

CITY OF STERLING HEIGHTS  
MINUTES OF REGULAR MEETING OF CITY COUNCIL  
TUESDAY, JULY 5, 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, Maria G. Schmidt, Liz Sierawski, Michael C. Taylor, Henry Yanez, Barbara A. Ziarko.

Absent: Michael V. Radtke, Jr.

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 (6-0). The motion carried.

Mayor Taylor stated that Councilman Radtke sends his regrets that he is unable to be here tonight, but he will be back for the next City Council meeting.

5. **REPORT FROM CITY MANAGER**  
Mr. Vanderpool reminded everyone that there is a one-day delay in refuse collection this week, with Friday's collection being picked up on Saturday.

Mr. Vanderpool provided an update on some of the many road projects going on in the City:

- Ryan Road, between 14 and 15 Mile Roads – concrete work is done, joint sealing is underway; will be open in the next few days.

- Ryan Road, between 15 Mile and Metro Parkway – pavement removal is being done on outside lanes.
- Metro Parkway, between Dequindre and Ryan – county road project progressing, with two outer lanes paved with the first course of asphalt.
- Metro Parkway, from Van Dyke to Dodge Park Road – county road project, with concrete repair work underway; outside lanes and local road approaches being done.
- Mound Road, from north of 15 Mile Road to M-59 – work is ongoing on the over \$200 million project.
- Hayes Road, between 18 Mile and M-59 – bid opening was July 1, and they anticipate commencement of project in August, including significant concrete repair work followed by asphalt overlay; anticipated to be done by year-end, with punch list work finished next spring.
- Local road reconstruction projects – work has begun on ten of the eighteen streets, and of those started, they are fifty percent complete.
- Local road sectional repair – these are significant repairs throughout neighborhoods; work has started, notifications have taken place, and these will continue throughout summer and fall months.

Mr. Vanderpool noted that their sidewalk repair program, one of the largest in the City's history, has started and that work is well underway. He apologized for the inconvenience but assured this is "short-term pain for long-term gain," and he thanked everyone for their patience. He stated this concludes his report.

## 6. PRESENTATIONS

A. Mayor Taylor stated this to consider the application by Waad Nadhir, on behalf of BOSC Realty Advisors, LLC, for a mixed-use Planned Unit Development on approximately 10.0 acres of land situated on the south side of Hall Road, west of Sterritt Street, PPUD21-0005. He noted to the large crowd Councilman Radtke is not present this evening and stressed this item is a matter of importance, not only to the neighbors but to the entire community. When it is time for City Council to deliberate, he will be asking that this matter be postponed to the July 19, 2022 regular City Council meeting two weeks from tonight so that they have a full

council to vote on it. He emphasized that residents are welcome to speak tonight, but noted there is a possibility the will not be decided until the next City Council meeting on July 19. He invited City Planner Chris McLeod to give a presentation. City Planner Chris McLeod stated this is the second public hearing on this item, with the first being held by the Planning Commission in December 2021 and moving into February 2022. He explained this Planned Unit Development (PUD) encompasses six different properties, three having Hall Road addresses and three having Sterritt addresses. This request, if granted, would permit a mixed-use development, including three commercial frontage buildings along with a five-story mixed use building for both commercial and multiple-family uses. There would be 158 one- and two-bedroom units and approximately 40,000 square feet of retail use. He explained the current zoning of the properties is C-1 Local Convenience Business District, R-80 One Family Residential District, and P-1 Vehicular Parking District. The applicant appeared before the Planning Commission at their December 8, 2021, and February 9, 2022, meetings, and they considered several different items relative to this request, including parking calculations, access to Sterritt, overall green space, open space, and recreation space, and overall merits of the project in general. The Planning Commission recommended approval at their February 9, 2022, meeting in a 6-1 vote, with two members absent that evening. He informed that, since Planning Commission took their action, changes were made specific to the Planning Commission request, including additional land banking of parking spaces was added to increase the

green space on the site, additional rooftop recreational area was added, and those both added more green space.

