

**MINUTES
ST. CLAIR SHORES CITY COUNCIL MEETING
MARCH 6, 2023**

Regular Meeting of the City Council, held in the Council Chambers, located at 27600 Jefferson Avenue, St. Clair Shores, Michigan.

Present: Mayor Kip C. Walby, Council Members Peter Accica, Ron Frederick, David Rubello, Candice Rusie, and Chris Vitale

Absent: Council Member John Caron

Also Present: City Manager Dustin Lent, Assistant City Manager Michael Greene, City Clerk Abrial Barrett, Director Bryan Babcock, Director Henry Bowman, Director Denise Pike, City Planner Liz Koto, Police Chief Allen, City Attorney Robert Ihrle, City Engineer Chris Liebert, and Director Lara Stowell

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

Mayor Walby called the meeting to order at 7:00 p.m. Ms. Barret, City Clerk, called the roll, and a quorum was present.

Ms. Rusie said she had the pleasure of inviting Cub Scout Pack 1472 to the Council meeting, listening to their questions, and giving them a tour of City Hall as they work on the “Building a Better World” adventure badge. Pack 1472 led Council in the Pledge of Allegiance.

Motion by Council Member Frederick, supported by Council Member Rubello to excuse Council Member Caron.

Ayes: All-6
Absent: Caron

2. PROCLAMATIONS & PRESENTATIONS – None

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

4. PUBLIC HEARING ON THE CONSIDERATION OF AN ORDINANCE TO ADOPT AND APPROVE THE ST. CLAIR SHORES DOWNTOWN DEVELOPMENT PLAN AND TAX INCREMENT FINANCING PLAN

Background Brief: The Downtown Development Authority Board of Directors, working with Carlise Wortman and Miller Canfield, have drafted a DDA plan that conceptually outlines strategies for continued economic revitalization in the district. To fund improvements, the plan proposes to implement Tax Increment Financing, a mechanism allowed under state statute that, if adopted, would establish the baseline valuation of properties on December 31, 2022 and capture the taxes generated by increased property valuations moving forward restricting them for use within the DDA district. A public hearing was held on February 6th to garner input on the plan. This public hearing is to gather input on the ordinance which, if adopted, allows for execution of the plan and tax increment financing.

Previous Action: A public hearing was held on February 6th to allow for input on the DDA/TIF plan. Five individuals spoke, all urging adoption.

Economic Impact: The economic impact of the proposed TIF for 2023 is estimated to be \$16,186. Through 2031, the total TIF capture for the DDA is projected to be \$368,460. Additionally, Council approved the levy of an additional two mills on properties in the district in June, 2022. The 2 mill capture for 2022 was \$22,656. For 2023 it is estimated at \$23,767.

Recommendation: I recommend opening the floor to public comments on adoption of an ordinance that would approve the St. Clair Shores Downtown Development Authority Development Plan and Tax Increment Financing Plan.

Mayor Walby opened the public hearing at 7:02 p.m.

Mayor Walby closed the public hearing at 7:03 p.m.

5. REQUEST ADOPTION OF AN ORDINANCE TO APPROVE THE ST. CLAIR SHORES DOWNTOWN DEVELOPMENT AUTHORITY DEVELOPMENT PLAN AND TAX INCREMENT FINANCIN PLAN

Item #5 Continued

Background Brief: The Downtown Development Authority Board of Directors, working with Carlisle Wortman, has drafted goals for the downtown district. Those goals are contained within the Downtown Development Plan. To fund desired improvements, the DDA board is seeking Tax Increment Financing (TIF). To implement the TIF, the Council must adopt an ordinance to approve the Downtown Development Plan and Tax Increment Financing Plan. Should the ordinance be adopted, the baseline value of properties in the district would be the value as of December 31, 2022. From that date forward, the incremental increase in the tax revenue generated by the increased value of the properties would be restricted for use in the downtown. Additionally, the city would be able to capture the increase in County and Macomb Community College taxes on those properties as well.

Previous Action: A public hearing was held specifically on the DDA Plan and Tax Increment Financing Plan on February 6th.

Economic Impact: The economic impact of the proposed TIF for 2023 is estimated to be \$16,186. Through 2031, the total TIF capture for the DDA is projected to be \$368,460. Additionally, Council approved the levy of an additional two mills on properties in the district in June, 2022. The 2 mill capture for 2022 was \$22,656. For 2023 it is estimated at \$23,767.

Recommendation: I recommend adopting an ordinance approving the St. Clair Shores Downtown Development Authority Development Plan and Tax Increment Financing Plan.

Mr. Rubello asked why the DDA is important.

Ms. Pike said the DDA is important for economic development because it can support streetscape and public improvements that bring new businesses and activity to the district.

Mr. Rubello noted that the 9 Mile and Mack Business Association and the Downtown Development Authority (DDA) are separate entities but can work together. The purpose is to prevent the deterioration of an area and promote economic growth. Mr. Rubello said this is in the public's best interest and the City of St. Clair Shores.

Mr. Vitale said he supports the DDA plan and wants to clarify that we are not impacting the boundaries of any residential property.

Ms. Rusie said she is pleased with the changes that the DDA board put into the revised plan based on feedback they received from Council. The support has been almost unanimous.

Mayor Walby said the DDA board diligently went through the plan and made necessary changes.

0-2023-001

Motion by Council Member Rubello, supported by Council Member Frederick to adopt an ordinance approving the St. Clair Shores Downtown Development Authority Development Plan and Tax Increment Financing Plan.

Which reads as follows:

AN ORDINANCE TO ADOPT AND APPROVE THE ST. CLAIR SHORES DOWNTOWN DEVELOPMENT AUTHORITY DEVELOPMENT PLAN AND TAX INCREMENT FINANCING PLAN:

WHEREAS, pursuant to Act 57, Public Acts of Michigan, 2018, as amended (the "Act"), the City Council of the City of St. Clair Shores, County of Macomb, Michigan (the "City") has previously established the St. Clair Shores Downtown Development Authority (the "Authority"); and

WHEREAS, the Authority has prepared and recommended for approval the Development Plan and Tax Increment Financing Plan (the "Plan") on file with the City Clerk for the Development Area in the Downtown District within the City; and

WHEREAS, on February 6, 2023 and March 6, 2023, the City Council public hearings on the Plan pursuant to Part 2 of the Act; and

WHEREAS, the City Council has given the taxing jurisdictions in which the Development Area is located an opportunity to meet with the City Council and to express their views and recommendations regarding the Plan, as required by the Act; and

WHEREAS, after consideration of the Plan, the City Council has determined to approve the Plan.

