

CITY OF STERLING HEIGHTS
MINUTES OF REGULAR MEETING OF CITY COUNCIL
MONDAY, MARCH 14, 2022
IN CITY HALL

1. Mayor Taylor called the meeting to order at 7:00 p.m.
2. Mayor Taylor led the Pledge of Allegiance to the Flag and Melanie D. Ryska, City Clerk, gave the Invocation.
3. Council Members present at roll call: Deanna Koski, Michael V. Radtke, Jr., Maria G. Schmidt, Liz Sierawski, Michael C. Taylor, Henry Yanez, Barbara A. Ziarko.

Also Present: Mark Vanderpool, City Manager; Marc D. Kaszubski, City Attorney; Melanie D. Ryska, City Clerk; Carol Sobosky, Recording Secretary.
4. **APPROVAL OF AGENDA**
Moved by Koski, seconded by Ziarko, **RESOLVED**, to approve the agenda as presented.

Yes: All. The motion carried.
5. **REPORT FROM CITY MANAGER**
Mr. Vanderpool provided an update on their new revenue-sharing numbers based on the new census numbers. He stated the census numbers, which came in slightly over a year ago, reflected a rise in population to 134,346 individuals, which is an increase of 4,647 residents. He advised that the state-shared revenue is based on population, and the new numbers indicated the City will receive approximately \$200,000 more per year in direct revenue-sharing from the State. The State of Michigan receives close to \$30 billion per year for federally-funded programs like Medicaid, student loans, nutrition programs, road construction, low-income housing, community development block grants, and more. The State distributes some of that revenue to local communities, so when considering those programs and the spread of the increased revenue over the next ten years, residents of the City will be getting tens of millions of dollars more in census and allocated funding. Mr. Vanderpool noted that because of the increase in census numbers, the City's state liquor license quota has increased from 86 to 90 licenses. He explained this is a valuable economic incentive tool for restaurants to locate in Sterling Heights and be able to receive one of the quota licenses if they meet the City's criteria. He pointed out the City has been growing, and they expect that trend to continue

over the next couple of decades. The City is fully built out, but there is a lot of redevelopment, including numerous closed schools being redeveloped with single-family or multi-family housing. They are seeing a lot of residential growth so they want to continue that trend.

Mr. Vanderpool reminded everyone that SHINE Day will be held on May 7, 2022, and they are always looking for volunteers. They meet at 9:30 a.m. at First Church on Dequindre Road and spend a couple of hours helping individuals in need clean up their properties. These individuals do not have the ability to do so on their own, either through some financial hardships or mobility limitations.

Mr. Vanderpool stated that on Monday, April 4, the City will begin its 31st year of offering separate curbside collection of yard waste. He reminded that waste has to be in approved paper bags or carts with a sticker on it, and the stickers are available at the City facilities.

Mr. Vanderpool provided a brief update on a request made by Councilman Yanez at the last meeting for City Administration to provide City Council with the cost for all lawn care based on contracts, including mowing, weed control, and landscaping. He indicated he pulled that information together with the help of staff, and he shared it with City Council earlier today. He explained that the City expends approximately \$1 million a year in turf maintenance, which includes rights-of-way, medians across the City, including those along M-59, Mound Road, Van Dyke, and Schoenherr, as well as rights-of-ways alongside roadways where there are no medians. There are also twenty-six parks that require turf maintenance. He noted they have a very proactive private property Noxious Weed Ordinance, and although they have great compliance, there are homeowners' lawns that go into violation, and the City has to coordinate the mowing of those lawns, although they get reimbursed for some of that. He advised they also have the maintenance of all of their city facilities, including City Hall, the Upton House, Police Station, Public Library, District Court, Public Works facility, Community Center, Senior Center, Amphitheater, Nature Center, VELOCITY Center, and all of their Fire Stations. The scope of all of this work, which is bid out, is significant, but

they get very good unit pricing when it is bid out. Some of their costs are based on the type of season and whether it is rainy or dry. They are proactively looking at implementing more no-mow areas across the City and have already implemented a number of them. They are looking at piloting various organic fertilizing to be more environmentally-friendly to the community. He concluded his report this evening by stating he is looking forward to the Council's feedback when they have an opportunity to review the report, and he welcomes any additional ideas they may have on the subject.

6. PUBLIC HEARINGS

A. Mayor Taylor stated this to consider adoption of a resolution in support of an application by the City of Sterling Heights for a Michigan Department of Natural Resources Trust Fund Development Grant to fund the acquisition of a portion of Fillmore Elementary School property located at 8655 Irving Road, Sterling Heights, 48312. He invited Parks & Recreation Director Kyle Langlois and Wade Trim Representative Adam Young to give a presentation.

