

**MINUTES
ST. CLAIR SHORES CITY COUNCIL MEETING
APRIL 3, 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: Assistant City Manager Michael Greene, City Clerk Abrial Barrett, Controller Renea Warnke, Director Bryan Babcock, Director Denise Pike, Director Henry Bowman, Fire Chief Piper, Police Chief Allen, and City Attorney Robert Ihrle

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

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

2. PROCLAMATIONS & PRESENTATIONS

a. Concert Series sponsored by Petitpren Inc.

Jason Goodman & Jamie Thompson of Petitpren Inc., sponsors of the Music on the Lake Concert series, announced this year's lineup beginning June 7, 2023. Karl Schwarzwaldler from the Activities Committee thanked Peititpren Inc. for their sponsorship.

3. AUDIENCE PARTICIPATION ON AGENDA ITEMS (2-MINUTE TIME LIMIT) - None

4. MILE BEACH 2023 CANAL DREDGE, REVIEW AND CONFIRM THE ASSESSMENT ROLL, HEAR OBJECTIONS TO THE ROLL, AND ADOPT THE RESOLUTION CONFIRMING THE SPECIAL ASSESSMENT DISTRICT

a. Public Hearing

Mayor Walby opened the Public Hearing at 7:05 p.m.

Bob Ryan, a St. Clair Shores resident who owns three buildings on four lots in the assessment district spoke regarding revising or amending the cost of the dredge.

Mayor Walby closed the public hearing at 7:10 p.m.

b. Adopt the resolution confirming the Special Assessment District for the 10 Mile Beach 2023 Canal Dredge

Background Brief: This project is totally funded by the residents, who will pay the entire cost to be divided/spread over 61.99 lots. The final cost of said improvement has been calculated as \$104,990 (\$102,860 + \$2,130 City fee) which is assessed for Special Assessment District 10 Mile Beach 2023 canal dredging. Each lot owner shall provide a payment of \$1,693.66 per lot.

A 50% deposit was submitted to the City on March 27, 2023. Payment of the balance of the assessment roll will be billed by the City and is due by April 20, 2023.

Previous Action: At the March 6, 2023, City Council Meeting the Resolution was approved to create the Special Assessment District for the 10 Mile Beach 2023 canal dredging, and the final Public Hearing was set for April 3, 2023, to review the assessment roll, hear objections to the roll and to confirm the special assessment roll.

Economic Impact: N/A

Recommendation: I recommend approval of the request to adopt the Resolution confirming the Special Assessment District roll for the 10 Mile Beach 2023 canal dredging.

Mr. Vitale asked if there are many situations where businesses are in the same position where they back up to any canal. He said this may be something to discuss and asked if we could look at a cap for this type of situation. Mr. Vitale

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said he does not believe we can draft anything here at the meeting and asked City staff to investigate how many businesses we have in this situation.

Ms. Rusie asked if someone could speak on the changes in this from the March 6, 2023 resolution that was approved.

Tim Beard, from the Board of Directors of the 10 Mile Beach Canal Association board spoke on the change from the previous resolution. He said they could not get 50% of the original cost and that is why they made a revision.

Ms. Rusie asked if residents were notified of the change.

Ms. Barrett said yes, notices were sent out and the original petitions they signed were more than the cost of this revision.

Mr. Rubello asked if we have ever made changes at the Council level. He said these types of things can happen when you buy a home or lot on the lake. He asked if a resident who opts out can then use the canal in the future.

Mr. Ihrie said historically, there have been several occasions where one homeowner owned more than one lot and was charged based on lots. He said the ordinance specifies lots. He noted that these questions fall under the March meeting item, not this item.

Mr. Frederick said the Charter states lots, so this is something that would be done at the association level, not at the City level. He said he understands how it was planned out, but it is something that should be dealt with before it comes to Council.

Mr. Caron said he agrees it is a negotiation that should happen between the Association and the Assessor. He said he is comfortable with the way it is presented.

Mr. Vitale said he is not in favor of doing anything that encumbers the Assessment district here tonight. He said he does not want to push back the dredging season. He said he would only entertain the idea for discussion if for some reason that portion of the canal behind the business was unusable. He would like to be aware that there is no conceivable way that the property owner can make use of the canal.

Mr. Rubello asked when the canal was last dredged.

Mr. Beard said he believes 2016.

R-2023-08

Moved by Council Member Rubello, seconded by Council Member Caron to adopt the Resolution confirming the Special Assessment District roll for 10 Mile Beach 2023 canal dredging.

Which reads as:

WHEREAS, THE 10 MILE BEACH DRIVE CANAL ASSOCIATION SPECIAL ASSESSMENT ROLL NO. 10 Mile Beach Drive Canal 2023 Dredging has been prepared and reported by a petition signed by owners of two-thirds of the lots adjacent to and abutting on the canal or water-course of the 10 Mile/Beach Canal to the City Council for the purpose of defraying the cost of the following improvement:

The 10 Mile Beach Drive Canal 2023 Dredging Special Assessment District – legal description of boundaries of district:

To dredge approximately 930 cubic yards of sediment.