Mr. McLeod showed and explained the zoning map of the project area and surrounding parcels. He showed an aerial view, as well as an updated artist rendering. He provided details of the three commercial buildings, with each of them having a drive thru. The smallest of the three buildings would be a stand-alone drive-thru facility, and the middle building would be a multi-tenant commercial center with a drive-thru endcap on the eastern end of the building. The building closest to Sterritt would be a multiple-tenant building with a drive-thru. He showed a rendering of the five-story multiple-family complex, with the bottom floor being parking and the four stories above it being the residential dwelling units. To the side of that building, there would be two stories consisting of a supermarket use and three stories of residential on top. He pointed out the rooftop recreational areas proposed in an urban-type environment. He pointed out as revisions were made throughout this process, the building continued to be moved further away from the abutting residential homes as the applicant continued to try to accommodate setback concerns and height concerns raised by Administration and the residents at the public hearing held through the Planning Commission process. The southern property what would normally be anticipated per ordinance requirements. The applicant is proposing to plant trees ranging from fifteen to forty feet in height to help buffer the proposed building from the single-family residential to the south. He showed the intended sight lines

showing the overall height of the building and different sections of the building, and how they sit relative to the residential properties to the south. He noted there is a wall and berm being provided, and landscaping on top of that, as well as the preservation of certain trees along the back portion of the property. He provided a detailed review of the proposed landscaping.

Mr. McLeod talked about Planned Unit Developments (PUDs) and their intended uses, which can include both residential and non-residential uses as Planning Commission and City Council feel is appropriate. They basically use setbacks and dimensional requirements of the underlying zoning districts as a general guide, but the PUD ordinance allows for guidance. This is a combined non-residential and multiple family use on top of a commercial zoning designation, as well as a single-family zoning designation, so the PUD ordinance provides guidance in that instance in terms of how it should be applied. Mr. McLeod explained that, in terms of the overall development, the City is moving in this direction and desiring to have mixed-use developments within the City. The overall development plans provide for an attractive development in terms of the architecture and various amenities being proposed. The applicant has made several changes based on feedback obtained from Administration and through the Planning Commission public hearing process, and he reiterated some of those changes. He added that there are several modifications that would be necessary, and they are outlined in the agenda package to allow for this proposed development. He offered to answer questions.

Mayor Taylor opened the public hearing. He reminded that he will be requesting a postponement tonight, but he invited the applicant to speak.

Andrew Nadhir, with BOSC Realty Advisors, introduced Waad Nadhir, president of BOSC Realty Advisors; Jason Krieger, an architect from Krieger Klatt Architects; and Eric Williams, a civil engineer from Stonefield Engineering. He provided an overview of their company's history, noting they are a local family-owned company that has developed properties across the United States. He stressed their goal is to create a beautiful mixed-use property that serves as an amenity for the neighboring communities and provides modern high-end housing options for young and career professionals, as well as empty nesters. He stressed this type of project is unique to Sterling Heights, but it is what professionals are gravitating to, and is in demand. He provided some of the details of the types of commercial businesses he anticipates, such as a specialty grocery store, coffee shop, well-known restaurants, and community neighborhood services, such as a nail salon, barbershop, urgent care, or veterinary clinic. He assured it is not a "power center" like other developments along Hall Road, but they want to create an easily accessible property with public amenity spaces for their neighbors on Sterritt, Wilseck, Morang, and Brockton. He indicated there will be pedestrian and bicycle access to and throughout the site, a pocket park and dog walk area, and outdoor seating and dining spaces. There will be 158 apartments featuring studio, one-bedroom, and two-bedroom units, and these will offer high-end urban-style living with many amenities, including a clubroom entertainment center, fitness center,

outdoor patios, outdoor terraces, firepits, grilling areas, pet-friendly, and secure garage parking with electric vehicle charging stations and Amazon storage lockers. He added that there will be pedestrian pathways to access the retail throughout the property, and they will have onsite security and a security camera system, along with an electronic access system for the residential building. He assured it will be safe and secure. They will have 450 parking spaces between the garage and the surface, along with an additional thirty-four stacking spaces not accounted for, and fifty-six landbank spaces that can be brought online if additional parking is needed.

