

**MINUTES  
ST. CLAIR SHORES CITY COUNCIL MEETING  
AUGUST 21, 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: Assistant City Manager Michael Greene, City Clerk Abby Barrett, Director Nick Dushaj, Director Renae Warnke, Assistant Director Rob Spinazzola, Deputy City Clerk Amy Anikewich, City Engineer Chris Liebert, Fire Chief James Piper, Police Chief Jason Allen, Manager Jason Harms, and City Attorney Robert Ihrle

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

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

**2. PROCLAMATIONS & PRESENTATIONS**

**a. SHOREWOOD KIWANIS HARPER CARE CRUISE – AUGUST 30, 2023**

Dr. Carl Papa and members of the Shorewood Kiwanis announced the Charity Car Cruise on August 30, 2023. They also announced the 2023 charity partners and cruise sponsors as well as presented the 2023 t-shirt design.

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

Steve Taflinger, a St. Clair Shores resident spoke on item #4  
John Mabley, a St. Clair Shores resident spoke on item #4  
John Hoben, a St. Clair Shores resident and President of Windwood Pointe Condominiums spoke on item #4  
Dave Maynard, a St. Clair Shores resident spoke on item #4  
William Gilbridge Jr., Attorney for Windwood Pointe Condominiums spoke on item #4  
Katie Maynard, a St. Clair Shores resident spoke on item #4  
Emily Maynard, a St. Clair Shores resident spoke on item #4  
Nick Kyprianides, a St. Clair Shores property owner spoke on item #4  
Rick Zaremski, a St. Clair Shores resident spoke on item #4  
Paula Zaremski, a St. Clair Shores resident spoke on item #4  
Bridget Zukas, a St. Clair Shores resident spoke on item #4  
Karen Crouchman, a St. Clair Shores resident spoke on item #4  
Aaron Zaremski, a St. Clair Shores resident spoke on item #4  
Earl Hawkins, a St. Clair Shores resident spoke on item #4  
Mike Lucido, a St. Clair Shores resident spoke on item #4  
Hubert Bowle, a St. Clair Shores resident spoke on item #4  
Sara Phillips, a St. Clair Shores resident spoke on item #4  
David Turner, a St. Clair Shores resident spoke on item #4

**4. PLANNING CASE PPC220015-24101 JEFFERSON - REQUEST FOR SPECIAL LAND USE AND SITE PLAN APPROVAL FOR A 40-UNIT, FIVE-STORY MULTI-FAMILY COMPLEX WITH A POOL, ROOFTOP COMMON AREA, INDOOR AND OUTDOOR FITNESS/YOGA CENTER, BARBECUE, AND A FIRE PIT, REPRESENTED BY RANI SHEENA, JEFFERSON PLAZA LLC**

**a. REQUEST APPROVAL OF SPECIAL LAND USE TO EXCEED TWO STORIES FOR A MULTIPLE-UNIT RESIDENTIAL BUILDING IN THE CENTRAL LAKEFRONT DISTRICT**

**Background Brief:** In June 2022, the petitioner appeared before the Planning Commission to request Special Land Use and Site Plan Approval; however, a full board was not present. The petitioner opted to appear at the next regularly scheduled meeting when a full board would more likely be present. In July 2022, the petitioner obtained a recommendation for Special Land Use Approval for a development at 24101 Jefferson. The recommendation was to allow a development in excess of two stories within the Central Lakefront Development District. At the time, the plans proposed a 46-unit multi-family complex within a 4.5-story building. The site plan was tabled at the same meeting, and the petitioner was directed to make changes to the plans to better comply with the zoning ordinance. Though the site plan was tabled in July 2022, the Special Land Use Approval remained valid for one year. The petitioner revised the plans and returned in early 2023 for site plan approval. Neighbors within 500 feet of the parcel were notified of the Item 2022 Special Land Use Approval meeting and the 2023 Site Plan Approval meeting. The Planning Commission recommended approval of the Site Plan.

**Item 4a Continued**

On March 22, 2023, the case was brought before the City Council for consideration. The City Council tabled the Request for Special Land Use and the Request for Site Plan Approval and requested the petitioner provide additional and more clarifying information. In the months following the March 22, 2023 City Council meeting, the city's engineering consultant, Fishbeck, reviewed the original traffic study, the petitioner conducted a new traffic study with a different company, and an environmental study of the property was completed.

Also, in the months following the City Council meeting, the city has received 6 public comment emails, all from the same resident. No other public comment has been received.

**Previous Action:** The Planning Commission recommended approval of the Special Land Use for a development in excess of 2 stories. The City Council tabled the request for Special Land Use in March 2023.

**Economic Impact:** N/A

**Recommendation:** Staff recommends approval of the Special Land Use for a development in excess of 2 stories.

Director of Community Development, Denise Pike gave an overview of the item.

Mr. Frederick said this is the second time this has been in front of Council and one of the things we have not seen is the actual presentation by the petitioner. He noted that we got caught up with the traffic study last time even though the correct study was submitted. He said what he would like to do before any other problems are brought up that have nothing to do with the plan, is to move to approve the special land use as presented.

Mr. Caron said going back to the meeting in March, his same objection still applies. The Central Lake Front District requires two stories and there is no hardship. Any hardship was created by the developers as stated at the last meeting. He said he is opposed to the special land use. Mr. Caron said there were so many valid points brought up by the residents about the project. Unfortunately, it does not fit with the special land use discussion because it is very clear on the criteria you have to use. He said the same problem exists. It took 15 months for the project to go through and this should tell you that there are bigger problems. It took two traffic studies being done, it was originally presented by Carlos Santia who is no longer involved, an environmental study that was a document search, and a second environmental study in August. This is all work that should have been done before any development is considered because that is the basis of the land. Since clean-up is now required, he does not see why we would go ahead with any approvals. He noted the developer's background experience that was requested is only one page. He said his opposition is based on the project being harmful to that community and there is no hardship shown by the developer of why they cannot do a two-story condo building.

Ms. Rusie said she also spoke against this back in March and her objection still stands. She said she does not see a reason to grant a special land use. She noted that she is taking a step away from the other arguments and looking straight at the ordinance. This is driven by an ordinance. We have ordinances that govern what you can and cannot do in terms of zoning and land within that specific zoning. We have a Central Lakefront District that we said you cannot exceed two stories and if you want more, you have to get a special land use. She said it is not just granting it to move the discussion along, there are standards within the ordinance that we have to find to grant the special land use and she has not heard those discussed but it would be nice to have those incorporated in the motion.

Ms. Rusie stated that compatibility with the master plan states two to three stories west of Jefferson and this is five stories. She said she thinks our Master Plan should mean something. There is no reason on this particular parcel not to comply with the Master Plan. She noted under Enhancement of the surrounding environment, the ordinance states that the proposed special land use shall provide the maximum feasible enhancement of the surrounding environment and shall not unreasonably interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value. If you look at what the administration gave to the Planning Commission, their finding was that the site plan indicates significant landscape and enhancements around the proposed building. Additionally, a planned gazebo on the side will provide protection and scaled features, inviting activity at the building front using central landscaped plazas or seating areas as required by ordinance. She said that despite all the arguments from the residents about the negative impact on their land, the administration thinks those can be offset by landscaping and a gazebo. She said she disagrees with the finding. She does not believe those niceties offset the negatives that the five stories on that corner bring to the neighborhood. Ms. Rusie said we have these rules for a reason. We have special land uses, variance grants, and ways to work around those if the criteria and standards are met. She said we have ordinances and zoning standards for a reason, to give a sense of predictability to the people

who invest in the surrounding area so that they have an idea of what could be built there at some point. She said she would vote against this special land use.

**Item 4a Continued**

Mr. Accica said he would be more comfortable with a two or two-and-a-half-story building and would like to see the presentation.

Mr. Vitale said since the developer is here, and we have gone past the point of not discussing the site plan until we pass the special land use, he would like to request a deal on a fifth-floor condominium but there is no fifth-floor. He said that it is an elevator shaft that would be there anyway, in a community area that surrounds the elevator shaft. He said what we have is a four-story building that uses a flat roof that is 44 feet from the ground. Mr. Vitale asked Ms. Pike if he wanted to build a two-story building with a pitched roof on it, how high it can be with a pitched roof.

Ms. Pike said that the Central Lakefront District refers back to the Harper Avenue Overlay where a pitched roof of two stories is up to sixty feet for retail.

Mr. Vitale said the top height of an apartment complex with a pitched roof is 38 feet and, in this building, the top of the fourth floor is forty-four feet. He said, essentially in some respects, we are voting on six feet. Saying it is a five-story building is disingenuous because what we are talking about is the mass of the building and shadowing and things like that. He said the Master Plan uses vague terminology like the number of stories when it really should talk about the number of feet. He referred back to the Master Plan, noting it says that based on public input from a community survey and open work session, residents, in general, agree on four topics, which are: allowing families to construct larger homes, providing sufficient housing options, retain schools as neighborhood anchors, and allow higher density and mixed-use housing in appropriate locations. Mr. Vitale said he has heard Windwood brought up repeatedly as a model planning development. He asked if anyone knew that in the planning minutes from 1985, there were multiple drafts of Windwood, one of which included a high-rise proposal. He said many beloved developments have had multiple versions going back 40 years. That is often how you arrive at the developments. He said he believes this is not about mass or materials, it is about personal preference. He said he would vote in favor of it.

