

CITY OF STERLING HEIGHTS
MINUTES OF REGULAR MEETING OF CITY COUNCIL
TUESDAY, JANUARY 4, 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 amended.

Councilman Yanez requested that Consent Agenda Item 9-D be pulled off of the Consent Agenda and moved to Consideration Item 10-C.

Yes: All. The motion carried.
5. **REPORT FROM CITY MANAGER**
Mr. Vanderpool reminded that, in recognition of Martin Luther King Jr. holiday on Monday, January 17, City offices will be closed for business. He advised that there will be no disruption in the refuse collection schedule. The Sterling Heights Public Library will be celebrating Martin Luther King Jr. Day with a display in their lobby, providing an overview of Dr. King's life and contributions. Biographical material for all ages will be highlighted, so he encouraged people to stop in and look at this educational display.

Mr. Vanderpool reminded residents that Christmas trees can still be set out at the curb through February 2; after that date, trees will not be allowed to be set out at the curb.

Mr. Vanderpool requested that City Council convene a Closed Session at the conclusion of tonight's agenda, pursuant to Sections 8-H and 8-E of the Open Meetings Act for Council to consult with the City Attorney regarding a confidential written legal opinion and trial or settlement strategy in connection with Macomb County Circuit Court Case No. 20-00308-NI.

Mr. Vanderpool highlighted an article published in today's Detroit Free Press newspaper, entitled "Ten Metro Detroit Cities Have the Biggest Home Sale Surges of 2021," and he pointed out that Sterling Heights was the leader on this list, with a 31 percent increase in home sales. The population of Sterling Heights continues to grow and be a focal point and destination place for people across the state and Midwest. He credited a number of reasons, including great public and parochial schools, great services in the community, low taxes, plentiful high-paying jobs, being an inclusive, welcoming community, resulting in being one of the most diverse cities in the State of Michigan. He added that the City has invested millions of dollars in quality-of-life services attracting young residents and families, including the park systems, bike/hike trails, skate park, ice rink, and Dodge Park. He noted that he had a conversation with an employee at a nearby business who mentioned his grandparents love living in Sterling Heights, and he and his fiancé are thinking of buying a home in Sterling Heights. When asked why, he responded

it is in large part because of the recreational amenities that have been constructed and built out over recent years. Mr. Vanderpool stressed these investments are paying off, and he highlighted this article as one more example of good leadership, commending the Mayor and City Council for taking the lead and many of these investments over recent years.

Mayor Taylor thanked Mr. Vanderpool for this good news. He recognized Macomb County Commissioner Joe Romano, who is present at tonight's meeting.

6. PUBLIC HEARINGS

A. Mayor Taylor stated this is a public hearing to consider adoption of a proposed Parks, Recreation, and Non-Motorized Master Plan for 2022 through 2026. He invited Parks and Recreation Director Kyle Langlois and Wade Trim Senior Project Manager Adam Young to give the presentation.

Parks and Recreation Director Kyle Langlois stated this is a presentation of the Parks and Recreation Non-Motorized Master Plan, developed as a guide for the Parks and Recreation Department to follow over the next five years. This process began over fifteen months ago, with the finalization tonight and over the next month. He informed that the last Master Plan was being developed at about the same time the *Re*Creating Recreation Initiative was unfolding, and it resulted in a high level of completion from the Community Improvement Plan. Mr. Langlois noted he is eager to move the City forward in the realm of recreation. He introduced Senior Project Manager Adam Young from Wade Trim, noting that Wade Trim was selected through a rigorous Request for Proposal process to complete their last Master Plan and compiled this new plan as a follow-up to what

they were able to achieve through *Re*Creating Recreation and their last Master Plan.

Senior Project Manager Adam Young from Wade Trim provided a summary of the Master Plan, with the purpose of the plan being to build on the successful *Re*Creating Recreation Initiative and continue that momentum forward, looking at additional investments and improvements to the Parks and Recreation non-motorized system in the City. The plan serves as a guide and a decision-making document for the City. He stressed it is important to know that the intentionally-ambitious five-year Action Plan is not set in stone and does not commit the City to any specific projects. It positions the City to be able to seek and secure funding through the State of Michigan, ensuring the City is grant-eligible through the Michigan Department of Natural Resources (MDNR) through December 31, 2026. Mr. Young outlined the considerations that went into the plan, including existing facilities inventory, accessibility for all individuals, providing greater access, non-motorized assessment including sidewalk gaps, recreation trends, national planning standards, community demographics, including regional and state plans, related plans and initiatives, and public input. He noted they looked at the Iron Belle Trail, and the statewide drive over the last number of years to get that trail in place. They conducted an online citizen survey and were pleased with receiving over nine hundred responses. He added that over eighty-five percent of respondents indicated the City is doing an excellent or a good job in providing recreation, and they held focus group discussions, including meeting with a teen

group at a Sterling Heights Youth Advisory Board meeting to get feedback and thoughts from the younger generation.

