

**MINUTES
ST. CLAIR SHORES CITY COUNCIL MEETING
NOVEMBER 20, 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 Linda Bertges, John Caron, Ron Frederick, David Rubello, Candice Rusie, and Chris Vitale

Also Present: City Manager Dustin Lent, Assistant City Manager Michael Greene, City Clerk Abrial Barrett, Director Denise Pike, Director Renae Warnke, Interim Director Rob Spinazzola, City Planner Liz Koto, Aquatics Manager Jason Harms, Police Chief Jason Allen, Fire Chief James Piper, 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. ORGANIZATIONAL MEETING

a. OATHS OF OFFICES

Background Brief: City Council scheduled their 2023 Organizational Meeting to be held at the start of the Regular Meeting of November 20, 2023. Oaths of office are to be administered to Mayor Kip Walby, Council Members Linda Bertges, Ron Frederick and Chris Vitale.

Mayor Walby thanked all of the candidates for their hard work that ran for Council and he congratulated the elected Council Members Linda Bertges, Ron Frederick, and Chris Vitale.

Judge Fratarcangeli administered the Oath of Office to Council Member Linda Bertges.

Ms. Barrett administered the Oath of Office to Mayor Kip Walby and Council Members Ron Frederick and Chris Vitale.

b. SELECTION OF MAYOR PRO TEM

Per City Charter - 10.045 Council; organization meeting; election of mayor pro tem.

Sec 3.5. At 8:00 p.m., on the first Monday following the regular election each year, the council shall meet at the usual place for holding its meeting, for the purpose of organization. At each such organization meeting, the council shall by a majority vote of its members elect, elect one of its members as mayor pro tem.

Moved by Council Member Vitale, supported by Council Member Caron to appoint Council Member Candice Rusie as Mayor Pro Tem.

Ayes: All-7

3. PROCLAMATIONS & PRESENTATIONS

a. PROCLAMATION FOR PETE ACCICA

b. KNIGHTS OF COLUMBUS DONATION

Mr. Bo Kirk and Mr. Kevin McKay presented the Mayor with a check donation for the adaptive learning program formally known as the special needs program.

c. ST. CLAIR SHORES GOODFELLOWS NEWSPAPER FUNDRAISER

The St. Clair Shores Goodfellows discussed the upcoming newspaper fundraiser on December 2, 2023, to help local families during Christmas. They mentioned that the schools are collecting food to be delivered to families in need and they spoke about the Medallion Program at local businesses so anyone can make a donation to help raise funds. There is a helpline that families can start calling after Thanksgiving for help during the holidays at 586-980-0400.

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

5. REQUEST APPOINTMENT OF ATTORNEY MAGISTRATE MARK S. METRY

Background Brief: Mark S. Metry is a registered elector in the City of St. Clair Shores. He has been practicing law since 1978. Upon City Council approval, a performance bond will be filed with the City Treasurer in the amount of \$50,000. Mark has already completed the required educational and training programs mandated by the State Court Administrative Office.

This added Attorney Magistrate position is intended as a substitute in the event another Magistrate may be unavailable for the court's needs. It is not meant to replace, add hours, or add duties to the Magistrate position at 40th District Court.

Previous Action: Mark Metry previously served as an Attorney Magistrate at the 40th District Court from 1998 until 2021. He is very familiar with the court, and his knowledge and expertise would be a wonderful addition to the court.

Economic Impact: There will not be added budgetary costs as it relates to this Attorney Magistrate position. The budget reflects an estimated expense for Magistrates, upon need. This estimate will not change.

Recommendation: It is recommended that City Council approve the appointment of Mark S. Metry to the position of Attorney Magistrate with the 40th District Court, effective December 2, 2023.

Ms. Strassburg explained that Mr. Metry has worked at the 40th District Court before and he is now retired. She noted that he is very familiar with the court system.

Mr. Metry said that he is looking forward to coming back to St. Clair Shores. He mentioned that he recently retired his private practice so he will have more time available.

Ms. Rusie indicated that it will be good to have someone with his knowledge. She noticed that through the MIDC program there is a Chris Metry as one of the councils that we pay. She asked if Mark Metry is appointed, would this be a conflict or can Chris Metry continue to serve.

Mr. Metry said he does not think this will be an issue and noted that Chris usually does not appear in front of him.

Ms. Strassburg indicated that they will make sure not to schedule them on the same day.

Mr. Rubello asked about continuing education and if there have been any changes since he left.

Mr. Metry said that he has kept up to date with the law and there is required education for the Magistrate position.

Ms. Strassburg indicated that there is a manual and there will be a summary of updates that will need to be reviewed.

Moved by Council Member Rubello, supported by Council Member Frederick to approve the appointment of Mark S. Metry to the position of Attorney Magistrate with the 40th District Court, effective December 2, 2023.

