

**MINUTES
ST. CLAIR SHORES CITY COUNCIL MEETING
MAY 17, 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, 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, Court Administrator Andrea Strassburg, Directors Chris Rayes and Laura Stowell 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. 68th St. Clair Shores Memorial Day Parade

Mayor Walby presented the following proclamation to members of the Memorial Day Parade Committee:

**Proclamation in honor of the
68th ST. CLAIR SHORES MEMORIAL DAY PARADE
May 30, 2021**

WHEREAS, the **68th St. Clair Shores Memorial Day Parade**, to be held on Jefferson Avenue this year, after a year absence due to the nationwide pandemic we return to our City's time-honored tradition remembering those men and women who are serving or who have served in our armed services and the sacrifices they have made; and

WHEREAS, we Americans are grateful to all those who have put on our nation's uniform to protect our freedom and recognize the service of our **2021 Grand Marshal Gene Peyre**, a Korean War veteran who served in the 8th Army 30th Battalion and was stationed north of Seoul; he had served two years in the U.S. Marine Reserves prior to being drafted; and he is a life member of the VFW 1146 Bruce Post; and

WHEREAS, with this year's Parade theme "**A Memorial Tribute**", we recognize that the nation's military strength is not found in its defensive systems and weapons alone, but it is the personal character of the men and women in uniform, their faith, readiness, will and devotion that makes a nation's armed forces proud and strong; and

WHEREAS, our Veterans and residents are ready to return to this time-honored event in our City honoring those who have served our nation and thankful to those men and women who fought for our freedom, as we celebrate at the Memorial Day Parade; and

WHEREAS, the **68th St. Clair Shores Memorial Day Parade** would not happen without all the hard work and tireless efforts of the current St. Clair Shores Memorial Day Parade Committee members, parade day volunteers, our residents and City staff;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the City of St. Clair Shores, on behalf of all our residents, do hereby declare **Sunday, May 30, 2021, as the 68th St. Clair Shores Memorial Day Parade Day**.

Presented this 17th day of May 2021.

b. Waterfront Environmental Committee Scholarship Check Presentation

The Waterfront Environmental Committee was present to award \$500 Student Scholarships to Jaclyn Bommarito, Jacob Cardenas, Ava Boileau and Camden Knoll.

Mayor Walby reminded everyone that the memorial mass for former Council Member Pete Rubino is on Saturday, May 22nd at 10:00 a.m. at St. Joan of Arc.

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

4. CREATION OF A DOWNTOWN ST. CLAIR SHORES SOCIAL DISTRICT

Mr. Gambill outlined the plan for the Downtown St. Clair Shores Social District. A 2020 Public Act allows for Social Districts where there are common areas for the three businesses holding on premise liquor licenses so patrons are allowed to drink in the outdoor common areas.

a. Public Hearing

Mayor Walby opened the Public Hearing at 7:31 p.m.

Ms. Kotowski read the following comments that were sent by email (4):

Erin Monahan, "I think it is an amazing idea and a great way to boost businesses in the area. I think doing a trial period to only close it one day a week is a good start but the goal should be to have the social district be a permanent fixture. It would be great for the bars and restaurants to have more outdoor space to social distance and service more people. When sitting outside at Copper Hop, I see cars speeding down Mack, making illegal u-turns and putting pedestrians at risk. Closing the road permanently keeps it safe for motorists and pedestrians. I think with closing down the road, there should be a new installation of signs at the back of buildings to ensure all businesses have proper advertising. Thank you for such a wonderful idea! This is a great step for the City of St. Clair Shores."

Danielle Conklin and James Nuse, "fully support the creation of a social district at 9 and Mack. We reside on Cedar."

Donald Neal, "To my knowledge they have wanted to do this permanently for about 50 years. That is the reason that the two bypass roads were built. I think this is the best idea possible, but make it permanent. You have my vote for Yes."

Veronica Williams, "I just wanted to send my support for making a social district at 9 Mile and Mack. It is set up perfectly to close off traffic and make a hub for food, entertainment and drinking."

