

**MINUTES
ST. CLAIR SHORES CITY COUNCIL MEETING
SEPTEMBER 5, 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, Candice Rusie, and Chris Vitale

Absent: Council Member David Rubello

Also Present: City Manager Dustin Lent, Assistant City Manager Michael Greene, Deputy City Clerk Amy Anikewich, Director Renae Warnke, Director Denise Pike, Director Henry Bowman, City Engineer Chris Liebert, Fire Chief Piper, Police Chief Allen, and City Attorney Robert Ihrie

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

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

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

Ayes: All-6

Absent: Rubello

2. PROCLAMATIONS & PRESENTATIONS - None

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

4. BIDS/CONTRACTS/PURCHASE ORDERS

a. REQUEST TO EXTEND THE CONTRACT WITH MICHAEL P. KAVANAUGH, COUNCIL ADMINISTRATOR FOR THE MICHIGAN INDIGENT DEFENSE COMMISSION (MIDC)

Background Brief: The City of St Clair Shores and the 40th District Court provide the Michigan Indigent Defense Commission (MIDC) services in accordance with the Department of Licensing and Regulatory Affairs (LARA) policies and standards. In order to provide this service, the City has contracted Michael P Kavanaugh as assigned Counsel Administrator. The agreement attached is a one-year extension. The City and the Court feel Mr. Kavanaugh has done an exceptional job over the past two years running the service and looks forward to continuing his service.

Previous Action: The previous year's contract was approved by the Council in November 2022.

Economic Impact: Funding for this position comes from the MIDC grant.

Recommendation: It is my recommendation to extend the contract for Mr. Kavanaugh's services for an additional year.

Mr. Walby asked why it is Council's decision to extend the contract, not the court.

Mr. Lent explained the State changed their policy and the contract requires approval by City Council.

Mr. Vitale expressed concern on how Council would be aware if someone was not satisfied with Mr. Kavanaugh, and would they know to contact Council with their feedback.

Mr. Ihrie stated that someone could contact the judge or a court administrator, but complaints would initially be directed through Mr. Kavanaugh.

Mr. Vitale questioned that Council is given the selection power for Council Administrator, but is not informed about the job Mr. Kavanaugh is doing besides what the court wrote in a letter.

Item 4a continued

Mr. Ihrie said this is a separation of powers between the judicial, executive, and legislative branches. The court was previously deciding who was coming before the court which has been determined to be a violation of the Separation of Powers.

Mr. Ihrie agreed that if there is a problem then Council may never know about it because currently there is not a methodology for City Council to be notified.

Mr. Lent said the MIDC program is fully funded through the grant and if an individual has a problem, they can go through the MIDC or an appeals process.

Ms. Rusie said she wished they had more information to make an informed decision, but the State threw this responsibility in Council's lap.

Mr. Ihrie said he could contact Mr. Kavanaugh to put a methodology in place to have Council notified of complaints.

Mr. Lent said the determination agreement says Council only has to give 15 days notice if we feel there are any issues with Mr. Kavanaugh. He said he hadn't heard of any issues regarding Mr. Kavanaugh.

Mr. Caron asked if clients are informed where they can go to report on issues they are having with their assigned representation.

Ms. Rusie said people are not reluctant to contact the City about issues, including on Facebook, and she has not heard any complaints about the court. She said that speaks highly of the services that are being provided by the court.

Mr. Frederick said he agrees that the methodology of notifying Council should be added to the motion.

Motion by Council Member Frederick, seconded by Council Member Caron to authorize the City Manager to sign and execute the contract with Michael P. Kavanaugh at the hourly rate of \$120/hour on a monthly basis and not to exceed \$78,000 and with the inclusion of language for a methodology for Council to be notified about complaints. The cost of this contract will be paid for by the MIDC Grant.

Ayes: All-6
Absent: Rubello

b. REQUEST TO APPROVE THE FY 23/24 BLANKET PURCHASE ORDER FOR ABS SCOUT CAR BUILDUP

Background Brief: ABS has been contracted to complete all the patrol vehicle buildups. This is the estimated cost to build a total of 8 patrol vehicles. It is anticipated seven (7) patrol vehicles will be purchased in fiscal year 23/24, with four (4) of these vehicles largely paid for utilizing insurance funds. A Ford F-150 that was purchased in the 22/23 FY is about to be put in-service and the buildup cost for this scout car is included in this request. The total cost for all new buildups includes all new equipment, however as much equipment as possible is always utilized from the old patrol vehicles.