Mr. Nadhir explained this development will provide unique and beautiful architecture along Hall Road, and people will have the benefit of living, dining, and shopping without having to get into their vehicles. He indicated they will connect the property to the underground drainage system, and the electric charging stations will not only be for their apartment residents but also for the general public. He stressed their neighbors are important to them, so it was important to meet with them and understand their concerns. He addressed some of the concerns relayed by the neighbors, and what they have done to alleviate those concerns:

- Height of the apartment building – they have increased setback by an additional twenty feet and impeded the line of site into neighbors' yards.
- Flooding – stormwater management designed for the 100-year flood event
- Type of trees and maintenance – will save as many trees along the perimeter as possible and plant more large trees for screening, along with installation of a six-foot-high masonry wall to block the properties around the perimeter.

- Tenants from the apartments walking their dogs along Sterritt – they have added a dog park area and pocket parks within the property
- Noise from the market loading zone and dumpsters – they will be interior to the building, and all other dumpsters will be enclosed and set away from the property lines, exceeding the zoning requirement.
- Light pollution on neighboring properties – photometric studies show no light from the property will reach the property line
- Line stacking in the drive-thrus – they are designed in conjunction with the City's ordinance

Mr. Nadhir talked about the evolution of this project, assuring they took into account the feedback and concerns of the City Planner, the Planning Commission, and their neighbors, and have decreased the apartment building footprint and size and are now eighty feet rather than sixty feet away from the residential properties to the south, they have decreased parking spaces and increased the greenbelt, and land-banked parking, they have added a dog walk area and landscaped buffer along the south property line, added landscaping along the west side of the apartment building, and the greenbelt on the west side increased from eleven feet to twenty-one feet. He pointed out that this increased the greenspace on the site by 5,000 square feet. After their Planning Commission meeting in February, they made additional improvements, resulting in more land banked parking in northeast and southwest corners, reduced parking from 488 spaces to 450, with 56 land banked spaces, and their recreation area increased by over 14,000 square feet, for a total of just under 44,000 square feet. He pointed out that does not include the 12,000 square feet of balcony space for the apartment residents. They have added potential bioswale locations throughout the property, and they have outdoor recreation space above the market and in



both interior and exterior areas of the property. He relayed the concern expressed by neighbors regarding traffic on Sterritt Street, so they had an independent traffic study done. He explained that trip generation is minimal and is generated by the retail portion of their project, which is pass-by traffic, considered to be people already driving by who may stop in, for example, to purchase a cup of coffee. He added that residential use is generally a low traffic generator and one of the lower density uses. The independent traffic study concluded that traffic is negatively impacted if there is no access via Sterritt Street, noting no access increases traffic in all surrounding neighborhoods. Access to the development via Sterritt provides the best overall circulation and reduces the traffic volumes and intersection impacts on the adjacent roadways, including Canal, Brockton, and Hall Road. He explained that access from Sterritt for the adjacent neighborhoods to the south provides safer access and circulation, and if there is no curb cut on Sterritt Street, people will turn right on Hall Road and then make a right turn onto Sterritt Street. He explained that Jacob Swanson, traffic engineer from Fleis and VandenBrink, is present to answer more detailed traffic questions if they arise.

Mr. Nadhir concluded his presentation by stating that the Planning Commission recommended approval on a 6-1 vote, feeling it was an innovative and exciting project and is attractive for the City. They had also mentioned it is a better project than previously approved hotels and retail, which bring a transient crowd. He noted that Hall Road has been expanded to an eight-lane highway at this point, and it is not a viable property for single-family homes. He stated the commercial

portion is already zoned for this use, and there is a great demand for this type of housing. He reviewed the benefits of mixed-use developments and referred this as a gateway for young families to enter Sterling Heights. He pointed out this will generate economic development for the City, with hundreds of construction jobs, long-term permanent employment, and an increased tax base for the City. He respectfully requested a positive vote on the project, and he added he is happy to answer any questions.

Mayor Taylor opened the floor for public comments and questions.

