CITY OF STERLING HEIGHTS

MINUTES OF REGULAR MEETING OF CITY COUNCIL

MONDAY, MARCH 18, 2019

IN CITY HALL

1. Mayor Michael C. 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.


   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, to approve the Agenda as presented.

   Yes: All. The motion carried.

5. **REPORT FROM CITY MANAGER**

   Mr. Vanderpool outlined a number of events scheduled this spring, including Shred Day, to be held from 8 a.m. to 2 p.m. at the Department of Public Works (DPW) facility on Saturday, March 30. Residents can bring up to three banker-sized boxes and have their documents shredded, and they are able to watch it happen so they are assured any confidential material is shredded appropriately. This is a free service for residents only, so identification will need to be shown. Household Hazardous Waste Day will be held on Saturday, April 6, from 8 a.m. to 2 p.m. at the DPW facility, and residents can drop off all
hazardous household material that normally is not collected at the curbside. He added that this event is also for residents only. Electronic Recycling Day will be held Saturday, April 13, from 8 a.m. to 2 p.m. at the DPW facility. Residents can bring in any electronic item for disposal, including but not limited to such items as televisions and radios, so that they can be appropriately recycled. Clean-Up Saturdays will be held on three consecutive Saturdays, April 27, May 4 and May 11, from 8 a.m. to 2 p.m. where residents can drop off anything, including but not limited to furniture, lumber, tires, dirt, tree stumps, and more. He stressed the idea for all of these events is to get all properties cleaned up in the community and make sure neighborhoods look good.

Mr. Vanderpool reminded that the curbside pickup of yard waste commences the first week in April. He advised that this material can be put in 32-gallon cans or 64- or 96-gallon carts, but those must have recycling stickers on them. Residents can get stickers at City Hall or the Department of Public Works.

Mr. Vanderpool stated they will be continuing a very popular program on May 4, which is Pride & Shine Day, where they have about 100 volunteers who clean up between 30 to 50 homes for individuals who do not have the physical means and/or financial ability to do what they need to do to get their homes ready for summer. This includes services such as raking leaves, painting, gutter cleaning, trimming shrubs and other similar tasks. He invited anyone who would like to volunteer to call 446-CITY, adding they can always use volunteers. He was confident with all of these clean-up activities, the community will look
good this spring, and they will be able to keep their property values among the highest in the State of Michigan.

Mr. Vanderpool concluded his report by stating that, at the end of tonight’s meeting, he is requesting the City Council convene in Closed Session pursuant to Section 8(h) of the Open Meetings Act to consult with the City Attorney regarding two confidential written legal opinions.

6. ORDINANCE INTRODUCTIONS
A. Mayor Taylor stated this is to consider the introduction of an ordinance amending Zoning Ordinance No. 278 to incorporate Article 12A, creating the Lakeside Overlay District. He invited Mr. Chris McLeod, City Planner, to make the presentation.

Mr. McLeod explained this is an introduction of an ordinance to amend the Zoning Ordinance to bring in a Lakeside Overlay District, which is another step the City is proactively taking to prepare for changes that are likely in Lakeside’s future. He explained that, for a number of years, the City has been working with mall ownership to create a mechanism to provide for the economic challenges experienced by brick-and-mortar stores, some coming from competition from online retailers. The City wants to be involved with the re-creation of Lakeside since it has always been a very large footprint in the City and will continue to be in the future. Mr. McLeod explained the purpose of the ordinance, which will encourage pedestrian-oriented, mixed-use development that will promote economic vitality and sustainability. The current ordinance for Lakeside Mall is C-2 Planned Comparison Business District, which encourages a standard mall
with no uses other than retail. Lakeside must have the ability to expand its uses, and they will most likely see in the future a variety of mixed uses including office, medical, residential and entertainment-type uses. It will promote a higher intensity/density on site. He displayed an aerial photo of the property, noting there is currently a lot of unused property at Lakeside. The amount of parking was viewed as a good thing at one time, because it provided for the users of the mall; however, now it is more of an impediment, and that space needs to be utilized. He clarified the impacted properties for this ordinance are within the Lakeside Circle, and this ordinance does not extend to the properties along the outside of the circle, including those properties fronting Hall Road or Schoenherr. He outlined the key points of the ordinance, noting it does not impact the current operations of the Mall. It will apply to any new buildings or building additions, as well as any new uses not currently permitted under the C-2 Zoning District. If a different use were to be introduced, they would automatically go through the Planned Unit Development (PUD) process, using the current PUD ordinance. It would create a working relationship between the City and the ownership of the mall, creating an overall master plan for the development. He emphasized that this plan is designed to permit long-term flexibility in types and design of buildings and uses, noting that retail has changed over the last five years and will continue to change, so the ordinance needs to be flexible enough to change as time goes on.
Mr. McLeod explained the process involved for Planned Unit Developments. The Planning Commission provides a recommendation, a PUD agreement is drafted, the City Council would then hold their own public hearing and decide whether or not to approve it, and if approved, the agreement is signed and any site plans and additional use permits would be done administratively, moving rather quickly and responsive to the changing environment of retail. Representative examples of housing and medical buildings were shown, and he stressed the possibilities are endless, with so much acreage available. The Planning Commission held their public hearing last Thursday and unanimously recommended approval of the adoption of the Ordinance creating the Lakeside Overlay District.

