

**MINUTES  
ST. CLAIR SHORES CITY COUNCIL MEETING  
February 21, 2023**

Regular Meeting of the City Council, held in the Council Chambers, located at 27600 Jefferson Avenue., St. Clair Shores, Michigan.

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

Also Present: City Manager Dustin Lent, Assistant City Manager Michael Greene, City Clerk Abrial Barrett, Director Laura Stowell, Director Henry Bowman, Director Denise Pike, Fire Chief Piper, Police Chief Allen, City Attorney Robert Ihrie, Director Bryan Babcock, and Rob Spinazzola

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

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

**2. PROCLAMATIONS & PRESENTATIONS- None**

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

Roy Porter, an employee at Excel Towing, spoke in favor of Excel Towing for item 6a, the towing and storage service contract.

Matt Bancroft, manager at Official Towing, spoke in favor of Official Towing for item 6a, the towing and storage service contract.

Rodgis Morrison, a resident of St. Clair Shores, spoke against the demolition of the water tower. He said it is a historical monument and a landmark for the community.

**4. REQUEST TO ADOPT A RESOLUTION TO HOLD THE 2023 ST. CLAIR SHORES MEMORIAL PARADE ON MAY 28, 2023, ALONG JEFFERSON AVENUE**

**Background Brief:** This item is brought before Mayor and City Council as the event rotates each year from Jefferson to Harper Avenue and provides residents with information far in advance of the numerous street closures during the Parade. The Macomb County Department of Roads requires the City Council Resolution before they issue their permit for the event. The Committee is aware of the conditions and requirements in the Parade Ordinance. The administration has done its preliminary review, recommends approval, and will continue to work with the Parade Committee.

**Previous Action:** N/A

**Economic Impact:** N/A

**Recommendation:** I recommend the approval of the St. Clair Shores Memorial Day Parade on May 28, 2023, at 1:00 pm, on Jefferson Ave from 9 Mile Road and proceeding to 11 Mile Road. Permission is conditioned, as in past years, that the Committee meets with the Police, DPW, and the City Manager to work through the cost and logistics of this event.

Mr. Ellis said we are the largest parade that is run by volunteers. He gave updates on the upcoming Memorial Day Parade and the events that will be happening at this year's parade. He said this is the largest parade ran entirely by volunteers without outside funding.

**R-2023-01**

**Motion by Council Member Rubello, seconded by Council Member Frederick to approve the request of the St. Clair Shores Memorial Day Parade on May 28, 2023, at 1:00 pm, on Jefferson Ave, starting at 9 Mile Road and proceeding to 11 Mile Road, as recommended by the City Manager.**

Ayes: All-7

**5. PLANNING CASE PPC 220017 REQUEST FOR SITE PLAN APPROVAL FOR EXTERIOR RENOVATIONS AT 30245 HARPER AVENUE FOR BOSS BEAUTY, AN INDEPENDENT SALON STUDIO BUILDING**

**Background Brief:** The applicant is requesting Site Plan Approval to renovate an existing building into a beauty salon with twelve individual stations. Proposed interior renovations include construction of an entry lobby, twelve studio stations, restroom facilities and a laundry area. Proposed exterior renovations include installation of large store front windows and construction of a stucco covered portico. The existing brick will be painted white. Decorative light fixtures will provide downlighting onto the building walls. The applicant has indicated that the parking lot will be resurfaced or re-done.

**Previous Action:** The Planning Commission recommended approval of the site plan on August 9, 2022.

**Economic Impact:** N/A

**Recommendation:** I recommend approval of the site plan.

Ms. Ciaramitaro said she purchased the building over a year ago and wants to do renovations on the inside and outside of the building. She said she will put in 12 individual beauty suites and resurface the parking lot.

Ms. Pike said this went before the Planning Commission in July of 2022 and they will need a variance from the Zoning Board of Appeals.

Ms. Rusie asked why a use variance would be needed.

Ms. Pike said a tattoo artist is categorized as adult entertainment under the zoning ordinance. She said the ordinance does allow micro blading.

Ms. Rusie said Council should look at the ordinance and bring it up to date to allow eyebrow tattoos.

Mr. Frederick asked if you could add 3 spots to the parking lot when you resurface the parking lot so you don't need approval from the Zoning Board of Appeals.

Ms. Pike said she cannot speak for the Zoning Board of Appeals but it should not be a problem.

Mr. Vitale asked if there are 12 individual studios.

