

**MINUTES  
ST. CLAIR SHORES CITY COUNCIL MEETING  
VIA TELECONFERENCE  
JANUARY 19, 2021**

Regular Meeting of the City Council, held electronically and teleconference utilizing a Zoom meeting, aired live on our website and cable stations.

Notice is hereby given that due to precautions being taken to mitigate the spread of the Coronavirus (COVID-19) and protect the public health, the Regular Meeting of the St. Clair Shores City Council will be held electronically from the Municipal Building at 27600 Jefferson Avenue, St. Clair Shores, Macomb County, Michigan 48081, on **Tuesday**, January 19, 2021, at 7:00 p.m. The Governor signed Public Act 254 of 2020 which was passed primarily to extend the time period during which public bodies in Michigan can continue to meet virtually during the COVID-19 pandemic.

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, Director Chris Rayes and City Attorney Robert Ihrie

**1. CALL TO ORDER, ROLL CALL AND PLEDGE OF ALLEGIANCE**

Mayor Walby called the meeting to order at 7:00 p.m. Ms. Kotowski, City Clerk, called the roll, and a quorum was present. Each member of Council noted they called in from their home in St. Clair Shores, Michigan. The Pledge of Allegiance was recited.

**2. PROCLAMATIONS & PRESENTATIONS - None**

Mayor Walby read the rules of procedure for audience participation during a teleconference as follows: In compliance with MDHHS Order & Public Act 254 of 2020 to help stop the spread of the Coronavirus and protect the public health, the City Council meeting on Tuesday, January 19, 2021, will be conducted virtually (online and/or by phone).

Public Comments will be handled by an email option or dial in option. Please conduct yourself like you would in council chambers with no background noises. Any use of profanity, derogatory terms or hateful speech, by any speaker, will result in muting and/or removal from the teleconference. Email: [maria@scsmi.net](mailto:maria@scsmi.net) or Dial in to speak 1-312-626-6799. The Meeting Code is 840 4262 7193.

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

**4. BIDS/CONTRACTS/PURCHASE ORDERS – PURCHASE AGREEMENT FOR JEFFERSON PROJECT**

It was recommended to approve the purchase and sale agreement with MMD Acquisitions LLC for 1.89 acres of City owned vacant land located on Jefferson Avenue.

In late 2020, following negotiations with the City, MMD Acquisitions LLC made an offer of \$800,000 to purchase land that was part of the Holzhauser Trust's gift to the City. The City's broker, Chris Monsour, and City Attorney, Robert Ihrie, have negotiated and approved the language in the purchase agreement. The sticking point in the development of the purchase agreement was the length of time the developer would have to complete due diligence. Ultimately, both sides agreed to the time period of 150 days. The agreement allows for this due diligence period to be extended upon mutual agreement of both parties if more time is needed to complete the City approval process.

Once the purchase agreement is executed the buyer will deposit \$10,000 in earnest money into an escrow account, and it will also start the clock on the due diligence period.

Mr. Ihrie said the due diligence period was reduced from 10 months to 5 months. The purchaser wanted to make sure they had enough time to submit their development proposal to the Planning Commission and City Council.

Mr. Rayes said the current zoning on the property is residential lakefront. The conditional rezoning has expired. The intent for this property is residential condominium.

Mr. Ihrie said the property upkeep should be done by the City until it is sold.

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

Mr. Vitale asked if they will be filling the vacant seat on the subcommittee that was formed regarding this property.

**Moved by Frederick, and supported by Accica to approve the proposed purchase and sale agreement for the Jefferson Avenue property with MMD Acquisitions LLC for \$800,000 and Authorize the City Manager to execute the agreement on behalf of the City of St. Clair Shores.**

Roll Call Vote  
Ayes: All – 7

5. **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 – g as follows:**

a. **Bills**

January 7, 2021 \$1,734,714.56

Resolved to approve the release of checks in the amount of \$1,734,714.56 for services rendered, of the report that is 21 pages in length, and of the grand total amount of \$1,734,714.56, \$712,289.43 went to other taxing authorities.

b. **Fees**

Resolved that the following Fees be approved as presented:

Shifman Fournier	\$ 135.00
Ihrle O'Brien	\$12,379.00

c. **Progress Payments**

Resolved that the following Progress Payments be approved as presented:

Granite Inliner, LLC	\$ 50,295.60
Pamar Enterprises, Inc.	\$ 28,449.90
Metropolitan Concrete Corp.	\$160,222.56

d. **Approval of Minutes**

Resolved that the following Minutes be approved as presented:

<u>Minutes</u>	<u>Meeting Date</u>
City Council	December 21, 2020

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

Resolved that the following minutes be received and filed:

<u>Minutes</u>	<u>Meeting Date</u>
Mechanical Equipment Arbitration Committee	October 19, 2020
Police & Fire Civil Service Commission	April 2, 2020
Tax Increment Finance Authority (TIFA)	November 19, 2020
Water Resources & Advisory Board	December 1, 2020
Zoning Board of Appeals	December 3, 2020

f. **Request to adopt a Resolution to hold the 2021 St. Clair Shores Memorial Day Parade on May 30, 2021 along Jefferson**

Resolved to approve the request to hold the St. Clair Shores Memorial Day Parade May 30, 2021 at 1:00 pm on Jefferson Avenue starting at 9 Mile Road and proceeding to 11 Mile Road, as recommended by the City Manager.