Previous Action: A 3-year contract with ABS was approved on June 6, 2022.

Economic Impact: The estimated buildup cost for a total of eight (8) patrol vehicles is \$116,486.33.

Recommendation: I recommend the approval of the Police Department's 2nd year blanket purchase order for Patrol Vehicle Build-Ups with ABS Police Equipment for FY 23/24 in the amount of \$116,486.33.

Police Chief Allen and Sergeant Campbell were present to provide an overview and answer questions.

Mr. Caron asked if we should add the cost of an additional vehicle build-up in case another vehicle is damaged during the fiscal year.

Sergeant Campbell said this purchase order should be sufficient for what they need. Last year they had 7 vehicle build-ups on the blanket purchase order and this year they have 8 including the F-150 build-up.

Mr. Vitale asked about the price difference between a patrol car build-up versus an SUV or pick-up truck build-up cost. He said patrol SUVs and trucks are going to be more popular in the future as more departments diversify their fleets.

Item 4b continued

Chief Allen said he would email that information to Council.

Motion by Council Member Frederick, seconded by Council Member Caron to approve the Police Department's 2nd year blanket purchase order for Patrol Vehicle Build-Ups with ABS Police Equipment for FY 23/24 in the amount of \$116,486.33.

Ayes: All-6
Absent: Rubello

c. REQUEST TO APPROVE THE PURCHASE OF 3 POLICE PATROL DODGE CHARGERS

Background Brief: Every year the department replaces aging patrol vehicles based on the age, condition, miles, and repair costs. Three (3) V6 AWD Dodge Chargers were located for immediate delivery through LaFontaine CDJR-Lansing, with state bid pricing. These Chargers are \$35,557.00 each.

Previous Action: N/A

Economic Impact: The cost of these three (3) Dodge Chargers totals \$106,671. This vehicle purchase is budgeted for in the capital outlay for the 23/24 fiscal year, and one of the Dodge Chargers will be paid largely from insurance funds.

Recommendation: I recommend the approval to purchase three (3) V6 AWD Dodge Chargers in the amount of \$106,671.00 from LaFontaine CDJR-Lansing.

Sergeant Campbell said LaFontaine in Lansing has 3 vehicles ready for purchase.

Ms. Rusie asked why the idle hours of a particular vehicle were lower than the rest.

Sergeant Campbell said that is the traffic lieutenant's vehicle that is driven like a normal vehicle and has never been a patrol vehicle.

Mr. Frederick asked if the air intake is low to the ground because that has caused a problem in the past.

Mr. Vitale said the positioning of the air intake has been fixed.

Motion by Council Member Frederick, seconded by Council Member Caron to approve the purchase of three (3) V6 AWD Dodge Chargers in the amount of \$106,671.00 from LaFontaine CDJR-Lansing.

Ayes: All-6
Absent: Rubello

d. REQUEST TO APPROVE THE BLANKET PURCHASE ORDER TO BOUND TREE MEDICAL FOR EMS SUPPLIES

Background Brief: This is the annual blanket purchase order for medical supplies that are used on a daily basis for the City's paramedic service. Bound Tree is the vendor that has been awarded the EMS Supplies and Equipment bid by the SMEMS Purchasing Cooperative (formerly known as the OCMCA Purchasing Consortium) of which we are a member, and the MITN Purchasing Cooperative. This pricing contract is in effect through February 2024, with a 1-year extension option.

The Fire Department would like to divide the \$70,000 earmarked for medical supplies into a \$62,000 purchase order for Bound Tree, leaving the remaining \$8,000 in the Fire Department Operating Supplies/ALS budget for other ALS expenses.

Previous Action:

- Blanket Purchase Order for \$65,000 at the June 20, 2022, City Council Meeting
- Annual Blanket Purchase Order due to EMS Supplies over \$10,000.

Economic Impact: \$70,000 budgeted in Account #101336-750340

Item 4d continued

Recommendation: I recommend the approval of the Southeastern Michigan Emergency Medical Supply (SMEMS) Purchasing Consortium selection of Bound Tree Medical as the supplier of medical supplies; and approval of the Fire Department Blanket Purchase Order FY 2023-24 for \$62,000 to Bound Tree Medical.

Fire Chief Piper explained that Bound Tree Medical Supply was awarded the bid through Southeastern Michigan Emergency Medical Supply (SMEMS) and this is the same contract they have had for the last 3 years.

