

**MINUTES
ST. CLAIR SHORES CITY COUNCIL MEETING
AUGUST 5, 2019**

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, Peter Rubino, Candice Rusie and Chris Vitale

Also Present: City Manager Michael Smith, City Clerk Mary Kotowski, City Planner Liz Koto, Director 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 - None

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

Jim Goodfellow, St. Clair Shores resident, spoke regarding Agenda Item #7.

4. PPC190020 REQUEST FOR SITE PLAN APPROVAL FOR A SERIES OF ADDITIONS, COVERED WALKWAY, NEW TRUCK DOCKS, AND AN ELEVATED CONVEYOR TUNNEL AT FISHER DYNAMICS, REPRESENTED BY JOHN VITALE, STUCKY + VITALE ARCHITECTS

Background: Fisher Dynamics is in the process of expanding their operations greatly. The first phase of expansion was the approval of a temporary storage facility along the Harper Avenue frontage to hold racks that would support the storage of the products they manufacture until it can be shipped out. The next phases of the project are proposing major permanent renovations and expansions to its existing buildings and operations. Once those permanent improvements are completed, then the temporary tent structure will be removed, and inventory will be placed within one of the newly renovated buildings. This plan review covers all phases of the project that are permanent improvements.

The site plan proposes to connect the three westerly (Far west, West, and Midwest) buildings to one another via two building additions, a covered walkway, six new truck docks, and an overhead conveyor tunnel. The conveyor tunnel would extend to an addition on to the fourth building (Central) where paint application is proposed to be conducted. The two buildings on the east side of the site (East and Northeast), and the building on the south east side of the site (Existing Building) remain the same size.

There are three additions proposed; a 13,400 square foot addition between the far west buildings; a 24,000 square foot addition between the second and third westerly buildings, and a 14,300 square foot addition to the Central building. Additionally, an overhead conveyor system enclosed in a smooth metal panel tunnel is being proposed to connect the far west, Midwest, and central buildings. Based on the plans, the Far West, West, and Midwest buildings will become one structure, which is proposed to be connected via the conveyor tunnel to the Paint Application building addition on the existing Central Building.

The plans indicate the building additions to be constructed of CMU and smooth metal cladding, with a height of 30 feet for each building, and a total height of 36 feet for the conveyor tunnel. The conveyor tunnel is proposed to be 6 feet tall, originate from the top of the proposed additions, travel above the Far West, West, and Midwest Buildings and connect to the Central Building, and covered in smooth metal cladding matching the building additions. The total height of the conveyor system is 36 feet for the tunnel and 40 feet where the conveyor enters the buildings.

John Vitale, Stucky + Vitale Architects, gave an outline of their expansion which is being done in three phases as provided in the background information.

Moved by Council Member Rubino, and supported by Council Member Rusie to approve the site plan at 33300 Fisher Drive with the following conditions: The four buildings being connected by this site plan shall be combined into a single parcel; remove the drive approaches and restore the curb and landscaping in those locations where they will no longer serve a parking lot or truck dock; potholes and crumbling asphalt shall be repaired; engineered drawings including paving and drainage will be required for significant

Item 4 (Cont'd):

improvements to parking areas; all lighting shall be shielded from adjacent or nearby residences, and all lighting shall terminate at the property line; any outdoor storage areas must be completely screened from view on all visible sides; a variance from the ZBA will be required to use concrete block as a finish material; Should a dumpster or other waste storage receptacle be necessary, it shall be screened on all visible sides; All mechanical equipment, whether placed at grade or on the roof(s) of the structure(s) shall be screened on all visible sides; should a transformer be required, it shall be screened on all visible sides; and extend the site plan approval to allow the project to be completed in phases over time and not need to return for site plan amendments.

