

**MINUTES
ST. CLAIR SHORES CITY COUNCIL MEETING
MAY 6, 2019**

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, Ronald Frederick, Peter Rubino (arrived at 7:06 p.m.) , Candice Rusie and Chris Vitale

Also Present: City Manager Michael Smith, Assistant City Manager William Gambill, City Clerk Mary Kotowski, City Planner Liz Koto, Directors Henry Bowman, Doug Haag, Chris Rayes 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. Kotowski, City Clerk, called the roll, and a quorum was present. Mayor Walby stated that Mr. Rubino will be late. The Pledge of Allegiance was recited.

2. PROCLAMATIONS & PRESENTATIONS

a. St. Clair Shores 67th Memorial Day Parade

Mayor Walby presented the following proclamation to members of the Memorial Day Parade Committee:

*Proclamation in honor of the
67th ST. CLAIR SHORES MEMORIAL DAY PARADE
May 26, 2019*

WHEREAS, the 67th St. Clair Shores Memorial Day Parade, to be held on Jefferson Avenue this year, continues our City's time-honored tradition remembering those men and women who are serving or who have served in our armed services and the sacrifices they have made; and

WHEREAS, we Americans are grateful to all those who have put on our nation's uniform to protect our freedom and recognize the service of our 2019 Grand Marshal Tom Tomlinson, a World War II and Korean War veteran who also served as national vice commander of the Disabled American Veterans and head of the Department of Veterans Affairs for Macomb County, as well as a St. Clair Shores City Council Member; and

WHEREAS, with this year's Parade theme "The Brave Souls of Freedom", we recognize that the nation's military strength is not found in its defensive systems and weapons alone, but it is the personal character of the men and women in uniform, their faith, readiness, will and devotion that makes a nation's armed forces proud and strong; and

WHEREAS, the 67th St. Clair Shores Memorial Day Parade would not happen without all the hard work and tireless efforts of the current St. Clair Shores Memorial Day Parade Committee members, parade day volunteers, our residents and City staff;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the City of St. Clair Shores, on behalf of all our residents, do hereby declare Sunday, May 26, 2019, as the 67th St. Clair Shores Memorial Day Parade Day.

Presented this 6th day of May 2019.

Mr. Rubino arrived at 7:06 p.m.

b. Nautical Coast Cleanup May 19, 2019

Members of the Waterfront Environmental Committee and Nautical Coast Cleanup crew were in attendance to speak about the upcoming cleanup. They thanked everyone for their help and support.

c. Lakeview High School Boys Swim Team

Mayor Walby presented members of the Lakeview High School Boys Swim team with the following proclamation:

Item 2 (Cont'd):

**PROCLAMATION
to
LAKEVIEW HIGH SCHOOL HUSKIES
2018-2019 BOYS SWIM TEAM**

WHEREAS, the Mayor and Council of the City of St. Clair Shores deem it fitting and proper to publicly express the City's pride and congratulations to the **LAKEVIEW HIGH SCHOOL HUSKIES BOYS SWIM TEAM** for their outstanding 2018-2019 season; and

WHEREAS, the **LAKEVIEW HIGH SCHOOL HUSKIES BOYS SWIM TEAM** captured the **Macomb Area Conference (MAC) Blue Division** swim meet championship title with 382 points on February 23, 2019, taking first place in 8 of the events; also having set records this season in the 200 Medley Relay, 200 Freestyle, 50 Freestyle, 100 Butterfly, 500 Freestyle, 200 Freestyle Relay and 100 Backstroke events; and

WHEREAS, the **LAKEVIEW HIGH SCHOOL HUSKIES BOYS SWIM TEAM** carried a team GPA of 3.49, the 27 teammates have displayed good sportsmanship, have grown in character and skill, and demonstrated their hard work, determination and team spirit;

THE TEAM MEMBERS ARE:

<i>Daniel Arndt</i>	<i>Jackson Dell</i>	<i>Collin Mall</i>	<i>Dillon Peterson</i>
<i>Aiden Boldt</i>	<i>Ben Dembinski</i>	<i>TJ Miskelly</i>	<i>Josh Roberts</i>
<i>Jack Carr</i>	<i>Cameron Fischer</i>	<i>Tyler Miskelly - Captain</i>	<i>Cole Schieferstein</i>
<i>Isuf Cekaj</i>	<i>Zack Graham</i>	<i>Tommy Naglich</i>	<i>Jack Thompson</i>
<i>Max Cornett</i>	<i>Jack Hey</i>	<i>Andrew Notoriano</i>	<i>Brenden Wojcik</i>
<i>Corey Cranford</i>	<i>Conall Hunter</i>	<i>James O'Hara</i>	<i>Peter Wojcik</i>
<i>Nick Crawley</i>	<i>Chaz Lumpkin - Captain</i>	<i>Clayton Peterson</i>	

HEAD COACH: Tracy Kalinowski **ASSISTANT COACH:** Emily Heitchue

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the City of St. Clair Shores, on behalf of all its citizens extend our pride and congratulations to the **2018-2019 LAKEVIEW HIGH SCHOOL HUSKIES BOYS SWIM TEAM** and **COACHES** on their outstanding individual and team accomplishments and wish them many more years of success.

