

**MINUTES  
ST. CLAIR SHORES CITY COUNCIL MEETING  
VIA TELECONFERENCE  
MAY 18, 2020**

Regular Meeting of the City Council, held electronically and teleconference utilizing a Zoom meeting aired live on our website, Facebook and cable stations.

Notice is hereby given that due to precautions being taken to mitigate the spread of the Coronavirus (COVID-19) and protect the public health, the Regular Meeting of the St. Clair Shores City Council will be held electronically from the Municipal Building at 27600 Jefferson Avenue, St. Clair Shores, Macomb County, Michigan 48081, on Monday, May 18, 2020, at 7:00 p.m. The meeting is being held in compliance with Governor's Michigan Executive Order 20-75 extending remote participation in public meetings until June 30, 2020.

Present: Mayor Kip C. Walby, Council Members Peter Accica, John Caron, Ron Frederick, Candice Rusie and Chris Vitale

Also Present: City Manager Matthew Coppler, Assistant City Manager William Gambill, City Clerk Mary Kotowski, Directors Bryan Babcock, Henry Bowman, Chris Rayes, Laura Stowell, Fire Chief James Piper, Police Chief Todd Woodcox 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. The Pledge of Allegiance was recited.

Mayor Walby read the following:

In compliance with Gov Whitmer's Order to help stop the spread of the Coronavirus and protect the public health, the City Council meeting on Monday, May 18, 2020 at 7:00 p.m. will be conducted virtually (online and/or by phone).

Public Comments will be handled by an email option or dial in option. Please conduct yourself like you would in council chambers with no background noises. Any use of profanity, derogatory terms, hateful speech, by any speaker will result in muting, and/or removal from the teleconference. Email: [marya@scsmi.net](mailto:marya@scsmi.net), Dial in to speak is 1-312-626-6799, The Meeting Code is 885 0560 5346#.

For Audience Participation on Agenda Items (2 minute time limit) you can call in to speak on agenda items.

We will utilize the Raise your Hand Method. Dial \*9 to raise your hand and you will be called upon when it is your turn and identified by the last 4 digits of the phone number you dialed in on.

**2. PROCLAMATIONS & PRESENTATIONS -**

Dawn Van Gampelaere, St. Clair Shores Baseball/Softball Association, spoke regarding an event they have planned in memory of Coach (Council Member) Rubino.

Mr. Frederick explained that the event is being held at this time because yesterday would have been opening day for St. Clair Shores Baseball/Softball Association, and Mr. Rubino was a big proponent of baseball.

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

Mayor Walby announced that people can email or call in to speak on agenda items for 2 minutes at this time.

Caller 1-313-xxx-x044 spoke regarding the COVID-19 Governor's orders and virtual Council meetings.

**4. SELECTION OF MAYOR PRO TEM**

**Background:** Due to the passing of Mayor Pro Tem Peter Rubino, his unexpired term ending November 16, 2020 as Mayor Pro Tem shall be filled by a majority vote of the members of City Council in compliance with City Charter Section 10.045.

**Item 4 (Cont'd):**

**Moved by Council Member Frederick, and supported by Council Member Caron to appoint Peter A. Accica as Mayor Pro Tem to fill the unexpired term of Peter Rubino ending November 16, 2020.**

Roll Call Vote  
Ayes: All - 6

**5. APPOINTMENT OF CITY REPRESENTATIVE FOR:**

- a. SEMSD - Southeast Macomb Sanitary District**
- b. SMDA – South Macomb Disposal Authority**

**Background:** Mayor Walby has resigned his seat as the City's voting delegate on the Southeast Macomb Sanitary District (SEMSD) and South Macomb Disposal Authority (SMDA).

The bylaws of both authorities direct that their Board of Directors are appointed by their municipal governing bodies.

Mayor Walby stated that he will abstain from this vote because of his new position working for SMDA and SEMSD.

