

CITY OF STERLING HEIGHTS
MINUTES OF REGULAR MEETING OF CITY COUNCIL
TUESDAY, JUNE 7, 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 stated that there are a lot of home remodeling and repair projects taking place now that the summer season is here, and he explained a new program, "Ask an Inspector." He invited Building Official Frank Bayer to explain the program so that residents can be more informed about starting projects and making sure they have their permitting in place.

Building Official Frank Bayer explained that many people turn to social media for answers to their questions about projects around their house, but it is better to call the Building Department to get the correct answers. He assured they welcome questions, and their staff has come up with this program to help. He explained a citizen can make an appointment to sit down with an inspector to talk about their project, and the inspector will go through all the requirements. He added that it is being promoted through the City's Facebook pages, and it is on the City's website. He noted that they have emailed this information to all the managers of the big box stores in and around Sterling Heights so they can advise their customers. They have a partially dedicated phone number that is answered by their staff, and the inspector will call the homeowner, with many questions being

able to be handled over the phone. The program started in April 2022, and they have already had over seventy contacts, with about half resulting in face-to-face visits in their office. Mr. Bayer explained he provided the Council with a sample packet containing a permit application, explanatory material, online brochures containing requirements, a sample site plan, and a fill-in section for a garage or shed where the applicant can fill in the material they are using. He noted they recently reached out to the Chaldean Foundation to promote this on their website, adding that if there is a language barrier with the homeowner, they will arrange to meet at the Community Foundation, who will provide them with a translator. Mr. Vanderpool stated they look forward to more residents participating in this, and he appreciated the Building Department's creation of this program. He noted that the Council has been receiving updates from the City's boards and commissions at each meeting, highlighting the good work they are doing. He introduced Library Director Tammy Turgeon to give a presentation on the Library Board.

Library Director Tammy Turgeon welcomed Library Board Chairperson Chris Frezza, who has been on the Library Board for six years.

Library Board Chairperson Chris Frezza talked about the Library Board and their activities over the last year. He credited the great group of residents serving on this Board, and he explained the Library's mission is to serve as an information center for the community, offering a wide variety of materials and services for education, entertainment, and enrichment in a welcoming and helpful environment. He outlined their numerous goals. The Library Board supports the Sterling Heights Public Library's mission and goals for providing feedback to the Director regarding library services and programming by approving library policies and connections with the community on behalf of the library. He explained their Board members volunteer at SterlingFest, Friends of the Library Water Sale, and they volunteer for special sales at the Friend's Book Store. Mr. Frezza highlighted the major sources of funding, including the Friends of the Library's donation of

over \$30,000 to pay for all the library's programs through the year, maintenance of the aquarium in the youth services area, additional e-books, and maintenance of the Children's Garden. They also receive support from Vibe Credit Union, the Sterling Heights Community Foundation, and the Sterling Heights Kiwanis for the summer reading program. They also receive support from Meijer and Macomb Bike for the new bike lending program. Ed Piet, a Sterling Heights resident, also contributes individually to the Anne Marie Given International Language Collection. Last year, residents donated over \$5,000 for additions to the library's collections through memorial and honor book donations. He explained their major undertaking this year is the Library's Strategic Plan, and the Library has hired Rethinking Libraries to guide them through this process. Residents will be provided with the opportunity to attend Focus Groups on August 8, 9, and 10, with a survey available in July online and in print. There will be a retreat in September, and a final report issued in October. He emphasized they are excited about their new bike-lending program starting this week, where residents 18 years of age and older can borrow a bike for two hours using their library card. The summer reading program also started this week, and all ages are encouraged to sign up.

Mr. Vanderpool thanked Ms. Turgeon and Mr. Frezza for their presentation, noting the work going on in the library is very impressive. He explained he has one more presentation this evening as part of his report, and that is from DTE Corporate and Government Affairs Regional Manager Phillip Whitman. He added they will be highlighting a subdivision off Utica Road that will be seeing some major work in the ensuing months to correct some problems those residents have been experiencing.

DTE Regional Manager Phillip Whitman introduced DTE Supervising Engineer Nick Paglia of the Northwest Regional Coverage Group. He talked about their summer readiness and how the weather affects it. He reviewed data from the National Oceanic and Atmospheric Administration, showing the extreme weather and storm events and how they have been occurring more frequently and with greater

intensity since 1960, when the average wind gusts were ten miles per hour. Those gusts have gradually increased to an average of thirty miles per hour in 2020. Over the last decade, DTE has experienced twenty-one CAT-1 (Catastrophic Level 1) storms, where five percent of their customers throughout Michigan are without power, and the outage lasts an average of 3.7 days. They had experienced eight CAT-2 storms, where there are at least ten percent of their customers without power and the outage lasts an average of 5.2 days. He stated they had more storms in 2021 than they have ever experienced, but they are treating it as the new normal, resulting in increased staffing of their readiness team. The number of days between storms has also drastically decreased, and those days are important for them to be able to do their major repairs. They “restore before repair,” so many of their restoration efforts are temporary solutions, and they use the time after electricity is restored to make the permanent repairs. He explained the different categories of storms.

Mr. Nick Paglia explained that a “blue sky” day is a normal day with no significant weather events. “Gray sky” may involve a little rain but not too windy, and “storm and gray sky” would be a day with a decent amount of rain and high winds. On the latter days, they stop all their normal work and focus on restoration of power.

Mr. Whitman showed a 2021 calendar depicting the types of days, pointing out all the “storm and gray sky” days they had, adding they have never had that many storms in such a short period. He spent some time explaining the basic electric service and how it is generated, transmitted, and distributed.

Mr. Paglia pointed out that, although his team of distribution planning engineers are only responsible for the area depicted in red, it does not stop them from looking outside of that red box, so if they determine there is a problem outside of it, they will do whatever it takes to fix it. Mr. Paglia showed an overview map of Sterling Heights and the location of the fourteen general purpose substations that serve the City’s residents, businesses, and light industry, adding that they do not stop at the borders, so it is possible for a substation to serve more than one

community. The white spaces in the middle of the map represent the locations of Sterling Heights Assembly Plant (SHAP), Ford Van Dyke, General Dynamics, etc., where they have their own substations. He talked about sustained outages (anything greater than five minutes in duration) and momentary outages (anything less than five minutes in duration), with the latter being the cause for more of their complaints, especially as more people are working from home. A list of the high-risk circuits was shown, and they go out more frequently. He assured that they work on these, and the good thing is once they are resolved, they “fall off” of the high-risk list, so a “trouble” circuit today may not be a “trouble” circuit six months from now. He noted they met with Mr. Vanderpool late last year with a different set of trouble circuits, but they have seen significant improvement on those, so they are no longer on this list. They are experiencing trouble in the Meadowview Subdivision, located off Utica Road, south of Plumbrook, served by the Bismarck Substation at the northwest corner of Clinton River Road and Schoenherr. He explained that the infrastructure of all new subdivisions is required to be underground, and in this case, there were several instances of underground cable failures, so they are working towards replacing it. It is currently in the engineering phase, will be issued to their design teams in June, with construction beginning no later than 2023, and they will be doing additional tree-trimming for any of the overhead wires that feed into the underground wires.

Mr. Whitman highlighted some of the investments they are making, including along the Mound Road project, as well as a substation near Lakeside Mall. He added they have trimmed trees along approximately sixty miles in each of the last three years in the City of Sterling Heights.

Mayor Taylor opened the floor for questions from Council members, but there were none.

Mayor Taylor appreciated that the representatives from DTE took time to be here tonight to provide this update to their residents.

Mr. Vanderpool assured that they will continue to collaborate with DTE on behalf of their residents and businesses whenever they hear of problems across the community. He stressed they appreciate the collaboration they have with DTE, and he thanked Mr. Whitman and Mr. Paglia for being here this evening.

Mr. Vanderpool concluded his report by requesting, at the conclusion of tonight's meeting, that Council convene a Closed Session pursuant to Section 8(H) of the Open Meetings Act for Council to consult with the City Attorney regarding two confidential written legal opinions.

6. PRESENTATIONS

A. Mayor Taylor stated this to acknowledge and accept a donation of \$32,206 to the City of Sterling Heights for the purpose of funding the purchase of a Harley Davidson police motorcycle for the Police Department. He invited Police Chief Dale Dwojakowski to give a presentation.