The legal description of the 10 Mile Beach Drive Canal 2023 Dredging district boundaries are as follows:

Lake St. Clair Gardens Annex Subdivision (Liber 9, Page 48) Lots 4 thru 9, all of Lots 55 thru 92
AND

Lake St. Clair Gardens Subdivision (Liber 8, Page 24) Lots 83 thru 90, lot 92 except the north 2 feet that lies south of lot 91, all of lot 93, the west 3.8 feet of lot 94 and all of lots 95 thru 101

AND WHEREAS, said Special Assessment Roll has been reviewed by the City Council at a public hearing after due and legal notice thereto given in accordance with the Charter.

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AND WHEREAS, the City Council is satisfied with said special assessment roll as reported by the Assessor to it:

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Said Special Assessment Roll No. **10 Mile Beach Canal 2023 Dredging** (also commonly referred to as the 10 Mile Beach Canal 2023 SAD) in the sum of \$104,990.00 as reported by the Assessor and the same is hereby confirmed.
2. The City has determined that the cost for said improvement shall be borne by special assessment district. The cost of the improvement has been calculated at \$104,990.00, all of which is assessed for Special Assessment District – **10 Mile Beach Canal 2023 Dredging**. This project is totally funded by the residents, where residents agree to pay the entire cost to be divided/spread by lot over the 61.99 lots.
3. Said special assessment roll shall be divided into one (1) installment to be due on April 20, 2023. Each lot owner, as voted by the majority of lot owners of the **10 Mile Beach Canal 2023 Dredging**, shall provide payment as identified by the Assessor's roll for each individual lot. A copy of which shall be attached to this resolution and minutes of this meeting.

25.405 Deposit. *Sec. 5. The lot owners who petition for the improvement shall be required to deposit in the office of the City Clerk, 50% of the estimated cost of the improvement prior to the hearing on the rolls, as provided by Section 9.3 [10.243] of the City Charter.*

4. All unpaid installments of the special assessment roll shall bear interest payable annually at the rate of 5% per annum commencing with the due date of the first installment. Penalty Rate: The whole assessment against any lot or parcel of land may be paid to the City Treasurer at any time in full with interest and penalties accrued to the date of the payment of the next installment. If any installment of a special assessment is not paid when due, then the same shall be deemed to be delinquent and there shall be collected thereon, in addition to interest as above provided, a penalty at the rate of one-half of one percent for each month or fraction thereof that the same remains unpaid before being reported to the Council for reassessment upon the City tax roll.
5. The Homeowners Association shall provide the City Clerk in writing which Association Members are authorized to sign invoices for payment which shall be forwarded to the City Treasurer to authorize release of payments.
6. A copy of the Special Assessment Roll shall be affixed to the original minutes of this meeting.

I, Abrial J. Barrett, City Clerk of the City of St. Clair Shores do hereby certify that the foregoing is an excerpt from the minutes of a meeting of the St. Clair Shores City Council held on April 3, 2023, in accordance with the Open Meetings Act, Public Act No. 267 of 1976 as amended.

Abrial J. Barrett, City Clerk

Ayes: All-7

5. REQUEST TO PARTICIPATE IN THE NEW NATIONAL OPIOID SETTLEMENTS

Background Brief: Michigan lost more than 3,000 individuals to overdose and had approximately 31,000 nonfatal emergency department visits due to overdose in 2021. The impact of the opioid overdose crisis, and the broader overdose epidemic, extends beyond the statistics of overdoses into personal, social, economic, medical, and community-based factors and outcomes.

In 2022, additional settlements with pharmacies and manufacturers were announced, including CVS, Walgreens, Walmart, Allergan, and Teva. The City has been made aware of the opportunity to participate in this new settlement with a deadline to participate set as April 18th, 2023.

If approved to participate, City staff has begun conversations on how to best utilize the funds based on settlement requirements. Initial conversations involved beginning with additional training for our first responders regarding appropriate practices and precautions when dealing with fentanyl or other drugs and ensuring they have enough naloxone or other FDA-approved drugs to reverse overdoses.

Previous Action: The City has previously participated in two other opioid settlements, Janssen (J&J) and Distributors. Participating in these settlements has awarded the City \$117,360.52 to assist in prevention and treatment efforts.

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Economic Impact: The amount the City would receive from this settlement has not been finalized. It is dependent on the number of communities that opt-in to the settlement. It is estimated that the state of Michigan will receive over \$446 million over 13 years, which will then be divided by those who participate.

Recommendation: It is my recommendation for the Council to approve participation in the new national opioid settlements.

Assistant City Manager, Michael Greene gave an overview of the new National Opioid Settlement.

Ms. Rusie commented that there are specific requirements in this settlement regarding fund usage and asked Mr. Greene to explain those.