Ms. Pike said she thinks one thing that is important to clarify is that a vote in favor of the special land use does not automatically approve the height. It only approves this development going above two stories.

Mr. Ihrie explained that special land use, as all land uses in the state of Michigan, always run with the land. Once it is approved it is approved essentially for all future owners of the property with an important exception. The exception is that if a special land use in St. Clair Shores is approved, it only becomes technically attached when construction begins on the project. So, if construction does not begin because either the site plan is not approved or the project does not go forward with actual construction within one year, then the special land use lapses. Once it lapses, any new project has to re-petition the City Council for a special land use. However, once it is constructed, the special land use does continue with the property even if there are future sales.

Mr. Rubello asked for the Master Plan Survey items to be read again.

Mr. Greene read the points from the Master Plan Survey.

Mr. Rubello noted the higher density and appropriate locations and asked if that was in the 2016 Master Plan.

Mr. Greene said that is correct.

Mr. Rubello said he finds the Master Plan very interesting. He said to Ms. Pike that someone talked about 19 different variances on this project and there were issues with this property, and they went back and fixed those that the residents were complaining about other than the special land use.

Ms. Pike said the original development proposal had variances associated with it, however, the developer has gone back and reconfigured the site. She said in its current configuration there are no variances needed.

Mr. Rubello said he likes the advancement of things in the City. A lot of things are happening on Jefferson Avenue. He said he is in favor of this because there is a total lack of options for this sort of housing in St. Clair Shores.

Ms. Rusie said to clarify, it is called a five-story building on the agenda. She asked Ms. Pike why it was listed as a five-story building on the agenda.

Ms. Pike said the fifth story is a small common area for the fitness center. She said it has four livable floors with a fifth-floor common area.

Mr. Caron said for clarification the reason we do not have this style of building for housing is that the market does not bear it. He discussed the prices and statistics of Windwood in comparison to this project. He said it is detrimental to the community.

**Item 4a Continued**

Mr. Frederick said the background of the developer had some more experience listed than what was portrayed including apartment buildings and renovating a school into condos and lofts for family housing while keeping the history of the building intact. They also work with Kroger, so they have experience working with large corporations. He said this is under sixty feet and if it was retail, it would go in with no issues. He would like to get to the presentation.

Mr. Rubello said he has spoken with four or five different real estate people, and they all agree that we are in desperate need of this type of housing in St. Clair Shores.

Mr. Vitale said he would like to talk about the environmental concerns that were raised tonight. There is a contaminated lot right now with grass and as water migrates through that grass, it pushes that contamination into the groundwater table. He said if you want this problem solved, this development will solve the problem.

Mr. Caron said there were other projects in the past that were proposed which despite approvals, never came to fruition. He asked in that time which condo complexes have gone forward. It has been ones like Heritage Place, Jefferson Courts, and various ones around the City that are what people would expect as a condominium, not an apartment building being sold as condos.

Mr. Vitale said Council voted unanimously on a three-story development that was very similar to this.

Mr. Ihrie explained the roll call vote procedure. He discussed the items that should be considered based on the ordinance.

**Motion by Frederick, seconded by Vitale to approve the request for Special Land Use Approval for a development in excess of two stories at 24101 Jefferson between Stephens and Ridgeway with the following conditions; compliance with the noise ordinance; traffic from the development shall be directed toward Jefferson, not down Ridgeway or Stephens, no short term rentals less than 11 months, and no more than 20% of the units can be rented out for the life of the development.**

**ROLL CALL VOTE**

**Frederick: Aye – Compatible with the Master Plan and the need for this type of housing**

**Vitale: Aye – Compatible with the Master plan and solves environmental problems brought by the residents**

**Accica: Aye – believes that housing like this is needed in SCS**

**Caron: Nay – previously stated reasons**

**Rubello: Aye – previously stated reasons**

**Rusie: Nay – it has a negative impact on surrounding development**

**Walby: Aye – to enhance the community in St. Clair Shores**

Ayes: 5-2

Nays: Caron, Rusie

**b. REQUEST SITE PLAN APPROVAL FOR A 40-UNIT, FIVE-STORY MULTI-FAMILY COMPLEX**

**Background Brief:** The applicant is requesting Site Plan Approval for a new 40-unit, five-story multiple family residential building on Jefferson between Ridgeway and Stephens. The plan proposes 10 units on each story, and the fifth story is proposed to include indoor and outdoor roof-top fitness facilities, a rooftop clubhouse, rooftop barbecue facilities, and a rooftop fire pit. In addition to the residential units inside the building, the site plan proposes a pet washroom, an elevator, and an exterior in-ground private pool. The building fronts Jefferson with parking on the south side of the building and in the rear. There are 36 2-bedroom units and 4 1-bedroom units proposed with each unit including one bathroom, a living room, a kitchen, eating area, and at least one bedroom.

The exterior of the building proposes a mix of brick, composite siding, and composite cedar shake on all four sides. Landscaping is proposed along the entire perimeter of the building and the site. A gazebo is proposed on the south end of the site, and a sidewalk is provided to create a pedestrian connection to the public sidewalk.

This site plan was revised after Special Land Use Approval was obtained in mid-2022 to reflect the comments received from both the Planning Commission and members of the public. The following changes were made to the plans to better conform to the zoning ordinance and public comment:

- The number of units were reduced from 46 to 40.
- The number of parking spaces were increased from 79 to 92.
- The drive approach onto Ridgeway was eliminated. Traffic is now directed onto Jefferson.
- The proposal is considered a multi-family development, not attached townhomes.

**Item 4b Continued**

- All parking and maneuvering lanes are a minimum of 15 feet from any first floor dwelling unit, entryway, or doorway.
- Dumpsters were moved to a parking island farther away from adjacent residences.
- After review and confirmation on historical zoning maps, the zoning of the parcel formerly known as 22806 Stephens is Central Lakefront District and does not need to be rezoned.
- The building can now be accessed from the front service walk leading to Jefferson Avenue as well as from the parking lot.
- A loading/unloading zone has been added at the rear entrance.
- The shape of the pool has been modified.
- A traffic study has been provided.
- Environmental paperwork related to the property has been provided.

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

**Economic Impact:** N/A

**Recommendation:** Staff recommends approval of the site plan for a 40-unit, five-story multi-family complex.

Joseph Vaglica of Gateway Engineering, head engineer of the project gave an overview. He said the design has not changed architecturally speaking. He gave a presentation on the project. Mr. Vaglica spoke about the site plan itself. He said there are no variances on the site plan. One thing that changed on the site plan was to take away an entrance on Ridgeway and add one on Jefferson. He said they made sure that they hit every item and everything that was of concern about the project. He said they went back and looked to make sure they did not make any mistakes. For the parking lot, they reduced the number of units to accommodate 2 ½ parking spaces per unit. He said we were asked by the City to get a new traffic study. They hired another company, and they came up with the same conclusion as the first traffic study, that there would not be an impact on the community. They compared it to retail, restaurant, and gas station traffic and a condominium complex has the least amount of traffic.

Mike Gayton of Applied Environmental discussed the environmental issues of the site. He said on a scale from 1-10, this site is a 3 in his opinion. He said his job is to make sure it is cleaned up correctly. He said a lot is going on in the extent of soil and groundwater contamination. He discussed the State criteria and explained the site's different levels of contamination based on EGLE criteria. He said there are a lot of properties with this type of contamination out there that are being developed. He said it is mostly soil removal. They did three borings on the southwest portion of the property. They have created a due-care plan, so the entire team knows what avenue to follow.

Mayor Walby asked Mr. Gayton if he would be on-site the entire time while the environmental work is being done.

Mr. Gayton said yes, he is the one that is documenting it.

Mr. Vitale asked if his understanding is correct that it is more of an environmental risk to leave the contamination than to do a cleanup and redevelop the site.

Mr. Gayton said yes; however, these are pretty old contaminants that have been there a while and they do naturally degrade over time. The contamination could have been worse twenty years ago.

Mr. Caron said there were two different reports and asked what they found in the first one that led to more boring samples.

Mr. Gayton said he did not do the first report. He reviewed it and based on that decided where the data gaps were. He said the July 5, 2023 report was his opinion of the review.

Mr. Caron asked why sampling was not done in the area between the proposed building and the three along the property line where the parking lot would be.

Mr. Gayton said it definitely could be and would be part of the due-care process of the project.

Mr. Caron asked if that meant he would have to be around for the entire construction project.

Mr. Gayton said not the construction of the building.

Mr. Rubello asked if he would be working with EGLE on the project.

Mr. Gayton said that is his purpose for the project.

**Item 4b Continued**

Mr. Rubello asked if he would be checking in with Council periodically to inform them how the project is going.

Mr. Gayton said yes, they could do that.