**Moved by Council Member Rusie, and supported by Council Member Vitale to adopt a resolution to appoint the City voting delegates to SEMSD and SMDA as follows:**

**BE IT RESOLVED to appoint John D. Caron as the City's voting delegate to SEMSD - Southeast Macomb Sanitary District; filling the seat of Kip C. Walby on this authority;**

**and**

**BE IT RESOLVED to appoint John D. Caron as the City's voting delegate to SMDA – South Macomb Disposal Authority; filling the seat of Kip C. Walby on this authority.**

Roll Call Vote  
Ayes: All – 5  
Abstain: Walby

**6. BIDS/CONTRACTS/PURCHASE ORDERS**

- a. Request to Award Emergency Flood Control and Blanket Purchase Order (Bids Opened 04/28/20)**

**Background:** It was recommended that City Council authorize the City Manager to award Landscape Services, Inc. the Emergency Flood Control contract in the amount of \$45,000 and approve the subsequent blanket purchase orders for Fiscal Year 2020 in the amount of \$15,000 and Fiscal Year 2021 in the amount of \$30,000.

The US Army Corps of Engineers' Lake St. Clair May 2020 water level forecast projects a potential July high that is two inches higher than the record high last year. Waterfront property owners were notified this year of continued high-water levels and City Ordinance (35.013, 35.014) requirements that property owners install adequate flood protection on their property.

Last year the City of St. Clair Shores intervened to sandbag fourteen properties at a cost of \$16,847.01. The cost to intervene was billed to the property owners. In these situations, the City performed the minimum work necessary to connect the available high ground in order to prevent the flow of water through property to the public right of way.

On April 28, 2020, the City of St. Clair Shores received proposals to provide emergency flood control assistance. The City received four bids. The specification requests pricing for various barrier heights, labor and equipment. The contractor will primarily be used to place City created sandbags but may also be used in erosion control projects as well. It is recommended to award Landscape Services, Inc. as the lowest qualified bid based on the labor and equipment rates. The pricing would remain firm through 6/30/21. Funds will be expended from the City's High Water Emergency account (590-452-950.130).

Mr. Gambill said this was based on an estimate from last year. The actual amount will depend on how many high-water events we have. We may have to come back to Council if we need more assistance.

**Item 6 (Cont'd):**

Mayor Walby is concerned that this money may not be enough. He was on several streets today that are much worse than last year.

Mr. Accica asked that they double the requested amount so that it is available if necessary.

Mr. Vitale pointed out that the City Manager has the authority to go up \$10,000 in an emergency.

Ms. Rusie wants Council to be provided with the Emergency Flood Control expenditures on a monthly basis.

Mr. Caron would like to add \$30,000 to 2020 as well as the \$30,000 for 2021 so it can be expended as needed.

**Moved by Council Member Caron, and supported by Council Member Accica to authorize the City Manager to award Landscape Services, Inc. the Emergency Flood Control contract in the amount of \$60,000 from the High Water Emergency account (590-452-950.130) and approve subsequent blanket purchase orders for Fiscal Year 2020 in the amount of \$30,000 and Fiscal Year 2021 in the amount of \$30,000.**

Roll Call Vote

Ayes: Caron, Accica, Frederick, Rusie, Walby

Nay: Vitale

**b. Request to award Water Main Replacement Program (Bids Opened 05/05/20)**

**i) Division 1 – California - Greater Mack to Marter**

**Background:** It was recommended to award the bid of Division 1 – California – Greater Mack to Marter water main replacement to Pamar Enterprises, Inc.

As part of the 2020-21 water main capital improvement projects, 4 sections of water main were bid. Bids were opened on May 5, 2020. The low bidder was Fontana Construction. The specifications had deadlines for the project completion. Both sections of California that were bid are required to be completed prior to the fall school year. Fontana qualified his bid stating if he was low bidder he could not complete the projects within the deadlines and would need the dead line extended to be able to take the projects. Therefore, we are recommending Pamar Enterprises, Inc. be awarded the bid for Division 1 – California – Greater Mack to Marter water main in the amount of \$973,150.50.

Mr. Rayes said California took priority so it could be done before school begins in the fall.

**Moved by Council Member Frederick, and supported by Council Member Accica to approve the request to award Pamar Enterprises, Inc. for the Division 1 – California – Greater Mack to Marter water main in the amount of \$973,150.50, as recommended by the City Manager.**

Roll Call Vote

Ayes: All – 6

**ii) Division 2 – California - Greater Mack to Harper**

**Background:** It was recommended to award the bid of Division 2 – California – Harper to Greater Mack water main replacement to Bidigare Contractors, Inc.

As part of the 2020-21 water main capital improvement projects, 4 sections of water main were bid. Bids were opened on May 5, 2020. The low bidder was Fontana Construction. The specifications had deadlines for the project completion. Both sections of California that were bid are required to be completed prior to the fall school year. Fontana qualified his bid stating if he was low bidder he could not complete the projects within the deadlines and would need the dead line extended to be able to take the projects. Therefore, we are recommending Bidigare Contractors, Inc. be awarded the bid for Division 2 – California – Harper to Greater Mack water main in the amount of \$731,998.00.