Ms. Ciaramitaro said each suite is separate and has its own door. The beauticians set their own hours, prices, and do hair, nails, facials, and massages.

Mr. Rubello said he is excited that she is turning the run-down building into something nicer.

Mayor Walby said the building plan looks terrific and wished her luck.

**Motion by Council Member Caron and Seconded by Council Member Frederick to approve the site plan for Planning Case PPC220017 - for exterior renovations at 30245 Harper Avenue for Boss Beauty, an independent salon studio building condition upon the following: Stamped and sealed engineered drawings including paving and drainage are required for the construction of a parking lot; all lighting shall measure 0 foot candles at the property line, the dumpster enclosure location must be approved by CDI and the enclosure must be constructed of brick, CMU with a modular brick face, or embossed poured concrete; mechanical equipment, including transformers, whether placed at grade or on the roof of the structure, must be shielded on all visible sides; a variance from the Zoning Board of Appeals for three parking spaces is required; the applicant must provide the proposed building height to verify that it is within what is allowable under the ordinance; the exterior paint shall have a minimum 25 year warranty and be of a commercial grade, and a use variance from the Zoning Board of Appeals will be required should the petitioner seek to lease to a tattoo artist.**

Ayes: All-7

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

**a. REQUEST TO AWARD BID FOR 2023-2028 TOWING AND STORAGE SERVICE, BIDS OPENED FEBRUARY 7, 2023**

**Item 6a Continued**

**Background Brief:** Request for bids for towing and storage services for the Police Department was published in MITN on 1/18/23. All bids were due on 2/7/23.

**Previous Action:** City Council approved the current towing contract on 2/20/2018. It expires on 3/31/2023.

**Economic Impact:** There will be costs to residents and nonresidents for towing and storage services. The City will receive money for renting out the lot at 19801 Pleasant.

**Recommendation:** I recommend the contract for Towing and Storage services for 4/1/23 through 3/31/28 be awarded to Official Towing (please see attached documents).

Police Chief Allen said 4 bids were submitted and he went through the bids from each company to make sure they met the requirements. He said he spoke with 3 of the owners directly. He said Excel Towing is a newer company but the manager has a lot of experience working with towing companies in St. Clair Shores. He said he relies on the officers who deal with the towing companies and his officers all have had a good experience with Official Towing. He said he asked about hidden fees and they said they only have towing and storage fees. Mr. Allen said a lot of the fees charged by the towing companies are paid for by insurance companies and not the residents.

Ms. Rusie asked how the lease price of the property compared to other bids.

Mr. Allen said the highest lease is U Win Towing, but they do not have the experience working with police departments that he would prefer.

Mayor Walby asked why it matters that certain companies haven't worked with police departments.

Mr. Allen said there are state requirements with forms and procedures, assisting the police with auctions, and handling money that goes to the police department.

Mr. Caron said he is going to vote against the current motion because if the bidders meet the requirements, then we should go with the lowest bidder unless that bidder gets disqualified for a specific reason.

Ms. Rusie said she agrees with Mr. Caron.

Mr. Rubello asked how other companies are surpassing U Win Towing's bid when U Win Towing is paying a lot more in rent.

Mr. Allen said that the other companies do not have experience towing for police departments.

Mr. Lent said the bidding documents stated that they needed to have 5 years of experience working with a police department, so they were disqualified.

Mr. Vitale said he was unaware of the 5-year requirement and thinks that is setting the bar high.

Mr. Lent said a municipal contract is usually for 5 years or greater, so the towing company would likely only need one municipal contract.

Ms. Rusie said that the bid specification says that the contractor must have 10 years of towing experience and the contractor must have one municipal contract within the last 5 years. She asked if the other bidders are still disqualified.

Mr. Allen said U Win Towing had a 16-month contract with a county's sheriff department but only got called 9 times because they used rotating companies.

Ms. Rusie said it sounds like they meet the requirements.

Mr. Frederick said he called several patrol officers to ask how Official Towing was doing and they all recommended Official Towing. Mr. Frederick said Official Towing has been doing a good job and he wants to see that continue.

Mr. Rubello asked for the price difference between Official Towing and the next best bid.

Mr. Allen said it varies but it is laid out in the spreadsheet that is included in the packet.

**Item 6a Continued**

Mayor Walby said we are providing a service for the residents. He said this bid is designed for people who need assistance, and we are making sure it is a locked-in rate for our residents.