Ayes: All-7

6. REQUEST FROM LAKEVIEW ORCHESTRA PARENTS TO BE RECOGNIZED AS A NONPROFIT ORGANIZATION TO OBTAIN A CHARITABLE GAME LICENSE

Background Brief: On November 14, 2023, Jill Mostek on behalf of the Lakeview Orchestra Parents, requested to appear before Council for the organization to be recognized as a nonprofit operating in the City of St. Clair Shores so they can obtain a charitable gaming license. The approval of this resolution is the first step that is required by the Michigan Charitable Gaming Division.

Previous Action: N/A

Economic Impact: N/A

Recommendation: It is recommended to approve the resolution to recognize the Lakeview Orchestra Parents as a nonprofit organization operating in the community for the purpose of obtaining a State of Michigan Charitable Gaming License.

Ms. Mostek said that they have been fundraising for several years. They provide orchestra students music scholarships and college scholarships for seniors. They recently became an official nonprofit organization with the state. In order to obtain a raffle license for their Season of Music event they would like to be recognized as a nonprofit operating in the City, with a resolution that they can submit to the state with their application.

Item 6 Continued

Ms. Rusie said that they have done a great job. She said that they need the resolution from the City vouching for the organization to the State on all of the work that they do to help students.

R-2023-25

Moved by Council Member Rusie, supported by Council Member Caron that the request from Lakeview Orchestra Parents, 21100 E. Eleven Mile Rd, St. Clair Shores, MI 48081, County of Macomb, asking that they be recognized as a nonprofit organization operating in the community, for the purpose of obtaining charitable gaming licenses be considered for approval.

Ayes: All-7

7. PLANNING CASE PPC23014 REQUEST FOR SITE PLAN APPROVAL FOR AN ELECTRIC VEHICLE CHARGING STATION AT ROY O'BRIEN FORD

Background Brief: The petitioner is requesting the installation of an electric vehicle charging station in the southwest corner of the Pre-Owned Dealership lot. This portion of the lot is a separate parcel from the rest of the dealership. The parcel is approximately an acre in size, and about 24,000 square feet is proposed for the installation of 3 charging stations that have the capacity to charge up to 6 vehicles. The charging station is also configured to allow vehicles equipped with trailers, boats, recreational vehicles, or other towable items to pull through on the north side of the charging island and charge the tow vehicle while still hooked up to its load. A new drive approach is being proposed on the west side of the site to allow vehicles that are towing to pull through without the need to reverse. The chargers are proposed to be covered by a canopy that matches the architecture of the main dealership building. Landscaping is proposed along the north side of the of the charging station. The pre-owned vehicle lot will remain fenced in with chainlink fencing to allow use of the charging stations 24 hours a day without the worry of tampering with vehicle inventory. The front row of parking adjacent to the public sidewalk may be used for existing inventory display.

Previous Action: The Planning Commission recommended approval of PPC 23014

Economic Impact: N/A

Recommendation: Staff recommends approval of the Planning Case.

Mr. Shane Burley from Studio Detroit Architects said that they are looking to build a new electric vehicle charging station. They are proposing three separate charging stations and each station will have the capacity for two vehicles. They will have level three chargers which will charge a vehicle in 30 minutes or less. The design will allow room for travel trailers and boats.

Mr. Roy O'Brien added that they will have a covered roof and they will have QR codes available that will list the local eateries. They are looking to make this user friendly. He also noted that they will have competitive pricing.

Mr. Caron asked if they will require a new transformer for the power and if so, where will it go.

Mr. O'Brien said yes, it will go by the memorial garden near the back corner. It will be plumbed underneath the ground up to where the charging stations will be located. He said it will be 1000 KVA and it will be their second transformer. He noted that they are able to do this since the memorial garden is on a separate parcel and there are two different addresses.

Ms. Bertges said that this is great for the City to be up and coming and to attract more people. She said that she likes that it will be available 24 hours a day, 7 days a week and that it will be a well-lit area.

Mr. Vitale agreed with Ms. Bertges. He said that this design will be nice to see and it will be great for the downtown area.

Ms. Rusie mentioned that in the planning commission minutes they pointed out some changes that will need to be made in our ordinance due to technology. She noted that we may need to look at our ordinances as this becomes more popular to streamline the process and make them more up to date.

Mr. Rubello asked if this will be available for all vehicles not just Ford.

Mr. O'Brien said yes.

Mr. Frederick said that he thinks this is great and this sets a tone for what is happening around the Country.