Presented this 6th day of May 2019.

d. Women's Civic League Scholarship Presentation

Sarah DeDonatis, Women's Civic League, spoke regarding the upcoming Guns and Hoses fundraiser on August 10th. Information regarding this event can be found on their website. She then presented awards to their scholarship winners.

e. Farmers Market

Mr. Bowman spoke about the first Farmers Market of the year which will be held May 19th from 8 a.m. to 3 p.m. at Blossom Heath Park.

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

- Jim Goodfellow, St. Clair Shores resident, spoke regarding items #4 & #5.
- Bob A. Jones, St. Clair Shores resident, spoke regarding items #4 & #5.
- Jo Ann Rottenbucher, St. Clair Shores resident, spoke regarding items #4 & #5.
- Ted Huebner, St. Clair Shores resident, spoke regarding item #4.
- William Gilbride Esq., representing property in St. Clair Shores, spoke regarding item #4.

4. PLANNING CASE PPC190008, REQUEST FOR REZONING – 22980 E. NINE MILE, PARCEL #09-14-34-229-033, FROM O-1 OFFICE TO CLDD CENTRAL LAKEFRONT DEVELOPMENT DISTRICT, REPRESENTED BY LEO STASSINOPOULOS

Background: The applicant is requesting to rezone 22980 East Nine Mile from O-1 Office to CLDD-Central Lakefront Development District to construct a building for a full-service restaurant.

Mr. Ihrie stated a valid protest petition has been filed. Under State law that means a 2/3 vote of Council is required to approve the rezoning rather than a simple majority. If a council member votes against the rezoning, they must clearly state why they have voted against it. Additionally, if a motion is made to deny the rezoning, it must be clearly stated in the motion why it is being denied, for example noise, traffic, odor, lights, etc.

The Planning Commission reviewed this matter, held a public hearing on the item and they approved the rezoning with a 5/4 vote.

The Master Plan, in this situation, does consider this property as potential for CLDD. It is a forward looking document that evaluates what the potential of a piece of property may be. Council has the right to act in conformity with or against the Master Plan. The following two issues will be reviewed: 1. Were valid reasons given in respect to health, welfare and safety of the public? 2) If rezoning is denied, does it leave the owner with any viable use of the property in the future so it would not be a governmental taking?

Robert Rollinger, Attorney for the petitioner, said that the petitioner has 60 separate sites in the metropolitan area. Greek specialty items make up 50% of the menu. There are retail businesses and restaurants in this area, so the zoning request is compatible with the surrounding uses. It would also be compatible with the City's Master Plan. This will not cause a hardship on current services in the City. Their hours of operation would be 7 a.m. to 10 p.m. The current zoned use has kept the site undeveloped for many years. He stated there is a demonstrated need for this restaurant.

Mr. Rubino recused himself from voting on this item because the petitioner has longstanding accounts with his firm.

Ms. Rusie said that the same request came before Council a couple years ago, and she voted for it. We cannot take the petitioner into account when reviewing the rezoning. This rezoning was recommended by our Planning Commission, and that lot has been vacant for a long time. It is nice to have businesses that want to establish themselves in St. Clair Shores. She did suggest that a new traffic study be done of this area.

Mr. Accica said the traffic is terrible on 9 Mile. This is already a bad area during busy hours, and it is not always safe to pull out into traffic. He is not in favor of rezoning. We have to look at the safety of residents. He will vote no.

Mr. Caron is not in favor of expanding the Central Lakefront District outside of the current zoning area. We also need to consider the proximity of the homes. There is no backyard depth for those homes on Pleasant. Traffic has already increased with the Kroger Gas Station, and adding a zoning class would make an impact on these homes.

Mr. Frederick stated that the intensity and density of what this rezoning will bring to that property with traffic and noise will be detrimental.

Mr. Vitale agrees with all the reasons his colleagues have given against rezoning. This has nothing to do with the business, it has to do with the fact that we do have other properties that could be redeveloped. He cannot see rezoning when we have plenty of other properties available. This property has value, and we are not stripping it of value. He opposes the rezoning.

Mr. Caron voted yes to deny the rezoning based on the reasons stated.

Mr. Frederick voted yes to deny the rezoning based on the reasons stated.

Ms. Rusie voted no to deny the rezoning.

Mr. Vitale voted yes to deny the rezoning based on the reasons stated.