Item #5 Continued

NOW, THEREFORE, THE CITY OF ST. CLAIR SHORES ORDAINS:

1. **Findings.**
 - (a) The Plan meets the requirements set forth in Part 2 of the Act.
 - (b) The proposed method of financing the development is feasible and the Authority has the ability to arrange the financing.
 - (c) The development is reasonable and necessary to carry out the purposes of Part 2 of the Act.
 - (d) The land included within the Development Area to be acquired, if any, is reasonably necessary to carry out the purposes of the Plan and the purposes of Part 2 of the Act in an efficient and economically satisfactory manner.
 - (e) The development Plan is in reasonable accord with the master plan of the City.
 - (f) Public services, such as fire and police protection and utilities, are or will be adequate to service the project area.
 - (g) Changes in zoning, streets, street levels, intersections, and utilities, to the extent required by the Plan, are reasonably necessary for the project and for the City.
2. **Public Purpose.** The City Council hereby determines that the Plan constitutes a public purpose.
3. **Best Interest of the Public.** The City Council hereby determines that it is in the best interests of the public to proceed with the Plan in order to halt property value deterioration, to increase property tax valuation, to eliminate the causes of the deterioration in property values, and to promote growth in the Downtown District.
4. **Approval and Adoption of Plan.** The Plan is hereby approved and adopted. A copy of the Plan and all later amendments thereto shall be maintained on file in the City Clerk's office.
5. **Conflict and Severability.** All ordinances, resolutions and orders or parts thereof in conflict with the provisions of the Ordinance are to the extent of such conflict hereby repealed, and each section of the Ordinance and each subdivision of any section thereof is hereby declared to be independent, and the finding or holding of any section or subdivision thereof to be invalid or void shall not be deemed or held to affect the validity of any other section or subdivision of the Ordinance.
6. **Paragraph Headings.** The paragraph headings in this Ordinance are furnished for convenience of reference only and shall not be considered to be a part of the Ordinance.
7. **Publication and Recordation.** The Ordinance shall be published in full promptly after its adoption in the Macomb Daily, a newspaper of general circulation in the City, qualified under State law to publish legal notices, and shall be recorded in the Ordinance Book of the City, which recording shall be authenticated by the signature of the City Clerk.
8. **Effective Date.** The Ordinance is hereby determined by the City Council to be immediately necessary for the interests of the City and shall be in full force and effect from and after its passage and publication.

CERTIFICATES

I hereby certify that the foregoing is a true and complete copy of Ordinance No. O-2023-001, duly adopted by the City Council of the City of St. Clair Shores, County of Macomb, State of Michigan, at a regular meeting held on March 6, 2023, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, as amended, and that the minutes of said meeting were kept and will be or have been made available as required by such Act.

I further certify that the following Members were present at said meeting Mayor Kip Walby, Council Members Peter Accica, Ron Frederick, David Rubello, Candice Rusie, and Chris Vitale and that the following Members were absent Council Member John Caron.

I further certify that Council Member David Rubello moved adoption of said Ordinance and Council Member Ron Frederick supported said motion.

Item #5 Continued

I further certify that all Members that were present at the meeting voted for adoption of said Ordinance Mayor Kip Walby, Council Members Peter Accica, Ron Frederick, David Rubello, Candice Rusie, and Chris Vitale, and that no Members voted against the adoption of said Ordinance.

ABRIAL J. BARRETT, CITY CLERK

Ayes: All-6

Absent: Caron

6. MAPLE BENJAMIN 2023 CANAL DREDGE, CONSIDERATION OF THE NECESSITY FOR THE CREATION OF A SPECIAL ASSESSMENT DISTRICT FOR DREDGING AND ADOPT A RESOLUTION TO SET A PUBLIC HEARING

a. Public Hearing

Mayor Walby opened the public hearing at 7:12 p.m.

Ryan Stefanski, a resident of St. Clair Shores, spoke in favor of the plan to dredge the canal.

Mayor Walby closed the public hearing at 7:13 p.m.

b. Adoption of a Resolution to create the Special Assessment District and to set the public hearing on April 3, 2023, to review the assessment roll, hear objections, and confirm the roll

Background Brief: This is a resident-driven SAD. The total cost is \$113,930.00 (\$111,800.00 + \$2,130.00 City Cost) spread over 43 parcels in the benefit district with a cost of \$2,649.53 per parcel.

Previous Action: N/A

Economic Impact: N/A

Recommendation: I recommend the approval of the request to adopt a Resolution creating the Special Assessment District Maple-Benjamin Canal Association 2023 Canal Dredging and to adopt a Resolution setting a Public Hearing for April 17, 2023, to review the assessment roll, hear objections to the roll, and confirm the special assessment roll.

Ms. Ruse said the residents asked us to do the dredging so the people impacted can use their canals. Only 1 owner voted against the dredging, 10 owners did not vote, and 32 owners voted in favor of the dredging. She said 74% of the people impacted want this. Ms. Rusie moved to approve the motion.

R-2023-04

Motion by Council Member Rusie, seconded by Council Member Frederick to Adopt the Resolution creating the Special Assessment District Maple-Benjamin Canal Association 2023 Canal Dredging and Adoption of Resolution setting a Public Hearing for April 17, 2023, to review the assessment roll, hear objections to the roll, and confirm the special assessment roll.