Mayor Walby closed the Public Hearing at 7:34 p.m.

b. Adoption of the Downtown St. Clair Shores Social District

Background: The recommendation was that City Council approve the establishment of the Downtown St. Clair Shores Social District, approve the City of St. Clair Shores Social District Operations and Maintenance Plan and the subsequent Social District Permit Applications for the Qualified Licensees adjacent to the Commons Area for consideration by the Michigan Liquor Control Commission contingent on City Attorney approval.

On Thursday, July 2, 2020, Governor Whitmer signed into law two bills (House Bills No. 5781 and No. 5811) that allow for the sale of cocktails-to-go and alcohol consumption in established Social Districts. Local governmental units have the authority to establish Commons Areas within Social Districts that multiple on-premises licensees can use to increase sales via permit through December 2024.

A Social District is the entire area designated by the Local Government, which includes the Commons Area within the Social District. Consumption of alcoholic beverages outdoors can only be done in the designated Commons Area. The Michigan Liquor Control Commission defines a Commons Area as an area within the established Social District that is clearly designated and marked by the Local Government that is shared by and contiguous to the premises of at least two other qualified licensees. The proposed Social District located at 9 Mile Road and Greater Mack Avenue currently contains three qualified licensees: Copper Hop Brewing Company, Shores Inn Food & Spirits and The Firehouse Pub.

Before applying to the MLCC for a Social District Permit, the qualified licensees in the proposed Social District must first obtain approval from the governing body of the local governmental unit. The resolution is intended to grant those approvals.

Proposed District Boundaries and Commons Area:

The proposed boundaries of the Social District are from the south boundary of the intersection of Cavalier Drive/9 Mack Drive and Greater Mack Avenue north to 9 Mile Road. The east boundary shall be from the center of 9 Mack Drive to the west boundary being the center of Cavalier Drive. The Commons Area shall be on Greater Mack Avenue north of the intersection of Cavalier Drive/9 Mack Drive to 9 Mile Road. A map illustrating the Social District and Commons Area boundaries is included in the Maintenance and Operation Plan.

Item 4 (Cont'd):

The Downtown St. Clair Shores Social District Commons Area hours of operation are proposed as follows: 5 p.m. – 12 a.m. on the first Saturday of every month, commencing Saturday, July 3, 2021.

The Commons Area will be closed on the following US Holidays: New Year's Day, Independence Day, Thanksgiving, Christmas Eve and Christmas.

At the recommendation of the Police Chief, Greater Mack Avenue south of 9 Mile Road to 9 Mack Drive/ Cavalier Drive, the location of the Commons Area, will be closed during the Commons Area hours of operation.

Mr. Gambill spoke about two suggested plan changes. They would like to replace references to "9 Mack" with "Downtown St. Clair Shores". They would also like to change the wording in the plan from "This plan can change at the discretion of City Council and City Administration" to "at the discretion of the City Manager".

There was a lengthy discussion regarding the days and times the social district should operate. Many Council members were in favor of expanding the start time to 4:00 p.m. as the Post Office closes at 3:00 p.m., and that would allow any customers to clear out of the lot before the street closes. They also would like to give the businesses the option to close the road for the social district event every Saturday.

Council Members Rusie and Vitale were not against this option, however, they will not be voting in favor of these changes because the plan that was submitted prior to the Public Hearing did not include those parameters.

Ms. Rusie would like Council to retain the approval for substantive operation changes. She does not prefer to give administration full authority as proposed, because then the changes are not done publicly as they would be if they went before Council at a meeting.

Mr. Vitale had concerns about the area being blockaded properly and safely.

Mr. Gambill said the City is working closely with the merchants on the plan to implement and run the social district events. It will be done similarly to the June Fest. They are in the process of designing a website and a permit process.

Mr. Ihrie noted that once Council designates the days for the social district, those are the days whether the establishments choose to participate or not. We cannot leave it up to the third party (the merchants) to decide if the street will or will not be closed. All three establishments must let the City know in advance of their decision.