Ayes: All - 7

5. PPC190021 REQUEST FOR SITE PLAN APPROVAL FOR A NEW DRIVE-UP SELF-STORAGE FACILITY AT 19675 AND 19669 NINE MILE, REPRESENTED BY MIKE DAMONE, PREMIUM SELF STORAGE

Background: The petitioner is requesting to demolish the buildings located at 19675 and 19669 Nine Mile and construct two buildings on the site. The buildings are proposed to contain 38 drive-up self-storage units ranging in size from 100 square feet, 150 square feet, or 250 square feet with one 335 square foot unit and one 355 square foot unit. The buildings are proposed to be a non-climate-controlled one-story development. The larger building is proposed to stretch the entire length of the parcel along Nine Mile. A 36-inch screen wall is proposed on the east property line and a six-foot wall is proposed along the west side of the parcel to provide patrons with privacy and screening while accessing storage units. Each unit is proposed to have an overhead door. The buildings will be comprised of brick, EIFS and concrete block with a metal roof system. On the south east and southwest corners of the site, the plan proposes faux windows to address the street. Generous landscaping has been proposed along the Nine Mile frontage. Ingress and egress to the site will be from an existing public alley that runs behind the parcels.

Jean Pekar, Aileron Construction, spoke about the plans for their development.

Moved by Council Member Vitale, and supported by Council Member Accica to approve the site plan for 19675 and 19669 Nine Mile.

Ayes: All – 7

The petitioner was not present for Agenda Item #6, so Mayor Walby moved to Agenda Item #7 in order to give them time to arrive.

7. BIDS/CONTRACTS/PURCHASE ORDERS – REQUEST APPROVAL OF CITY MANAGER CONTRACT (taken out of order)

Background: Mr. Ihrle spoke about several changes to the contract that were presented to Council just prior to the meeting as follows:

- Section 6 removes the AR4 salary increase as the default salary provision. Instead, City Council will review his performance annually and make any adjustments at that time.
- Section 9 provides four weeks of vacation in the first year with only two weeks to be taken consecutively, and 5 weeks in each subsequent year unless changed by Council in the future.
- Sections 4 and 5 have minor language changes.

He explained that there is a statute in the State of Michigan that prohibits the City from requiring the public employee live closer than 20 miles from the City. Mr. Coppler currently lives approximately 25 miles away. If Council wishes to add a provision that he must live within 25 miles of the City, Council can approve this contract with that condition.

Mr. Smith said that Mr. Coppler wants to give his current employer a 60 day notice. He will stay until the transition is made.

Moved by Council Member Caron, and supported by Council Member Rubino that the City Manager Employment Contract with Matthew W. Coppler be approved, directing the City Attorney to add in a 25 mile residence radius clause.

Ayes: All – 7

The petitioner for Item #6 arrived at 7:20 p.m.

6. PPC190022 REQUEST FOR SITE PLAN APPROVAL FOR EXTERIOR RENOVATIONS TO THE EXISTING BURGER KING AT 30718 HARPER AVENUE, REPRESENTED BY IRWING GAMA OF SEVAN MULTI-SITE SOLUTIONS (PETITIONER NAME MIGHT CHANGE)

Background: The petitioner is requesting site plan approval for exterior renovations at the existing Burger King south of 13 Mile road. Several site improvements have also been proposed. The entire parking lot will be milled, patched, seal coated, and restriped. New sidewalks will be installed that provide ADA compliance and increased accessibility. The dumpster enclosure will be power washed, and new doors will be installed. The entire site will be re-landscaped. The site plan also indicates significant improvements to the exterior of the building. The mansard roof will be removed along with the existing wood finishes on all sides of the building. They will be replaced with a series of different exterior materials including brick, ceramic tile, fiber cement board, stone, and metal awnings and accents. All existing brick will be repainted. The plan proposes the installation of a Nichiha panel system along the top half of the building on all four sides leaving the brick on the bottom half. Stone tower elements are proposed to highlight the entrance, drive thru windows, and the front façade. Metal awnings are proposed over all windows and entrances. An LED light band has been proposed around the entire perimeter of the parapet. A red ceramic tile accent is proposed on the front and side of the building.

Irwing Gama, Sevan Multi-Site Solutions, spoke about the Burger King request for final approval to their site plan. Exterior LED lighting will replace the current lighting. They plan to extend the stonework to where the existing window is now to extend the arc aesthetically.