Motion by Council Member Frederick, seconded by Council Member Rusie to approve SMEMS Purchasing Cooperative bid to Bound Tree Medical; and approve the FY 2023-2024 blanket purchase order for ALS Supplies for \$62,000.

Ayes: All-6
Absent: Rubello

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

Moved by Council Member Caron, supported by Council Member Frederick to approve the Consent Agenda items a – k separating item “i” as follows:

a. **Bills**

August 28, 2023 \$13,227,907.68

Resolved to approve the release of checks in the amount of \$13,227,907.68 for services rendered, of the report that is 27 pages in length, and of the grand total amount of \$13,227,907.68, \$7,164,119.06 went to other taxing authorities.

b. **Fees** - None

c. **Progress Payments**

Resolved that the following Progress Payments be approved as presented:

Michigan Joint Sealing	\$ 12,003.13
Fontana Construction, Inc.	\$ 92,138.06
Best Asphalt, Inc.	\$ 77,448.15
Vin-Con	\$ 53,800.00
Advanced Pool Services	\$ 59,835.00

d. **Approval of Minutes** –

<u>Minutes</u>	<u>Meeting Date</u>
Council	July 17, 2023
Council Special	July 31, 2023

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

Resolved that the following minutes be received and filed:

<u>Minutes</u>	<u>Meeting Date</u>
General Employee Pension Board	June 20, 2023
General Employee Retiree Health Care Board	April 18, 2023
Library Board	July 20, 2023
Mechanical Equipment Arbitration	June 26, 2023
Sign Arbitration Committee	July 27, 2023
Waterfront Environmental Committee	May 16, 2023
Waterfront Environmental Committee	June 20, 2023
Waterfront Environmental Committee	July 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>
George Recor	Communications Commission
Marge Bowman	Compensation Commission
Gerrit Ketelhut	Parks & Recreation Commission
Sharon Farrell	Senior Advisory Committee
Emil DePasquale	Senior Advisory Committee
Erich Eggert	Waterfront Environmental Committee

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

<u>Name</u>	<u>Commission</u>	<u>Term End Date</u>
Maria D'Agostini	Cultural Committee	June 1, 2026
Dawn Zifilippo	Historical Commission	December 31, 2024

3. Recommendation to Mayor to appoint the following:

<u>Name</u>	<u>Commission</u>	<u>Term End Date</u>
Randy Calderon	Planning Commission	September 8, 2025
Charles Shock	Planning Commission	December 31, 2025
Robert Michieutti	Water Resources Board	December 31, 2025

4. Recommendation to Mayor and Council to reappoint the following:

<u>Name</u>	<u>Commission</u>	<u>Term End Date</u>
David Martin	Communications	September 30, 2026
Diana Rascano	Communications	September 30, 2026
Joseph Babula	Community Garden	September 30, 2026
Karl Schwartzberg	Cool City Committee	September 30, 2026
Harold Schwartzberg	Golf Course Committee	September 30, 2026
Janet Horan	Senior Advisory	September 30, 2026
Glenda Babolts	Senior Advisory	September 30, 2026
Heidi McInnes	Waterfront Environmental	September 30, 2026
Kathy Nixon	Waterfront Environmental	September 30, 2026

g. Request to approve the Blanket Purchase Order for FY24 Code Enforcement Inspection Services Continuing Contract

h. Request to approve the Blanket Purchase Order for Rodent Baiting Service Continuing Contract

Background Brief: In June 2021, Council approved a three-year extension to a contract with Landscape Services Inc./Code V to provide rodent baiting services in the city. The contract consists of placing, maintaining and, when possible, removing rodent bait boxes. The extension to the contract expires in June 2024.

Previous Action: Council approved a three-year extension to the contract in June 2021. The contract was signed on June 28, 2021, by then City Manager Matt Coppler.

Economic Impact: Currently we are baiting a total of 987 properties in the city. The cost for each property depends on the type of service: initial bait box, re-bait or box removal. The total amount allocated in FY23 was \$620,000 following a budget amendment. The total amount allocated in the FY 2024 budget is \$470,000.

Recommendation: I recommend approval of the FY24 blanket purchase order for rodent baiting by Landscape Services Inc./Code V in the amount of \$470,000.

j. Request to approve the Blanket Purchase Order for Contracted Weed Control

Background Brief: Excel Landscaping currently holds the contract for the Mowing and Weed Control Program. The contract expires in 2026. Staff is seeking approval of a blanket purchase order for fiscal year (FY) 24 in the amount of \$20,000. These funds were allocated in the approved FY24 budget under line item 101-732-810-035.