Mr. Accica voted yes to deny the rezoning based on the reasons stated.

Mayor Walby voted yes to deny the rezoning based on the reasons stated.

Moved by Council Member Caron, supported by Council Member Frederick to deny Planning Case PPC190008 for rezoning at 22980 East Nine Mile, parcel number 09-14-34-229-033, from O-1 Office to CLDD Central Lakefront Development District, as it will negatively affect the health, welfare and safety of the public because of traffic patterns and proximity to homes.

Item 4 (Cont'd):

Ayes: Caron, Frederick, Accica, Vitale, Walby
 Nays: Rusie
 Abstain: Rubino

5. PLANNING CASE PPC190008A - REQUEST FOR SITE PLAN APPROVAL – 22980 E. NINE MILE, REQUEST FOR SITE PLAN APPROVAL FOR A NEW LEO'S CONEY ISLAND FULL-SERVICE RESTAURANT, REPRESENTED BY LEO STASSINOPOULOS

Item 4 was denied so this item was not heard.

5.1 Planning Case PPC180010-30130 Harper-Request for an amendment to the site plan approval for a new wellness center for Maggie's Wigs 4 Kids, represented by Art Kalajian

Background: The applicant is requesting an amendment to the Site Plan Approval from 2018. The plan was originally approved for a 6,225 square foot two story building for Maggie's Wigs 4 Kids Wellness Center. The revised conceptual plan proposes a single-story building that is about 4,500 square feet. The footprint of the revised building is approximately 900 square feet larger than the original approval. The revised site plan proposes to include a children's tea room for Wellness Center clients, a small retail component, several offices for Wellness Center operations, a make-up station for Wellness Center clients, two styling rooms for Wellness Center clients, a medical room, space for hair donation intake, a training and education area including a conference table, a nutrition and fitness room for Wellness Center clients, a family therapy and child activity area for Wellness Center clients, a massage room, a pedicure room, and a storage and utility area. The site plan indicates the placement of the building on the north side of the lot so the existing drive approach can be maintained and feed the parking lot on the south side of the lot. The building is proposed to be constructed of brick with a stone or block sign band area. Fabric awnings are proposed over the windows on the south elevation, and a metal awning is proposed over the window on the Harper elevation and over the entry door.

Mr. Smith explained that the Maggie's Wigs for Kids building has to be downsized because of cost. Time is a concern because the petitioner has received a grant which requires that a certain portion of construction be completed before the end of May. He has asked Council to consider approving this request and also to give administration permission to work with the petitioner's architect directly in order to expedite this project. The construction footings, etc. will still be as drawn in original. The major change is that it will be a one story building instead of a two story building.

Moved by Council Member Frederick, and supported by Council Member Rubino to approve Planning Case PPC180010-30130 Harper-Request for an amendment to the site plan approval for a new wellness center for Maggie's Wigs 4 Kids, represented by Art Kalajian, with additional conditions to work with Community Development and Inspections and Administration will approve final plans.

Ayes: All - 7

6. RESOLUTION ALLOWING THE CITY TO ACCELERATE 2019 WINTER TAX BILLS UNDER \$100 TO THE 2019 SUMMER INSTALLMENT

Background: As a cost saving measure, the City began utilizing the section of MCL 211.44 that allows a community to reduce its costs by eliminating certain winter bills. The provision allows the City to move the winter tax millages to the summer installment wherever the winter tax bill would be less than \$100.

We implemented this change in 2015 and received positive feedback from residents while saving on postage, printing and processing of over 24,200 parcels. The taxable value this year would need to be under \$62,644 in order for the tax to be accelerated. I expect to accelerate 23,301 parcels which is down slightly from last year (23,386 bills) due to statutory taxable value increases and uncappings. The City would still issue winter bills for parcels with taxable values over the \$62,644 threshold.

This resolution will have to come before City Council annually. If Council approves this resolution, the City must still obtain permission from the County Board of Commissioners. If a millage increase or a new millage is approved after the summer bills have been issued, a winter bill may be issued or the City may pay the taxing authority.

Finally, please note that City Assessor Teri Socia should be recognized for establishing this service which also results in an annual savings to the City in excess of \$25,000.