Mr. Green discussed the specific requirements and quarterly reporting. He said we would use it for training and opioid tools.

Ms. Rusie noted that we get this money because of the costs we have had to incur for this crisis. She asked if Mr. Greene is aware of any other settlements going on that we may be able to opt into.

Mr. Greene said the only other one he is aware of is Walgreens, but it is not finalized so we cannot opt in yet.

Mr. Rubello said opioids are extremely dangerous and asked if we have received a settlement in the past.

Mr. Greene said yes, our total is \$117,000 so far.

Mr. Rubello asked if it is a benefit for the City of St. Clair Shores to opt in.

Mr. Greene said only very large Counties or Cities opt out to go after funds on their own and he feels it is very beneficial for St. Clair Shores to opt in.

Moved by Council Member Rubello, seconded by Council Member Caron to approve the participation in the New National Opioid Settlement and authorize Assistant City Manager Greene to sign.

Ayes: All-7

6. CLEAN WATER STATE REVOLVING LOAN FUND FOR THE MARTIN SEWER RELIEF PROGRAM

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

Background Brief: The purpose of the project is to separate the existing combined system, reduce the volume and flow rates into the Martin Drain and Martin Retention Treatment Basin (RTB) and reduce the volume and frequency of discharges from the Martin RTB into Lake St. Clair. The existing stormwater runoff and wastewater are currently collected into a single combined sewer, referred to as the Martin Drain. By separating the combined areas in the Martin District into two isolated systems, the following major benefits are anticipated for a 10-year, 24-hour design storm event:

- The total volume of wastewater into the Martin Drain and through the Martin RTB will be reduced by approximately 8.1 million gallons (MG), providing a water quality benefit in Lake St. Clair.
- The total peak flow rate of stormwater that will be separated and discharged to Lake St. Clair via a new, separate storm sewer will be approximately 116 cfs. For this project, approximately 42 cfs of stormwater, or 36% of the total peak flow rate (116 cfs), will be separated.

This reduction in peak flow rate and volume is anticipated to be equal to or greater as a percentage of total volume for smaller, more frequent storm events with the proposed project in place. A map of all three (3) phases of this project is located in Appendix B of the report. Phase 1 proposes a 48-inch relief sewer along Sunnydale Street, beginning on the east side of Little Mack Avenue and ending on the east side of Harper Avenue. A small section of relief sewer will run north along Harper Avenue to Sunnydale Street on the east side of Harper towards Jefferson Avenue crossing Jefferson Avenue and continuing down Sunnydale Street to outlet into Lake St. Clair. Phase 1 will consist of approximately 8,241 linear feet of 48-inch sewer, with 12-inch and 15-inch storm sewer laterals connecting to catch basins to collect the stormwater.

Phase 2 consists of sewer separation in Alexander Street, including approximately 1,708 linear feet of 12-inch sewer. The proposed trunk sewer will collect drainage from tributary areas to 12-inch lateral sewers and catch basins.

Item 6a Continued

Phase 3 consists of sewer separation of Lakeland Street, Lakeland Court, Madison Street, and Madison Court. Flows will discharge north from Lakeland Street along an existing easement between Lakeland to Bon Brae Street, along Bon Brae Street heading east to Manhattan Street, then running north along Manhattan Street to an existing manhole that will ultimately outlet to the Alexander Drain. Phase 3 will consist of approximately 2,550 linear feet of 18-inch sewer and 3,428 linear feet of the 12-inch sewer. The proposed trunk sewer will collect drainage from tributary areas via 12-inch lateral sewers and catch basins.

Given the above, the proposed sewer separation project will greatly benefit Lake St. Clair communities by improving water quality and reducing the risk of upstream basement flooding. The construction and related costs are considered a benefit to the community, as the proposed project will provide greater conveyance capacities and will provide a sustainable future for St. Clair Shores and the surrounding communities that use Lake St. Clair. Since the City has been experiencing surface flooding and basement backups, a strategic solution has been identified to significantly reduce the problem. The increase in flooding poses ongoing health concerns to the community, along with costly damages to infrastructure and personal purchases. As the existing system was designed many years ago to perform to a certain level of service, a new design will perform according to today's needs considering climate change.

Previous Action: The City performed combined sewer flow metering in the fall of 2021 and completed the hydraulic modeling of the combined district in summer 2022.

Economic Impact: The total construction cost of the SRF funded project is estimated to be approximately \$19,197,890 and the total project cost is estimated to be approximately \$23,037,468. Based on a 20-year SRF loan period, at a 1.875 percent interest rate, the required annual debt service is estimated at \$1,151,838 if only the construction cost is financed and \$1,382,206 if the total project cost is financed. Based upon only the construction cost financed, the increase in user costs would be approximately \$45.52 per year per customer. If the total project cost is financed, then the increase in user costs would be approximately \$54.63 per year per customer.

Recommendation: Staff recommends opening the public hearing to gather input on the submission of an application to the Clean Water State Revolving Loan Fund. No council action is required.