Parks and Recreation Director Kyle Langlois provided a brief introduction to the public hearing this evening prior to their consideration for a vote on a resolution of support for grant application being made through the Michigan Department of Natural Resources Trust Fund (MDNRTF). This is being made to seek funding to offset the cost of acquiring a portion of land at the former Fillmore Elementary School, currently owned by Warren Consolidated Schools. The park map and comments from residents have shown that the City is lacking a municipally-owned park facility in this section of the City. He pointed out that, even with the over thirty parks and green spaces in the City, there is not a close park within walking distance of this area. The closest major park is Baumgartner, which is 1.8 miles away, and Chapelle Park is the closest neighborhood park at 2.5 miles away. There have been conversations over the last ten years about acquiring this property, and it recently became more of a reality with the Covid 19 Relief Funds that the City is acquiring. He provided a brief history of the Michigan Natural Resources Trust Fund and its purpose of increasing access to outdoor recreation opportunities across the state for residents of Michigan. He added that, as the state was

becoming more and more developed, this was one way to make sure Michigan residents would not lose access to outdoor recreation spaces. He clarified that, because of the focus on outdoor recreation, this grant source is only applicable to the green space areas of the Fillmore site, which equates to approximately 10.3 acres of land. Mr. Langlois explained the resolution of support for consideration is one piece of many items required to submit a grant to the MNRTF Board. This Resolutions shows the City's decision-making body supports the acquisition from a conceptual and financial perspective and has held a public hearing to solicit feedback from residents. The grant application and resolution would commit to a local match amount of \$187,500, which equates to thirty percent of the projected cost of the acquisition. He noted that only a twenty-five percent match is required, but since this is a competitive grant process, increasing their match to thirty percent gets more points considering the median household income in Sterling Heights. He added that, if the grant is awarded, the matching funds would be paid from the ARPA funds, making those funds stretch further. The \$437,000 covered by the grant funding would allow them to move funds to other projects developed in their ARPA Action Plan, or shift funds to other projects that have yet to be established. He emphasized that the figures discussed are only estimates at this point and will likely change when they receive a formal appraisal should the application be approved. He added that the application is non-binding, so they can back out, or amend the scope.

Mr. Langlois addressed some questions that he felt may arise, and provided some answers to those questions:

- *Has the City secured grants like this before?* Yes, and he cited that much of the City's park system was acquired and developed with grant funds similar to this funding source. He cited numerous examples.
- *Has Warren Consolidated Schools approved the sale of this property?* He stated there has been no formal approval of purchase from Warren Consolidated Schools, but in communicating with the district, they are being notified that the Board would consider an offer to purchase the

property by the City if this grant is approved by the MNRTF and the State of Michigan legislator. As a formality of the grant application, a letter stating they would consider the offer was provided by the District, but no financial considerations have been formalized. He emphasized that consideration at this time would be in violation of the grant application procedures.

- *Do we have a Master Plan for the green space if approved?* He explained they do not have a specific plan in place, but this is the first step in the process. Parks and Recreation Department has preliminarily identified a number of park amenities that could be considered for this space if they choose to move forward, and if they move forward, they would retain a consultant using ARPA funds to mesh ideas with residents through surveys and townhall meetings to create a Master Plan that would come back to City Council for approval at a later date.
- *What is the plan for the building and remaining land?* He stressed this grant would be only for the greenspace, leaving about four acres of property that would not be covered with this grant. The expectation is that the school district would not be interested in selling only the green space. If that is the case, the City would need to utilize remaining ARPA funds or General funds to purchase the remaining acreage. The grant-funded section of the property would be restricted to outdoor park use, but there are various opportunities that would be explored, from recreation, to housing, and even public partnerships for the rest of the property.
- *Why are we submitting the grant at this time?* They have to work within the timelines of each funding source, and they are trying to leverage this grant using ARPA funds. He noted ARPA funds require obligation by the end of 2024, with the deadline to expend funds by the end of 2026. The grant timelines for the MNRTF are very long. They would not find out if their application is being recommended until December 2022, and funds would become available in mid- to late 2023, getting their application in

on this grant cycle was necessary. If approved, they will be able to start engaging their residents and activating the future park space in a timelier manner.

- *What are the next steps?* He emphasized there are still a number of tasks that need to be completed in order to get the grant submitted on or before the April 1 deadline. They are collecting letters of support from community members to be included with the comments from tonight's public hearing. He added that Mr. Young and his colleagues at Wade Trim are in the process of compiling the narrative basis for the grant application. He proceeded to explain the process that will take place to review and score the application, and they will be provided an opportunity to revise their application if needed. The recommendations by the MNRTF Board will be made in December 2022, and if approved by their State legislators, the appropriations would be included in the State budgets, and agreements with them would be put into place. It is at that point that they would be able to begin the process of getting official appraisals and submitting an offer to the school district. He stressed this is an opportunity to grow their park system without the use of general fund dollars and is an opportunity to provide access to recreation in an area that currently lacks a park. He talked about the benefits of living in close proximity to a park. He introduced Adam Young from Wade Trim to make additional comments.