Mr. Caron questioned the light band at the top of the building.

Ms. Koto said the band will not be lit.

Mr. Vitale wants to see a larger window and larger stone area on the front of the building.

Mr. Gama will present Mr. Vitale's idea to the owner. There is a budget for landscaping to make sure they can replace in kind and possibly add some landscaping.

Mr. Vitale asked that they keep the existing tree in front and landscape around it.

Moved by Council Member Vitale, and supported by Council Member Frederick to approve the request for site plan approval at 30718 Harper with the following conditions: all exterior lighting must be shielded from adjacent residences and must reach 0 foot candles at the property line; the concrete screen wall at the rear of the property shall be scraped and repainted with a durable and long lasting exterior commercial grade paint; thin brick is prohibited; a variance from the ZBA is required for the elimination of windows on the Harper façade resulting in less than 33% window coverage; all mechanical equipment, whether placed at grade or on the roof of the structure shall be screened from view; the existing transformer must be screened from view with either dense landscaping or permanent fencing; LED lighted bands are prohibited; enlarge the size of the window on the Harper façade; extend the brick/stone on the Harper façade; and keep the existing tree in the front.

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 – f as follows:

a. Bills

July 25, 2019

\$6,830,104.76

Resolved to approve the release of checks in the amount of \$6,830,104.76 for services rendered, of the report that is 41 pages in length, and of the grand total amount of \$6,830,104.76, \$3,369,731.02 went to other taxing authorities.

Item 8 (Cont'd):

- b. **Fees** - None
- c. **Progress Payments** - None
- d. **Approval of Minutes**
Resolved that the following Minutes be approved as presented:

<u>Minutes</u>	<u>Meeting Date</u>
City Council Special Meeting	July 9, 2019

- e. **Receive & File Boards, Commissions & Committee Minutes**
Resolved that the following minutes be received and filed:

<u>Minutes</u>	<u>Meeting Date</u>
Activities Committee	January 17, 2019
Activities Committee	March 21, 2019
Activities Committee	April 18, 2019
Animal Care and Welfare Committee	April 8, 2019
Beautification Commission	April 10, 2019
Beautification Commission	May 8, 2019
Beautification Commission	June 12, 2019
Board of Review	July 16, 2019
Brownfield Redevelopment Authority Special Building/Property Maintenance Board of Appeals	May 16, 2019
Council Sub Committee on Boards, Commissions & Committees	June 11, 2019
Election Commission	May 28, 2019
Employee Civil Service Commission	June 3, 2019
Library Board	February 27, 2019
Mechanical Equipment Arbitration Committee	June 20, 2019
Planning Commission	June 24, 2019
Planning Commission	June 25, 2019
Police & Fire Health Care Trust	July 9, 2019
Police & Fire Pension Board	June 27, 2019
Tax Increment Finance Authority Special	June 27, 2019
Tax Increment Finance Authority	May 16, 2019
Waterfront Environmental Committee	June 13, 2019
	June 18, 2019

- f. **Set the public hearing for September 16, 2019 for PPC190019 request for vacation of public alley at 25419 Jefferson**
Resolved to set a public hearing for the vacation of the alley located at 25419 Jefferson on September 16, 2019.

Ayes: All – 7

9. UPDATES AND FOLLOW-UPS FROM COUNCIL MEETING

- **Zoning Ordinance/Accessory Building Height Requirements** – This has been added to the list of potential changes.
- **Tree Health/21700 Chalon** – These trees will be replaced during the spring or fall planting season.
- **Beautification Bed/Tree Health** – The maples are scheduled for replacement in the fall.
- **Dog Park/Damaged Path** – This has been repaired.
- **Doremus/7-11 No Left Turn** – Mr. Rayes sent an email on 7/23/2019 regarding this issue.
- **Obsolete Boards and Commissions** – The Sub-Committee will review the list at their next meeting and make recommendations.
- **Maple/Canal Water Issue** – Mr. Blankenship responded to this by email. The Army Corps of Engineers is involved in this seawall issue.