R-2023-26

Moved by Council Member Vitale, supported by Council Member Bertges to approve Planning Case PPC23014,

Item 7 Continued**a request for site plan approval for an electric vehicle charging station at 22101 Nine Mile Road.**

I, Abrial J. Barrett, City Clerk of the City of St. Clair Shores do hereby certify that the foregoing is an excerpt from the minutes of a regular meeting of the St. Clair Shores City Council held on Monday, November 20, 2023, in accordance with the Open Meetings Act, Public Act No. 267 of 1976 as amended.

Ayes: All-7

8. REQUEST TO APPROVE THE MEMORANDUM OF UNDERSTANDING TO ACCEPT A LAND DONATION OF PARCEL #: 09-14-02-476-008, FROM THE HOLZHAUER CHARITABLE REMAINDER TRUST

Background Brief: During the October 2nd, 2023, Council Meeting, Mike Holzauer spoke during public comment regarding his request to donate an additional parcel (09-14-02-476-008) to the City utilizing a similar process conducted in 2016 to donate other parcels.

This process includes entering a Memorandum of Understanding (MOU) with the Holzauer Charitable Remainder Trust (CRT) that allows the CRT to sell the parcel to the City by executing a promissory note. A CRT is a planned giving vehicle as defined by the IRS that entails a donor placing a major gift of cash or property into an irrevocable trust. The trust then pays a fixed amount of income each year to the donor or the donor's specified beneficiary (individual/charities). A promissory note is a written agreement between a borrower and a lender saying that the borrower will pay back the amount borrowed plus interest. Included in the MOU are terms that state any payments due (including interest) on the promissory note, shall be waived by the CRT or its successor in interest, if any, when due.

Staff and City Attorney Ihrie have spoken with the City's tax consultant (Yeo & Yeo). After reviewing IRS guidelines, they do not foresee any tax issues on behalf of the City. It is their opinion that it is the responsibility of the CRT to report trust income and distributions to beneficiaries, file all required tax documents, and follow all applicable tax laws and rules.

The dollar value laid out in the enclosed MOU was provided to the City via Mr. Holzauer. This value was established by utilizing similar values (\$500,000/parcel) as the 2016 MOU plus interest.

Previous Action: December 19th, 2016 – Council Meeting

Moved by Council Member Frederick, seconded by Council Member Caron to direct the City Manager to sign the Memorandum of Understanding (MOU) to accept a land donation of parcel number 09-14-02-476-014, from the Holzauer Charitable Remainder Trust, after the City Attorney's final review and minor changes to the MOU.

Economic Impact: The City will pay \$2.00 down and execute a promissory note to the CRT for Seven Hundred Ten Thousand Five Hundred Forty-Three (\$710,543) Dollars at 7.0% interest compounded annually, payable in one installment upon the earlier of the following:

1. The termination of the CRT, or
2. December 19, 2038

Payment shall be waived as outlined in the MOU.

Recommendation: It is the staff's recommendation to approve the MOU as presented.

Mr. Lent said that this is the fourth and final parcel on Jefferson that Mr. Holzauer owns and is looking to donate to the City.

Ms. Rusie said that there was not a copy of the promissory note in the packet. She said that they received a draft copy of the promissory note at the study session last Monday and asked if there were any changes from then to now.

Mr. Ihrie said that the promissory note has not yet been finalized. It will be essentially the same as in 2016 except for the numbers and it will incorporate the details from the memorandum of understanding.

Ms. Rusie said that the promissory note will set payments in the amount of \$710,543 but the MOU states that there is no intention of the trust to collect or our intention to pay.

Mr. Ihrie said correct, that is the donation part of the transaction. He said that they have sent the procedure to our accountant for their approval. He noted that this is a donation and the City will not be out of tax dollars.

Item 8 Continued

Ms. Rusie indicated that she wishes that this was handled in more of a traditional structure. She is concerned about the valuation of the property and asked how they came up with \$710,543.

Mr. Ihrie said that the number came from Mr. Holzauer's accountants that he believes will go to the internal revenue as the value of the donation.

Ms. Rusie asked if our assessing department evaluated the value of the property.

Mr. Ihrie said no, if we were buying the property then we would assess the value.

Ms. Rusie said that she is concerned with the valuation amount of the property and the transaction structure of the MOU and promissory note. She indicated that they need to be executed together. She said that a promissory note with no intention of paying or collecting is unusual. She hopes that this property will help sell the other properties from Mr. Holzauer.

Mr. Rubello asked if we approve this today, is everything legal.

Mr. Ihrie said yes.

Moved by Council Member Rubello, supported by Council Member Frederick to approve and direct the City Manager to sign the Memorandum of Understanding (MOU) to accept a land donation of Parcel #: 09-14-02-476-008, from the Holzauer Charitable Remainder Trust.