Police Chief Dale Dwojakowski stated this is most likely one of the largest donations they have ever had to the Sterling Heights Police Department. They are graciously accepting it and will be purchasing a new Harley Davidson motorcycle in the name of retired Sgt. Daryl Brown, made possible by Sgt. Brown's brother, Lloyd Brown, and Sgt. Brown's son, Dylan Brown. He explained that Sgt. Brown was a retired 26-year veteran of the Sterling Heights Police Department, and he was killed on December 21, 2018, after being struck by a motor vehicle while crossing a street in downtown Detroit. He noted the motor vehicle was operated by an intoxicated driver, and Sgt. Brown's tragic death was a shock and loss for everyone who knew and loved him. Lloyd Brown is making a monetary donation to fund this purchase for the use of the Police Department in loving memory of his brother, Daryl. He provided some information on Daryl's career and memories the department has of him. He had an extraordinary career, with seven letters of citation, fourteen commendations, thirty-four different awards, twenty citizen letters, and he worked in the Patrol Division, Narcotics Division, and Traffic Division. He explained they will have a dedication later in the summer after the motorcycle is purchased and put together, and they may even have a "fun ride"

through the City, led by the new motorcycle with Sgt. Brown's badge number on it. He presented a plaque of recognition to Mr. Lloyd Brown in appreciation for his generous donation of the motorcycle in loving memory of his brother, and he thanked him for this donation.

Lloyd Brown, brother of retired Sgt. Daryl Brown, who served the City for 26 years. He recognized the family members and close friends present. He stated his brother loved his job and, ironically, had arrested a lot of drunk drivers during his career. He had an enthusiasm for motorcycles, and he shared some of his memories of his brother. He stressed they are extremely appreciative of the Sterling Heights Police Department and their continued support of Daryl's family. He thanked Chief Dwojakowski and the entire department for all they have done. He added he is proud to be able to make this donation, and the motorcycle is the "latest and greatest" with extra safety features and better handling. He emphasized he is doing this in his brother's honor.

Dylan Brown, son of Sgt. Daryl Brown, thanked the police for all they are doing for everyone. He stated he is proud of his dad and of his Uncle Lloyd.

Mayor Taylor thanked Lloyd Brown, assuring they could not have asked for a better police officer or ambassador for the City of Sterling Heights. It was devastating to the entire Sterling Heights Community when Daryl died, but he added that they are a strong family. They are happy to have them and continue to honor Daryl's legacy in Sterling Heights. He thanked them on behalf of all the residents of Sterling Heights, pointing out that for twenty-six years, Daryl put his life on the line to protect the residents of Sterling Heights.

Moved by Sierawski, seconded by Yanez, **RESOLVED**, to acknowledge and accept the donation of \$32,206 to the City of Sterling Heights to fund the purchase of a Harley Davidson police motorcycle for the Police Department and thank Mr. Lloyd Brown for his generosity.

Mayor Pro-Tem Sierawski stated the Browns have been very good friends of she and her husband, and his loss was devastating. She added she is very proud of the way his wife handled this tragedy and how she continues to raise their two children. She thanked Lloyd for this donation in his brother's honor, and added

they will continue to honor him, referring to him as a “sweet guy” who made everyone feel special.

Councilwoman Ziarko thanked the Brown family for this generous donation, and she stressed that Daryl will always be a part of the Sterling Heights family even without the motorcycle. She is grateful for his service and friendship, and she referred to him as an unforgettable person. She stressed they are very appreciative for that donation in his name.

Mayor Taylor thanked the Brown family on behalf of the Sterling Heights residents, and he thanked Judge Jennifer Faunce for sharing Daryl with the City when he was working in the Police Department. He commended Dylan for doing a great job, adding that his dad would be incredibly proud.

Yes: All. The motion carried.

7. **ORDINANCE INTRODUCTIONS**

A. Mayor Taylor stated this is introduce the final amendment to the Appropriations Ordinance for the 2021/22 fiscal year. He invited Finance and Budget Director Jennifer L. Varney to give a presentation.

Finance and Budget Director Jennifer L. Varney explained that toward the end of the fiscal year, the Budget office prepares a final amendment to the Appropriations Ordinance to estimate how they expect to finish the fiscal year. She stated that for fiscal year 2021/2022, General Fund revenues are projected to come in \$3.6 million, or 3.2 percent, higher than originally budgeted. She showed a chart summarizing the main revenue variances. They are seeing a decrease of approximately \$770,000 in property tax revenue, primarily related to the companies that did not file their EMPP paperwork, so they did not get the manufacturing property credit that they are used to getting. Two of the companies are quite large and they did not pay it. It is personal property tax that is not bought by the County like real property tax, so it is uncollected at this time. She noted a Senate bill has passed that would allow the companies a one-time chance to file their paperwork retroactively, and the City and other taxing jurisdictions would be reimbursed the money. She anticipated they will recover

this revenue, but unlikely by June 30. She noted permit revenue is down slightly, and the Personal Property Tax reimbursement they receive every year in May was \$3.7 million. Since they do not know ahead of time how much they will be receiving, they do not use this money to fund operations, but instead use it for capital expenditures. State-shared revenue was higher than anticipated because sales tax revenue is coming in higher. They are estimating this level for the next two fiscal years. Charges for services is down by about \$345,000 primarily due to less engineering revenue and cross charges from the major local road fund. Fines and forfeitures increased by about \$230,000, mostly from court fines, or ticket revenue, due to a renewed emphasis on traffic enforcement.

Ms. Varney explained that General Fund Expenditures are about 2.5 percent greater than budgeted, and these include one-time transfers to major roads, capital projects, and self-insurance, all funded through the Tier 3 property tax reimbursement. The Fire Department is approximately 2.8 percent over budget, primarily due to overtime because of an unusual number of absences this year, including 2,500 hours related to Covid illnesses, 3,200 hours of family medical leave, and 1,600 hours related to injuries. They will be seeking reimbursement from FEMA for the overtime caused by Covid-related illnesses. Fuel costs were higher than expected due to higher gas prices. All the other departments came in under budget, with one of the main reasons being the timing of hiring people. She noted the seven new police officers were budgeted to start on January 1, but they were just hired about a month ago. It has been taking longer to replace and hire new employees. She stated they will be adding about \$758,000 to Fund Balance for the current fiscal year, which is better than anticipated. This will bring their General Fund balance to just under twenty-eight percent of expenditures at the end of the fiscal year. She noted the budget for the other city funds in total increased by approximately \$6 million, primarily due to the Ryan Road concrete repairs approved by City Council on April 19, funded through the American Rescue Plan. They have additional road projects, including Hayes Road resurfacing and

the advanced funding of the 2022 road reconstruction program. Capital projects included the purchase of the additional ambulance approved by City Council in December, and the advanced purchase of a pumper budgeted in 2023, also approved by City Council. Funds coming in lower than expected include the Sidewalk Repair program and the Sewer Televising project, but these are delayed to fiscal year 2023. A reduction in Parks and Recreation expenditures is due to timing of hiring and savings on contracted services and utilities. The CDBG fund also came in under budget, but that funding will roll forward to the next fiscal year. Ms. Varney concluded that this is the first reading of this Ordinance, scheduled for adoption at the June 21, 2022 City Council meeting.

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

Moved by Ziarko, seconded by Schmidt, **RESOLVED**, to introduce the final amendment to the Appropriations Ordinance for the 2021/22 fiscal year.

Yes: All. The motion carried.

B. Mayor Taylor stated this is to consider introduction of an ordinance amending Chapter 53, Article 1 of the City Code to update billing protocols and calculation of capital charges for the water and sewer system. He invited Finance and Budget Director Jennifer Varney to give a presentation.

Budget and Finance Director Jennifer Varney stated the amendments to the Water and Sewer Ordinance include changes to the calculation of capital charges paid by developers, as amended by Raftelis as part of the Water and Sewer rate study that was completed about a year-and-a-half ago. The changes affect developers and represent best practices for a redeveloped community such as Sterling Heights. In almost all cases, the new fees will result in reduced cost. She added that the amendment also codifies the changes in monthly water billing to all customers currently being implemented and cleans up language. She concluded that this is an introduction of an amendment that is scheduled to be adopted at the next City Council meeting, and she stated she, along with the City Attorney, is available to answer any questions.

Mayor Taylor opened the floor for questions from the audience, but no one spoke.

Moved by Sierawski, seconded by Schmidt, **RESOLVED**, to introduce the ordinance amending Chapter 53, Article 1 of the City Code to update billing protocols and calculation of capital charges for the water and sewer.

Councilman Radtke questioned why Raftelis would recommend that fees should be lowered, and he questioned who will make up the difference.

Ms. Varney explained that the current fee structure is more for a developing community, and it was originally set up for developers to buy into the system that already existed. Since this community is now developed, it makes developers buy into a system that someone had already bought into at the time the original project was developed. She clarified that they will also be basing the charges on the size of the meter, as opposed to square footage, which is a more accurate representation of how much water the development will use. Ms. Varney further clarified they have never included the capital charge revenue in their rates. She noted it increased fund balance and gave them a way to fund some projects without raising rates.

Councilman Radtke did not understand why they are rolling back the capital charges for creation of new or redeveloped parcels if that will cost residents more in the long run. He stated he is more comfortable with developers rather than residents paying those fees.

Ms. Varney explained that, through the rate study, the City Attorney, and the team that worked on this, they believe this is a more equitable way to distribute the fees and is more representative of a redeveloped community. She emphasized there must be a reason to charge the fees that makes sense, and this calculation recognizes that a redevelopment has less impact on a system than the original development, which was already paid for to buy into the system.