Mr. Lent said Official Towing has done right by us in the past and they have a good reputation. He said there is an unknown with the other companies.

Mayor Walby said the motion can be tabled until we have additional information and clarification on the towing contract bids.

Mr. Frederick said he withdraws the motion and moves to table this item.

Mr. Accicia said he withdraws his support of that motion as well.

**Moved by Council Member Frederick, supported by Council Member Vitale to TABLE the bid for 2023-2028 Towing and Storage services to Official Towing.**

Ayes: All-7

**b. REQUEST TO APPROVE THE BID FOR DEMOLITION OF THE SCS WATER TOWER, BIDS OPENED JANUARY 31, 2023**

**Background Brief:** In December 2022, CDI released two bid documents - one for rehabilitation and one for demolition - for the SCS Water Tower located adjacent to the golf course. The bids were opened on January 31. No bids were received for rehabilitation. Four bids were received for demolition. The lowest bidder was Vin-Con located in Plymouth with a bid amount of \$53,809. In their bid, Vin-Con proposes a "controlled fall" by cutting the base of the water tower and, using a crane, controlling the fall of the tower onto the golf course. The company is prepared to start mid-March and complete the project within two - three weeks to minimize disruption to golf play. Attached is a recommendation letter from Hennessey Engineers.

**Previous Action:** In 2021, CDI released the same bid specifications. When presented with the bid tabulation, the council opted to decline all bids and allow extra time to explore options to keep the tower.

**Economic Impact:** The economic impact of this item would be \$53,809 with a 10% contingency for a total of \$59,189.

**Recommendation:** I recommend approving the bid and awarding the contract to demolish the water tower to Vin-Con for a total award amount of \$59,189.

Ms. Pike said the water tower is corroding and is in significant disrepair. In 2018, HRC noted that the tower was in poor condition. She mentioned in 2021, Hennessey Engineers said the footings have severely deteriorated. She said we did not receive a bid for the rehabilitation of the tower, but 4 bids were submitted for the demolition of the tower. The lowest bidder was Vin-Con which proposed a controlled fall.

Mr. Rubello stated he was upset about receiving documents late regarding the water tower.

Ms. Pike said the document was found today and she understands Mr. Rubello's frustration. She said the report that was found today comes to the same conclusion as the two other reports we have.

Mayor Walby said NTH was hired in 1997 when they went to paint the water tower. This report confirms Hennessey's and HRC's reports that the water tower has structural issues.

Mr. Rubello said the bid was for the reconstruction of the water tower and not for repairing the tower. He said the process of dropping the tower is going to be complicated. Mr. Rubello said that it is going to cause a lot of damage. He said there is a nest from birds of prey on the water tower and those birds are federally protected. Mr. Rubello said that you will have to close the road and that there are a lot of people who do not want us to touch the tower.

Ms. Pike said that we will not have to close Masonic. She said they are cutting the structure 24 inches below grade.

Mr. Rubello said 3 out of the 8 footings of the water tower can be repaired and it would be cheaper than the demolition. He said the water tower is a landmark of the City and he wants to keep it standing.

**Item 6b Continued**

Mayor Walby said he is disappointed with the condition the water tower is in as well but said it is a safety issue and the City must make a financial decision. He said there are two other engineering reports besides the one from 1997 that says the water tower is in bad shape. Mayor Walby agreed that there are birds on the tower and that will be addressed appropriately.

Mr. Caron said he would love it if they could paint the tower but there is too much structural damage. He said it is only a matter of time before that structure falls on its own. Mr. Caron said that there are other historical structures like Blossom Heath Inn that we are spending almost \$1 million to repair.

Mayor Walby said we still have to spend \$1 million to fix the parking lot at the golf course and other things as well, so this is a financial decision.

Mr. Vitale asked if we are insured in the demolition of the tower.

Mayor Walby said yes, we are insured.

Mr. Vitale asked when they are planning on demolishing the tower and if we can salvage pieces of the tower to use for signs or other things for historical reasons.

Ms. Pike said the contractor can start in mid-March, and she will ask the contractor about salvaging pieces of the tower.

Mr. Spinazzola said the golf course will still have a full 18 holes because they are going to shorten the green on the 9<sup>th</sup> hole where the water tower will fall, so that hole will still be playable.

Ms. Rusie asked if the contractor has done other types of work like this before.

Ms. Pike said they have done major demolition projects before.

Ms. Rusie said we have left this structure in bad shape for too long.