Mr. Rayes said California will address 45 potential lead lines in total.

**Item 6 (Cont'd):**

**Moved by Council Member Accica, and supported by Council Member Caron to approve the request to award Bidigare Contractors, Inc. for Division 2 – California – Harper to Greater Mack water main in the amount of \$731,998.00, as recommended by the City Manager.**

Roll Call Vote  
Ayes: All - 6

**iii) Division 3 – Elmira - Greater Mack to Jefferson**

**Background:** It was recommended to award the bid of Division 3 – Elmira – Greater Mack to Jefferson water main replacement to Fontana Construction, Inc.

As part of the 2020-21 water main capital improvement projects, 4 sections of water main were bid. Bids were opened on May 5, 2020. The low bidder was Fontana Construction. The specifications had deadlines for the project completion. With the deadline further out for this project, Fontana Construction is able to undertake this project. Fontana construction Inc. has been awarded a number of projects in St. Clair Shores previously and performed well. Therefore, we are recommending Fontana Construction, Inc. be awarded the bid for Division 3 – Elmira – Greater Mack to Jefferson water main in the amount of \$415,556.50.

Mr. Rayes said this will address 6 potential lead lines. This project will start sometime in July.

**Moved by Council Member Frederick, and supported by Council Member Accica to approve the request to award Fontana Construction, Inc. for Division 3 – Elmira – Greater Mack to Jefferson water main in the amount of \$415,556.50, as recommended by the City Manager.**

Roll Call Vote  
Ayes: All - 6

**iv) Division 4 – Rosedale - Greater Mack to Harper**

**Background:** It was recommended to award the bid of Division 4 – Rosedale – Harper to Greater Mack water main replacement to Fontana Construction, Inc.

As part of the 2020-21 water main capital improvement projects, 4 sections of water main were bid. Bids were opened on May 5, 2020. The low bidder was Fontana Construction. The specifications had deadlines for the project completion. With the deadline further out for this project, Fontana Construction is able to undertake this project. Fontana construction Inc. has been awarded a number of projects in St. Clair Shores previously and performed well. Therefore, we are recommending Fontana Construction, Inc. be awarded the bid for Division 4, Rosedale – Harper to Greater Mack water main in the amount of \$685,708.50.

Mr. Rayes said this will address 42 potential residential lead lines.

**Moved by Council Member Caron, and supported by Council Member Frederick to approve the request to award Fontana Construction, Inc. for Division 4, Rosedale – Harper to Greater Mack water main in the amount of \$685,708.50, as recommended by the City Manager.**

Roll Call Vote  
Ayes: All – 6

**c. Request to Purchase DPW Pick Up Trucks**

**Background:** It was recommended that City Council approve the purchase of two (2) vehicles from Signature Ford Lincoln, 1960 E. Main Street, Owosso, MI 48867, in the amount of \$70,084.00 and approve of the transfer of two (2) vehicles to the various departments proposed.

The Water and Sewer Departments are requesting to purchase two (2) 4x4 pickup trucks with plows. The proposed purchases are from the Macomb County Purchasing Cooperative contract pricing. For comparison we also looked at the Oakland County Purchasing Cooperative with Todd Wenzel GMC and the total cost of the two (2) vehicles was \$74,670.00.

**Item 6 (Cont'd):**

Replace Water Department Pick Up Truck No. 118 (VIN#102924) with a 2020 Ford F-250 4x4 Pick Up with 8-foot Plow and Emergency Lighting. Pick Up Truck No. 118 (VIN#102924) is a 2016 GMC 4-Door Crew Cab 4x4 Pick Up with Plow with 33,183 Miles (as of February 2020). The truck is used by the Water Department to transport equipment, material and personnel to job sites. Pick Up Truck No. 118 (VIN#102924) is in good condition and will be transferred to the Parks Department. It will be transferred at a budgeted FY 2020 cost of \$15,000.

The truck will be added to the Parks Department existing fleet as an additional vehicle to be used by the full-time and part-time staff. In response to the COVID-19 Executive Order and requirement to provide safe distancing between employees the DPW and Parks employees have to drive in separate vehicles. This pick-up truck will help accommodate the new work restrictions.