Mayor Taylor opened the floor for comments and questions from the public.

- Ms. Linda Godfrey – questioned whether this is related to Item 8-J on Consent Agenda; table of fees and cost.
- Mr. Harry Marchlones – questioned whether there is a cost to the City, and what benefit to the City.

Moved by Ziarko, seconded by Schmidt, RESOLVED, to introduce the ordinance amending Zoning Ordinance No. 278 to incorporate Article 12A, creating the Lakeside Overlay District.

Councilwoman Ziarko stated they have been looking at this for some time so it is not new information to any of them. She felt it is a step in the right direction, and this is the first step. She added she is comfortable with the information they have been given, and she has no further questions.
Councilwoman Schmidt recently stayed at a hotel in Ohio which was situated in the parking lot of a mall similar to Lakeside, and only a few of the remaining stores were open. She also noted her recent trip to Lakeside Mall, where many of the stores have closed, and she commented that her way of shopping is no longer the common way, with more online shopping taking place and brick-and-mortar stores closing. She felt this is a step in being proactive, looking at different ways to utilize that property in the future, which is the responsible thing for them to do.

Mr. Weller, the representative for Jones Lang LaSalle, Inc. (JLL, Inc.), stated they are the manager for the current owner of the mall, C-III Capital Partners, LLC. Councilwoman Schmidt inquired as to how involved they have been in the process.

Mr. Weller replied they have been involved in all phases of the process, having several meetings with the City Manager and staff, as well as with the stakeholders. He replied to further inquiry they are in support of what the City is doing with regard to the Lakeside Overlay District, and it will allow them to bring uses that are consistent with the changing conditions of the market.

Councilman Radtke questioned why they are limiting the PUD to the interior only of Lakeside Circle rather than expanding to the properties along the outside of Lakeside Circle, such as the Petco or Toys R Us sites.

Mr. McLeod replied the idea is that the immediate need is for the area within the Lakeside Circle. Nothing would prevent the City from furthering the
ordinance and different amendments that would impact the surrounding area. There is a lot of underdeveloped property within the Lakeside Circle and the idea is to “jump-start” and reinvigorate the mall by providing additional uses within that area. As time goes on, the City may look at what is occurring along the outskirts to allow for a multitude of uses and some different configurations.

Mr. Radtke felt they have a lot of commercial and office space that borders the outside of Lakeside Circle. He cited the former Abuelos Mexican Restaurant, the vacant Toys R Us and other properties that he felt should be included in this proposal.

Mr. McLeod noted those properties are a little different in terms of their configuration, whereas the Lakeside Mall property within the Lakeside Circle is a very large property, and although there are some breaks in it, it is an all-inclusive 100-acre parcel. The properties along the outside of the circle are “chopped up” and independent of one another. He replied to inquiry those properties could be developed under the current PUD ordinance. This particular overlay is for the Lakeside Mall proper, and the outlying properties can develop under their current zoning designation or come in under a PUD, if they choose.

Councilwoman Koski requested Mr. Vanderpool discuss Ms. Godfrey’s question regarding how this relates to Item 8-J of the Consent Agenda.

Mr. Vanderpool explained Item 8-J on tonight’s Consent Agenda is a Resolution the City Council will be considering to apply for a redevelopment-ready
certification through the Michigan Economic Development Corporation (MEDC) in an effort to codify a number of their existing practices. He noted it is no different in large part than an accreditation process that a hospital or college may go through. It sets forth best practice guidelines they will be codifying. It indirectly relates to the Lakeside project, but it has no direct relation to it. The Consent Agenda item is a macro umbrella-type process and this Ordinance is a somewhat specific process related to a very specific parcel of property.

