

**MINUTES
ST. CLAIR SHORES CITY COUNCIL MEETING
VIA TELECONFERENCE
APRIL 20, 2020**

Regular Meeting of the City Council, held electronically and teleconference utilizing a Zoom meeting aired live on our website, Facebook 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 Monday, April 20, 2020, at 7:00 p.m. The meeting is being held in compliance with Governor's Michigan Executive Order No. 2020-15 effective March 18, 2020 and continuing until April 15, 2020 at 11:59 p.m.

Present: Mayor Kip C. Walby, Council Members Peter Accica, John Caron, Ron Frederick, Peter Rubino, Candice Rusie and Chris Vitale

Also Present: City Manager Matthew Coppler, Assistant City Manager William Gambill, City Clerk Mary Kotowski, Directors Bryan Babcock, Henry Bowman, Chris Rayes, Laura Stowell, Fire Chief James Piper, Police Chief Todd Woodcox and City Attorney Robert Ihrle

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

Mayor Walby called the meeting to order at 7:03 p.m. Ms. Kotowski, City Clerk, called the roll, and a quorum was present. The Pledge of Allegiance was recited. Mayor Walby had explained that everyone would stay seated during the pledge because of camera logistics of the Zoom meeting.

Mayor Walby read the following:

In compliance with Gov Whitmer's Order to help stop the spread of the Coronavirus and protect the public health, the City Council meeting on Monday, April 20th at 7:00 pm 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, hateful speech, by any speaker will result in muting, and/or removal from the teleconference. Email: marya@scsmi.net, Dial in to speak is 1-312-626-6799, The Meeting Code is 290 840 165 #.

For Audience Participation on Agenda Items (2 minute time limit) you can call in to speak on agenda items.

We will utilize the Raise your Hand Method. Dial *9 to raise your hand and you will be called upon when it is your turn and identified by the last 4 digits of phone number you dialed in on.

2. PROCLAMATIONS & PRESENTATIONS - None

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

Mayor Walby announced that people can call in to speak on agenda items for 2 minutes at this time.

There was no audience participation by email, phone or Zoom.

4. REQUEST FOR APPROVAL OF THE PROPOSED COVID-19 ADJUSTMENTS TO THE MUNICIPAL PROPERTIES LEASE AGREEMENTS

This item will be placed on the next City Council meeting agenda.

5. BIDS/CONTRACTS/PURCHASE ORDERS –

a. COLLECTIVE BARGAINING AGREEMENT(S) MOU(S)

This item should be available for the next City Council meeting.

b. REQUEST TO APPROVE CONTRACT FOR 2020 ASPHALT MAINTENANCE PROGRAM (BIDS OPENED 3/17/2020)

Item 5 (Cont'd):

Background: It was recommended to approve the 2020 Asphalt Maintenance Program to award the contract to AI's Asphalt Paving Co. in the base bid #1 for \$76,500.00 and base bid #2 for \$168,080.00 for a total base bid amount of \$244,580.00.

Bid documents for the 2020 Asphalt Maintenance Program were posted on MITN on February 21, 2020. Bids were opened on March 17, 2020. There was only one bid received from AI's Asphalt Paving Co. for the base bid #1 for \$76,500.00 and base bid #2 for \$168,080.00 for a total base bid amount of \$244,580.00.

Mr. Rayes showed pictures of alleys 1, 4, 6 and 8 which are in the worst shape. There is enough money budgeted to cover the pavement of these alleys. He then showed pictures of alleys 2, 3, 5 and 7, however, there are not funds available to include them in this project. He then showed the two holes (8 and 18) at the golf course where the cart paths need to be repaved, and there is money budgeted to cover doing these two paths. This project will overlap two budget years.

Mr. Frederick asked why the alley maintenance program stopped at Joe's Trailer parcel instead of at their driveway.

Mr. Rayes will check with HRC regarding how they determined the stop point on these alleys.

Council would like to add alley 2 to this program.