Which reads as follows:

WHEREAS, the City Council has determined it necessary to undertake the following improvements as requested by the creation of the Special Assessment District for the Dredging of the Maple-Benjamin Canal Association resident petitions; and

WHEREAS, to create a special assessment district Maple-Benjamin Canal Association 2023:

The request from the Maple-Benjamin Canal Association is to dredge approximately 950 cubic yards of sediments from an area extending approximately 300 feet east of the canal mouth (bay) and 500 feet west of the canal mouth (canal).

The legal description of the Maple-Benjamin Canal Association 2023 dredging district boundaries are as follows:

**Couchez's Lake St. Clair Subdivision (Liber 3, Page 3) Lots 11 thru 43
And**

Item #6 Continued

**Assessors Plat No. 19 (Liber 15, Page 1) Lots 10 thru 16
And
West's Venetian Gardens Subdivision (Liber 12, Page 42) Lots 8 thru 37**

WHEREAS, plans, specifications and estimates of the cost of the improvements have been placed on file with the City Clerk; and

WHEREAS, the City Council has met on Monday, March 6, 2023, at 7:00 p.m. in accordance with notice duly pursuant to Section 9.2 of the City Charter for hearing all objections to the proposed improvement and to special assessment district created to defray the cost thereof, and has heard all such objections.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Council of the City of St. Clair Shores determined to make the following described improvement:

The request from the Maple-Benjamin Canal Association is to dredge approximately 950 cubic yards of sediments from an area extending approximately 300 feet east of the canal mouth (bay) and 500 feet west of the canal mouth (canal).

The legal description of the Maple-Benjamin Canal Association 2023 dredging district boundaries are as follows:

**Couchez's Lake St. Clair Subdivision (Liber 3, Page 3) Lots 11 thru 43
And
Assessors Plat No. 19 (Liber 15, Page 1) Lots 10 thru 16
And
West's Venetian Gardens Subdivision (Liber 12, Page 42) Lots 8 thru 37**

2. Their petitions indicated that the costs will be divided by parcel. The total cost is \$113,930.00 (\$111,800.00 + \$2,130.00 City Cost) spread over 43 parcels in the benefit district with a cost of \$2,649.53 per parcel.

3. Per Ordinance Section 44-129: Deposit, the lot owners who petition for the improvement shall be required to deposit in the Office of the City Clerk 50 percent of the estimated cost of the improvement prior to the hearing on the rolls, as provided by section 9.3 [10.243] of the City Charter. The costs for the improvement shall also include the costs incurred by the City for this project (such as advertisements, mailings, billings, etc.) and shall be established by resolution of the City Council to be set at \$2,130.00 as of the date of the ordinance from which this article is derived. The City Council may increase or decrease the rates established and no change shall be made except as established by the City Council.

4. A Special Assessment District is created by this resolution of the City Council adopted on March 6, 2023, for Maple-Benjamin Canal Association 2023 Dredging Special Assessment District which contains 43 parcels.

5. The City Assessor is hereby directed to prepare a special assessment roll in accordance with Section 9.3 of the City Charter and the resident petitions request that the total costs will be divided per parcel. The special assessment district is to be composed of all lots and parcels of lands created into said special assessment district by paragraph (2) of this resolution and paragraph (4) of the resolution of the City Council adopted on Monday, March 6, 2023, pertaining to said improvement; this assessment against each lot or parcel of land to be such relative portion in special assessment district.

6. The City Assessor is directed to report said special assessment to the City Council when the same is completed and the City Assessor shall attach to said roll his certificate as required by Section 9.3 of the City Charter.

7. The dredging is subject to securing all necessary Federal, State and City Permits.

BE IT FURTHER RESOLVED that the City Council hereby sets the public hearing for review and laying of the roll for the Council meeting of April 17, 2023.

I, Abrial J. Barrett, City Clerk of the City of St. Clair Shores, hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of St. Clair Shores, County of Macomb,

Item 6 Continued

State of Michigan, at a regular meeting held March 6, 2023, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

ABRIAL J. BARRETT, CITY CLERK

Ayes: All-6
Absent: Caron

7. 10 MILE BEACH 2023 CANAL DREDGE, CONSIDERATION OF NECESSITY FOR THE CREATION OF A SPECIAL ASSESSMENT DISTRICT FOR DREDGING AND ADOPT A RESOLUTION TO SET A PUBLIC HEARING

a. Public Hearing

Mayor Walby opened the public hearing at 7:15 p.m.

Tim Beard, a resident of St. Clair Shores, spoke in favor of the plan to dredge the canal.

Mayor Walby closed the public hearing at 7:16 p.m.

b. Adoption of a Resolution to create the Special Assessment District and to set the public hearing on April 17, 2023, to review the assessment roll, hear objections, and confirm the roll

Background Brief: This is a resident-driven SAD. The estimated cost is \$91,130.00 (\$89,000.00 + \$2,130.00 City Cost) spread over 60.99 lots in the benefit district with an estimated cost of \$1,494.18 per lot.

Previous Action: N/A

Economic Impact: N/A

Recommendation: I recommend approval of the request to adopt a Resolution creating the Special Assessment District 10 Mile Beach Drive Canal 2023 Dredging and to adopt a Resolution setting a Public Hearing for April 3, 2023, to review the assessment roll, hear objections to the roll, and confirm the special assessment roll.

Ms. Barrett said she noticed that they were differentiating from per lot to per parcel. She spoke with Mr. Beard and the \$3,000 cost was not including the City's cost so she corrected that as well. Everyone received the correction in time.

Ms. Rusie thanked Ms. Barrett for the confirmation and noted that this is another resident-driven resolution. Only 1 owner voted against it, 12 owners did not respond, and 33 voted in favor of the dredging.

R-2023-05

Motion by Council Member Frederick, seconded by Council Member Rubello to Adopt the Resolution creating the Special Assessment District 10 Mile Beach Drive Canal 2023 Dredging and Adoption of Resolution setting a Public Hearing for April 3, 2023, to review the assessment roll, hear objections to the roll, and confirm the special assessment roll.