Tiffany Neubig, Project Manager with Hennessey Engineers, Inc. gave an overview of the Clean Water State Revolving Fund Plan.

Mayor Walby opened the Public Hearing at 7:37 p.m.

Mayor Walby closed the Public Hearing at 7:38 p.m.

b. **REQUEST APPROVAL OF A RESOLUTION SUPPORTING APPLICATION FOR A LOAN FROM THE CLEAN WATER STATE REVOLVING LOAN FUND FOR THE MARTIN SEWER RELIEF PROGRAM**

Background Brief: The purpose of the project is to separate the existing combined system, reduce the volume and flow rates into the Martin Drain and Martin Retention Treatment Basin (RTB) and reduce the volume and frequency of discharges from the Martin RTB into Lake St. Clair. The existing storm water runoff and wastewater are currently collected into a single combined sewer, referred to as the Martin Drain. By separating the combined areas in the Martin District into two isolated systems, the following major benefits are anticipated for a 10-year, 24-hour design storm event:

- The total volume of wastewater into the Martin Drain and through the Martin RTB will be reduced by approximately 8.1 million gallons (MG), providing a water quality benefit in Lake St. Clair.
- The total peak flow rate of stormwater that will be separated and discharged to Lake St. Clair via a new, separate storm sewer will be approximately 116 cfs. For this project, approximately 42 cfs of stormwater, or 36% of the total peak flow rate (116 cfs), will be separated.

This reduction in peak flow rate and volume is anticipated to be equal to or greater as a percentage of total volume for smaller, more frequent storm events with the proposed project in place. A map of all three (3) phases of this project is located in Appendix B of the report.

Phase 1 proposes a 48-inch relief sewer along Sunnydale Street, beginning on the east side of Little Mack Avenue and ending on the east side of Harper Avenue. A small section of relief sewer will run north along Harper Avenue to Sunnydale Street on the east side of Harper towards Jefferson Avenue crossing Jefferson Avenue and continuing down Sunnydale Street to outlet into Lake St. Clair. Phase 1 will consist of approximately 8,241 linear feet of 48-inch sewer,

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with 12-inch and 15-inch storm sewer laterals connecting to catch basins to collect the stormwater.

Phase 2 consists of sewer separation in Alexander Street, including approximately 1,708 linear feet of 12-inch sewer. The proposed trunk sewer will collect drainage from tributary areas to 12-inch lateral sewers and catch basins.

Phase 3 consists of sewer separation of Lakeland Street, Lakeland Court, Madison Street, and Madison Court. Flows will discharge north from Lakeland Street along an existing easement between Lakeland to Bon Brae Street, along Bon Brae Street heading east to Manhattan Street, then running north along Manhattan Street to an existing manhole that will ultimately outlet to the Alexander Drain. Phase 3 will consist of approximately 2,550 linear feet of 18-inch sewer and 3,428 linear feet of the 12-inch sewer. The proposed trunk sewer will collect drainage from tributary areas via 12-inch lateral sewers and catch basins.

Given the above, the proposed sewer separation project will greatly benefit Lake St. Clair communities by improving water quality and reducing the risk of upstream basement flooding. The construction and related costs are considered a benefit to the community, as the proposed project will provide greater conveyance capacities and will provide a sustainable future for St. Clair Shores and the surrounding communities that use Lake St. Clair. Since the City has been experiencing surface flooding and basement backups, a strategic solution has been identified to significantly reduce the problem. The increase in flooding poses ongoing health concerns to the community, along with costly damages to infrastructure and personal purchases. As the existing system was designed many years ago to perform to a certain level of service, a new design will perform according to today's needs considering climate change.

A resolution from Council supporting the application is required.

Previous Action: The City performed combined sewer flow metering in the fall of 2021 and completed the hydraulic modeling of the combined district in the summer of 2022.

Economic Impact: The total construction cost of the SRF funded project is estimated to be approximately \$19,197,890 and the total project cost is estimated to be approximately \$23,037,468. Based on a 20-year SRF loan period, at a 1.875 percent interest rate, the required annual debt service is estimated at \$1,151,838 if only the construction cost is financed and \$1,382,206 if the total project cost is financed. Based upon only the construction cost financed, the increase in user costs would be approximately \$45.52 per year per customer. If the total project cost is financed, then the increase in user costs would be approximately \$54.63 per year per customer.

Recommendation: Staff recommends approval of a resolution supporting the application to the Clean Water State Revolving Loan Fund to underwrite the cost of separating the existing combined system, reduce the volume and flow rates into the Martin Drain and Martin Retention Treatment Basin (RTB) and reduce the volume and frequency of discharges from the Martin RTB into Lake St. Clair.

