

**MINUTES  
ST. CLAIR SHORES CITY COUNCIL MEETING  
OCTOBER 16, 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, and Chris Vitale

Absent: Council Member Rusie

Also Present: City Manager Dustin Lent, Assistant City Manager Michael Greene, City Clerk Abrial Barrett, Director Denise Pike, Director Bryan Babcock, Director Renae Warnke, Police Chief Jason Allen, Fire Chief James Piper, Deputy Director Rob Spinazzola, Supervisor Tom Mehl 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. Ms. Barrett said Council Member Rusie asked to be excused.

**Moved by Council Member Frederick, supported by Council Member Caron to excuse Council Member Rusie.**

Ayes: All-6  
Absent: Rusie

**2. PROCLAMATIONS & PRESENTATIONS** – Mayor Walby thanked Council Member Peter Accica for his service to the community.

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

**4. REQUEST TO APPROVE A NEW PARKING LOT FOR THE SENIOR ACTIVITY CENTER FUNDED THROUGH CDBG ENTITLEMENT PROGRAM**

**Background Brief:** Earlier in 2023, City Council approved \$850,000.00 in prior year CDBG street funding and CDBG program income to construct a new parking lot and permanent canopy over the entrance at the Senior Activity Center. AEW created a preliminary plan that was presented to both the SCOTS and SAC Committees for their review and comments. AEW made modifications and improvements to the plans based on the comments received.

The canopy will include outlets for holiday lighting, canopy lights, and a bench. The canopy will be constructed of burnished veneer to match the rest of the addition. Other amenities proposed on the plans include bottle filling stations, a walking path, new benches/picnic table, fencing around the lawn, restoration of the lawn north of the parking area, signage, and 65 parking spaces including 10 within the new lot and 9 within the Civic Center lot. The existing drive approach into the Civic Arena parking lot will be removed and relocated farther west. The entrance to the Senior Center Parking lot will be located on Ursuline.

Once the plans are approved, AEW will commence with creating the construction documents and put the project out to bid in early 2024. Staff and AEW anticipate a start date of spring 2024 pending the cost of bids.

**Previous Action:** N/A

**Economic Impact:** N/A

**Recommendation:** Staff recommends approval of the Senior Center Parking lot plans.

Kyle Seidel of AEW gave an overview of the project.

Mayor Walby asked what the timing would be.

Mr. Seidel said they are planning to go out to bid in January of 2024 and bring that to Council on February 19, 2024, to award the bid.

Mr. Vitale asked if the entrance/exit of the Civic Center is wide enough to accommodate three vehicles and said if not that could be a problem when it is a full house.

**Item 4 Continued**

Mr. Seidel said it is two lanes and there is a south entrance/exit out to Pleasant also, but can ask the traffic personnel to take a look at that.

Mr. Vitale asked about the new sight distance to the bridge over I-94.

Mr. Seidel said they did look into that. He said that based on the traffic engineer's analysis, this is the ideal location for entrance/exit for sight distance from the bridge.

Mr. Rubello said they gave a wonderful presentation to the committee a few weeks ago and asked if they had gotten any additional input from committee members.

Mr. Seidel said he had not received any since the meeting, but they did consider those comments from the meeting.

Mr. Rubello said the walking path is a wonderful addition. He asked how Ursuline Street comes into play with the whole project.

Mr. Seidel said Ursuline Street is where the entrance to the Senior Center would be. He said they looked at four to five different options before reaching that location.

Mr. Caron said he appreciates the reallocation of the CGBG funds. He noted this covers the three things we could not do with the expansion, the walking path, dedicated parking, and the canopy. He said he thinks it will be a great addition.

Mr. Frederick said this project is a long time coming. He asked if there would be an overhang on the canopy.

Mr. Seidel said it would not overhang the drive lane because of buses. He said there would be a little gap.

Mr. Frederick asked if there was a way to guard the sides of the canopy in the winter, like a windbreak.

Mr. Mayor said that would be something separate that could be looked into.

**Moved by Council Member Frederick, supported by Council Member Caron to approve the plans for a new parking lot and canopy at the Senior Activity Center.**

Ayes: All-6  
Absent: Rusie

**5. BIDS/CONTRACTS/PURCHASE ORDERS**

**a. REQUEST TO AWARD THE BID FOR REPAIRS TO CHAMPINE PARK**

**Background Brief:** A sinkhole in Champine Park alerted city staff to erosion occurring under the park. Initially, it was believed to be a hole in the 12 Mile Drain. After further investigation, the conclusion was that the seawall was in disrepair, allowing lake water to seep behind the seawall and erode the soil. A request for bid was released on Bidnet/MITN with an ad announcing the bid opportunity placed in the Macomb Daily. The scope of work outlined in the bid specifications included partial removal and replacement of the existing concrete seawall, earth excavation, and backfill, as well as other related items of work. Bids were opened on September 26, 2023. Bids ranged from just over \$198,000 to nearly \$500,000. The low bidder was JSS-Macomb LLC at \$198,513.61. JSS-Macomb LLC was the contractor on the Kyte Monroe Skate Park.