Item 6 (Cont'd):

Moved by Council Member Caron, supported by Council Member Rusie to approve the following resolution to Accelerate 2019 Winter Tax Bills Under \$100 to the 2019 Summer Installment, as recommended by the City Manager:

WHEREAS, the State of Michigan has approved Public Act 184 and 185 of 2012 providing local tax collecting units the option of accelerating certain millages from the winter tax collection levy to the summer tax collection levy if the tax and other amounts billed total \$100 or less; and

WHEREAS, the City of St. Clair Shores levied 1.5805 mills as part of the 2018 winter tax collection levy and will have approximately 23,301 tax bills that could be collected as part of the 2019 summer tax collection levy and save the City expenses for preparing, mailing, and collecting the taxes; and

WHEREAS, the City wishes to save its resources and take advantage of the option to accelerate the winter tax levy to the summer tax levy for small tax bills of \$100 or less; and

WHEREAS, the City will forward this Resolution to seek approval from the Macomb County Board of Commissioners;

NOW, THEREFORE, BE IT RESOLVED that, pursuant to MCL 211.44a (2)(b) the City Council authorizes the summer collection in July, 2019 for the property tax bill amounts that will total \$100.00 or less per individual tax bill and that otherwise would be collected as part of the 2019 winter tax levy.

I, Mary A. Kotowski, the duly qualified and appointed City Clerk of St. Clair Shores, Macomb County, Michigan do hereby certify that the foregoing is a true and complete copy of a resolution adopted at a regular meeting of the City Council on Monday, May 6, 2019, the original of which is on file in my office.

Ayes: All - 7

6.1 REQUEST TO AMEND CHARTER AMENDMENT BALLOT PROPOSAL LANGUAGE FOR THE AUGUST 6, 2019 CITY SPECIAL ELECTION TO BE HELD IN CONJUNCTION WITH CITY PRIMARY ELECTION

a. Streets Millage

Background: At the March 18, 2019 Council meeting, approval of this charter amendment language was adopted by City Council. The Attorney General requested changes to the wording.

This is a charter amendment so it requires a 3/5 vote of City Council to approve placement on the ballot. Charter amendments under the Home Rule City Act require review and approval by the Governor and the Attorney General.

Mr. Ihrie outlined the changes recommended by the Attorney General.

Ms. Rusie stated that she voted against this in March, and she will vote no to be consistent.

Moved by Council Member Caron, supported by Council Member Frederick to approve the request to adopt the revised ballot proposal language for the new Streets Millage Charter Amendment for the August 6, 2019 City Primary Election, which reads as follows:

**CITY OF ST. CLAIR SHORES
RESOLUTION FOR THE PURPOSE OF SUBMITTING A
PROPOSITION AUTHORIZING THE CITY TO AMEND ITS CHARTER**

The following preamble and resolution were offered by Council Member Caron, seconded by Council Member Frederick.

WHEREAS, the City Council wishes to obtain approval from the voters to replace the current City Charter provision which provides the means of providing for necessary street and sewer repairs and construction, as provided in Section 8.9(h) of the City of St. Clair Shores City Charter with a new charter amendment which will provide the means of providing for necessary residential street repairs, street construction, street lighting and related sewer repairs and construction, and

Item 6.1 (Cont'd):

WHEREAS, the City Council wishes to have this charter amendment submitted to the voters at the Special Election to be held on August 6, 2019, and

WHEREAS, the City Council wishes to approve such ballot proposition and authorize the St. Clair Shores City Clerk to proceed with all required notices for such ballot proposition.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF ST. CLAIR SHORES, as follows:

- 1. The City of St. Clair Shores shall submit the following proposition set forth in Paragraph 3 below to qualified electors at the Special Election to be held on August 6, 2019.**
- 2. The City Clerk shall cause all required notices to be published as required by law.**
- 3. The following proposition shall be submitted to the qualified electors of the City at the Special Election to be held on August 6, 2019.**

This is a Charter Amendment for a new millage that replaces the expiring street millage for necessary residential street repairs, street construction, street lighting and related sewer repairs and construction

PROPOSAL A

Shall the City of St. Clair Shores, Michigan, commencing July 1, 2020, levy 1.75 mills per year for five (5) years which is estimated to produce \$2,627,286.00 of collections in the first year, for necessary residential street repairs, street construction, street lighting, and related sewer repairs and construction, replacing the current 1.1960 mills, which was adopted in 2014, for five (5) years?

Yes _____

No _____

- 4. The Charter language will read as follows:**

10.219(h) Means of providing for necessary street and sewer repair, street lighting and related construction.

Sec. 8.9(h) Necessary residential street repairs, street construction, street lighting, and related sewer repairs and construction shall be provided for by the levy and collection of 1.75 mills per year for five (5) years, commencing July 1, 2020.

- 5. The City Clerk is authorized to take whatever action is necessary under the Election Laws of the State of Michigan to notify electors of the City of the proposition being submitted at the Special Election and of the last day of registration therefore. The City Clerk shall cause appropriate registration and elections notices to be inserted as required by the State Election Law in the newspaper of general circulation in the City.**

- 6. All resolutions and parts of resolutions in conflict with the foregoing are hereby rescinded.**

A vote on the foregoing resolution was taken and was as follows:

**Ayes: Caron, Frederick Accica, Rubino, Vitale, Walby
Nay: Rusie**

b. Renewal of the Police & Fire Millage

Background: At the March 18, 2019 Council meeting, approval of this charter amendment language was adopted by City Council. The Attorney General requested changes to the wording.

