



**Item #4a Continued**

**Economic Impact:** N/A

**Recommendation:** Staff recommends approval of the Special Land Use for a development in excess of 2 stories.

Ms. Koto indicated there are two parts to this approval. The special land use approval is to determine if a building over two stories should be permitted in the central lakefront district. This would include the height over two stories, the impact of the development, compatibility with the master plan, traffic, trash or isolation of land use. If the special land use is approved then the site plan can be considered under that approval.

Mr. Caron said he is opposed to this project and he thanked the residents who spoke today. He said there are requirements in the master plan that buildings cannot exceed two stories and our ordinance says to look at the areas that buffer the property. This project is not compatible with the neighborhood and violates our master plan. He noted the developer stated they need to go above the limit to make the project financially work. He said financial is a self-created hardship and a choice. The property can be a condo project as long as it meets our ordinance.

Ms. Rusie said she is also opposed to this project. She stated that the master plan is a document we spend a lot of time and money on to develop and there is no mention of a five-story building in the nautical mile district section. This project is not compatible due to the size of the parcel and the complex. She said she does not want to set the precedence for other developers to request this type of project in a residential area. When you look at the higher buildings in the City they have buffers around the property and this project is so close to a residential neighborhood. She noted that the traffic study was done by someone representing the developer and not by an independent third party.

Mr. Joseph Vaglica from Gateway Engineering said Carlo Santia is a consultant. He was the old road commissioner from Macomb County who now owns a company that does traffic studies.

Ms. Rusie said the traffic study that was put online prior to the planning commission meeting had Schoenherr and 26 Mile Road listed in the trip distribution section, not Jefferson.

Mr. Vaglica said it was a typo.

Ms. Rusie indicated this typo went through a whole paragraph of the report.

Mr. Vaglica said this was a typo that was corrected back in November and resent. The document may have been reused from another project and not updated properly, but the numbers are pertaining to Jefferson.

Mr. Vitale asked Mr. Vaglica if there is anyone here tonight that can speak on the traffic study issue.

Mr. Vaglica said that Mr. Santia was not here but he could try to discuss the study.

Mr. Vitale said he was going to be in favor of this project but now he is put off that there are some flaws in the traffic study. He said he feels like this item should be tabled until we get more information. He noted for a multimillion-dollar project, this is very poorly prepared.

Mr. Vaglica said in the traffic study it talks about different types of developments and he said he would look at the 40-unit residential trip generation and compare that to the traffic flow on Jefferson.

Mr. Vitale said that Mr. Vaglica is here representing a huge project and is not prepared. He understands that different developments like a gas station or a convenience store will cause more traffic flow than the complex.

Mr. Vaglica said they talked about the traffic study at the planning commission meeting and he did not know that Mr. Santia needed to be at this meeting.

Mr. Vitale said the document that the residents are relying on has typos and he feels Mr. Vaglica is unsure of his answers.

Mr. Vaglica said he understands about the typo but he was concentrating on how the complex would affect the traffic on Jefferson versus another type of development for the study.

Mr. Frederick asked about the corrections to the traffic study that were completed.

**Item #4 Continued**

Mr. Vaglica said Ms. Koto brought the errors to their attention and they corrected the study and he was not sure why it was not in the packet.

Ms. Rusie clarified that Council did receive the corrected version but the incorrect document was part of the link for residents to go to when they received notification of this development. She asked Ms. Koto when the special land use was approved by the planning commission.

Ms. Koto said the special land use was approved in 2022. She said the traffic study was submitted in advance of the site plan approval that occurred in February. Then a revised version was submitted on February 10, 2023 after business hours and the planning commission meeting was on February 14, 2023, which was not enough time for them to notify everyone. Then another revision occurred this past Friday.

Ms. Rusie confirmed that the planning commission did not receive the revised version for the special land use or for the February 14<sup>th</sup> planning meeting.

Ms. Koto said that is correct.

Mr. Vitale said he cannot tolerate typos and mistakes. He made a motion to table.

Mayor Walby said since there is a motion to table, there will be no more discussion and no need to discuss item 4b.