Mr. Vaglica said during the process, there will be inspections which will be part of the plan permitted by EGLE. He discussed the shadow study showing where the shadow of the building would be throughout the day.

Mr. Vitale said he requested the shadow study because there were concerns.

Mr. Vaglica said there are rumors that the building will be made out of fake brick. He said it is a brick veneer, but it is full brick. Some accents are done to make it not look monotone. The accents are made of a product that is better than brick. There will be full-block staircases on either side for emergencies as well as a sprinkler system.

Mr. Rubello said there has been some concern as to the staging of construction materials and equipment and asked for clarification.

Mr. Vaglica said the site is tight so it will get staged in sections as they go along. He said this is so far ahead that it has not been specifically discussed yet.

Mr. Vitale noted that the white sections on the pictures are brick or light-colored brick. He said most homes in St. Clair Shores use a veneer brick, the entire house is not brick. He said the code requires the building to be broken up, so it is not monotone, but it does not use vinyl siding.

Mayor Walby asked about the DTE pole.

Mr. Vaglica said all the electrical is going to be underground. It is typical of this type of site. Anything that is there right now will be rerouted and run underground and a plan will be made by DTE and the electrical engineering company they hire.

Mr. Vitale said DTE does not let you do overhead line moves anymore; it is all underground.

Mr. Vaglica said DTE will not assign an engineer until we have a permit.

Mr. Rubello said one resident is concerned about the dumpster in the middle of the parking lot.

Mr. Vaglica said it will be masonry, to code, gated, and approved by the City. It is not on any of the residential sides and not on Jefferson.

Mr. Caron said as a word of caution, this is not going to be a development where if different things come up as it goes, things can just change. What is being voted on now is a site plan. Where things are in the site plan is what is going to get voted on and likely approved so there will not be much interaction with the residents after this to move stuff around.

Mr. Accica asked about the lighting on the top. He asked how bright it would be and if they would shine down on houses.

Mr. Vaglica said the lighting is going to be programmed for intensity and to shield it from the neighbors.

Mr. Frederick pointed out that the area on top does not go all the way to the edge.

Mr. Vaglica said that is correct, it is approximately 15-20 feet away from the edge with sloped roofs to create a parapet.

Mr. Vaglica responded to a resident about the lights from headlights in the parking area on Ridgeway. He said they opted for heavy landscaping there which was the option that the City gave, and he believes evergreen is the way to go. He said if a wall was required, they would not be opposed to that.

Mr. Vitale said he understands the idea of evergreens and then using deciduous landscaping on the outside because eventually, that gets to a height to better screen the building. He asked if there was a wall in addition to shrubbery.

Mr. Vaglica said no, The City requested a metal fence which is then lined with evergreens.

Mr. Vitale asked about using a berm.

Mr. Vaglica said the problem with a berm is maintenance and you don't get the height you think you will.

**Item 4b Continued**

Mr. Caron referred back to the environmental issue and asked if the six months for environmental remediation and clearance is feasible.

Mr. Gayton said soil contamination is pretty easy to clean up and get rid of. He said it only takes less than a week to physically do it, then you wait for the reports, so potentially it can be done.

Mr. Caron asked if they are going to be able to keep the snow on the property when it comes to snow removal.

Mr. Vaglica said they have a maintenance company to maintain it. The understanding is it will be kept on the property or be trucked out if it gets too high.

Mr. Frederick said to recap, they reduced the number of units to meet the number of parking spaces required, moved the ingress/egress, the maneuvering lanes are all fifteen feet from the dwelling, made the pool smaller, created a drop-off area for deliveries, there is adequate handicap parking, moved the dumpster from the back to middle of the property, fully screened and gated the dumpster, added a front service walk to Jefferson, had a second traffic study done and created an environmental plan.

Mr. Rubello discussed the common area and its uses.

Mr. Rubello noted that Joe Paluzzi, the developer of Heritage Condominiums said he had nothing but good things to say about this type of development.

**Motion by Frederick, seconded by Accica to approve the request for site plan approval for a 40-unit, five story multi-family complex with a pool, rooftop common area, indoor and outdoor fitness/yoga center, barbecue, and a fire pit, represented by Rani Sheena, Jefferson Plaza LLC, with items of concern: the six-foot brick wall must step down from 6 feet to 4 feet to 2 feet over the last 25 feet on the north and south side of the development; installation of a "Right Turn Only" sign at the Stephens drive approach; a building permit will be required for the gazebo, the gazebo shall not exceed 15 feet in height with 9-foot walls, and it shall not exceed 1,024 square feet in size; engineered parking lot plans including drainage and paving are required for submittal in conjunction with construction documents; compliance with the city's stormwater ordinance for retention and detention of stormwater; all lighting must be shielded from adjacent residences; the use of buckthorn is prohibited and installing boxwoods along the south side of the property to provide a year-round buffer shall be used; all landscaping shall be provided with underground irrigation; the proposed fence around the pool shall match the fence along Ridgeway; mechanical equipment, whether placed at grade or on the roof of the structure, must be screened on all visible sides including air conditioners; air conditioners are required to be placed at the rear of the building; any transformers must be screened from view; all ground pollution shall be remediated; obtain the proper certifications and clearance reports from the state of Michigan, and submit them to the city within 6 months of final approval at City Council, regardless of whether the development occurs; and a Brownfield Plan must be approved or closure reports submitted to the city prior to the submittal of construction documents. no short-term rentals less than 11 months, and no more than 20% of the units can be rented out for the life of the development.**

**ROLL CALL VOTE**

Frederick: Aye

Accica: Aye

Caron: Nay

Rubello: Aye

Rusie: Nay

Walby: Aye

Vitale: Aye

Ayes: 5-2

Nays: Caron, Rusie

**5. REQUEST TO APPOINT THE CITY ASSESSOR**

**Background Brief:** Per City Charter Section 10.058 - Officers; filling vacancies, procedure: The City Manager shall from time to time, whenever a vacancy exists, appoint, with the approval of a majority of the Council, a Clerk, a Treasurer, and an Assessor.

With the upcoming retirement of City Assessor, Teri Socia, the Manager's Office is seeking Council approval for the appointment of Vicky Shipman as her replacement.

**Item 5 Continue**

Mrs. Shipman was hired in September 2001 as an Assessor Aide II and was promoted to Property Appraiser III when she received her Level III Certification from the State of Michigan in 2007. Mrs. Shipman has expressed a desire to obtain her Level IV Certification. City Manager Lent has had multiple conversations with Mrs. Shipman regarding this role and is confident she can handle the challenge and the Manager's Office will be her to assist with anything Vicky will require to succeed.

**Previous Action:** N/A

**Economic Impact:** Mrs. Shipman would see a pay increase from \$68,137 to \$75,620 annually.

**Recommendation:** Staff recommends that Council approve the appointment of Vicky Shipman as City Assessor.

**Moved by Council Member Rubello, supported by Council Member Rusie to approve the appointment of Vicky Shipman as City Assessor.**

Ayes: All-7

**6. REQUEST TO ADOPT A RESOLUTION ESTABLISHING CITY HALL AS AN EARLY VOTING CENTER**

**Background Brief:** On November 8, 2022, the voters in Michigan approved the passage of Proposal 22-2, which in part, entitles voters the right, once registered, to vote in each statewide and Federal election in person at an early voting site prior to election day, open for nine consecutive days beginning on the second Saturday before the election and ending on the Sunday before the election, for at least eight hours each day. Early voting will be held at City Hall, 27600 Jefferson Avenue, St. Clair Shores, Michigan, 48081.

Adopting this resolution would allow the City Clerk to host an Early Voting Center at City Hall for all mandatory Statewide and Federal Elections. The City Clerk will also have the authority to set additional hours and days for Early Voting for any non-statewide or non-Federal Election after a review of historical voting statistics, resources, and staff. All early voting dates and times will be posted sufficiently forty-five days prior to every election to notify voters.

Per Michigan Election Law Section 168.662, the City Council is responsible for determining the location of polling places in the City of St. Clair Shores.

**Previous Action:** On Monday, July 17, 2023, the Election Commission met and reviewed the Early Voting Resolution and recommended it for approval by the City Council. The City of St. Clair Shores Early Voting Plan was approved by the Election Commission and is attached for the Council's review but does not require approval.

**Economic Impact:** It is estimated that hosting an Early Voting Center will cost between \$8,000 and \$13,000 per election, depending on the size of the election and the inspectors needed.

**Recommendation:** Staff recommends the adoption of the resolution to establish City Hall as an Early Voting Center.

City Clerk Abby Barrett discussed the early voting plan.

Ms. Rusie asked if this is required under the new election law that was just passed by the voters.

Ms. Barret said yes, it is mandatory for state and federal in 2024 but after we do have the option to offer it for local elections as well.

Ms. Rusie said the resolution does go beyond the state and federal requirements to include local and asked if those would come back to Council or if the resolution gives the Clerk the power to offer early election without additional Council approval to set the additional hours and days or to allow early voting for those elections that are not state or federal.