Moved by Council Member Rubello, and supported by Council Member Frederick to approve the following resolution:

**R-2021-20
Resolution to Establish the City of St. Clair Shores
Downtown St. Clair Shores Social District**

To establish the City of St. Clair Shores Downtown St. Clair Shores Social District, every Saturday from 4 pm until midnight, approve the City of St. Clair Shores Social District Operations and Maintenance Plan and the subsequent Social District Permit Applications for the Qualified Licensees:

**Shores Inn, Inc. dba Shores Inn 23410 Greater Mack
Anchor Bay Brewing Company dba Copper Hop Brewing Company, 23401 Greater Mack
and
Three Fireman's Bar Inc dba Fireman's Pub 23018 Greater Mack**

adjacent to the Commons Area are recommended for consideration by the Michigan Liquor Control Commission.

I, Mary A. Kotowski, City Clerk of the City of St. Clair Shores do hereby certify that the foregoing is an excerpt from the minutes of a regular meeting of the St. Clair Shores City Council held on Monday, May 17, 2021, in accordance with the Open Meetings Act, Public Act No. 267 of 1976 as amended.

I further certify that the licensed premises of the aforementioned licensees are contiguous to the commons area designated by the City Council as part of the social district pursuant to MCL 436.1551.

Item 4 (Cont'd):

Mary A. Kotowski, MMC, MiPMC II
City Clerk

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

5. ~~**ADOPTION OF BOTTOMLANDS CONVEYANCE RESOLUTION FOR ISLAND HARBOR INC., 24102 JEFFERSON**~~ To be brought back to the first meeting in June.
6. **PLANNING CASE PPC210009: REQUEST FOR SITE PLAN APPROVAL FOR ADDITIONAL PERMANENT OUTDOOR SEATING AT 32215 JEFFERSON, TONY J'S, REPRESENTED BY STEVE ELIAS**

Background: The recommendation was to approve the request for additional permanent outdoor seating at Tony J's.

The applicant is requesting Site Plan Approval for a 1,720 square foot permanent outdoor seating area within the parking lot. The outdoor seating area is located immediately south of the existing outdoor seating area. The plans indicate the area will only be used during the summer as needed, such as Wednesday Concert Nights, Friday Nights, and Fireworks Night. The plans indicate the placement of 28 inch high cinder blocks with 8 foot long 2X4's and orange barrels to create a fence within the parking lot. Parking is still available on either side of the outdoor seating area.

Steve Elias, Tony J's owner, spoke about their plans to use this seating area only on busy evenings.

Mr. Caron asked Mr. Ihrle if there is something we can do so that they do not have to keep going to the Zoning Board of Appeals for the 31 parking spot variance.

Mr. Vitale suggested granting this approval for a limited time, and if we do not receive any complaints it would then become permanent.

Moved by Council Member Accica, and supported by Council Member Caron to approve the request for additional permanent outdoor seating at 32215 Jefferson, Tony J's, with the following conditions; the outdoor seating will only be used between May 1st and November 1st seasonally; the storage of the fencing and seating during the off-season will be within the dumpster enclosure on site and not visible during the off-season; signs will be added to the parking lot for safety, and a 31 space parking variance will be required from the Zoning Board of Appeals; approval is for one year with automatic renewal if no complaints extend approval permanently.

Ayes: All – 7

7. ~~**APPROVAL OF TITLE VI NON-DISCRIMINATION AND LIMITED ENGLISH PROFICIENCY PLAN AS REQUIRED BY MICHIGAN DEPARTMENT OF TRANSPORTATION**~~
8. **BIDS/CONTRACTS/PURCHASE ORDERS - COURTHOUSE CASHIER WINDOW REPLACEMENT**

Background: The recommendation was that City Council award Mt. Clemens Glass & Mirror the project of replacing the three main Cashier service windows at the courthouse for the quoted amount of \$22,596.00. Service window replacement also adds stainless steel bullet-resistant speak through grates for two-way communication between the Cashier and public.