Mr. Rubino stated he would like to rebid them all.

Mr. Vitale agreed and noted Gaudino's alley needs to be redone.

Mayor Walby asked that staff rebid the maintenance program for the remaining alleys.

Moved by Council Member Frederick, and supported by Council Member Accica to approve the 2020 Asphalt Maintenance Program to award the contract to AI's Asphalt Paving Co. in the base bid #1 for \$76,500.00 which will include Alleys 1,4,6 and 8, base bid #2 the golf course cart paths 8 and 18 for \$168,080.00 for a total base bid amount of \$244,580.00, and to fund and include alternate bid #1 for Alley 2 in the amount of \$107,483, as recommended by the City Manager.

Ayes: All – 7

c. REQUEST TO APPROVE THE CONTRACT FOR L'ANSE STORMWATER PUMP STATION PROJECT (BIDS OPENED 4/14/2020)

Background: It was recommended to approve the L'Anse Stormwater Pump Station Project to award the contract to RBF Construction, Inc. with the total bid amount of \$821,445.00. The budget amount based on the engineering estimate is \$600,000.00.

Bid documents for the L'Anse Stormwater Pump Station Project were posted on MITN on March 6, 2020. Four bids were received. RBF Construction, Inc. was the lowest bidder in the amount of \$821,445.00. This pump station is a priority project necessary to prevent standing water on the roadway during high lake level events. The pump station will keep the water off of the road as well as prevent undermining of the pavement itself. This project is being funded through the utility fund.

Mr. Rayes said he has spoken with the property owners of Lakeshore Senior Living. They are giving the City the easement to put the pump on their property. The original estimate did not include lining the pipes or a large manhole over that pipe.

Moved by Council Member Frederick, and supported by Council Member Caron to approve the L'Anse Stormwater Pump Station Project and budget amendment of additional \$300,000.00 to cover the cost (which includes an additional 10% contingency) to RBF Construction, Inc. in the amount of \$821,445.00, as recommended by the City Manager.

Ayes: All - 7

Item 5 (Cont'd):**d. REQUEST TO APPROVE THE PURCHASE OF ONE DS450 HIGH SPEED ELECTION TABULATOR FROM ELECTION SYSTEMS & SOFTWARE FROM STATE CONTRACT PRICING**

Background: It was recommended to purchase one (1) DS450 high speed ballot tabulator from Election Systems & Software at pricing available through the State of Michigan's MiDeal cooperative purchasing program, Contract No. 071B7700120 in the amount of \$39,589 (DS450 \$36,416 plus preventative maintenance agreement cost \$3,173).

In November 2018, "no reason" absentee voting received voter approval in the state of Michigan. This option has dramatically increased the number of registered voters voting by absentee ballot in St. Clair Shores. The number of voters voting by absentee ballot in the March 2020 primary election increased by eighty three percent (83%) from the 2016 primary election. This natural increase coupled with the dramatic push to encourage voters to vote from home utilizing absentee balloting, ensures that we must plan for unprecedented absentee turnout in the upcoming elections.

St. Clair Shores voters signing up to permanent absentee ballot application mailing list has increased by 4,400 (50%) in one year since the passage of no reason absentee voting and continues to increase each day. Today our absentee application mailing list is 13,200 which has doubled since the 2016 election; and continues to increase daily. Expecting to issue 15,000 absentee ballots in the August 2020 primary election and 20,000 – 22,000 absentee ballots being cast in the November, 2020 presidential election is a conservative estimate. While the City currently utilizes two DS450 high speed ballot tabulators, this anticipated surge in absentee ballot voting will overwhelm the current capacity of these two tabulators.

Last week, Election Systems & Software advised its customers that if they planned to purchase additional voting equipment this year that they must place their order in April for a September/October delivery. Once we execute the contract, we are required to pay 50% and the balance due upon delivery. The 2020/21 fiscal year proposed budget did include this item in capital.

