

CITY OF STERLING HEIGHTS  
MINUTES OF REGULAR MEETING OF CITY COUNCIL  
TUESDAY, SEPTEMBER 20, 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, Barbara A. Ziarko.

Absent: Henry Yanez

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.

Mayor Taylor stated that Councilman Yanez is not present this evening. He notified them prior to the meeting that he would be unable to attend this evening but will be back for the next meeting.

5. **REPORT FROM CITY MANAGER**

Mr. Vanderpool noted at the last City Council meeting, he provided an update on the watermain break in Port Huron and had indicated the hope from the Great Lakes Water Authority (GLWA) at that time was that this would be repaired by September 21. He stated the GLWA just reported that there is going to be another

delay, because while the flushing and disinfection of the 120-inch transmission main has been ongoing so the repair has been completed, due to the size and the technical nature of the process, the GLWA is now expecting it will take an additional six to sixteen days before the line is fully functional. He assured that once the line is fully functional, they will again be drawing water from that line instead of from the City of Detroit. Unfortunately, Sterling Heights and the other affected communities are still under an irrigation ban until October 5. He informed the reason for this ban is that since they are drawing water from such a long distance, there is a chance the water pressure could drop, so they are requesting residents and businesses comply with this ban to avoid a boil water order from the GLWA. He assured that their water system is working fine, and they have had no pressure problems in Sterling Heights, but they request continued compliance with the irrigation ban.

Mr. Vanderpool stated he is pleased to continue this evening with the presentations of their boards and commissions, highlighting the good work of their board and commission volunteers. He stated they will be hearing about the Board of Ordinance Appeals and the Board of Code Appeals. He invited City Development Director Jason Castor to provide the overview.

City Development Director Jason Castor presented information on Board of Ordinance Appeals I and Board of Ordinance Appeals II. He recognized Mr. Michael Stickney in the audience this evening, noting he serves as the Chairman of Board of Ordinance Appeals II, as well as the Vice-Chair of Board of Ordinance

Appeals I. He explained these boards were established to expedite the enforcement and resolution of violations unaddressed by property owners. He noted these two boards consist of five members each, with two additional alternate members for each board in the event a member is unable to attend. He stated the members of these boards are residents of the City and appointed by City Council, and they have an interest in making Sterling Heights a better place to live. Property maintenance issues are reviewed year-round, and they meet twenty-two times a year to review and resolve code violations. They may approve immediate abatement by a City contractor at the owner's expense. They also review variance requests, with the most common of those being fence variances on corner lots. They will occasionally hold hearings to review appeals to administrative decisions such as a dangerous dog determination, noxious weed abatement, or licensing denials. He explained he is the liaison to both boards, and he listed the members of both boards and the number of years for which they have served in that capacity. He noted that the second Board of Appeals was established years ago to address the increase in case load. He talked about the meeting schedule of each of these boards. He showed a chart indicating the total number of cases reviewed over the past five years, adding this year their boards have heard over 207 cases, mostly consisting of property maintenance violations and some fence variances. Photographs were shown of examples of property brought before these boards for nuisance conditions, as well as pictures of the same property after the issues were resolved. Mr. Castor concluded his

presentation by thanking the board members and staff that help these boards run smoothly. He also credited the great job the City's Code Officers do to resolve almost ninety-eight percent of all violations prior to reaching these boards, by working with the residents on compliance schedules and plans to bring the properties into compliance with the Property Maintenance Code.

Mr. Vanderpool explained the reason their program in Sterling Heights is set apart from others across the state is because most communities run the property maintenance violations through district court, which is very time-consuming and can be delayed for months while the judge is trying to fit those in along with the criminal cases on the docket. The City Council had the foresight to create the City's own administrative court hearing program, and members who are vested in this are appointed to solve the problem quickly. He added that it generally takes a maximum of sixty days for resolution with this program, and none of these cases are run through district court, with very few exceptions going to circuit court. It is a very effective program, and communities across the state visit the City of Sterling Heights to learn more about this program and how they can implement it in their communities. He thanked the Mayor and City Council for establishing the program many years ago, noting it is paying off because the neighborhoods in Sterling Heights look very nice. Mr. Vanderpool stated their next presentation will be from Building Official Frank Bayer, who will talk about the Board of Code Appeals.