- Joe Znoy – resident at 34330 Centennial Court; pleased to see amount of community involvement for this meeting; cautioned that it is a common strategy used by developers to ask for much more than they anticipate being approved, so when they pare it down, it seems like a good plan; commended the City's concern about the need for housing and the federal government's interest in affirmatively furthering fair housing involving grants; urged citizens to go on the internet to the Macomb County campaign finance site to see where different developers have made campaign donations.
- Paul Michael – resident on Wilseck Court; concerned that the PUD ordinance seems to ignore the rest of the ordinances so the builders can do what they want; concerned this will create havoc in the entire area; opposed to a PUD development on this site.
- Lynn Rosik – resident on Wanda; stated there is already a traffic problem on Hall Road; commented the design of the development is beautiful but possibly for Del Ray Beach, Florida and not for this location; explained her friends live adjacent to the new parking structure in Ferndale, and all they can see is bright lights; concerned this new development will create light pollution for the residents; did not anticipate this will be a place where they will shop, and expressed concern that the retail will remain empty.
- Brad Martin – resident on Morang; the subject property abuts two sides of his property; stated a five-story structure is too big for the space; urged the Council members to try to envision this development in their backyards; not enough greenery to be sustainable to provide any type of privacy

between this development and abutting homes; residents in this area, especially those abutting it, do not want it, and they want to make sure their concerns are considered.

- Unidentified resident – lives on the north side of Hall Road; noted that Hall Road has four of the most dangerous intersections in Macomb County, and those include Van Dyke, Schoenherr, Hayes, and Romeo Plank; difficult to keep stores staffed and stocked and commented that adding this much additional traffic is a bad idea.
- Amanda Pisarski – resident at 8815 Canal, close to the park; expressed concern about safety of children in the area, noting they already have a problem with speeding; commended the City for their amazing work improving Canal, but it is still busy on Sterritt; concerned about resale value of their homes and the last wooded property in the area being eliminated, displacing the wildlife.
- Stephen Collard – resident at 44729 Duffield, which is one street away from Brockton; concerned that the proposed building is too high, too wide, and too long; commented it is a beautiful project but they have pushed every boundary; pointed out the number of trees proposed still does not compensate for a five-story building; biggest concern is the size of the project, as well as exceptions on setbacks, parking, and signage; assured he and the residents in the area anticipated commercial development along the Hall Road frontage, but stressed the rest of the proposed development is too much for the property; asked City Council to do a good job in alleviating these concerns for the residents.
- Randy Kapanka – resident at 44645 Sterritt for the last eight years; loves the area and raising her family in this location; emphasized the pride all of the residents have in their neighborhood and in the community; loves the wildlife which has been a unique bonus they have had to share with their children; concerned about safety of their five kids playing outside, with a large five-story complex located one hundred yards away from their property; concerned about more traffic on their neighborhood roads; urged Council to represent the residents who are saying no to this development, reminding them that they are voted in by the residents.
- Ann Armstrong – resident at 44840 Brockton; opposed to this development, adding it will be stifling to look at; questioned how Council members would feel if this was proposed in their neighborhoods; understands this property will be developed, and that is not the issue, but questioned why a five-story building has to be allowed; concerned about

increased traffic and the safety of the residents in the area; questioned why Council would want to approve a development that no one in the area wants; stressed that the Council represents the residents, and she urged them to vote no.

- Michael Petry – resident on Cologne; moved to Sterling Heights in the 1980's and at that time, a development was not approved unless it met parking requirements; questioned where the kids living in a five-story apartment building will go for recreation, adding they cannot put them on the roof of the building to play, and all they will have is a fenced-in dog walk; stressed Sterling Heights was built with families in mind.
- Melinda Counsell – resident on Sterritt; commented the development is beautiful, but it does not belong at the end of Sterritt; urged the developer to propose this development on the Lakeside Mall property; complained Sterritt is a "highway", and speeding is a major problem; concerned this will get worse if this development is approved; understands the property will be developed, but not with something of this size; reminded that Mayor and Council members were voted in by the residents of Sterling Heights, and urged them to vote no.
- Jim Bauer – resident on Wilseck; stated he is an architect so he looks at this both as a professional and as a resident; mentioned he had sent an email to the City, and cited the PUD ordinance referring to special approval land use for fast-food drive-thru restaurants, noting there must be five hundred feet between free-standing and other restaurants unless there is a one-hundred-twenty foot separation; also requires a minimum three-hundred foot distance between residential property and the drive-thru lanes; pointed out these have not been met in the plan; discrepancy between the language in the ordinance that Council has ability to create variances or modifications, yet another section states the development "shall comply;" cautioned approval may subject the City to litigation if residents deem that to be an option; concerned this is spot zoning; asked Council to consider this as if it were being proposed behind them; felt the building is a great design, but expressed opposition to it being at this location.
- Ken Nelson – resident on Firesteel; opposed to PUD developments; allows developers to build whatever they want; complained fourteen zoning variances are needed for this development, including overall site area; complained a five-story building does not belong in this location and is spot zoning; urged Council to deny this request.