Ms. Barrett said this resolution would cover all of that and allow her as the City Clerk to decide and post those additional hours and dates 45 days before an election. She said it would allow us to choose on the smaller elections what our additional hours and dates would be but for state and federal elections it is spelled out exactly.

Ms. Rusie said she understands the State and Federal because of what is required by law but in terms of getting a blanket resolution for everything, she would rather those come back to Council for resolution for checks and balances purposes. She said that because this is brand new to all of us, she is perfectly okay with doing what we have to in the resolution for the State and Federal elections before we approve expanding it.

Ms. Barrett said we are in talks with the State and the Bureau of Elections to be a test site for early voting in November.



**Item 6 Continued**

She requested that if approved, we could go ahead with the early voting this November and future local elections could be brought back to Council for approval.

Ms. Rusie said she thinks that there are benefits to being the test site and that would be okay but before further expanding it would be good for the City to assess it at that point.

Mr. Vitale said originally, he agreed with everything Ms. Rusie said but he does not agree with doing it in November. He said he would not want to do it in November because we have no way of knowing how well this is going to work. He said doing it this November is very ambitious.

Ms. Barrett said the State has not told us we can do it. They said if they have the software ready, they will be looking for a trial community, and people from the State of Michigan will come and work the voting site with us. There is a possibility that we will not be able to do it at all, but we are asking if you do approve the resolution, it leaves us the ability to do it in November.

Mr. Vitale said he does not trust the Secretary of State. He said he does not want St. Clair Shores to be the test site. There are too many unanswered questions. He asked if the early voting would have to be taken down for meetings and set back up.

Ms. Barrett said we plan to leave everything set up but if there was a meeting conflict, we would work with maintenance to break it down and set it back up for the following day.

Mr. Caron said there is a benefit to going first. He said the mandate to do early voting is a big logistical burden no matter what you do. So, us trying it out on a smaller Election with a smaller turnout is advantageous because we can make sure we understand what all the processes are, how to keep the ballots secure, the multiple steps that will have to happen every day and staff will need to be able to learn that before going into a presidential primary. He said let's agree to it for November and state and federal elections. He said he would caution Council Members who are up for election to not decide based on being on the ballot.

Mayor Walby asked if the State chooses us, do they tell us how many days.

Ms. Barret said she does not want to assume but it would most likely be a full trial of the nine days.

Mr. Vitale asked what that means for campaigning if it is open nine days early. People will be handing out literature during those nine days.

Ms. Barrett said the same campaigning laws and ordinances apply to any polling location.

He said he does not think a local election should be a dry run.

Mayor Walby said it would assist in prepping for State and Federal elections.

Mr. Vitale said he is not in favor of it.

Mr. Rubello said this is mandatory for the primary of 2024 but there is a pilot program we may have the opportunity to participate in the November 2023 program.

Mayor Walby clarified that there is going to be a pilot program for November 2023 and if selected the City Clerk is requesting approval to participate.

Mr. Rubello said that in reality if we were selected this could come back to Council for approval instead of including it in the resolution that is approved today.

Mayor Walby said that could be included in the motion.

Mr. Rubello made a motion to approve.

Ms. Rusie asked if the motion included the broad part of the resolution.

Mr. Rubello said yes, it would include that.

Mr. Caron is fine with the motion as presented approving the resolution as is. He said it can be revisited in the future and rescinded at any time as necessary. He said he thinks there is value for us to be a part of the pilot and learn the logistics.

**Item 6 Continued**

Mr. Frederick asked in the section that says "Whereas the City Clerk is allowed to set additional hours for early voting" who is allowing that?

Ms. Barrett said that is to allow the City Clerk by resolution to set additional days and hours for local or non-state or non-Federal elections.

Mr. Frederick said this is up to nine days.

Ms. Anikewich said it is mandatory for nine days, but the law does allow for 29 days requiring 8 consecutive hours, but it can be more than that.

Mr. Frederick said he is willing to go along with it but would like it monitored.

Mr. Ihrie said the only thing that is being resolved is the part of the resolution that says, "Now, therefore, be it resolved". He said the other language that is being disputed is not something that is being resolved so the concerns that you have a legitimate, but we are not resolving those.

Ms. Rusie said than strike it if it means nothing. If it has no bearing on anything, then strike it.

Mr. Vitale said he would withdraw his second if it included the entirety of the resolution. He said he was seconding the polling location, not anything else.

**Moved by Mr. Frederick, seconded by Mr. Accica to amend the resolution striking the fourth paragraph of the resolution.**

Ayes: All-7

**Moved by Council Member Rubello, supported by Council Member Vitale to adopt the resolution to establish City Hall as an Early Voting Center as follows:**

**R-2023-24  
St. Clair Shores Early Voting Resolution**

**Whereas** the voters in Michigan, on November 8, 2022, approved the passage of Proposal 22-2, which in part, entitles voters the right, once registered, to vote in each statewide and Federal election in person at an early voting site prior to election day, open for nine consecutive days beginning on the second Saturday before the election and ending on the Sunday before the election, for at least eight hours each day; and

**Whereas** the Early Voting Precinct for all St. Clair Shores registered voters will be held at City Hall, 27600 Jefferson Avenue, St. Clair Shores, Michigan, 48081, as it meets polling place requirements; and

**Whereas** the Early Voting Precinct for State and Federal Elections will be open for nine consecutive days beginning the second Saturday before election day through the Sunday before election day during the hours of 8:30 a.m. to 4:30 p.m.; and

**Whereas** all Early Voting dates and times will be posted sufficiently forty-five days prior to every election to notify voters; and

**Now Therefore Be It Resolved that** the City of St. Clair Shores City Council approves the establishment of the St. Clair Shores Early Voting Precinct which will be located at City Hall, 27600 Jefferson Avenue, St. Clair Shores, Michigan, 48081, for the City of St. Clair Shores.

I, Abrial J. Barrett, City Clerk, hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of St. Clair Shores, County of Macomb, State of Michigan, at a regular meeting held on Monday, August 21, 2023, and that said meeting was conducted and public notice of the said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of the said meeting were kept and will be or have been made available as required by said Act.

Abrial J. Barrett, City Clerk

Ayes: All-7

**7. REQUEST TO APPOINT DELEGATES FOR THE MICHIGAN MUNICIPAL LEAGUE ANNUAL MEETING ON OCTOBER 18-20, 2023**

**Background Brief:** It is an annual requirement by the Michigan Municipal League (MML) to appoint a voting delegate and alternate. One of the City-appointed officials will be required to attend the MML Annual Meeting to cast a vote for the municipality.

**Previous Action:** Council Member Frederick is the current voting delegate and Council Member Rubello is the alternate for the Michigan Municipal League Annual Meeting.

**Economic Impact:** N/A

**Recommendation:** Staff recommends the appointment of a voting delegate and alternate for the Michigan Municipal League Annual Meeting on October 18-20, 2023.

**Moved by Council Member Frederick, supported by Council Member Caron to appoint Council Member Frederick as the voting delegate and Council Member Rubello as the alternate for the Michigan Municipal League Annual Meeting.**

Ayes: All-7

**8. BIDS/CONTRACTS/PURCHASE ORDERS**

**a. REQUEST TO APPROVE NETWORK SWITCH PURCHASE ORDERS**

**Background Brief:** Due to the age of our network infrastructure and the chip shortage affecting switch availability, we needed to secure these switches so that when our aging switches begin to fail, we have readily available switches. A network switch is the hardware that allows users, applications, and equipment to communicate with one another. Our switches are at the end of their lifecycle. We have experienced three (3) of these switches fail causing downtime to our departments (one (1) at City Hall and two (2) at Civic). The chip shortage has made it difficult to order upgraded switches because those switches are not guaranteed delivery dates. Vendors are reporting a 6-9 month estimate on shipping which creates a high-risk situation of aging infrastructure without a continuity plan for that time. Another reason we had to secure these switches as soon as possible is the demand for these types of switches is high. Many other IT departments that are affected by the chip shortage are looking to purchase these switches so that they do not have to take such a risk.

The circumstances of an aging infrastructure with no continuity plan and a chip shortage creating a supply issue for infrastructure that we need has put the city in a difficult position. As a first plan, we have relied on refurbished switches, but both of those refurbished switches also failed within a couple of months of replacement. Our experience with refurbished equipment determined that we could not trust it to last, so we needed another plan. We found several switches that were unused and compatible with our network. The decision to secure these switches immediately was made so that the city has a continuity plan during a time when a switch infrastructure upgrade is needed but cannot be performed.

After IT Director Dushaj pitched the project to me, I directed him to work with our Finance Department to ensure funding was available via the department to purchase the switches. Due to the limited availability of these switches and the necessity of functioning switches to operate the City network, once Director Dushaj was informed funds were available, he proceeded with the purchase as he was uncertain when the next potential time these switches would be available. It was before the formal purchase I missed looping CM Lent into the potential project to explore our options for this purchase. I apologize for this oversight on my part as I should have been the checks and balances for the project. While my oversight caused an error in our internal process, Director Dushaj and I are seeking to rectify the issue and are seeking formal approval from the City Council.