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

- g. **Request to deny the claim of Andrew A. Iwan v. The City of St. Clair Shores and refer to the City Attorney for response**  
**Resolved to deny the claim of Andrew A. Iwan v. The City of St. Clair Shores and refer to the City Attorney for response.**

Roll Call Vote  
Ayes: All – 7

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

- **Brys Park Gate/Network** – This will be addressed in the next phase of changes.
- **Seasonal Facility Network Charges** – This is still being researched.
- **ManagedWay Contract** – This was sent out to Council for their review.
- **GFL Contract** – We have met with GFL. An overview was provided to Council.
- **Viewing Council Meetings on our Website** – We are looking at ways to make this more user friendly.
- **Trucks Parking on Greater Mack Overnight** – The Police made contact with the owners of the trucks.
- **Handicap Parking/City Hall** – We are required to have 7 handicap parking spaces available, and we have 9 spaces.
- **Tree Issue/Rosedale** – We have looked into this issue.
- **Flag Pole/Bon Brae and Harper** – The Mayor is working with the County.
- **9 Mile Mack/DDA District and Social District** – An email was sent to Council in this regard.
- **Homeless Person/13 Mile and Harper** – The Police have been in contact with the homeless person as well as the property owner. The trash has been taken care of.
- **Snow Removal Requirements** – This will be added to our February newsletter and posted on City media.
- **DPW Safety Protocol** – We do make sure our employees follow all of the safety rules. We will continue to reinforce the proper protocol with our employees.
- **Chamber Music/Wahby Park** – We are working on the plan for this year.
- **Parks/Opening Maintenance Plan** – An email was sent with the plan. We will be providing additional information.
- **City Calendar/City Funding** - We will talk about partial funding of the calendar during the budget process.
- **Street Light Outage/Jefferson** - DTE said the outage has been repaired.
- **COVID Vaccine/Fire Department** – A report was provided to Council. The individuals who wanted to get the shot are finishing up on their second dose. The County is working with municipalities to find better ways to distribute the vaccine.
- **Council Workshop** – The January 16<sup>th</sup> tentative workshop meeting was cancelled.
- **Senior Center/Bus Shelter** – This is being discussed with SMART.
- **Little Mack/Fire Damaged House** - Mr. Ihrie said we are asking that the court grant us the authority to do cosmetic repairs and allow us to bill the homeowner.
- **Statler/Stakes** - The stakes were placed by Consumer Energy when they were considering doing a project. If they do not remove the stakes shortly, we will remove them.

**7. COMMENTS BY INDIVIDUAL COUNCIL MEMBERS**

**Council Member Accica** asked for an update on the storm water refund for property owners.

Mr. Coppler said there is one more area to complete. The information we received for the escrow was incorrect, and it is taking extra time to work through it.

Mr. Accica asked that administration provide direction to the Lakeview Superintendent on how to put in a road.

**Council Member Rubello** noted that this Council meeting was being held on Tuesday due to the Martin Luther King Jr. holiday on Monday.

He said Chuck Hall retired from the Memorial Day Parade Committee and announced that the City is planning to hold the Memorial Day Parade on Sunday, May 30, 2021, on Jefferson.

He will be moving forward with a plan to develop a tribute wall for entertainers and musicians from St. Clair Shores.

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

He said the St. Clair Shores disc golf at Brys Park is open all year long, and he made several Senior Center announcements.

He asked for consideration of a traffic study on Jefferson between 9 Mile and 10 Mile because of the increased usage of Blossom Heath.

He announced the Waterfront Committee Annual Meeting has been rescheduled from 1/21/2021 to 4/22/2021.

**Council Member Rusie** said she will provide administration with suggestions she had and that were sent to her for logistical improvements to help alleviate congestion during large events at the Blossom Heath Beach House.

**Council Member Caron** noted there should be "No Left Turn" posted on the exit barricades when leaving Blossom Heath during special events.

He asked for an update on our email system issues as emails are not coming through consistently.

Mr. Coppler said there is a meeting scheduled tomorrow afternoon regarding this issue. He will provide an update to Council.

Mr. Caron asked that the CDI monthly report include the number of lead lines changed out each month.

He noted that the vacant State Senate seat will not be filled until the end of this year. People should contact State Representative Kevin Hertel during that time if they have issues.

He outlined how the claims are being paid for the storm water refund.

He spoke about a financial model he thinks we should use for our utility funds.

**Council Member Frederick** noted residents should have received a City calendar in the Sentinel last week. If not, contact the Communications Department.

He made several Library announcements.

**Council Member Vitale** requested that meetings being held Zoom such as Planning, ZBA and TIFA be recorded or streamed and put in the online media center.

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

**9. AUDIENCE PARTICIPATION (5 MINUTE TIME LIMIT)** - None

**10. MAYOR'S COMMENTS**

Mayor Walby thanked everyone who helped with the Aqua Freeze Festival.

**11. ADJOURNMENT**

**Moved by Council Member Caron, supported by Council Member Frederick to adjourn at 8:10 p.m.**

Roll Call Vote  
Ayes: All – 7

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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).