

**MINUTES
ST. CLAIR SHORES CITY COUNCIL MEETING
JULY 17, 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, John Caron, Ron Frederick, David Rubello, Candice Rusie, and Chris Vitale

Also Present: City Manager Dustin Lent, City Clerk Abby Barrett, Director Renae Warnke, Director Henry Bowman, City Engineer Chris Liebert, Fire Chief Piper, Police Chief Allen, and City Attorney Robert Ihrie, Jason Harms, City Planner Liz Koto, Director Denise Pike, Director Bryan Babcock

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

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

2. PROCLAMATIONS & PRESENTATIONS – None

Mayor Walby thanked the St. Clair Shores Police Department for apprehending Rashad Trice who is a kidnapping and murder suspect.

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

4. PLANNING CASE PPC220021

a. Public Hearing for the consideration of the vacation of the public alley between 25400-25414 Jefferson and 22393 Maple

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

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

b. Request for adoption of a Resolution vacating the public alley between 25400-25414 Jefferson and 22393 Maple

Background Brief: The petitioner is requesting the vacation of a public alley that runs between the Dry Cleaner and vacant lot on the west side and the residential property at 22393 Maple on the east side. The alley has been used most often by the residential neighbor to access the garage. The garage currently faces the alley, and that is the only available access.

A developer recently purchased the land across the street that was the location of the former Gourmet House. The land on the west side of Jefferson, and the two parcels that came with it on the east side of Jefferson have been vacant for more than 10 years. The properties have turned over a few times but no developments have occurred. The petitioner is interested in developing the parcels on both sides of Jefferson, and the additional 10 feet gained from the vacation of the alley would help with development.

Staff recommends the vacation of the alley, with all private and public easements maintained including a 10' wide easement along the east property line of 25400 Jefferson for 25414 Jefferson to access the rear of the building. The alley will be split and the east 10 feet will be combined with 22393 Maple and the west 10 feet will be combined with 25400 and 25414 Jefferson.

Previous Action: The Planning Commission recommended approval of Planning Case PPC220021, request for alley vacation between 22400 to 22414 Jefferson and 22393 Maple including a 10-foot wide easement along the east side of 25400 Jefferson.

Economic Impact: N/A

Recommendation: Staff recommends approval of the alley vacation including maintaining a 10' easement on the east side of 25400 Jefferson for the use of 25414 Jefferson.

Ms. Koto said State Law requires the alley to be split in half when requesting the vacation of an alley. In this case, 10' would go to the residential neighbor and 10' would go to the business on the west side.

Item 4b continued

Mr. Caron asked what would happen with the existing wall.

Ms. Koto said the wall would become the private property of the Maple residence.

Mr. Caron said the wall would need to comply with the concrete wall ordinance and be moved to the property line.

Ms. Chylinski said this is a city problem and a neighborly problem, so she thinks a vacation is the best option.

Mr. Rubello said turning into the garage from the driveway is impossible. He said the Planning Commission passed it 7-0 and he received one letter from a woman opposing it. He asked if this would go under review when the property is sold.

Ms. Koto said we would let the wall be until there was a new owner.

Mr. Frederick asked who is responsible for cleaning the overgrowth between the wall and the fence.

Mr. Taliaferro said he will be responsible for the overgrowth between the wall and the fence.

Mr. Frederick asked what is going to be done with the south parking lot.

Ms. Chylinski said she is holding onto it because she wants to buy the middle building.

Mr. Frederick said both sides of the building need work done.

Ms. Chylinski said she had two contractors who agreed to do the work but neither of them showed up.

Mr. Frederick asked who owned the tree on the north side of the parking lot.

Ms. Chylinski said she doesn't know who owns the tree but will hire someone to cut the tree.

Mr. Taliaferro said he plans to extend his fence the extra 10 feet to the new property line and redesign his home.

Mr. Vitale said we have a letter from the property owner who is in opposition and is in attendance right now.

Ms. Son read the letter she wrote to Council aloud.

Mr. Vitale said the alley vacation would devalue the property of the dry cleaner because of the lack of parking. He said it will be very difficult for the building to receive deliveries with only 10 feet of space in the rear. Mr. Vitale said he will be voting no.

Mr. Ihrie said an agreement could be made to make both parties happy and asked if they would like to work with him or someone from his office to help settle the dispute.

Motion by Council Member Frederick, seconded by Council Member Rusie to TABLE the vacation of the alley between 25400-25414 Jefferson and 22393 Maple and maintaining a 10-foot easement on the east side of 25400 Jefferson for access to and from 25414 Jefferson as well as any existing public or private easements.

Ayes: All-7

5. PLANNING CASE PPC23007-REQUEST FOR SITE PLAN APPROVAL FOR EXTERIOR RENOVATIONS AT 23208 GREATER MACK AND THE CONVERSION OF A COMMERCIAL BUILDING INTO A MIXED-USED RETAIL AND 8 UNIT MULTI-FAMILY RESIDENTIAL COMPLEX, REPRESENTED BY JOHN VITALE OF STUCKY VITALE ARCHITECTS

Background Brief: The petitioner is requesting to convert the mezzanine and second floor of the existing building at 23208 Greater Mack into 8 apartments. The interior of the first floor will remain the same, commercial store fronts; however, the site plan indicates converting the mezzanine and second story of the building into 7 two-bedroom and 1 one-bedroom apartment units, a fitness center for tenants, and a storage space for tenants. The plan also proposes exterior renovations to the second story facade including adding windows and metal cladding.

Item 5 continued

Previous Action: The Planning Commission recommended approval of Planning Case PPC23007, Request for site plan approval for exterior renovations and the conversion of an existing second story commercial building into an 8-unit multi-family complex.

Economic Impact: N/A

Recommendation: Staff recommends approval of this item based on attention to the items of concern.

Mr. Bloink said the project is designed to bring young professionals downtown.

Ms. Koto said this is similar to the request by Connie's brought before Council recently.

Ms. Rusie said this project complies with all ordinances and is looking forward to seeing the finished product.

Mr. Vitale said this is a great-looking project and will be an enthusiastic yes.

Mr. Rubello said this fits the vision of what Council is looking for in downtown St. Clair Shores. He said the Planning Commission voted 7-0 on this request and motioned to approve the Planning Case.

Mr. Caron asked Mr. Bloink to explain what the "industrial look" for this project means.

Mr. Bloink said the choice of wording should be a contemporary rather than an industrial look. He said the building will have wood slats and it will not appear like a warehouse.

Mr. Caron asked if the freight elevator will comply with the code.

Ms. Koto said she believes it will comply with the code.

Mr. Bloink said it will not be the primary elevator but can be used for the residents' convenience to move furniture upstairs.

Mr. Caron asked if the two electrical boxes will need to be screened.

Ms. Koto said they would need to screen the electrical boxes.

Mr. Frederick asked if there is enough parking after the addition of the garage that will take up 2.5 parking spaces.

Ms. Koto said they have more parking than what is required.

Mr. Frederick asked if they were planning on building balconies for the units.

Mr. Bloink said they are not planning on building balconies.

R-2023-19

Motion by Council Member Rubello, supported by Council Member Frederick to approve Planning Case PPC23007, request for site plan approval for exterior renovations and the conversion of an existing second-story commercial building into an 8 unit multi-family complex, represented by John Vitale of Stucky and Vitale Architects with the following conditions: a Use Variance from the Zoning Board of Appeals will be required to allow a residential use within a B-3 District and mechanical equipment, whether placed at grade or on the roof of the structure, must be screened from view on all sides.

Ayes: All-7

6. PLANNING CASE PPC23008-REQUEST FOR SITE PLAN APPROVAL FOR AN OUTDOOR SEATING AREA AT 32215 JEFFERSON

Background Brief: The applicant is requesting Site Plan Approval for a 504 square foot permanent outdoor seating area adjacent to the east side of the building near Jefferson. The patio was poured, bollards were installed, and decorative pots were placed around the patio. Landscape rocks surround the patio.