The current court cashiers rely upon wired speaker systems for communicating with the public behind bullet-resistant glass. The speaker systems have many issues and must be replaced after several years, along with being adjusted/fixes when needed. Additionally, the speaker systems project conversations throughout the courthouse main hall area, directly in front of the court Security checkpoint. The projections often create a difficult environment for Court Security while screening the public.

Upon evaluation of the speaker systems and researching additional options for communication at the windows, it was determined replacement and addition of speaker holes would be the best long-term solution, as the speaker systems are costly and are an ongoing expense.

Item 8 (Cont'd):

This project was originally approved for FY 2020-2021 budget, under Capital Outlay in the Building Fund. Original quotes were obtained in August-September 2019. Due to COVID, the project was pushed back a bit. Thus, updated quotes were obtained from the three vendors in order to accommodate for any cost differences.

The court decided to replace the three main cashier windows and forgo replacement of the smaller, probation window in order to reduce overall project costs.

One business, Bradford Glass, did not respond to several inquiries for an updated quote. Thus, the original quote from Bradford Glass was used.

Upon reviewing all submitted quotes, specifically for the three main cashier windows, it was found Mt. Clemens Glass & Mirror had the lowest cost. If approved, the vendor delegated a 5 to 7 week timeline. The project is expected to be completed prior to 6/30/2021. All quotes include Level III bullet resistant glass.

Ms. Strassburg said that this was included in their budget so she did not realize it was required for her to go out for bid. One of the three quotes she received was from 2019.

After discussion, Council decided to table this request so that Ms. Strassburg could work with the City Manager to have this item put out for bid.

Mr. Frederick asked Ms. Strassburg if the Court cashier window speaker installation was part of the original project specifications and possibly overlooked. He also asked her to investigate if there is another use for the glass being replaced.

Moved by Council Member Caron, and supported by Council Member Frederick to TABLE the project for replacement of the Courthouse cashier windows to Mt. Clemens Glass & Mirror in the amount of \$22,596.00.

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 Frederick to approve the Consent Agenda items a – e as follows:

a. **Bills**

May 6, 2021	\$3,338,042.38
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Resolved to approve the release of checks in the amount of \$3,338,042.38 for services rendered, of the report that is 25 pages in length, and of the grand total amount of \$3,338,042.38, \$2,489.65 went to other taxing authorities.

b. **Fees**

Resolved that the following Fees be approved as presented:

Ihrie O'Brien	\$9,842.45
Shifman Fournier, PC	\$1,860.00

c. **Progress Payments**

Resolved that the following Progress Payments be approved as presented:

JV Contracting, Inc.	\$12,650.10
Michigan Joint Sealing	\$16,061.61
Galui Construction	\$90,618.88

d. **Approval of Minutes** - None

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

Resolved that the following minutes be received and filed:

Item 9 (Cont'd):

Minutes

**Community Garden Committee
Election Commission
Historical Commission
Planning Commission
Waterfront Environmental Committee**

Meeting Date

**April 7, 2021
October 12, 2020
April 6, 2021
March 23, 2021
March 16, 2021**

Ayes: All – 7

10. UPDATES AND FOLLOW-UPS FROM COUNCIL MEETING

- **Pave City-Owned Alley/29103-29019 Harper** – Funding for alley paving has been put into the budget for next year, and the locations are being reviewed for priority.
- **Use of Wood from Removal of City-Owned Trees** – The DPW is looking into storage options for the wood so it can be used in the fire pits.
- **Lead Service Line Project** – Information on this project is on the City website. The DPW sent out a targeted mailing for homes that are affected, and they visit households that do not respond to the mailing.
- **Community Development 2021/22 Budgeted Capital Watermain/Road Reconstruction Bid Amounts** - Finance is in the process of making the requested changes before the Public Hearing.
- **Road Reconstruction Schedule for Pamar** - This will be provided to Council once the schedule has been established.
- **Lakeview School Traffic/Meier Road Reconstruction** – Administration and the contractor will discuss how the school traffic will be handled at the pre-construction meeting.
- **Brys Park/Parking Lot and Path Construction Schedule** – This will be provided after the pre-construction meeting.
- **Signage for Brys Park During Construction** – Parks and Recreation will coordinate the signage.
- **Electric Car Charging Station Grants/Park Parking Lots** – The Assistant City Manager is looking into the specifics for this type of grant.
- **Sale of 21620 Colony/Open Items** – The purchase agreement has been corrected. Mr. Rayes is working on the other two items requested by Council Member Rusie.
- **Outdoor Seating/Delay Removal Deadline** – All businesses have either removed their seating or have requested a permit.
- **O'Reilly Auto Parts/Brick Work** – A stop work order was issued.
- **Garbage Can Storage Issue/Benjamin** – Code Enforcement has been notified to investigate.
- **Masonic Temple/Status of Elevator Permit** – This was investigated, and they never pulled a permit.

