amount of \$17,748.00.**

Ayes: All – 7

**Separated Item:**

- h. Request to set a Public Hearing on May 17, 2021 for 9 Mack Social District**

Mr. Rubello asked to separate this item so details of the plan could be presented by Mr. Gambill. The 9 Mile Mack Merchants support this plan.

**Moved by Rubello, supported by Frederick to set a Public Hearing for May 17, 2021 to receive comment for the Downtown St. Clair Shores Social District and Commons Area management and maintenance plan.**

Ayes: All - 7

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

- **Boards & Commissions** – The Storm Charge Review Board and Computer Commission have been disbanded and members were notified.
- **HUD/CDBG Funds** – The definition of infrastructure on use of the CDBG funds was provided to Council.
- **GRS/Valuation Report** - Ms. Stowell has reached out regarding when we submit documentation, and we are waiting for a response.
- **Building Inspection Services Contract** – This needs to be submitted to the City Attorney for review.
- **Consumers Energy/Sidewalk Repair 12 Mile** – Once we receive the schedule, it will be provided to Council. They have been told it needs to be done before the resurfacing project begins.
- **21113 Erben/Street Failure** – We are reviewing the issue. It will be added to the regular update to roads list.
- **GFL/Latex Paint** – GFL will take latex paint at the Hazardous Waste Day in the fall. They are not sure if they will be able to accommodate the request for this spring.
- **Gas Station/Permit** – Their most recent permit was issued in February for aluminum and expires 6/2/2021. The inspector visited the site today.

**10. COMMENTS BY INDIVIDUAL COUNCIL MEMBERS**

**Council Member Rubello** said there is a new Nautical Mile on Lake St. Clair brochure posted.

The Nautical Coast Cleanup is on Sunday, May 23, 2021. They will meet at the Jefferson Yacht Club at 8:00 a.m.

The Kiwanis Charity Classic Car Cruise is this year on August 25<sup>th</sup>.

There is a city-wide baseball game being held at the Old Corner Ball Park which is the former Tiger Stadium.

He asked administration to look into delaying the date businesses need to dismantle their permanent outdoor seating.

He asked if we are making progress on the fire damaged home on Little Mack.

Mr. Ihrie said we are making progress. Promises have been made and broken with respect to resolving the blighted portion of the property. We filed another motion asking to give us the authority to go in.

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

**Council Member Rusie** gave her congratulations to Cheryl Furdos.

**Council Member Caron** congratulated Cheryl Furdos.

He reminded everyone about the Hazardous Waste Day to be held May 8<sup>th</sup> at the Civic Arena.

He thanked the Beautification Commission members for helping get the City ready for the Memorial Day Parade, and he thanked First State Bank for the red tulips that we see all around the City.

**Council Member Frederick** gave his condolences to family of Bill Cudney who passed away last week. He was a very active volunteer in the City.

Opening Day for the St. Clair Shores Baseball Softball Association is Sunday May 16<sup>th</sup>.

He congratulated Cheryl Furdos.

Mr. Frederick made several Library announcements.

**Council Member Vitale** provided an address to the City Manager regarding a resident concern on Erben between Little Mack and Princeton.

He asked about the brick that was taken down months ago at O'Reilly Auto Parts at Martin and Harper. He would like Code Enforcement to check on their permit.

**Council Member Accica** said that there is a powder that can be added to a can of latex paint that will dry it out and turn it into a solid so that it can be left at the curb for regular garbage pickup.

He asked staff to review a resident concern regarding where a neighbor stores their garbage cans at a home on Benjamin.

He also asked that staff check on the status of the permit for an elevator at the Masonic Temple Lodge.

**11. CITY MANAGER'S REPORT** - None

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

Jamie Victory, St. Clair Shores resident, spoke about the Memorial Day Parade and the Harper Cruise.

Vito Vitale, Macomb Township resident, asked why a permit he requested for a St. Clair Shores property was rejected.

**13. MAYOR'S COMMENTS**

Mayor Walby said that the new Kroger store has been well received. Their grand opening was April 21<sup>st</sup>.

He noted that the first Concert in the Park is on June 9<sup>th</sup> featuring the Tom Petty Tribute Band.

**14. REQUEST TO ENTER CLOSED SESSION AS PERMITTED BY STATE STATUTE MCLA 15.268, SECTION 8(e) PENDING LITIGATION MARCELLA DUFFEY V CITY OF ST. CLAIR SHORES**

**Moved by Council Member Caron, supported by Council Member Frederick to enter Closed Session as permitted by State Statute MCLA 15.268, Section 8(e) pending litigation Marcella Duffey v City of St. Clair Shores at 10:13 p.m.**

Roll Call Vote

Ayes: Caron, Frederick, Accica, Rubello, Rusie, Vitale, Walby

**Moved by Council Member Frederick, supported by Council Member Rusie to return to Open Session at 10:27 p.m.**

Ayes: All – 7

**Item 14 (Cont'd):**

**Moved by Council Member Frederick, supported by Council Member Accica to accept the City Attorney's recommendation regarding Marcella Duffey v City of St. Clair Shores.**

Ayes: All – 7

**15. ADJOURNMENT**

**Moved by Council Member Caron, supported by Council Member Accica to adjourn at 10:28 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).