

CITY OF STERLING HEIGHTS
MINUTES OF REGULAR MEETING OF CITY COUNCIL
TUESDAY, JANUARY 17, 2017
IN CITY HALL

Mayor Michael C. Taylor called the meeting to order at 7:30 p.m.

Mayor Taylor led the Pledge of Allegiance to the Flag and Mark Carufel, City Clerk, gave the Invocation.

Council Members present at roll call: Deanna Koski, Maria G. Schmidt, Nate Shannon, Doug Skrzyniarz, Michael C. Taylor, Barbara A. Ziarko.

Also Present: Mark Vanderpool, City Manager; Marc D. Kaszubski, City Attorney; Mark Carufel, City Clerk; Carol Sobosky, Recording Secretary.

APPROVAL OF AGENDA.

Moved by Koski, seconded by Ziarko, to approve the Agenda as presented.

Yes: All. The motion carried.

REPORT FROM CITY MANAGER

Mr. Vanderpool reported that the Dodge Park Pedestrian Bridge is under construction, so there will be temporary closures and construction access points on both sides of the bridge. It may be able to be accessed from the trail. They hope to have the work completed by June 2017, and once the new bridge is up, the old bridge will be dismantled.

Mr. Vanderpool informed that the Holiday Inn Express on the north side of 15 Mile Road, east of Van Dyke, will soon be opening. The new 4-story hotel is

adjacent to the MJR Theater and features 96 rooms and suites, an indoor pool, dedicated meeting room space, fitness center, business center and a lifestyle lounge. He explained this has been in the planning and construction stages for the last two years, and they look forward to the opening. He stated there are a few more hotels currently going through the planning process, so they are in high demand, and he will provide updates in the future.

Mr. Vanderpool stated the Sterling Heights Public Library is competing with four other communities to earn a Michigan Digital Newspaper Project Grant. The Sterling Heights library, along with the Sterling Heights Historical Commission, the Utica Public Library and the Utica Heritage Association, are striving to digitize one of Michigan's oldest newspapers, The Utica Sentinel, which was published from 1876 to 1971, providing coverage for Sterling Heights news events and various issues. He explained that if the Library wins the grant, 10,000 pages of this historical paper will be available for all residents and anyone with access to the internet. Community participation is needed to secure the grant and win the competition, so he encouraged residents to go to www.shpl.net to see how they can help.

Mr. Vanderpool announced that "Protect and Serve", hosted by Police Chief John Berg, provides home safety tips for "traveling snowbirds", introductions of new Sterling Heights Police Department hires, and a look back at the first fifty years of the Sterling Heights Police Department. It can be viewed on the Sterling Heights YouTube channel.

1. PUBLIC HEARING

Mr. Chris McLeod, City Planner, presented an application by Chalk Spade Investments (USA), Inc. for a Planned Unit Development on 154.4 acres located north of 17 Mile Road, west of Van Dyke, formerly the Sunnybrook site. This will be a complete redevelopment of the golf course for a first-class industrial park. The property has some access to Van Dyke but it is through a flood plain area, so the main access will be from 17 Mile Road. He reviewed the concept plan being proposed, and informed that if this is approved, individual site plans implementing the concept plan will then be submitted. He stated the Planning Commission considered this proposal at their December meeting and unanimously recommended approval. He reviewed the current zoning of the property, with the western half zoned M-2 Heavy Industrial, the majority of the eastern portion zoned M-1 Light Industrial, and a portion toward the northeast corner zoned multiple-family. He explained the PUD application would eliminate all the underlying zoning districts and the PUD agreement associated with this development would provide the overall permissible uses, special land uses and requirements for the development. Mr. McLeod stated the concept plan shows seven developable units serviced by a 2,900-foot-long industrial road, with four general common element areas which would serve as storm water facilities for the property. He informed the Mitchell Plastics site is currently under construction at the far southwest corner of the property, and they expect to be open and operating before the end of the year. They have received a site plan for a second

development, and if this PUD agreement is approved, the plan will in compliance with the PUD terms.

Mr. McLeod reviewed the permissible uses for the PUD, including all permitted and accessory uses within the M-1 Light Industrial District, all permitted and accessory uses within the M-2 Heavy Industrial District, and it allows for any mixed use which the Planning Commission finds acceptable and consistent with the terms of the PUD Agreement. He reviewed a few areas where there are different land uses called out, one being a 2.3-acre piece at the northeast corner of the proposed intersection of Mitchell Drive and 17 Mile Road, which could be developed as industrial, office or commercial. The other site fronts Van Dyke, and although it is significantly in the flood plain at this time, the developers have reserved the right that if the flood plain can be modified through proper permits, that site could be developed with office or retail.