Item 6 continued

Previous Action: The Planning Commission recommended approval of Planning Case PPC 23008, request for site plan approval at 322215 Jefferson, for additional permanent outdoor seating at Tony J's Restaurant, represented by Steve Elias of Grace's Investments.

Economic Impact: N/A

Recommendation: Staff recommends approval of the site plan based on attention to the items of concern.

Mr. Caron asked why the outdoor patio seating is already built before the site plan was approved.

Mr. Elias said his contractor was in a hurry and he apologized.

Mr. Vitale asked if the open patio complies with Liquor Control Commission regulations.

Mr. Elias said the patio is required to be enclosed on all sides apart from one opening area to walk through.

Mr. Vitale asked how he is going to enclose the patio.

Mr. Elias said he will use a steel railing that is 42" high all the way around with a 3' opening. He will also have shrubs around the railing.

R-2023-20

Motion by Council Member Frederick, supported by Council Member Accica to approve Planning Case PPC 23008, 32215 Jefferson, request for site plan approval for additional permanent outdoor seating at Tony J's Restaurant, represented by Steve Elias of Grace's Investments with attention to the following items of concern: the petitioner will install shrubs around the perimeter of the patio, if alcohol is served on the patio then a permanent enclosure will be required and enclosure style must be approved by the Community Development Department, window signage cannot exceed 1/3 of each window pane, a hold harmless agreement is required, and a 3 foot side yard and 14 front yard set back variance is required from the ZBA.

Ayes: All-7

7. ORDINANCE AMENDMENT TO SANITARY SEWER RATES

Background Brief: When the new Sewer Use and Rate Ordinance was brought before council and put in place there was an error found that needed to be corrected. The Residential Regional Treatment charge of \$69.32 per 1000 cubic feet remains the same. However, the non-residential "Wastewater Flow Surcharge" did increase by approximately 1.6%. This is a pass-thru fee that is remitted directly to GLWA. This increase has no financial impact on the FY 2023/24 Budget.

Previous Action: Ordinance Amendment June 5, 2023

Economic Impact: N/A

Recommendation: The corrected monthly and quarterly "Wastewater Flow Surcharge" is shown on the amended ordinance. The monthly customer increase ranges from \$.06 (1.6%) for a 5/8" meter to \$1.80 (1.7%) for a 6" meter. The recommendation is to approve the amendment to the Utility Rate Ordinance 25.060 Chapter 42 Sec. 42.28 a (2,6) Wastewater Rates, Charges and Fees.

Ms. Warnke said this is a correction to an error in the non-residential "Wastewater Flow Surcharge" discovered after it was brought to Council on June 5, 2023. The charts were not updated with the new rates as they should have been.

Motion by Council Member Frederick, seconded by Council Member Caron to approve the amendment to the Utility Rate Ordinance 25.060 Chapter 42 Sec. 42.28 a (2,6) Wastewater Rates, Charges and Fees recommended by the Finance Director and City Manager.

O-2023-006

AMENDMENT TO THE CITY CODE OF ORDINANCE PERTINENT TO THE WATER AND SEWER RATES CHARGES AND FEES

Item 7 continued

Shall be amended as follows:

a.2. A second charge of \$69.32 per 1,000 cubic feet shall be charged for water consumer per quarter. This charge, called Regional Treatment Charge, shall offset the wholesale cost of wastewater disposal to the Southeast Macomb Sanitary District and shall be effective for all billings after July 1, 2023.

a.6. For non-residential users, commencing on July 1, 2023, a surcharge which shall be called "Wastewater Flow Surcharge" shall be based on meter size as follows:

METER SIZE	Monthly	Quarterly
5/8"	3.64	10.92
3/4"	5.46	16.38
1"	9.10	27.30
1.5"	20.02	60.06
2"	29.12	87.36
3"	52.78	158.34
4"	72.80	218.40
6"	109.20	327.60
8"	182.00	546.00
10"	254.80	764.40
12"	291.20	873.60
14"	364.00	1,092.00
16"	436.80	1,310.40
18"	509.60	1,528.80

Any ordinance or parts of any ordinance in conflict with any provision of these ordinances are hereby repealed.

The ordinances shall become effective upon publication by the City Clerk.

This ordinance shall be published by posting the same in five (5) public places within the City of St. Clair Shores and the Clerk is hereby ordered to post the same upon the bulletin boards in the Police Station, 27665 Jefferson Avenue; Fire Hall, 26700 Harper Avenue; City Hall, 27600 Jefferson Avenue; Library, 22500 11 Mile; and the Civic Center, 20000 Stephens.

We hereby certify that the foregoing ordinance is a true copy of an ordinance as enacted by the City Council on the 17th day of July, 2023, and that the necessary Charter provisions have been observed.

KIP C. WALBY, MAYOR

ABRIAL J. BARRETT, CITY CLERK

I, Abrial J. Barrett, City Clerk of the City of St. Clair Shores, hereby certify that the foregoing ordinance was published by posting true copies of the same in each of the following places: Police Station, 27665 Jefferson Avenue; Fire Hall, 26700 Harper Avenue; City Hall, 27600 Jefferson Avenue; Library, 22500 11 Mile; and the Civic Center, 20000 Stephens on the 18th day of July 2023.

ABRIAL J. BARRETT, CITY CLERK

Ayes: All-7

Mr. Caron requested that item 9 come before item 8.

9. ORDINANCE AMENDMENT TO SECTION 1-46 CIVIL FINE

Background Brief: The Macomb County Animal Control Chief raised this issue with the Animal Care and Welfare Committee that multiple civil infractions could no longer be charged as a misdemeanor. After researching the issue, it was discovered that the clause that existed prior to the recodification of the City codes and ordinances regarding multiple infractions had been removed. Enforcement authorities have used this provision in the past when issuing civil infractions has proven ineffective to drive compliance to an ordinance.

Previous Action: N/A

Economic Impact: N/A

Recommendation: Recommendation to reinstate the multiple civil infraction clause:

Multiple Violations: "The enforcement authority shall have the option to cause the issuance of a complaint and warrant for a misdemeanor violation of any ordinance set forth in Section 3 whenever the authority has determined that the violator had been convicted of violating the same provision or ordinance within the six (6) preceding months. In such circumstances, any violation of an ordinance described in Section 3 which occurs within six (6) months of a previous conviction of violation of the same provision or ordinance shall constitute a misdemeanor punishable by a fine up to five hundred dollars (\$500.00) or up to ninety (90) days in jail or both. (ord. eff. Aug. 11, 1992)"

Mr. Caron said this ordinance amendment will make pet owners more accountable for multiple violations beyond paying fines.

Ms. Rusie said there is redundancy in the amendment as it is presented right now but she agrees with escalating the severity of multiple violations.

Mr. Rubello asked if there need to be any corrections made right now.

Mr. Caron said to add the striking of the definition to the motion.

Mr. Rubello asked if this is like the Macomb County Animal Control best practices guideline.

Mr. Caron said this affects all civil infractions and it is not limited to infractions only involving animals.

Mr. Caron said he spoke with Ms. Pike and Police Chief Allen and they both agreed to bring back the penalties for multiple violations.

O-2023-007

Motion by Council Member Rubello, seconded by Council Member Caron to amend Chapter 1, Article II – Municipal Civil Infractions to reinstate "Multiple Violations" as recommended by the Animal Care and Welfare Committee and strike the definition section due to redundancy.

Ayes: All-7

8. ORDINANCE AMENDMENT TO SECTION 1-45 MUNICIPAL CIVIL INFRACTIONS

Background Brief: The Macomb County Animal Control Chief raised this issue with the Animal Care and Welfare Committee that animal abandonment within the City was considered a civil infraction. Upon review of the ordinances, the only part of the Animal Ordinance section that could be a misdemeanor is a violation of the Regulation of vicious dogs (sec 6-21).