Item 9 (Cont'd):

- **Benjamin Street Pothole** – This cannot be seen due to water from flooding. A barricade will be placed in the street forcing all cars to one side away from the pothole until the water recedes.
- **Gloria Street/Fence Collapse issue** – The construction inspector will visit this site July 16.
- **Stockade Fence Approvals** – The current fence ordinance allows a fence on the property line regardless of proximity to a driveway. The situation would be addressed by changes within the fence ordinance.
- **Fireworks Ordinance** – This will be ready for the 8/19/2019 agenda.
- **Veterans Memorial Park Crosswalk** – The location will be made safe for the season. No permanent repairs can be made until the lake level recedes.
- **Harper/Crack Sealing** – The Assistant City Manager submitted a request to the Macomb County Road Commission to do joint sealing prior to paving.
- **MDOT/Condition of I-94** - Staff will reach out to MDOT and report back.
- **Administrative Review Metro Act Permit** – This should be on the 8/19/2019 agenda.
- **Actuarial Review/AR4 Agreement** – This is in process.

10. COMMENTS BY INDIVIDUAL COUNCIL MEMBERS

Council Member Frederick asked if we are considering what to do if the water does not go down before winter and freezes.

Mr. Smith said we are talking to our engineers about a more permanent pump situation for the biggest problem areas.

Mr. Frederick announced several events going on in the City in September.

Council Member Vitale stated that nothing has improved at the Dollar General store. Are we doing anything about that?

Mr. Smith said Code Enforcement has been out there, and he will send them out again.

Mr. Vitale asked what is going on with Martin Road. Will it be done before the frost? Mr. Smith will get an update from Mr. Rayes.

Council Member Accica spoke about a home on Thiele Street that has a dead tree in the backyard which is very dangerous. Can the City cut it down and send a bill if the homeowner will not do it?

Mr. Ihrie will review the situation and update Council.

Mr. Accica spoke about the 25th annual Christmas in August back-to-school clothes shopping trip that the Kiwanis held.

Council Member Rusie reminded everyone that the Guns and Hoses softball game is August 10th.

She sent an email regarding a fence issue. She will be following up with another email and some additional issues.

The Gaffke Park has new playground equipment.

She thanked all the area Kiwanis Groups for their "Kids Day at the Farm" event that was held at Wolcott Mill.

Council Member Rubino reminded everyone to go vote!

Council Member Caron noted the Dollar General rack was still out in the parking lot filled with debris. Ms. Koto stated they have been issued a violation. She is following up with Corporate regarding the racks.

He received an email regarding allowing dogs, cats, chickens and rabbits. Rather than develop a wholesale ordinance, is it possible to deal with this type of request on an exception basis by using the Animal Ordinance Committee?

11. CITY MANAGER'S REPORT

Mr. Smith said he sent Mr. Coppler a text regarding the contract changes including the 25 mile radius clause, and he said it will not be a problem.

12. AUDIENCE PARTICIPATION (5 MINUTE TIME LIMIT) - None

13. MAYOR'S COMMENTS –

Mayor Walby reminded everyone to vote tomorrow. The ballot contains a Police and Fire millage and a road millage.

The July Farmers Market went well. There are two more scheduled for this summer. Mr. Bowman and his staff have done a great job.

14. REQUEST TO ENTER CLOSED SESSION AS PERMITTED BY STATE STATUTE MCLA 15.268, SECTION 8 (e) BRAD PATRICK V 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) Brad Patrick v St. Clair Shores at 7:48 p.m.

Roll Call Vote
Ayes: All - 7

Moved by Council Member Frederick, supported by Council Member Accica to return to Open Session at 8:21 p.m.

Ayes: All – 7

Moved by Council Member Accica, supported by Council Member Caron to concur with the recommendation of the City Attorney regarding litigation.

Ayes: All - 7

15. ADJOURNMENT

Moved by Council Member Caron, supported by Council Member Frederick to adjourn at 8:22 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).