Mr. McLeod reported that the PUD agreement spells out the specific architectural design and building materials of the buildings for the remaining sites within the development, so they will be similar in nature to the Mitchell Plastics building currently under construction. The PUD agreement also spells out that all the sites will be landscaped in a fashion similar to that being incorporated at Mitchell Plastics. Sidewalks will be provided along the entire 17 Mile Road frontage, as well as both sides of Mitchell Drive, which will be a cul-de-sac road. The applicant has provided for a generous payment for installation of a traffic signal to be located at the intersection of the proposed Mitchell Drive and 17 Mile Road,

and the PUD agreement binds the developer into that cost-sharing effort with the City on that signal.

Mr. McLeod outlined the several modifications being requested, including a mixture of zoning districts, each site plan will be administratively approved rather than going to the Planning Commission, the length of the roadway at 2,900 feet, and no street landscaping required prior to individual site plan approvals, although the landscaping on each site will be extensive. He stated the general common elements will be provided at the time the road is developed. The developer expects this project to be built out within eight years, but based on market demand, it may not take that long. The developer and the City have been working diligently on this agreement and have worked out the proposal presented tonight. It has been signed by Chalk Spade and if approved this evening, the City will also sign it. Mr. McLeod offered to answer further questions.

Mayor Taylor opened the public hearing.

Mr. Clay Thomas, of J. B. Donaldson Company, 37610 Hills Tech Drive, Farmington, Michigan 48331, development partner for the owner of the site, introduced the owner, Mr. Celeste Iacobelli, along with the owner's attorney, Mr. John Gaber. Mr. Thomas stated he has enjoyed working with the City on this project up to this point and looks forward to doing so in the future. He explained if this is approved tonight, they are ready to move with another site and several other projects within the PUD. He stated the owner is excited about this project and moving forward with it.

Mr. Giulio Russo – in favor of the development, but opposed to tax abatements. Opposed to the City participating in the payment of a traffic signal for entrance to that development.

Mayor Taylor closed the public hearing.

Moved by Ziarko, seconded by Schmidt, **RESOLVED**, to approve the application by Chalk Spade Investments (USA), Inc. for a Planned Unit Development on 154.4 acres situated north of 17 Mile Road, west of Van Dyke, PPCM-1165, subject to the terms and conditions set forth in the Sterling Enterprise Park Planned Unit Development Agreement, and authorize the Mayor and City Clerk to sign the Agreement on behalf of the City.

Mayor Pro-Tem Ziarko welcomed the development and stated that Mr. McLeod and the applicants explained their plans very well. She was confident Mr. McLeod will make sure all the conditions of the PUD agreement are met. She inquired as to the type of impact this will have on the residential properties east of this parcel, and whether those residents have complained about it.

Mr. McLeod replied there are three residences bordering the east line of the subject property, although they are on property zoned industrial so they are non-conforming. He stated one of the detention ponds will be located behind the residences, so it will offer a park-like setting, and landscaping and screening will be provided as individual sites are developed, with the amount and type of landscaping determined based on the particular use. Mr. McLeod stated there is a multiple-family development on property adjacent to the east of the site, and the

PUD agreement stated that as Unit #6 is developed, the screening for that site will be discussed. The detention pond as well as the drain provide some buffer.

Mayor Pro-Tem Ziarko inquired as to whether each site plan for the PUD will be coming to Mr. McLeod for his approval.

Mr. McLeod replied once the concept plan is approved, any site development plan that comes into accordance with the concept plan will be handled administratively. If the site plan is not in accordance with the PUD, it will be required to go before the Planning Commission or possibly City Council.

Mayor Pro-Tem Ziarko inquired as to the proposed cost-sharing on behalf of the City for the traffic signal at the entrance to the facility.

Mr. McLeod replied that typically the City does not require developers to pay for traffic signals, but this was a condition that was provided when a variance was originally sought for the property through a traditional site development plan. They are now proposing a PUD, but the City is taking the stand that this is a significant development and a traffic signal will be necessary at that location. He explained it is a 155-acre site, and the developers have offered to pay for half of the cost of the signal, so it will be good for the City and the development.

Mayor Pro-Tem Ziarko was pleased the owners selected Sterling Heights for this development.

Councilwoman Schmidt stated she was worried about the three residents to the east, and inquired as to whether they had been notified of this project.

Mr. McLeod confirmed the residents were in attendance or had representation present at the Planning Commission meeting when this plan was presented. He stated there was a lot of discussion, and he assured them that when a specific site plan is submitted for the property directly behind their homes, the City will make sure appropriate screening is provided. Mr. McLeod replied to further inquiry that the fronts of the homes face the drive where Mitchell Plastics is going to be located.

Councilwoman Schmidt welcomed the development and the jobs it will bring in to the City.