Which reads as follows:

WHEREAS, the City Council has determined it necessary to undertake the following improvements as requested by the creation of the Special Assessment District for the Dredging of the 10 Mile Beach Drive Canal resident petitions; and

WHEREAS, to create a special assessment district 10 Mile Beach Drive Canal 2023:

The request from the 10 Mile Beach Drive Association is to dredge approximately 800 cubic yards of sediments.

The legal description of the 10 Mile Beach Drive Canal 2023 Dredging district boundaries are as follows:

Item 7 Continued

Lake St. Clair Gardens Annex Subdivision (Liber 9, Page 48) Lots 4 thru 9, all of Lots 55 thru 92
AND
Lake St. Clair Gardens Subdivision (Liber 8, Page 24) Lots 83 thru 90, lot 92 except the north 2 feet that lies south of lot 91, all of lot 93, the west 3.8 feet of lot 94 and all of lots 95 thru 101

WHEREAS, plans, specifications and estimates of the cost of the improvements have been placed on file with the City Clerk; and

WHEREAS, the City Council has met on Monday, March 6, 2023 at 7:00 p.m. in accordance with notice duly pursuant to Section 9.2 of the City Charter for hearing all objections to the proposed improvement and to special assessment district created to defray the cost thereof, and has heard all such objections.

NOW, THEREFORE, BE IT RESOLVED THAT:

8. The City Council of the City of St. Clair Shores determined to make the following described improvement:

The request from the 10 Mile Beach Drive Association is to dredge approximately 800 cubic yards of sediments.

The legal description of the 10 Mile Beach Drive Canal 2023 Dredging district boundaries are as follows:

Lake St. Clair Gardens Annex Subdivision (Liber 9, Page 48) Lots 4 thru 9, all of Lots 55 thru 92
AND
Lake St. Clair Gardens Subdivision (Liber 8, Page 24) Lots 83 thru 90, lot 92 except the north 2 feet that lies south of lot 91, all of lot 93, the west 3.8 feet of lot 94 and all of lots 95 thru 101

9. Their petitions indicated that the costs will be divided by lot. The estimated cost is \$91,130.00 (\$89,000.00 + \$2,130.00 City Cost) spread over 60.99 lots in the benefit district with an estimated cost of \$1,494.18 per lot.

10. Per Ordinance Section 44-129: Deposit, the lot owners who petition for the improvement shall be required to deposit in the Office of the City Clerk 50 percent of the estimated cost of the improvement prior to the hearing on the rolls, as provided by section 9.3 [10.243] of the City Charter. The costs for the improvement shall also include the costs incurred by the City for this project (such as advertisements, mailings, billings, etc.) and shall be established by resolution of the City Council to be set at \$2,130.00 as of the date of the ordinance from which this article is derived. The City Council may increase or decrease the rates established and no change shall be made except as established by the City Council.

11. A Special Assessment District is created by this resolution of the City Council adopted on March 6, 2023, for 10 Mile Beach Drive Canal 2023 Dredging Special Assessment District which contains 60.99 lots.

12. The City Assessor is hereby directed to prepare a special assessment roll in accordance with Section 9.3 of the City Charter and the resident petitions request that the total costs will be divided per lot. The special assessment district is to be composed of all lots and parcels of lands created into said special assessment district by paragraph (2) of this resolution and paragraph (4) of the resolution of the City Council adopted on Monday, March 6, 2023, pertaining to said improvement; this assessment against each lot or parcel of land to be such relative portion in special assessment district.

13. The City Assessor is directed to report said special assessment to the City Council when the same is completed and the City Assessor shall attach to said roll his certificate as required by Section 9.3 of the City Charter.

14. The dredging is subject to securing all necessary Federal, State and City Permits.

BE IT FURTHER RESOLVED that the City Council hereby sets the public hearing for review and laying of the roll for the Council meeting of April 3, 2023.

Item 7 Continued

I, Abrial J. Barrett, City Clerk of the City of St. Clair Shores, hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of St. Clair Shores, County of Macomb, State of Michigan, at a regular meeting held March 6, 2023, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

ABRIAL J. BARRETT, CITY CLERK

Ayes: All-6
Absent: Caron

8. MICHIGAN DEPARTMENT OF RESOURCES RECREATION GRANT OPPORTUNITIES

- a. **Public Hearing for the consideration of the 2023 Michigan DNR Grant opportunities including Land and Water Conservation Fund and/or Recreation Passport Grant**

Mayor Walby opened the public hearing at 7:18 p.m.
Mayor Walby closed the public hearing at 7:19 p.m.

- b. **Adopt Resolution(s) for the 2023 Michigan DNR Grant opportunities including Land and Water Conservation Fund and/or Recreation Passport Grant**

Background Brief: The City is applying for a Recreation Passport Grant through the Michigan Department of Natural Resources. The Recreation Passport Grant is funded by the sale of the Recreation Passport for state park entrance. The program is focused on renovating and improving existing facilities. Public input is required for the grant application through an agenda item open to discussion by the general public during the normal public meetings of City Council. Though the Recreation Passport Grant does not require a formal public hearing, utilizing a public hearing to solicit input is acceptable. The City intends to request funding to renovate the existing bathrooms at the Civic Arena to comply with Universal Design requirements. Universal Design is the design of buildings, structures, products, places, and facilities to make them accessible to people, regardless of age, disability, or other factors. It addresses common barriers to participation by eliminating obstacles and creating assistive situations that can be used by the maximum number of people possible. Universal Design goes above and beyond the ADA requirements set by the Federal government and local building codes. It seeks to create a truly inclusive and equitable space for all.

Previous Action: N/A

Economic Impact: The Recreation Passport Grant requires a 25% match, and grants can be up to \$150,000. The city anticipates obtaining the \$37,500 match from either the General Fund or from the CDBG Program if funds remain available after bids are received for the Senior Center parking lot improvements.

Recommendation: Staff recommends adopting the Resolution of Authorization for the Recreation Passport Grant Program.

Ms. Koto said she wants universal access to the bathrooms from the ice areas. She received a complaint that it is very difficult to use the current bathrooms if you're in a wheelchair.

Ms. Rusie asked what improvements will be made and what the impact of the improvements will be.