This is a charter amendment so it requires a 3/5 vote of City Council to approve placement on the ballot. Charter amendments under the Home Rule City Act require review and approval by the Governor and the Attorney General.

Mr. Ihrie outlined the changes recommended by the Attorney General.

Item 6.1 (Cont'd):

Moved by Council Member Rubino, supported by Council Member Rusie to adopt the following resolution to place a Charter Amendment Ballot Proposal on the August 6, 2019 City Special Election to comply with the State statutes for ballot placement, which reads:

At a regular meeting of the City Council of the City of St. Clair Shores, Michigan, held in the Council Chambers, 27600 Jefferson Avenue, St. Clair Shores, Michigan on May 6, 2019 at 7:00 p.m. it was moved by Council Member Rubino, and seconded by Council Member Rusie to adopt the following resolution to place a Charter Amendment Ballot Proposal on the August 6, 2019 City Special Election to comply with the State statutes for ballot placement, which reads:

RESOLUTION FOR THE PURPOSE OF SUBMITTING A PROPOSITION AUTHORIZING AMENDMENT OF THE CHARTER OF THE CITY OF ST. CLAIR SHORES AND AUTHORIZING THE LEVY OF 4.8486 MILLS FOR POLICE AND FIRE SERVICES FOR THREE YEARS

1. The City Council, by a three-fifths vote of its members, pursuant to the authority granted by Act No. 279 of the Public Acts of 1909, as amended, proposes that the Charter of the City of St. Clair Shores be amended by adding the following provision:

10.219 (g) Means of providing for police and fire services

Section 8.9(g) The council may raise annually by a tax upon the real and personal property liable to taxation in the city, up to 4.8486 tenths of one percent (4.8486 mills) of the assessed valuation of such property, to be exclusively used for Police and Fire Department operations, for a period of three (3) years beginning July 1, 2020.

2. The City Clerk shall forthwith transmit a copy of the proposed amendment to the Governor for her approval, and transmit a copy of the proposed amendment to the Attorney General of the State of Michigan for her approval, as required by law.

3. The proposed charter amendment shall be, and the same is hereby ordered to be submitted to the qualified electors of this City at the special election to be held in the City on August 6, 2019, and the City Clerk is hereby directed to give notice of the election and notice of registration therefore in the manner prescribed by law, and to do all things and provide all supplies necessary to submit such charter amendment to the vote of the electors as required by law.

4. The proposed amendment shall be submitted to the electors in the following form:

This is a Charter Amendment for a millage renewal that replaces the expiring police and fire millage to partially fund the St. Clair Shores Police and Fire Departments

PROPOSAL B

Shall the charter of the City of St. Clair Shores be amended to authorize, for a period of three years, beginning July 1, 2020, the levy and collection of up to 4.8486 mills per \$1,000.00 of state taxable value which is estimated to produce \$7,279,176 of collections in the first year to be exclusively used for police and fire department operations?

YES _____

NO _____

5. The proposed amendment shall be published in full in the St. Clair Shores Sentinel newspaper (Election Notice) not less than ten (10) days prior to the election.

6. The canvas and determination of the votes on said question shall be made in accordance with the laws of the State of Michigan.

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

7. BIDS/CONTRACTS/PURCHASE ORDERS –

a. Approval of the replacement Playground Equipment purchases for neighborhood parks

Mayor Walby explained that this money will come from the Tax Foreclosure fund. Welsh Park came off the list because of the work that will be done there by the county.

Mr. Bowman said they are looking for grant money for this playground equipment as well as business involvement with sponsorships, etc. The Committee will map out exactly where they want to go with every park and every piece of equipment. The \$70,602 includes all equipment and installation.

Mr. Smith stated that this is a Consortium bid price.

Mr. Bowman said they did look at multiple vendors.

Mr. Caron suggested they should consider adding additional spring toys.

Mayor Walby suggested increasing the amount to \$75,000.

Moved by Council Member Frederick, supported by Council Member Rusie to approve Game time c/o Sinclair Recreation replacement playground equipment for Gaffke Park, as recommended by the City Manager, in the amount of \$75,000.

Ayes: All - 7

b. Request to Award Kyte Monroe Irrigation Improvements Bid (opened 4/23/2019) rescheduled to 5/20/2019

c. Request to amend FY 2019 purchase order for the new pavilions at Veterans Memorial Park

Background: The original bids included an alternate to provide and install limestone and brick column enclosures for the existing pavilion adjacent to the splash zone at Veterans Memorial Park. Council chose not to fund the portion of the project with Tax Foreclosure funds. It was suggested staff seek additional donations to fund these improvements. Staff was able to secure the funding from 5 donors totaling \$21,500. These funds will cover the cost for the stone column enclosures, a stone seat/dedication wall and power to the pavilion.