Ayes: 6-1
Nays: Rusie

9. BIDS/CONTRACTS/PURCHASE ORDERS**a. REQUEST TO APPROVE CHANGE ORDER FOR POOL PUMP HOUSE MAIN DRAIN REPLACEMENT D&S CONTRACTORS INC.**

Background Brief: While excavating for the new pool pump house, it was discovered that the 10 inch pipe leading to the main drain at the deep end of the pool was the original cast iron. The pool underwent renovations in the late 1980's, at which time new gutters and a new surge tank were installed, and piping leading to the gutters was replaced with new PVC. The new state code requires that this main drain pipe must be 12 inches in diameter. However, the City previously obtained a variance to transition from a 10 inch to a 12 inch pipe under the pool deck. This was approved with the assumption that the current pipe was PVC. Not wanting to leave the original cast iron pipe in place, the City reached out to the State Health Department and received an additional variance to abandon the current main drawing and to instead install 3 new sidewall drains in accordance with Federal Law (Virginia Graeme Baker Pool and Spa Act). While we currently have an open construction permit with the state, the administration believes this is the best course of action. If the pipe was to rupture at some future point, the cost to conduct repairs would be almost double, as a large portion of the pool deck would need to be excavated and replaced, and the pool would be closed for a significant period of time. In addition, replacement of the pipe now will bring us up to code, and improve pool circulation and flow.

Previous Action: The council has previously approved contracts with D&S Contractors, B&B Pools, and Janssen Refrigeration for replacement of the pool pump house, pool filtration, and HVAC equipment.

Economic Impact: With the amount of unknown variables involved in excavating near the pool wall and weather conditions, administration is requesting an increase in the contract amount with D&S Construction not to exceed \$60,000.00, which would include a 20% contingency.

Recommendation: I recommend Council approve an increase in the contract amount with D&S Construction not to exceed \$60,000.00, which would include a 20% contingency.

Mr. Harms said that there are two change orders due to separating the project into different categories for construction, pool pump house, and HVAC. He said that during excavation they discovered that the main line was still the original cast iron pipe. They contacted the state to see if we could make the change and the state approved a variance to make the correction. He said our architects and consultants recommended to fix this now to avoid undoing a lot of work later.

Mayor Walby said that it should be fixed now since it is already opened.

Mr. Frederick asked if the drain will be covered up.

Item 9a Continued

Mr. Harms said yes, the main drain will be covered up and you will not see it.

Mr. Lent said that fixing this will avoid a future issue and we will be compliant with current state codes.

Moved by Council Member Frederick, supported by Council Member Caron to approve an increase in the contract amount with D&S Construction not to exceed \$60,000.00, which would include a 20% contingency.

Ayes: All-7

b. REQUEST TO APPROVE THE CHANGE ORDER FOR THE B&B CONTRACT AT LAC SAINTE CLAIRE POOL PUMP HOUSE

Background Brief: While excavating for the new pool pump house, it was discovered that the 10 inch pipe leading to the main drain at the deep end of the pool was the original cast iron. The pool underwent renovations in the late 1980's, at which time new gutters and a new surge tank were installed, and piping leading to the gutters was replaced with new PVC. The new state code requires that this main drain pipe must be 12 inches in diameter. However, the City previously obtained a variance to transition from a 10 inch to a 12 inch pipe under the pool deck. This was approved with the assumption that the current pipe was PVC. Not wanting to leave the original cast iron pipe in place, the City reached out to the State Health Department and received an additional variance to abandon the current main drawing and to instead install 3 new sidewall drains in accordance with Federal Law (Virginia Graeme Baker Pool and Spa Act). While we currently have an open construction permit with the state, the administration believes this is the best course of action. If the pipe was to rupture at some future point, the cost to conduct repairs would be almost double, as a large portion of the pool deck would need to be excavated and replaced, and the pool would be closed for a significant period of time. In addition, replacement of the pipe now will bring us up to code, and improve pool circulation and flow.

Previous Action: The council has previously approved contracts with D&S Contractors, B&B Pools, and Janssen Refrigeration for replacement of the pool pump house, pool filtration, and HVAC equipment.

Economic Impact: With the need to replace the pool main drain and pipe with new sidewall suction lines that meet the current code, and with the amount of unknown variables involved in excavating near the pool wall and weather conditions. Administration is requesting an increase in the contract amount with B&B Pool's not to exceed \$81,600.00, which would include a 20% contingency.

Recommendation: I recommend Council approve an increase in the contract amount for B&B Pools not to exceed \$81,600.00, which would include a 20% contingency.

Mayor Walby asked if we are still on schedule with the construction.

Mr. Harms said yes, this has not slowed the process down.

Moved by Council Member Frederick, supported by Council Member Caron to approve an increase in the contract amount with B&B Pool's not to exceed \$81,600.00 which would include a 20% contingency.