**Previous Action:** N/A

**Economic Impact:** \$198,513.61 and a 10% contingency to the project in the event of unforeseen conditions. The total economic impact would be \$218,400.

**Recommendation:** Staff recommends awarding the bid to JSS Macomb, LLC in the amount of \$198,513.61 and adding a 10% contingency for a total project cost of \$218,400.

Ms. Pike presented the project.

Mr. Caron said one of his concerns was why this was a rather expensive project for what seemed to be a seawall repair. He asked if we know why the original project was so much concrete as opposed to a standard seawall.

**Item 5a Continued**

Mr. Sidel brought some additional pictures showing different lake levels over some time. He said it all got washed out and started eroding way beyond the concrete seawall. He said when they first built this the whole area sits on piles so it is all a supported slab. It is a structurally engineered slab with dirt under it that all got washed out. He said they are going to close off the portion that is open and eroded now and grout-fill everything underneath so water will not keep getting underneath.

Mr. Caron asked if we are extending the seawall to cover the area where the riprap was.

Mr. Seidel said we will be putting in a concrete abutment with rebar that is going to connect to the existing seawall.

Mr. Caron asked if there is an agreement to maintain the park in terms of planting and designs. He asked if we have any history of an agreement with the family.

Mayor Walby said he does not believe there is any agreement.

Mr. Rubello noted that Champine Park is at the base of 12 Mile Road. He asked if any other part of the park is being affected other than the sinkhole section.

Ms. Pike said we will restore the areas of the park that are impacted by this project.

Mr. Frederick said the neighbor to the south just put in a new seawall and we need to make sure we do not do anything that messes up that seawall. He noted the sinkhole is very close to the fence and asked if we are going to make sure everything is good under their property as well.

Mr. Sidel said yes.

Mr. Vitale said he got a message from former Council Member Erin Stahl and said he believes we answered all her questions. He asked about the abutment and discussed the one at a County drain that is about 30 feet out from the outlet and is a big cement triangle.

Kyle said it is a little different and discussed the abutment.

**Moved by Council Member Rubello, supported by Council Member Caron to award the bid for repairs to Champine Park to JSS Macomb, LLC in the amount of \$198,513.61 and adding a 10% contingency for a total project cost of \$218,400.**

Ayes: All-6  
Absent: Rusie

**b. REQUEST TO APPROVE THE PURCHASE OF A HEAVY-DUTY UTILITY CART WITH A HYDRAULIC DUMP**

**Background Brief:** This is a heavy-duty utility cart that is turf-friendly and provides a 72' hydraulic dumping bed. The bed can hold up to 2 tons of field or landscape material. The vehicle is very maneuverable, eliminates the need for oversized truck traffic on athletic fields, and can be used for multiple tasks. The average delivery timeline for these vehicles is 10 to 12 months. There is one unit currently available from a purchase that was canceled and offered to the Parks Department. This is the same vehicle that we purchased for Blossom Heath Park that has served as a quality piece of equipment for our department. This vehicle can be equipped with multiple tools to perform maintenance work.

**Previous Action:** The item was approved as a capital item in the current budget.

**Economic Impact:** The cost of the vehicle is \$33,369.96. The cost does reflect a 22% discount under the current Sourcewell government pricing contract. This item would require a budget amendment of \$3,369.96 to account number 101760-980000.

**Recommendation:** Staff recommends purchasing a John Deere Progator 2020A from Revels Turf and Tractor in the amount of \$33,369.96 out of account 101760-980000.

Mr. Mehl gave an overview of the item the department would like to purchase.

Mr. Rubello asked if this would require a budget amendment.

Mr. Mehl said yes it would require a \$3,369.96 budget amendment.

**Item 5b Continued**

Mr. Rubello asked if this would make work easier for them and if it would be used.

Mr. Mehl said yes, it will be very helpful.

Mr. Frederick asked if it comes with a warranty and requested a copy be emailed to Council.

Mr. Mehl said he will look into this and send it to Council.