Building Official Frank Bayer explained that that the Board of Code Appeals is required by the State Construction Code Public Act 230 of 1972, and the Michigan Building Code requires the City to have a Board of Code Appeals, and gives that board a limitation of their authority, as well as requirements for qualifications of board members. He clarified the Board does not have the authority to waive a code requirement, but they have the authority for alternatives. He added that a government employee or employee of the City of Sterling Heights cannot be appointed to this board. He or one of the members of the Building Department act as a liaison to answer any questions. He explained the provisions by which requests can be brought to the Board of Code Appeals. He named the current members, along with the number of years they have each served on that board, ranging from seven years to fifty-one years. They generally meet on the second Thursday of the month, but only when there is an appeal, so they average a couple of meetings a year. He concluded his presentation with examples of some recent hearings.

Mr. Vanderpool concluded his report by stating the City has over six hundred full-time and part-time employees who get paid to do the great job they do, and there is another one-hundred fifty volunteers who serve on boards and commissions, also doing the good work in this community. He thanked them all for their good work, and extended thanks to the liaisons who work very closely with the boards and commissions, spending a lot of their time and effort.

**6. ORDINANCE ADOPTIONS**

A. Mayor Taylor stated this is to consider adoption of a map amendment to Zoning Ordinance No. 278 to conditionally rezone property situated on the east side of Van Dyke, north of Plumbrook Road, in Section 15, from O-1 (Business and Professional Office District) to C-3 (General Business District); Case PZ22-0004. He opened the floor for public comment.

Shaina Allen, franchise owner of Scooter's Coffee, stated her husband, Rob Allen, spoke to Council a couple of weeks ago. She recalled there were a lot of questions answered at that time, and they are very excited to be a part of the Sterling Heights community. She explained their four core values are integrity, love, humility, and courage, and that is one of the reasons they selected Sterling Heights because they feel it is a great match. She added that Eric Lord, their civil engineer from Atwell, is present this evening and is willing to answer questions.

Moved by Sierawski, seconded by Ziarko, **RESOLVED**, to approve the map amendment to Zoning Ordinance No. 278 to conditionally rezone property situated on the east side of Van Dyke, north of Plumbrook Road, in Section 15, from O-1 (Business and Professional Office District) to C-3 (General Business District); Case PZ22-0004, subject to the terms and conditions of the conditional rezoning agreement that the Mayor and City Clerk are authorized to sign on behalf of the City.

Mayor Pro-Tem Sierawski stated she is very excited about this development, noting it is close to her house and she feels they need a coffee shop in that area.

Councilwoman Radtke commented that the east side of Van Dyke has been established as an overlay district to designate it for mixed use. He questioned the opinion of the Office of Planning as to the impact a stand-alone, drive-through only, no-pedestrian building would have on the future mixed-use district.

City Development Director Jason Castor clarified the C-3 use continues the current zoning in the area. There is a mix of uses, and although it may not be the intended mixed use, the C-3 zoning is a component.

Councilman Radtke believed if they add a drive-through only establishment at this location, they will never have a mixed-use district there. He commented it will be an impediment to that entire area, indicating this is another example of why he feels they need to fix the zoning codes and the master plan. He noted that to have a created district, someone must go first, but they must have a unified composition. He questioned what pedestrian will want to traverse "a sea of cars". He cited problems they have had with drive-through businesses, which he has observed have caused car accidents. He stated he will be voting no on this, adding that this development may work somewhere else in the community but not in an area designated as a mixed-use district. He agreed that anything is better than an empty parking lot, but when that development stymies development in a specific district for the future interest of the City, he felt it is incumbent upon Council to make the determination that this development is not right for this location.

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

No: Radtke. Absent: Yanez. The motion carried (5/1).

Mayor Taylor congratulated and wished the applicants well.

**B.** Mayor Taylor stated this is to consider adoption of a Tax Exemption Ordinance providing for payment of service charges in lieu of real property taxes

for the New Alqosh Apartments residential housing located at 2500 15 Mile Road.

He opened the floor for public comments.