Mr. Caron said we have not done a separation project in the City since the storm sewer structure was originally built. He said Roseville, Eastpointe, and St. Clair Shores all have some portion where the systems are combined and where stormwater from the streets is all going into the system. When we get big storms, all the retention basins must discharge into the lake and even though it is partially treated, it is not something we want to do. So, this is really St. Clair Shores' part in reducing the flows and discharge into the lake. He said our job is to try to get water out of the system, to get the loan to finance it, and to help citizens. He asked if Sunnysdale would be able to manage it if we ever were to separate on the west side of Little Mack.

Mr. Hennessey said yes that is correct.

Mr. Caron spoke about some of the things that need to be done such as endangered species and threatened species and believes a sentence should be added that we do not have any of those in the specified area. He asked for corrections on the lake level and the Wayne County Interceptor.

Mr. Accica said we have seen quite a bit of rain and asked if this will help with the flooding residents see.

Mr. Hennessey said yes, it will help substantially.

Mr. Vitale asked about the amount that will be tacked on to the residents' water bills. He said this is a step in the right direction to fix the flooding and resident complaints. He asked about first responder accommodations during the project.

Item 6b Continued

Ms. Rusie said this is a big step for us to undertake a separation project. She said we always hear about basement flooding and lake and water quality issues, and it is a big job, but this is something that will help.

Mr. Frederick asked if we are just separating the storm sewer, not house separation.

Mr. Hennessey said yes, we are doing public separation, not residential.

Mr. Frederick said the storm sewers will be separate from the water that goes to the lake. He asked if this is going to help Roseville as well.

Mr. Hennessey said yes, because the Martin drain itself will have less inflow coming into it, so it has an indirect positive benefit for Roseville.

Mr. Rubello asked what this means for Lake St. Clair.

Mr. Hennessey said It eliminates overflow from getting into the lake.

Mr. Rubello asked if this will reduce water pollution.

Mr. Hennessey explained the process and the benefits of the project.

Mayor Walby explained that we are applying so there is a process and then we will decide how to proceed.

Mr. Caron said in terms of Roseville, we are setting an example for them.

R-2023-09

Moved by Council Member Frederick, seconded by Council Member Caron to approve a resolution supporting the application to the Clean Water State Revolving Loan Fund.

Which reads as:

A RESOLUTION ADOPTING A FINAL PROJECT PLANNING DOCUMENT FOR WASTEWATER SYSTEM IMPROVEMENTS AND DESIGNATING AN AUTHORIZED PROJECT REPRESENTATIVE

WHEREAS, the City of St. Clair Shores (legal name of applicant) recognizes the need to make improvements to its existing Sanitary Sewer; and

WHEREAS, the City of St. Clair Shores (legal name of applicant) authorized Hennessey Engineers, Inc. 13500 Reeck Road, Southgate, MI 48195 (name of consulting engineering firm) to prepare a Project Planning Document, which recommends the construction of a storm sewer separation project in the Martin Sanitary Diversion Drain district to reduce the flows into the Martin Retention Treatment Basin (RTB) and reduce Combined Sewer Overflow (CSO) discharges into Lake St Clair through three phases; Phase 1 Sunnydale street from Little Mack to Lake St Clair, Phase 2 Alexander Street from Little Mack to Manhattan, and Phase 3 Lakeland Street, Lakeland Court, Madison Street, and Madison Court.

WHEREAS, said Project Planning Document was presented at a Public Hearing held on April 3, 2023, at 7:00 PM and all public comments have been considered and addressed.

NOW THEREFORE BE IT RESOLVED, that the City of St. Clair Shores (legal name of applicant) formally adopts said Project Planning Document and agrees to implement the Selected Alternative per the Project Planning Document storm sewer separation projects inclusive of Phases 1, 2, and 3.

BE IT FURTHER RESOLVED, that the City Manager (title of the designee's position), a position currently held by Dustin Lent (name of the designee), is designated as the authorized representative for all activities associated with the project referenced above, including the submittal of said Project Planning Document as the first step in applying to the State of Michigan for a Clean Water State Revolving Fund Loan to assist in the implementation of the selected alternative.

I certify that the above Resolution was adopted by the City Council of the City of St. Clair Shores (the applicant's governing body) on April 3, 2023.

I, Abrial J. Barrett, City Clerk of the City of St. Clair Shores, hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of St. Clair Shores, County of Macomb, State of Michigan,

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at a regular meeting held April 3, 2023, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

Abrial J. Barrett, City Clerk

Ayes: All-7

7. REQUEST TO APPOINT INTERIM CITY TREASURER

Background Brief: Per City Charter section 10.058 – Officers; filling vacancies, procedure: The city manager shall from time to time, whenever a vacancy exists, appoint, with the approval of a majority of the council, a clerk, a treasurer, and an assessor.

Due to the recent resignation of Finance Director/Treasurer Stowell, the Manager's Office is seeking Council approval for the appointment of Renae Warnke as Interim Finance Director/Treasurer until the vacancy is filled.

City Manager Lent has had multiple conversations with Ms. Warnke regarding this interim role and is confident Ms. Warnke can handle the challenge and the Manager's Office will be here to assist with anything Ms. Warnke needs to succeed.