Councilman Radtke commented that the word "equitable" throws him, because when they made water rates more equitable, the people at the lower end had to pay more, and the people at the higher end paid less. He is fearful that this will result in residents paying more.

Mayor Taylor recalled there was an attorney suing cities for water rates, using the argument that when cities or townships were charging a portion of their water rates that did not go directly into providing the service but were saved for a "rainy day fund," that was essentially a "tax." This system must act as a service provider and not a tax. He questioned as to whether those lawsuits were essentially about the collection of that money.

Ms. Varney responded that they are allowed to build up fund balance as part of their rate structure, but it must be reasonable. She explained the City of Sterling Heights recognized depreciation in the financial statements, which is about \$6 million per year; however, she understood in the Shelby Township lawsuit, that was included as a cost when calculating their rates, but they also raised rates to build the system. They were basically charging on both ends. She stressed they need to build up fund balance to address the ebbs and flows of water usage, but it needs to be a reasonable amount, and it then needs to be used to fix pipelines without charging the residents once again.

Mayor Taylor understood they cannot shift the burden to one group or another, but there must be an approximation of what the service actually costs to bill it.

Ms. Varney confirmed there must be a basis for the charge. A capital charge is supposed to represent buying into the water and sewer system. When a property is originally developed, the developer is buying into the system; however, when someone comes in to redevelop the property, the prior developer already bought into the system, so the only amount billed should be their additional impact on the system, which is best represented by the size of the meter.

Councilman Radtke questioned whether their current fee structure is defensible in court.

Mr. Kaszubski replied no because the current fee structure was set up for a developing community. He indicated Raftelis did a water rate study and based on the status of this community, a rate structure shift needs to be done going forward. It is about right sizing the amount of the charges so a developer would get a credit

for prior purchases in the past, which is something they have done, but going forward that will be based on the size of the meter rather than by square footage. Councilman Radtke cited a new single-family development as an example, which goes from a \$40,000 fee to a \$7,900 fee, yet he pointed out that is not a redevelopment but is a new development. He is glad they are shifting to redevelopment, but he felt the new fee structure needs to be “flushed out.” He felt it is unfair that for people who have been paying these fees for fifty years, there is a sudden shift resulting in some people paying less and others paying more.

Yes: All. The motion carried.

C. Mayor Taylor stated this is to consider introduction of a map amendment to Zoning Ordinance No. 278 to conditionally rezone property situated on the east side of Schoenherr Road, between 14 Mile and 15 Mile Roads, in Section 36, from O-1 (Business and Professional Office District) to RM-3 (Multiple Family Mid- and High-Rise District); Case PZ22-0002 – Phil Ruggeri on behalf of Gallo Companies, LLC. He invited City Planner Chris McLeod to give a presentation.

City Planner Chris McLeod explained this is the potential introduction of a conditional rezoning application for the subject property from O-1 to RM-3. The property is currently vacant, and the applicant is proposing a single apartment building with fifty-four two-bedroom units and thirty-four one-bedroom units. Parking is located along the sides and back of the building, and a recreation area with a playscape has been included in the rear yard setback area. There are some recreation or open space areas within the enlarged parking lot islands. He showed the zoning scheme of the surrounding area, as well as the current uses of the abutting properties. He stated the Master Plan designates this property as local commercial, but he noted the local commercial designation does call for additional multiple-family units or residential units on upper stories of commercial buildings, suggesting the introduction of multiple-family in some of these areas. He showed the revised plan the petitioner submitted after the Planning Commission meeting, noting that the petitioner took to heart the comments and

considerations put forth by the Planning Commission members, and reduced the number of units by four. He explained when this was presented to the Planning Commission, there were originally ninety-two units, and that total has been since reduced to eighty-eight units. The amount of open space has also been increased along the back of the property, the size of the playscape has increased, the parking lot islands have become somewhat of a recreational space, and they have significantly increased the amount of landscaping from their original proposal. He showed the architectural rendering, with two-thirds of the building being brick and burnished block, and the third floor intermittently uses vinyl-sided product and peaks within the roof system. He showed architectural renderings from various angles, as well as the parking lot islands. He explained the revised plan addresses several the site plan review comments. Mr. McLeod noted that, although the Master Plan designation calls for commercial development, it does begin to open the door for residential, and one of the concepts the City has used in some areas is using multiple-family residential as a trigger for redevelopment for mixed use in a larger concept, which may be the case in this instance when looking at the south from this property to the corner of 14 Mile and Schoenherr. Mr. McLeod reviewed the variance requests that are being requested as part of the overall development, noting that a conditional rezoning agreement allows for the developer to request variances as part of the entire package. He explained that the Planning Commission and City Council can ultimately determine whether the variances are appropriate, and no Zoning Board of Appeals action is necessary because the variances are part of the package. He pointed out that multiple family residential is a use that this area of the City needs, so it becomes a question of whether this is a catalyst for future development and whether Council feels this is an appropriate location. They can determine whether this proposal at this density or at a lesser density may help solve that equation. He offered to answer questions the Council may have.

Phil Ruggeri, representing the petitioner, made a presentation on this request. He introduced the team present this evening and added that the petitioner, Tony Gallo, has developed the Sterling Landings at 15 Mile and Van Dyke, as well as a development on the west side of Schoenherr, south of Hall Road, currently under construction. He stressed that he wants to continue with his apartment developments and has several other developments underway in neighboring communities. His projects are clean, well-run, and well-managed, built the right way, have curb appeal with plentiful landscaping, and he is meticulous with his projects. Mr. Ruggeri distributed a hand-out outlining the changes they have made to the plans in response to the concerns of the Planning Commissioners and residents expressed at the Planning Commission meeting. He noted the Planning Commission vote was 5 to 3 to recommend denial; however, there were a lot of suggestions made as to why they arrived at their decision, so Tony Gallo and his team took every comment made by the Planning Commission and residents and made changes to address every one of those items, including reduction of units from 92 to 88, reduction of parking in relation to the lower number of units, which allows for more landscaping and open space, and increased the rear yard setback. He noted the side yard setback stayed the same, but he pointed out that the portion of the building to the east has no windows overlooking the adjoining neighbors. He emphasized they increased their recreation area from 6,481 square feet to 16,506 square feet, which is more than double the size, and their playscape was also increased in size. He itemized new amenities that have been added, including additional landscaping and trees that create a greater buffer along the neighboring residential area. They have decreased the lot coverage to twenty-three percent of the site, they have specified a masonry screen wall along the east property line per the City's request, and they have modified the building roof line to include a hip roof on the east side of the building.

Mr. Ruggeri explained that this parcel has been vacant and is mixed in between commercial and office. He recalled a doctor had proposed a surgical center at this

site a few years ago, but it never materialized, and no other proposals have been submitted to the City for this site, indicating to him that the need for office is non-existent for this area. He emphasized that Mr. Gallo has been very aggressive in recent years with his apartment developments and has a knack for finding parcels such as this to create new purposes for them. He stressed there is a big need for rental use developments, and nationwide, they are far behind in the development of a sufficient number of rental units to meet demands. He did not feel they will satisfy everyone in the neighborhood on every issue that has been raised, but he felt they have done a great job with their team to bring a high-quality product in this development. He pointed out their proof is in the developments Mr. Gallo has already constructed, citing Sterling Landings, where much more landscaping was added. He added he has also installed some very good security systems. He stressed that a conditional zoning proposal locks all the plans, so what has been presented is locked into a contract rather than just a proposed concept. He felt this is a good transitional use between the uses that currently exist in the area, and they are confident this project will be very successful in the community. He offered to answer questions.

Mayor Taylor opened the floor for public comments.

- Ken Nelson – concerned about the direction of development in Sterling Heights; felt this is too large for the parcel; it was recommended for denial by Planning Commission and they did not have opportunity to look at the plan with the changes; neighbors were in opposition; concerned about too many variances; also concerned that City Council can pass this without any of the variances going before the Zoning Board of Appeals; referred to this as “quid pro quo” if approved tonight.
- Ben Orjada – expressed his concern that the City needs affordable housing for people on single incomes so they can continue to live in the city where they grew up; if this project extends access to affordable housing for people of lower incomes, he requested City Council support it.

Moved by Yanez, seconded by Radtke, **RESOLVED**, to deny introduction of the map amendment to Zoning Ordinance No. 278 to conditionally rezone property situated on the east side of Schoenherr Road, between 14 Mile Road and 15 Mile Road, in Section 36, from O-1 (Business and Professional Office District) to RM-3 (Multiple Family Mid- and High-Rise Districts), Case PZ22-0002.

Councilman Yanez stated he does not know what they will be doing with the properties zoned O-1, but he felt they will need to make difficult decisions. He

stressed they need affordable housing, and although this development backs up to residential on the east side, there is a significant wall. They have increased the green space, and he felt this seems to be the best option that has been offered for this site in a long time.

Mayor Taylor questioned whether Councilman Yanez wants this project to be developed or whether he is opposed to this project.