Mayor Taylor stated this is the next step in what they hope will be a transformational project at Lakeside Mall. He encouraged people to continue to shop at Lakeside Mall, and while he admitted shopping habits are changing, the mall is continuing, and many of the stores are reporting that their sales are doing well. He noted the restaurants are doing well, and there are more developments along the outer ring of Lakeside Circle. This is a proactive measure for something they hope will benefit the residents of Sterling Heights, the businesses in and around Lakeside, the Lakeside Mall owners and their partners, and the department stores, setting up something that will be viable for the next thirty to fifty years. He stated he is excited about this and looking forward to the next steps. He thanked Mr. Weller, JLL, Inc., and C-III for their partnership in this, noting they could not be here without the guidance of what they want. He clarified it is a private business that owns the mall and they will market it for sale and hopefully sell it to a developer who shares some of
the same ideas as the City. He felt with the traffic counts on Hall Road, the number of households in the area, the disposable incomes, and other factors, he is excited about the opportunities to do something here that has not been done before in Macomb County.

Yes: All. The motion carried.

7. **ORDINANCE ADOPTIONS**
   
   A. Mayor Taylor stated this is to consider the adoption of an ordinance amending Chapter 11 of the City Code to adopt the 2015 edition of the International Property Maintenance Code with local amendments and to enact new regulations governing vacant buildings. He opened the floor for public comments.

   - Ms. Linda Godfrey – multiple-families living in single-family homes; leniency on weed control for properties abutting waterway; opposed to Code Official seeking warrant to enter structures or premises.

Moved by Ziarko, seconded by Schmidt, **RESOLVED**, to adopt the ordinance amending Chapter 11 of the City Code to adopt the 2015 edition of the International Property Maintenance Code with local amendments and to enact new regulations governing vacant buildings.

Councilman Radtke stated he missed the last meeting when this was introduced because he had to work, but he was able to watch the meeting. He questioned under Section 11, Maintenance and Security Requirements for Possible Vacant Structures, Section 4 requires owner to inspect or cause inspection of vacant property and buildings to assure compliance. It indicates they have to perform these inspections on a weekly basis, and if they live more
than thirty miles from the City, they have to hire a property company to inspect it. He questioned what the anticipated fee would be for a property owner to hire a property company to inspect a building.

Mr. Jason Castor, City Development Director, replied that, in certain cases, they may already have someone representing the property who can provide that service for them. He added a listing agent can perform those inspections and keep an eye on the property on a routine basis, so it would be a fee they already have that can be used as a means to take care of the property.

Councilman Radtke assumed they want to make sure the buildings are secured and there are no broken windows or entryways. He was concerned they will be adding a very onerous requirement to building owners for inspection of their buildings. He added he would like to balance it out because he does not want to see buildings in disrepair, but he does not want to place thousands of dollars of inspection fees on building owners. He questioned how they will be enforcing this ordinance, and whether they will require an inspection schedule from the property owner to make sure these buildings are being inspected, or whether they are going to have this in place in the event a building is not being inspected, and then hold it to the vacant property.

Mr. Castor believed it is in the ordinance that if there is an issue, the property owner is to advise the City. If there is no issue, they are not required to notify the City. The City will be assuming they will be conducting these inspections, and when they have an issue, they will alert the City.
Yes: All. The motion carried.

8. **CONSENT AGENDA**

Mayor Taylor indicated this item is consideration of the Consent Agenda, and he invited comments from the audience.

- Ms. Linda Godfrey – Item 8-J; questioned how much it will cost the City.
- Mr. Harry Marchelones – questioned purchase of Ford transit van and pick-up truck for the Police Department.

Mayor Taylor clarified the van is for animal control purposes and the pick-up will be for the K-9 unit.

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 5, 2019, as presented.

B. To approve payment of the bills as presented: General Fund - $1,071,996.34, Water & Sewer Fund - $1,726,212.67, Other Funds - $2,115,760.96, Total Checks - $4,913,969.97.

C. **RESOLVED**, to approve the purchase of a 2019 Ford Transit Van 250XL and a 2019 Ford F-150 XL 4x4 pick-up truck from Gomo Ford, 22025 Allen Road, Woodhaven, MI 48183, at pricing available through the State of Michigan’s MiDeal cooperative purchasing program, contract #071B7700181, at a total cost of $84,741.