Ayes: All-7

c. REQUEST TO APPROVE THE LETTER OF AGREEMENT TO AMEND UNION CONTRACTS/ADMINISTRATIVE REGULATIONS REGARDING HEALTH CARE LANGUAGE

- i. PEA UAW Local 42
- ii. POA – Police Officers Association
- iii. COA – Command Officers Association
- iv. AFSCME Local 1015.11
- v. Fire
- vi. MAPD 40th District Court Employees
- vii. Administrative Regulation #4
- viii. Administrative Regulation #4 – 40th District Court

Background Brief: 2011 Public Act 152 created a new law that limits the amount that public employers pay toward employee medical benefit plans, beginning January 1, 2012. The amount that an employer can pay towards these benefits has been adjusted each year since PA 152 has gone into effect. Enclosed in your packet is the notice from the Michigan Treasury for the calendar year 2024 limits.

Item 9c Continued

While transitioning to our new insurance broker (Manquen Vance (MV)) we were notified that if the City continued with its current insurance plans outlined in our union agreements, we would exceed our hard cap limit and be subject to reduced revenue sharing via the State. Per language throughout contracts, exceeding the hard cap limit would require employees to pay a monthly premium for their insurance coverage or allow the contracts to be reopened for insurance modification negotiation.

To reduce or eliminate potential monthly premiums and ensure the City is returned underneath the hard cap, the City Manager's office worked with MV to create new insurance plans for the 2024 calendar year. Two new potential plans were created, one HSA and one PPO, and were presented to all union groups. With approval, each employee would be able to choose which plan works best for them/their family. Enclosed in your packet are signed letters of agreement indicating the union's intent to move to these new plans.

Previous Action: Union agreements approved in 2021 & 2022.
Council work study discussion on November 13, 2023

Economic Impact: Estimated Hard Cap Limit for 2024: \$3,851,538. Additionally, to address shortcomings in HSA funding that was previously approved versus what is outlined in the new insurance plans, a per-hour raise is recommended. City-wide, this per-hour raise between all the agreements would cost ~\$250,000.

Lastly, the letters of agreement include an increase in insurance opt-out payouts for employees who choose not to utilize the City's insurance.

Recommendation: It is my recommendation to approve the enclosed union LOAs and AR#4/Court AR#4 agreements as presented.

Mr. Lent discussed the eight agreements regarding the health care language and the public act 152 which is the State's hard cap limit. He noted that our insurance went over the hard cap and that he spoke to each union regarding the changes. He indicated that anyone that retired after 2008 will mirror what the active employees receive. The deadline for the letters of understanding was November 3, 2023. He clarified that the Fire agreement was delayed due to them having their legal steward review the information. He said that letters were sent to the Fire retirees and once the agreement was signed a second letter was sent out to the retirees.

Mr. Vitale asked Mr. Lent to explain the two options for the Fire Fighters that retired after 2008.

Mr. Lent said that active employees and retirees under age 65 have the option to participate in a high deductible HSA plan. The City will fund a portion of the deductible up to the hard cap limit. The other option is the Simply Blue PPO plan with a \$750 individual/\$1,500 family deductible with no funding provided and this plan includes copays. He noted that if you are 64 and will turn 65 that year you will not be eligible for the HSA plan. The reason is that you cannot be on Medicare and an HSA plan per the IRS regulations. If the retiree is over 65 years old and we are covering their spouse and/or children they cannot be on an HSA plan due to us not legally able to fund an HSA for someone that is not an employee.

Mr. Vitale reiterated the two insurance options and what the deductibles are.

Mr. Frederick wants to make sure that the retirees are good and that they can come in to discuss if needed.

Mr. Lent said yes, we have an open-door policy and there will be meetings available with the insurance provider.

Mr. Frederick asked if they can keep track of any insurance changes for the retirees.

Ms. Rusie said that in the Fire agreement under paragraph three it says that they will receive a \$1,000 salary increase instead of the .50 raise like the other agreements, she asked if this is due to their different work schedule.

Mr. Lent said yes, and their contract is set up differently by percentages for each rank. He said their goal was to spread this around evenly to everyone.

Ms. Rusie asked what the Article VII, Section 1(g) is that is in the first sentence of the third paragraph of the Fire agreement.

Mr. Lent said that this is their salary wage scale that is included in the packet. This will be their wage scale for the next two years and then it will be open for negotiations.

Item 9c Continued

Ms. Rusie asked why Mr. Greene signed the Fire agreement in addition to Mr. Lent when just Mr. Lent signed the other agreements.

Mr. Lent said that the Fire agreement was signed on a different day and Mr. Greene was present.