Currently, one (1) switch has been deployed at the Civic Center, five (5) have been opened and inspected in preparation for deployment at the Police Department's temporary buildings, and the remaining are unopened.

**Previous Action:** N/A

**Economic Impact:** The total cost of \$51,919.41 in FY 22-23.

**Recommendation:** The recommendation is to approve the network switch purchase orders.

Ms. Rusie discussed Amazon being shown as a single-source vendor. She asked why it did not go out to bid.

Mr. Greene said they should have been described as other not single source.

**Item 8a Continued**

Mr. Dushaj said it was not bid out because due to our difficult situation of an outdated network and things beginning to fail and the chip shortage making it difficult to purchase an upgraded network, it put us in a situation of no continuity plan in between. He said we needed something today to have a backup plan in case things fail.

Ms. Rusie said she is curious why emergency purchasing was not cited instead since it qualifies.

Mr. Greene said we deemed it an emergency when it was purchased two months ago.

Mr. Caron said the City Manager called to explain that it should have been cited as an emergency purchase.

**Moved by Council Member Caron, supported by Council Member Frederick to approve the FY 22-23 network switch purchase orders totaling \$31,048.47 to Amazon.com LLC and \$20,870.94 to CDW Government Inc.**

Ayes: 6-1  
Nays: Rusie

**b. REQUEST TO APPROVE CHARGE EV, LLC. CHARGING STATION AGREEMENT**

**Background Brief:** Over the past few years, the City has been exploring options on how to introduce more EV charging stations throughout our community. While we have been actively searching for and successfully securing some grants for EV charger installations, those opportunities are limited, and we have been exploring additional avenues to secure more chargers for our community.

Through the Dealer Community Charging Program, General Motors (GM) and its dealers are working together to expand charging access in communities. Participating dealers are eligible to receive Level 2 charging stations and then GM connects dealers with installation providers as needed to place the charging stations at key community locations. Charge EV (CEV), based in Oakland County, has been approved as a provider for the GM Dealer Community Charging Program throughout the United States, specifically Michigan.

This initiative encourages municipalities to identify locations that are central and easily accessible within their community. Once the agreement is approved, CEV will begin its due diligence on our proposed sites (listed in Exhibit A of the agreement) so the infrastructure and installation can be completed at no cost to the City. Local dealerships will provide 80amp EV chargers from GM and will dispatch State Electric Company to install the equipment and commission the chargers upon completion. CEV/State Electric will take care of the equipment procurement and materials, prepare the location, provide utility coordination, schedule the installation, and commission the units. State Electric will also maintain the equipment and troubleshoot any issues that may arise, decreasing the charging downtime. The City will only need to maintain the parking spaces.

If approved, the term of this agreement would be for ten (10) years with a renewal term of five (5) years if CEV elects to extend.

**Previous Action:** N/A

**Economic Impact:** Section 11 of the enclosed agreement: CEV shall share revenue generated from the EV Chargers in the amount of \$0.03 per kilowatt-hour. If the Term is renewed pursuant to Section 6 of this Agreement, during the first Renewal Term, CEV shall pay a quarterly revenue share to Host in the amount of \$0.05 per kilowatt-hour.

**Recommendation:** The recommendation is to approve the CEV agreement as presented.

Mr. Frederick thanked Mayor Walby for his efforts in building this relationship. He said he believes it is important to our residents especially the fact that these will be free, and we will make a small commission on them.

Mr. Vitale said he also favors the relationship of having EV charging stations in the City, however, exhibit B has charging station signage that says charging station EV parking only while charging, violators will be ticketed, and a QR code. He asked if we are introducing a new ordinance that would have us ticketing non-EV or non-charging EV vehicles.

Mr. Greene said no, his conversation with them explained that the signs in the exhibits are signs that are examples and anything they install has to be approved by the City.

Mr. Rubello asked about the incentives included with this.

Mr. Greene discussed the revenue share.

**Item 8b Continued**

Mr. Greene said these are level two, so more designed to plug and hang out for a couple of hours which is why we would put them at parks, the golf course, and Civic Arena.

Ms. Rusie said Exhibit B has some penalties for the City if we decide to not continue with it.

Ms. Rusie said Exhibit B Section 13 says if a nonelectric vehicle is repeatedly parked in a dedicated EV stall, it puts the responsibility on us to make sure it is not being used by non-EV cars. We need to make sure we know what we are approving.

Mr. Vitale discussed the signage language.

Mr. Greene said he could work with the Police Chief and traffic on it.

Mr. Vitale said this is not exclusive to this company. We can have other EV parking in the City.

Mr. Caron said as we do the Senior Center lot as new construction, this may be something to talk with Ms. Pike to have that included as an alternate plan from AEW.

**Moved by Council Member Frederick, supported by Council Member Caron to approve the Charge EV, LLC. Charging Station Agreement as presented.**

Ayes: 6-1  
Nays: Rusie

**c. REQUEST TO APPROVE THE POLICE PREP RADIO PURCHASE**

**Background Brief:** The St. Clair Shores Police Department is requesting to purchase 10 new Kenwood prep radios.

These radios will replace 10 outdated Motorola prep radios. The process of assigning each sworn officer their own prep radio began in 2022 and is part of a capital outlay project. To continue with this project, several old radios need to be replaced with current models that will support future encryption requirements, as well as Phase 2 technology, all of which is set by Macomb County. Encryption technology is already built into our newer Kenwood radio models.

Spectrum Wireless quoted \$19,248 with the state contact pricing, and Motorola quoted \$58,310.

**Previous Action:** N/A

**Economic Impact:** \$19,248 in funds will be utilized from the Capital Outlay account.

**Recommendation:** To approve the purchase of 10 prep radios in the amount of \$19,248 from Spectrum Wireless.

**Moved by Council Member Frederick, supported by Council Member Caron to award the contract for 10 prep radios in the amount of \$19,248 from Spectrum Wireless.**

Ms. Rusie asked how the two products compare.

Chief Allen said they are both good products. He said we have not had any problems with the Kenwood radios and for the price difference, we think they are well worth it.

Ayes: All-7

**d. REQUEST FROM MICHIGAN DEPARTMENT OF TRANSPORTATION (MDOT) TO APPROVE THE CONTRACT FOR WORK ON MASONIC FROM HARPER TO I-94**

**Background Brief:** The City of St. Clair Shores secured funding as part of the 2023 Transportation Improvement Program (TIP) through the Michigan Department of Transportation for concrete replacement on Masonic between Harper and I-94. The cost share for the project is 81.85% MDOT and 18.15% City. The low bidder has indicated that they plan to complete the project this fall if awarded the project.

**Previous Action:** N/A

**Economic Impact:** The low bidder is DiLisio Contracting, Inc with a bid of \$1,469,972.57 (approximately \$280,000 City cost share). We budgeted \$899,600 for this project in FY24, including engineering, contract admin, observation, and materials testing.

**Item 8d Continued**

The engineer's estimate for this project was \$2,008,637.50.

**Recommendation:** It is recommended that the Council approves to authorize the execution of Michigan Department of Transportation (MDOT) contract # 23-5284 for pavement replacement on Masonic and authorize Dustin Lent, City Manager, and Abby Barrett, City Clerk to execute this agreement.

Mayor Walby said he is worried about the schools during construction.

Mr. Liebert said they will start on the north side of Masonic, and on or around September 11, 2023, they will start tearing out the concrete on the north side. We talked with the school, and they are okay with that. When we get to the south side, we will only pour concrete during school hours so we will not be interrupting drop-off and pick-up times. He said we will work with the school and the contractor is open to that.

Mr. Frederick asked if we are talking to the elementary school or the superintendent.

Mr. Liebert said he is talking to the Director of Traffic Operations for Lake Shore Public Schools.

Mr. Frederick asked for a detailed plan on how this plan will be executed.

Mr. Caron asked if there will be one lane of eastbound and westbound open at all times.

Mr. Liebert said that is correct except until they are pouring and then it will be limited between 9:00 am and 2:00 pm.

**Moved by Council Member Caron, supported by Council Member Frederick to approve to authorize the execution of MDOT contract #23-5284 for pavement replacement on Masonic and authorize Dustin Lent, City Manager, and Abby Barrett, City Clerk, to execute this agreement.**

Ayes: All-7

**e. REQUEST FROM MICHIGAN DEPARTMENT OF TRANSPORTATION (MDOT) TO APPROVE THE CONTRACT FOR WORK ON 11 MILE ROAD FROM LITTLE MACK TO I-94**

**Background Brief:** The City of St. Clair Shores secured funding as part of the 2023 Transportation Improvement Program (TIP) through the Michigan Department of Transportation for asphalt resurfacing and base repairs on 11 Mile between Little Mack and I-94. The cost share for the project is 81.85% MDOT and 18.15% City.

**Previous Action:** N/A

**Economic Impact:** The low bidder is Pro-Line Asphalt Paving Corp at a cost of \$1,526,698.37 (approximately \$277,095.75 City cost share). We budgeted \$557,100 in FY24 for this project, including engineering, contract admin, observation, and materials testing.