D. **RESOLVED**, to award the bid for structured cabling to Weber Security Group, 95 South Rose Street, Suite A, Mount Clemens, MI 48043, at the base bid amount of $54,496.88 and at the unit pricing bid for eight structured cabling runs to be completed in conjunction with building renovations.

E. **RESOLVED**, to accept the proposal by Roncelli, Inc., 6471 Metro Parkway, Sterling Heights, MI 48312, for Agency Construction Management Services at a cost of $1,157,285 and authorize the City Manager to sign all necessary documents on behalf of the City.

F. **RESOLVED**, to:
   (A) Acknowledge and accept the generous monetary donation of $15,334.96 by Buff Whelan Chevrolet, Inc.;
   (B) Adopt the Resolution authorizing the procurement of the 2019 Chevrolet Blazer by the city of Sterling Heights pursuant to the Closed-
End Motor Vehicle Lease and designating the City Manager to execute all transaction documents on behalf of the City.

G. **RESOLVED**, to approve the reduction in the retainage for Dodge Park Improvements, City Project #17-299, to $87,453.81

H. **RESOLVED**, to approve final payment to Italia Construction Inc., 57151 Deer Creek Ct., Washington, MI 48094, in the amount of $38,227.60, plus interest on retainage, for the 2017 Sidewalk Replacement Program, City Project #17-297.

I. **RESOLVED**, to set a public hearing date of April 16, 2019 at 7:00 p.m., regarding the application by the City of Sterling Heights to establish a Commercial Rehabilitation District at 7491, 7575, 7605, 7681, 7739, and 7755 Seventeen Mile Road.

J. **RESOLVED**, to adopt a resolution authorizing City Administration to proceed with the implementation of recommendations necessary to achieve Redevelopment Ready Communities Certification from the Michigan Economic Development Corporation.

K. **RESOLVED**, to receive the lawsuit, Faraj Kanona v Sterling Heights Police Department; 41A District Court Case No. S-19-565-GZ.

L. **RESOLVED**, to receive the lawsuit, Christopher O. Johnson v Sterling Heights Police Department; 41A District Court Case No. S-19-90-GZ.

Yes: All. The motion carried.

9. **COMMUNICATIONS FROM CITIZENS**
   - Mr. Harry Marchlones – water run-off from developments; erosion; encouraged City to work with County; waste water and rain water for future Lakeside redevelopment;
   - Mr. Charles Jefferson – metal detectors in public buildings; green light system for party stores and gas stations; code enforcement for parking lots in need of repair; Detroit Mayor Duggan’s lawsuit against State to lower auto insurance rates.

10. **REPORTS FROM CITY ADMINISTRATION AND CITY COUNCIL**
    Mr. Vanderpool explained that there is not a direct fee to apply for the Redevelopment Ready Communities. There is a cost for the City to go through the accreditation process by way of administrative oversight in reviewing existing ordinances, existing practices, possibly updating some of that material.

    This will pay dividends in many ways, especially for the business community as
they will become eligible for greater incentives at the state level once the City becomes fully certified as a Redevelopment Ready Community.

Mr. Vanderpool commented on stormwater detention, assuring the City has a very rigorous stormwater detention ordinance used with any development. It is similar to Tree Preservation Ordinance or Landscaping Ordinance, whenever a property is developed, the developers must contain stormwater in a number of ways, either through a detention pond, a detention basin, or underground storage, and it can only be released into the system at the rate the site would have naturally drained, so they are not overburdening the watersheds, creeks and rivers. He assured their ordinance is also in compliance with the Michigan Department of Environmental Quality (MDEQ) and also the County’s Department of Public Works office as it relates to drainage.

Mr. Vanderpool addressed the citizen comment about the Green Light System that the City of Detroit has developed. He explained there are mixed reviews on its effectiveness, and it is an expensive program to pass on to businesses. He assured the City works hand-in-hand with their businesses and have a great relationship with them. He noted the business community is manageable in such a way that if they have a concern, they proactively work with them to address those concerns. He added that their Safe City status has not been compromised by not having a Green Light program, although he clarified that does not mean they may not look at it in the future and recommend to the City Council.
Councilman Radtke stated he recently met with Mr. Vanderpool about adding more public art to the City, including having the high schools design the crosswalks outside of their buildings. He suggested these could be in school colors or provide some design in working with the school’s arts department. He felt it would be a nice way to show school pride, and at the same time, it would make the crosswalks safer. He would like the City to prepare a budget amendment for trees, noting there has been a lot of talk about reforestation and planting of trees. He felt the best way to do this is to spend a little money to add more trees to local subdivisions. He proposed an amount of $100,000 each year for five years to buy trees and use these to increase the number of street trees, improving property values. He noted people are upset when new development comes in and trees are lost, so this tree program would help and he felt will gain support of the residents.