- Don Schoenherr – resident at 44746 Morang; concerned about drainage issues; concerned about heavy traffic coming off of Hall Road onto their residential streets; suggested the developer consider this development for Lakeside Mall property or other vacant properties that have ample space for this type of development; did not feel a treed lot needs to be taken down and wildlife eliminated in the area for something like this; concerned about what will happen with Sterritt if this is approved.
- Mike Pirrone – resident at 11222 Wilseck Court; not completely opposed to some development on the subject property, and he likes some of the things the developers are doing; concerned there is not enough parking, with only slightly over one parking space per residential unit; commented there will be increased traffic by bringing new people into the City for residential, and more people for the commercial if it is successful.
- Anthony Pirrone – resident on Wilseck Court; concerned approval of this development will set the standard on what future developers will be allowed to do; believes that The Phoenix, which is another building by this developer and is located on John R, is further away from the nearest residence, and is two stories instead of five stories; urged Council to consider the view of this building that everyone on Wilseck will have, even with the tree line; cautioned the extra foot traffic that will be on Wilseck from the apartment residents do not necessarily have a vested interest in the neighborhood compared to those who own their homes.
- Paul Smith – property owner in Sterling Heights since 1977; complained the newer developments are coming in with higher densities and less amenities; complained this proposal comes with fourteen variances, violating every rule of the City; pointed out the neighbors are saying no to this; concerned a postponement on this is a shot against the will of the people; questioned whether they will try to pass this when there are fewer people present; suggested this developer can develop on Brownfield Development property along Van Dyke, south of Eight Mile.
- Bruce Houston – resident at 44643 Morang; ex-military member; reminded that the Council serves the people and not the other way around; stressed that residents moved here because they want their children to be safe; concerned this will degrade the community.
- Suzanne Macilreath – resident on Alice Court; stressed the Planning Commission has forwarded this to City Council to make the decision, but the residents in the area do not want this development that will add more traffic, noise, and foot traffic to their neighborhood; assured the neighbors

are not naïve enough to think this corner would not be built, but she did not feel a five-story apartment building is appropriate; questioned who will move in to these apartments when the high-income professionals move on; complained this development is too big for this corner.

- Mark Scheuerman – resident at 44638 Morang for thirty-eight years; experienced a major flood issue in 2013, which was mostly fixed with the help of the DPW; received many compliments on this being a beautiful street; questioned whether it will be a beautiful neighborhood with a five-story building, which will be able to be seen from quite a distance.
- Lynn McDaniels – resident at 44701 Sterritt for forty-three years; complained the proposed development is essentially an island; residents of the apartments can walk within that development but not anywhere else, because there are no sidewalks or shoulders on Sterritt; complained traffic will be greatly increased on Sterritt; noted they will not be able to have their children in the front yard because of traffic; five-story building is not conducive to the area.
- Leslie Hennigan – resident at 11217 Wilseck Court for nearly twenty-four years; understands City must have reliable sources of revenue to continue to provide services the residents enjoy, but stressed the proposed development is very intensive for the amount of acreage; neighboring properties will be compromised; not enough privacy even with the trees and hedges; complained the proposed development is a large footprint in a small space with inadequate green space, as well as creating additional light, noise, and traffic; dumpsters will be emptied very early in the morning, creating a lot of noise; housing shortage is affecting low-income families and those with disabilities, but there is adequate real estate for the middle class; talked about whether the City needs to add this development; concerned about increased traffic.
- Bob Hennigan – potential buyers try to buy this property cheaper on an option, but it is a gamble; does not believe it is up to the City to make sure the developer makes money; no reason to stuff this large development onto a small property at the detriment of the area residents.
- Unidentified resident on Alice Court – stated he has not heard an alternative to this development; no reason to crowd this large development onto a small property; much better locations further east for this development; suggested closing Sterritt, solving the traffic problem, expand commercial property further east, and put six-foot-high dividing

wall between the commercial property and a condominium complex rather than apartments.