The items listed above of Sec 6-14 Animal Care describe causing direct harm to animals on first offense whereas other items the section deal with potential neglect and may be handled as municipal civil infractions, but multiple infractions can be escalated to a misdemeanor.

Previous Action: N/A

Economic Impact: N/A

Item 8 continued

Recommendation: Recommendation to amend Sec 1-45 (17):

Current: Animal and Fowl Ordinance, chapter 6, all provisions except regulations pertaining to vicious dogs included in Section 6-22.

Proposed: Animal and Fowl Ordinance, chapter 6, all provisions except regulations pertaining to Sec 6-14 Animal Care (c), (d), (e), (f), (g) and Sec 6-21 Regulations of vicious dogs.

Mr. Caron spoke about a tragic case where Animal Control responded to a call about an abandoned dog and when they arrived it was emaciated to the point where they had to put the dog down. They found the person responsible, and they could only charge them with a civil infraction and not a misdemeanor because of how our ordinance is currently written. He said this amendment to the ordinance would fix that by adding 5 clauses about injuring animals that would allow the perpetrator to be charged with a misdemeanor on the first offense.

Mr. Rubello asked what is considered an unreasonable amount of time to have a dog on a tether as it is written in item "J" of the ordinance.

Mr. Caron said that clause is left vague so Animal Control can use their best judgment based on the breed of dog. A husky on a long tether with room to run around the backyard may be able to have a longer duration than what other breeds can handle.

Motion by Council Member Rubello, seconded by Council Member Rusie to amend Chapter 1, Article II – Municipal Civil Infractions to amend Sec 1-45 (17) as recommended by the Animal Care and Welfare Committee.

0-2023-007

THE CITY OF ST. CLAIR SHORES ORDAINS THAT CHAPTER 1 ARTICLE II (SECTION 1-43 DEFINITIONS, 1-45 MUNICIPAL CIVIL INFRACTIONS, ADDITION OF 1-48 MULTIPLE CIVIL INFRACTIONS)

Shall be amended to read as follows:

**ARTICLE II. - MUNICIPAL CIVIL INFRACTIONS
Sec. 1-43. - Definitions.**

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Authorized local official means a code enforcement officer, or other personnel of the city created under section 2 of Act No. 265 of the Public Acts of 1961, being MCL 46.352, legally authorized to issue municipal civil infraction citations.

Citation means a written complaint or notice to appear in court upon which an authorized local official records the occurrence or existence of 1 or more municipal civil infractions by the person cited.

~~*Municipal civil infraction determination* means a determination that a defendant is responsible for a municipal civil infraction by 1 of the following:~~

- ~~(1) An admission of responsibility for the municipal civil infraction.~~
- ~~(2) An admission of responsibility for the municipal civil infraction, "with explanation."~~
- ~~(3) A preponderance of the evidence at an informal hearing or formal hearing on the question under MCL 600.8719 or 600.8721.1, respectively.~~
- ~~(4) A default judgment for failing to appear as directed by a citation or other notice, at a scheduled appearance under MCL 600.8715(3)(b) or (4),² at an informal hearing under MCL 600.8719, or at a formal hearing under MCL 600.8721.~~

(Comp. Ords. 1988, § 11.151; Ord. eff. Aug. 11, 1992)

Sec. 1-45. - Municipal civil infractions.

Except as specified in section 1-48, it is hereby determined that the violation of any of the following provisions of this Code shall constitute a municipal civil infraction punishable by fines established by city council resolution:

- (1) Property Maintenance Code, article X, section 8, as to the following only:
 - a. Failure to obtain any permit.

Item 8 continued

- b. Failure to obtain any inspection.
- (2) Public Parks and Forestry Ordinance, as to the following only:
 - a. Article V, chapter 28, except for sections 28-147, 28-149, 28-155, 28-161 and 28-162.
 - b. Article II, chapter 28, Planting and Maintenance of Plant Life and Forestry.
 - c. Article XV, chapter 10, Licensing Requirements for Operation of Landscaping or Nursery businesses.
- (3) Second-hand Motor Vehicle Dealers Ordinance, article XXVI, chapter 10.
- (4) Used Vehicles Dealers; Licensing Ordinance, article XXXV, chapter 10.
- (5) Trailer Rental Ordinance, Article CCCIV, chapter 10.
- (6) Building Code, chapter 8, as to the following only:
 - a. Failure to obtain any permit.
 - b. Failure to obtain any inspection.
- (7) Soil Erosion and Sedimentation Control Ordinance, article II, chapter 14.
- (8) Plumbing Code, division 3, article III, chapter 8, as to the following only:
 - a. Failure to obtain any permit.
 - b. Failure to obtain any inspection.
 - c. Failure to obtain a city license.
- (9) Electrical Code, division 3, article II, chapter 8, as to the following only:
 - a. Failure to obtain any permit.
 - b. Failure to obtain any inspection.
 - c. Failure to obtain a city license.
- (10) Mechanical Code, division 2, article III, chapter 8, as to the following only:
 - a. Failure to obtain any permit.
 - b. Failure to obtain any inspection.
 - c. Failure to obtain a city license.
- (11) Sewer Use and Rate Ordinance, article II, chapter 42.
- (12) Water Ordinance, article I, chapter 44.
- (13) Streets, Sidewalks and Public Ways Ordinance, chapter 36.
- (14) Pipes, Conduits and Culverts Ordinance, article IX, chapter 8.
- (15) Snow Removal Equipment Ordinance, article III, chapter 26.
- (16) Nuisances Ordinance as it pertains to the following provisions:
 - a. Section 24-1, General Public Nuisances.
 - b. Section 24-2, Smoke Prohibited.
 - c. Section 24-3, Noises Prohibited; Exceptions.
 - d. Section 24-4, Garbage and Refuse, Littering in Streets.
 - e. Section 24-5, Handbills, Posters, etc.; Distributing, etc., Prohibited.
 - f. Section 24-6, Radio and Television; Transmission and Reception, Interference Prohibited, Exception.
 - g. Section 24-7, Drainage of Lots, Lands, Excavations, Cellars, Vaults, etc.
 - h. Section 24-8, Posting Prohibited, Exceptions.
 - i. Section 24-9, Garbage and Sewage Installations Prohibited.
 - j. Section 24-13, Prohibition of Pollutions of Waters.
 - k. Section 24-14, Unlawful Dumping of Debris, etc.
 - l. Section 24-16, Removal Wrecked Vehicle from Highway.
 - m. Section 24-17, Aiding or Abetting Violations Ordinance.
 - n. Section 24-18, Regulation of Parking of Motor Vehicles Beyond Reasonable Repair, and Removal and Disposition Thereof.
 - o. Section 24-19, Ordinance Regulating Business Establishment Parking Areas Within the City of St. Clair Shores.
- (17) Animal and Fowl Ordinance, chapter 6, ~~all provisions except regulations pertaining to vicious dogs included in Section 6-22.~~ all provisions except regulations pertaining to Sec 6-14 Animal Care (c), (d), (e), (f), (g) and Sec 6-21 Regulations of vicious dogs.
- (18) Rat-Proofing Business Buildings, article II, chapter 20.
- (19) Rat-Proofing Residential Buildings, article III, chapter 20.
- (20) Fumigators Ordinance, article XII, chapter 10.
- (21) Refuse Storage and Collection Regulations Ordinance, chapter 32.
- (22) Private Parks Ordinance, article IV, chapter 28, except for Sections 28-86, 28-88 and 28-94.
- (23) Parking of Vehicles on Residential Lots Ordinance, article VI, chapter 40.
- (24) Licenses Ordinance, article I, chapter 10.
- (25) Library Books Ordinance, Section 26-19
- (26) Amusement Devices, article VI, chapter 10.
- (27) Sign lighting and display, chapter 30.