- Ken Nelson – inquired about a breakdown of the anticipated rents and how they are calculated; showed an example of a breakdown of a Section 8 project; inquired about a tax exemption ordinance for the Section 8 housing project in Sterling Heights; expressed opposition to the project.
- Brandy Wright – in favor of this proposal; average monthly rent of newer apartments range is not affordable, from \$1,600 to \$3,000; cited examples of people who volunteer in the City but cannot afford to live here; this will be a strong benefit to the community, not a negative.

Bob Zinzer, development consultant for this project, clarified this is not a Section 8 project, and explained the difference. He emphasized this project does not have project-based vouchers and rents are not subsidized, but clarified they are utilizing low-income housing tax credits provided for by MSHDA, which they access and sell to a syndicator, who then provides equity to the project. The equity is then used to buy development costs down so they can sustain a mortgage which allows them to charge the rents they are going to charge for the project. He clarified those living in Section 8 housing would not be required to have any income, but in this project, an income is required, based on Area Median Income (AMI) levels at which the rents are set. He noted the document shown by Mr. Nelson was only the utility allowance for the individual units. Mr. Zinzer showed chart with actual rents being charged, as well as utility log, and he explained the chart. He pointed out examples of what these units would go for each month, based on thirty, forty, and sixty percent AMI levels and utility allowances. There are various levels of who



can live in the project based on their income levels, and he reiterated it has nothing to do with vouchers. He offered to answer questions.

Moved by Radtke, seconded by Sierawski, **RESOLVED**, to:

1. Approve the City of Sterling Heights Tax Exemption Ordinance providing for payment of service charges in lieu of real property taxes for the New Alqosh Apartments residential housing located at 2500 15 Mile Road; and
2. Approve the Municipal Services Agreement between the City of Sterling Heights and New Alqosh Apartments LDHA LP, and authorize the Mayor and City Clerk to sign the Agreement on behalf of the City.

Councilman Radtke stated this was discussed at the last meeting. He agreed with Ms. Wright that they need affordable housing in the City at all price points. With this housing being based on income, they are moving hard-working people into the City. He cannot think of a better thing for the City, so he will be voting in favor of this proposal.

Mayor Pro-Tem Sierawski stated she is in support of this proposal. She stated that while one of her grown sons has had a couple of decent-paying jobs, he does not have enough to pay for a house. She felt this type of housing will give him and others like him an opportunity to move out but remain in the City. She thanked Mr. Zinzer for the presentation and showing them how it works.

Councilwoman Ziarko noted that City Council is providing the applicants with the tools they need to get through MSHDA, and they should have a very good case to present in order to build this complex. She pointed out there have been other PILOT programs that started in the City but were turned down at the state level. She felt they have done everything here to make sure they get through the next hurdle.

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

Mayor Taylor congratulated and wished the applicants good luck. He noted this is a way to provide housing to a lot of people who may have thought Sterling Heights was out of reach.

## 7. CONSENT AGENDA

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

- Diann Glaza-Helbling – of Michigan Ovarian Cancer Alliance (MIOCA), a non-profit started in 2011 in the State of Michigan; explained they serve everyone who is fighting ovarian cancer in Michigan; September is their designated awareness month; they serve everyone in Michigan who is fighting ovarian cancer; explained every twenty-three minutes, someone in the United States is diagnosed with ovarian cancer, with no early screening or detection test; appreciated the City's willingness to light the Halo teal to bring awareness to Sterling Heights and surrounding communities; talked about the symptoms by using the acronym, BEAT (Bloating, Eating issues, Abdominal Pain, and Tinkling (frequent urination)). She stressed anyone with twelve of these symptoms in a month should go to their doctor to get checked; she brought brochures and bracelets from MIOCA to spread the awareness of ovarian cancer.

Mayor Taylor thanked Ms. Glaza-Helbling for speaking tonight and getting the word out about ovarian cancer awareness. He suggested she leave the brochures and bracelets with the City Clerk, who will be glad to pass them out.

- Amy Arini – former Sterling Heights resident and former elementary school teacher in Sterling Heights here tonight to accept the Resolution (Item 7-M) to designate October 13, 2022 as "National Metastatic Breast Cancer Day" in the City of Sterling Heights; thanked City Council for raising awareness of the disease; provided her personal experience being diagnosed three-and-a-half years ago with metastatic breast cancer (MBC); talked about METAvivor, which is dedicated to the specific fight of women and men living with stage 4 metastatic breast cancer, and funds vital research to help improve the longevity and quality of life for MBC patients;

explained METAvivor ribbons are pink (to represent cancer starting in the breast), green (symbolizing renewal and hope), and teal (symbolizing healing and spirituality); thanked City Council for their help in bringing this issue forward, and for lighting the Halo on October 13 with the metastatic breast cancer colors.