Item 5 continued

Previous Action: In April 2021, Council awarded the contract for the Mowing and Weed Control Program to Excel Landscaping.

Economic Impact: The amount of the purchase order is \$20,000.

Recommendation: I recommend approval of a blanket purchase order for the Mowing and Weed Control Program to Excel Landscaping in the amount of \$20,000.

k. Request to approve the Blanket Purchase Order for Contracted Code Enforcement Clean-up

Background Brief: In April 2021, Council awarded the code enforcement clean-up contract to Excel Landscaping through 2026. These clean-ups are on an as-needed basis when an owner of a blighted property has failed to comply. Staff is seeking approval of a blanket purchase order in the amount of \$30,000 to Excel Landscaping for as-needed code enforcement clean-ups. This amount was allocated in the FY24 budget under line item 101-732-810-025.

Previous Action: In April 2021, Council awarded the code enforcement clean-up contract to Excel Landscaping through 2026.

Economic Impact: The total amount allocated in the FY24 budget is under \$30,000 under line item 101-732-810-025.

Recommendation: I recommend approval of the blanket purchase order in the amount of \$30,000 to Excel Landscaping for as-needed code enforcement clean-ups.

Ayes: All-6
Absent: Rubello

Separated Item:

i. Request to approve the Investment Policy Amendment

Background Brief: On June 19, 2023, Robinson Capital provided the City Council with a presentation to inform the Council about our investment policy and potential changes, extending the portfolio, and the current interest rate/investing environment. During that presentation, Robinson Capital briefly discussed an internal strategy called Michigan Insured Cash Holding (M.I.C.H.). Robinson Capital's M.I.C.H. product is designed to help municipalities maintain full FDIC insurance on their deposits by utilizing a network of financial institutions and placing funds in increments of \$240,000. For good measure, financial institutions utilized are screened by Robinson Capital's proprietary banking credit research for stability and credit rating. The assets are placed in overnight accounts that allow daily liquidity while longer-term Certificates of Deposit are available as opportunities arise. Funds are placed at institutions offering the highest overnight interest rates, which deliver competitive yields.

American Deposit Management (ADM) is the administrator of the program, which means they are responsible for the maintenance and expansion of the financial institution network, along with the actual placement of the funds. ADM's services include access to an online portal where historical transactions, holdings, and monthly statements can be found.

After continued discussion between Robinson Capital and staff, in order to utilize this product, our investment policy should be amended to include Robinson Capital Management & American Deposit Management as authorized financial institutions. The inclusion of these institutions can be found in Appendix B of the enclosed policy.

Previous Action: On July 17, 2023, City Council approved the Investment Policy

Economic Impact: N/A

Recommendation: It is recommended to approve the Investment Policy Amendment as presented.

Ms. Rusie asked if Mr. Greene or Ms. Warnke could explain the policy amendment in more detail.

Item 5 continued

Mr. Greene explained this change allows us to authorize places where we can invest money. He said when we first did the investment policy with Robinson Capital, we did not include one of their newest products because we were waiting to see how it works first. After a recent meeting, Mr. Greene and Ms. Warnke thought this product would be advantageous for the City.

Ms. Rusie asked how Robinson Capital compares to other financial institutions the City uses for investments.

Ms. Warnke said this allows the City to hold a CD under this product and be fully insured with the FDIC.

Ms. Rusie asked Ms. Warnke to let Council know how this policy is working in a year.

Motion by Council Member Frederick, seconded by Council Member Caron to approve the Investment Policy Amendment as presented.