Ms. Koto said Universal Design goes beyond the requirements of the Federal government and local building codes in making designs accessible for the maximum number of people regardless of their age, gender, or disability.

Mr. Rubello asked when we can expect to hear back regarding the grant.

Ms. Koto said she expects to hear back at the end of 2023.

R-2023-06

Motion by Council Member Rubello, seconded by Council Member Rusie to approve the Resolution of Authorization for the Recreation Passport Grant Program to renovate the bathrooms at Civic Arena using Universal Design techniques.

Item 8 Continued

Which reads as follows:

WHEREAS, the City of St. Clair Shores supports the submission of an application titled, “Universal Design Bathroom Renovation at the Civic Arena ” to the Recreation Passport Grant Program to renovate the existing non-ADA compliant bathrooms using Universal Design techniques at the St. Clair Shores Civic Arena; and,

WHEREAS, the proposed application is supported by the Community’s 5-Year Approved Parks and Recreation Plan OR Current Annual Capital Improvement Plan; and,

WHEREAS, the City of St. Clair Shores is hereby making a financial commitment to the project up to \$37,500 matching funds, in cash and/or CDBG entitlement funding; and,

NOW THEREFORE, BE IT RESOLVED that the St. Clair Shores City Council hereby authorizes submission of a Recreation Passport Grant Program Application for up to \$150,000, and further resolves to make available its financial obligation amount of 25% up to \$37,500 of a total project cost of up to \$187,500, during the 2023-2024 fiscal year.

I, Abrial J. Barrett, City Clerk of the City of St. Clair Shores, hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of St. Clair Shores, County of Macomb, State of Michigan, at a regular meeting held March 6, 2023, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

ABRIAL J. BARRETT, CITY CLERK

Ayes: All-6
Absent: Caron

9. PLANNING CASE PPC230001-25225 JEFFERSON-REQUEST SITE PLAN APPROVAL FOR A SINGLE-STORY RESTAURANT WITH OUTDOOR SEATING AND ROOFTOP DINING, REPRESENTED BY JOHN VITALE OF STUCKY AND VITALE ARCHITECTS

Background Brief: The Petitioner is requesting site plan approval for a 5,546 square foot single-story restaurant with a 1,000 square foot outdoor seating area and a 2,990 square foot rooftop dining area. The site plan indicates the use of brick, corrugated metal, prefinished metal, and a “greenwall” system on the exterior. Glass overhead doors are proposed along the front of the building to access the outdoor seating area. A private banquet room is proposed on the south side of the building, and the private room will open onto the outdoor seating area via a foldable curtainwall system. The rooftop dining area is proposed to be covered by a steel structure to provide shade. The parking lot at the northeast corner of Maple and Jefferson will also be improved and dedicated to this development.

Please note, this request for approval does not include a proposed one-story drive-thru that is indicated on the north side of the site. Should the petitioner find a permanent occupant for the drive-thru location, then site plan approval can be sought at that time.

Previous Action: The Planning Commission recommended approval of the site plan at the February 14, 2023, Planning Commission meeting.

Economic Impact: N/A

Recommendation: Staff recommends approving the request conditioned upon the resolution of the items of concern.

Mr. Mancini said he is looking to build a 5,500-square-foot bar with a rooftop and outdoor patio seating. He owns several other bars and is an experienced restaurateur who has been looking to open a bar in his hometown of St. Clair Shores.

Mr. Frederick said he noticed on the plan that there was a small structure for coffee in the parking lot and asked if that is still what he plans on doing.

Mr. Mancini said he may put up a small ice cream or coffee stand or he will use that space for parking.

Ms. Rusie said Mr. Mancini will need a variance for the drive-thru because that district only allows banks to have a drive-thru.

Item 9 Continued

Mr. Vitale said he posted the proposal on the City's Facebook page and there was overwhelming support for the restaurant. He said the only concern that was raised is turning left in that area can be difficult, but he does not see that being an issue.

Mr. Rubello asked how the restaurant is going to control the noise level on the rooftop.

Mr. Rudnycky said 75% of the rooftop is covered and there is also a "green wall" in the back to help conceal as much noise as possible.

Mr. Mancini said he will see what the noise level is and make operational adjustments if needed.

Mr. Rubello asked if the lighting will shine on the houses behind the restaurant.

Mr. Mancini answered no, the technology of the lighting is advanced and can be controlled.

R-2023-03

Motion by Council Member Rubello, seconded by Council Member Accica to approve Planning Case PPC230001, request for site plan approval at 25225 Jefferson for a single-story restaurant with outdoor seating and rooftop dining, conditioned upon resolution of the following items of concern: revised parking lot plans shall be submitted to the City Planner should the drive-thru development not obtain site plan approval prior to the submittal of construction documents for the restaurant; parking lot plans including paving and drainage are required as part of the building permit submittal; stormwater retention and/or detention may be required per city and county ordinances; and the use of the standard Nautical Light is required in the parking area.

10. PLANNING CASE PPC23002-23230 GREATER MACK-REQUEST FOR SITE PLAN APPROVAL FOR EXTERIOR RENOVATIONS AND THE CONVERSION OF AN EXISTING TWO-STORY RETAIL BUILDING INTO A MIXED-USE RETAIL AND 7-UNIT MULTI-FAMILY COMPLEX, REPRESENTED BY JOHN VITALE OF STUCK AND VITALE ARCHITECTS

Background Brief: The petitioner is requesting to renovate the first and second-story exterior and the interior of the second floor of Connie's Children's Shop. The interior of the first floor will remain the same, a commercial storefront; however, the site plan indicates converting the second story of the building into 7 one-bedroom units. The plan also proposes exterior renovations to the first and second-story facades including window replacement, the addition of wood trim around the windows and along the parapet, painting the brick exterior, and adding wall sconces.

Previous Action: The Planning Commission recommended approval of the site plan at the February 14, 2023, Planning Commission meeting.

Economic Impact: N/A

Recommendation: Staff recommends approval of Planning Case PPC23002-request for site plan approval of interior and exterior renovations and the conversion of an existing two-story retail building into a mixed-use retail and 7-unit multi-family complex.