Item 8 continued

(28) Graffiti, article II, chapter 24.

(Comp. Ords. 1988, § 11.153; Ord. eff. Aug. 11, 1992; amend. eff. July 18, 2002)

Sec 1-48 - Multiple violations

The enforcement authority shall have the option to cause the issuance of a complaint and warrant for a misdemeanor violation of any ordinance set forth in Section 1-45 whenever the authority has determined that the violator had been convicted of violating the same provision or ordinance within the six (6) preceding months. In such circumstances, any violation of an ordinance described in Section 1-45 which occurs within six (6) months of a previous conviction of a violation of the same provision or ordinance shall constitute a misdemeanor punishable by a fine up to five hundred dollars (\$500.00) or up to ninety (90) days in jail or both.

Any ordinance or parts of any ordinance in conflict with any provision of these ordinances are hereby repealed.

The ordinances shall become effective upon publication by the City Clerk.

This ordinance shall be published by posting the same in five (5) public places within the City of St. Clair Shores and the Clerk is hereby ordered to post the same upon the bulletin boards in the Police Station, 27665 Jefferson Avenue; Fire Hall, 26700 Harper Avenue; City Hall, 27600 Jefferson Avenue; Library, 22500 11 Mile; and the Civic Center, 20000 Stephens.

We hereby certify that the foregoing ordinance is a true copy of an ordinance as enacted by the City Council on the 17th day of July, 2023, and that the necessary Charter provisions have been observed.

KIP C. WALBY, MAYOR

ABRIAL J. BARRETT, CITY CLERK

I, Abrial J. Barrett, City Clerk of the City of St. Clair Shores, hereby certify that the foregoing ordinance was published by posting true copies of the same in each of the following places: Police Station, 27665 Jefferson Avenue; Fire Hall, 26700 Harper Avenue; City Hall, 27600 Jefferson Avenue; Library, 22500 11 Mile; and the Civic Center, 20000 Stephens on the 19th day of July 2023.

ABRIAL J. BARRETT, CITY CLERK

Ayes: All-7

10. REQUEST TO AUTHORIZE ARPA FUNDING FOR THE POLICE AND FIRE DEPARTMENT AND PROCEED WITH INTERVIEWS FOR THE CONSTRUCTION MANAGER

Background Brief: During the June 12, 2023, Council Work Study meeting, the Council was provided with updates by our two architectural firms (PIA for Police & A3C for Fire) regarding where we currently are in the projects and our firms were seeking feedback on how to proceed. After a thorough discussion, Council directed Manager Lent to review the City's ARPA funding and additional funding sources to recommend how to proceed financially. Enclosed in your packet is an updated Project List that includes the recommended dollar amounts that could be authorized for each project, while maintaining a healthy unassigned General Fund - Fund Balance.

Additionally, our architectural firms informed the Council about the opportunity to utilize a construction manager at risk to move the projects forward. A Construction Manager at Risk (CMAR) is a delivery method that entails a commitment by the Construction Manager (CM) to deliver the project within a Guaranteed Maximum Price (GMP) which is based on the construction documents and specifications at the time of the GMP plus any reasonably inferred items or tasks. Based on this information, there appeared to be a consensus among the Council to explore this option further and for staff to bring back a formal recommendation.

Previous Action: June 12, 2023 Council Work Study presentations and discussion.

Economic Impact: Outlined in the enclosed Project List document.

Recommendation: It is the staff's recommendation to authorize:

- \$9,750,000 of ARPA funding for the Police Station construction project
- \$615,000 of ARPA for Police Station Architectural Services

Item 10 continued

- \$7,000,000, of which \$5,000,000 of ARPA funding and \$1,000,000 from General Fund Balance and \$500,000 from FY 2025 and \$500,000 from FY 2026 for Fire Station construction project
- \$650,000 of ARPA for Fire Station Architectural Services
- and proceed with interviews for a Construction Manager at Risk.

Ms. Rusie asked if the golf course parking lot was removed from the list of ARPA funding.

Mr. Lent said the golf course parking lot will have to be funded in another fashion.

Ms. Rusie suggested exploring grants to fund the parking lot.

Mr. Vitale recommended having a meeting about using cost-efficient methods for the construction of the fire station.

Mr. Caron said it was stressful allocating money and thanked Mr. Lent for his hard work.

Mr. Accica said concept 8 is a good plan for the police station and he is happy we can start on the central fire station now. He said we will figure out what to do about the other 2 fire stations later.

Ms. Rusie said she wants to make sure the allocation of money is not tied to the central fire station.

Mr. Walby said it is tied to concept 8 for the police station but it is not tied to the central fire station.

Mr. Frederick said this motion ties to the hiring of a Construction Manager at Risk.

Motion by Council Member Accica, seconded by Council Member Caron to authorize staff/architectural firms to proceed with interviews for a Construction Manager at Risk for a new police station not to exceed \$10,500,000 and fire station not to exceed \$7,000,000. Funds are allocated from \$9,750,000 of ARPA funding for a new police station, \$615,000 of ARPA for police station architectural services, \$5,000,000 of ARPA funding, \$1,000,000 from fund balance and \$500,000 from both FY 2025 & 2026 budget year, for fire station, \$650,000 of ARPA for fire station architectural services.

Ayes: All-7

11. BIDS/CONTRACTS/PURCHASE ORDERS**a. REQUEST APPROVAL TO AWARD THE BID FOR CONSTRUCTION OF REPLACEMENT OF THE PUMP HOUSE AT THE MUNICIPAL POOL****i. Request approval of the Pool Pump and Equipment**

Background Brief: Antiquated equipment in the pool pump house has, in the recent past, caused the pool to be closed for weeks at a time. Replacing the equipment is necessary to ensuring the pool is available for residents. The proposed state-of-the-art equipment must be contained within a larger pump house structure. Partners in Architect (PIA) was hired to craft a master plan for the municipal pool, starting with a replacement pump house. Construction documents were posted on Bidnet on April 18, 2023. A pre-bid walk through was held on April 25, 2023 and bids were opened on May 8, 2023. Three contractors bid on the job. The two lowest bidders were interviewed by a representative of PIA along with staff. In order to reduce the overall cost of the project, staff are recommending working with two of our current vendors, B&B pools for the pool equipment and Janssen Refrigeration for the HVAC and pool heater. In order to make sure the project is completed on time, many of these items have a 6-8month lead time.

A recommendation letter, along with bid responses for the two lowest bidders, is attached. In addition to increasing efficiency and reliability of the equipment and creating a safer working environment for staff, replacement of the pool pump house will correct an EGLE violation for illicit discharge of chlorinated water into the canal. It is important to note that replacing the pump house will trigger a 24 month clock to address code violations within the bathhouse.

Previous Action: Council hired Partners in Architecture to craft a master plan for the municipal pool at Lac Ste. Clair Park and provided input on renderings for the pump house.

Economic Impact: The economic impact of replacing the pump equipment is \$408,000 from B&B pools. A 5% contingency would add an additional \$20,400 for a total project amount of \$432,000.

Item 11a/i continued

Recommendation: I recommend awarding the replacement of the pool pump house equipment and install to B&B Pool Service & Supply in the amount of \$408,000 plus a 5% contingency for a total of \$432,000.

Mr. Caron said we are making a major investment with almost \$3 million going into the pool over 2 years.

Mr. Harms said the City Manager, Council, and Mayor have all been very supportive and there haven't been any delays because of them.

Mr. Caron said this is a major investment in the pool to keep it available to the residents for many years.

Motion by Council Member Caron, seconded by Council Member Frederick to award the pool pump house equipment and install to B&B Pool Service & Supply in the amount of \$408,000 plus a 5% contingency for a total of \$432,000.