- Vito DiGiovanni – resident on Cologne; complained that this is not fair to everyone here tonight that it is not going to be voted on tonight.
- Kevin Hessling – resident at 11164 Wilseck Court; noted his front yard is directly in view of this development; complained he will have forty balconies looking down at his front yard; pointed out PUD ordinance states a PUD request can be approved with variances “provided the modification is found to improve the quality of the development above and beyond which could be developed in that zoning district or results in higher level of public benefit to achieve the purpose of this article”; he noted there are fourteen modifications, and none result in higher level of quality of life; complained about lack of green space, only providing 19,125 square feet of green space, but they are 58,875 short; stressed they are asking for too many modifications on too small of a footprint, devaluing the zoning ordinances by creating a negative impact on surrounding area, which is single-family residential.
- Brandy Wright – resident in the 19 Mile/Schoenherr area; generally likes mixed use developments and commented the City needs more of them; understands the concern of the neighbors with speeding on Sterritt; commented there is room for improvement on this design, possibly moving the development fifty to sixty feet north, up to the street, with retail at street level, parking behind the building, and possibly eliminating a story; likes the idea of condominiums rather than apartments, so residents would be more invested in the community; reminded there are already 100,000 cars traveling that corridor, so an additional 400 cars would not cause an excess of traffic; commented she would not like a giant building behind her yard, but she has lived in areas where there was development behind her on previously wooded lots and was told she should have purchased that property if she wanted to keep it vacant; understood that would not have been an option for the residents because of the cost, but commented the developer could work with the residents to make it less of an impact.
- Unidentified resident – commented this will transform this community, forcing long-time residents in the abutting neighborhood to look elsewhere to move; people will move out, and they will have to look at other options for the abutting properties; other communities have made similar decisions and regretted it later; stated Sterling Heights represents a

great family community and suggested Council consider keeping it that way and not driving families away.

- Unidentified resident – resident on Canal, between Sterritt and Alice Court; noticed more traffic since Canal has been redone, witnessing more traffic and speeding; questioned whether the two drive-thrus will be like Starbucks or Chick-fil-A, where there is inadequate space in the parking lot, resulting in a backup on Sterritt; concerned about the traffic that will make it more difficult for the neighboring residents to access Hall Road.
- Carolyn Cece – resident at 44833 Morang for forty-two years; counted apartment complexes in the area, and there are at least eight within a one-mile radius of this proposed development, offering apartments ranging from \$795 to \$1,225 per month, with several of those apartment buildings having vacancies; commented this new proposed development will be much more expensive; anticipated that young professionals will not want to live on that corner because they want to walk to where there is entertainment, bars, restaurants, and theaters; stated this is a nice development but the wrong location for it.
- Nina Pirrone – resident on Wilseck Court; commented her neighborhood is a beautiful place to live and raise a family; neighbors all watch out for each other; concerned about the elimination of parking spaces based on the theory that young executives would rather Uber or walk rather than have a vehicle; stressed young people want cars so there will be problems with parking; commented that the suggestion was made that this would attract empty nesters, but she stressed she does not anticipate wanting to be anywhere near Hall Road as an empty nester; urged Council to place themselves in the position of the abutting residents when they make their decision.
- Nancy Hoffman – stated that everyone here tonight has the right to have a decision made tonight; commented that Councilman Radtke not being present this evening should not be an excuse to postpone a vote; respectfully requested that the Mayor and City Council proceed with a vote on this tonight.

Mayor Taylor closed the public hearing.

Moved by Yanez, seconded by Taylor, **RESOLVED**, to postpone further consideration of the application by Waad Nadhir, for and on behalf of BOSC Realty Advisors, LLC, for the mixed use Planned Unit Development on approximately 10.0



acres situated on the south side of Hall Road, west side of Sterritt Street, PPUD21-0005, until the July 19, 2022, regular City Council meeting.

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

No: None. Absent – Radtke. The motion carried 6-0.

Mayor Taylor stated the reason he proposed a postponement was because it was unlikely that a majority would be formed tonight, so he encouraged the residents to come back to the next meeting. He expressed confidence that they will have all seven Council members present at the next meeting, adding that it is very unusual that they do not have a full Council present at their meetings.

The meeting recessed at 8:56 p.m. and reconvened at 9:10 p.m.