Councilman Radtke stated he recently talked with the Police Officers Association of Sterling Heights and he talked about the janitorial issues at the Police Department, and he questioned what is being done to remedy those problems.

Mr. Vanderpool replied that they have allocated additional cleaning services to the Police Department, Court building, Library and City Hall. They are also in the process of developing a Request for Proposal and a rigorous checklist requirement of weekly inspections that not only the janitorial service company will have to sign off on, but also the departmental liaisons responsible for
overseeing the work. He noted in the Police Department, they have to make
sure they have good oversight over the contractor. They have already seen a
significant improvement in the Police Department, and will make sure it
continues to improve, noting he has gone over himself to look at it.
Councilman Radtke noted they have received a report that, over the winter
season, 475 snow enforcement tickets have been issued, which involved actual
fines imposed for sidewalks not shoveled. He apologized to those who
received these tickets but urged everyone to be a good neighbor and shovel
sidewalks.
Councilwoman Koski stated a resident approached her last week and
requested whether Council could look at the firepits ordinance. The resident
expressed concern that, with summer coming, he is concerned about the
smoke they produce. He asked if Council could look at the ordinance and see if
there is anything they can critique on it.
Mayor Taylor provided a brief response to Mr. Jefferson's earlier comment
about the lawsuit against the State of Michigan, filed by Detroit Mayor Duggan.
He is not sure whether Mayor Duggan is looking for other city mayors to join
him in the lawsuit. He stated he personally supports him, feeling what is going
on with Michigan auto insurance rates is outrageous, claiming Michigan's
insurance rates are highest in the nation by a large margin, particularly
impacting the people in southeast Michigan and the City of Detroit. He
commented that many cannot afford it so they are purchasing seven-day
insurance, registering their car and then dropping their insurance. He felt this has to be reformed, and he commented on Michigan Catastrophic Claims Fund and the fact that insurance purchasers in Michigan are forced to purchase unlimited lifetime medical coverage for catastrophic injuries that might happen as a result of an auto accident, and he added Michigan is the only state in the country that requires it. Everyone is subsidizing something that very few people end up needing, and that cost is being placed on the backs of people who cannot afford it, with trial attorneys, the medical industry and the insurance companies the entities that are benefitting. He claimed hospitals are charging up to four times more for a procedure when no-fault insurance is picking up the cost. He assured Mr. Jefferson he will support the fighting of these exorbitant insurance rates, he will talk to his state legislators, as well as Mr. Kaszubski to see if there is anything they can do. Mayor Taylor also thanked Councilman Radtke for some good ideas, especially the school crosswalks.

11. **UNFINISHED BUSINESS**
   There was no unfinished business.

12. **NEW BUSINESS**
   There was no new business.

13. **CLOSED SESSION**
   Mr. Kaszubski stated there are two items for Closed Session this evening.

   Moved by Ziarko, seconded by Schmidt, to go into Closed Session.

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

   No: None. The motion carried.
The Council adjourned into Closed Session at 7:55 p.m., adjourned their Closed Session at 8:19 p.m. and reconvened the Regular Meeting at 8:20 p.m.

Moved by Ziarko, seconded by Schmidt, RESOLVED, to authorize the City Attorney to pursue all available remedies to abate the nuisance conditions and code violations existing at 13503 Montego, 34245 Wilke, and 12103 Fairview.

Yes: All. The motion carried.

Moved by Schmidt, seconded by Ziarko, RESOLVED, to authorize the City Attorney to pursue all available remedies to abate the nuisance conditions and code violations existing at 33166 Ryan Road, Sterling Heights, Michigan 48310.

Yes: All. The motion carried.

14. **ADJOURN**

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

Yes: All. The motion carried.

The meeting adjourned at 8:22 p.m.

________________________________________________________________________

MELANIE D. RYSKA, City Clerk