**Recommendation:** It is recommended that the Council approves to authorize the execution of Michigan Department of Transportation (MDOT) contract #23-5247 for asphalt resurfacing and base repairs on 11 Mile and authorize the City Manager and City Clerk to execute this agreement.

Mr. Vitale said he recalled the ability to bring fiber into the city, it would need to come down 11 Mile Road to get it under I-94. He asked if we should try to include some kind of ability to add that while this road is open. He asked Mr. Liebert to look into it.

Mr. Rubello asked how they came to the percentage of cost sharing.

Mr. Liebert said he could find out for him.

Mr. Frederick asked if we were talking to Lakeview School District about this plan and are we talking about signage for some of the businesses at the end.

Mr. Accica left the meeting at 10:40 pm

Mr. Liebert said this one will be less disruptive, and he has not reached out to the school yet, but he will. He said the majority of this will be next year.

**Item 8e Continued**

Moved by Council Member Frederick, supported by Council Member Caron to approve to authorize the execution of MDOT contract #23-5247 for asphalt resurfacing and base repairs on 11 Mile between Little Mack and I-94 and authorize Dustin Lent, City Manager, and Abby Barrett, City Clerk. to execute this agreement.

Ayes: All-6  
Absent: Accica

**f. ~~REQUEST TO AUTHORIZE FINAL PAYMENT TO PAMAR FOR VISNAW STREET RECONSTRUCTION~~**

**g. MASTER PLAN AND CAPITAL IMPROVEMENT PLAN AMENDMENTS**

**i. REQUEST TO RECEIVE AND FILE EGLE STATE HIGH WATER INFRASTRUCTURE GRANT FOR \$83,158.00 TO COVER THE COST OF UPDATING THE MASTER PLAN, CAPITAL IMPROVEMENT PLAN, AND PARKS AND RECREATION PLAN AS PART OF A RESILIENCY PLAN WITH A LOCAL MATCH OF \$20,000 FROM CITY FUNDS**

**Background Brief:** On July 14, 2023, the city was notified of a grant award in the amount of \$83,158.00 with a match of \$21,000.00 to cover the cost of updating the Master Plan, Capital Improvements Plan, and the Parks and Recreation Master Plan to include a Resiliency Plan. The grant application was written in late 2022 with an anticipated award of early 2023. The state of Michigan was delayed in awarding the funds, and therefore the city needed to proceed with the plan updates before grant funds were awarded to meet the state's deadline for the Parks and Recreation Plan submittal. The city awarded the contract for the updates to Spalding DeDecker in early 2023 with the understanding that additional work may occur if the grant was awarded.

With the newly awarded funding, staff would like to conduct additional public outreach with Spalding DeDecker for the Master Plan, Capital Improvement Plan, and Resiliency Plan. The city and state of Michigan recognize the tight timeline for approval of the Parks and Recreation Master Plan. Therefore, the timeline, scope of work, and anticipated approval will not change for the Parks and Recreation Master Plan.

Staff recommends increasing the timeline for completion of the Master Plan and Capital Improvement Plan to solicit additional public outreach. Staff also recommends increasing Spalding DeDecker's budget by \$20,000 to complete the public outreach, and finally, extending the approval of the Master Plan to May 2024 to allow additional time for public outreach and to complete the Resiliency Plan.

**Previous Action:** City Council approved Spalding DeDecker's contract in the amount of \$45,000 on March 20, 2023.

**Economic Impact:** This grant will have a positive economic impact of over \$80,000. The grant can cover the cost of the consultant, staff time, and incidental costs associated with the creation of the plans.

**Recommendation:** Staff recommends receiving and filing the EGLE State Highwater Infrastructure Grant for \$83,150.00 with a \$21,000.00 match.

**Moved by Council Member Frederick, supported by Council Member Rubello to receive and file the EGLE State High Water Infrastructure Grant for \$83,158.00 with a \$21,000.00 match.**

Ayes: All-6  
Absent: Accica

**ii. REQUEST FOR A BUDGET AMENDMENT TO THE MASTER PLAN CONTRACT WITH SPALDING DEDECKER FROM \$45,000 TO \$65,000 AS A RESULT OF RECEIVING THE EGLE HIGH WATER INFRASTRUCTURE GRANT**

**Background Brief:** On July 14, 2023, the city was notified of a grant award in the amount of \$83,158.00 with a match of \$21,000.00 to cover the cost of updating the Master Plan, Capital Improvements Plan, and the Parks and Recreation Master Plan to include a Resiliency Plan. The grant application was written in late 2022 with an anticipated award of early 2023. The state of Michigan was delayed in awarding the funds, and therefore the city needed to proceed with the plan updates before grant funds were awarded to meet the state's deadline for the Parks and Recreation Plan submittal. The city awarded the contract for the updates to Spalding DeDecker in early 2023 with the understanding that additional work may occur if the grant was awarded.

With the newly awarded funding, staff would like to conduct additional public outreach with Spalding DeDecker for the Master Plan, Capital Improvement Plan, and Resiliency Plan. The city and state of Michigan recognize the tight timeline for

**Item 8gii Continued**

approval of the Parks and Recreation Master Plan. Therefore, the timeline, scope of work, and anticipated approval will not change for the Parks and Recreation Master Plan.

Spalding DeDecker has provided a proposal for an additional \$20,000 to conduct further public outreach in the form of focus groups. The additional public outreach will better inform the updates to the Master Plan and assist in creating the Resiliency Plan.

**Previous Action:** The City Council Approved Spalding DeDecker's original contract for \$45,000.00 on March 21, 2023.

**Economic Impact:** The high-water infrastructure grant will cover the additional \$20,000.00 in fees generated by the additional public outreach.

**Recommendation:** Staff recommends approval of the budget amendment.

Ms. Rusie said some of the public outreach has already begun in terms of a survey that was pulled to be retooled and has not been retooled yet. Then there was a meeting that was posted on Facebook and then removed. She said she would like to see better communication with the public.

Mr. Caron said he has the same concerns regarding the communication strategy. He requested a memo to Council that lays out the outreach plan.

**Moved by Council Member Caron, supported by Council Member Frederick to approve/deny the budget amendment to the Master Plan contract with Spalding DeDecker from \$45,000.00 to \$65,000.00 as a result of receiving the EGLE High Water Infrastructure Grant.**

Ayes: All-6  
Absent: Accica

iii. **REQUEST FOR A CONTRACT EXTENSION WITH SPALDING DEDECKER FROM FEBRUARY 1, 2024, TO JUNE 1, 2024, AS A RESULT OF RECEIVING THE EGLE HIGH WATER INFRASTRUCTURE GRANT TO INCLUDE MORE PUBLIC OUTREACH AND CONTENT FOR THE MASTER PLAN**

**Background Brief:** On July 14, 2023, the city was notified of a grant award in the amount of \$83,158.00 with a match of \$21,000.00 to cover the cost of updating the Master Plan, Capital Improvements Plan, and the Parks and Recreation Master Plan to include a Resiliency Plan. The grant application was written in late 2022 with an anticipated award of early 2023. The state of Michigan was delayed in awarding the funds, and therefore the city needed to proceed with the plan updates before grant funds were awarded to meet the state's deadline for the Parks and Recreation Plan submittal. The city awarded the contract for the updates to Spalding DeDecker in early 2023 with the understanding that additional work may occur if the grant was awarded.

With the newly awarded funding, staff would like to conduct additional public outreach with Spalding DeDecker for the Master Plan, Capital Improvement Plan, and Resiliency Plan. The city and state of Michigan recognize the tight timeline for approval of the Parks and Recreation Master Plan. Therefore, the timeline, scope of work, and anticipated approval will not change for the Parks and Recreation Master Plan.

Staff recommends extending the contract for completion of the Master Plan and Capital Improvement Plan to solicit additional public outreach to June 2024 to allow additional time for public outreach, to complete the Resiliency Plan, and to close out the contract after final approvals.

**Previous Action:** City Council approved Spalding DeDecker's original contract through February 1, 2024.

**Economic Impact:** N/A

**Recommendation:** Staff recommends extending the contract of Spalding DeDecker through June 1, 2024.

**Moved by Council Member Frederick, supported by Council Member Caron to approve the request for a contract extension with Spalding DeDecker from February 1, 2024, to June 1, 2024, to complete additional public outreach and assist with the Resiliency Plan.**

Ayes: All-6  
Absent: Accica



**Item 8g Continued****iv. REQUEST TO EXTEND THE MASTER PLAN COMPLETION SCHEDULE FROM DECEMBER 31, 2023, TO MAY 1, 2024, AS A RESULT OF RECEIVING THE EGLE HIGH WATER INFRASTRUCTURE GRANT TO INCLUDE MORE PUBLIC OUTREACH AND CONTENT FOR THE MASTER PLAN**

**Background Brief:** On July 14, 2023, the city was notified of a grant award in the amount of \$83,158.00 with a match of \$21,000.00 to cover the cost of updating the Master Plan, Capital Improvements Plan, and the Parks and Recreation Master Plan to include a Resiliency Plan. The grant application was written in late 2022 with an anticipated award of early 2023. The state of Michigan was delayed in awarding the funds, and therefore the city needed to proceed with the plan updates before grant funds were awarded to meet the state's deadline for the Parks and Recreation Plan submittal. The city awarded the contract for the updates to Spalding DeDecker in early 2023 with the understanding that additional work may occur if the grant was awarded.