**Moved by Council Member Vitale, supported by Council Member Rubello to TABLE the request for Special Land Use Approval for a development in excess of two stories at 24101 Jefferson between Stephens and Ridgeway with the following conditions; compliance with the noise ordinance; traffic from the development shall be directed toward Jefferson, not down Ridgeway or Stephens, no short term rentals less than 11 months, and no more than 20% of the units can be rented out for the life of the development.**

## Roll Call Vote

Ayes: Accica, Frederick, Rubello, Vitale, Walby

Nays: Caron, Rusie

**b. Request site plan approval for a 40-unit, five-story multi-family complex**

**Background Brief:** The applicant is requesting Site Plan Approval for a new 40-unit, five-story multiple family residential building on Jefferson between Ridgeway and Stephens. The plan proposes 10 units on each story, and the fifth story is proposed to include indoor and outdoor roof-top fitness facilities, a rooftop clubhouse, rooftop barbecue facilities, and a rooftop fire pit. In addition to the residential units inside the building, the site plan proposes a pet washroom, an elevator, and an exterior in-ground private pool. The building fronts Jefferson with parking on the south side of the building and in the rear. There are 36 2-bedroom units and 4 1-bedroom units proposed with each unit including one bathroom, a living room, a kitchen, eating area, and at least one bedroom.

The exterior of the building proposes a mix of brick, composite siding, and composite cedar shake on all four sides. Landscaping is proposed along the entire perimeter of the building and the site. A gazebo is proposed on the south end of the site, and a sidewalk is provided to create a pedestrian connection to the public sidewalk.

This site plan was revised after Special Land Use Approval was obtained in mid-2022 to reflect the comments received from both the Planning Commission and members of the public. The following changes were made to the plans to better conform to the zoning ordinance and public comment:

- The number of units were reduced from 46 to 40.
- The number of parking spaces were increased from 79 to 92.
- The drive approach onto Ridgeway was eliminated. Traffic is now directed onto Jefferson.
- The proposal is considered a multi-family development, not attached townhomes.
- All parking and maneuvering lanes are a minimum of 15 feet from first floor dwelling unit, entryway, or doorway.
- Dumpsters were moved to a parking island farther away from adjacent residences.
- After review and confirmation on historical zoning maps, the zoning of the parcel formerly known as 22806 Stephens is Central Lakefront District and does not need to be rezoned.

**Item #4b Continued**

- The building can now be accessed from the front service walk leading to Jefferson Avenue as well as from the parking lot.
- A loading/unloading zone has been added at the rear entrance.
- The shape of the pool has been modified.
- A traffic study has been provided.
- Environmental paperwork related to the property has been provided.

**Previous Action:** The Planning Commission recommended approval of the site plan on February 14, 2023.

**Economic Impact:** N/A

**Recommendation:** Staff recommends approval of the site plan for a 40 unit, five-story multi-family complex.

**5. FY 2023 SECOND QUARTER COUNCIL REPORT AND CURRENT BUDGET AMENDMENTS**

**Background Brief:** After adoption of the original budget, revenues and expenditures are reviewed during the fiscal year. The budget is amended when actual revenues or expenditures are projected to not meet budgeted expectations. The reports serve as a management tool to monitor actual revenues and expenditures in relation to the adopted budget. In the end, the budget information presented to the auditors and reported in the Annual Comprehensive Financial Report (ACFR) will reflect the final emended budget as approved by City Council.

**Previous Action:** N/A

**Economic Impact:** Original budget is amended to meet the actual activity in revenues and expenses.

**Recommendation:** It is recommended to receive the attached Council report as of December 31, 2021 and to approve the budget amendment BA23-02.

Ms. Stowell said we are on target with the revenues and expenditures for the year. She noted that we are over the targeted amount for this quarter by 50% in revenues. This is normal due to collecting property taxes and other items at the beginning of the year.

Ms. Rusie asked if the increase of \$29,600 for Halloween Veteran's Memorial stage decking budget amendment came to Council for approval since it is above \$15,000.

Ms. Stowell said it was not above \$15,000 so it did not go to Council.

Ms. Rusie asked why it is listed as \$29,600.

Ms. Stowell explained that this was done by two separate companies.

Ms. Rusie asked if both happened to be under \$15,000 and then we added them together.

Ms. Stowell said yes, they are going against the same line item. She said the committee had an excess of money and wanted to do this.

Ms. Rusie pointed out that the activities committee has various sub-accounts for different activities and the Halloween event does not touch that stage. She asked why would we transfer money out of a sub-account for something that is not used for the Halloween event.