Mr. Caron said that Mr. Lent and Mr. Greene did a great job on this situation. He clarified that the state came out with new limits per employee on what we are allowed to spend. He noted that this was a lot of work and had a fast turnaround time.

Moved by Council Member Caron, supported by Council Member Rubello to approve the letter of agreement for PEA UAW Local 42, St. Clair Shores POA, St. Clair Shores COA, AFSCME Local 1015.11, IAFF Local 174, MAPE 40th District Court, and AR #4/Court AR#4 Agreements as presented.

Ayes: All-7

10. 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 the 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 items 10c and 10f as follows:

a. Bills

November 9, 2023 **\$11,210,134.16**

Resolved to approve the release of checks in the amount of \$11,210,134.16 for services rendered, of the report that is 50 pages in length, and of the grand total amount of \$11,210,134.16, \$963,127.61 went to other taxing authorities.

b. Fees

Shifman Fournier \$ 2,190.00
 Ihrie O'Brien \$ 20,934.43

d. Approval of Minutes

Resolved that the following minutes be approved as presented:

<u>Minutes</u>	<u>Meeting Date</u>
Council	October 2, 2023
Council	October 16, 2023

e. Receive & File Boards, Commissions & Committee Minutes

Resolved that the following minutes be received and filed:

<u>Minutes</u>	<u>Meeting Date</u>
Community Garden Committee	October 4, 2023
Cultural Committee	September 13, 2023
Downtown Development Authority	July 12, 2023
Downtown Development Authority	September 20, 2023
Election Commission	August 31, 2023
General Employee Health Care Board	August 15, 2023
General Employee Pension Board	September 19, 2023
Historical Commission	October 3, 2023
Mechanical Equipment Arbitration	September 18, 2023
Planning Commission	September 12, 2023
SCS Memorial Day Parade Committee	May 17, 2023
SCS Memorial Day Parade Committee	June 19, 2023
Senior Advisory Committee	September 21, 2023
Waterfront Environmental Committee	August 15, 2023
Waterfront Environmental Committee	September 19, 2023
Zoning Board of Appeals	September 7, 2023
Zoning Board of Appeals	October 5, 2023

Item 10 Continued

g. Request to approve the rehab project for CDBG Residential Rehab Program

Background Brief: Funds for the CDBG single family rehab program Project ID 2023-08-L. This project is part of our Home Owner Rehab Program. This project will be a 0% interest, 10-year forgivable loan lien to the property once completed. The project includes a new roof on the house and garage, new basement glass block windows and some required lead remediation.

Previous Action: N/A

Economic Impact: N/A

Recommendation: Staff recommends awarding the contract for \$16,950.00 to Joseph Home Improvement.

h. Request to approve the Letter of Agreement for a duty disability retirement for Driver/Engineer Scott Schwabe

Background Brief: Driver Engineer Scott Schwabe has been a member of our Fire Department since August 08, 2005 and was promoted to Driver/Engineer in 2013. Scott has been on light duty/ disability since 10-2021. With his current health status, administration is recommending Mr. Schwabe for a duty disability effective with Council's approval.

Previous Action: Police and Fire Pension approved the agreement at their last meeting on September 28th.

Economic Impact: Attached please find the duty disability pension calculations for Mr. Schwabe.

Recommendation: To approve the Letter of Agreement for a duty disability retirement for Driver/Engineer Scott Schwabe

Ayes: All-7

Separated Items

c. Progress Payments

Resolved that the following Progress Payments be approved as presented:

Underground Infrastructure Services, LLC	\$ 23,903.35
Galui Construction Company, Inc.	\$ 350,606.62
B&B Pool Services	\$ 10,000.00
ProLine Asphalt Paving	\$ 916,308.67
D & S Contractors, Inc.	\$ 72,430.34
D & S Contractors, Inc.	\$ 13,096.80
Ready Dig Excavation	\$ 46,439.50
ProLine Asphalt Paving	\$ 245,709.64
Bidigare Contractors, Inc.	\$ 152,071.43
Pipetek Infrastructure Services LLC	\$ 13,425.16
Pipetek Infrastructure Services LLC	\$ 104,707.10
Metropolitan Concrete Corporation	\$ 35,257.39
SAK Construction LLC	\$ 76,098.58
Al's Asphalt Paving	\$ 2,500.00
Michigan Joint Sealing, Inc.	\$ 48,866.51

Mr. Caron said that the Al's Asphalt Paving was for the remainder of the Brys Park path however the project has not been completed. He asked if administration could schedule when the restoration will be completed before we release the retainage.

Moved by Council Member Caron, supported by Council Member Rubello to approve Progress Payments except for Al's Asphalt Paving.

Ayes: All-7

f. Request to approve the Purchase Order for the 2024 City Calendar

Background Brief: Council asked to bring back the City Calendar.