**Moved by Council Member Rubello, supported by Council Member Accica to approve the purchase of a John Deere Progator 2020A from Revels Turf and Tractor in the amount of \$33,369.96 with a budget amendment of \$3,369.96 to account number 101760-980000.**

Ayes: All-6  
Absent: Rusie

- 6. **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 Member Caron, supported by Council Member Frederick to approve the Consent Agenda items a – f**

a. **Bills**

October 5, 2023 \$ 2,276,095.23

Resolved to approve the release of checks in the amount of \$2,276,095.23 for services rendered, of the report that is 22 pages in length, and of the grand total amount of \$2,276,095.23, \$0 went to other taxing authorities.

b. **Fees**

Shifman Fournier	\$ 840.00
Ihrie O'Brien	\$ 20,232.35

c. **Progress Payments**

Resolved that the following Progress Payments be approved as presented:

Bidigare Contractors, Inc	\$ 570,022.70
Bricco Excavating	\$ 151,446.84

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>
Brownfield Redevelopment Authority	June 15, 2023
Community Garden Committee	August 9, 2023
Community Garden Committee	September 6, 2023
Council Sub-Committee on Boards & Com	August 22, 2023
General Employees' Pension Board	August 15, 2023
Historical Commission	September 5, 2023
Police & Fire Civil Service Commission	September 12, 2023
Sign Arbitration	August 24, 2023
Tax Increment Finance Authority	June 15, 2023
Water Resource Development & Advisory Board	September 12, 2023

f. **Amend the stop sign ordinance (Sec. 40-335) to add a stop sign at Sunnyside and Malvern**

**Item 6f Continued**

**Background Brief:** On September 21, 2020, City Council amended the stop sign ordinance by adding numerous signs to intersections that were unsigned. The intersection of Sunnyside and Malvern was overlooked during the research period. A stop sign at this location is in line with the intent of City Council to sign all intersections.

**Previous Action:** On September 21, 2020, City Council amended the stop sign ordinance by adding numerous signs to intersections that were unsigned.

**Economic Impact:** DPW possesses a stop sign that can be installed by DPW personnel during regular work hours. It will initially be flagged so motorists note the new sign.

**Recommendation:** Staff recommends the stop sign ordinance be amended by adding a stop sign at the southeast corner of Sunnyside and Malvern to stop northbound Malvern traffic before entering Sunnyside.

Ayes: All-6  
Absent: Rusie

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

- Mr. Caron recommended that DPW do the lead service line verification at the same time they are doing the meter replacement. **This will be done when the meters are replaced.**
- Mr. Vitale asked that the homes that are unwilling or non-responsive to replacing the lead service lines be required to disclose this if they sell the property, so the new owner is aware before purchasing. **The City Attorney is currently looking into it.**
- Mr. Vitale requested the city keep one filter as a backup for the Kiddie pool, so we could keep 2 and sell 4. **We are scheduled to use one filter and we will save an additional one as backup with the remaining four put up for sale.**
- Mr. Vitale asked for an update on a home on Ardmore Park Drive that is nearing 35ft when it was only granted a 32ft variance, he also mentioned it is unkept with blight. **Refer to Ms. Pike's email of 10/16.**
- Mr. Accica mentioned construction on Ardmore and Greater Mack, he said the school had no idea about the patchwork going on and asked for better communication in the future. **CDI communicates for large projects with each district's Facilities and Operations Manager. In the future, we will also communicate smaller patching projects with these individuals.**
- Mr. Accica mentioned a resident on Ardmore that was thankful for the removal of a stump and asked if they are going to put down sod or grass seed? **After the stumps are ground, the lawn area is restored with topsoil and grass seed.**
- Resident Gary Geisler, SCS resident (23132 Brookdale) poor condition of his road and asked for the no parking on the street during the day to be removed. **It is on the list for future consideration.**
- Mike Holzhauser, Detroit resident (1300 E. Lafayette St. #2206) request to donate his property to the City. **The City Manager, Assistant City Manager, and the City Attorney and have met with him.**

**8. COMMENTS BY INDIVIDUAL COUNCIL MEMBERS**

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

**Mr. Vitale** thanked Council Member Accica for his service.

He thanked everyone who was involved and getting the grade redone on the house on Gordon Street.

Mr. Vitale asked if we have any updates on easement repairs from DTE.

Ms. Pike said she has reached out to DTE but has not heard back from them.

Mayor Walby asked if we could look into shutting them down if they are in the City.

Mr. Ihrie said he is not sure if a municipality can shut down a utility but believes there may be certain circumstances where that could be done. It may be fact-specific.

Mayor Walby said he would like an email tomorrow if they are in the city and requested the City Attorney go find them and have a discussion.

Ms. Pike said she would initiate a meeting tomorrow with DTE.