## 7. CONSENT AGENDA

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

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

- A. To approve the minutes of the Special Meeting of June 11, 2022.
- B. To approve the minutes of the Regular Meeting of June 21, 2022.
- C. To approve payment of the bills as presented: General Fund - \$646,205.53, Water & Sewer Fund - \$892,549.77, Other Funds - \$2,895,784.65, Total Checks - \$4,434,539.95.
- D. **RESOLVED**, to waive the competitive bidding requirement in accordance with City Code Section 2-217(A)(9)(b) and approve an extension of the proposal by DEQ Property Services, LLC, 67200 Van Dyke, Suite 201, Washington, MI 48095, for snow removal services at municipal sites with modified terms through June 1, 2023 and authorize the City Manager to extend the modified terms and conditions of the proposal for one additional one-year term.
- E. **RESOLVED**, to:
  - 1) Purchase Sport Courts "SportGame" outdoor surfacing tiles, surface preparation, line painting, and tennis court net accessories, including installation services and delivery, from Superior Sports Unlimited, Inc., 1250 N. Opdyke Road, Auburn Hills, MI 48326, at unit prices available

through a Sourcewell cooperative purchasing contract, #060518-CSC, in the cumulative amount of \$35,430.

- 2) Authorize a budget amendment in the amount of \$5,430 from Capital Fund Reserves.
- F. **RESOLVED**, to purchase Dell ProSupport and Basic Hardware Support Services for City switches, servers, and storage area network and enclosures from Access Interactive, LLC, 46665 Magellan Drive, Novi, MI 48377, at pricing available through Midwestern Higher Education Commission cooperative contract #MHEC-04152022 for a one-year period ending July 12, 2023, at a cumulative cost of \$20,823.98, and authorize the City Manager to sign all required documentation.
- G. **RESOLVED**, to purchase the Xante En-press 110v Enterprise Feeder printer from Applied Imaging, 46620 Ryan Ct., Novi, MI 48377, at pricing available through a Michigan Intergovernmental Trade Network cooperative purchasing contract, FH-1718-1978, at a cost of \$19,518, inclusive of delivery, installation, and training, and an extended two-year warranty at \$3,164.
- H. **RESOLVED**, to purchase computer hardware, software, and accessories from the vendors and at the pricing available through the cooperative purchasing contracts specified below through June 30, 2025:
- 1) CDW Government, Inc., One CDW Way, 230 N. Milwaukee Ave., Vernon Hills, IL 60061, at pricing available through State of Michigan MiDeal cooperative purchasing contract #071B6600110.
  - 2) Access Interactive, LLC, 46665 Magellan Drive, Novi, MI 48377, at pricing available through Midwestern Higher Education Compact contract #MHEC-04152022.
- I. **RESOLVED**, to:
- 1) To receive the report of the Purchasing Manager pursuant to City Code Section 2-221(B) regarding the emergency purchase of general construction services in connection with the reconstruction of the Upton House Gazebo by Mando Construction, Inc., 75 Lafayette St., Mt. Clemens, MI 48043, in the amount of \$51,447.62; and
  - 2) To authorize a budget amendment in the amount of \$26,448 from Capital Project fund reserves.
- J. **RESOLVED**, to approve the contract between the City of Sterling Heights and Northern Red, Inc., P.O. Box 5431, Pinehurst, NC 28374, for tactical training of the Special Response Team of the Sterling Heights Police Department at a cost of \$46,000.00 and authorize the City Manager to sign all documents required in conjunction with this approval.
- K. **RESOLVED**, to approve the Legal Services Agreement between the City of Sterling Heights and Keller Thoma, P.C. and authorize the Mayor and City Clerk to sign it on behalf of the City.

- L. **RESOLVED**, to approve the Legal Services Agreement between the City of Sterling Heights and Marc D. Kaszubski on behalf of O'Reilly Rancilio P.C. for the period of July 1, 2022, through June 30, 2026, and authorize the Mayor and City Clerk to sign the Agreement on behalf of the City.

Yes: All (6-0). The motion carried.

**8. CONSIDERATION**

A. Mayor Taylor stated this is to consider approval of a collective bargaining agreement between the City of Sterling Heights and the Michigan Association of Public Employees (MAPE) Technical / Office Union for the period of July 1, 2022, to June 30, 2025. He invited Mr. Vanderpool to give a presentation.