Mr. Frederick said he appreciates Mr. Rubello's passion and leadership. He said it is important that we get a piece of the water tower and make a historical marker out of it. He said he wants to know how they are going to mitigate the lead when they are cutting the metal on the ground, and he wants to see the plan that the contractors have for how the tower is going to fall. Mr. Frederick said he is concerned about the bird nest on the tower as well and wants to make sure that things are done properly.

Mr. Rubello said he is voting to leave the water tower alone and he wants to make sure the birds do not get hurt.

Mayor Walby said the footings and the bolts on the tower are a concern.

**Motion by Council Member Caron, seconded by Council Member Accica to approve the bid and award the contract to demolish the water tower to Vin-Con for a total award amount of \$59,189.**

Ayes: 5-2  
Nays: Rubello, Vitale

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 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 Caron, supported by Council Member Frederick to approve the Consent Agenda items a-i separating item "G" as follows:**

Ayes: All-7

**Item 7 Continued**

items a – i:

- a. **Bills**  
February 9, 2023 \$1,715,565.66

Resolved to approve the release of checks in the amount of \$1,715,565.6643 for services rendered, of the report that is 20 pages in length, the total amount of \$1,715,565.66, \$318,329.21 went to other taxing authorities.

- b. **Fees**  
Shifman Fournier \$ 615.00  
Ihrie O'Brien \$18,750.40

- c. **Progress Payments**  
Resolved that the following Progress Payments be approved as presented:

Underground Infrastructure Services, LLC	\$67,369.65
C&S Construction Management	\$68,932.95
DiLisio Contracting Inc.	\$357,781.11
Advanced Pool Service	\$14,900.00

- d. **Approval of Minutes**  
Resolved that the following minutes be approved as presented:

<u>Minutes</u>	<u>Meeting Date</u>
Council	January 17, 2023

- e. **Receive & File Boards, Commissions & Committee Minutes**  
Resolved that the following minutes be received and filed:

<u>Minutes</u>	<u>Meeting Date</u>
SCS Memorial Day Parade Committee	January 4, 2023
Water Resources Dev. & Advisory Board	January 3, 2023
Zoning Board of Appeals	December 1, 2022

- f. **Request to approve the 2023 Poverty Guidelines**

**Background Brief:** The General Property Tax Act provides for an exemption from property taxes for persons who, by reason of poverty, are unable to contribute to the public charges. The Board of Review is able to grant an exemption at its March, July, and December meetings. This exemption pertains only to individuals for their places of principal residence and not corporations. The primary qualification is that gross income for all members of the household must be at or below the federal poverty threshold for the number of persons living in the home. The statute also requires an asset test. PA 253 of 2020 made several changes to how poverties are to be granted. The most pertinent is that the City is now required to use a poverty application drafted by the STC. Income thresholds are based on the Federal Poverty Income Standards issued in January of the previous year. Exemptions that are granted must be calculated based on a percentage of taxable value. The only change to the 2023 packet is the updating of the income requirements.

**Previous Action:** N/A

**Economic Impact:** N/A

**Recommendation:** I recommend approval of the 2023 poverty packet.

- h. **Request to set a public hearing on March 6, 2023, for the consideration of the creation of a Special Assessment District for the 2023 dredging of the 10 Mile Beach Canal**

**Background Brief:** The 10 Mile Beach Canal Association submitted the necessary documents to the City Clerk asking City Council to create a Special Assessment District (SAD) for dredging. The Petition for dredging noted the estimated cost per parcel is between \$2,000 - \$3,000. Upon creation of the Special Assessment District, a final cost estimate will be provided.

**Item 7 Continued**

**Previous Action:** The 10 Mile Beach Canal Association has done numerous Dredging Special Assessments in the past to improve their canal.

**Economic Impact:** N/A

**Recommendation:** It is recommended that Council approve the request to set a public hearing on March 6, 2023, for the consideration of the creation of a Special Assessment District (SAD) for the 2023 dredging of the 10 Mile Beach Canal to remove approximately 800 cubic yards of material.

**I. Request to set a public hearing on March 6, 2023, for the consideration of the 2023 Land and Water Conservation Fund Grant**

**Separated Items**

**g. Request for approval of the 2023 proposed Pool Rates**

**Background Brief:** The Parks and Recreation department is requesting approval for a revision of the pool rates beginning with the 2023 season. These changes will vastly improve the customer service experience when coming to the pool. The current structure promotes long lines and wait times. The new structure will help to speed up the process for patrons. Please see the attached memo for the proposed changes.