**Item 8 Continued**

Mr. Vitale asked if there were any Condo/residential separation updates.

Ms. Pike said she spoke with the owner. She said she let him know that the landscaping was insufficient. He said he had gotten the materials from a nursery that said this is how the arborvitae need to be planted. He will provide the planting directions that the nursery recommended.

Mr. Vitale said the owner does not care that his site plan approval required a brick wall. He said he does not care what the nursery recommendation is. They are supposed to build a wall. So even against the recommendations of the nursery, he should plant more shrubs.

Mayor Walby said you can plant them closer together and they can be purchased in a larger size.

Mr. Vitale said the Corteville & Jefferson Sunoco has a leaning DTE pole.

Ms. Pike said it was hit by a truck. She said we would look to see if there is a police report and who is responsible for fixing it.

Mr. Vitale asked if Alexander and Hornung have a construction bond. There is a large hole on the property.

Ms. Pike said she spoke to the architect about the status of the project. He said he spoke with Alexander and Hornung about three weeks ago and was told they are in the process of selling but he has not heard from them since. Ms. Pike said she did tell him that this is a danger and there is an open hole there. He gave Ms. Pike the name of an individual at Purdue, and she reached out to them but has not spoken to them yet. The Inspectors said it needs to be fenced off. Ms. Pike said the architect told her they were in the process of selling.

Mr. Vitale said if they have a construction bond, we should take that bond and build a fence.

**Mr. Accica** said it has been a pleasure working with everyone on City Council and serving the community and thanked everyone.

He asked about a letter Lange Street residents got about making it a private street.

Ms. Pike said this is not the section we have petitioned to make a public street. She said we spoke with this resident at length and assured him he was not in the section that was petitioned.

**Mr. Rubello** asked in the next week or two for an update on the helping hand program for snow removal and fall cleanup. He said we are starting to get phone calls requesting help. Macomb County Board of Commissions is accepting nominations for Veteran of the Year awards. You can go to bocmacomb.org to submit an application. He said the fire station rehab is moving along. We were slowed down a little by the first engineers. He said he is very thankful for the progress made.

Mr. Rubello asked Ms. Pike about the master plan and where we stand. He said he would like an update. He reminded people of the yard waste collection dates. He asked Fire Chief Piper if smoke detectors were available at the fire stations.

Chief Piper said yes.

Mr. Rubello asked about the status of the leaning light pole at Little Mack and Frazho.

He thanked Council Member Accica for his service. He presented Council Member Accica with a gift basket.

**Mr. Caron** thanked Council Members for approving the additional stop sign on the consent agenda. He discussed the back story on the stop sign. It got missed and he said he appreciates Chief Allen getting it done.

He said in prepping for next year, we have a ton of events that use a ton of personnel. He said Mr. Spinazzola was going to take the lead on making a list to get ahead of it for next year.

Mr. Caron thanked Council Member Accica for his eight years of service.

**Mr. Frederick** thanked Council Member Accica for his services to the community. He said It has been an honor working with him on Council.

**Item 8 Continued**

Mr. Frederick said he received three calls about the same address, 22642 Edgewood. He said it was an out-of-town owner. It is vacant and the neighbors are furious about it being overgrown. He asked Mr. Ihrie if there was any update on this property.

Mr. Ihrie said there was a judgment against the owners in mid-August, but the repairs have not been made. We can now go in and do repairs up to and including demolition.

Mr. Frederick asked how we get it cleaned up in the meantime.

Mr. Ihrie said he would be in contact with staff about the cleanup.

**9. CITY MANAGER'S REPORT**

Mr. Lent said Council Member Caron had brought up the Veterans brick pillar and noted we are going to be getting that started soon. We have gotten three quotes back and the company is going to start as soon as possible.

**10. AUDIENCE PARTICIPATION**

Mr. Karl Paulson, Lakeview Schools Superintendent thanked Council Member Accica for his service and spoke on the non-homestead tax levy that is on the ballot in November.

Carolyn Mikula, a St. Clair Shores resident spoke on city work on her property.

Earl Hawkins, a St. Clair Shores resident spoke about the process of the application for special use zoning changes.

County Commissioner Barbara Zinner spoke about the Socia relief drain.

**11. MAYOR'S COMMENTS**

Mayor Walby said the pickleball courts on the south end get a lot of use and the tennis courts on the north end do not get a lot of use so we should possibly look at revitalizing those for pickleball. He reminded residents to vote on November 7.

**12. ADJOURNMENT**

**Motion by Council Member Frederick, seconded by Council Member Caron to adjourn at 8:30 p.m.**

Ayes: All-6  
Absent: Rusie

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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).