Ms. Stowell said when she received the purchase orders, she asked the department and it was approved from the committee.

Ms. Rusie said she does not understand why we have sub accounts if we are not going to use them accordingly.

Mr. Caron asked Mr. Greene that the detail on both of these projects be sent to Council. He said we have had this discussion before about doing the correct bidding process. If it is above \$15,000 for a whole project it should go out to bid.

Mr. Bowman said it was under \$15,000 for both parts of the project. The first part was for the staging and the other was for the installation.

**Item #5 Continued**

Mr. Caron said this was one project and it should have gone out to bid.

**Moved by Council Member Frederick, seconded by Council Member Accica to receive and file the FY2023 Second Quarter Council Report and approve the FY2023 budget amendment BA-23.02**

Ayes: All-7

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

- a. **REQUEST TO AWARD THE CONTRACT FOR MASTER PLAN, CAPITAL IMPROVEMENT PLAN, AND PARKS AND RECREATION MASTER PLAN UPDATE. (PROPOSALS OPENED ON FRIDAY, FEBRUARY 3, 2023)**

**Background Brief:** Background/Summary of the item that is being presented

**Previous Action:** After reviewing a sole source proposal in late 2022, City Council directed staff to bid out professional services to update the Master Plan, Capital Improvements Plan, and Parks and Recreation Master Plan. The RFP was issued On January 9, 2023 on the MITN purchasing group website. An advertisement was also placed on the Michigan Association of Planning Website. An addendum was issued on January 11, 2023 with links to the existing Master Plan, Capital Improvements Plan, and Parks and Recreation Master Plan. Thirty-four firms downloaded the RFP, and a total of four firms submitted bids. Each firm provided a base bid where staff would write the bulk of the plans and an alternate bid where the consultant would write the bulk of the plan. Bids were due on February 3, 2023 and bid prices range from \$45,000-\$51,000 for the base bid and \$88,000 to \$125,000 for the alternate.

**Economic Impact:** Staff bid out the professional services to have the consultant assist staff in writing the plans or have the consultant write the majority of the plans. Depending upon which option Council chooses, the economic impact would be somewhere between \$45,000 and \$125,000. Additionally, staff wrote a grant in late 2022 to cover the cost of updating the Master Plan to include a Resiliency Plan. Grants have not yet been awarded, but the city could obtain \$83,157.61 in grant funding with a \$21,000 match if our proposal is chosen.

**Recommendation:** Staff recommends awarding the contract to Spalding DeDecker Associates for both the base price and alternate option of the proposal.

Ms. Koto said each firm had a base bid, where our staff would write the bulk of the plans and then there was an alternate bid, where the consultant would write the bulk of the plan. She noted that they are still waiting for the results of the high water infrastructure grant for \$83,158 with a \$21,000 match on our end. If we receive the grant, it should cover the base bids.

Mayor Walby clarified that the base bid would include CDI doing most of the work. He wants to make sure their department can handle the additional workload.

Ms. Koto said yes, they would be doing the majority of the writing however we are not rewriting the whole plan, we would be doing the parts that need to be updated.

Mr. Rubello asked how residents can give their input on the master plan.

Ms. Koto said that public engagements will be a big part of the process. The bulk of the base bids would be driving and guiding the public engagement process. The firms presented options and most of the engagements would be during the summer months.

Mr. Rubello asked if the proposal for the multi-family complex fits into the master plan.

Ms. Koto said a multi-family development, not specifying the number of stories, within the central lakefront district would be supported by the master plan.

Ms. Rusie asked why staff is recommending Spalding DeDecker Associates.

Ms. Koto said they are recommending Spalding DeDecker for the base and full plan. They are not opposed to Carlisle Wortman who was the lowest of the full plan. She said Spalding DeDecker had a great public engagement plan and they thought it was very dynamic and exciting.

**Item #6a Continued**

Ms. Rusie said it has been five years and there have been a lot of changes so it is good to have a fresh set of eyes.

Ms. Koto also noted that Spalding DeDecker had a very strong graphic design aspect.

Mr. Accica left at 8:23 p.m.

Mr. Caron said we should have control of writing the content because we know the requirements for the City and what is important. He thought Spalding DeDecker had great graphic design and they had strength in their public engagement and formatting.

Mr. Frederick noted that when this was originally proposed the price was \$33,000 and now after bidding out, it is \$45,000. He asked how many hours will be put into this internally and if they will be able to handle it.