Adam Young, of Wade Trim, explained why this grant is important. Using maps, they were able to show the one-half mile radius of this property, which is considered a service radius of a neighborhood park. There are more than 1,100 single-family homes within a half-mile of this park, and ninety-five multiple-family residential buildings consisting of an unknown number of units, which speaks to the number of residents in the area that could benefit from close proximity to this park. He noted there were a number of goals outlined in the recently-adopted Recreation Plan, and he talked about a couple of those objectives, one of which was to become aware of real estate that may become available for use for

expansion of public recreational areas, especially for the areas that are currently underserved. He recalled the map shown at the public hearing during the discussion of the Parks and Recreation Plan that shows park service area gaps. He informed this is a public hearing this evening, providing an opportunity for the public to make comments about this application. Once the public hearing is closed, the City Council has a Resolution in front of them. He offered to answer questions.

Mayor Taylor opened the public hearing.

- Jazmine Early – stated her support of this project, adding she lives in the area; questioned the idea of possible housing mentioned, and offered her designing services for free as an architect.

Mayor Taylor closed the public hearing upon hearing there were no additional public comments.

Moved by Radtke, seconded by Sierawski, **RESOLVED**, to adopt the resolution in support of the application by the City of Sterling Heights for a Michigan Department of Natural Resources Trust Fund Grant to fund the acquisition of a portion of Fillmore Elementary School property located at 8655 Irving Road, Sterling Heights 48312.

Councilman Radtke stated he is highly in support of this application, adding it has been a goal of his since he was elected to improve the neighborhood parks in the City. He noted that one part of the City that is underserved in this capacity is the 15 Mile / Van Dyke area, and he commented that there is a big gap in that area on the parks map. He recalled the City Council has advocated that residents should be able to walk to their local park, and although *Re*Creating Recreation rebuilt a lot of their public parks, he felt it is a stretch to ask residents to walk over two miles to their local park. He looks forward to also using other funds to purchase the building and possibly create a southern community center or other amenity. He was confident that if the City does not purchase this, Warren Consolidated Schools will sell this property for housing. He felt that the City acquiring a public park to serve residents is the highest and best use, and he urged his colleagues to support this.

Mayor Pro-Tem Sierawski stated she is highly in support of this resolution, and added she is very lucky to be able to walk to Dodge Park. She would love to see a

park of this type available for all residents to walk to at any time. She is in favor of a park at the Fillmore location, which is in the southern portion of the City, and she is happy to find a location they can use for this purpose.

Councilwoman Ziarko agreed with her colleagues, adding this is a great investment. She would like to see the City eventually buy the building as well, and she is looking forward to this proposal.

Councilwoman Schmidt expressed her favor of pursuing this grant for the park property. She expressed concerns, however, about purchasing the existing building. She felt it would be very costly to fund, maintain, and fill the building with personnel. She recalled when they pursued *Re*Creating Recreation, they made sure the related expenses were covered through the bond issue, and she does not know if that will happen in this case. She agreed with the need for the park in that neighborhood, and she would be excited if that could occur. She felt they will need to see what is proposed for a Master Plan for that building or the property. She questioned what the plan is if the City is not awarded the grant.

Mr. Vanderpool replied that the City would have a number of options, including possibly pursuing other resources to acquire the open space, such as using additional ARPA funds or additional grant funding. He indicated there is no great urgency at the moment other than the cycle they have for the Michigan Natural Resources Trust Fund grant. This is an opportunity they can pursue right now, but if it does not pan out, they can look at other ideas. With respect to the building, they would have to go through a very thorough master plan process to look at their potential options for City Council to consider. He admitted there may not be any viable options for the building, but there could be, depending on return of investment for the City, how the community feels, etc. He clarified this is just the beginning, and they have many other options for this property.

Mayor Taylor stated he is in support of this exciting project, and he would like to see a park in that area. He thanked Mr. Young and Mr. Langlois for their presentations.

Yes: All. The motion carried.

7. **CONSENT AGENDA**

Mayor Taylor stated this item is consideration of the Consent Agenda. He opened the floor for public comments, but no one from the audience spoke.