Councilman Yanez replied he is in favor of this project, and he rescinded his motion to deny.

Moved by Yanez, seconded by Taylor, **RESOLVED**, to introduce the map amendment to Zoning Ordinance No. 278 to conditionally rezone property situated on the east side of Schoenherr Road, between 14 Mile Road and 15 Mile Road, in Section 36, from O-1 (Business and Professional Office District) to RM-3 (Multiple Family Mid- and High-Rise Districts), Case PZ22-0002.

Councilman Yanez stated his previous comments on the project still stand.

Mayor Taylor commented that he was surprised to see this project recommended for denial, so he added it was confusing.

Councilman Radtke questioned whether this property was originally zoned C-1 or C-2 prior to being rezoned a few years ago for office use to allow a surgical center.

Mr. McLeod replied this was already zoned for office when the Pioneer Medical Center was brought forward.

Councilman Radtke recalled that the property was originally zoned commercial and was rezoned to office.

Mr. McLeod did not believe it was originally zoned commercial, and he offered to go back and check the history of the property. Pioneer Surgical Center, which is currently developed on Van Dyke, was originally proposed for this location. The property is still zoned office, and that is why Mr. Gallo is proposing to rezone it from office to multiple family residential.

Councilman Radtke commented that the Planning Commission's recommendation was correct, noting it is a large development with a large parking lot on a small parcel. He counted ten variances, and although it is good that it is on Schoenherr, but he did not feel it is a high-quality development. He recalled

they have had problems with crime on Mr. Gallo's properties in the past, and expressed concern, even though they have addressed it. He did not feel this development will solve the affordable housing crisis in Sterling Heights, so he will be supporting the Planning Commission's recommendation.

Mayor Pro-Tem Sierawski questioned whether the Planning Commission denied the original application prior to all these changes being made.

Mr. McLeod replied affirmatively, noting Mr. Gallo took the comments from the Planning Commission's denial and amended the plan. He confirmed that the Planning Commission has not seen nor acted upon these revised plans.

Mayor Pro-Tem Sierawski questioned whether these changes made were in direct response to the Planning Commission's denial.

Mr. McLeod replied that, as Mr. Ruggeri had indicated, it was their attempt to take the Planning Commission's concerns to heart and to try to address those comments. Whether they completed satisfied the Planning Commissioners' concerns is something to which they would have to respond; however, each one of the comments that the Planning Commissioners made has, in some way or another, been touched.

Mayor Pro-Tem Sierawski inquired as to whether Mr. McLeod felt their concerns were somewhat addressed.

Mr. McLeod replied the simple answer is yes, although whether it is enough because it is still deficient based on ordinance requirements, is a matter of opinion. He felt that density is still the largest looming question, and whether going from ninety-two units down to eighty-eight units is a sufficient decrease to reduce the variances needed. He pointed out that as the density goes down, the variances either get much smaller or go away because most of the variances are largely based on density.

Mayor Pro-Tem Sierawski noted that the recreation was increased by 10,000 square feet, which is a large area. She appreciated Mr. Gallo's success in reaching some of these compromises, acknowledging that there have been a lot of

changes. She understands that the Planning Commission did not see these changes, and they may have had a different recommendation had these changes been in front of them. She is pleased to see a wall between a high-density area and a residential area, so she appreciates the wall along the eastern boundary. She pointed out there are four residents who abut this property, but there are a lot of residents in this neighborhood who abut many of the other commercial properties that do not have the opportunities to have a wall. She inquired as to whether the other commercial properties in the area are required to provide walls between their businesses and abutting residentially zoned property.

Mr. McLeod believed most of them do, noting that is a requirement of the ordinance when commercial property touches residential property.

Mayor Pro-Tem Sierawski commented this could be a good project, and she does not begrudge Mr. Gallo from trying to develop a vacant piece of property that has remained undeveloped with something that could be a good product. She added that, even though it was on a different development, she does not begrudge him the fact that he was unable to evict certain residents, even though he tried. She felt having multiple family development adjacent to single family residential is better than having a commercial property abutting residential. She stated she is in favor of the proposed development.

Councilwoman Schmidt questioned whether he received a list of the revisions to the plans prior to tonight's meeting.

Mr. McLeod replied they received commentary prior to tonight, and he assured the applicant has been very forthright in the changes they made.

Councilwoman Schmidt did not feel it is reflective in their back-up material.

Mr. McLeod explained his memo should largely reflect these changes.

Councilwoman Schmidt stated she is not concerned about all the variances, such as the amount of parking or the sign, but she is concerned that, although the recreational area was increased to 16,506 square feet, it still falls extremely short

of the 46,000 square feet required. She added she does not like the fact there is no sidewalk.

Mr. Gallo replied to inquiry there is a seven-foot greenbelt between the building and the sidewalk. He understood Councilwoman Schmidt's concern about the amount of recreational space, but he pointed out that when they are developing in an established community, they do not have the luxury of purchasing forty or fifty acres of land on which to develop, and that is why they run into some of the developmental issues they have. He pointed out they reduced the unit count.

Mr. McLeod replied to inquiry that his memo was included in the Council packet. Councilwoman Schmidt appreciated the fact that they added to the rear yard setback, but she is surprised none of the abutting neighbors showed up for tonight's meeting.

Mr. Gallo stated there were three or four residents who spoke at the Planning Commission meeting, and he and his team took their comments into consideration as well when making their revisions to the plan. He added they were shocked to hear that it was being recommended for denial, because when the Planning Commission was voting, there were comments to the effect that if "this or that" was changed, they would consider it; however, the motion to deny was already on the floor and roll call was called. He assured they have tried to address everyone's concerns. He explained they currently have 361 apartment units currently under construction in different communities, and they are committed to building multiple family residential developments for people to live and thrive in. He stressed his favorite community in which to develop is Sterling Heights, adding that the City has been great to him, and he has a lot of other projects in the works. He hopes he and his team will earn the Council's support, and he promised they will do a good job.

Councilwoman Schmidt watched the Planning Commission meeting and could see what was going on. She understands that Mr. Gallo does a quality job on his

developments, and although she has some concerns, she indicated she will listen to what her colleagues have to say before making her decision.

Councilwoman Koski referred to mention in the planner's analysis that a ten percent reduction in the number of units would bring the site in compliance with density requirements. She inquired as to whether they are talking about reducing it down to seventy-nine units.

Mr. McLeod replied if it was reduced to eighty units, although it may not meet the density requirements perfectly, as the number of units is drawn down, it will eliminate or greatly reduce the variances needed.

Councilwoman Koski requested an idea of how close a reduction to eighty units would bring the property into compliance with the ordinance.

Mr. McLeod replied the factor of whether they are dropping two-bedroom or one-bedroom units makes a difference in the calculations.

Councilwoman Koski suggested for the purposes of calculations that they reduce the development by five one-bedroom units and five two-bedroom units. She questioned the difference in parking, rear yard setback, side yard setback, and front yard setback.

Mr. McLeod replied that if those units came off and the building shifted slightly back further to the east, he imagined the front yard setback could be met. They would reduce the need for twenty-plus parking spots, and he suspected that if the calculations would be approximately two parking spaces per unit, they would be in a good range. The required recreation space would drop approximately 4,000 square feet, and conversely, they could possibly increase the recreation space with some of the square footage they are gaining in the reduction of units. He reiterated that, while the numbers may not be perfectly in check, the variances would be much smaller.

Councilwoman Koski questioned whether it would bring the site into something the Planning Commission could live with.

Mr. McLeod stated that, while he cannot speak for the Planning Commission, he felt that the Planning Commission felt there was too much development on this piece of property. If they work backwards and reduce the density, those concerns are alleviated somewhat by reducing the pressure on the property, reducing density, reducing the required amount of parking, while increasing the potential for greenspace.

Councilwoman Koski inquired as to whether Mr. Gallo would be willing to reduce the density to eighty units, and whether he would still be able to make a profit.

Mr. Gallo replied that their typical business plan is one hundred units or greater per development. He stressed that construction costs have significantly increased, as well as the availability of materials. It would be very difficult to make the numbers work with less than the eighty-eight units proposed. He stressed they made their best effort to reduce their development from ninety-two units down to eighty-eight units, so they are hoping to get their plan approved with the eighty-eight units.

Councilwoman Koski stated she has a hard time with eighty-eight units on that property because she does not feel it is a large enough parcel to accommodate that number.

Mr. Gallo explained if they were to reduce one wing of the building, it would be a reduction of six one-bedroom units, bringing them to eighty-two units. They would gain about twenty-two additional feet to the rear, so they could shift the building. The next reduction after that would be another six units, bringing it down to seventy-six units, pointing out that they must reduce in six-unit increments.

Mr. Ruggeri confirmed with the architect and engineer that they could reduce it by six units but could not eliminate any more than that.

Mr. Gallo referred to Mr. McLeod's earlier statement that the Planning Commission is satisfied with 1.85 to 1.90 parking spaces per unit, and they are at 1.90 spaces per unit.