Separated Item 10f Continued

Previous Action: 3 year contract approved by Council on 9/21/2021

Economic Impact: Total Cost for printing: \$20,620.65 - Line Item: 101272-900255

Recommendation: I recommend the approval of \$20,620.65 to Printwell Inc for the printing of the 2024 City Calendar

Ms. Rusie said that in the memo & on the purchase order it states that a three-year contract was approved in 2021. She said that we have not used this contract since we have not printed a calendar and asked if the price of \$20,620.65 is under the three-year contract or if it is separate.

Mr. Lent said that it is the same as the three-year contract.

Ms. Rusie said that the three-year contract that was approved in 2021 was for \$16,942. She asked for this to be looked into and noted that one of the risks of having a multi-year contract is rising costs. She also would like to make sure the specs are the same as the original quote.

Mr. Greene said that the printer will need to know by next week to start printing. He said he thinks that this quote was higher due to inflation.

Ms. Rusie reiterated that is the risk a vendor makes when you have a multi-year contract. She said that she understands we did not utilize this contract but the pricing needs to be confirmed.

Mr. Greene indicated that they looked back at the previous bid and this price is still cheaper compared to the other bids submitted.

Mr. Lent said that he will look into this and send an email to Council. He asked if this can be approved but not to exceed the \$20,620.65 due to the time restraints.

Moved by Council Member Frederick, supported by Council Member Caron to approve the purchase order for the 2024 City Calendar not to exceed \$20,620.65 to Printwell Inc.

Ayes: 6-1
Nays: Rusie

11. UPDATES AND FOLLOW-UPS FROM PRIOR COUNCIL MEETING

- **Mr. Frederick asked for plastic walls to be added to the overhang at the Senior Activity Center during the winter after the renovations have been completed.** Mr. Lent said we will explore options for covering the walkway with temporary coverings during the winter months.
- **Mr. Frederick asked for the warranty to be emailed to him for the Utility Cart.** The warranty is for 24 months or 1500 hours whichever one comes first. It covers all parts from the start date of delivery.
- **Mr. Vitale asked for an update on easement repairs from DTE.** Ms. Pike sent an email on 10/17/23.

Mr. Vitale asked where we are at now since that email is a month old.

Mr. Ihrie said that he spoke with DTE and they were going to look into the concerns. He told DTE that they may need to come to a Council meeting to discuss the continuing issue with restoration.

Mr. Vitale said that on some of the site destructions they are old and with erosion and time everything has settled. There are weeds and missing soil. The sites were never properly restored. He thinks we need to have the addresses of where DTE has done work and make sure it was done properly.

Mayor Walby said maybe there is something we can do for our residents instead of waiting for DTE.

Mr. Ihrie suggested that we have the local representative from DTE attend a Council meeting.

- **Mr. Vitale mentioned the privacy issue at the Saratoga Village condo. They were supposed to build a concrete wall instead of landscaping.** A message was sent to the president of the association about the landscaping. The president said that he will be contacting the City Attorney and since this, Mr. Lent thinks that the Saratoga Village Condo has their own attorney now.

Item 11 Continued

Mayor Walby asked Mr. Ihrle if the association contacted him.

Mr. Ihrle said yes, he referred them to a condo association attorney.

- **Mr. Vitale mentioned a pole that needs repair at the Sunoco at Corteville and Jefferson.** Chief Allen pulled the police report and Code Enforcement will follow up. The decorative light may have been site plan approval so Code Enforcement will make sure the replacement light meets the requirements.
- **Mr. Vitale mentioned an open hole and blight at the meat packing store at Alexander & Hornug. He is worried this is a safety issue.** They spoke with Misty from Perdue and asked that the hole be covered and fenced in. Misty said that their plan was to fill the hole with sand and remove the concrete blocks before leaving the building.
- **Mr. Rubello asked for an update on the Helping Hands Program.** Email was sent from Mr. Hubinsky on 10/17/23.
- **Mr. Rubello asked for an update on the Master Plan.** The master plan is still in the public input phase that goes until the end of 2023. They expect the draft plan will be ready for review by April 2024.
- **Mr. Rubello mentioned a light on Little Mack and Frazho that is leaning and needs repair.** A report was made to DTE through their portal.
- **Mr. Frederick mentioned a house with an overgrown yard at 22642 Edgewood. He asked if the City could do some cleanup before the house is demolished.** This request was sent to Excel for cleanup.
- **Mr. Walby asked if the Kyte Monroe Tennis Courts could be renovated into Pickel Ball Courts.** They will look into the process of renovating the tennis courts into pickle ball courts. This will be added to the Parks and Recreation master plan.