Previous Action: N/A

Economic Impact: Ms. Warnke would see a temporary pay increase from \$52.71 to \$58.59/hour per the approved AR #4 agreement. This increase would be offset by having one less full-time employee in the Finance Department for the time being.

Recommendation: Staff recommends that the Council approve the appointment of Renae Warnke as Interim Finance Director/Treasurer.

Moved by Council Member Frederick, seconded by Council Member Caron to approve the appointment of Renae Warnke as Interim Finance Director/Treasurer effective immediately.

Ayes: All-7

8. BIDS/CONTRACTS/PURCHASE ORDERS**a. REQUEST TO APPROVE ADDITIONAL CONTINGENCY FOR BLOSSOM HEATH NORTH DINING (FIREPLACE) ROOM PROJECT**

Background Brief: Once the contractor completed the demolition work it revealed the existing ceiling was in worse condition than anticipated. If the new ceiling was installed per plan, the finished product would have looked poor and the decision was made to remove the lathe and plaster ceiling. Once the ceiling was removed, it exposed electrical issues in the ceiling. There was knob and tube wiring that was within the ceiling cavity that was (live) but abandoned. This wiring has since been removed. The ceiling space also did not have any insulation, adding insulation is now required by code. If the knob and tube remained it would have become a potential fire hazard to the required insulated ceiling. There is approximately \$5,775.63 remaining in budget amendment 3. The anticipated cost to finish the dining room is \$11,103.70.

Previous Action: This project was presented and approved by City Council on December 5, 2022. Previously, the Council approved an increase of \$65,000 to budget amendment 3 for a total of \$200,000 to cover the north dining room bid cost of \$83,537.00. This cost did not include any contingencies.

Economic Impact: In order to complete the project, an additional \$5,328.07 is needed.

Recommendation: Staff recommends proceeding with increasing the subsequent budget amendment 3 by \$5,328.07.

Mr. Rayes of Hennessey Engineers gave an overview of the project and budget amendment.

Mr. Vitale asked about the electrical panels in the building and if they have all been gone through and labeled.

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Mr. Rayes said there are at least six panels in the building and all the spaces that we have seen have all been renovated. He said from what we have seen he believes we are ok.

Mr. Vitale asked if we know if there are any more remodel surprises or if we need to allot any additional money.

Mr. Rayes said he does not believe it is necessary. There may be some opportunity to do some training with the Fire Department.

Mr. Vitale said he would like to see some training done with the Fire Department to detect any hot wires in the building.

Ms. Rusie said she is glad we are preserving history, but it is a lot. It needs to be done because it was a fire hazard, but it has been a lot of work.

Mr. Frederick said when they walked through there and it was still full of stuff, it was a disaster waiting to happen. He said he is glad we are doing this.

Moved by Council Member Frederick, seconded by Council Member Rusie to increase budget amendment 3 in the amount of \$5,328.07.

Ayes: All-7

9. **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 Frederick, supported by Council Member Caron to approve the Consent Agenda items a – h separating items c and h as follows:

a. **Bills**

March 23, 2023 **\$2,160,937.91**

Resolved to approve the release of checks in the amount of \$2,160,937.91 for services rendered, of the report that is 22 pages in length, and of the grand total amount of \$2,160,937.91, \$0 went to other taxing authorities

b. **Fees** – 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>
Cool City Committee	February 15, 2023
General Employees' Pension Fund	February 21, 2023
Library Board	February 16, 2023
Mechanical Equipment Arbitration Board	February 13, 2023
Senior Advisory Committee	February 16, 2023
Zoning Board of Appeals	February 2, 2023
TIFA Financial Report	
The Brownfield Redevelopment Report	

f. **Recommendations from the Council Sub Committee on Boards, Commissions, and Committees**

1. **Accept with Regret the following Resignations and Vacancies:**

<u>Name</u>	<u>Commission</u>
Fran Wilson	Golf Course Committee
Lynda McGhee	Cool City Committee

Item 9f Continued

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

<u>Name</u>	<u>Commission</u>	<u>Term End Date</u>
Robert Calhoun	SCS Memorial Day Parade Committee	December 31, 2023
Donald Smolenski	Animal Care & Welfare Committee	December 31, 2025
Mark Szydlowski	Golf Course Committee	September 30, 2025

3. Recommendation to Mayor to reappoint the following:

<u>Name</u>	<u>Commission</u>	<u>Term End Date</u>
Christina Lefluer	Cool City Committee	May 30, 2026
Kimberly Craig	Cool City Committee	May 30, 2025
Dawn Sketch	Cultural Committee	June 1, 2026
Sean O'Brien	Downtown Development Authority	June 6, 2027
Grace Descampes	Election Commission	May 1, 2024
Marge Bowman	Election Commission	May 1, 2024
Mary Jo Nanni	Election Commission	May 1, 2024

g. Request Approval of an Application From AT&T to Install Conduit in the Right of Way Along Malvern at Colony

Background Brief: AT&T is seeking permit to install conduit in the right of way starting at Colony and running north along Malvern.