With the newly awarded funding, staff would like to conduct additional public outreach with Spalding DeDecker for the Master Plan, Capital Improvement Plan, and Resiliency Plan. The city and state of Michigan recognize the tight timeline for approval of the Parks and Recreation Master Plan. Therefore, the timeline, scope of work, and anticipated approval will not change for the Parks and Recreation Master Plan.

Staff recommends increasing the timeline for completion of the Master Plan and Capital Improvement Plan to solicit additional public outreach to May 2024 to allow additional time for public outreach and to complete the Resiliency Plan.

**Previous Action:** N/A

**Economic Impact:** N/A

**Recommendation:** Staff recommends approval of extending the Master Plan completion schedule to May 1, 2024.

**Moved by Council Member Frederick, supported by Council Member Caron to approve the request to extend the Master Plan completion scheduled from December 31, 2023, to May 1, 2024, for additional public outreach and to complete the Resiliency Plan.**

Ayes: All-6  
Absent: Accica

**h. REQUEST APPROVAL TO AWARD THE CONTRACT FOR POOL PUMP HOUSE REPLACEMENT**

**Background Brief:** Antiquated equipment in the pool pump house has, in recent past, caused the pool to be closed for weeks at a time. Partners in Architecture (PIA) was hired to craft a master plan for the municipal pool campus, 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 16, 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 recommended at the July 17, 2023 Council Meeting, that Council approve the necessary pool equipment and HVAC components separately, as many of these items have a 6-8 month lead time. Council approved this request, and the equipment is currently on order.

In order to further reduce costs, staff met with PIA and recommended additional cost-saving measures. Bid Addendum # 1 was issued to all three original contractors that bid on the project. On August 4, 2023 the City received a sealed bid response from all three contractors, and on August 8<sup>th</sup> and 10<sup>th</sup> a representative from PIA, along with staff, completed post-bid interviews with the two lowest bidders.

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 violations within the bath house.

**Previous Action:** Council hired Partners in Architecture to craft a master plan for the Eugene J. Ellison Municipal pool at Lac St. Calir Park and provided input on renderings for the pump house. At the July 17, 2023 meeting, the council approved the purchase of the pool equipment and HVAC components. The equipment is currently on order.

**Economic Impact:** The economic impact of replacing the pump house is \$998,899.00 from D&S plus a 10% contingency, bringing the total project amount to \$1,098,789.00. An alternate for metal roofing instead of asphalt shingles would increase the cost by \$21,900.00 plus a 10% contingency. If the Council chooses the proposed alternate for the metal roof, the total project amount would increase to \$1,122,879.00.

**Item 8h Continued**

**Recommendation:** Staff recommends awarding the contract for the replacement of the pool pump house to D&S Contractors Inc. and accepting the alternate for a metal roof instead of asphalt shingles for a total project cost of \$1,122,879.00.

Mr. Rubello asked if the metal roofing was more eco-friendly and less maintenance.

Mr. Harms said it is less maintenance, lasts longer, and is sturdier. He said we get an extensive amount of wind damage. He said we went to a sloped roof instead of a flat roof.

**Moved by Council Member Frederick, supported by Council Member Caron to award the contract for the replacement of the pool pump house to D&S Contractors Inc. and accepting the alternate for a metal roof instead of asphalt shingles for a total project cost of \$1,122,879.00.**

Ayes: All-6  
Absent: Accica

9. **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 – h separating item 9f & 9g as follows:**

a. **Bills**

August 10, 2023 \$20,356,764.63

Resolved to approve the release of checks in the amount of \$20,356,764.63 for services rendered, of the report that is 58 pages in length, and of the grand total amount of \$20,356,764.63, \$8,443,038.21 went to other taxing authorities.

b. **Fees**

Shifman Fournier	\$ 465.00
Ihrie O'Brien	\$ 22,368.60

c. **Progress Payments**

Resolved that the following Progress Payments be approved as presented:

Mark Anthony Contracting, Inc.	\$ 218,982.30
Bricco Excavating	\$ 52,753.91
Mark Anthony Contracting	\$ 90,761.15
Bidigare Contractors, Inc.	\$ 396,136.35
Pipetek Infrastructure Services, LLC	\$ 11,608.11
Italia Construction	\$ 210,748.43
Pipetek Infrastructure Services, LLC	\$ 28,423.19
Bidigare Contractors, Inc.	\$1,026,096.05
Bricco Excavating	\$ 483,993.69
Mark Anthony Contracting	\$ 19,961.62
Pipetek Infrastructure Services, LLC	\$ 41,705.93
Florence Cement Company	\$ 35,708.39

d. **Approval of Minutes** - None

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

Resolved that the following minutes be received and filed:

<u>Minutes</u>	<u>Meeting Date</u>
Activities Committee	April 19, 2023
Animal Ordinance Committee	June 20, 2023
Beautification Commission	March 8, 2023
Beautification Commission	April 12, 2023
Beautification Commission	May 10, 2023
Beautification Commission	June 14, 2023

**Item 9e Continued**

Board of Review	July 18, 2023
Community Garden Committee	June 7, 2023
Community Garden Committee	July 11, 2023
Cultural Committee	June 14, 2023
Cultural Committee	July 12, 2023
Election Commission	June 6, 2023
Historical Commission	June 6, 2023
Library Board	June 15, 2023
Parks & Recreation Commission	April 13, 2023
Planning Commission	May 9, 2023
Planning Commission	July 11, 2023
Police & Fire Health Care Trust	June 29, 2023
Police & Fire Pension Board	June 29, 2023
Sign Arbitration	June 22, 2023
Water Resources & Dev. Advisory Board	June 6, 2023
Water Resources & Dev. Advisory Board	July 11, 2023
Zoning Board of Appeals	June 1, 2023
Zoning Board of Appeals	July 13, 2023

**h. Request approval for FY 23-24 Blanket Purchase Orders**

**i. Request approval of Yeo and Yeo 6/30/23 Audit Purchase Order**

**Background Brief:** Yeo and Yeo's contract was extended at the December 21, 2020 City Council meeting. This will be the final year of the contract for the FY 6/30/23 Audit.

**Previous Action:** Previous Action: The Council approved the contract as follows:

<u>Fiscal Year</u>	<u>Audit Fee</u>	<u>Total Fee</u>
2021	\$70,000	\$70,000
2022	\$72,000	\$72,000
2023	\$74,000	\$74,000

**Economic Impact:** N/A

**Recommendation:** I recommend approval of the Yeo & Yeo purchase order in the amount of \$74,000 for the annual audit for fiscal year ended 6/30/2023.

**ii. Request to approve the Purchase Order for BS&A for all annual maintenance for FY2024**

**Background Brief:** BS&A is the software used for Tax, Assessing, Utility Billing, Cash Receipting, Building System, Online Building Permits and Miscellaneous Billing modules. This PO is for all of the annual maintenance on these software modules plus the quarterly invoices for the permit system.

**Previous Action:** N/A

**Economic Impact:** N/A

**Recommendation:** I recommend the approval of the purchase order for the BS&A annual support for all modules and the quarterly permit invoices in the amount of \$54,207.

**iii. Request to approve the Purchase Order for Tyler Technology for Annual Enterprise ERP (Munis) software maintenance**

**Background Brief:** Tyler Technology is the parent company of ERP (Munis) software, which the City uses for its financial programs. This includes general ledger, payroll, accounts payable, and budgeting. This purchase order is for the annual maintenance of these programs.

**Previous Action:** N/A

**Economic Impact:** N/A

**Item 9hiii Continued**

**Recommendation:** I recommend the approval of the Tyler Technology purchase order in the amount of \$110,487.30. This includes all financial modules for annual support and maintenance.

iv. **Request to approve the Purchase Order for IntelliTime Systems Corporation for the Annual Support Contract**

**Background Brief:** Intellitime is the time and attendance software that has been in place for many years and is used by all departments in the city. The Purchase Order is for the annual support for the software.

**Previous Action:** N/A

**Economic Impact:** N/A

**Recommendation:** I recommend approval of the Intellitime Systems Corporation purchase order in the amount of \$16,690.94 for the annual support contract for the time and attendance software.

Ayes: All-6  
Absent: Accica

**Separated Items**

f. **Request to receive and file SEMCOG Planning Assistance Grant for \$32,740 to cover the cost of a transportation plan for the Nine Mack DDA with a local match of \$7,600 from Nine Mack DDA**

**Background Brief:** The city was awarded a Planning Assistance Program grant through SEMCOG for \$32,740.00 with a match through Nine Mack DDA for \$7,600.00. The grant will cover the cost of writing a plan for the Nine Mack Downtown that will:

- create safe pedestrian facilities,
- create safe transit stops,
- create safe crossing opportunities,
- implement speed management,
- increase connectivity for walkers and bikers,
- improve infrastructure for non-motorized travel,
- improve public transportation access, and
- increase public transportation service

**Previous Action:** N/A

**Economic Impact:** The Nine Mack DDA has pledged to match \$7,600.00.

**Recommendation:** Staff recommends receiving and filing the SEMCOG Planning Assistance Grant award for \$32,740.00.

Mr. Rubello commented on the grant and commended everyone on getting it.