Mayor Taylor echoed the sentiments of his colleagues and welcomed the owners and developers to Sterling Heights. He stated the City is comfortable with the ownership and the plan for what is possibly the biggest single development in Sterling Heights since Lakeside Mall. He stated as an avid golfer, he hates to see the golf course close, but the development will bring in a good tax base and jobs to the City. He added that there are not a lot of new industrial parks this size so it is unique to the area and will attract businesses. He thanked the owners for their investment in Sterling Heights, and looks forward to working with them.

Yes: All. The motion carried.

2. ORDINANCE ADOPTION

Mr. McLeod provided a presentation on the conditional rezoning proposal that is being considered for adoption this evening involving property located on the north side of 18 Mile Road, east of Dequindre, from C-2 to C-3. He stated this

came before City Council at their December 20th, 2016 meeting, where the ordinance was introduced. There were questions raised at that time about what would go into the center on the south side of the road where Kroger is currently located. There were no definitive plans, but Kroger indicated they have many development partners they can potentially tap into for reutilization of that site. He explained the store on the south side is subject to Consent Judgment with the City so there is a further level of review authority as part of that site to make sure any proposed use follows the Consent Judgment. Mr. McLeod summarized the details of the proposed plans for the new Kroger facility moving into the existing building, the future expansion to the east where the K-Mart garden center used to be, as well as the addition of a Kroger-brand fuel station at the southeast corner of the site. He stated the developer has provided for an extensive increase to the landscaping on site and the architecture across the façade is being upgraded.

Mr. Charles Jefferson – questioned whether everyone within 300 feet was notified; felt that notification should have extended to 500 feet or 1000 feet; concerned about traffic in the area.

Moved by Shannon, seconded by Taylor, to adopt the map amendment to Zoning Ordinance No. 278 to conditionally rezone property on the north side of 18 Mile Road, east of Dequindre Road in Section 7, from C-2 (Planned Comparison Business District) to C-3 (General Business District), Case No. PZ16-1149, subject to the terms and conditions of the Conditional Rezoning Agreement that the Mayor and City Clerk are hereby authorized to sign on behalf of the City.

Councilman Shannon stated this will look good in the area.

Mayor Taylor stated this was discussed in detail at their December meeting, and he looked forward to another great development.

Yes: All. The motion carried.

CITY OF STERLING HEIGHTS
COUNTY OF MACOMB, MICHIGAN
ORDINANCE NO. 278-182

AN ORDINANCE TO AMEND THE MAP OF THE ZONING ORDINANCE OF THE CITY OF STERLING HEIGHTS, MICHIGAN, SUBJECT TO SPECIFIED CONDITIONS.

THE CITY OF STERLING HEIGHTS ORDAINS:

Section 1. That the following land in the City of Sterling Heights, Macomb County, Michigan, and described as follows:

LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF STERLING HEIGHTS, MACOMB COUNTY, STATE OF MICHIGAN, AND IS DESCRIBED AS FOLLOWS:

PARCEL 1

\$T2N,R12E SEC 7 COMM AT SW COR SEC 7; TH N0*07'W 60.0 FT ALG W SEC LINE; TH N89*49'45"E 260.0 FT TO PT OF BEG; TH N0*07'W 250.0 FT; TH S89*49'45"W 200.0 FT; TH N0*07'W 480.0 FT; TH N89*49'45"E 617.0 FT; TH S0*10'15"E 155.0 FT; TH S52*13'14"W 108.15 FT; TH S0*10'15"E 120.0 FT; TH N89*49'45"E 75.0 FT; TH S0*10'15"E 389.0 FT; TH S89*49'45"W 407.20 FT TO PT OF BEG 8.80 A

Tax Number: 10-10-07-300-016

PARCEL 2

\$T2N,R12E SEC 7 COMM AT SW COR SEC 7; TH N0*07'W 790.0 FT ALG W SEC LINE; TH N89*49'45"E 677.0 FT TO PT OF BEG; TH N89*49'45"E 659.11 FT; TH S0*29'23"W 155.01 FT; TH S89*49'45"W 597.33 FT; TH N45*10'15"W 84.85 FT; TH N0*10'15"W 95.0 FT TO PT OF BEG. 2.31 A

Tax Number: 10-10-07-300-017

PARCEL 3

\$T2N,R12E SEC 7 COMM AT SW COR SEC 7; TH N0*07'W 790.0 FT ALG W SEC LINE; TH N89*49'45"E 677.0 FT; TH S0*10'15"E 95.0 FT TO PT OF BEG; TH S45*10'15"E 84.85 FT; TH N89*49'45"E 597.33 FT; TH S0*29'23"W 575.04 FT; TH S89*49'45"W 352.39 FT; TH N0*10'15"W 180.0 FT; TH S89*49'45"W 180.0 FT; TH S0*10'15"E 180.0 FT; TH S89*49'45"W 128.80 FT; TH N0*10'15"W 389.0 FT; TH S89*49'45"W 75.0 FT; TH N0*10'15"W 120.0 FT; TH N52*13'14"E 108.15 FT; TH N0*10'15"W 60.0 FT TO PT OF BEG. 8.33 A

Tax Number: 10-10-07-300-018

Subject to any and all easements and rights of way of record or otherwise.