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

- A. To approve the minutes of the Regular Meeting of March 1, 2022.
- B. To approve payment of the bills as presented: General Fund - \$1,162,953.39, Water & Sewer Fund - \$141,260.13, Other Funds - \$640,700.73, Total Checks - \$1,944,919.25.
- C. **RESOLVED**, to approve the Independent Contractor Agreement between the City of Sterling Heights and Ross Fazio, d/b/a First Serve, 348 Ridgemont Rd., Grosse Pointe Farms, MI 48236, and authorize the City Manager to sign the agreement and any extension on the same terms and conditions.
- D. **RESOLVED**, to purchase 8,500 tons of 'late fill' road salt at pricing available through the City of Farmington Hills' cooperative bid for the 2022/2023 winter season.
- E. **RESOLVED**, to approve the reduction in the retainage for the 2021 Concrete Sectional Replacement Program, City Project #21-378 and Sanford Drive Reconstruction, City Project #21-377, to \$20,000.
- F. **RESOLVED**, to:
 - 1) Approve the amendment to the City of Sterling Heights' fiscal year 2019/2020 CDBG One-Year Action, as amended, for the purpose of re-allocating unspent CARES Act CDBG-CV funds to the following eligible projects: (a) Senior Center AV equipment; (b) Senior Center Outdoor Recreation; and (c) Families Against Narcotics Assistance.
 - 2) Approve amendments to the City of Sterling Heights' fiscal year 2021/2022 CDBG One-Year Action Plan for the purpose of (a) re-allocating funding from prior years' program income to the Malibu Drive Road Improvements; and (b) re-allocating surplus funding from Senior Center Roof Replacement – Phase III to Senior Center Room 8 Improvements..
- G. **RESOLVED**, to:
 - (a) Approve the cost sharing agreement for the asphalt resurfacing of Hayes Road, from 18 Mile Road to M-59/Hall Road, subject to approval by the Macomb County Department of Roads and the Charter Township of Clinton, and authorize the Mayor and City Clerk to execute the agreement on behalf of the City of Sterling Heights; and,
 - (b) Authorize a budget amendment to use \$183,320 of Major Road Fund Balance Reserves to complete the project.
- H. **RESOLVED**, to purchase printed election materials and supplies for the May 2022 and August 2022 elections from Printing Systems, Inc., 12005 Beech Daly Rd., Taylor, MI 48180, at a cost of \$12,593.69.
- I. **RESOLVED**, to purchase one (1) Stryker Power-PRO XT ambulance stretcher and one (1) Stryker Stair-PRO stair chair, Model No. 6252, from the Stryker Corporation, 3800 E. Centre Avenue, Portage, MI 49002, at a total cost of \$26,261.66, and authorize a budget amendment for use of Capital Project Fund reserves.
- J. **RESOLVED**, to accept the proposal by ReThinking Libraries, LLC, 7249 Arbuckle Commons, Suite 438, Brownsburg, IN 46112, for professional consulting services in connection with the development of a strategic plan for the Sterling Heights Public Library and authorize the City Manager to sign the consultant contract on behalf of the City..
- K. **RESOLVED**, to accept the proposal by Michelle Lundquist PLC, 38600 Van Dyke Ave #250, Sterling Heights, MI 48312, for managed assigned counsel coordinator services at the 41-A District Court and authorize the City Manager to sign the Professional Services Contract and any extension provided for under the terms and conditions of the Contract.

- L. **RESOLVED**, to accept the proposals by:
1. Gibraltar Construction Co., 2650 Van Horn Rd, Trenton, MI 48183 for the Lakeside Island Park fencing project at a total cost of \$11,791.23; and,
 2. Warren Contractors & Development, Inc., 14979 Technology Dr., Shelby Twp., MI 48315, for the rehabilitation of the Plumbrook Nature Trail drainage at a total cost of \$24,868.61.
- M. **RESOLVED**, to accept the proposal by E.A. Graphics, 42111 Van Dyke Avenue, Sterling Heights, MI 48314, for printed and embroidered clothing and team uniforms for a three-year period and authorize the City Manager to exercise the option to extend the terms and conditions of the proposal for two (2) additional two-year periods, upon mutual consent.
- N. **RESOLVED**, to authorize the City Attorney to pursue all available remedies to abate the statutory and code of ordinances violations and nuisance conditions existing at 38435 Mound Road.
- O. **RESOLVED**, to award the bid for a mosquito control program to Mosquito Pro, 4103 Grand Oak Drive, Suite B103, Lansing, MI 48109, for a three-year period based on unit prices bid.
- P. **RESOLVED**, to award the bid for utility structure and concrete repairs to Luigi Ferdinandi & Son Cement Company, Inc., 16481 Common Road, Roseville, MI 48066, based on unit prices bid through November 30, 2023, and authorize the City Manager to extend the bid term one (1) additional year on the same terms and conditions.
- Q. **RESOLVED**, to award the bid for twenty-five (25) Sierra Wireless AirLink MP70 L TEA Pro routers to Industrial Networking Solutions, 3321 Essex Dr., Richardson, TX 75082, at a total cost of \$26,875.
- R. **RESOLVED**, to split the award of the bid for asphalt materials to the vendors and at the unit prices specified below for an initial six-month period and authorize the City Manager to extend the bid term three additional six-month periods on the same terms and conditions, upon mutual consent:
1. Cadillac Asphalt, LLC, 2575 Haggerty Road, Canton, MI 48188:

Section A- UPM Cold Patch – DPW to pick up	\$115.00 per ton
Section A- UPM Cold Patch – Delivered	\$118.75 per ton
Section B- 1100 Leveling (20AA) – DPW to pick up	\$ 67.50 per ton
Section B- 1100 Topping/Wearing (20AA) – DPW to pick up	\$ 68.00 per ton
 2. AJAX Materials Corporation, 1952 Crooks Road, Troy MI 48084:

Section A- UPM Cold Patch – DPW to pick up	\$115.00 per ton
Section A- UPM Cold Patch – Delivered	\$117.50 per ton
 3. SJR Pavement Repair, Inc., 22120 Ryan Road, Warren MI 48091:

Section C- Emulsion Solution	\$ 3.29 per gallon
Section D- Ohio 9 Clean Wash Stone Aggregate	\$ 32.80 per ton
- S. **RESOLVED**, to set a public hearing on Tuesday, April 19, 2022, at 7:00 p.m. regarding the application by Mancini Holdings 42800 LLC to establish an Industrial Development District (IDD) at 42800 Merrill Road.
- T. **RESOLVED**, to set a public hearing on Tuesday, April 19, 2022, at 7:00 p.m. regarding the application by Mancini Holdings 7255 LLC for a Speculative Building Designation at 7255 Eighteen ½ Mile Road.
- U. **RESOLVED**, to set a public hearing on Tuesday, April 19, 2022, at 7:00 p.m. regarding the application by Mancini Holdings 42260 LLC for a Speculative Building Designation at 42260 R Mancini Drive.
- V. **RESOLVED**, to adopt the resolution designating April 2022 as Fair Housing Month in the City of Sterling Heights.

Yes: All. The motion carried.

8. **CONSIDERATION**

A. Mayor Taylor stated this is to consider approval of the fiscal year 2022/23 Community Development Block Grant One-Year Action Plan. He invited City Planner Chris McLeod to give a presentation.

City Planner Chris McLeod stated this is the forty-eighth year for this fund, and he explained the use of these funds is generally for housing revitalization and to revitalize neighborhoods in general, as well as to improve community facilities for low- to moderate-income persons. He clarified at this point it is an estimated calculation through the Department of Housing and Urban Development (HUD) in the amount of \$808,389, but that number will continue to be refined as it goes through the HUD process. He added that those numbers are generally similar to the final numbers if it is approved, and each line item will be adjusted accordingly based on the final allocation. He outlined the funding considerations by the administrative team as well as the Citizens Advisory Commission, including the number of residents who will benefit, whether the requesting agency has complied with past CDBG contract requirements, whether the agency attended and presented their requests at a public hearing, which is mandatory, and whether the requesting agency was able to answer questions about their program.

Mr. McLeod outlined some of the limitations, one of which is that fifteen percent of the total can be used for public services, so \$121,258 would be available for utilization of public services. He informed there were a number of agencies requesting that funding, and every agency that requested funding received some allocation. Mr. McLeod stated the remaining money, which is \$525,453 at this point, is available for capital projects, and he reviewed those projects and anticipated allocations, including minor home repair, concrete replacements in qualifying areas, and Senior Center restroom renovation and LED lighting improvements. He offered to answer questions.

Mayor Taylor opened the floor for public comments, but no one spoke.

Moved by Schmidt, seconded by Ziarko, **RESOLVED**, to approve the fiscal year 2022/ 2023 Community Development Block Grant One-Year Action Plan as recommended by the Citizens Advisory Committee and City Administration based on an estimated entitlement of \$808,389 and authorize City Administration to complete the Federal application and secure the funds.

Councilwoman Schmidt thanked the Citizens Advisory Committee and the administration for working hard to allocate and give everyone “a piece of the pie”. She added they made provisions in case the actual allocation varies from the prediction. She appreciated the extra effort.

Councilman Radtke stated he will be voting against this. He assured his vote is not because he thinks they are doing a bad job or because these are not worthy entities, but he expressed his frustration over the last five years that this process seems to be “a rubber stamp” to fix one street, allocate funds to the same organizations, and authorize a repair at the Senior Center, but he stated this money is supposed to benefit the most number of people in the City in the hardest-hit areas. He commented it seems the money continues to come back to City Hall, when a lot of the areas that would qualify for these funds are not in the vicinity of City Hall. He added that every street needs to be fixed, but they are only fixing one street, and he questioned whether they could use that same money to fix so much more sidewalk in the lower-income areas. He noted that people in lower-income areas are more likely to be using sidewalks to walk to the bus stops. He suggested that this money could be used to repair their SMART bus stops and make them disabled-accessible. He pointed out the summary of the meeting, included in their agenda packet, is two sentences long, indicating “they had a discussion”. He questioned whether there were other ideas discussed or suggested, and he stated he will continue to vote against these allocations until they get some new ideas and discuss ways to improve the entire city for the greatest number of people.

Yes: Taylor, Ziarko, Yanez, Koski, Schmidt, Sierawski.

No: Radtke.

The motion carried (6-1).

B. Mayor Taylor stated this is to consider approval of a Stipulated Amended and Restated Consent Judgment in the case, Peter Vestevich, et al, vs. City of Sterling Heights; Macomb Circuit Court Case No. 07-2424 CE. He invited City Planner Chris McLeod to give a presentation.