Council Members Vitale, Rubino, Rusie and Caron agreed they would like to see how it goes with four pavilions this summer before adding a fifth one.

Ms. Rusie said she would like to see a mock up with the fifth pavilion and a possible location placement first.

Mr. Accica is in favor of a fifth pavilion. He likes the recommended area for it as well.

Moved by Council Member Rusie, supported by Council Member Accica to approve the request for approval for an amendment of the 2018/2019 Purchase Order in the amount of \$21,500 to Paradigm for a new pavilion at Veterans Memorial Park, as recommended by the City Manager.

Ayes: All - 7

d. Request to award Englehardt Street Reconstruction and Water Main Replacement (bids opened 4/23/2019)

There was a great deal of discussion regarding the condition of Chapoton street west to Greater Mack. It was agreed that this portion should be added into this project as there is a budget balance that could easily cover it.

Moved by Council Member Frederick, supported by Council Member Accica to approve the Englehardt Street Reconstruction and Water Main Replacement to award Pamar Enterprises, Inc. with a base bid amount of \$1,771,700.20, as recommended by the City Manager, adding the portion to Greater Mack.

Ayes: All - 7

Item 7 (Cont'd):

e. Request to award Visnaw Street Reconstruction and Water Main Replacement (bids opened 4/23/2019)

Mr. Rayes pointed out that almost all the trees must be removed for this project. We would like to use larger caliber trees when replacing them.

Moved by Council Member Accica, supported by Council Member Caron to approve awarding the contract for the Visnaw Street Reconstruction and Water Main Replacement Project to Pamar Enterprises, Inc. with the base bid amount of \$1,862,731.70 as recommended by the City Manager.

Ayes: All - 7

8. 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 Rubino to approve the Consent Agenda items a – i, as follows:

a. Bills

April 17, 2019 \$3,214,561.47

Resolved to approve the release of checks in the amount of \$3,214,561.47 for services rendered, of the report that is 22 pages in length, and of the grand total amount of \$3,214,561.47, \$0 went to other taxing authorities.

b. Fees - None

c. Progress Payments - None

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	November 15, 2018
Activities Committee	January 17, 2019
Activities Committee	March 21, 2019
Beautification Commission	March 13, 2019
Building/Property Maintenance Board of Appeals	March 12, 2019
Cool City Committee	March 12, 2019
Cultural Committee	March 13, 2019
General Employees Pension Board	March 26, 2019
Library Board	March 21, 2019
Memorial Day Parade Committee	February 6, 2019
Memorial Day Parade Committee	February 20, 2019
Memorial Day Parade Committee	March 6, 2019
Memorial Day Parade Committee	March 20, 2019
Parks and Recreation Commission	December 13, 2018
Parks and Recreation Commission	January 10, 2019
Parks and Recreation Commission	February 14, 2019
Parks and Recreation Commission	March 14, 2019
Planning Commission	March 26, 2019
Waterfront Environmental Committee	March 19, 2019

Item 8 (Cont'd):

- f. **Recommendations from the Council Sub Committee on Boards, Commissions and Committees**
 Resolved that the following recommendations be approved as follows:

1. **Accept with Regret the following Resignation:**

<u>Name</u>	<u>Commission</u>
Caprice Gaca-Wasko	Waterfront Environmental Committee

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

<u>Name</u>	<u>Committee/Commission</u>	<u>Term-Ending Date</u>
Patricia Guciardo (Vacant seat of Fredericka Hagenah)	Election Commission	05/01/2020
KaraLynn "Kara" Conger	Cool City Committee - Alternate	05/06/2021
Kayleigh VandenBussche	Cool City Committee – Alternate	05/06/2021
Carol Stephenson	Development Area Citizens Council (Vacant Seat)	09/30/2021

3. **Recommendation to Mayor and Council to reappoint the following:**

<u>Name</u>	<u>Commission</u>	<u>Term-End Date</u>
Liz Munger	Activities Committee	09/30/2020

- g. **Request to amend the Vacation Resolution from 11/18/2018 for non-platted land in ROW between 23117 Harper Ave. (09-14-28-482-020) & 23301 Harper Ave (09-14-28-481-045) (tabled 4/15/19)**
 Resolved to amend the Vacation Resolution from 11/18/2018 for non-platted land in ROW between 23117 Harper Ave. (09-14-28-482-020) & 23301 Harper Ave (09-14-28-481-045), as follows:

WHEREAS, a notice to vacate the 50 feet portion Avery Avenue that is East of the Public Alley within the recorded Plat of Harper-Defer Subdivision, recorded in Liber 9 of Plats, Page 65, and is shown on the Plat of Noll Subdivision (L9, P61), City of St. Clair Shores, as non-platted land located between Lots 35 and 36 of said Noll Subdivision, Macomb County Records, appears by certificate on file in the Office of the City Clerk if vacated;