Mayor Taylor thanked Ms. Arini, noting it is very eye-opening. He appreciated her courage in being here tonight and wished her well in her continued fight.

- Unidentified resident – member of the Hispanic-Latino community; thanked City Council for having Item 7-K on tonight’s agenda, designating September 15 to October 15, 2022 as National Hispanic Heritage Month in the City of Sterling Heights; on behalf of Artistas Latinx In Accion Siempre (A.L.A.S.), he expressed their thanks for this recognition and to be the first Hispanic-Latino non-profit organization to offer their services when needed, and possibly bring forth future events to Sterling Heights when opportunities are possible and present themselves; clarified the future events will be Hispanic-Latino themed but will be open for the entire community and those living in the surrounding area to attend; stressed they want to establish their presence in the communities in Michigan as they have done in Saginaw; emphasized they have included all local artists from every culture and community; announced their upcoming event in Mount Clemens they are hosting for Day of the Dead on October 15, and he noted who is participating as sponsors; urged everyone to join them; requested to bring this event to Sterling Heights and offered to work with the Ethnic Community Committee, Councilman Yanez, and other organizations and businesses that have been part of their network; also requested information as to what type of budget they would need to host this event.

Mayor Taylor stated they would be more than happy to work with this organization to plan an event in the City. He stated the Hispanic community is not huge, but it can certainly be celebrated, and he thanked the resident for speaking tonight.

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

- A. To approve the minutes of the Regular Meeting of September 6, 2022.
- B. To approve payment of the bills as presented: General Fund - \$775,621.19, Water & Sewer Fund - \$1,880,526.87, Other Funds - \$3,677,012.53, Total Checks - \$6,333,160.59.

- C. **RESOLVED**, to purchase one (1) Vermeer BC Model #1500 trailer mounted drum style brush chipper from Vermeer of Michigan, Inc., 940 Garden Lane, Fowlerville, MI 48836, at pricing available through Sourcewell cooperative purchasing contract #031721-VRM, at a total cost of \$78,386.
- D. **RESOLVED**, to award the bid for one (1) Polilight Flare Plus V2 kit to Arrowhead Forensics, d/b/a Arrowhead Scientific, 11006 Stang Line Rd, Lenexa, KS 66215, in the total amount of \$15,718.15.
- E. **RESOLVED**, to:
1. Accept the proposal by GovHR USA, 630 Dundee Road, Suite 130, Northbrook, Illinois, 60062, for professional recruitment services for the positions of City Planner and Planner III, and authorize the City Manager to sign all required documents on behalf of the City; and,
  2. Authorize a budget amendment in the amount of \$26,500 from General Fund reserves.
- F. **RESOLVED**, to:
1. Award the bid to 21st Century Media Newspaper, LLC, 6250 Metropolitan Parkway, Sterling Heights, MI 48312, publisher of the Macomb Daily, as the official city newspaper for publication of legal notices and advertisements for a one-year period based on the following unit prices:
    - One full page at \$1,666.80
    - Column inch at \$13.89
    - Classified help wanted per line: \$1.85 – 3-day minimum print only • On-line and Print – add \$20.00 to print edition fee
    - Fee for Affidavit of Publication \$11.25; and
  2. Designate C&G Newspapers, 13650 11 Mile Road, Warren, MI 48089, publisher of the Sterling Heights Sentry, as a secondary official city newspaper for publication of advertisements, and when eligible per Michigan stature, legal notices, for a one-year period based on the following unit prices:
    - One full page at \$500.00
    - Column inch at \$10.00
    - Classified help wanted per line at \$2.00
    - On-line only at \$75.00 per advertisement
    - Fee for Affidavit of Publication \$15.00
- G. **RESOLVED**, to accept the new water main easement for the Panda Express Restaurant, 36900 Van Dyke, in Section 27, PSP21-0032.
- H. **RESOLVED**, to approve the final application agreement between DTE Electric Company and the City of Sterling Heights and authorize the City Manager to sign the agreement on behalf of the City.
- I. **RESOLVED**, to purchase an annual subscription for technical maintenance and support of Barracuda network appliances from Barracuda Networks,

Inc., 3175 Winchester Blvd, Campbell, CA 95008, for the period October 22, 2022, to October 23, 2023, at a total cost of \$11,206.75.