The DS450 model is manufactured by Election Systems & Software, LLC, an industry leader whose product is certified as election compliant. The two existing DS450 high speed ballot tabulators have proven to be very fast and reliable, which enabled the Office of the City Clerk to process absentee ballots in an accurate and efficient manner. Due to high demand for this model and changes in how we may conduct upcoming elections we are seeking approval to purchase so that the City's purchase order is filled in time for the upcoming elections.

Competitive pricing for the DS450 model is available through the State of Michigan's MiDeal Purchasing Program, Contract No. 071B7700120. The cumulative cost using this cooperative purchasing option is \$36,416. This pricing includes delivery cost and a five-year service plan.

Ms. Kotowski outlined the many measures being taken to assure a smooth election in November including using social media and adding an additional drop location for ballots at City Hall.

Moved by Council Member Accica, and supported by Council Member Caron resolved to purchase one (1) DS450 high speed ballot tabulators from Election Systems & Software, LLC, 11208 John Galt Boulevard, Omaha, NE 68137, at pricing available through the State of Michigan's MiDeal cooperative purchasing program, Contract No. 071B7700120, in the cumulative amount of \$39,589 and amend the City Clerk's current year capital budget to include this purchase from the general fund.

Ayes: All - 7

6. SECOND QUARTER COUNCIL REPORT AND BUDGET AMENDMENTS

7. 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 (item h was removed from consideration) as follows:

Item 7 (Cont'd):

a. Bills

April 9, 2020

\$4,097,271.69

Resolved to approve the release of checks in the amount of \$4,097,271.69 for services rendered, of the report that is 13 pages in length, and of the grand total amount of \$4,097,271.69, \$0 went to other taxing authorities.

b. Fees

Resolved that the following Fees be approved as presented:

Ihrie O'Brien

\$12,730.55

Howard L Shifman, P.C.

\$ 4,290.00

c. Progress Payments - None

d. Approval of Minutes

Resolved that the following Minutes be approved as presented:

Minutes

Meeting Date

City Council

April 6, 2020

e. Receive & File Boards, Commissions & Committee Minutes

Resolved that the following minutes be received and filed:

Minutes

Meeting Date

Police & Fire Civil Service Commission

March 11, 2020

f. Delivery of the Fiscal Year 2020-21 Budget by City Manager

Resolved to receive and file the Fiscal Year 2020-21 Budget.

The FY 2020-2021 balanced budget is presented for your consideration and approval. As is required, it has been prepared in compliance with the statutes of the State of Michigan and the City of St. Clair Shores Charter.

The budget document serves as a planning and policy guide, and determines the level of service provided to residents, businesses, and visitors. This document also illustrates the City's administrative structure and work plan for the upcoming year. The focus continues to be providing the level of services that our residents have become accustomed to.

This document sets forth the recommended expenditures for operations and for capital improvements, as well as recommended sources of revenue, for the upcoming fiscal year.

Due to the COVID 19 crisis, the budget process has tested our ability to see into an uncertain future and divine the actions that will be taken by the State of Michigan as it relates to revenues going into the General Fund and Act 51 monies. The City receives 15% of its General Fund revenues from State Funding in the CVTRS and Constitutional Sale Tax. The state projections for these two revenue sources have not been released at this time, so any budgetary numbers would be based upon scientific guesses. Because of all this uncertainty, we have produced a budget that has extraordinary flexibility, providing Mayor and Council the ability to make critical decisions later in the budget year when revenue will be more accurately known.

Formal budget hearings were scheduled for April 27 and April 28, however, due to Governor's EO 2020-42, Mayor and Council may wish to reschedule.

Final budget adoption is scheduled to take place at the Regular Council Meeting on June 1, 2020.