Councilwoman Ziarko trusted that Mr. Gallo and Mr. Ruggeri will present their best offer and do what is right for the City. She agreed about the concerns with the density, but she questioned on what date Mr. Gallo was denied by the Planning Commission, and how long he will have to wait before he can go back to the Planning Commission with a revised proposal.

Mr. Kaszubski replied that City Council could remand it back to the Planning Commission for further consideration based on the changes that were made, so that is an option where they could go back immediately. If it is denied by City Council, they would have to wait about a year before they can go back to the Planning Commission.

Councilwoman Ziarko noted there is undeveloped property behind the Auto Parts Store, and she questioned whether they own it and would be willing to sell it.

Mr. Gallo replied Auto Parts owns it and is not willing to sell. He explained they tried to buy it, and they also tried to buy the shopping center at the corner of 14 Mile and Schoenherr, but that was denied as well. Mr. Gallo explained a problem they have is that they are under contract to purchase the subject property, and their contract expires. They were unfortunately tabled a couple of times, and with all due respect, they are at the point where they either must move forward or regretfully cancel the contract. He stated if the Council is asking for an additional concession, they would be willing to reduce the density to eight-two units, eliminating six (6) one-bedroom units, and that additional space would be added to the rear to increase the recreation space. He stressed that is all he has left to give.

Councilwoman Ziarko felt it should have been postponed at the Planning Commission and it was not, but she would be more comfortable with this going back to the Planning Commission so they can look at the revised proposal and make their recommendations back to Council on that. She understands the timeline and wishes Mr. Gallo luck on extending it.

Mr. Gallo stated they will cancel it if it comes to that.

Mayor Taylor stated he is not sure who the City is protecting, noting they are debating on square footage of recreational space, but he questioned who they are protecting. He did not feel they are protecting the three homes in the back, because there is no one here tonight objecting to it. He noted they are not protecting the general public because it will not affect anyone living any distance from the development; however, by denying this proposal, he only sees losers, who are the eighty-eight families who need a place to live. He emphasized they are in a severe housing crisis, and they will continue to build housing for thirty years and not catch up. In this area, housing prices are skyrocketing and pricing people out of the market, so he felt they have a moral obligation as elected officials to do what they can to help people get into houses. Mayor Taylor questioned why Mr. Gallo would extend himself and lose money on the project when he has employees, family, and people who rely on him to take on projects to pay the bills. He can only take on projects that make financial sense. Over time, as the housing stock increases, the prices will come down, making housing more affordable. He stressed this housing will have a domino effect and provide upward mobility for "everyone on the ladder." If they do not approve this, he felt they will have an empty plot of land that will not be developed. He inquired as to whether Mr. Gallo feels he will have anyone interested in moving into this apartment complex.

Mr. Gallo replied that the two hundred units they just completed in this community are one hundred percent occupied, and that took less than five months. They just completed one hundred and thirty-two units in Chesterfield Township, and they are one hundred percent leased. He agreed with Mayor Taylor that there is a major building crisis, a supply issue, an inflation issue, and it is real. They are working on one hundred and five townhomes in Shelby Township, and they have a waiting list of two hundred and sixty residents bidding on those. He assured if they are allowed to build this development, they will do a great job and will be great neighbors. He assured the units will be leased immediately, and they will get new residents in this community.

Mayor Taylor noted that when one of Mr. Gallo's developments experienced crime at 15 Mile and Van Dyke, Mr. Gallo positively responded in a way he has never seen from any other developer or stakeholder. He explained that if these eighty-eight units are constructed, they will most likely not be housing the homeless, but they are giving upward mobility to people, so they are giving families who may be in other less desirable areas, possibly with higher crime and less desirable schools, the opportunity to move up a little bit. They can find more prosperity, better schools, and safer neighborhoods for their families. He stressed this is a way to bring people up, and he cannot see a downside to doing this. He encouraged his colleagues to tell him who is losing by building more housing.

Councilman Yanez questioned whether anything has ever existed on this property.

Mr. McLeod replied that, to his knowledge, there was never a development on this site.

Councilman Yanez questioned why the surgical building that was originally proposed for the subject site was moved to a location on Van Dyke.

Mr. McLeod replied he is not aware of the reason. Often the location is selected based on the number of motorists who pass by the site, but generally a surgical center is generally more of a destination, so he does not know the specific reason.

Councilman Yanez pointed out the building just to the north of this property used to be a Henry Ford medical suite, and it now has a lot of vacancies. He questioned how proposals in addition to the surgical center they have had for the subject property in the last decade.

Mr. McLeod replied in the time he has been with the City, the surgical site was the only one.

Councilman Yanez agreed with Mayor Taylor and did not know whether the subject property, located on a busy street with an Auto Zone on one side and a partially empty medical suite on the other, would be considered prime real estate.

He stressed they need housing, and this is vacant property. He agreed with

Councilwoman Ziarko about following process, acknowledging that the Planning Commission is in place to do their job to protect the city development, but they have someone ready to spend money on housing, he is a good corporate citizen, he maintains his properties, his options are very limited, and the property is vacant. He does not understand why they are holding this up. He appreciates Mr. Gallo's willingness to eliminate another six units, realizing that is costing him money. He questioned the value of each unit.

Mr. Gallo replied that the units range in value from \$1,300 to \$1,600 per unit per month, which is a significant amount.

Councilman Yanez questioned how much money it takes to run a development such as the one being proposed.

Mr. Gallo replied they will have three full-time staff persons at this location: a full-time manager, a leasing agent, and a full-time maintenance person. There is a maintenance and leasing office incorporated into the construction of this building.

Councilman Radtke stated that, in looking at the Master Plan, this entire segment is designated as local commercial. He received a text from a member of the Zoning Board of Appeals indicating this property was rezoned from commercial to office at one point. He agreed that when they are creating housing, it is something people will want to live in, and it will last a long time. He appreciated Mr. Gallo's willingness to build, but he felt if this project is denied, Mr. Gallo will be ok. He would like to refer this back to the Planning Commission for their recommendation on the proposal with all the noted changes because that is what they are empowered to do.

Councilwoman Schmidt recalled at the Planning Commission meeting when this was discussed, the question was raised as to whether this is considered "spot zoning."

Mr. McLeod replied if this is approved for multiple-family residential, the Council is taking the step where they are reevaluating the use of this property and the

property to the south. He assured there is nothing wrong with that, noting they did something similar with Mr. Gallo's property on Schoenherr, between Pier One and Hobby Lobby. It could be the catalyst to redevelopment of the shopping centers in the general area. If this goes through, part of their Master Plan evaluation will be to reevaluate what this corner will look like. He pointed out the City is already doing that in other areas, and this may just become one of those areas where it becomes mixed use, which could be justified in a future Master Plan. When looking at the map right now from a technical aspect, it could be considered "spot zoning;" however, if they stipulate this is part of a further movement going forward that this is a transitional piece that will lead to something different, that will also work. He assured there is nothing that says they cannot go contrary to the Master Plan, but they need good justification.

Councilwoman Schmidt recalled a few years ago an urban planner went through the community and talked about how they could do different developments throughout the City. She inquired as to whether Mr. McLeod can recall what was planned for this area.

Mr. McLeod replied if that took place prior to the 2017 Master Plan, he does not recall that. The 2017 Master Plan designates this area as commercial. In looking at the potential, they have twelve nodes throughout the community, at major intersections, where they have determined mixed use would fit. He pointed out that for large retail centers, they do not know if retail will come back, so they have to reimagine some of those sites. He reminded that the Master Plan is a guide and can be changed with justification.

Councilwoman Schmidt questioned whether they are now looking at eighty-eight units or eighty-two units.

Mr. Gallo replied they are currently proposing eighty-eight units. If this body decides they want less than that, they will have to let him know that.

Councilwoman Schmidt clarified that as a conditional rezoning, the Council cannot ask for it, but it is something Mr. Gallo would have to offer.

Mr. Gallo stated they are willing to offer to go down to eighty-two units but cannot reduce it any further or they would have to walk from the project.

Councilwoman Schmidt stated she is surprised to hear Mr. Gallo say there is no chance of the seller extending the deadline. She felt the seller would be willing to work with him, especially since the property has been vacant for so long.

Mr. Gallo clarified that there is a \$50,000 non-refundable deposit which becomes due and payable once he extends the deadline, and he emphasized he is not willing to do that.

Councilwoman Schmidt questioned whether he has any plans for security throughout the development

Mr. Gallo replied they have exterior cameras at all their developments; however, they do not use the Ring doorbell system, but they will have exterior cameras throughout the facility.

Councilwoman Schmidt stated eighty-two units is easier for her to consider, but Mr. Gallo has to offer it.

Mr. Gallo clarified that he has offered to reduce it to eighty-two units.

Councilwoman Schmidt appreciated Mayor Taylor's comments and indicated that he made some good points.

Councilwoman Koski questioned Mr. McLeod as to whether they can live with eighty-two units.