Ayes: All-7

ii. Request approval of the Boiler and HVAC

Background Brief: Antiquated equipment in the pool pump house has, in the recent past, caused the pool to be closed for weeks at a time. Replacing the equipment is necessary to ensuring the pool is available for residents. The proposed state-of-the-art equipment must be contained within a larger pump house structure. Partners in Architect (PIA) was hired to craft a master plan for the municipal pool, starting with a replacement pump house. Construction documents were posted on Bidnet on April 18, 2023. A pre-bid walk through was held on April 25, 2023 and bids were opened on May 8, 2023. Three contractors bid on the job. The two lowest bidders were interviewed by a representative of PIA along with staff. In order to reduce the overall cost of the project, staff are recommending working with two of our current vendors, B&B pools for the pool equipment and Janssen Refrigeration for the HVAC and pool heater. In order to make sure the project is completed on time, many of these items have a 6-8 month lead time.

A recommendation letter, along with bid responses for the two lowest bidders, is attached. In addition to increasing efficiency and reliability of the equipment and creating a safer working environment for staff, replacement of the pool pump house will correct an EGLE violation for illicit discharge of chlorinated water into the canal. It is important to note that replacing the pump house will trigger a 24-month clock to address code violations within the bathhouse.

Previous Action: Council hired Partners in Architecture to craft a master plan for the municipal pool at Lac Ste. Clair Park and provided input on renderings for the pump house.

Economic Impact: The economic impact of installing 2 pool heaters and a new ventilation system per plan is \$147,300 from Janssen Refrigeration CO. A 5% contingency would add an additional \$7,365 for a total project amount of \$154,665.

Recommendation: I recommend awarding the installation of 2 pool heaters and a new ventilation system per plan to Janssen Refrigeration CO for a cost of \$147,300. A 5% contingency would add an additional \$7,365 for a total project amount of \$154,665.

Motion by Council Member Caron, seconded by Council Member Accica to award the installation of 2 pool heaters and a new ventilation system per plan to Janssen Refrigeration CO for a cost of \$147,300. A 5% contingency would add an additional \$7,365 for a total project amount of \$154,665.

Ayes: All-7

iii. Request approval of the Building and Construction Manager

Mr. Lent said this item has been removed because they are trying to save cost and amend the bid. He said the original 3 bidders are the only ones who will have the opportunity to amend their cost and then it will be brought before Council.

Mr. Walby said we had an issue with a filter for the pool on Friday.

Mr. Caron asked if Advanced Pools is doing the repair.

Item a/iii continued

Mr. Harms said yes, Advanced Pools was the only company that had any filters in stock. Mr. Harms added that they received State approval for the new pump house.

Mr. Rubello asked what the strategy is for accumulating spare parts for the pool.

Mr. Harms said spare parts are on backorder.

Mr. Walby said parts take up a lot of room to store and are expensive so we cannot keep spare parts for everything.

b. MUELLER SYSTEMS – WATER METERS / AUTOMATIC METER READING MTU’S: REQUEST TO APPROVE DPW WATER & SEWER REPAIR SUPPLIES CONTRACT & BLANKET PURCHASE ORDER

Background Brief: On May 16, 2023, the City of St. Clair Shores received proposals for the 2023-2024 Sewer and Water Repair Supplies and Water Meters Contract. The contract consisted of a list of the most used repair materials by the Water and Sewer Departments. The contract shall remain valid until June 30, 2024. The project was advertised in the Macomb Daily Newspaper as well as the Michigan Inter-Governmental Trade Network (MITN) website. The notice was sent through the MITN website, and 5 bids were submitted.

Previous Action: This item was tabled during the June 5, 2023 City Council meeting for further discussion.

Economic Impact: Costs associated with this contract will be funded from the FY 23-24 Water, Sanitary, and Storm Sewer Department budgets.

Recommendation: It is our recommendation to award the purchase of Water Meters and Automatic Meter Reading MTU’s to the lowest bidder as follows:

1. **Mueller Systems – Water Meters / Automatic Meter Reading MTU’s**
 Water Dept \$100,000 591-540-930.080

Mr. Babcock said they are having reliability issues because 3 of the 6 antennas for the automatic meter reading are down. Mueller Systems is coming out tomorrow to see if they can fix 2 antennas which will improve the signal from the meters to the computers at City Hall.

Mr. Vitale asked if they are having software or hardware issues.

Mr. Babcock said he doesn’t know yet but hopes to find out tomorrow.

Mr. Caron asked if 600 MTUs will be sufficient for the number of replacements that need to be done.

Mr. Babcock said an order of 600 is what is usually placed but he will not know how many MTUs need to be replaced until they can figure out what is wrong with the antennas.

Mr. Caron asked if the City still has houses with meter pits.

Mr. Babcock said we still have meter pits in the City but we are replacing meter pits during water main projects and lead line replacements.

Mr. Caron said he does not want to have a supply chain issue by not ordering enough meters and MTUs.

Mr. Rubello asked how long the water meters last.

Mr. Babcock said he expects 10-20 years out of the new technology. He said the new technology uses cellular networks instead of antennas and this new technology can be phased in with the older meters.

Ms. Rusie asked what is being done about the residents who are receiving estimated water bills because their meter is not sending the signal properly.

Mr. Babcock said the number of estimated water bills should drop significantly when the antennas are fixed.

Item 11b continued

Ms. Rusie asked if the residents would start receiving actual bills and receive credits if they were being overcharged by the estimated bills.

Mr. Babcock said they will be receiving actual bills once the issue is fixed.

Ms. Rusie asked how residents will be notified if access to their house is needed to fix the issue.

Mr. Babcock said we have been mailing letters to notify residents. Mr. Babcock said the SLC Meter Company is a contractor doing replacements inside residents' homes as well.

Motion by Council Member Frederick, seconded by Council Member Caron to award the 2023-2024 contract and blanket purchase order for the purchase of water meters and automatic meter reading MTU's to Mueller Systems in the amount of \$100,000.

Ayes: All-7

c. REQUEST APPROVAL TO AWARD ST. CLAIR SHORES DPW PARKING LOT RECONSTRUCTION PROJECT

Background Brief: The DPW parking lot is in disrepair and due for a full reconstruction with storm drainage improvements. Three bids were opened on June 27th with the low bidder being Metropolitan Concrete out of Sterling Heights. AEW reached out to Macomb County and Sterling Heights and verified the overall performance of the contractor. The references described the contractor as easy to work with, and said the contractor completed the projects on time and within budget.

Previous Action: N/A

Economic Impact: The budget for this project is \$750,000 and the low bid is \$552,962.

Recommendation: It is recommended that the project be awarded to Metropolitan Concrete with a total bid amount of \$552,962 with a 10% contingency for unknown conditions.

Mr. Caron asked how often heavy equipment will be driving in the parking lot.

Mr. Babcock said 2-3 times per year a company will haul the pile of woodchips and burn them in a powerplant to create electricity.

Mr. Caron said the funding for the parking lot is coming primarily from the water, sewer, sanitary, and street funds.

Mr. Frederick said the parking lot is in even worse shape than what the picture is showing. He asked how Official Towing is going to use the tow yard which shares the parking lot.

Mr. Babcock said they are looking at using a temporary entrance through the Civic Arena parking lot to get to the tow yard.

Motion by Council Member Frederick, seconded by Accica to award the St. Clair Shores DPW Parking Lot Reconstruction to Metropolitan Concrete in the amount of \$552,962 with a 10% contingency for a total amount of \$608,258.

Ayes: All-7

d. REQUEST APPROVAL TO AWARD 2023 SEWER REHABILITATION BY FULL LENGTH CIPP LINING PROJECT

Background Brief: The City is looking to continue rehabilitating our existing sanitary sewers utilizing full length CIPP lining. Bids for the project were received by the City Clerk on June 27th, 2023. The City received four bids with the low bidder being SAK Construction out of O'Fallon, Missouri. SAK Construction has successfully completed similar projects in Ann Arbor and Royal Oak, along with numerous projects across the country. They have the necessary equipment, experience, and personnel to perform this type of work.