Mr. Rudnycky said he wants approval for 9 units instead of 7 units.

Mayor Walby asked why the change to 9 units from 7 units.

Ms. Bricolas said they are considering turning some of the 1-bedroom units into studio apartments to make space for 2 additional units. The units range from approximately 450-600 square feet.

Mayor Walby asked if they submitted the plans for the 9 units yet.

Mr. Rudnycky said they would like to submit the 9-unit plan tomorrow.

Mr. Vitale asked if they will still move forward with the 7-unit plan if the 9-unit plan does not get approved by the ZBA.

Ms. Bricolas said yes, she will still move forward with 7 units but if 9 units are not approved.

Mr. Frederick asked if they are going to paint the exterior brick.

Item 10 Continued

Mr. Rudnycky said the plan is to paint the brick and change the configuration of the windows.

Mr. Frederick said this is wonderful and is an example of what we are trying to accomplish with the DDA.

Mr. Rubello noted that Connie's Children's Shop is not being affected by this.

Mr. Vitale asked to consider using a translucent stain instead of paint.

Mr. Rudnycky said he will continue to look into high-performance coatings.

R-2023-02

Motion by Council Member Frederick, seconded by Council Member Accica to approve/deny Planning Case PPC23002 request for site plan approval of interior and exterior renovations and the conversion of an existing two-story retail building into a mixed-use retail and 7/9-unit multi-family complex conditioned upon resolution of the following items of concern: a use variance from the Zoning Board of Appeals will be required to allow a residential use within a B-3 District; mechanical equipment, whether placed at grade or on the roof of the structure, must be screened from view on all sides; and a thirteen-space parking variance is required from the ZBA.

Ayes: All-6
Absent: Caron

11. REQUEST APPROVAL OF A MEMORANDUM OF UNDERSTANDING WITH THE DETROIT INSTITUTE OF ARTS AND ACE HARDWARE FOR THE CREATION OF A MURAL IN THE DOWNTOWN DISTRICT

Background Brief: Members of the Cool City Committee and staff have been working with the DIA for placement of a mural in the city's downtown district. A local artist was selected as the muralist and has been creating a composition that would reflect the "vibe" of St. Clair Shores based on the survey input from over 700 stakeholders. The mural was planned for the south-facing wall of Connie's Children's Shop. The owner of that building, however, decided that the proposed mural would conflict with planned renovations. The mural location was then changed to the south-facing wall of ACE Hardware, which abuts the outdoor patio space of Copper Hop. In order to move forward, Council must approve, and authorize the Mayor to sign, a Memorandum of Understanding as the Community Partner. As such, the City would be responsible for planning the grand opening of the mural once completed, and ensuring maintenance of the mural, and recognizing the DIA for its role in bringing the mural to the community.

Previous Action: Previously, the Council approved a similar Memorandum of Understanding with Stavos and Ellene Bricolas, 23230 Greater Mack LLC, to place the mural on the south-facing wall of Connie's Children's Shop.

Economic Impact: The City will incur costs associated with the ribbon cutting and ongoing maintenance of the mural. Those costs have not been determined as of this writing.

Recommendation: I recommend Council accept the role of Community Partner, approve the Memorandum of Understanding and authorize the Mayor to sign the MOU along with the owners of ACE Hardware and the DIA to place a mural on the south-facing wall of the ACE Hardware building located at 23245 Greater Mack.

Ms. Pike said if this is approved, the City would be a Community Partner which means we would facilitate the grand opening, support the project with materials, and be involved in the long-term maintenance of the mural. She said there is still a small window of opportunity to make modifications to the mural and they will start painting in April.

Motion by Council Member Frederick, seconded by Rusie to accept the role of Community Partner, approve the Memorandum of Understanding and authorize the Mayor to sign the MOU along with the owners of ACE Hardware and the DIA to place a mural on the south-facing wall of the ACE Hardware building located at 23245 Greater Mack.

Ayes: All-6
Absent: Caron

12. BIDS/CONTRACTS/PURCHASE ORDERS

a. POLICE DEPARTMENT: PURCHASE AND INSTALLATION OF 16 CRADLEPOINT MODEMS

Item 12 Continued

Background Brief: On September 21, 2022, CLEMIS advised that as of May 31st, 2023, all current Cradlepoint modems in the scout cars will be obsolete and will no longer work, requiring the purchase of updated modems. This modem install would take place at the same time ABS has each scout car for the installation of the new in-car Motorola cameras and body worn camera bases, which already requires the complete breakdown of the interior of the scout car and would provide access to the necessary wiring for the removal and install of these new modems. See justification for further information, as well as the cost savings.

Previous Action: N/A

Economic Impact: The cost of a single modem under state bid pricing (MiDEAL) from CLEMIS is \$1,200, plus installation and antenna purchase through ABS for \$465, which equals \$1,665 total per scout car. The total cost to purchase and install the sixteen (16) new modems is \$26,640.

Recommendation: To approve the purchase and installation of the necessary Cradlepoint modems in the amount of \$26,640.

Ms. Campbell said their current modems are expired and out of warranty as they are over 5 years old. They want to install the modems at the same time they are installing the new in-car cameras. It is a cost saving of \$3200 to install the modems and cameras at the same time because they will not need to tear down the interior of the vehicles twice.

Ms. Rusie said we approved the body-worn camera from Motorola last April and asked when it will be used.

Ms. Campbell said we are scheduled to launch the body cams on April 10.

Mr. Frederick asked if the modems would upload in real-time to anywhere else besides the squad car.

Ms. Campbell answered no, the modems are for the in-car computers and are separate from the cameras.

Motion by Council Member Frederick, seconded by Council Member Accica to approve the purchase and installation of the necessary Cradlepoint modems in the amount of \$26,640.