Mr. McLeod replied they can live with anything City Council approves, but he pointed out as they draw closer to meeting the ordinance requirements, it is a good thing. He stated that, while their ordinance is very good and has been for the last twenty to forty years, the problem is that where development occurs today, and the condition of the market may not be completely in line with the ordinances. He pointed out that infill developments are notoriously denser, and they are generally problem pieces that do not necessarily fit. That is not a problem if they make sure the proposal in front of them is the right one to solve that problem. If Council determines eighty-two units with the proposed landscaping,

parking, etc., is the right way to do that, it is a good solution. He did not feel it would be likely that the property would be solely used for office in the future, although it could be.

Mr. Gallo stated he will remove six (6) one-bedroom units and add that extra square footage to their open space. He replied to inquiry that there are already mature trees included in the proposal, and he does not feel he could fit any more.

Councilwoman Koski stated she would like to see greenspace against the building.

Mr. Gallo explained Councilwoman Koski is asking for something with respect to the width of the building, and that is not possible. He confirmed they will be taking the six (6) units from the back of the development.

Councilwoman Koski stated she would like to see drawings.

Mr. Gallo replied he will work on it.

Councilwoman Ziarko questioned whether the suggested action to deny was because the Planning Commission recommended denial, because she noted there was no alternative action provided.

Mr. McLeod explained their normal protocol is to provide a suggested action. There have been remote instances where they may have received an alternate action, but generally there is only one submitted to them. The recommendation that came from Administration was a culmination of the Planning Commission's recommendation, as well as to uphold the Master Plan, Zoning Ordinance, and good planning principles. At the time the Planning Commission reviewed this, they felt it was too much development on a small piece of property. That proposal became better after Mr. Gallo and his team offered the changes to the proposal. They have now improved it even more this evening with Mr. Gallo's offer to reduce it by another six units and increase the green space.

Councilwoman Ziarko believed there were three homes on those parcels, and they were meant to be sold at the same time. They were on the market for about ten years in search of one person to buy all three parcels. She recalled they grew produce in their backyards and had fruit stands in their front yard to sell what they

grew. She addressed the question of spot zoning and agreed it would look on an aerial map like it does not fit, but if they are looking at the future, there is vacant property behind the Auto Parts store, as well as possible redevelopment of the shopping center on the corner, so this could be the beginning of something else. She compared it to Mr. Gallo's new development underway on Schoenherr, south of M-59, where adjacent property could end up being redeveloped into apartments rather than remain commercial. She pointed out that tonight is an introduction, and she would be comfortable if everything he presented on the sheet distributed to them tonight, along with his generous offer to reduce another six (6) units, is included in their backup for the next meeting. She is in favor of introducing this tonight.

Mayor Taylor stated they have received a verbal offer from Mr. Gallo to reduce from eighty-eight units to eighty-two units, and they can proceed with the introduction without any amendment to the motion on the floor, with the expectation that City Administration will take Mr. Gallo's revised offer and incorporate it into the adoption motion at the next hearing.

Mr. Kaszubski replied that is correct.

Mayor Taylor felt like this may be a "compromise in search of a problem" because he could not see where the public would be better off with eighty-two units versus eighty-eight units. He acknowledged that Mr. Gallo offered it, and he appreciated Mr. Gallo's willingness to compromise because he felt the project will be good for the City. He added he would like to see eighty-eight, or even ninety-two, units.

Mayor Taylor clarified that the motion on the floor is to introduce the map amendment.

Roll Call Vote: Yes: Taylor, Yanez, Ziarko, Koski, Schmidt, Sierawski.

No: Radke. The motion carried.

10. COMMUNICATIONS FROM CITIZENS

Mayor Taylor stated that they will be moving this item up since it is past 9:30 p.m. and Council rules indicate they need to take comments from citizens. He opened the floor for comments from the audience.

- Ken Nelson – expressed concern about proposals being approved by Council and a statement made by the Mayor; commented the Council needs to listen to the residents; does not believe every vacant property in the City needs to be developed.
- Ben Orjada – thanked the Council for supporting Pride Month; supports affordable housing, and he does not care about how tall the buildings are, but he cares about being able to live in the City; he thanked City Council for trying to make that possible.
- Larry Meitzner – talked about a legal matter.

8. CONSENT AGENDA

Mayor Taylor stated this item is consideration of the Consent Agenda. He opened the floor for public comments.

- Melanie Davis – representing Diana Bledsoe from the African American Coalition who could not be here tonight to speak; relayed Diana’s request to thank the Mayor, City Council, City Manager and her and for the Juneteenth Resolution on the Consent Agenda tonight and for recognizing the importance of the holiday; the first-ever Juneteenth celebration is scheduled for 5 to 9 p.m. on Friday, June 17 at Dodge Park Farmer’s Market Pavilion.

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

- A. To approve the minutes of the Special Meeting of May 17, 2022.
- B. To approve the minutes of the Regular Meeting of May 17, 2022.
- C. To approve payment of the bills as presented: General Fund - \$1,057,117.64, Water & Sewer Fund - \$4,080,317.35, Other Funds - \$6,016,705.15, Total Checks - \$11,154,140.14.
- D. **RESOLVED**, to accept the proposal by Allied Building Service Company of Detroit, Inc., 1801 Howard Street, Detroit, MI 48216, for interior renovations at Fire Station #1 at a total cost of \$59,975.
- E. **RESOLVED**, to purchase one (1) Kubota utility tractor, model no. MX5400HST, with attachments, from Weingartz Supply Co., 46061 Van Dyke Ave., Utica, MI 48317, at pricing available through the Sourcewell cooperative purchasing contract, #031121, in the amount of \$35,826.24.
- F. **RESOLVED**, to purchase thirty-two (32) Dell 3.84 TB SSD SAS Mixed Use drives and technical services from Access Interactive, LLC, 46665 Magellan Drive, Novi, MI 48377, at pricing available through Midwestern Higher Education Compact (MHEC) cooperative purchasing contract #MHEC-07012015 at a total cost of \$119,680 and authorize the City Manager to sign all required documents on behalf of the City.
- G. **RESOLVED**, to purchase library books, DVDs, Blu-ray discs, and audio books through the Suburban Library Cooperative, 44750 Delco Blvd., Sterling Heights, MI 48313, for fiscal year 2022/2023 in the amount of \$108,000.
- H. **RESOLVED**, to purchase eBooks and eAudiobook services and content through the Midwest Collaborative for Library Services OverDrive Group, One OverDrive Way, Cleveland, OH 44126, in the amount of \$50,172.
- I. **RESOLVED**, to approve the purchase of medical services from Henry Ford Health Systems, 30795 23 Mile Road, Chesterfield Twp., MI 48047, in connection with pre-employment physical evaluations in the amount of \$17,406.
- J. **RESOLVED**, to purchase two (2) 2022 Ford Escapes and four (4) 2022 Ford Explorers from Signature Ford – Lincoln, 1960 E. Main St., Owosso, MI

- 48867, at pricing available through Macomb County cooperative purchasing contract, #71-15, at cumulative cost of \$191,633.
- K. **RESOLVED**, to approve the purchase of excess workers compensation insurance from Midwest Employers Casualty Company through CompOne Administrators, Inc. / FDI Risk Managers, Inc., for a two-year period at an estimated annual cost of \$92,387 and authorize the City Manager to sign all documents required in conjunction with this approval.
 - L. **RESOLVED**, to approve the agreement with AT&T Corporation for phone voice services for a three-year period and authorize the City Manager to sign all documents required in conjunction with this approval.
 - M. **RESOLVED**, to approve the Mutual Aid Agreement between the United States of America, by and through the Secretary of the Air Force, and the City of Sterling Heights for fire and hazardous material response services and authorize the City Manager to sign the agreement on behalf of the City.
 - N. **RESOLVED**, to approve the application by Admiral Metals, LLC for renewal of a junkyard license at 41200 Mound Road, Sterling Heights, MI 48314.
 - O. **RESOLVED**, to approve the fiscal year 2022/2023 schedule of regular City Council meetings and direct the City Clerk to post notices in accordance with the Michigan Open Meetings Act.
 - P. **RESOLVED**, to set the public hearing on Tuesday, July 5th, 2022, at 7:00 p.m. regarding the application by Waad Nadhir, for and on behalf of BOSC Realty Advisors, LLC, for a Planned Unit Development on approximately ten acres situated on the south side of Hall Road, west side of Sterritt Street, PPUD21-0005.
 - Q. **RESOLVED**, to waive the competitive bidding requirement in accordance with City Code Section 2-217(A)(9)(b) and accept a proposal by Allied Building Services Company of Detroit, Inc., 1801 Howard Street, Detroit, MI 48216, for plumbing services for a two-year period, with an option for the City Manager to extend the terms and conditions of the proposal for two (2) additional one-year periods at the hourly rates and percentage mark-up on parts set forth in the proposal.
 - R. **RESOLVED**, to adopt the resolution designating June 19, 2022, as Juneteenth Independence Day in the City of Sterling Heights.
 - S. **RESOLVED**, to adopt the resolution designating Thursday, June 23, 2022, as a day of remembrance and reflection in the City of Sterling Heights on the 40th anniversary of Vincent Jen Chin's death and urge all residents to join in the condemnation of hate crimes and discriminatory acts against Asian/Pacific Americans.
 - T. **RESOLVED**, to receive the lawsuit, Kenneth Robinson v Sterling Heights Police Department; 41A District Court Case No. S-22-476-GZ.