Resident Comment:

- **Carolyn Mikule – 22954 California, Issue with her driveway replacement.** CDI spoke to resident and met with the engineering inspector that will be there during the driveway pour. The work will be done in the spring.

12. COMMENTS BY INDIVIDUAL COUNCIL MEMBERS

Ms. Bertges said that she is pleased to be here and a part of Council. She mentioned The Ardmore Café and said it was great. She reminded everyone of the tree lighting ceremony on December 1st.

Mr. Rubello asked how the project is going on Beaconsfield.

Mayor Walby said that the road will be opened in March or April 2024.

Mr. Rubello asked about the rehabilitation of the Chapeton pump.

Mayor Walby said it is progressing and going well.

Mr. Rubello asked if the work at Champine Park has been completed.

Ms. Pike said that the project is going well. The repairs to the abutment wall are done but they need to let the concrete cure. This project should be completed in about three weeks.

Mr. Rubello announced the tunnel of lights that will be starting on December 2nd. He thanked Stahl's for their Powerplay for Heros event that benefited the Guardian Angels Medical Service dogs. He said that the bill to help laboratory dogs and cats is with the Governor. He spoke about the tree planting at Ardmore Park grade school and how the kids were able to meet the Mayor and have him sign their books from the Waterfront Environmental Committee.

Mayor Walby added that the Ardmore Grade School was modernized with their bond millage and they were putting trees back in that were removed. He noted that you can check out more details for the Tunnel of Lights on Facebook.

Ms. Rusie announced the upcoming events at the Selinsky Green Farmhouse Museum. She congratulated Mayor Walby, Ron Frederick, Chris Vitale, and Linda Bertges on the election. She thanked her colleges for the Mayor Pro Tem appointment and she wished everyone a happy Thanksgiving.

Item 12 Continued

Mr. Caron congratulated Ms. Bertges, Mayor Walby, Ron Frederick, and Chris Vitale. He indicated that for the appointment of Mayor Pro Tem the charter states that this should happen the Monday after an election at 8 p.m. We do not follow this due to the timeframe of the election being certified. He asked Mr. Ihrle if we can look into how much time is needed once the election is certified and make a charter amendment. He said that the work on Masonic has been completed and the State did a great job. He mentioned that Lakeshore High School installed a sledding hill however it looks like it is going towards a tree and he would like someone to follow up with them on their plan. He asked about the boat ramp at Blossom Heath and where we are at with filing the complaint with ECT.

Mr. Ihrle said that they recently had a meeting and he is in the process of working on this and will follow up.

Mr. Caron noted that they will be interviewing for the construction manager for the new Police and Fire department projects. He wished everyone a happy Thanksgiving.

Mr. Frederick gave his condolences to the family of Ms. Patsy Donato who passed away. He thanked his wife, family, and his supporters for their support and encouragement. He congratulated Mayor Walby, Chris Vitale, and Linda Bertges. He spoke about the Pigs for Wigs Fundraiser that the Police department is doing for wigs for kids. He announced the upcoming Library events.

Mr. Vitale reminded residents to beware of scam letters as example from American Water Resources for water supply lines. He asked if we can change how we stream our meetings for better viewing to our residents. He asked for an update on the burned down building at Nine Mile and Harper.

Ms. Pike said that the attorney for the roofing company said the insurance inspection has been completed and they will reach out to the building owner's attorney regarding demolition. The cleanup should start on 11/27/23 or 11/28/23.

Mr. Vitale asked Chief Piper if the buildings on either side are still structurally sound.

Chief Piper said yes, they saved four businesses and one resident from that fire.

Mr. Vitale spoke about Frank Plotkowski, a graduate from Lakeview High School, on all of his accomplishments with Top Fuel Racing. He gave his humbled appreciation to everyone for his re-election and he congratulated his colleges.

13. CITY MANAGER'S REPORT - None

14. AUDIENCE PARTICIPATION

Mr. Joseph Gemayel, a Metamora resident, discussed the Veterans Gallery Show starting May 31 through June 2, 2024 at Trader Todds Marina. He gave an overview of the scheduled events for each day. He indicated that they received a grant from the Michigan Veteran Affairs Agency and part of this will go towards housing for Veterans.

Ms. Helen Horn, a St. Clair Shores resident, discussed bringing the Macomb polar plunge and frozen 5k event to Blossom Heath in 2025 for the special Olympics.

15. MAYOR'S COMMENTS

Mayor Walby noted that the Historical Commission did a great job on the Historical Marker event at Lake Shore Presbyterian Church. He wished everyone a happy Thanksgiving.

16. ADJOURNMENT

Motion by Frederick, seconded by Caron to adjourn at 9:25 p.m. Approved 7-0

Ayes: All-7

KIP C. WALBY, MAYOR

ABRIAL J. BARRETT, CITY CLERK

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