City Planner Chris McLeod explained this is a requested first amendment to an existing Consent Judgment that was originally approved in 2008. It was never constructed, but the Consent Judgment sits with the property forever until otherwise amended or removed by the court system. He provided a brief background for this property at the southwest corner of 19 Mile and Mound, with single-family residential abutting to the west and to the south. To the east and north, across Mound and 19 Mile Roads, are non-residential properties. He indicated it is largely the same as what was approved in 2008, with the main focus at the northeast corner of the site being a gas station/ drive through coffee use. There was originally an office building proposed toward the south end of the property, but the developer has now requested that building be utilized for retail. He explained this is proposed to be developed in two phases, and Phase II, which is on the west side of the property, would be a medical or general office building, which remains unchanged from the previous plan. The Consent Judgment recognizes this as four main uses on the property, with the gas station, the drive-thru use, the retail, and the office use. He stated the current applicants came forward and requested minor changes. The applicant brought the site plan into and beyond compliance with the City's ordinance requirements for landscaping. The previous approved landscape plan was under the City's previous ordinances. There is extensive landscaping being provided throughout the site, and he noted the mixing of berms, landscape planting, and preservation of some existing trees, particularly along the western property line. They have worked with the applicant to mix and match in terms of screening scenarios to the west and to the south to provide protection to the existing single-family residences. He showed the previous plan compared to the plan now under consideration, noting the building configuration is basically the same, but the building to the south is now proposed for a retail use. A slide was shown depicting an artist rendering of the site. Mr. McLeod explained they have also proposed use restrictions in terms of the office building on the west side of the site will have no 24-hour urgent care, and the offices must cease operations no later than 9 p.m. The retail building to the south

would have hours of operation not to exceed 10 p.m., and the gas station/ drive-thru use would not have limitations on hours of operation. The previous Consent Judgment did not limit any hours of operation, so they could have had 24-hour operations in those buildings. They felt it was appropriate and pertinent to limit the hours of operation in the buildings abutting residential. There have been some slight changes in architecture, as well as additional landscaping, to bring it more into line as to what the City expects based on current ordinances as compared to when it was originally submitted in 2008. He offered to answer questions, and he added that the applicant is also present this evening.

Vito Pampalona, Manager for Pampalona Construction, offered to answer questions.

Mayor Taylor opened the floor for public comments, but no one spoke.

Moved by Sierawski, seconded by Ziarko, **RESOLVED**, to approve the Stipulated Amended and Restated Consent Judgment in the case, Peter Vestevich, et al, vs. City of Sterling Heights; Macomb Circuit Court Case No. 07-2424 CE and authorize the City Attorney to sign all documents required in conjunction with this approval.

Mayor Pro-Tem Sierawski commented that Mr. McLeod did a good job of explaining the changes to the Consent Judgment, and she stated she is happy there is improved landscaping on the site. She requested clarification on the limitation of hours of operation.

Mr. McLeod replied that the hours of operation for the office building on the west side of the site is limited to 9 p.m., and the hours of operation for the retail building on the south side of the site is limited to 10 p.m.

Mayor Pro-Tem Sierawski noted there is a lot of trees and berms that will also act as a screen for those abutting residential homes.

Mr. McLeod confirmed there will be a mix of berm and new plantings on the south side. On the west side, there is a mix of berm, new plantings, and existing tree preservation where feasible.

Mayor Pro-Tem Sierawski stated she will be voting yes on this. She wished the applicant good luck on this venture.

Councilwoman Schmidt questioned the location of the speakers for the drive-thru facility.

Mr. McLeod pointed out the location, noting it will be on the west side of the building, but it will be drastically separated if Phase II is not developed at that point, and once Phase II is constructed, there will be a building located between the speaker system and the residential property to the west. He added there is also a significant distance from the speakers to the south property line.

Councilwoman Schmidt questioned the distance from the speakers to the west property line.

Mr. McLeod replied that the distance would be nearly 200 feet.

Councilwoman Schmidt stated she likes that the building in Phase II will also serve as a buffer. She inquired as to whether the plantings will be done in the initial phase.

Mr. McLeod replied that the initial phase would include the landscaping on Phase I. He does not believe the Phase II plantings would go in until that phase is constructed.

Councilwoman Schmidt questioned the developer as to whether it would be a possibility to put Phase II buffer in as part of Phase I.

Mr. Pampalona explained that the area behind the building in Phase II is heavily-treed, so they will be leaving all of the deciduous trees in place.

Once they develop Phase II, they will implement the landscape plan.

Councilman Radtke commended the developer for keeping some of the landmark trees and for going above-and-beyond in the landscape plan. He added that, traditionally, a development such as this would require a masonry wall between residential and commercial buildings, but with the berm and the greenery, he felt they have gone over and above to create something nice for the abutting residents, while helping the City with their tree canopy, and making it a nice-looking development.

Mayor Taylor thanked the applicant for being present this evening, and he stated he is looking forward to the development.

Yes: All. The motion carried.

9. COMMUNICATIONS FROM CITIZENS

Mayor Taylor opened the floor for comments from the audience.