Replace Sewer Department Truck No. 208 (VIN#100933) with a 2020 Ford F-250 4x4 Pick Up with 8-foot Plow and Emergency Lighting. Truck No. 208 (VIN#100933) is a 2016 GMC 4X4 Pick Up Truck with plow with 49,200 miles (as of February 2020). Pick Up Truck No. 208 (VIN#100933) is in good condition and will be transferred to the Streets Department. It will be transferred at a budgeted FY 2020 cost of \$15,000. The 4-door pick-up truck will be used to transport equipment and manpower. The pick-up will also be used to plow snow.

Ms. Rusie asked that Council be provided with information as to why these trucks were chosen to be replaced. This does not seem to be the best timing to purchase two new vehicles.

Mr. Babcock explained that these vehicles were budgeted to be replaced.

After much discussion regarding why the vehicles were chosen to be replaced, it was decided to table this item until Council is provided with more information.

**Moved by Council Member Caron, and supported by Council Member Frederick to TABLE the purchase of two (2) vehicles from Signature Ford Lincoln, 1960 E. Main Street, Owosso, MI 48867, in the amount of \$70,084.00 and approve of the transfer of two (2) vehicles to the various departments proposed, as recommended by the City Manager.**

Roll Call Vote

Ayes: Caron, Frederick, Rusie, Vitale, Walby

Nay: Accica

**d. Approve Extension of Agreement for Animal Control Services with Macomb County**

**Background:** It was recommended entering into an Agreement with Macomb County to extend our current Animal Control Agreement for an additional six months at a cost of \$44,000.00 until December 31, 2020.

On December 16, 2019, Council approved a six-month extension with Macomb County Animal Control which will expire on June 30, 2020. Due to the current situation with COVID-19, Macomb County Animal Control has agreed to another six-month extension which will continue until December 31, 2020.

The extension will become effective June 30, 2020 and continue through December 31, 2020. All provisions, terms and conditions of the original 2014 contract are fully incorporated and will continue through the period of the six-month extension.

**Moved by Council Member Caron, and supported by Council Member Rusie to extend our current Animal Control Services Agreement with Macomb County until December 31, 2020 for an additional six months in the amount of \$44,000.00, as recommended by the City Manager.**

Roll Call Vote

Ayes: All – 6

**7. 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 – f as follows:**

**Item 7 (Cont'd):**

**a. Bills**

May 7, 2020 \$1,143,164.86

Resolved to approve the release of checks in the amount of \$1,143,164.86 for services rendered, of the report that is 15 pages in length, and of the grand total amount of \$1,143,164.86, \$0 went to other taxing authorities.

**b. Fees**

Resolved that the following Fees be approved as presented:

Ihrie O'Brien	\$1,041.60
Howard L Shifman, P.C.	\$ 1,695.00

**c. Progress Payments**

Resolved that the following Progress Payments be approved as presented:

Galui Construction	\$189,706.43
Italia Construction, Inc.	\$ 9,688.34
Michigan Joint Sealing, Inc.	\$ 65,910.38
Granite Inliner, LLC	\$ 12,047.40
D&D Water & Sewer, Inc.	\$ 54,456.00
Metropolitan Concrete Corporation	\$368,410.43

**d. Approval of Minutes**

Resolved that the following Minutes be approved as presented:

<u>Minutes</u>	<u>Meeting Date</u>
City Council	May 4, 2020

**e. Receive & File Boards, Commissions & Committee Minutes – None**

**f. Request to deny the claim of G. G. Harris vs City of St. Clair Shores etal and refer to the City Attorney to respond**

Resolved to deny the claim of G. G. Harris vs City of St. Clair Shores etal and refer to the City Attorney to respond.

Roll Call Vote  
Ayes: All - 6

**8. UPDATES AND FOLLOW-UPS FROM COUNCIL MEETING**

**Matthew Coppler, City Manager**

Agreements with three Uniform Bargaining Units – These were submitted. We have not heard back so it appears the language was satisfactory.

COVID-19 – He is working on finalizing employee entry procedures for all buildings. He will tour all buildings this week to make sure we are compliant. There is still much work to be done before bringing everyone back.

**Police Chief Woodcox**

Personnel - They are still doing well as a department. They are at full staffing, no one is ill. They have been operating under an altered scheduling system and will maintain that posture until June 29.