Ms. Koto said with just the writing portion of this for the rest of the calendar year it would be about 50 to 80 hours and they will be able to handle it.

Mr. Vitale said our plan is from 2016 and seems outdated with regard to item four. He said nowadays we are seeing a desire for multi-level living and he asked how can we look at these limits when updating the master plan.

Ms. Koto said yes, we could get input from the residents and Council. She said the number of stories is driven by the zoning ordinance. The master plan is first and then the zoning ordinance so something in the zoning ordinance cannot be there unless it is supported by the master plan.

Mr. Vitale noted that we have a desire for mixed usage on Harper in our master plan but not for Jefferson. He asked if she is confident going out to the public for this type of input.

Ms. Koto said Spalding DeDecker will be going after those voices that are not always heard.

Ms. Rusie said it will be helpful to have the final copy of the plan sent to Council so they can review it and have input. She noted that the difference between the original price and this price is \$12,000. This is minimal considering this is giving us new ideas and we are able to see what other firms have to offer when it comes to our City's plan.

**Moved by Council Member Caron, supported by Council Member Rusie to approve the award of the contract for the update to the Master Plan, Capital Improvement Plan, and Parks and Recreation Master plan to Spalding DeDecker Associates in the amount of \$45,000 for the base bid.**

Ayes: All-6  
Absent: Accica

**b. REQUEST TO REJECT ALL BIDS FOR TOWING AND STORAGE OF VEHICLES SERVICES**

**Background Brief:** After bids were received from four towing companies, the City was advised that a portion of the bid specs language was not in compliance with State law.

**Previous Action:** At the City Council meeting on 2/21/23, the recommendation to award the towing service bid was tabled.

**Economic Impact:** N/A

**Recommendation:** It is recommended that all bids for Towing and Storage Services submitted on 2/7/23 be rejected so bid specs language can be updated then put back out for bid.

Mr. Greene said the towing bid was tabled at the February 21, 2023 meeting and since then the staff was made aware that the language in the bid specifications could be violating state law. He said after consulting with Mr. Ihrie it was validated and recommended that we reject the current bids. We will work with Mr. Ihrie to revise the information and go back out to bid.

Mayor Walby asked what will happen since the current contract is about to end.

Mr. Greene said they are recommending extending the current contract for 90 days. This should give us enough time to get this bid out properly and come back to Council.

**Item #6b Continued**

Mr. Caron said it is disappointing that this was not caught internally when laws change and specs need to be updated. He asked how can we be sure we are compliant before we go out to bid in the future.

Ms. Rusie said they received an email from an attorney who is on the board of directors and legislative committee for the Michigan Towing Association who explained the towing statute. This is a section of the motor vehicle code, and the part that is relevant to the bid was added as public act 141 in 2020. She noted other changes need to be made along with a fee schedule and transparency. She agrees with rebidding and she understands we need to extend the current contract.

Mr. Vitale summed up some of the things the attorney brought to their attention and noted we need to do a better job getting a fee schedule posted.

Mr. Rubello asked Mr. Greene if we can see the bid proposal after it is written to make sure it looks good.

Mr. Caron noted that when the bid specs are sent to personnel before it goes on BidNet, it needs to stay with the City until it is final.

**Moved by Council Member Rubello, supported by Council Member Frederick to approve that all bids for Towing and Storage Services submitted on 2/7/23 be rejected so bid specs language can be updated then put back out for bid and to extend the current contract for 90 days.**

Ayes: All-6  
Absent: Accica

**c. REQUEST APPROVAL OF BID AWARD FOR THE RECONSTRUCTION OF NEW YORK STREET (BIDS OPENED ON TUESDAY, FEBRUARY 28, 2023)**