- Nathan Inks – talked about speeding on Ryan Road; suggested pursuing a “road diet,” with a reduction of lanes or the width of lanes; suggested looking into roundabouts, would slow down speeds and increase traffic volumes; asked if the city is paying for roads to enable people to drive through the city instead of to or from the city.
- Brandy Wright – agreed with suggestion by Mr. Inks; cannot encourage walkability on streets with speeding cars; need to look at decreasing speeding to make the roads more walkable.
- Sanaa Elias – stated she lives near Ryan and has not witnessed speeding problems; spoke on recent addition of Article 1 to Chapter 25 of the City Code; expressed her objections; upset this was introduced during winter months, making it difficult to get signatures from residents opposing it.
- Jazmine Early – spoke on recent amendment to City Code; requested additional time to obtain more signatures in opposition to that amendment.
- Ken Nelson – spoke on the petition mentioned by Ms. Early, which was asking that this be brought to a vote of the people rather than Council; he referred to several local projects and stated they passed even though he did not hear anyone speak in favor of them; talked about a recall petition.
- Peter Waltham – Council members averaged 9,000 and 12,000 votes each at the last city election; voters supported the Mayor and Council members, that represents more than seven people in favor of the recent ordinance amendment; emphasized people voted for those who represent them.
- Daniel – agreed with Councilman Radtke on his comments about the CDBG allocations and questioned why the allocations are always to the same organizations or to one project.

Mayor Taylor clarified that this portion of the meeting allows the public to speak on any topic germane to city business as long as it is not an item on that agenda. He indicated if someone wanted to make comments on the CDBG allocations, they would have had to have done so during the portion of the meeting in which it was deliberated. He thanked Daniel for making his point, and he added that Council members may address it at the end of the meeting when they have an opportunity to speak.

10. REPORTS FROM CITY ADMINISTRATION AND CITY COUNCIL

Mr. Vanderpool responded to Mr. Inks and encouraged him to attend the City Council meeting scheduled for April 5, 2022, when they will have the next round of ARPA funding recommendations for City Council’s consideration. One of the items in that plan is an allocation of \$100,000 to hire a very experienced traffic consultant to look at traffic-calming across the City, not only on major roads but also on neighborhood roads. Some of the ideas they would be looking at would

include traditional roundabouts, as well as smaller neighborhood roundabouts and circles, and pedestrian islands, as well as others. He understands a lot of it involves long-term initiatives and requires a lot of funding, but they need to start somewhere. He hopes that it will be finalized in their final ARPA approval, and he is pleased it is included in the recommendation, although City Council will ultimately have to approve it. He stated there are twelve entities receiving Community Development Block Grant funding, and the Community Action Committee goes through a process where they publicize applications and encourage not-for-profits to submit requests for grant funding. They try to get as many organizations involved as possible. He noted on an earlier round of CDBG funding, they had many businesses across the City that received that funding that benefited their low- to moderate-income employees. He assured the committee does the best they can, and they can talk about ideas for improvement moving forward.

Councilwoman Schmidt stated without objection from her colleagues on Council, she would like to direct City Administration to come up with a Resolution to send to Governor Whitmer, state legislators, and the Great Lakes Water Authority. She explained they were given notification this week that over the past ten years, the Sterling Heights rate payers have subsidized \$2.7 million to the City of Highland Park for their non-payment of water. She stressed this is deplorable and something needs to be done. She is aware of multiple lawsuits, and Finance Director Jennifer Varney sent a letter to the Governor, but she felt Council needs to send a Resolution to stress this is not right, and the City's rate payers deserve better. She questioned what would happen if Sterling Heights rate payers stopped paying their water bills, and who would subsidize them. She stated there are corporations and residents in Highland Park that are not paying their water bills, and she felt enough is enough.

Mayor Taylor agreed a Resolution is a wonderful idea. He added that Macomb County Public Works Commissioner Candace Miller is looking into this as well. He has received some communications from her about formulating a plan, and they

have a meeting scheduled for next week with Ms. Miller, members of her staff, as well as mayors and supervisors throughout the County to talk about what they can do. He agreed it is unfair that an entire city can stop paying for their water, and that cost can get passed on to other communities.

Councilwoman Ziarko was in full agreement, and stressed they need to do something. She questioned what would happen if Sterling Heights and all other local communities stop paying a portion of their water bills to subsidize this amount. She complained this has been in court for a number of years, and she questioned what they can do to speed up the process.

Councilman Radtke stated he is in full agreement, and he requested a Resolution be put on the next City Council agenda.

Councilwoman Schmidt clarified that is what she has requested.

Councilman Radtke agreed the City should not be required to pay the bills for another city that does not pay them. He agreed with Councilwoman Ziarko that possibly Sterling Heights should withhold a portion, letting them know that the City's residents should not be forced to subsidize Highland Park. He read in the newspaper that Highland Park is looking for \$90 million to restart their water plant, and he did not know how a city of 10,000 residents will find that money to create a water authority. He stressed until that time, they will be part of the Great Lakes Water Authority (GLWA) and should be forced to pay their share.

Mayor Taylor thanked Councilwoman Schmidt for bringing this to their attention, and he felt there is clear and unanimous support for a Resolution.