Parcel Identification No.: 10-10-07-300-016
 10-10-07-300-017
 10-10-07-300-018

2051 18 Mile Road, 2351 18 Mile Road, 2121 18 Mile Road

General Common Description: North Side of 18 Mile Road, east side of Dequindre in Section 7, PZ16-1149

be rezoned from C-2 (Planned Comparison Business District) to C-3 (General Business District), in accordance with the terms of a Conditional Rezoning Agreement between Windmill SLM, LP and the City of Sterling Heights, a Michigan municipal corporation, dated January 17, 2017, and that the Zoning Ordinance of the City of Sterling Heights and the Zoning Map be amended accordingly.

Section 2. All other provisions of the text and map of the Sterling Heights Zoning Ordinance shall remain in full force and effect.

Section 3. This amendment shall become effective in accordance with the terms and conditions set forth in the above-referenced Conditional Rezoning Agreement.

This Ordinance was introduced a regular meeting of the City Council of the City of Sterling Heights on the 20th, day of December, 2016, and was duly adopted at a meeting of the City Council of the City of Sterling Heights on the 17th, day of January, 2017.

MARK CARUFEL
CITY CLERK

INTRODUCED: 12-20-16
ADOPTED: 01-17-17
PUBLISHED: 01-25-17
EFFECTIVE: As provided in Conditional Rezoning Agreement

3. CONSENT AGENDA

Moved by Koski, seconded by Ziarko, **RESOLVED**, to approve the Consent Agenda:

- A. To approve the minutes of the Regular Meeting of January 3, 2017, as presented.
- B. To approve payment of the bills as presented: General Fund - \$479,517.86, Water & Sewer Fund - \$2,776,163.10, Other Funds - \$862,015.91, Total Checks - \$4,117,696.87.
- C. **RESOLVED**, to purchase a LIFEPAK 15 V4 cardiac monitor/defibrillator and ancillary equipment from PhysioControl, Inc., 11811 Willows Road NE, P. O. Box 97066, Redmond, WA 98073-9706 in the amount of \$35,280.84.
- D. **RESOLVED**, to:
 - A) Purchase equipment to upgrade the IT City-wide network from Access Interactive, LLC, 46665 Magellan Drive, Novi, MI 48377 through the Midwestern Higher Education Commission master

price agreement, #MHEC -09C701.02, at a cumulative cost of \$168,758.36;

- B) Accept a proposal by Access Interactive, LLC, 46665 Magellan Drive, Novi, MI 48377 for professional IT services in connection with upgrading the IT City-wide network at a cost of \$49,140;
- C) Authorize a \$107,898.36 budget amendment from General Fund reserves; and
- D) Authorize the City Manager to sign all required documentation on behalf of the City.
- E. **RESOLVED**, to set a public hearing on Tuesday, February 21, 2017 at 7:30 p.m. regarding the application by Setzer Properties WRN, LLC for a Planned Unit Development on 51.6 acres situated on the east side of Mound Road, north of 14 Mile Road, PPCM-1166.
- F. **RESOLVED**, to adopt the resolution establishing a schedule of City Council Workshops for the purpose of reviewing and acting upon the fiscal year 2017/18 proposed budget and to direct the City Clerk to provide the appropriate notice as required by Michigan's Open Meetings Act.

- RESOLUTION -
To establish a schedule of City Council Workshops
for the purpose of reviewing and acting
upon the recommended 2017/18 fiscal year budget

UPON MOTION BY MEMBER KOSKI and SUPPORT BY MEMBER ZIARKO THE FOLLOWING PREAMBLE AND RESOLUTION WAS OFFERED AND ADOPTED ON JANUARY 17, 2017.