Previous Action: N/A

Item 11d continued

Economic Impact: We budgeted \$600,000 for this project in account 590-530.980-462 for FY 2024, and the total bid amount is \$677,333, with an estimated \$119,000 in engineering fees.

Recommendation: It is recommended to approve a budget amendment to account 590-530.980-462 in the amount of \$196,333, and to award the contract for sanitary sewer rehabilitation to SAK Construction in the amount of \$677,333.

Mr. Accica asked Mr. Liebert if he was sure that everything is correct with SAK Construction's bid.

Mr. Liebert said everything was laid out correctly in their bid.

Mr. Frederick asked how we determine where to do the sewer rehab.

Mr. Liebert said he follows the CCTV program that identifies areas that need to be replaced.

Mr. Caron said to make sure the contractor is properly notifying residents when they need to get into their backyard.

Motion by Council Member Caron, seconded by Council Member Frederick to award the 2023 Sewer Rehabilitation by Full Length CIPP Project to SAK Construction in the amount of \$677,333 and to approve a budget amendment to account 590-530.980-462 in the amount of \$196,333 for a total project cost of \$796,333.

Ayes: 6
Nays: Accica

e. REQUEST APPROVAL TO AWARD THE NEW YORK WATER MAIN CONSTRUCTION PROJECT

Background Brief: New York Street between Joy and Deziel was originally approved as part of this year's road reconstruction and water main improvement projects. At the March 20th council meeting, the project was awarded for the amount of \$1,027,423.09, with the water main portion costing \$416,604.02. CDBG funding originally planned for this project was later reallocated and the project did not fit within our local streets budget. On May 30th, we put the project back out to bid for water main installation only and removed the strict CDBG requirements to bring the cost down. On June 27th, we opened two bids with the low bid submitted by Bidigare at a cost of \$305,762, approximately \$110,000 lower than the previous low bid. The city has worked with Bidigare on multiple projects for the city in previous years, including Rhode Island, Gordon Road, and the ongoing Pleasant/Ursuline project with positive results. Installing the water main loop will improve water pressure and quality in this area of the city. The street reconstruction portion of the project has been shelved for future construction.

Previous Action: The project was originally awarded at the March 20th Council meeting. Budget constraints and reallocation of funds required that we put the project back out to bid for water main installation only.

Economic Impact: The estimated construction cost was \$344,379 and the low bid was \$305,762.

Recommendation: It is recommended that this project be awarded to Bidigare Contractors in the amount of \$305,762 with a 10% contingency for unknown conditions.

Mr. Vitale asked if New York Street is in bad condition on the Clinton Township side.

Mr. Walby answered yes.

Mr. Vitale suggested we reach out to Clinton Township to see if they want their portion of New York Street replaced at the same time.

Mr. Rubello asked why we only received 2 bids.

Mr. Liebert said it is a relatively small project and contractors' calendars are filling up.

Motion by Council Member Rubello, seconded by Council Member Caron to award the New York Street Water Main installation to Bidigare Contractors in the amount of \$305,762 with a 10% contingency bringing the total cost to \$336,338.

Ayes: All-7

f. **REQUEST APPROVAL FOR LEASE RENEWAL USPS FOR 23165 CAVALIER**

Background Brief: The City leases 23165 Cavalier Drive to the U.S Postal Service. The approximately 9,500 square foot parcel is part of the parking area along Cavalier Drive and includes approximately 57 spaces. The current lease was signed in 2004 for five years with two automatic renewals. It expires on December 31 of this year. Jones Lang

LaSalle, the broker for the Postal Service, reached out to renegotiate the lease. After negotiation, the proposed lease is for five years and includes:

1. An annual rent payment of \$16,815, an increase of 45%
2. A requirement that the city pay the broker fee of 4% of the total rent to Jones Lang LaSalle. The amount of the commission is \$3,363.00.

The current and proposed lease are included for review.

Previous Action: The current lease was approved in 2004 with two automatic five-year renewals. It expires on December 31, 2023.

Economic Impact: The economic impact is that the City would receive a total of \$84,075 in total rent for the five years. However, the city would be required to pay the broker fee of \$3,363 or 4% of the total rent.

Recommendation: I recommend that the Council approve the lease for 23165 Cavalier Drive with the United States Postal Services for a five-year period beginning January 1, 2024 and ending December 31, 2028.

Mr. Vitale commented on alleviating parking issues by the Social District. He asked if the Post Office would consider a 3-year lease instead of 5.

Mr. Vitale said it would alleviate parking limitations during the Social District by using the lot where the Post Office is.

Ms. Pike said the administration felt strongly about not locking a lease in for more than 5 years. She said the Post Office wanted a 15-year lease.

Mr. Vitale asked if a 3-year lease is an option.

Ms. Pike said a 3-year lease is an option and she will go back to the broker with whatever Council decides.

Mr. Vitale said the Post Office may be able to change locations, so they are not in the middle of downtown.

Mr. Frederick asked if the lease is based on square-foot or per parking spot pricing.

Ms. Pike said it is priced based on square feet and it is significantly higher than what the negotiations started at.

Mr. Frederick asked whose responsibility it is to fix the parking lot.

Ms. Pike said it is the Post Office's responsibility to maintain and fix the parking lot.

Mr. Frederick asked if we could request the Postal Service to fix their parking lot.

Ms. Pike said she can talk to the broker about fixing their parking lot.

Mr. Frederick said we need to renegotiate and get Mr. Ihrie involved. He said he is in favor of tabling this item.

Mr. Accica said he likes having the Post Office in St. Clair Shores. He suggested asking the Post Office to park their vehicles in another lot overnight when we have the Social District events.

Mr. Caron said that is the Post Office's parking and the employees are usually gone by 6 p.m. The postal trucks are parking there overnight but that is on their property. Mr. Caron agreed that this item should be tabled.

Mr. Lent said there has been a lot of negotiation because they wanted a 15-year lease which is down to a 5-year lease, and we increased the rent by 45%.

Item 11f continued

Ms. Pike said their rent charge will come out to \$1.07 per square foot. Fisher Dynamics is paying approximately \$0.44 per square foot.

Mr. Walby said the issue is when the employees from the post office leave at the end of the day, the parking lot becomes vacant and no one else can use it.

Ms. Rusie said she likes the 5-year lease and the increased rent. She said she supports having Mr. Ihrle involved in the process to protect the city's interest.

Motion by Council Member Rubello, seconded by Council Member Caron to TABLE the lease for Cavalier Drive with the United States Postal Services for one five-year period beginning January 1, 2024, and ending December 31, 2028.

Ayes: All-7

g. REQUEST APPROVAL TO AWARD THE BID FOR THE ZERO TURN-CENTER MOUNTED, FIELD GROOMER

Background Brief: The piece of equipment is a zero turn-center mounted field groomer. Equipment has a variety of attachments to perform multiple tasks for the conditioning and grooming of infields, as well as landscape projects and maintenance. This piece of equipment is more efficient and provides better quality of the playing surfaces.

Previous Action: This is a new piece of equipment to the department and a new vendor.

Economic Impact: Item cost: \$30,999.00

Recommendation: The parks department is requesting council approval to purchase the ABI Force z23 zero turn-center mounted field groomer.

Ms. Rusie asked if the pricing is the same from the original bid from December.

Mr. Mehl said the pricing has increased to \$30,999 from \$28,496.

Ms. Rusie asked why this wasn't brought to Council sooner.

Mr. Lent said that allotment of the budget for the fiscal year had run out so we couldn't afford it.

Mr. Caron said we have an ordinance requirement that all bids are rejected after 90 days, and this bid came in 6 months ago.

Mr. Lent said this price increase is still lower than the second-lowest bid in January.