Previous Action: N/A

Economic Impact: N/A

Recommendation: I recommend approval of the permit application submitted by AT&T to install conduit along Malvern at Colony.

i. Request to forgive all rental payments for Cranks LLC for the 2020 season due to the Covid-19 Restrictions

Background Brief: Per the open discussion at the City Council Work Study meeting, we are requesting that all rental payments be forgiven for Cranks LLC for the 2020 season due to the Covid-19 pandemic and ensuing restrictions placed upon the restaurant industry. The total forgiven rent would be \$50,000 and just be for the 2020 season. Please see the attached memo from staff and letter from Cranks that you also received at the Work Study Session. This memo and letter from Cranks provides an in depth explanation of the reasoning for this request.

Previous Action: Council voted to forgive \$25,000 for the 2020 season and to recoup that \$25,000 over the remainder of the contract.

Economic Impact: N/A

Recommendation: It is recommended to forgive all rental payments for Cranks LLC for the 2020 season due to the Covid-19 restrictions.

Ayes: All-7

Separated Items

c. Progress Payments

Resolved that the following Progress Payments be approved as presented:

Mark Anthony Contracting	\$42,978.06
Mark Anthony Contracting	\$81,567.08
Pamar Enterprises	\$40,472.75
Florence Cement Company	\$44,966.80
Pamar Enterprises	\$25,999.58

Separated Item 9c Continued

Mr. Frederick asked what the timetable is for restoration.

Ms. Pike said restoration on streets that were done last year should start around May 1, 2023.

Moved by Council Member Frederick, supported by Council Member Caron to approve the Consent Agenda item c.

Ayes: All-7

h. Request Approval of an Application From 123Net to Install Conduit and Fiber in the Right of Way along Harper and Little Mack

Background Brief: 123.Net applied for a permit to install telecommunications conduit and fiber optic lines in the right-of-way starting on 9 Mile Road just west of Harper, traveling north on Harper to Little Mack, then traveling northwest along Little Mack to St. Clair Orthopedics and Sports Medicine, PC., 23829 Little Mack. The application falls under the Metro Act.

Previous Action: N/A

Economic Impact: N/A

Recommendation: I recommend Council approve a permit application submitted by 123.Net to install conduit and fiber optic lines in the right-of-way.

Mr. Frederick said the contractors left a mess in front of Wigs for Kids and there is metal sticking out of the ground. He asked if there is a way to police the contractors.

Ms. Pike said it was the County and she will be reaching out to them about it.

Mr. Caron said anytime the County does these projects they never come back for restoration.

Moved by Council Member Frederick, supported by Council Member Caron to approve the Consent Agenda item h.

Ayes: All-7

10. UPDATES AND FOLLOW-UPS FROM PRIOR COUNCIL MEETING

- Mr. Caron requested a detail for each line item for Committee Halloween stage decking in the second quarter amendment. **Purchase Orders and background was emailed to Council.**
- Mr. Rubello requested that the updated towing bid draft be sent to Council for review. **Once it is finalized, staff will forward it to Council for review.**
- Mr. Caron asked for confirmation that the sidewalk price we anticipate charging includes administrative permitting. **There is a correction from the last meeting where Italia Construction was approved as the sidewalk contractor for the next three years. The prices presented to Council only included the contractor's cost and did not include the 20% administrative cost. The total cost to residents was presented as being lower than last year but will be higher at \$177 per flag which is an increase over 2022.**
- Mr. Rubello asked for an update on e-cities. **Ms. Koto sent an email on March 21, 2023, containing information on the last year and the annual reports for 2022.**
- Ms. Rusie asked the administration to look into what we can do to elevate our residents' outage concerns to DTE. **Mr. Lent has been in contact with our Regional Manager from DTE. They have committed to doing a circuit analysis on the DC circuit at the substation at Little Mack and Lange.**
- Mr. Ihrie gave an update on the home on St. Margaret Street. **CDI visited the home to determine if they are following local and state laws. The report shows they are complying.**

11. COMMENTS BY INDIVIDUAL COUNCIL MEMBERS

Council Members spoke on issues in the City and thanked committees, participants, and sponsors for successful events, along with reminders for upcoming meetings, events, and charitable causes.

Mr. Accica said he has no comments tonight.

Item 11 Continued

Mr. Rubello gave an update on the social district. He reminded residents about the Macomb County Department of Public Works pamphlets that are available. He said they are looking for parade volunteers. He discussed the Lake St. Clair Clean-up on May 23, 2023. He asked for an update on the Amazon Fresh store.

Ms. Pike said they are progressing. She said the site is open and they are still working on the steel.

Mr. Rubello requested that a pool and ice arena repair update be sent to Council.