AYES: KOSKI, ZIARKO, SCHMIDT, SHANNON, SKRZYNIARZ, TAYLOR

NAYS: NONE

WHEREAS, pursuant to City Charter, the City Manager forwards the recommended budget to the City Council together with such supporting information and schedules as required by April 1; and

WHEREAS, the City Charter requires that the City Council adopt a final budget no later than May 10th of each year;

NOW, THEREFORE, BE IT RESOLVED THAT:

The City Council will conduct televised workshops in the City Council Chambers in accordance with the following schedule:

2017/18 Budget Workshop Schedule

Thursday, March 30		• Budget Submitted and Distributed to City Council (Thursday packets)	
Tuesday, April 11	6:30 p.m.	BUDGET WORKSHOP	
		• Presentation of Budget	
		Annual Budget Message	Vanderpool
		Executive Summary	Vanderpool/Varney
		Trends & Summaries	
		• Capital Project & Other City Funds	
		Capital Equipment & Vehicles	Vanderpool/Varney
		Major Road Fund	
		Local Road Fund	
		Economic Development Corp. Fund	
		Comm. Development Block Grant Fund	
		Land & Water Conservation Fund	
		Public Safety Forfeiture Fund	
		Local Development Finance Authority Fund	
		Debt Service Funds	
		Capital Projects	
		Road Bond Construction Fund	
		Clinton River Restoration Fund	
		• City Administration Department	
		City Management	Vanderpool/Varney/Bahorski
		<u>Administrative Services Division</u>	
		City Clerk	Carufel/Ryska
		Act 78 Civil Service Commission	

Tuesday, April 11 (continued)
 Buhlinger

Information Technology	Deon
<u>Finance & Budget Division</u>	
Assessing	McLachlan
Financial Services	Makie
	Purchasing
Treasury	TBD
General Employees Retirement System	Varney
General Expenditures	

• Fire Department

Fire Administration & Training	Martin
Fire Extinguishment	
Fire Prevention	

• City Development Department

Building & Facilities Maintenance	Viazanko
Economic Development	Gerstenberg/Bonner
Engineering	Bashaw
Neighborhood Services	Gerstenberg
Planning	McLeod
Planning Commission	
Zoning Board of Appeals	

Tuesday, April 18 7:30 p.m. REGULAR CITY COUNCIL MEETING
 Budget Workshop continued after
 regular meeting (if necessary)

Tuesday, April 25 6:30 p.m. BUDGET WORKSHOP

• Public Library Department

Public Library	Turgeon
Historical Commission	

• Parks & Recreation Fund/Department

Parks & Recreation	Langlois
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• Police Department

Police Administration	Berg
Police Investigations	
Police Operations	
Police Support Services	

• Community Relations

Community Relations
Beautification Commission
Arts Commission
Doyle

• **Public Works Department**
Fleet Maintenance
Parks & Grounds Maintenance
Public Works Center
Refuse Collection
Street Services
Moore

• **Water & Sewer Fund**
Water & Sewer Administration
Water Distribution
Sewage Collection
Moore

• **Legal**
Vanderpool/Kaszubski

Tuesday, May 2 7:30 p.m. REGULAR CITY COUNCIL MEETING
Charter Budget Hearing
Budget Adoption

G. **RESOLVED**, to approve final payment to Galui Construction Co., Inc.,
33805 Harper Avenue, Clinton Township, MI 48035 in the amount of
\$20,022.17, plus interest on retainage, for the 2015 Local Road Concrete
Reconstruction Program, City Project #15-266.

Yes: All. The motion carried.

4. CONSIDERATION

Mayor Taylor stated this item is to consider an appointment to the vacant elective
office of City Council member.

Mayor Pro-Tem Ziarko stated that former Mayor Pro-Tem Romano was elected to
County Commissioner, leaving a vacancy on City Council. She thanked the

twenty-two applicants for their participation in this Council appointment process, and stated that their introductions, resumes and voting records were considered by the Council over the last couple of weeks. She explained they were unable to meet as a Council and discuss this privately, so they had to come up with a plan to convey their opinions. She stated it would not be appropriate to openly discuss here tonight the pros and cons of certain individuals, so each Council member spoke individually with Mayor Taylor and gave him three or four names of applicants they thought could be appointed and serve the City well as a City Council member. She stated there was one person on all six lists.

Moved by Ziarko, seconded by Schmidt, **RESOLVED**, to appoint Ms. Elizabeth Sierawski to fill the vacancy in the elective office of City Council member for the unexpired term of Joseph V. Romano.

Mayor Pro-Tem Ziarko stated there were several good applicants and they tried to be as fair as they could. She explained not all Council members chose the same applicants, but Ms. Sierawski's name came up on all six lists. She stated Ms. Sierawski ran against Mr. Romano in November and lost by only 29 votes, which went through a recount, so she knows the residents of Sterling Heights supported her for a position to represent them.

Councilwoman Schmidt stated she is very comfortable with this selection, and she thanked all who reached out and submitted a letter of interest. She stated she was originally appointed to the Council so she is very familiar with how unnerving it is to speak and try to present yourself in front of Council. She recalled discussion

of who should get this position, and there was mention that it should be someone who got the most votes in the last election but did not get elected. She stated that is not a precedent because she never ran for election prior to her appointment and was not the “next-highest vote-getter”. She stated she was appointed and is still here 14 years later, thanks to the confidence the residents in the City have in her. She explained that Ms. Sierawski was on six of the Council members’ lists, and she is confident with this appointment.