11. COMMENTS BY INDIVIDUAL COUNCIL MEMBERS

Council Member Rusie said the Cultural Committee is hosting a DIA Zoom presentation “Detroit Style: Car Design in the Motor City, 1950-2020”.

She spoke about events going on around the City.

She noted she donates her Council Member pay raises to the community because she voted twice to deny these raises.

Council Member Caron said that St. Joan of Arc is not having a festival this year, but they are having fair foods and food trucks in their parking lot May 21st through May 23rd. They are also hosting a vaccine clinic on those dates.

The American Cancer Society Relay For Life Eastside is planning an event in late September.

Council Member Frederick thanked those who donated to the Don Frederick Memorial Scholarship Fund.

He said Opening Day for the SCSBSA went very well.

He noted that there is an AirBNB short term rental bill going through the state currently that will limit the City's ability to limit this type of rental.

He made several Library announcements.

Council Member Vitale asked the City Attorney to research and create an ordinance which would require a package/communication less than 2 pounds be delivered to the porch. He is hoping that this will eliminate newspaper advertisements thrown in residential areas.

Item 11 (Cont'd):

He asked about the status of the Shell gas station located at 9 Mile & Harper and when it will open.

He would like staff to review the blight issues at the vacant former credit union at the corner of Statler and Harper.

He asked staff for an update on sod replacements from sewer collapses which have not been completed.

Mayor Walby would like to proceed with other options if the contractor cannot do the sod replacements.

Mr. Vitale spoke about the car show he is coordinating with the movie night at Civic Arena.

Council Member Accica said thank you for taking care of the resident issue on Benjamin street.

Council Member Rubello said it was a busy weekend in St. Clair Shores with the opening day of SCSBSA and the Community Garden.

He is looking for volunteers for the Memorial Day Parade which is Sunday May 30. He is also looking for volunteers to help out elderly people around the city.

There will be a Michigan Adoption Festival in St. Clair Shores this August.

Mr. Rubello asked that our bid policies be discussed at a study session.

12. CITY MANAGER'S REPORT - None

13. AUDIENCE PARTICIPATION (5 MINUTE TIME LIMIT)

Peggy Fisk, St. Clair Shores resident, spoke regarding a letter she sent requesting June 4, 2021 to be recognized as National Gun Violence Awareness Day in St. Clair Shores.

Jennifer Oresti, St. Clair Shores resident, spoke regarding her support of instituting a National Gun Violence Awareness Day in St. Clair Shores.

Erin Stahl, St. Clair Shores resident, asked about the Closed Session item on the agenda this evening.

Dale Crouch, St. Clair Shores resident, inquired about an item that went through the City's bid process recently.

14. MAYOR'S COMMENTS

The May 8th Hazardous Waste Day was very organized and well run by GFL.

On May 23rd there is a ribbon cutting for the Beach House at Blossom Heath and for Rubino Terrace.

15. REQUEST TO ENTER CLOSED SESSION AS PERMITTED BY STATE STATUTE MCLA 15.268, SECTION 8(c) AND (h)

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) and (h) at 9:44 p.m.

Roll Call Vote

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

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

Ayes: All – 7

16. ADJOURNMENT

Moved by Council Member Caron, supported by Council Member Frederick to adjourn at 10:23 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).