Item 7 (Cont'd):

- g. **Adoption of Drinking Water Revolving Fund (DWRF) Project Plan Resolution**
Resolved to adopt the following resolution:

THE CITY OF ST. CLAIR SHORES LEAD SERVICE LINE REPLACEMENT PROGRAM AND DESIGNATING AN AUTHORIZED PROJECT REPRESENTATIVE

WHEREAS, the City of St. Clair Shores recognizes the need to replace lead service lines and complete the field verification of distribution supply material inventory of existing water services within the City of St. Clair Shores; and

WHEREAS, the City of St. Clair Shores authorized Hubbell, Roth & Clark, Inc. to prepare a Project Plan, which recommends the replacement of lead service lines and complete the field verification of distribution supply material inventory of existing water services; and

WHEREAS, said Project Plan was presented at a Public Hearing held on Monday, April 06, 2020 and all public comments have been considered and addressed;

NOW THEREFORE BE IT RESOLVED, that the City of St. Clair Shores formally adopts said Project Plan and agrees to implement the selected alternative (Lead Services Replacement Alternative).

BE IT FURTHER RESOLVED, that the City Manager, a position currently held by Matthew Coppler, is designated as the authorized representative for all activities associated with the project referenced above, including the submittal of said Project Plan as the first step in applying to the State of Michigan for a Drinking Water Revolving Fund Loan to assist in the implementation of the selected alternative.

- h. ~~**Adoption of Resolution for Authorization for the City Manager to pay bills**~~ (removed prior to the meeting)

8. UPDATES AND FOLLOW-UPS FROM COUNCIL MEETING

Matthew Coppler, City Manager

COVID-19 Update - We have put together a Workplace Operation Plan which will be provided to Council on Tuesday. It covers everything we have already put into place as well as what we plan to implement to bring employees back into the building and to prepare to reopen City Hall to the public.

State Revenue - During the current year we are not going to see a major drop in revenue from the State. Next year is much more of an unknown.

Union Contracts - We are working with the Police and Fire unions on pay issues so that we can bring agreements to Council.

Lease Agreements - We are still working on the lease agreements with companies we do business with.

Police Chief Woodcox

Personnel - They have made drastic changes to their deployment guidelines. The Unions have been understanding since the beginning of this. There is nobody ill in the ranks. They are doing amazingly well.

Bryan Babcock, Department of Public Works Director

Personnel – The AFSCME union has been very understanding. Everyone is showing up for work as scheduled, and they are wearing their protective wear.

Lake Level – The lake level is up, and we have a lot of residents protecting their property with sandbags. The DPW is the only location where sandbags are available currently. Please call the DPW if you have a large area, and they can drop off supplies.

Item 8 (Cont'd):

Garbage/Recycle Carts - They are delivering garbage carts and recycle carts. Applications can be mailed or put in the white drop box at City Hall.

Water Sampling – They are installing sample stations since businesses are closed.

Champine Park – They had to repair a sink hole at the park.

Henry Bowman, Parks and Recreation Director

Status of Parks – They are staying on top of the parks and making sure there are enough trash cans.

Boat Ramps – They have made changes at the boat ramps because of the Governor's order that no motor boats are allowed. Proper signage has been installed.

9 Mile/Chapaton – Because of the Governor's order, they have decided to leave this closed. Blossom Heath is still open.

Fire Chief Piper

Personnel – The calls they are receiving are not down from previous years. They have many COVID-type calls. The crew has to prepare properly and then decontaminate the trucks to keep them in service. None of the staff have been exposed or have concerns for themselves. They still have enough personal protection equipment.

William Gambill, Assistant City Manager

Library – It will reopen in phases. They are working on how to have drive up appointments to pick up books and a plan for social distancing.

Chris Rayes, Community Development and Inspections Director

Permits/Licensing – They continue to work on reviewing permits and licenses. These can be mailed to City Hall or put in the white drop box in front of City Hall.

Road Patching – They are starting the saw cutting for road patches related to DPW water main breaks and various repairs. They will start local road patching next week.

City Hall Parking Lot – They are pouring concrete this week.

Jefferson Joint Sealing – The contractor will be out doing this as the weather warms up.

COVID19 Testing – Chief Piper said the point of contact for this is the County Health Department.