Councilman Shannon stated Ms. Sierawski will be a good fit and has been very active in the community. He pointed out she was elected to the Charter Commission which created the County’s new form of government, and he was impressed with her qualifications. He stated the fact that she recently ran an election for County Commissioner and had nearly 13,000 Sterling Heights residents who felt she would be a good leader was also impressive. He expressed confidence in her, and that is why he is supporting this appointment today.

Mayor Taylor stated Mayor Pro-Tem Ziarko provided a good description of how this process worked. He confirmed that he spoke with each Council member individually, and there were several candidates who received very strong consideration from the Council members. He stated there were many very qualified individuals who made excellent presentations and would have made great council members. He stated he is happy to support Ms. Sierawski, adding she has been involved in the City for a number of years, and he is confident she will work well with the City Council. He is proud of the current City Council and

the direction the City is going, and he is confident that Ms. Sierawski will be a part of the City Council to continue to move the City forward. He stated that this is an elected office, and although she is being appointed to fill the vacancy, she knows how to campaign and get votes, and there is a good chance she will get elected, having received close to 13,000 votes in the recent election where Republicans swept the County, and came close to beating a “20-year institution” in the City. He thanked those who applied and urged them to stay involved and find ways to volunteer their time to the residents of Sterling Heights, because it is important for people to participate in their government. He concluded that if Ms. Sierawski is voted in, she will be sworn in next Tuesday, January 24th, 2017 at the City Council’s Strategic Planning Session.

Yes: All. The motion carried.

COMMUNICATIONS FROM CITIZENS

Mayor Taylor stated that there may be discussion during the Unfinished Business/New Business portion of the meeting regarding reducing the time limit for public comments, so residents may want to convey their opinions on that topic.

Mr. George Parker – concerned about lack of respect at meetings; opposed to lowering the time limit for public comments; congratulated Ms. Sierawski on her appointment.

Mr. Giulio Russo – purpose of the “No Right Turn” sign on Mound at Higgins Street to eliminate cut-through traffic; questioned what appears to

be heavy industrial uses in a light industrial district on Merrill; opposed to reducing time limit for public comments.

Mr. Michael Radtke Jr. – opposed to changing the time limit for public comments; City Council has a duty to listen to the residents.

Mr. Charles Jefferson – questioned plans for Clinton River and Canal Roads; questioned how streets off of Hall Road will be protected from cut-through traffic during Hall Road reconstruction; Black History month; questioned possibility of new community center being used for warming/cooling center.

Ms. Jazmine Early – opposed to time limits being lowered for public comments.

Mr. Dennis White – questioned message being conveyed to residents if public comment time limits are lowered.

REPORTS FROM CITY ADMINISTRATION AND CITY COUNCIL

Mr. Vanderpool responded to the citizen's comment about Canal Road, clarifying that the small section of Canal Road, between Clinton River Road and Van Dyke, is in very bad condition but is under the jurisdiction of the City of Utica. He hopes there will be funding available from the County to repair this section. He stated the City has offered to assist the City of Utica in making repairs, but they have declined. He stated a good point mentioned was the increased road traffic in the area when the M-59 roadwork will be starting, and he stated the City may

have more leverage to impress upon the County how important it is to make some repairs on these local roads.

Mr. Kaszubski stated he had nothing to report.

UNFINISHED BUSINESS/ NEW BUSINESS

Councilman Skrzyniarz stated he would like to address the time limit issue on public comments. He pointed out that Mr. Parker made a concise, powerful statement tonight and he did it in three minutes. He could not recall one instance where a resident spoke on an issue pertinent to city business and could not make their statement in three minutes or less. He stated the City does not always have to copy what other communities do, but there are best practices that can be followed. He stated the City is very fair by allowing residents to comment on each agenda item, as well as exercising their right to speak during the public comment portion of the meeting. He mentioned other similar-sized communities that limit public comments to three minutes, including Livonia, Ann Arbor, Grand Rapids, Dearborn, Lansing, Southfield, Warren and Troy. He stated that Farmington Hills allows five minutes. The cities he used for comparison only allow residents to speak during the public comment portion of the meeting and do not allow public comments for each agenda item. He stated it is important to allow residents to speak on each agenda item, but he pointed out that with the current 7-minute limit and if there are six agenda items, a resident could theoretically speak for 42 minutes.

Councilman Skrzyniarz stated he would like to see City Administration prepare an amendment to the Governing Body Rules of Procedure to reduce the time allowed to address the Council on each agenda item and under Communications from Citizens from 7 minutes to 3 minutes.