Ms. Rusie said she has some resident issues but will follow up when Mr. Lent returns. She said she was going to ask about the towing RFP, and it was included in the updates. Ms. Rusie said she is looking for an update on the committee policy guide she requested back in December, so the committees are all on the same page with legalities, requirements, funding use, locations, and minutes. There has been a lot of variation over the years in how the committees run and it would be nice to be on the same page and have a guide for the committees. She noted that the Selinsky-Greene farmhouse has some repair work needed beyond the regular maintenance that needs to be done. She requested staff look at that report for the upcoming budget year. She commented on the AEW report and bridge inspections, and she would like an update when that is done. She said she would like to see the Council agenda put out earlier.

Mr. Caron supports Ms. Rusie's comments about the agenda being posted earlier. He said we did agree to the publication change aspect, but the agenda timeframe should be the same. He noted the font size of the link in the paper was too small and requested that be changed. Mr. Caron said we have the tree planting bid out right now and there are thirty designated trees for Brys Park. He said in terms of the types of trees and location, staff should make sure it is being coordinated and looks purposeful and they should also coordinate with Hennessey as far as paths go.

Mr. Caron asked about the final touches to the pier and asked about the schedule for those items.

Ms. Pike said we did receive a report that puts the pier complete before May 24, 2023. She said she will send it to Council.

Mr. Caron commented on the Police vehicle stickers. He said in terms of how it happened within the City, departments do make decisions on their own. This was not anything we dealt with as a Council. He said anything that goes on the Police vehicles has always happened administratively. He said in terms of the substance itself, when you look at what police must go through, just the basics of pulling over a vehicle and always having to be concerned about their safety or going through training where they are walking through schools practicing active shooter scenarios, so if some of them by their choice want to lean into their faith to help them through the day, so be it. He said Council will not be telling the police chief to do anything different regarding it.

Mr. Frederick said he agrees with Mr. Caron on the police vehicle stickers. He announced the Annual Easter Egg Roll on Saturday, April 8, 2023. He asked Mr. Greene to go over the grant updates.

Mr. Greene gave an update on the grants.

Mr. Frederick talked about the Care House open house and Peter Lucido's program on senior citizen scams. He gave Library updates.

Mr. Vitale said there are a high number of streetlights out along Harper between 12 and 13 Mile Roads and asked staff to look into it. He asked Mr. Greene if he was aware if Mr. Lent got a revised plan on the Central Fire Station.

Mr. Greene said he will check with Mr. Lent.

Mr. Vitale said in his email of Saturday evening, he stated that as far as he is concerned the graphics on the police vehicles are the purview of the Police Chief, unless we find them offensive. In this case, he does not find them offensive. He said he is just one-seventh of the decision-making body, but he has no intention of taking any action to remove these stickers. He said he supports the stickers.

12. CITY MANAGER'S REPORT – Mr. Greene gave staffing updates. He said we have interviews with eight individuals for the Code Enforcement Supervisor next week. He noted we have received sixteen total applications for the Finance Director position that has been posted for 10 days.

13. AUDIENCE PARTICIPATION

Daniel Farr, St. Clair Shores resident, spoke in opposition to the police vehicle stickers.
Dr. Tim Tyler, Senior Pastor of Christ Community Church and St. Clair Shores resident spoke in support of the police vehicle stickers.
Donald Hakim, St. Clair Shores resident, and U.S. Navy veteran spoke in support of the police vehicle stickers.
Richard Hass, St. Clair Shores resident spoke in support of the police vehicle stickers.
David Humphreys, St. Clair Shores resident spoke in support of the police vehicle stickers.
Paul Opper, St. Clair Shores resident spoke in support of the police vehicle stickers.
Beverly Marshall, St. Clair Shores resident spoke in support of the police vehicle stickers.
Howard Shock, St. Clair Shores resident spoke in support of the police vehicle stickers.
Michael Zhlogstr, Mt. Clemens resident spoke in support of the police vehicle stickers.
Dean Jankauskas, St. Clair Shores resident spoke in support of the police vehicle stickers.
Daryl Mukrdechian, St. Clair Shores resident spoke in opposition of the police vehicle stickers.
County Commissioner, Barbara Zinner thanked those who spoke during audience participation. She spoke on the importance of being respectful of everyone in a public forum because everyone may have different opinions.

14. MAYOR'S COMMENTS

Mayor Walby commented on his discussion about the police vehicle stickers and said he supported the stickers. He discussed upcoming spring and summer events.

15. REQUEST TO MEET IN CLOSED SESSION AS PERMITTED BY STATE STATUTE MCLA 15.268, SECTION 8 (H)

Moved by Council Member Frederick, supported by Council Member Rusie to return to open session at 9:22 p.m.

Roll Call Vote

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

Nays: None

Moved by Council Member Caron, seconded by Council Member Frederick to return to open session at 9:38 p.m.

Ayes: All-7

16. ADJOURNMENT

Moved by Council Member Frederick, supported by Council Member Accica to adjourn at 9:38 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).