Yes: All. The motion carried.

9. **CONSIDERATION**

A. Mayor Taylor stated this is to consider a request by Carpathia Foundation, Inc. for recognition as a local nonprofit organization for the purpose of obtaining a State of Michigan charitable gaming license.

Karin Schwalbe, President of the Carpathia Foundation, Inc., explained they would like to hold a raffle and she was advised to come in front of City Council for their organization to be recognized as a 501c3 nonprofit in Sterling Heights.

Moved by Radtke, seconded by Taylor, **RESOLVED**, that the request from Carpathia Foundation, Inc. asking that they be recognized as a local nonprofit

organization for the purpose of obtaining a State of Michigan charitable gaming license be considered for approval; provided, however, that this action is not an endorsement of the organization and the City of Sterling Heights should not be listed on any promotional materials associated with their charitable gaming activities.

Councilman Radtke stated this is a great organization and like all local ethnic groups, it can be increasingly difficult to increase membership and keep their doors open. He would like to extend a hand to help them by approving this request.

Yes: All. The motion carried.

B. Mayor Taylor stated this is to consider nominations to the City of Sterling Heights Planning Commission. He opened the floor for comments from the audience, but no one spoke.

Mayor Taylor stated this is a mayoral appointment, and he requested that the three applicants seeking reappointment to the Planning Commission be nominated for reappointment.

Moved by Ziarko, seconded by Sierawski, **RESOLVED**, to nominate Paul Jaboro, Gerald Rowe, and Parmpreet Sarau for consideration as appointees to the Planning Commission at the June 21, 2022 regular City Council meeting.

Mayor Pro-Tem Sierawski stated she knows all the nominees, they have all done a good job, and she is very happy to renominate them.

Yes: All. The motion carried.

C. Mayor Taylor stated this is to consider appointments to City of Sterling Heights Boards and Commissions.

Board of Ordinance Appeals I

Moved by Schmidt, seconded by Ziarko, **RESOLVED**, to appoint James Mandl, Kathleen Martin, Justin Smith, and Michael Stickney to the Board of Ordinance Appeals I to terms ending June 30, 2025, subject to the appointees meeting the qualifications set forth in Charter §4.03 and taking the oath of office within two weeks.

Yes: All. The motion carried.

Board of Ordinance Appeals II

Moved by Radtke, seconded by Ziarko, **RESOLVED**, to appoint Ben Ancona and Lauren Tackett to the Board of Ordinance Appeals II to terms ending June 30, 2025, subject to the appointees meeting the qualifications set forth in Charter §4.03 and taking the oath of office within two weeks.

Yes: All. The motion carried.

Board of Review

Moved by Schmidt, seconded by Ziarko, **RESOLVED**, to appoint Kimberly Legarski and Mark Magni to the Board of Review to terms ending June 30, 2025, subject to the appointees meeting the qualifications set forth in Charter §4.03 and taking the oath of office within two weeks.

Yes: All. The motion carried.

Pension Board General Employees

Moved by Ziarko, seconded by Schmidt, **RESOLVED**, to appoint Richard Weiler to the General Employee Pension Board to term ending June 30, 2025, subject to the appointee meeting the qualifications set forth in Charter §4.03 and taking the oath of office within two weeks.

Yes: All. The motion carried.

Pension Board Police and Fire

Moved by Yanez, seconded by Ziarko, **RESOLVED**, to appoint John Lamerato and Robert Maleszyk to the Police and Fire Pension Board to terms ending June 30, 2026, subject to the appointees meeting the qualifications set forth in Charter §4.03 and taking the oath of office within two weeks.

Yes: All. The motion carried.

Zoning Board of Appeals

Moved by Sierawski, seconded by Radtke, **RESOLVED**, to appoint John Fenn, David Graef, and Stephanie Jackson to the Zoning Board of Appeals to terms ending June 30, 2025, subject to the appointees meeting the qualifications set forth in Charter §4.03 and taking the oath of office within two weeks.

Mayor Taylor stated for the record that he believes Stephanie Jackson will do a great job, but he would have voted for Eric Castiglia for the reasons he stated on the record at the last meeting. He thanked Eric for his service on the Zoning Board of Appeals and wishes him luck in the future. He hopes he will continue to serve as a volunteer in Sterling Heights, adding he has done a good job.

Councilwoman Schmidt clarified that Mr. Castiglia is a member on the Citizen's Advisory Board, which is a very important board, and she appreciates all his hard work as well. They have been looking for new volunteers to come forward, and Mr. Castiglia served on two important boards, so she is confident he will continue to serve the City very well on the other board.

Councilman Radtke stated adding Stephanie Jackson to the Zoning Board of Appeals brings two female members to that board. Their Diversity and Inclusion report came back some time ago indicating that, although women are a majority in the City, they are not a majority of their city leadership or their boards. He felt she will be a nice addition.

Yes: All. The motion carried.

Corridor Improvement Authority

Mayor Taylor stated this is a mayoral appointment and requested that Michael D'Agostini be reappointed to the Corridor Improvement Authority.

Moved by Schmidt, seconded by Ziarko, **RESOLVED**, to appoint Michael D'Agostini to the Corridor Improvement Authority to a term ending June 30, 2025, subject to the appointee meeting the qualifications set forth in Charter §4.03 and taking the oath of office within two weeks.

Yes: All. The motion carried.

Economic Development Corporation/Brownfield Authority

Mayor Taylor stated this is a mayoral appointment, and he would request a motion be made to appoint David Griffith and Benjamin McMartin.

Moved by Radtke, seconded by Ziarko, on the recommendation of the Mayor, **RESOLVED**, to appoint David Griffith and Benjamin McMartin to the Economic Development Corporation/Brownfield Authority to terms ending June 30, 2025, subject to the appointees meeting the qualifications set forth in Charter §4.03 and taking the oath of office within two weeks.

Yes: All. The motion carried.

Elected Officials Compensation Commission

Mayor Taylor stated this is a mayoral appointment and he requested that Lori Doughty be appointed to the Elected Officials' Compensation Commission to the term ending June 30, 2029.

Moved by Yanez, seconded by Radtke, **RESOLVED**, to appoint Lori Doughty to the Elected Officials' Compensation Commission to terms ending June 30, 2029, subject to the appointees meeting the qualifications set forth in Charter §4.03 and taking the oath of office within two weeks.

Councilman Radtke stated Ms. Doughty has been on this board for quite some time, and he believes she is next in line to become chair. He stated she is an excellent appointee.

Yes: All. The motion carried.

Mayor Taylor inquired as to whether he can entertain a motion to postpone the remaining three appointments to a date certain at this time.

Mr. Kaszubski replied affirmatively.

Moved by Schmidt, seconded by Taylor, **RESOLVED**, to postpone the remaining three (3) appointments to the Elected Officials' Compensation Commission to the October 4, 2022, regular City Council meeting.

Yes: All. The motion carried.

Ethnic Community Committee

Mayor Taylor stated that these are mayoral appointments, and he requested a motion be made to reappoint Kelechi Anyaogu, Naketa Jones, Vipulkumar Tripathi and Carmen Williams.

Moved by Radtke, seconded by Taylor, **RESOLVED**, to appoint Kelechi Anyaogu, Naketa Jones, Vipulkumar Tripathi and Carmen Williams to the Ethnic Community Committee to terms ending June 30, 2025, subject to the appointees meeting the qualifications set forth in Charter §4.03 and taking the oath of office within two weeks.

Councilman Radtke stated all these members have done a good job, and they deserve reappointment.

Yes: All. The motion carried.

Local Development Finance Authority

Mayor Taylor stated this is a mayoral appointment for an open seat, and based on discussions and recommendation from City Administration, he would like Council to appoint Josephine Attisha to the Local Development Finance Authority.

Moved by Ziarko, seconded by Schmidt, on recommendation of the Mayor, **RESOLVED**, to appoint Josephine Attisha to the Local Development Finance Authority to a term ending June 30, 2026, subject to the appointee meeting the qualifications set forth in Charter §4.03 and taking the oath of office within two weeks.

Yes: All. The motion carried.

Arts Commission

Moved by Sierawski, seconded by Schmidt, **RESOLVED**, to appoint Gary Lusk, Wendy Popko, and Jeanne Schabath-Lewis to the Arts Commission to terms ending June 30, 2026, subject to the appointees meeting the qualifications set forth in Charter §4.03 and taking the oath of office within two weeks.

Yes: All. The motion carried.