Councilwoman Schmidt objected to Councilman Skrzyniarz's proposal. She indicated Councilman Skrzyniarz can make a motion on this, but she does have an objection.

Moved by Skrzyniarz, seconded by Taylor, **RESOLVED**, to direct City Administration to prepare for consideration at the February 7th regular meeting an amendment to the Governing Body Rules of Procedure to reduce the time allowed to address the Council on each agenda item and under Communications from Citizens from 7 minutes to 3 minutes.

Councilman Skrzyniarz stated this was discussed about a year ago. He pointed out that even if the public comments are limited to 3 minutes and there are 6 items on an agenda, one resident would be able to talk for nearly 20 minutes. There are other ways to convey specific issues to the City other than public comments at a meeting, pointing out when residents need help from the City for a certain issue, they can email or call City Council members or the City Manager. If they call the City or a City Council member and something is still not addressed to their satisfaction, they can attend a meeting and use their 3-minute time allotment to convey that they have contacted City Council members or administration multiple

times and the problem is not resolved. He did not see why they would need more than 3 minutes.

Councilman Shannon stated he is moving in the direction of placing a 3-minute limitation on comments, but added that he could be swayed in his decision if there was a huge outcry from the public against lowering the time limit. He did not hear any arguments against lowering the time limit other than from the residents who speak on a regular basis. He stated that, of the people who spoke out against lowering the time limit, he has not received one email or phone call from any of those residents. He clarified the reason for lowering this limit is not so the Council can “go home early”, but it is for running a more efficient meeting. He would like to see any chaos at the podium stopped, and he anticipated lowering the time limitation on comments would help. He emphasized this is not a constitutional issue and they are not infringing on anyone’s freedom of speech, because each resident would still have 3 minutes to speak on each item, plus an additional 3 minutes during the public comment period. He urged residents to contact him by phone or email if they have a problem regarding a city issue, and he assured he will do whatever it takes to try to solve the issue. He stated he is in favor of the motion on the floor.

Councilwoman Koski inquired as to whether there is anything specified in the Governing Body Rules of Procedure that would allow the Mayor to extend the time limit for a resident to complete his/her comments if it goes beyond the time limit.

Mr. Vanderpool replied the Mayor has the authority to allow a resident to go beyond the time limitation.

Councilwoman Koski stated she would like to see a compromise, and inquired as to whether the specific time limits could be left off when this comes back to the Council for discussion.

Councilwoman Schmidt addressed a previous concern about “chaos at the podium” and stated that is a matter of disrespect and is not generated based on the amount of time a speaker has. She was concerned that giving some residents the courtesy of an extension to that 3-minute limit, but denying an extension for others is a slippery slope. She recalled there were no time limits placed on citizen comments when she first took office on City Council, and she stated if the comments are germane to city business, residents should be able to speak. She did not agree that the City should follow other communities on this.

Mayor Pro-Tem Ziarko stated residents have the right to speak but it is also a privilege, and respect must go both ways. She has no objection to listening to public comments for as long as they take, but she stated they need to bring respect back to their meetings. She would be willing to compromise but not with the numbers being proposed, and would like to know the limitations in Shelby Township, Macomb Township and Clinton Township. She stated if something is adopted to lower the time limitations, she would like to see it put into place for a test period so it could be reevaluated at the end of that period.

Mayor Taylor stated that what is occurring now is not working, and something needs to be done. He added that the City does not need to copy other cities just to be the same, but they also do not need to reinvent the wheel, and should be looking at best practices. He reported that Shelby Township also limits public comments to 3 minutes. Mayor Taylor would like to see the comments limited to 3 minutes for each agenda item, and 3 minutes during the Communications from Citizens. He reminded there are many ways to get in touch with City Council members and City administration to express problems and concerns. He stated citizens can get problems solved by contacting him on his cell phone, and he can put them in touch with the people who will be able to solve their problem.

Councilman Skrzyaniarz understood Councilwoman Schmidt's concerns about the Council having too much discretion as to granting extensions to certain residents for their public comments. He also understood Councilwoman Koski's concern about cutting someone off when they legitimately need a little more time to conclude their comments. He suggested possibly allowing an automatic 30-second extension for residents who need to finish their point at the end of their 3-minute public comment.

Councilwoman Koski was opposed to putting a time limit on the residents, and suggested they should be able to finish their comments.

Mayor Taylor stated granting extensions to the time limit will be difficult for him to enforce. He stated there could possibly be a compromise to this proposal by

allowing a 4-minute limit, but he inquired as to whether there is a consensus by at least four Council members that this is something that needs to be considered.

Councilwoman Koski replied she would like to see it placed on the February 7th agenda for discussion, but does not want to see specific numbers included in the motion.