**Background Brief:** New York Street between Joy and Deziel was approved as part of this year's road reconstruction and water main construction program. The plan is for reconstruction using 7" of concrete over 10" of 21AA base material. This section of road is rated a 3 out of 10 on the 2021 PASER. We received bids from four contractors on February 28<sup>th</sup>, 2023, with Mark Anthony being the low bidder for both part-width construction and full-closure construction. The bid for full closure construction came in at \$1,008,936.83, approximately \$18,500 lower than the part-width construction bid at \$1,027,423.09. On March 7<sup>th</sup>, the City and Fishbeck held a pre-award meeting with Mark Anthony to discuss project expectations. Mark Anthony was awarded the Greater Mack reconstruction project and the Rhode Island reconstruction project this year as well. Currently, Mark Anthony does not foresee any issues starting and completing the project within the specified timeframe and has adequate capacity for all three projects. Attached is a preliminary schedule for New York, Rhode Island, and Greater Mack. For full width construction, we anticipate substantial completion on July 31<sup>st</sup>. Part width construction is expected to have a substantial completion date of on, or around, September 1st. Given the location of this project, we are recommending full closure construction to expedite the project. The driveways for eight houses are within the limits of the project. CDI will organize an open house to meet with affected residents to discuss the project and answer questions. CDI has also met with police and fire and neither indicated any concerns about full width closure on this street.

**Previous Action:** This project was approved at the September 26th, 2022 Council Meeting.

**Economic Impact:** The engineer's preliminary estimate for this project was \$809,911 and the low bid came in at \$1,008,936.83.

**Recommendation:** It is recommended that this project be awarded to Mark Anthony Contracting in the amount of \$1,008,936.83, with a 10% contingency bringing the total to \$1,109,830.51.

Mr. Liebert gave an overview of the project and timeline.

Mr. Vitale asked if we made contact with the homeowners.

Mr. Liebert said they have a meeting on March 30, 2023 and will notify homeowners.

Mr. Vitale asked if anyone contacted Clinton Township as their side of the road is worse than ours so it can be done all at once.

**Item #6c Continued**

Mr. Liebert said that is further down the street and not part of this section.

Mr. Frederick asked if there were any trees that needed to come down. He also wants to make sure that any trees that are going to be planted are not under power lines.

Mr. Liebert said there are no trees coming down and the new trees will be on the east side of the road.

Mr. Caron noted that Clinton Township has to go through the county for its roads.

**Moved by Council Member Caron, supported by Council Member Frederick to award the New York Street Reconstruction and Water Main project to Mark Anthony Contracting in the amount of \$1,008,936.83, with a 10% contingency bringing the total to \$1,109,830.51.**

Ayes: All-6  
Absent: Accica

**d. REQUEST APPROVAL OF BID AWARD FOR THE 2023-2025 SIDEWALK REPLACEMENT PROGRAM (BIDS OPENED ON TUESDAY, MARCH 14, 2023)**

**Background Brief:** Bid documents for the 2023-2025 Sidewalk Replacement Program were posted on bidnet on February 10<sup>th</sup> and bids were opened on March 14<sup>th</sup>. The project will cover the remaining portion of District 8 and the entirety of District 9 in 2023, District 10 in 2024, and District 1 in 2025. We received bids from four contractors, with Italia Construction having the lowest cumulative bid at \$2,155,159.48. The estimated cost per year/district is as follows:

Remaining portions of District 8 and District 9 2023: **\$696,471**  
District 10 2024: \$696,471 @ 3% increase = **\$718,696.80**  
District 1 2025: \$717,365.13 @ 3% increase = **\$739,991.58**

The price per flag of concrete in 2023 is as follows (unit prices increase 3% year over year):

Remove and Replace 4" (5'x5') = \$148.25  
Remove and Replace 6" (5'x5') = 165.75  
Mudjacking 4" (5'x5') = \$90.00  
Mudjacking 6" (5'x5') = \$100.00  
Mudjacking 6" Approach = \$190.00

These unit prices are approximately 5% lower than our 2022 contract prices. At 3% per year increases, the unit prices in 2025 will be similar to 2022 prices.

**Previous Action:** N/A

**Economic Impact:** The cumulative low bid for the three year program came in at **\$2,155,159.48**. **The projected cost of the program is \$696,471 in 2023, \$718,696.80 in 2024, and \$739,991.58 in 2025. (Reflects a 3% increase in unit prices year over year).**

**Recommendation:** It is recommended that this project be awarded to Italia Construction in the amount of \$696,471 for 2023 and approving the unit prices for the 2024 and 2025 sidewalk replacement program, for both in-district (category 1) and out-of-district work (category 2)

Mr. Liebert gave an overview of the project. The pricing is approximate as they will know more once they mark the slabs for replacement. He noted that the prices are slightly cheaper than this past year.

Mayor Walby said the bid tab sheet was different than what Hennessey sent.