Ayes: All-6
Absent: Caron

b. REQUEST APPROVAL OF BID AWARD FOR THE RECONSTRUCTION OF RHODE ISLAND STREET

Background Brief: Rhode Island between Masonic and Playview was approved as part of this year's road reconstruction and water main replacement program. The plan is for reconstruction using 7" of concrete over 10" of 21AA base material. This section of road is rated a 3 out of 10 on the 2021 PASER. We received bids from three contractors on February 21st, 2023, with Mark Anthony being the low bidder for both part-width construction and full-closure construction. The bid for full closure construction came in at \$990,853.87, approximately \$18,500 lower than the part-width construction bid at \$1,009,340.13. On February 27th, the City and Fishbeck held a pre-award meeting with Mark Anthony and Bidigare (water main subcontractor) to discuss project expectations. Mark Anthony was awarded the Greater Mack reconstruction project this year as well. The plan is to begin Greater Mack concrete work while the water main contractor completes pipe bursting on Rhode Island. Currently, Mark Anthony does not foresee any issues starting and completing the project within the specified timeframe and has adequate capacity for both projects. For full-width construction, we anticipate 106 calendar days of work with a substantial completion date of August 1st. Part-width construction is expected to take 127 calendar days with a substantial completion date of August 22nd. Given the location of this project, we are recommending full closure construction to expedite the project. This road is a bus route and utilizing full-width construction will help to get the road open before the school year begins. City staff will meet with affected departments to discuss concerns with full closure and organize a 'town hall' meeting for affected residents to discuss the project and answer questions.

Previous Action: N/A

Economic Impact: The engineer's preliminary estimate for this project was \$850,731.25 and the low bid came in at \$990,853.87 for full-width construction. An additional 10% contingency would increase the cost to \$1,089,939.25.

Recommendation: It is recommended that this project be awarded to Mark Anthony Contracting in the amount of \$990,853.87 plus a 10% contingency bringing the total cost to \$1,089,939.25.

Item 12 Continued

Mr. Liebert said Mark Anthony Contracting was the low bidder for part-width and full-width construction. He said full-width construction means they will tear the whole road up in a day and repave the whole road in a day. The residents would not be able to use their driveways for 7-8 weeks. They would have access to their driveways during the water main replacement portion of the construction. Mr. Liebert said he is recommending full-width construction because this is a bus route and we want to get it done before school starts.

Mr. Accica asked if we could supply golf carts to the residents on the street who will lose access to their driveways.

Mr. Liebert said they have done that in the past and he will look into getting golf carts.

Ms. Rusie said doing the full-width construction is too long to keep people out of their driveway.

Mayor Walby asked when part-width or full-width construction has to be determined. We should make that decision after the Town Hall meeting so we can understand more about the neighbors who live there and what their opinions are.

Mr. Vitale said people cannot be out of their driveways without golf carts. You are also keeping people out of their garages all summer.

Mr. Frederick asked if there will be any issues with longevity or bird baths in the road if they do part-width versus full-width construction and if we will need to take any trees down.

Mr. Liebert said no, the result will be the exact same. We may have to take 3 trees down if necessary, but we have 7 trees we are going to plant.

Mr. Rubello asked if the construction will only be in the street or if it will go past the curb.

Mr. Liebert said the approaches will need to be replaced but they will not go past the sidewalk towards the house.

Mr. Rubello asked Mr. Liebert if residents can contact him with any questions.

Mr. Liebert said the residents can contact him and he will be at the Town Hall meeting.

Mr. Vitale said he wants input from the police and fire departments because they will need access for emergencies during the construction.

Motion by Council Member Frederick, seconded by Council Member Accica to award the Rhode Island Road Reconstruction and Water Main Replacement project to Mark Anthony Contracting in the amount of \$1,111,000.00, which includes contingencies.

Ayes: All-6
Absent: Caron

13. CONSENT AGENDA – All items listed on the consent agenda are considered to be routine and will be enacted by one motion and approved by a vote of City Council. There will be no separate discussion of the items unless the Mayor and or a Council Member so requests, in which event the item will be removed from the general order of business and considered under the last item of the Consent Agenda.

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

Ayes: All-6
Absent: Caron

a. Bills

February 24, 2023 **\$2,736,152.66**

Resolved to approve the release of checks in the amount of \$2,736,152.66 for services rendered, of the report that is 20 pages in length, and of the grand total amount of \$2,736,152.66, \$414,733.58 went to other taxing authorities.

Item 13 Continued

b. Fees - None

c. Progress Payments

Resolved that the following Progress Payments be approved as presented:

Italia Construction	\$405,655.94
E.C. Korneffel Company	\$417,944.29
Mark Anthony Contracting, Inc.	\$53,327.02
Pamar Enterprises, Inc.	\$27,528.80
Bricco Excavating	\$369,189.33
Mark Anthony Contracting, Inc.	\$46,120.76
Mark Anthony Contracting, Inc.	\$595,592.20

d. Approval of Minutes

Resolved that the following minutes be approved as presented:

<u>Minutes</u>	<u>Meeting Date</u>
Council Meeting	February 6, 2023

e. Receive & File Boards, Commissions & Committee Minutes

Resolved that the following minutes be received and filed:

<u>Minutes</u>	<u>Meeting Date</u>
Beautification Commission	November 3, 2022
Beautification Commission	January 11, 2023
Building/Property Maintenance Board of Appeals	January 10, 2023
Cool City Committee	January 10, 2023
Fence Arbitration	December 21, 2022
General Employee Pension Board	January 17, 2023
Historical Commission	December 6, 2022
Mechanical Equipment Arbitration Committee	January 17, 2023
Senior Advisory Committee	January 19, 2023
Sign Arbitration Committee	January 26, 2023
Waterfront Environmental Committee	October 10, 2022
Waterfront Environmental Committee	November 21, 2022

f. Recommendations from the Council Sub Committee on Boards, Commissions, and Committees