Ayes: All-6

Absent: Rubello

6. UPDATES AND FOLLOW-UPS FROM PRIOR COUNCIL MEETING

- Mr. Vitale asked for an update before each election on Early Voting. **The City Clerk will provide an update via Email to Council before Early Voting is conducted.**
- Ms. Rusie mentioned a typo in the resolution for item g/i. It should be \$83,158.00 **Clerk has updated the minutes.**
- Mr. Caron asked the City Manager's Office to work with CDI regarding the communication strategy and public outreach for the EGLE grant & Master Plan project. He asked that they create a plan, put it into a memo and distribute that to Council before being executed. **Denise Pike and Liz Koto will work with the consultant to draft an outreach plan in early September and submit it to Council for input.**
- Mr. Rubello asked for the light pole at Little Mack to be fixed; it looks like it is going to fall over. **CDI has contacted DTE to fix the light pole.**
- Mr. Caron mentioned the Pool Ordinance and asked the City Attorney to look into it to see if the whole section could be removed. **Yes, we are able to remove it and we are going to look at other language as well.**
- Mr. Caron has concerns with the Amazon Fresh project and their developer and asked for an update. He asked that CDI start tracking the work and documenting when they have not met a deadline. **CDI will coordinate a meeting with the developer to discuss both the project and the schedule.**
- Mr. Frederick asked for a detailed plan on how the project will be executed for the work being done on Masonic from Harper to I-94. **CDI will provide a project plan to Council following the pre-construction meeting on 8/30 and that update was sent in our weekly update report last Friday.**
- Mr. Frederick mentioned backyard vines that grow on telephone lines. He asked if there was any way to have the telephone/cable company removed/maintain the telephone lines. **CDI will look into available options for the vines to be removed.**
- Mr. Vitale mentioned there might be someone staying in the old St. Mary nursing home and asked if someone could go out to the building and look. **The Police Department checked the interior of St. Mary's on 8/22. There were no signs of anyone living there but the officers did find a broken water pipe. The owner's maintenance person worked with the water department to shut it off and fix it. The worker secured all doors and windows while he was there.**

Resident Comment:

- Carol Trinity, a St. Clair Shores resident, has a complaint regarding a neighbor having cameras facing her house and backyard. **Mr. Ihrle reached out to Ms. Trinity and the situation is being handled.**

7. 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.

Ms. Rusie said the Women's Civic League of St. Clair Shores is hosting their Meet the Candidates Night on Wednesday, September 20th 7:00 p.m. at City Hall. The St. Clair Shores Halloween Tour is now accepting applications for residents who do a lot of decorating during Halloween.

Mr. Caron thanked Parks and Rec and DPW staff for their hard work staffing all the events this summer. Mr. Caron thanked Shorewood Kiwanis for another phenomenal Harper Cruise and listed off the remaining events of the year.

Item 7 continued

Mr. Frederick asked Mr. Lent for a status update on Gabe's at 13 Mile and Harper. He also asked that we stay on top of grants regarding Police and Fire and not miss deadlines. Mr. Frederick gave updates on the Waterfront Environmental Committee for Mr. Rubello.

Mr. Vitale asked DPW to look at Greencrest Street for trees that are cut down, but the roots were not taken care of. He said we are in litigation with Dollar General regarding their shopping cart issue. Mr. Vitale asked if we have any litigation pending on the building at the southwest corner of Gaukler and Mack. Mr. Ihrle said the arraignment is set for October 12, 2023. Ms. Pike said the complaint warrant was signed by our Code Enforcement Supervisor.

Mr. Accica said there is a tree at 20841 Ardmore Park Drive that the City took down and wants to know if someone can see when the stump will be removed. Mr. Accica wished his wife a Happy Birthday.

8. CITY MANAGER'S REPORT

Mr. Lent said we were awarded the President's Award for Keep Michigan Beautiful for the Blossom Heath Pier. The award ceremony will be on Friday October 20, 2023, in Lansing.

9. AUDIENCE PARTICIPATION

Barbara Zinner, a Harrison Township resident, gave updates on what the County is doing as County Commissioner.

10. MAYOR'S COMMENTS

Mayor Walby said Apple Pie Week starts next Monday at the Senior Center. He congratulated Shorewood Kawanis for another successful Harper Cruise. He said the last concert in the park is on Wednesday at 6:30 p.m. Mr. Walby congratulated Mr. Rubello on his 25th wedding anniversary.

11. REQUEST TO MEET IN CLOSED SESSION AS PERMITTED BY STATE MCLA 15.268, SECTION 8 (H) TO CONSIDER MATERIAL EXEMPT FROM DISCUSSION OR DISCLOSURE BY STATE OR FEDERAL STATUE

Motion by Council Member Frederick, seconded by Accica to enter into closed session as permitted by State Statue MCLA 15.268, Section 8 (h) at 7:53 p.m.

Roll call vote:

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

Nays: None

Absent: Rubello

Motion by Council Member Caron, seconded by Council Member Rusie to return to open session at 7:59 p.m.

Ayes: All-6

Absent: Rubello

12. ADJOURNMENT

Moved by Council Member Frederick, supported by Council Member Accica to adjourn at 7:59 p.m.

Ayes: All-6

Absent: Rubello

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).