**Previous Action:** N/A

**Economic Impact:** There will be a slight increase in admission for some groups and a slight decrease in admission for other groups. We believe, because of this, that there will be minimal impact on the overall revenue numbers.

**Recommendation:** It is my recommendation for Council to approve the proposed pool rates beginning in 2023.

Mr. Lent said they are going to have a scannable key fob to give residents access to the pool. Mr. Lent went over the new pool rates and gave updates on the pool events for this year.

Mr. Rusie said that the pool will be open an hour later this year.

**Moved by Council Member Caron, supported by Council Member Frederick to approve separated item "G" for the approval of the 2023 proposed Pool Rates.**

Ayes: All-7

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

- Mr. Caron asked for an update on the animal control ordinance. **Mr. Ihrie sent out an email.**
- Mr. Caron requested the FIOA information that was submitted on behalf of the city to the state. **An email was sent from Mr. Ihrie's office on 2/14/2023.**
- Mr. Caron asked for an update on the waterproofing materials that are supposed to be added to the specialized pine for Blossom Heath. **An email was sent on 2/10/2023.**

**9. COMMENTS BY INDIVIDUAL COUNCIL MEMBERS**

**Ms. Rusie** thanked Parks and Recreation for the Daddy Daughter Dance at Blossom Heath and said she had a wonderful time at the library with her nephew.

**Mr. Caron** thanked the Historical Commission. He wants a price quote for a historical kiosk on the pier. He said tomorrow is Ash Wednesday and gave updates on the organizations in the community doing fish fries.

**Item 9 Continued**

**Mr. Frederick** gave updates on the library, raffles, trivia nights, and restaurants offering a fish fry during this season. Mr. Frederick wished his mother a Happy 98<sup>th</sup> Birthday.

**Mr. Vitale** said he sympathizes with the residents concerned about the group home in a residential neighborhood. He said he wants an update on a plan for Popeyes as well as having McDonald's sign fixed. He said the gas station at Little Mack and 11 Mile Road has a sign that is distracting at night because of how bright it is.

**Mr. Accica** said he appreciates Mr. Rubello's passion, but it is time for the water tower to come down.

**Mr. Rubello** wished Mr. Frederick's mother a Happy Birthday.

**10. CITY MANAGER'S REPORT –**

Mr. Lent said there are mechanical issues at Civic Arena that need fixing. He said they will be fixing an air compressor tomorrow in the ice arena. The estimated cost for the refrigerant is \$28,640 depending on how much refrigerant needs to be replaced and the cost of the repair is a little over \$14,000.

**11. AUDIENCE PARTICIPATION –**

Claudia Chalmers spoke against the halfway house on St. Margaret Street. She said she does not feel safe.

Brian Bartalino from U Win Towing said he wants U Win Towing to be taken into consideration because the company has drivers with experience working with police departments.

Chris Hertz from U Win Towing said he has been a tow truck driver for 21 years and that he does have experience working with police departments.

Leonard Baldwin from U Win Towing said he has 26 years of towing experience and 15 years of experience working with police departments.

Bruce Wagner spoke against the halfway house on St. Margaret Street.

Ken Bellhorn spoke against the halfway house on St. Margaret Street.

Adrian Holcomb spoke against the halfway house on St. Margaret Street.

Jack Dich spoke against the halfway house on St. Margaret Street.

Randy Grosser spoke about the water tower and wants a revote on the water tower demolition.

Jamie Victory spoke about people from St. Issac Elementary School parking in front of his house and causing issues. He said he had to call the police twice about the same person.

**12. MAYOR'S COMMENTS**

Mr. Ihrie said Council did not know the halfway house on St. Margaret Street existed until they started receiving complaints. He said the Federal Fair Housing Act says that they are considered a family and have the same rights as every other family. The Federal Court states that cities are not permitted to zone sober living homes out. Mr. Ihrie said that sober living homes cannot be a revolving door and require people to live there for a significant period of time as they grow into a sober lifestyle. Mr. Ihrie reiterated that they have rights under federal law because the law considers them a family. Mr. Ihrie said people can report issues if they are not complying with city ordinances.

Mr. Piper said he encourages residents to call the police and report issues.

Mr. Ihrie said that this house should not be singled out more than any other house.

**13. ADJOURNMENT**

**Moved by Council Member Caron, supported by Council Member Frederick to adjourn at 9:45 p.m.**

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).