Mr. Caron asked if there would need to be a budget amendment.

Mr. Lent this item was budgeted in this year's budget meeting because we knew we couldn't purchase it last year.

Ms. Rusie said it was confusing because the original bid was under a different company's name.

Mr. Mehl said there was no ABI-certified dealer in Michigan at the time of the original bid but now there is, so ABI directed him to their new supplier in Michigan.

Ms. Rusie said the packet for this item was confusing to go through and she wished there was more clarification included.

Motion by Council Member Frederick, seconded by Council Member Accica to approve the waiver of the bid and purchase the ABI Force z23 zero turn-center mounted field groomer in the amount of \$30,999.00.

Ayes: 5

Nays: Rusie, Rubello

h. REQUEST APPROVAL TO AWARD THE 2023 COUNTRY CLUB DRIVE RESURFACING PROJECT (BID OPENED 5/23/2023)

Background Brief: Country Club Drive was approved as part of this year's road program and is being resurfaced with concrete base repairs. The project was bid out with the option to install sidewalks along Country Club Drive. Because the sidewalk construction would require earthwork and retaining walls on private property, the six condominium associations conducted a comprehensive survey of 492 Country Club Drive residents to gauge interest. Less than 50% of the responses were in favor of sidewalks so the Lakepointe Condominium Community has decided to opt out of the sidewalk installation.

Hennessey reached out to Pro-line, the low bidder, on the project schedule and Pro-line responded that there is availability in their schedule if they start the project in early August, then can be complete in early October. If the project is not awarded until the August meeting, they cannot commit to have the construction done this season because their end of year schedule is already full.

Previous Action: N/A

Economic Impact: The engineer's estimate for this project was \$1,364,440 in 2021 and the low bid came in at \$1,628,350. Administration budgeted \$1,888,710.

Recommendation: It is recommended that this project be awarded to Pro-Line Asphalt in the amount of \$1,628,350, with a 10% contingency to account for unknown conditions, bringing the total to \$1,791,185.

Mr. Walby said he apologizes for the last-minute agenda item, but this is time sensitive as we try to help our residents who live on Country Club Drive.

Ms. Pike said Hennessey Engineers, Mr. Liebert, and the HOA president walked the site and went over the HOA requirements for the association. She said she met with the involved associations again in May after we received the bids. The City cannot do the sidewalks without approval because some of the sidewalks are located on private property. The HOA voted and they decided to decline the sidewalks.

Mr. Caron said he thought the addition of sidewalks would be a good development for the condo associations, but we do not own their property. He said they received letters from all the presidents of the associations to decline the sidewalks. Mr. Caron added that the new road is desperately needed so he is glad that will be done.

Ms. Pike said it is an asphalt road with a concrete base.

Ms. Rusie asked Ms. Pike to make sure these last-minute documents are uploaded to the City's website for residents to look at.

Mr. Frederick asked if the condo association can put in their own sidewalks if they want.

Ms. Pike said there is very little right-of-way, but they can put their own sidewalks in.

Motion by Council Member Frederick, seconded by Council Member Caron to award the Country Club Drive Resurfacing project to Pro-Line Asphalt in the amount of \$1,628,350 with a 10% contingency.

Ayes: All-7

12. **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 – i as follows:

a. Bills

July 6, 2023

\$5,620,283.96

Item 12 continued

Resolved to approve the release of checks in the amount of \$5,620,283.96 for services rendered, of the report that is 43 pages in length, and of the grand total amount of \$5,620,283.96, \$0 went to other taxing authorities.

b. Fees

Shifman Fournier	\$240.00
Ihrie O'Brien	\$16,214.30

c. Progress Payments

Resolved that the following Progress Payments be approved as presented:

Advanced Pool Services	\$26,482.50
A3C Collaborative Architecture	\$23,758.13
A3C Collaborative Architecture	\$6,335.50
Pipetek Infrastructure Services, LLC	\$60,648.00
Mark Anthony Contracting	\$521,595.99
Mark Anthony Contracting	\$29,966.54
Mark Anthony Contracting	\$42,735.37

d. Approval of Minutes –

<u>Minutes</u>	<u>Meeting Date</u>
Council	May 15, 2023
Council	June 5, 2023
Council Workshop	June 12, 2023
Council	June 19, 2023

e. Receive & File Boards, Commissions & Committee Minutes

Resolved that the following minutes be received and filed:

<u>Minutes</u>	<u>Meeting Date</u>
Animal Ordinance Committee	December 2, 2022
Brownfield Redevelopment Authority	March 16, 2023
Community Garden Committee	May 3, 2023
Council Sub-Committee	March 28, 2023
Cultural Committee	April 12, 2023
Downtown Development Authority	May 10, 2023
General Employee Pension Board	April 18, 2023
Library Board	May 18, 2023
Mechanical Equipment Arbitration Committee	June 5, 2023
Police & Fire Civil Service Commission	January 31, 2023
Police & Fire Health Care Trust	February 23, 2023
Police & Fire Health Care Trust	March 30, 2023
Police & Fire Health Care Trust	April 27, 2023
Police & Fire Pension Board	January 26, 2023
Police & Fire Pension Board	February 23, 2023
Police & Fire Pension Board	March 30, 2023
Police & Fire Pension Board	April 27, 2023
Senior Advisory Committee	May 18, 2023
Sign Arbitration Board	May 25, 2023
Tax Increment Finance Authority	March 16, 2023
Waterfront Environmental Committee	March 21, 2023
Waterfront Environmental Committee	April 18, 2023

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>
Amy Florek	Cool City Committee

Item 12 continued

Mariella Micu	Cool City Committee
Kimberly Craig	Cool City Committee
Chase Denman	Communications Commission
Maya Meheidi	Dog Park Committee

2. Recommendation to Mayor to appoint the following:

<u>Name</u>	<u>Commission</u>	<u>Term End Date</u>
John Cilluffo	Cool City Committee	May 6, 2024

3. Recommendation to Mayor to reappoint the following:

<u>Name</u>	<u>Commission</u>	<u>Term End Date</u>
Robert Knapp	Cultural Committee	June 1, 2026
Mary Bricolas	DDA	June 1, 2027

4. Recommendation to Mayor and Council to appoint Cool City Committee Alternate Members Renae Klimowicz as Regular Member to fill the vacant seat of Mariella Micu with a term ending September 30, 2023, and Matthew Wisotsky as Regular Member to fill the vacant seat of Amy Florek with a term ending September 30, 2024

- g. Request for approval of resolution of support for Michigan Coastal Management Program Creating a Culture of Resilience Capacity Building 2023 Grant Fund Opportunity**
- h. Request approval of the Investment Policy**
- i. Receive and file Purchase Agreement for Land Sale of Parcel 09-14-02-476-017**

Ayes: All-7

13. UPDATES AND FOLLOW-UPS FROM PRIOR COUNCIL MEETING

- Ms. Rusie asked for the terms to be defined in the glossary, the numbering to be corrected in the investment policy (16.0), and asked that it is revised to include an explanation that the Finance Director reviews it yearly, subject to Council approval, along with more details of the process. **That is in the consent agreement that was passed out tonight.**
- Mr. Vitale asked what the cost is to add the historical newspaper searching software to the library. **Refer to Rosemary Orlando's Email from 6/27/23.**
- Mr. Caron asked what the escalation process is when it is noticed that the landscaping at the parks has not been watered in a couple of days. **The irrigation contractor is notified there is a potential problem with the system. Normally the contractor comes out the next day to check the system. If a contractor cannot come out the next day one of the park employees will manually turn the system on and make sure the clocks are showing proper times and the findings are shared with the contractor. If the system will not turn on, the park's supervisor will contact the contractor.**
- Mr. Vitale asked when the work will be completed on the sinkhole at 21209 Francis St. **The sinkhole has been repaired but the site needs to be restored and the fence replaced.**
- Ms. Rusie mentioned the Bird scooter company is poorly placing the scooters throughout the City, they are often placed on the right of way and on grass. **The City Manager's Office has been in contact with the Bird account representative.**
- Mr. Vitale asked what the penalty charge is for the user when they leave Bird scooters in bad areas like the right of way, grass, etc. **Per Bird: Riders are allowed to park their scooters where they would like due to their dockless system. They do their best to educate riders instead of penalizing them. All riders are required to go through a tutorial when signing up for the app including how to park properly and where to leave the vehicles. For an added layer of accountability, riders take a photo of their vehicle when they arrive. In cases of an area where riders are not allowed to park, riders will not be able to end their ride and will continue to be charged.**