Mr. Vanderpool stated this collective bargaining agreement is very similar to the past few agreements presented. He explained the term of the current collective bargaining agreement between the MAPE Technical / Office union expired June 30, so the two teams have been negotiating, and the union has ratified the agreement presented this evening for City Council approval.

Mr. Vanderpool provided the highlights, which include a three-year term, with a 2.0 percent wage increase the first year, a 2.5 percent wage increase the second year, and a 3.0 percent wage increase the third year, which is very consistent with what they are seeing throughout the municipal industry. He stated the base medical and hospitalization plan remains the High Deductible Plan, and employees will pay ten percent of the health insurance premium. This plan, including the premium share, is taken into retirement as well. He noted that part-time library clerks will receive an increase in premium pay for hours worked on Sunday, from time-and-a-quarter to time-and-a-half. Members having an excess

of thirty accrued vacation days will have an option of being bought out of up to ten vacation days, which is an increase from seven days. He explained the City's increased contribution to the Defined Contribution (DC) Retirement Plan Accounts, the City is increasing its annual DC contribution from four percent of base wages to five percent of base wages. He added that they are below average, so they feel this increase is reasonable. He noted this will increase to 5.5 percent of base wages the second year of the agreement. Mr. Vanderpool explained that members hired between May 20, 2008, and June 30, 2012, have a significant premium share for their retiree health care, so they are increasing their health savings account from \$1,000 to \$1,800; however, he pointed out the City is still saving millions of dollars by phasing out of the traditional retiree health care plan, so this is a modest increase. He informed that the City's sole Mechanical Inspector retired in May 2022, and there are very few candidates to fill vacant full-time positions for electrical and mechanical, so through a memorandum of understanding, the City and Union have a tentative agreement to rehire the mechanical inspector for a period of up to three years, allowing the City time to recruit additional inspectors. He stated all other monetary benefits remain the same provided under the expiring CBA, and he thanked their leadership team, led by Assistant City Manager Jeffrey Bahorski, along with the union leadership team, adding they displayed great professionalism resulting in this agreement presented this evening. Based on all of this, he respectfully requested Mayor and City Council to approve the agreement as presented.

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

Moved by Schmidt, seconded by Ziarko, **RESOLVED**, to approve the collective bargaining agreement and memorandums of understanding between the City of Sterling Heights and Michigan Association of Public Employees (MAPE) Technical / Office Union for the period of July 1, 2022, to June 30, 2025, and authorize the Mayor and City Clerk to sign all documents required in conjunction with this approval.

Yes: All (6-0). The motion carried.

**9. COMMUNICATIONS FROM CITIZENS**

Mayor Taylor opened the floor for comments from the audience.

- Joe Znoy – thanked members of City Council who were in favor of denying Sterling Landings III; felt the developer may come back with slightly modified plan, but urged Council to remember the issues of density, parking, traffic, snow removal, and crime, and maintain their positions; talked about rules of order regarding Planning Commission and cited some examples.
- Cindy Hart – resident at 41325 North Central; talked about a sidewalk issue and provided details about the problem she is experiencing as a result of a tree that she had requested be removed; complained that her sidewalk has been marked for replacement and it will cost her nearly \$2,000; mentioned she is a widow with a lot of medical bills for her late husband; she requested consideration of this amount since she had requested the tree be removed several years ago.

Mayor Taylor requested that Ms. Hart email him with her phone number, assuring her the City will come out to review it to see if they can address the problem. He informed the City has a program for sidewalks and there may be some money available to help her with this cost.

Councilwoman Ziarko offered to meet with Ms. Hart after the meeting about her husband's medical bills, suggesting that she may not be responsible for them.

- Paul Smith – concerned about favoritism with what some developers are allowed to build, and others are not; complained that the City Council could not vote on the issue tonight.

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

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

There were no further comments from the Council members.

11. **UNFINISHED BUSINESS**

There was no unfinished business.

12. **NEW BUSINESS**

There was no new business.

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

Mr. Kaszubski stated there is nothing for tonight.

14. **ADJOURN**

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

The meeting was adjourned at 9:30 p.m.

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MELANIE D. RYSKA, City Clerk