THEREFORE, BE IT RESOLVED, that the entire above described platted land be and the same is hereby vacated, discontinued and abolished by this Council to become a part and parcel of the adjoining properties of above described plat, from which they were dedicated;

BE IT FURTHER RESOLVED, a full easement be retained across all of the above described platted land for public utilities;

AND FURTHER PROVIDE, that if at any time in the future, the owners of any lots abutting on said vacated platted land, their heirs or assigns, shall request the removal and/or relocation of any existing poles or other utilities in said portion platted land, such owners upon whose property the poles or other utilities are located, shall pay all cost incidental to such removal and/or relocation, unless such charges are waived by the utility owners;

BE IT FURTHER RESOLVED, that a copy of the resolution be forwarded to the Register of Deeds for Macomb County, duly certified by the City Clerk.

- h. **Request to deny the claim of Darrius L. Burks vs City of St. Clair Shores etal and refer to the City Attorney for response**
 Resolved to deny the claim of Darrius L. Burks vs City of St. Clair Shores etal and refer to the City Attorney for response.

Item 8 (Cont'd):

- i. **Request Approval to Publish Notice of Public Hearing on the Proposed FY 2019-2020 Budget**
Resolved to Publish Notice of Public Hearing on the Proposed FY 2019-2020 Budget, as follows:

**Attention City of St. Clair Shores Residents
Notice of Public Hearing
Proposed FY 2019 - 2020 City Budget**

The City Council of the City of St. Clair Shores will hold a public hearing at 7:00 p.m. on Monday, June 3, 2019, in the Council Chambers at City Hall, 27600 Jefferson Avenue, St. Clair Shores, MI 48081 on the proposed FY 2019-2020 City Budget and on the proposed 2019 City tax rate to support the same budget.

The property tax millage rate proposed to be levied to support the proposed budget will be a subject of this hearing.

Copies of the proposed budget are available for public inspection, during regular business hours, in the office of the City Clerk at City Hall, 27600 Jefferson Avenue, and at the City of St. Clair Shores' Public Library, 22500 Eleven Mile Road.

CITY TAX RATES (MILLS)	Charter/ State Limits	Levied FY 2018- 19	Publish FY 2019- 20
Operating	8.0000	6.0275	5.9394
Sanitation	3.0000	2.2600	2.2278
Publicity, Act 359	4.0000	0.0333	0.0320
Police & Fire Operating	5.0000	4.8486	4.7773
Streets	1.2500	1.1960	1.1799
Library	1.0000	0.8844	0.8730
Lake St. Clair Clean Water Initiative	2.0000	1.9137	1.8868
Subtotal	24.2500	17.1635	16.9162
Police & Fire Pension	NA	6.9928	7.1465
Debt	NA	1.0605	0.9613
Total	24.2500	25.2168	25.0240

Public comments, either oral or written, are welcome at the hearing.

Individuals with disabilities or impairments who plan to attend this meeting need to contact the City Clerk's office at (586) 447-3303 or via Michigan Relay Center at (800) 649-3777 (771 from TTY) if auxiliary aides or services are needed. A request for service form is available at all City departments. Ten (10) business days advance notice is required.

Ayes: All – 7

9. UPDATES AND FOLLOW-UPS FROM COUNCIL MEETING

- **Lake Level/Flooding** – Mr. Smith explained that on May 1st an emergency declaration was sent out which included ordinance requirements. The City, by law, cannot stand by and let a property owner fail to do something to help prevent flooding. The City gets reimbursed for any work they do on private property. The Army Corps of Engineers is forecasting the lake level to rise an additional eight inches by the end of June. This does not include wind which pushes the lake level up. Many residents on the lake have taken action and put up berms, etc. There are still some concerns on the canals.
- **Utility Ordinance** – A legal request has been submitted.
- **Pet Ordinance Signs/Wahby Park** – Signs have been ordered and will be installed when received.

Item 9 (Cont'd):

- **Saw Cutting/Malvern** – Mr. Rayes has responded via email.
- **Grecian Table Restaurant/Incomplete Renovation** – Communication was sent out regarding the permit and lack of payment by tenant. The owner will address this issue as soon as they have control of the property again.
- **GFL/Yard Waste pick up** – We have had a discussion with GFL, and service seems to be better.
- **10 Year Capital Plan** – Mr. Haag responded to this by email.
- **Ordinance/5 year variance on outdoor plant sales** – A legal request has been submitted.
- **City Manager Recruitment Schedule** – There will be a closed session at the June 3rd Council meeting to discuss the candidates, and there will be Special Council meetings on June 15th and June 19th to interview the final candidates and make a selection.
- **Vacation Resolution** – This item was tabled previously and addressed on this agenda.
- **Annual Pension/OPEB** – Mr. Haag responded by email.
- **Police Officers** – We swore in two new police officers this week.