Councilwoman Ziarko questioned whether there are any openings on the Youth Advisory Board.

City Clerk Melanie Ryska replied she does not believe there are any openings at this time, but she indicated she would have to check to make sure.

Councilwoman Ziarko stated that Daniel (resident/ Boy Scout who spoke earlier during Public Comments) and Peter might be interested or qualified to fill out an application for that Board. She added the City would like to hear their input in other areas as well.

Mayor Taylor stated if they are interested in more information about the Youth Advisory Board, they can provide Clerk Ryska with their contact information.

Councilman Radtke gave credit to the Boy Scouts in Sterling Heights and all of the work they are doing, noting he was a Boy Scout when he was younger. He commended Daniel for the tremendous job he did in addressing City Council and getting his point across, and he should be proud of himself.

Councilman Radtke stated he is happy that the human rights ordinance will go into effect, and he assured it does not give any special privileges to anyone. He clarified it protects human rights for everyone because everyone has a right to live here in peace and harmony and not be discriminated against. He stated they should all be proud of it. He reminded that City Council members were reelected by the voters, and this was discussed before, during, and after the election. He added that he started talking about this when he first started coming to Council meetings in 2013, so anyone who voted for him knew he was in favor of this. He commented that the fact some residents could not gather enough signatures shows how little the support is for repealing this ordinance in this community.

Councilman Radtke stated he has attended several Planning Commission meetings when they discussed their Planned Unit Development (PUD) requirements, as well as other requirements, and he requested, without objection, that Administration present a report on parking minimums in Sterling Heights as well as comparable cities such as Ann Arbor, Royal Oak, Ferndale, and Dearborn. He noted that a lot of the developments coming before Planning Commission have too much parking, and he stressed this needs to be "right-sized". He cited the example of Meijer at 16 Mile and Van Dyke, where there is excessive parking. In the last several years, they have constructed six outbuildings in their parking lot, and there is still too much parking. He stressed the parking lot is never at eighty percent capacity. He hopes they will be able to change the City ordinances and commented that if parking is not used sixty to seventy percent of the time, it is wasted space. He asked the City to prepare that report, without objection.

Councilwoman Ziarko questioned whether this is just a report being requested, and verified they are not changing anything.

Councilman Radtke confirmed he would like to see a report first.

Mayor Taylor noted there are no objections, so he felt there is direction for Mr. Vanderpool.

Councilman Radtke stated he was given the PUD ordinance for Charlevoix, Michigan. He anticipates the City will have a lot of PUD applications with mixed uses, and he would like to investigate an affordable housing component to these projects. He noted that City Council has approved PILOT (Payment in Lieu of Taxes) developments and other affordable housing throughout the City, but he noted that other cities are requiring that in new buildings, one or two units are to be put aside for affordable housing purposes. This does not concentrate affordable housing in one area of the city, but instead it becomes a component of all large PUDs and apartment complexes. This allows people of all incomes to have opportunities to live across the city, and it allows people who work in Sterling Heights the ability to live within thirty minutes to an hour of where they work. He recalled the City approving developments of \$400,000 houses and a lot of new construction, but he would like it engrained in their ordinances that these big buildings should have affordable housing available across the community. He stated without objection, he would like Administration to prepare a report on what other cities are doing, and possible ways they can change their ordinance to encourage more affordable housing.

Mayor Taylor asked Council members if there was any objection to this request, but no one objected.

Councilman Radtke noted that most of City Council will be attending the Michigan Capital Conference this week to lobby legislators and learn more about public policy, including how to spend ARPA funds. He assured the Council members are working hard for the residents of Sterling Heights.

Councilman Yanez questioned the interoffice memorandum on landscaping contract analysis that was marked confidential, and whether that means they

cannot share it outside of City Council. He questioned what they can do to be able to share it out of City Council.

Mr. Vanderpool replied it was marked confidential because he wanted City Council members to review the material before making it public. He indicated it is something that can be shared publicly, and he assured there are no secrets. He stated if there is a way Council wants him to do that, he would be glad to do it, or he indicated that they can share it. He added that all of the contracts listed in the memorandum were approved by City Council.

Councilman Yanez agreed they should be able to share that information with the taxpayers.

Mayor Taylor responded to the comments made about human rights during the Public Comment section. He emphasized that everyone has a sexual orientation, and they cannot be discriminated for it. He stated he is proud that this ordinance passed and is here to stay, and he referred to Ms. Early's request for additional time to obtain signatures, emphasizing that there will be no extension of the period of time in which to turn in signatures opposing the ordinance.

13. **UNFINISHED BUSINESS**

There was no unfinished business.

14. **NEW BUSINESS**

There was no new business.

15. **CLOSED SESSION PERMITTED UNDER ACT 267 OF 1976**

Mr. Kaszubski stated there are no items for closed session this evening.

16. **ADJOURN**

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

Yes: All. The motion carried and the meeting was adjourned at 8:28 p.m.

MELANIE D. RYSKA, City Clerk