Mr. Liebert said the amount from Italia Construction was not the same for all three years. There was a 3% increase per year.

Ms. Rusie said the issue is that Italia has the same pricing listed on the bid tab sheet for all three years. She also noted that there were three bids submitted not four as mentioned earlier.



**Item #6c Continued**

Mr. Liebert said yes, we only received three bids. He said Hennessey took in account the 3% and we did not on the bid tab sheet.

Ms. Rusie confirmed that the spreadsheet from Hennessey correlates with the bid documents that were submitted from Italia Construction.

Mr. Vitale asked Mr. Liebert to tell the residents what the boundaries are for district 8.

Mr. Liebert said district 8 is from Twelve Mile to Thirteen Mile and the portion they will be finishing up is west of Harper. He said District 9 is Thirteen Mile to Masonic and then it will be from Masonic to the north City limits. In 2025 we will go back to district 1 which is the southwest corner of the City between Eight Mile and Nine Mile west of Greater Mack.

Mr. Caron asked if the prices include the administrative permitting.

Mr. Liebert said he will find out if the permitting price is included.

Mr. Caron said that district 9 and 10 seem to be smaller as for the linear feet of sidewalk and he asked to check what numbers need to go into the budget. He also asked if Hennessey will be doing the markings and if they did it the last couple of years.

Mr. Liebert said yes, Hennessey has done the markings before and will be doing them again.

Mr. Caron asked to make sure Hennessey maintains consistency and that they are following the guidelines.

Mr. Rubello asked for clarification on what is still remaining in district 8.

Mr. Liebert said they did not complete the entirety of district 8 this year so they resent letters out to the affected residents west of Harper and this will be completed along with district 9.

**Moved by Council Member Caron, supported by Council Member Frederick to award the 2023-2025 Sidewalk Replacement Program to Italia Construction in the amount of \$696,471 for 2023 District 9 (and portion of District 8) and approving the unit prices for the 2024 and 2025 sidewalk replacement program, for both in-district (category 1) and out-of-district (category 2) work.**

Ayes: All-6  
Absent: Accica

- 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 – h separating 7c and 7g as follows:**

a. **Bills**

March 9, 2023 \$3,877,822.69

Resolved to approve the release of checks in the amount of \$3,877,822.69 for services rendered, of the report that is 23 pages in length, and of the grand total amount of \$3,877,822.69, \$0 went to other taxing authorities

b. **Fees**

Shifman Fournier \$ 900.00  
Ihrie O'Brien \$15,827.63

d. **Approval of Minutes**

Resolved that the following minutes be approved as presented:

**Item #7d Continued**

Minutes  
Council

Meeting Date  
February 21, 2023

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

Minutes

Meeting Date

Beautification

February 8, 2023

Community Garden

February 6, 2023

Cultural Committee

January 11, 2023

Planning Commission

February 14, 2023

SCS Memorial Day Parade Committee

February 8, 2023

Water Resources & Advisory Board

February 7, 2023

- f. Set Council Budget Hearing Date for FY 2023-2024

**Background Brief:** An annual public budget hearing is conducted to go over each department prior to adoption.

**Previous Action:** N/A

**Economic Impact:** N/A

**Recommendation:** I recommend scheduling the Fiscal Year 2023-24 Council Budget Hearing on Monday, April 24, 2023 starting at 6:00 p.m.

**R-2023-07**

- h. Adoption of a Resolution for the 2020 Land and Water Conservation Fund Grant Award Number P22AP00208 for Kyte Monroe-Field Lighting and Universal Access Playground to provide a match of \$300,000 from the City's Parks and Recreation Budget for the 2023/2024 Fiscal Year

**Background Brief:** The City was awarded a Land and Water Conservation Fund grant, and the grant agreement became available in late 2022. The Michigan Department of Natural Resources requires the passage of a Resolution of Funding as part of the Project Agreement. The Resolution of Funding commits the city to paying 50% of the project cost, which equals a \$300,000 grant and a \$300,000 match. The city will appropriate the funds out of the Parks and Recreation budget.