**Moved by Frederick, seconded by Rubello to receive and file the SEMCOG Planning Assistance Grant award for \$32,740.00**

Ayes: All-6  
Absent: Accica

g. **Request to approve the Civic Center Ice Arena Rates - Separate**

**Background Brief:** Staff is proposing the following rate structure (see attached spreadsheet) for FY 23/24 for Department 753. We haven't raised rates in approximately 10 years. We are proposing raising rates \$25.00 per hour to our in-house programs. Standard renters would see a more significant increase. However, I would like to incrementally increase legacy renters over the next few years. A legacy renter would be deemed as any outside renter who has booked ice with us consecutively (12 months) the last 5 years.

All rates have been communicated to our two largest in-house programs/renters, SCSHA and SCS Figure Skating Club. They have been made aware that with council approval these rates will take effect immediately.

**Separated Item 9g Continued**

Additionally, we would like to request the ability to negotiate pricing for holiday tournaments, camps, and trainers based on demand and availability. Ex: If the rink does not have a high demand for ice on a given day/week/weekend we can offer the ice at a discounted rate to fill the open time.

Based on last year's hours booked, we are estimating an additional revenue of \$100,000 - \$110,000 each year. However, with the Wells Arena project that will take place this year, we are going to project around a -\$30,000.00 loss of revenue during construction for a net increase of \$70,000 - \$80,000 for the first year. We projected in the budget an increase in revenue for FY24. Please see the attached sheet for the estimated hourly breakdown.

**Previous Action:** N/A

**Economic Impact:** Potential revenue increase of \$100,000-\$110,000 each year. The first year being less due to construction in the Wells Arena.

**Recommendation:** Staff recommends approving the proposed Civic Arena Ice Rates beginning immediately upon council approval.

Ms. Rusie said it looks like the proposed rates keep us current with other arenas. She asked if we may lose people because we are not such a bargain and people will go to other facilities.

Mr. Spinazzola said he does not think so as we have a lot of loyal renters, and we are looking at a legacy pricing program.

Mr. Caron said we do not want to have to increase rates, but you have to as everything else goes up.

**Moved by Council Member Caron, seconded by Council Member Frederick to approve the Civic Center Ice Arena Rates**

Ayes: 5-1  
Nays: Rusie  
Absent: Accica

**10. UPDATES AND FOLLOW-UPS FROM PRIOR COUNCIL MEETING**

- Mr. Vitale asked whether the meter issues are hardware or software issues. **DPW met with Mueller Meter to diagnose the antennas and collectors inside of the control panels and found that the computers were not working correctly so new ones have been ordered. DPW is continuing to meet with them weekly regarding the towers and hardware problems with those. Receiving the necessary parts is taking longer than anticipated but the 12 Mile and Harper antenna is scheduled to have additional work done tomorrow and 13 Mile and Jefferson next week.**
- Mr. Frederick asked how the areas are determined for the sewer rehab because there is an outlier near 12 Mile and Harper. **Sewer repair locations are determined from last year's CCTV investigation and line segments are brought to our attention by DPW.**
- Mr. Caron mentioned that the contractors may have to get into residents' backyards for some of the sewer rehab work and asked that AEW be on site for these and to make sure the company is aware they will need to notify residents. **For sewer repairs and rear yard easements we require the contractor to provide the property owners a notification which is reviewed by AEW. AEW completes full-time inspections for those projects. If there is an issue where this did not occur, let us know.**
- Mr. Vitale asked that we reach out to Clinton Twp to let them know about the New York water main construction project to see if they would like to use our contractor for better pricing. **New York Street project is solely water main and no longer road reconstruction so we can still reach out to them if he would like us to. Mr. Vitale said maybe make them aware it is bad.**
- Council asked for the Attorney to review the Lease renewal with USPS at 23165 Cavalier. **It is in process.**
- Mr. Vitale asked if there is another scooter company that is more responsible that the City could use instead of Bird. **Bird Scooters is the largest and most popular scooter company in the US but if directed by Council we can explore other opportunities.**
- Mr. Vitale said the city follows ICC code and plywood is not listed as an acceptable material for the business at the southwest corner of Gaukler & Mack that is boarding up its building with plywood. He

**Item 10 Continued**

- would like a ticket issued for the windows. **A complaint and warrant request were sent to the City Attorney at the end of July.**
- Mr. Caron mentioned a \$43,000 switch purchase in the IT Department, he would like more information. **Covered earlier in Item 8a.**
- Mr. Frederick asked for an update on Amazon Fresh and Gabe's. **The developer of Amazon Fresh store said that the project is continuing but Amazon may consider putting another one of its grocery brands in the facility. To date, we do not have the interior build-out plans. The attorney for the shopping center said Gabe's is still planning for tenancy in the former Kroger location. We just do not have a timeline yet.**
- Mr. Vitale mentioned there are "Coupon Sheets" that were thrown on sidewalks and driveways on Statler Street between Jefferson/Harper. **CDI will continue to monitor and figure out which vendor it is and site them.**

**11. COMMENTS BY INDIVIDUAL COUNCIL MEMBERS**

Council Members spoke on issues in the City and thanked committees, participants, sponsors, and volunteers for successful events, along with reminders for upcoming meetings, events, and charitable causes.

**Mr. Rubello** discussed Amazon Fresh proceeding with the building. He said he stopped in and spoke with the contractor who said the outside of the building should be completed in November. He asked if the light pole on Little Mack had been fixed. He asked on behalf of the Waterfront Environmental Committee if monofilament bins are being emptied by the Parks & Recreation Dept.

Mr. Spinazzola said yes, they are.

Mr. Rubello said the City of Berkley passed an animal ordinance similar to ours to phase out the sale of dogs, cats, and rabbits. He said it is nice when we can make a positive impact on another community. He noted the City-wide garage sale was spectacular, better than they ever expected.

**Ms. Rusie** gave an announcement from the Cultural Committee. They are hosting once again a kid's art table at the upcoming Farmers Market in the Beach which is free.

**Mr. Caron** congratulated the Cool City Committee on the City-wide garage sale. He said he has been going through all the ordinances looking to revamp how we do the penalty clauses. He said found that back in 1968 they had to put in an entire ordinance about the pool. It had a lot of restrictions about how the revenue needed to be handled such as which bank it needed to go into. It had a very strict fee structure put in place which we have not been able to follow. He said he believes the bulk of it was in there because they took out a bond to build the pool. He asked the City Attorney to look through it to see if it can be capped or if we can strike the whole thing.

Mr. Caron said he has been reading national news coverage of Amazon Fresh and how as a company, they are reassessing what they are doing with that brand and the existing stores that they have. He said he is becoming concerned that you could have a corporate decision to back out of that brand entirely and we are left with a half-built building. He asked Mr. Green to discuss with CDI to track, document, and issue letters when they have not met a deadline or gone beyond a building permit or site plan. He noted that if we have to get into potential court action, there should be very clear documentation that we have been telling them all along what the timeline is and what they are missing.

**Mr. Frederick** said Pipetek was in a neighborhood on Clairwood and there were some major problems with water shooting up through their toilets. He asked Mr. Greene to look into the problem. He said he has had a resident call about vines that climb up the utility pole and grow on the lines. He asked if we could we call the cable companies to help facilitate having them come out and clear the vines.

Mr. Frederick gave an update on a Wigs 4 Kids event and library events. He noted that the Detroit Lions signed Scott Nelson, a St. Clair Shores kid to their roster.

**Mr. Vitale** said the St. Mary's Nursing Home may have someone staying inside and asked the Police Chief to follow up. He said he does not know who is responsible for that property, but we should contact them about securing the property.

Mr. Vitale asked where Greater Mack is on the PASER survey because most of Greater Mack is not that bad but there is a section between Evergreen and Francis that is absolutely blown up.

Mr. Green said that is a PASER 4 and if approved by Council it will be done in 2025.

**12. CITY MANAGER'S REPORT**

**13. AUDIENCE PARTICIPATION**

Joyce Tamasik, a St. Clair Shores resident, and VFW Bruce Post Member spoke on the VFW scholarship opportunities for the youth of the community and the teacher of the year award.

Carol Trinity, a St. Clair Shores resident spoke about a neighbor issue.

**14. MAYOR'S COMMENTS**

Mayor Walby congratulated and thanked the Cool City Committee on the City-Wide Garage Sale. He noted the Mural Grand Opening was a success and it looks fantastic.

**15. ADJOURNMENT**

**Moved by Council Member Fredrick, supported by Council Member Caron to adjourn at 11:28 p.m.**

Ayes: All-6  
Absent: Accica

---

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).