**Bryan Babcock, Department of Public Works Director**

Personnel - They are still operating well, and all employees are healthy. Employees on standby have been responsive.

Lake St. Clair High Water – The lake was rough today, and we had heavy flooding on Jefferson. They have installed a water dam at Gordon Switch.

**Item 8 (Cont'd):**

**Henry Bowman, Parks and Recreation Director**

Parks and Marinas – They started selling park passes today. The marinas are filling up.

High Water – We need to investigate if we need to do more dock overlays.

**Fire Chief Piper**

Personnel – Things are going fairly well. PPE continues to roll in. There are no modifications to make at the Fire Department other than a slight modification of their Administrative Assistant. He is working on helping get buildings ready for re-entry.

**William Gambill, Assistant City Manager** - Nothing to report.

**Laura Stowell, Finance Director** - Nothing to report.

**Chris Rayes, Community Development and Inspections Director**

Blossom Heath - They are just about done pouring the concrete.

City Hall Parking Lot - The proper is poured and should be usable by the end of the week.

11 Mile and Harper Intersection - The County will fix the intersection this week if weather allows.

**9. COMMENTS BY INDIVIDUAL COUNCIL MEMBERS**

**Council Member Frederick** spoke about the t-shirt fundraiser for Meals on Wheels.

The VFW drive thru poppy tent is open this Thursday, Friday and Saturday. The money goes back to helping the vets.

South Lake High School did not have a graduation, all night party or honors night. Instead, they purchased signs for each graduating senior and they will be displayed on 9 Mile Road.

He made several Library announcements.

**Council Member Vitale** asked that the charter be amended to preserve the audience participation portions of regular Council Meetings. He would like the amendment to be placed on the November 3, 2020 ballot.

He addressed the resident that called in during audience participation. Hopefully by June 1<sup>st</sup> we will be back in regular meetings.

**Council Member Accica** asked if the playground areas at the parks will be open.

Mr. Coppler explained that the Governor's order does not allow for playgrounds being opened yet.

**Council Member Rusie** thanked Mr. Ihrie and administration for expediting the demolition of the home on St. Margaret street.

She requested that flags be placed on the parade route. This would help celebrate and commemorate the Memorial Day holiday as well as provide a boost for community spirit.

She noted that there is a time lag when watching the Council meeting from home.

This is usually a very busy weekend for the City. She is looking forward to seeing everybody again and to sit in council chambers for meetings again.

**Council Member Caron** said that the red tulips around the City were donated by First State Bank. He said thank you for all the donations to beautification throughout the years.

He again requested the maintenance plan for the green structures at Kyte Monroe.

**Item 9 (Cont'd):**

He requested road closed signage on Martin and 12 Mile Road when Jefferson is closed due to the pump construction as well as flooding issues.

He spoke about EGLE issuing a denial for Chapoton expansion. He asked that a resolution supporting the Chapoton expansion be placed on the 6/1 agenda.

**10. CITY MANAGER'S REPORT - None**

**11. AUDIENCE PARTICIPATION (5 MINUTE TIME LIMIT)**

Mayor Walby reminded everyone to call in or email at this time to participate in this portion of the meeting.

Dave Rubello, St. Clair Shores resident, called and spoke regarding the high water levels.

Alyssa Berkowski, St. Clair Shores resident, sent an email in support of allowing backyard chickens.

Camille Coller, St. Clair Shores resident, sent an email in support of allowing backyard chickens.

Alissa Sullivan, non-resident, sent an email in support of allowing backyard chickens.

Bill Van Hecke, St. Clair Shores resident, sent an email in support of allowing backyard chickens.

Kim Cesarz, St. Clair Shores resident, sent an email in support of allowing backyard chickens.

Ronald Manningham, St. Clair Shores resident, asked about sandbags and asked if the City has developed a Resiliency Task Force.

Laura Mikulski, Ferndale resident, called in and spoke in support of allowing backyard chickens.

Ken Swetka, St. Clair Shores resident, sent an email regarding berm height enforcements.

**12. MAYOR'S COMMENTS**

Mayor Walby wished everyone a Happy Memorial Day and thanked the Veterans who served the country in the past as well as those currently serving.

**13. ADJOURNMENT**

**Moved by Council Member Frederick, supported by Council Member Caron to adjourn at 8:51 p.m.**

Roll Call Vote  
Ayes: All - 6

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KIP C. WALBY, MAYOR

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MARY A. KOTOWSKI, CITY CLERK

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