**Previous Action:** N/A

**Economic Impact:** The city will be responsible for a 50% match to this grant up to \$300,000.

**Recommendation:** Staff recommends approving the Resolution of Funding.

**2020 LAND AND WATER CONSERVATION FUND GRANT  
RESOLUTION OF FUNDING  
GRANT NUMBER 26-01848  
KYTE MONROE-FIELD LIGHTING AND UNIVERSAL ACCESS PLAYGROUND  
CFDA 15.916**

Upon motion made by Council Member Caron, seconded by Council Member Frederick the following Resolution was adopted: "RESOLVED, that the City of St. Clair Shores, Michigan, does hereby accept the terms of the Agreement as received from the Michigan Department of Natural Resources; and that the City of St. Clair Shores does hereby specifically agree, but not by way of limitation, as follows:

1. To appropriate all funds necessary to complete the project during the project period and to provide **THREE HUNDRED THOUSAND DOLLARS (\$300,000.00)** dollars to match the grant authorized by the MICHIGAN DEPARTMENT OF NATURAL RESOURCES.
2. To maintain satisfactory financial accounts, documents, and records to make them available to the MICHIGAN DEPARTMENT OF NATURAL RESOURCES for auditing at reasonable times in perpetuity.

**Item #7h Continued**

3. To construct the project and provide such funds, services, and materials as may be necessary to satisfy the terms of said Agreement.
4. To regulate the use of the facility constructed and reserved under this Agreement to assure the use thereof by the public on equal and reasonable terms.
5. To comply with any and all terms of said Agreement including all terms not specifically set forth in the foregoing portions of this Resolution.”

The following aye votes were recorded: 6

The following nay votes were recorded: 0

Absent: Accica

STATE OF MICHIGAN )  
 COUNTY OF MACOMB ) ) ss

I, Abrial Barrett, Clerk of the City of St. Clair Shores, Michigan, do hereby certify that the above is a true and correct copy of the Resolution relative to the Agreement with the Michigan Department of Natural Resources, which Resolution was adopted by the St. Clair Shores City Council at a meeting held March 20, 2023.

Ayes: All-6  
 Absent: Accica

**Separated Item**

**c. Progress Payments**

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

<b>C&amp;S Construction Management</b>	<b>\$ 12,018.95</b>
<b>Advanced Pool Services, Inc.</b>	<b>\$100,000.00</b>
<b>Florence Cement Company</b>	<b>\$ 40,895.06</b>

Ms. Rusie asked what the scope of the contentions are in the Hanson Court Reconstruction letter dated March 3, 2023 from Hennessey and if there are any updates or progress.

Mr. Liebert said he thinks it is due to some extra regrading along the road where they redid the approaches. He said they had to go into the resident’s yards more than what was planned out. This might be pertaining to the line item that is by station rather than cubic yards and they are trying to agree on a number. This is still outstanding.

Ms. Rusie asked to be kept updated since this is still outstanding.

**Moved by Council Member Rusie, supported by Council Member Caron to approve the Consent Agenda item 7c Progress Payments.**

Ayes: All-6  
 Absent: Accica

**g. Request by Lake Shore, Lakeview, South Lake, L’Anse Creuse, Macomb Intermediate School Districts and Macomb Community College to levy 100% of their 2023 tax levy on July 1, 2023**

**Background Brief:** The school authorities annually request that the city levies 100% of the school tax on July 1. The Michigan Education Tax and the Macomb County operating millage is levied July 1 by State law.

**Previous Action:** City Council approved the request for the 2022 tax levies at the March 7, 2022 council meeting.

**Economic Impact:** N/A

**Recommendation:** I recommend approving the requests from Lake Shore, Lakeview, South Lake, L’Anse Creuse and Macomb Intermediate school districts and Macomb Community College to levy 100% of their 2023 tax levies on July 1, 2023.

**Item #7g Continued**

Mr. Vitale said in prior years we could attach winter tax bills under \$100 to the summer taxes and he asked if the state law is still under \$100.

Ms. Stowell said as far as she knows the amount has not changed. The reason we had a winter tax bill this year was due to the Smart Law.

Mr. Vitale asked if we could reach out to state senators or MML to get the limit raised to \$200.

Mr. Caron noted we are the only City in the county taking advantage of this part of the law. He said most other municipalities push some of their millages to the winter so they are equal. He said we might want to consider moving the road millage to winter to spread out the tax bills throughout the year.