1. Accept with Regret the following Resignations and Vacancies

<u>Name</u>	<u>Commission</u>
Brandon T. Johnson	Planning Commission

2. Recommendation to Mayor and Council to appoint the following:

<u>Name</u>	<u>Commission</u>	<u>Term End Date</u>
Joe Babula	Beautification Commission	March 6, 2025
Alexandria Graham	Community Garden Committee	September 30, 2025
Toni Henning	Community Garden Committee	September 30, 2024
Gina Fuga	Cool City Committee	September 30, 2025
Nicole Higgins	Cool City Committee	September 30, 2024
Matthew Wint	Cool City Committee	September 30, 2025
Phil Washington	Cool City Committee	September 30, 2024
Kathryn Gargalino	Historical Commission	December 31, 2024
Jenna Franklin	SCS Memorial Day Parade Committee	December 31, 2024

3. Recommendation to the Mayor to appoint the following:

<u>Name</u>	<u>Commission</u>	<u>Term End Date</u>
Rachelle Miranti	Animal Care & Welfare Committee	December 31, 2024
Shannon Ketelhut	Communications Commission	September 30, 2023

Item 13 Continued

4. Recommendation to Mayor and Council to appoint Alternate Member Patrick McKay as Planning Commission Regular Member to fill the vacant seat of Brandon T. Johnson with a term ending on December 31, 2025

5. Recommendation to Mayor and Council to downsize the Cultural Committee to 7 Regular Members & 1 Alternate Member

g. Request to set a public hearing on April 3, 2023, for input on the submission of an application to the State Revolving Fund (SRF) for the separation of the Martin Drain District

Background Brief: The City is preparing an application to submit to the Clean Water State Revolving Fund to undertake the separation of storm and sanitary sewers within the Martin Drain District. The Clean Water State Revolving Fund (CWSRF) is a low-interest loan financing program that assists qualified local municipalities with the construction of needed water pollution control facilities. Separation of the storm and sanitary sewers would reduce the possibility of discharges into the lake during large rain events. A map of the Martin Drain District is included.

Previous Action: The City had contracted with Hennessey Engineers to conduct flow monitoring with the Martin Drain. The proposed scope of work is a result of flow monitor findings.

Economic Impact: The total amount of anticipated debt for the project is \$23,000,000. The interest rate on the loan is 2.75%. The actual cost associated with separation would be equal to the amount of loan funding received.

Recommendation: I recommend opening the public hearing to gather input on an application to the Clean Water State Revolving Fund for storm and sewer separation within the Martin District.

14. UPDATES AND FOLLOW-UPS FROM PRIOR COUNCIL MEETING

- Mr. Caron asked for a follow-up on the quote for a 47-inch kiosk to match the others at the pier, the Historical Commission would like to have one to explain the history of Lake St. Clair. **In the process.**
- Mr. Vitale mentioned Rosie's Diner has a sign that is falling apart. He asked for an update and wants to know what their plan is to fix this. **A local developer contacted the City Planner to inform her that he is looking to develop by the end of the year and said he will address the obsolete sign.** Mr. Vitale said he received an update on the historic McDonald's sign from Ms. Pike that it will take 8 weeks to custom order a new sign.

15. COMMENTS BY INDIVIDUAL COUNCIL MEMBERS

Mr. Frederick said we lost a 60-year resident, John Cory, who fought in World War II, was Chairman of Boy Scout Troop 1449, was President of Avalon Baseball Association, and a member of St. Clair Shores Recreation Commission. He gave updates on upcoming events and congratulated Lakeshore's swim team on their championship win. Mr. Frederick asked if we are including charging stations at the pier.

Ms. Pike said pedestals are installed with electrical but they were designed for use by the City for our events.

Mr. Frederick asked for someone to take a look at putting in charging stations for the public on the pier.

Mr. Frederick asked if we have any updates on St. Mary's.

Mr. Lent said he will inform Council via email when he gets an update.

Mr. Vitale asked for updates on Shores Theater.

Ms. Pike said Shores Theater has its permit and she will stop by and see if the plumber is working.

Mr. Vitale addressed water line protection insurance scams. He asked Mr. Babcock if water lines breaking is a common issue.

Mr. Babcock said they are very rare, and it is the homeowner's responsibility for the water line from the stop-box to the house.

Item 15 Continued

Mr. Vitale said it is not wise to buy this type of insurance.

Mr. Accica said the water service line protection worked well for him getting his service line snaked.

Mr. Rubello apologized to Ms. Pike for his elevated speech and line of questioning last week. He said the City is grateful to have her and she is a hard worker with integrity. Mr. Rubello noted that our certificates of occupancy are down from 2022 and asked if there is something we can do.

Ms. Pike said certificates of occupancy are for when new businesses move in but if a business is established then they have a business license. The number of business licenses stays the same or increases because businesses are moving in and staying. However, we do have a lot of vacant businesses open.

Mr. Rubello asked about the progress of removing old signs from closed-down businesses.

Ms. Pike said we've removed 11 obsolete signs since December.

Mr. Vitale said we should consider streaming City Council meetings on YouTube and Rumble.

Mr. Rubello asked if someone could update the information on the website regarding the Social District.

Mr. Green said he would update the website for the Social District.

Mr. Rubello spoke about "Teddy's Law" and encouraged people to adopt pets that have been used for testing.

Ms. Rusie said the new website will be more compatible with mobile devices. The website will continue to be optimized to be more user-friendly over time and the information will be updated regularly.

Mr. Ihrie said he went to the sober living home on St. Margaret Street. He secured permission to enter the home to make sure that all local, state, and federal obligations are being complied with. He has a meeting coming up with the owner of the home and the owner has been cooperative so far.

16. CITY MANAGER'S REPORT

U.S. Fish and Wildlife has confirmed that the bird on the water tower is a Great Horned Owl, and these birds are federally protected. The company that won the bid for the water tower agreed to hold their pricing until after the birds have hatched and are able to fly.

17. AUDIENCE PARTICIPATION

Marc Point spoke on item #9 regarding the noise that will come with the opening of a new restaurant at 25225 Jefferson Ave.

18. MAYOR'S COMMENTS- None

19. ADJOURNMENT

Moved by Council Member Frederick, supported by Council Member Rusie to adjourn at 8:35 p.m.

Ayes: All-6
Absent: Caron

KIP C. WALBY, MAYOR

ABRIAL J. BARRETT, CITY CLERK

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