10. COMMENTS BY INDIVIDUAL COUNCIL MEMBERS

Council Member Vitale said he talked with HRC regarding the storm drain project. He is not satisfied with the response he received. He would like Mr. Rayes to acquaint himself with the drain and talk with the people at Belle Isle so he can help provide a response to this request.

He had a question from a resident regarding Wild Bill's Tobacco. There is a lot of site work that needs to be done there. Mr. Rayes will send them the requirements.

Mr. Vitale spoke about the I-94 Ramp Cleanup this Saturday at 10 a.m. which is at 10 Mile. This is their 15th year.

He offered his pickup truck to transport sandbags for any resident in need.

Council Member Accica spoke about the sidewalk repairs on Jefferson. He pointed out that Italia is not working safely. There are no barricades, and the backhoe is in the street. Mr. Rayes will look into this.

Council Member Rusie thanked Mr. Smith and staff for their work on the flooding issue. She also thanked the sandbag volunteers.

She wished the County Science Olympiad participants good luck.

Saturday, May 11th, is the Stamp Out Hunger Food Drive hosted by the Post Office.

Council Member Rubino said that the curb on Evergreen at Harper near the curved portion is crumbled. They are having a hard time cutting and maintaining the lawn there. He would like someone to look at that area.

He asked for an update on Kmart at 9 Mile and Harper and Kroger.

Mayor Walby noted they will be having a meeting regarding these issues. Kroger has redirected some of their capital from expansion to delivery of food, etc. They have taken some of the proposed new Kroger stores off of their sheet. Although the St. Clair Shores store has not been cancelled, it is not scheduled to commence in 2019. It will be discussed again later this year.

The property at 13 Mile Road has a lease through 2022. They continue to pay the lease, and they are protective of what goes in there.

Mr. Rubino stated that Kroger could be a great addition to our City, but they do not care that they have two empty buildings. They are not showing appreciation to St. Clair Shores, and they are not being good corporate citizens.

Mr. Rubino asked about the gas station at 9 and Harper. Mr. Rayes said this is the same owner, and there is a possible sale to a new operator. We allowed them to keep the asphalt in for one year.

Mr. Rubino asked for a timeline for finishing the water project on Greater Mack. Mr. Rayes said concrete and sod restoration are all that remain. This should be done before the end of May. Everything else is done.

Item 10 (Cont'd):

Mr. Rubino said our current process for business owners who are going to have done work, both major and minor, requires them to go to the Planning Commission, etc. He does not think everyone should have to go through all of those steps for minor changes when administration could do it.

He would like us to research having a professional market the property on Jefferson. Mr. Smith will look into that.

He spoke about a resident who had a high water bill caused by a leaking toilet tank. If you have a high water bill, try shutting the water off to your toilet overnight to see if there make be a leak.

Council Member Caron spoke about the Nautical Coast Cleanup. People who participate in this should exercise extreme caution because of the high water level. People working at Blossom Heath should also be very cautious around the bathrooms. Mr. Smith added that they need to use extreme caution at Champine Park as well.

Mr. Caron reminded everyone that May 11th is hazardous waste drop off day for residents from 9 a.m. to 1 p.m.

He congratulated the Lakeview High School swim team.

Council Member Frederick reminded everyone about the following upcoming events: Kiwanis Bikefest, Nautical Coast Cleanup, Farmers Market, SCSBSA Opening Day and St. Joan of Arc Fair.

He made several Library announcements.

11. CITY MANAGER'S REPORT- None

12. AUDIENCE PARTICIPATION (5 MINUTE TIME LIMIT) - None

13. MAYOR'S COMMENTS

Mayor Walby reminded everyone about the May 19th Farmers Market.

14. REQUEST TO MEET IN CLOSED SESSION AS PERMITTED BY STATE STATUTE MCLA 15.268, SECTION 8 (e) MILLER MARINA INC. VS ST. CLAIR SHORES

Moved by Council Member Caron, supported by Council Member Frederick to enter Closed Session as permitted by State Statute MCLA 15.268, Section 8 (e) Miller Marina Inc. vs St. Clair Shores at 10:22 p.m.

Roll Call Vote
Ayes: All - 7

Moved by Council Member Rubino, supported by Council Member Caron to return to Open Session at 10:50 p.m.

Ayes: All – 7

15. ADJOURNMENT

Moved by Council Member Caron, supported by Council Member Frederick to adjourn at 10:50 p.m.

Ayes: All – 7

KIP C. WALBY, MAYOR

MARY A. KOTOWSKI, CITY CLERK

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