**Moved by Council Member Vitale, supported by Council Member Frederick to approve the request to levy 100% of the 2023 school taxes on the Summer Tax bill for Lake Shore, Lakeview, South Lake, L'Anse Creuse and Macomb Intermediate school districts and Macomb Community College.**

Ayes: All-6  
Absent: Accica

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

- **Mr. Rubello asked if City Council meetings are on Vimeo?** Mr. Greene said the City Council meetings are available through the City Website. It can be accessed by clicking the watch council meetings now on the home page or there is a link for Vimeo that can be found through the agenda center.

**9. COMMENTS BY INDIVIDUAL COUNCIL MEMBERS**

**Mr. Vitale** said there has been zero progress at the Shores Theater and he asked when can we ticket them as they are in violation. Mr. Greene said he will find out where they are at and follow up.

Mr. Vitale said Dollar General is still putting carts outside of their coral which needs to be addressed. He asked for a follow-up on Mancuso's Florist. He also would like to know the progress on the office building at Mack and Gaukler. There is still no permit in the window and the windows are boarded up.

**Mr. Rubello** asked Ms. Koto to look into the E-Cities program. Ms. Koto said we have been part of them for ten years. He asked about the status of the building that is going up at Nine Mile west of the Kroger gas station. Ms. Koto said the realtor for the surgical center said they are working on construction documents and a variance that is needed on the garage but they are moving forward.

Mr. Rubello announced that Mr. Lucido is coming to the senior center for an event on how to watch out for scams and he announced the class of 1973 Lakeview High School 50<sup>th</sup> reunion is coming up.

**Ms. Rusie** asked if there is anything we can do as a City to help elevate the voices of our residents with DTE regarding power outages. There are some areas that are frequently losing power and if we can get their concerns to DTE maybe we can come to some kind of resolution.

**Mr. Caron** also mentioned the multiple DTE outages and he thought the past City manager had contact with a representative that is assigned to our City to discuss concerns. It seems to be a repeat issue that is not getting resolved. DTE should know what the main areas are and what the plan is to get them resolved. He mentioned the public hearing at the April 5, 2023 Council meeting regarding the storm sewer separation and he reminded the residents to look at the March 4<sup>th</sup> Council meeting packet online that has all of the details that are being proposed. He pointed out on item 4 from earlier that previously Mr. Santia spoke about the bulk of the project, not just the traffic study. There was not a traffic study at the time of the July 12, 2022 planning meeting.

**Mr. Frederick** indicated that Mr. Santia was at the July meeting in case there were questions about traffic so he could do the study. He mentioned all of the local fish fry's that are still going on now. He asked about the status of St. Mary's and Ms. Koto said she will follow up.

Mr. Frederick reminded everyone that the fireworks will be on June 23, 2023. He asked Chief Piper about the SAFER grants. Chief Piper said they have applied for the AFG grant for equipment. He said there is more discussion we need before we apply for the SAFER grant.

**Item #9 Continued**

Mr. Frederick congratulated Henry Ford Health urgent care who is new to the City and he thanked Boat Works and St. Isaac Jogues for dropping food off at the Fire Stations. He announced the upcoming events and activities at the Library.

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

**11. AUDIENCE PARTICIPATION**

Mr. Daniel Farr, a St. Clair Shores resident, discussed his concerns with the in God we trust stickers on the police vehicles.

Mr. Joe Gemayel, a Metamora resident, and part of Project Brotherhood Resolve, announced the upcoming Veterans Gallery at Trader Todd's Marina starting on May 19 through May 28, 2023. He gave an overview of all the scheduled events throughout the week and of the Project Brotherhood Resolve organization.

County Commissioner Barbara Zinner said that Candice Miller, Don Brown, and herself have been working together on trying to clean up the water. She said Candice Miller received a grant for a study by the Army Corp of Engineers regarding the Lyngbya washing up on the shore. This will be a two-year project so we can find out what this is and how to get rid of it.

**12. MAYOR'S COMMENTS**

Mayor Walby noted that he did speak with Mr. Farr at two different times and he tried to answer Mr. Farr's questions to the best of his knowledge.

Mayor Walby mentioned the upcoming dredging on 11 Mile Road and the boat ramp is now open at Blossom Heath.

**13. ADJOURNMENT**

**Moved by Council Member Frederick, supported by Council Member Caron to adjourn at 9:44 p.m.**

Ayes: All-6  
Absent: Accica

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KIP C. WALBY, MAYOR

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ABRIAL J. BARRETT, CITY CLERK

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