Mayor Taylor stated a change at that meeting will require a motion that is specific to the amount of time for a public comment during each item and the time for a public comment during Communications from Citizens.

Councilwoman Koski inquired as to whether the City Manager can put something together for consideration at the February 7th meeting.

Mayor Taylor questioned Mr. Vanderpool as to what direction he will need tonight from City Council.

Mr. Vanderpool replied that he has a good feel for the consensus of the Council and their parameters, and he indicated he is happy to prepare something for the February meeting. He stated there may be a need for an amendment to the motion on the floor.

Mr. Kaszubski replied to inquiry that Councilman Skrzyniarz can either withdraw his motion or he can amend his motion.

Mayor Taylor inquired as to whether Councilwoman Schmidt would be agreeable to an agenda item to consider a reduction in speaker time limits.

Councilwoman Schmidt replied she is not in favor of considering a reduction in speaker time limits.

Mayor Pro-Tem Ziarko replied to inquiry that she is not willing to change speaker time limits.

Mr. Skrzyniarz **withdrew his motion**. He stated they have talked about this for a year and know where all Council members stand on this. He added they can spend the next two weeks getting advice from the City Manager and having conversations about it, but he stated they can also talk about it now.

Mayor Taylor inquired as to whether Councilwoman Koski would be willing to entertain a motion to direct the City Administration to prepare an agenda item for the next City Council meeting to consider reducing speaker time limits for both agenda items and under Communications from Citizens to a time limit that the Administration's belief represents best practices.

Councilwoman Koski replied that would be an acceptable motion tonight.

Moved by Skrzyniarz, seconded by Taylor, **RESOLVED**, to direct City Administration to prepare for consideration at the February 7th regular meeting an amendment to the Governing Body Rules of Procedure to reduce the time allowed to address the Council on each agenda item and under Communications from Citizens to a time limit that Administration recommends as best practices

Mayor Pro-Tem Ziarko stated she does not want to see this on the agenda at the next meeting. She indicated they will have a new City Council member being sworn in and she did not feel that would be fair to her.

Councilman Shannon stated the Council members have differing opinions on this, but if the Mayor decides someone needs more time to convey their issue, he now

has the right to extend that time. He stated if they reduce the time limit to 3 minutes, the Mayor will still have the ability to extend it in individual cases. He is in favor of the motion on the floor, and is confident that the new Council member will have time to prepare and consider this issue at the next regular meeting.

Councilman Skrzyaniarz understood Mayor Pro-Tem Ziarko's concern about the new Council member not having a lot of time to consider this. He stated they have been talking about this for a year, and he agreed that putting the new Council member on the spot by having her vote on this at her first regular meeting may be unfair. He questioned whether this can be voted on tonight.

Mr. Kaszubski stated there is a motion on the floor that must either be voted on, amended or withdrawn.

Councilwoman Koski agreed with Mayor Pro-Tem Ziarko and suggested considering this in two months.

Mayor Taylor stated there is not the support to vote on the item tonight. He explained that Ms. Sierawski will be sworn in at their Strategic Planning Session next week, which he felt is one of the most important meetings of the year. He pointed out that Ms. Sierawski will have to vote on other important items at the February 7th meeting, and he expressed confidence in her ability to handle these decisions, as well as the consideration of time limits on public comments. He stated he is in favor of the motion on the floor.

Councilman Shannon inquired as to whether this can be placed on an agenda in two months. He is in favor of voting on the motion on the floor, but instead of placing it on the February 7th agenda, he would like to see it placed on an agenda in two months. He stated that would be a compromise, but they will not have to start all over with these discussions because it will be on an agenda.

Mayor Pro-Tem Ziarko stated that, in considering this further, she agrees with Councilwoman Koski that there should be no time limits on public comments. She indicated the Mayor can cut off the comment when he feels the citizen has made his/her point. She stated that is how it used to be handled.

Mayor Taylor stated he is opposed to having no time limits.

Councilwoman Koski replied to inquiry that she would be in favor of having this on the March 7th, 2017 agenda.

Moved by Skrzyniarz, seconded by Taylor, **to amend the motion on the floor** as follows: To direct City Administration to prepare for consideration at the **March 7th** regular meeting an amendment to the Governing Body Rules of Procedure to reduce the time allowed to address the Council on each agenda item and under Communications from Citizens to a time limit that Administration recommends as best practices.

Yes: Skrzyniarz, Taylor, Shannon, Ziarko, Koski.

No: Schmidt. The motion carried.

ADJOURN

Moved by Ziarko, seconded by Schmidt, to adjourn the meeting.

Yes: All. The motion carried.

The meeting was adjourned at 9:19 p.m.

MARK CARUFEL, City Clerk