Item 13 continued

- Mr. Frederick asked how long they have to relocate scooters that are parked incorrectly. **The company shall respond to reports of improperly parked scooters for more than 72 hours.**
- Mr. Walby asked if we have steering wheel locks available for residents at the Police Station. **Our first supply of 50 steering wheel locks were handed out to residents on first-come first-serve basis at the Police Department's front desk. The Police Department are purchasing an additional supply and will notify the public when the locks are available.**
- Mr. Vitale asked if JCI is meeting the efficiency metrics. **We cannot verify the current efficiency metrics. In the fall of 2020, the previous administration cancelled the measurements and verification contract. This is common as communities see that the project is delivering the results promised. The measurements and verification contract were cancelled to avoid paying the service fee needed to take the measurements and make the report.**
- Mr. Vitale asked about the unfinished boarded-up building at the Southeast corner of Gaukler and Mack that has taken over a year and asked for the ordinance to be reviewed and for the owner to be given a ticket for using plywood on the outside of the building. **Reviewing section 48-560 of the zoning ordinance with the attorney, that section calls out acceptable and unacceptable materials, but it does not call out plywood specifically.**
- Mr. Vitale asked for Dollar General to be visited because they have the carts out again. **Our new code enforcement supervisor has inspected Dollar General daily.**
- Mr. Accica mentioned there is a dying tree at 20841 Ardmore Park and asked if it can be looked at. **The tree is in decline and has been added to the tree removal list.**
- Mr. Rubello asked if blinking lights can be added at Blossom Heath when coming North from the South end. **DPW will review the proposed blinking lights with CDI and the Police Department.**
- Mr. Rubello mentioned there have been a lot of traffic incidents at 9 Mile and Mack and would like this to be investigated. **There have been 18 total traffic collisions. There were 5 angles, 3 side swipes, 8 head on, and 2 rear end collisions.**
- Mr. Rubello asked if there are more Bird scooters in the City than last year. **In 2022, the average number of scooters deployed hovered around 110. As of June 2023, we are hovering just over 100 scooters.**
- Mr. Rubello mentioned there is a light pole on Little Mack and Frazho that is falling. **The light pole appears to have been hit by a vehicle and is now leaning towards the road. We reported this to DTE that is their pole and we have not heard back from DTE.**
- Ms. Rusie requested that a policy be created for Proclamations to help with consistency. **City Attorney is reviewing.**
- Ms. Rusie asked for staff to look into grants for the Golf Course. **This is in the process with the Recreation Department.**
- Mr. Caron asked for more information on the 42-inch pool slide height limit. **Refer to email from Jason Harms from 6/23.**
- Mr. Caron asked about the financial reports for the Parks and Rec fund. He mentioned it is in a deficit and asked if there is any problem with ending the FY in a deficit because he thought it had to be balanced. **We are working with auditors. Council did do a budget amendment and transferred \$1 million over from the General Fund.**
- Mr. Caron mentioned there was a mess left after stump grinding was done at 10 Mile and Jefferson and other areas throughout the city. The tree grates need to be put back in place. **Refer to email from 6/20/2023.**
- Mr. Caron asked if the tree removal company does lawn restoration or if that will be done separately. The contract listed they would use seed when we usually use sod. **Site restorations are reviewed after tree removals are complete.**

Item 13 continued

- Mr. Frederick asked if the lawn and snow program for seniors has been eliminated. **Refer to Ms. Koto's email forwarded. The program has not been eliminated. However, the \$8,000 allocated to the program may not cover all the existing residents who have historically been a part of the program. We were able to reallocate unused funds from the Senior Center so that no senior will be cut from the program for this fiscal year.**
- Mr. Frederick mentioned there have been a lot of traffic accidents at 9 Mile and Pallister and asked for information on the number of accidents that have been reported there. **There have been 11 reported crashes from 1/22 to current.**
- Resident Aimee Lincoln - Felt there was a lack of communication on when the work was going to be done and when the cars needed to be moved for the sidewalk program. **Ms. Lincoln voiced her concerns to the sidewalk inspector from Hennessey Engineering and answered her questions prior to the Council Meeting.**
- Resident James Carrigan – Has a problem with the neighbor's privacy fence being taller than the City Ordinance allows. **We met with Mr. Carrigan and the fence is over height so the neighbor will need to go through fence arbitration.**
- Resident Lawanda Turner – Has an issue with complaints about one of her rental properties not having a permit and complained about CDI. **Ms. Turner has 2 properties in the city, and one has a Principal Residence Exemption (PRE), the other does not. Homes without a PRE are flagged as non-owner occupied under the ordinance, and letters are sent about the need for registration and inspections are issued. She said this is her second home, but we have a Q alert for the property that is listed for rent. Ms. Turner said she was just testing the market so we reached out to her and will report when we hear back.**

14. COMMENTS BY INDIVIDUAL COUNCIL MEMBERS

Mr. Accica has no comments tonight.

Mr. Rubello thanked the police for apprehending Mr. Trice. Mr. Rubello suggested getting the representative from Bird Scooters back to hear about issues that are happening. He said the canal at 10 Mile Beach Canal dredging has stalled. He said that it was sad that the water tower was taken down today.

Ms. Rusie gave updates on upcoming events for the Cultural Committee.

Mr. Caron thanked the police and gave them compliments on how they handled the high-pressure situation. He gave updates on events going on at the City's parks. Mr. Caron said Mr. Liebert is going to reach back out to the county about traffic signal data.

Mr. Frederick said Emil Pasquale passed away on July 4th who was a great contributor to the community and a part-time employee at the golf course. He asked Mr. Lent to look into the construction of the new Amazon Fresh. Mr. Frederick said the Miss St. Clair Shores Pageant has been rescheduled to November. He talked about the Optimist Club Golf Outing and thanked Dave Rozema for signing balls and the businesses who sponsored holes.

Mr. Vitale spoke about the heroic job the St. Clair Shore's Police did apprehending Mr. Trice. Mr. Vitale said Wild Bill's looks a lot better with their new landscaping.

15. CITY MANAGER'S REPORT

The 9 Mile boat launch will be closing on August 1, 2023, due to construction.

16. AUDIENCE PARTICIPATION

Bryan Owens, a St. Clair Shores resident, spoke against the water tower coming down.

Karen Olechiw, a St. Clair Shores resident, spoke about the pool being closed and wants the Post Office to stay in St. Clair Shores.

Donna Kalis, a St. Clair Shores resident, spoke against the water tower coming down.

17. MAYOR'S COMMENTS - None

18. REQUEST TO MEET IN CLOSED SESSION AS PERMITTED BY STATE STATUE MCLA 15.268, SECTION 8 (E)

Motion by Council Member Caron, seconded by Council Member Frederick to enter into closed session as permitted by State Statue MCLA 15.268, Section 8 (e) at 10:31 p.m.

Roll call vote:

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

Nays: None

Motion by Council Member Frederick, seconded by Council Member Accica to return to open session at 10:55 p.m.

Ayes: All-7

19. ADJOURNMENT

Moved by Council Member Caron, supported by Council Member Frederick to adjourn at 10:55 p.m.

Ayes: All-7

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).