- J. **RESOLVED**, to waive the competitive bidding requirements in accordance with City Code §2-217(A)(6) and approve the service agreement from Davey Resource Group, 295 S. Water Street, Kent, OH 44240, for tree inventory with a cost of \$3.85/tree.
- K. **RESOLVED**, to adopt the resolution designating September 15 to October 15, 2022, as National Hispanic Heritage Month in the City of Sterling Heights.
- L. **RESOLVED**, to adopt the resolution designating September 2022 as National Ovarian Cancer Awareness Month in the City of Sterling Heights.
- M. **RESOLVED**, to adopt a resolution designating October 13, 2022, as “National Metastatic Breast Cancer Day” in the City of Sterling Heights.

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

## 8. CONSIDERATION

A. Mayor Taylor stated this is to consider an appointment to the City of Sterling Heights Zoning Board of Appeals. He opened the floor for public comment, but no one spoke.

Moved by Radtke, seconded by Sierawski, **RESOLVED**, to appoint Ben Ancona to the Zoning Board of Appeals to a term ending June 30, 2023, 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 Mr. Ancona has had previous experience on the Planning Commission, and he felt he will be a fine nominee.

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

## 9. COMMUNICATIONS FROM CITIZENS

Mayor Taylor opened the floor for comments from the audience.

- Ron Abdo – resident on Fox Hill Drive; requested information on water bills; concerned that his bill has drastically increased and he does not know why, adding he does not water his lawn and is not using more water than previous months; stated his bills reflect he was using about 6,000 gallons

every three months and the current bill reflects a 6,000-gallon usage in one month.

Mayor Taylor requested that Mr. Abdo provide his name, address, and phone number to the City Clerk, and he assured someone from City Administration will contact him directly to review the bill.

- Ken Nelson – provided update on his water quality complaint from the last meeting; extended thanks to the Water Department after two employees were sent out to run his fire hydrant, and his water is tasting much better now; talked about \$2,000 in cement repairs his neighbor had done and the difficulty they had in removing the tree roots; he expressed concern about the City's requirement for these trees and felt the City should be paying the cost of the tree root removal; requested the City look into the ordinance on who is responsible for payment.

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

Mr. Vanderpool stated he has nothing to add this evening.

Councilman Radtke thanked the cancer survivor who spoke tonight. He stated his mother died of leukemia in 2003 and it affects everyone. He commended the speaker who indicated she will have to go through treatments for the rest of her life. He appreciated City Administration bringing attention to these groups and the chronic conditions from which they suffer.

Councilman Radtke agreed with Mr. Nelson that the City needs to change how sidewalk is paid for and felt the sidewalk should be paid for out of city funds. He pointed out that someone can move into Sterling Heights, live here five years, and never have to pay for a sidewalk; however, the residents who live in their homes for many years are paying multiple times for sidewalk repair and replacement. He stressed that everyone uses the sidewalks, and if they want to become a pedestrian-friendly city, the City needs to replace the sidewalks. He acknowledged

there is a cost to sidewalk maintenance, whether a resident pays for it, or taxes if the City pays for it. He was opposed to the idea that the trees should be eliminated, adding that Sterling Heights has a lower tree canopy than almost all surrounding cities. He expressed concern that removing more trees will increase their problems with water runoff, heat, and unsustainable practices.

Mayor Pro-Tem Sierawski thanked the residents for their patience and cooperation on the current watering ban that has been extended. She understands it is frustrating, but she appreciated their continued cooperation until October 5.

**13. UNFINISHED BUSINESS**

There was no unfinished business.

**14. NEW BUSINESS**

There was no new business.

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

Mr. Kaszubski stated there are no items for tonight.

**16. ADJOURN**

Moved by Ziarko, seconded by Schmidt, **RESOLVED**, to adjourn the meeting. The motion carried and the meeting was adjourned at 8:06 p.m.

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MELANIE D. RYSKA, City Clerk