Moved by Radtke, seconded by Taylor, **RESOLVED**, to appoint Zachary Overman to the Arts Commission to a term ending June 30, 2025, subject to the appointee meeting the qualifications set forth in Charter §4.03 and taking the oath of office within two weeks.

Councilman Radtke stated Zachary Overman was recommended by the Liaison of the Arts Commission. He has done public art and is young, and Councilman Radtke added he will be a great addition to the Arts Commission.

Yes: All. The motion carried.

Beautification Commission

Moved by Radtke, seconded by Taylor, **RESOLVED**, to appoint Linda Meida, Manny Gonzales, Nancy Kijek and Lisa Lane to the Beautification Commission to terms ending June 30, 2025, subject to the appointees meeting the qualifications set forth in Charter §4.03 and taking the oath of office within two weeks.

Councilman Radtke stated all these individuals are on the Commission now, they have all been very helpful in the past, and they will do a great job.

Yes: All. The motion carried.

Board of Code Appeals

Moved by Ziarko, seconded by Schmidt, **RESOLVED**, to appoint Laurel Johnson to the Board of Code Appeals to a term ending June 30, 2027, subject to the appointee meeting the qualifications set forth in Charter §4.03 and taking the oath of office within two weeks.

Yes: All. The motion carried.

Citizens Advisory Committee / CDBG

Moved by Sierawski, seconded by Schmidt, **RESOLVED**, to appoint Janet Bartello, Kozeta Elzhenni, Sheri Marwede, Benjamin Orjada, Grace Pedrie, Jeanne Schabath-Lewis, and Shawn Taylor to the Citizens Advisory Committee / CDBG to terms ending June 30, 2023, subject to the appointees meeting the qualifications set forth in Charter §4.03 and taking the oath of office within two weeks.

Yes: All. The motion carried.

commUNITY Alliance

Moved by Radtke, seconded by Ziarko, **RESOLVED**, to appoint Ricardo Harris and Tatrika Graphenreed to the commUNITY Alliance to terms ending June 30, 2025, subject to the appointees meeting the qualifications set forth in Charter §4.03 and taking the oath of office within two weeks.

Councilman Radtke stated Ricardo Harris has done a great job on the Alliance, and Tatrika was recommended and will make a great addition.

Yes: All. The motion carried.

Historical Commission

Moved by Radtke, seconded by Taylor, **RESOLVED**, to appoint Bryan Wojciechowski and Stanley Ortwein to the Historical Commission to terms ending June 30, 2025, subject to the appointees meeting the qualifications set forth in Charter §4.03 and taking the oath of office within two weeks.

Councilman Radtke stated that Stanley was recommended by the liaison to the Historical Commission, and he will do a great job.

Yes: All. The motion carried.

Housing Commission

Moved by Ziarko, seconded by Radtke, **RESOLVED**, to appoint Pamela Terry to the Housing Commission to an amended term ending December 31, 2025.

Yes: All. The motion carried.

Library Board of Trustees

Moved by Schmidt, seconded by Sierawski, **RESOLVED**, to appoint Terry Hojnacki and Stacy Ziarko to the Library Board of Trustees to terms ending June 30, 2025, subject to the appointees meeting the qualifications set forth in Charter §4.03 and taking the oath of office within two weeks.

Yes: All. The motion carried.

Solid Waste Management Commission

Moved by Yanez, seconded by Ziarko, **RESOLVED**, to appoint Henry Smith and Donald McCoy to the Solid Waste Management Commission to terms ending June 30, 2025, subject to the appointees meeting the qualifications set forth in Charter §4.03 and taking the oath of office within two weeks.

Yes: All. The motion carried.

Sustainability Commission

Moved by Ziarko, seconded by Schmidt, **RESOLVED**, to appoint Michael Tabbert to the Sustainability Commission to a term ending June 30, 2025, subject to the appointee meeting the qualifications set forth in Charter §4.03 and taking the oath of office within two weeks.

Yes: All. The motion carried.

Moved by Schmidt, seconded by Ziarko, **RESOLVED**, to appoint Kellie Skillin to the Sustainability Commission to a term ending June 30, 2025, subject to the appointee meeting the qualifications set forth in Charter §4.03 and taking the oath of office within two weeks.

Yes: All. The motion carried.

Water System Advisory Council

Moved by Radtke, seconded by Ziarko, **RESOLVED**, to appoint Debie Thao to the Water System Advisory Council to a term ending December 31, 2022, subject to the appointee meeting the qualifications set forth in Charter §4.03 and taking the oath of office within two weeks.

Yes: All. The motion carried.

Youth Advisory Board

Moved by Sierawski, seconded by Radtke, **RESOLVED**, to appoint Ayaan Amir, Amanda Amir, Maria Bugnar, Cassidy Conley, Dyuti Datta, Andre Konja, Ashley Popko, Max Stefanski, and Zion Williams to the Youth Advisory Board to terms ending June 30, 2023, subject to the appointees meeting the qualifications set forth in Charter §4.03 and taking the oath of office within two weeks.

Yes: All. The motion carried.

Moved by Radtke, seconded by Sierawski, **RESOLVED**, to postpone the four (4) remaining appointments to the Youth Advisory Board to the September 6, 2022, regular City Council meeting.

Yes: All. The motion carried.

10. COMMUNICATIONS FROM CITIZENS

This item was moved to follow Item 7 on tonight's agenda due to time constraints.

11. **REPORTS FROM CITY ADMINISTRATION AND CITY COUNCIL**

Mr. Vanderpool stated he had nothing further to add this evening.

Councilman Yanez received a request from Willie DeChavez, a member of the Citizens Advisory Board, and they would like to come to the City Hall on June 10, raise the Filipino flag, and take some photographs. He indicated it would only take them about five minutes, and he is willing to bring his own flagpole if he cannot use the City flagpole. He stated he would like to make a motion to allow them to use the City's flagpole for this purpose. He added it is in honor of Filipino Independence Day.

Mr. Kaszubski clarified that the City's flagpole is not used by the public in general, but only used for what the City has decided to support in speech. If the City has decided to put up a flag for an hour, that is the City's decision to make through Council.

Moved by Yanez, seconded by Ziarko, **RESOLVED**, to allow the Filipino Flag to fly at City Hall on June 10, 2022, in support of Filipino Independence Day.
Yes: All. The motion carried.

Councilman Yanez inquired as to whether the residents of Meadowview Subdivision were notified of the findings of DTE or whether they were specifically invited to this meeting. He questioned whether they have been contacted by DTE to talk about the power outages.

Mr. Vanderpool replied that every single resident that contacted City Hall about the outages was notified of the presentation tonight and invited to attend.

Councilman Radtke stated it was brought to his attention that a Women's Military Veterans plaque is missing from the Memorial Garden. He requested, without objection, that they could get the plaque remade and put back into place.

There were no objections from the Council.

Mr. Vanderpool replied he has direction for that request.

Councilman Radtke explained that his dad's neighborhood south of 15 Mile Road, west of Dodge Park, has been marked for sidewalk replacement. He felt they need to discuss changing the way they assess sidewalks in the City. His dad's neighbor was assessed \$3,700 for sidewalk repair, and another neighbor, who is not on a

corner and just has a sidewalk in front, was assessed \$2,700. He pointed out they changed water billing to make it more equitable, so they will get charged monthly. He indicated this does not mean they will pay less, but it makes it more manageable for them to pay. He pointed out that his dad's neighbor is paying for twenty years of sidewalk repair all at once, yet there are other neighbors who moved in after the last sidewalk repair, lived in their house five or six years and moved out, and they paid nothing for sidewalks. He felt everyone needs to pay their fair share, even those who live there only a few years. He suggested that a sidewalk tax be collected every year, and everyone would pay into it so it would be fair.

Mayor Pro-Tem Sierawski stated that Council passed a Resolution earlier this year to rename the Veteran's Memorial Gardens, but it has not yet been made official. She informed Council that she had spoken to Mr. Vanderpool, and they will be doing that soon.

Councilwoman Koski questioned whether they will be putting up a plaque at the Veterans Memorial Gardens when they rename it.

Mr. Vanderpool recalled the Resolution directed that a plaque be established and properly displayed. He will check that and update Council with that information, as well as the timing.

12. **UNFINISHED BUSINESS**

There was no unfinished business.

13. **NEW BUSINESS**

There was no new business.

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

Mr. Kaszubski stated there are two items for Closed Session this evening.

15. **ADJOURN**

Mayor Taylor stated they will adjourn into Closed Session and will not be returning this evening.

Moved by Ziarko, seconded by Radtke, **RESOLVED**, to adjourn the meeting and go into Closed Session.

Roll Call Vote: Yes: Yanez, Ziarko, Koski, Radtke, Schmidt, Sierawski, Taylor.

No: None. The motion carried.

The meeting adjourned into Closed Session at 10:26 p.m.

The meeting adjourned from Closed Session at 10:40 p.m.

MELANIE D. RYSKA, City Clerk