Mr. Caron asked administration for the timeline on deciding to hold/cancel May City events such as the Memorial Day Parade, the Farmers Market and the Waterfront Environmental Cleanup.

Mayor Walby said they are working on this and will make a decision as soon as possible.

Grass Cutting – Chief Woodcox said a landscape company that has not gotten their license yet this year will not be given a citation at this time if they are a first-time offender.

Mr. Ihrie pointed out that grass should not be cut before it is 8" long during the current conditions.

St. Margaret Property – Mr. Ihrie said that COVID-19 has held this up a bit. Both banks are walking away from the property. The personal representative would like to abandon the property to the City. The insurance company still has some work to do inspecting the property.

9. COMMENTS BY INDIVIDUAL COUNCIL MEMBERS

Council Member Rubino had no issues.

Item 9 (Cont'd):

Council Member Caron said that all Relay for Life Eastside events are delayed. There is still a 50/50 raffle which will go on until the event is rescheduled.

He asked about a response from Clark Hill regarding a timeline on the Chapter 20 drain district process.

Mr. Coppler said he is waiting for additional information from them.

Mr. Caron asked if the Kyte Monroe brick pavers sand refilling maintenance will be done this year.

He noted the county road project plan shows they are doing Harper from 8 Mile to 11 Mile in September.

Mr. Rayes said this is for joint repairs from 8 Mile to just past 9 Mile on Harper.

Council Member Frederick asked if we can help businesses acquire personal protection equipment once they reopen.

Mr. Coppler said they will discuss this at their CDBG meeting.

Mr. Frederick thanked all the City employees that continue to work during this time.

He noted Wigs for Kids has delayed their grand opening.

He gave condolences to anyone who has lost a loved one during this time.

He spoke about a fundraiser being done by Meals on Wheels.

Council Member Vitale spoke about the agenda item allowing the City Manager to pay bills during a declared emergency. He thinks the resolution should be done per event, as a sunset clause, or annually to be brought back to Council. This should not be done as a forever resolution which seems like a change to the Charter.

He asked HRC to review the feasibility of the joint repairs on Harper being cut on the bias.

Council Member Accica noted that Rite Aid is doing COVID-19 testing.

The United Way is setting up food banks in Macomb County, and they are looking for volunteers and donations.

Council Member Rusie announced the letter carrier food drive "Stamp Out Hunger" has been postponed. People should consider making a monetary donation or food donation as requests are very high right now.

She gave suggestions about how people can support our small businesses.

She asked about the Budget Hearings that are scheduled for April 27th and 28th.

Mayor Walby said that the Budget Hearings have been postponed, and new dates will be announced at the May 4th Council meeting.

Ms. Rusie said she would be in favor of a sunset clause for the resolution allowing the City Manager to sign bills during an emergency. This should be in place to protect us.

She requested a proclamation for Leah Case for her Easter Bunny trip throughout the City.

10. CITY MANAGER'S REPORT

Mr. Coppler will be providing Council with dates in May to choose from for Budget Hearings. The resolution will be on the first agenda in May.

He announced there will be a Zoom meeting on April 30 regarding Milk River. Residents on the Milk River will be receiving a letter. He will provide Council with a copy of that letter.

11. AUDIENCE PARTICIPATION (5 MINUTE TIME LIMIT)

Mayor Walby reminded viewers to email their comments or to dial in at this time to participate.

There were no callers. There was one email received from Camille Collier, St. Clair Shores resident, regarding allowing backyard poultry which was read by the Clerk.

12. MAYOR'S COMMENTS

Mayor Walby thanked the entire staff of the City. We have a great staff.

He noted that the budget process is going to be really difficult this year. We should be able to weather the storm and continue to maintain St. Clair Shores. We should not have to make any difficult decisions thanks to our rainy day fund.

13. ADJOURNMENT

Moved by Council Member Caron, supported by Council Member Rusie to adjourn at 8:44 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).