Mr. Young explained the Action Program is the key component of the Five-Year Parks and Recreation Plan, and includes a schedule of proposed improvements to parks, trails, and facilities. He outlined improvements to include new amenities and enhancements to all city parks, such as picnic tables, benches, bike racks, etc. There are significant improvements proposed at certain city parks, such as new athletic courts, trail loops, and parking lot rehabilitation or paving. They have targeted some land acquisition sites for either conservation or for proposed development of future neighborhood parks. He outlined some of the non-motorized improvements outline in the plan, which include connections where there are currently sidewalk gaps, looking to improve and enhance the Iron Belle Trail route through the City. The shared use trail extensions are proposed in order to connect neighborhoods with parks, schools, and business districts, and they are also looking at signage and safety enhancements.

Mr. Young reviewed the adoption schedule, noting that the draft plan has been in place beginning December 5, 2021, available on the City's website for viewing and downloading. The City Council is holding the Public Hearing tonight as required, and they are being asked to consider the plan for adoption this evening. He stated they would like to have this plan adopted and submitted to the MDNR by February 1, so they would be eligible to apply for grants yet this year.

Mr. Langlois stated this has been an extensive process, and unique opportunities have been presented to solicit feedback from residents. They are excited about the plan being considered this evening, and he offered to answer questions.

Mayor Taylor opened the Public Hearing. There were no comments from the public. Mayor Taylor closed the Public Hearing.

Moved by Sierawski, seconded by Taylor, **RESOLVED**, to adopt the Parks, Recreation and Non-Motorized Master Plan for the period 2022 to 2026.

Mayor Pro-Tem Sierawski felt this is a great continued step in the right direction, adding that they need to improve their modes of transportation other than motorized vehicles. She appreciated the hard work that has gone into this plan, and she is pleased that this allows them to seek grants sooner rather than later. She acknowledged that grants are not always "free money," but she is in favor of getting the most from their dollars spent. She is in support of this plan.

Councilman Radtke commended those who put this plan together, stating he read it and it is excellent. He recalled being asked by residents regarding a third entrance to Magnolia Park, and he questioned whether there is an update on whether they plan to take back the sidewalk. He pointed out that residents are forced to go through a muddy area between two properties to get "through the back door" of Magnolia Park.

Mr. Langlois clarified it is Moravian Park. He has not been able to acquire any information as to how it turned from a catwalk to a closed-off area, but they will continue to research it. If they discover they have access, he assured it will be their

plan to open it to the residents off of Maisano Drive so they can access the park from that location.

Councilman Radtke noted there is a map with circles depicting the average walking distance for residents to access a park, and although the homes fall within the circles, the residents cannot access the park without going out to a major roadway and walk at least a mile to get to the park they can see from their homes. He felt the map shows the need for a community center or park in the 15 Mile / Van Dyke area, so he urged people to talk to him and his colleagues about repurposing the former Fillmore Elementary School site to something they can use. He read about a park on Red Run, and he questioned whether it is marked with a sign to inform them it is a park they can use. He added he was not even aware the City owned a park on Red Run. He questioned whether the City is planning on doing a land swap at the site of the former Puffin Park with the hopes of building a play structure for the residents.

Mr. Langlois replied that is correct, and they are still working through the appraisal process, which is very cumbersome. He noted that property was purchased with grant funds through the State and National Park Service, so it is a high-level appraisal that has to take place. He clarified it is not a land swap but it is through a mutually-agreeable arrangement that will allow a road to go through the park to a new subdivision.

Councilman Radtke stated that Baumgartner Park now has soccer fields and a new playscape but does not have a sidewalk linking it to the area around it. He recalled

they have a shared use path on Dodge Park, starting at 16 Mile Road going north, so residents on the east side of 15 Mile comments they get a lot of bike traffic coming off that shared use path directly onto the sidewalk south of 16 Mile Road. He suggested expanding that shared use path from 16 Mile Road to 15 Mile Road, the residents would appreciate it. He noted he talked to one resident in a wheelchair who explained it is difficult to maneuver when she comes up to a bike, because one or the other has to go off onto the grass so the other person can pass. Councilman Radtke felt that other than the few items he mentioned, the plan is excellent. He loved what they are doing with the parks and felt there is room for them to continue improving to make it the best park system in the state.

Councilwoman Schmidt thanked everyone who participated in this hard work. She reminded that this document is not etched in stone, but is a wish list, and she compared it to Strategic Planning. She noted that the acquisition of Fillmore School was mentioned by Councilman Radtke and is also mentioned in the report, and as an employee of the district, she has received many phone calls from staff who are being displaced from that building this week and are insisting the City has already purchased that building or has an agreement to take over the building. She requested that Mr. Langlois dispel these rumors.

Mr. Langlois clarified there is no plan in place at this point to purchase or take over Fillmore Elementary. He acknowledged it is part of their proposal, but there is no agreement. He stressed they would need to secure funding to be able to do that, which would be through grant funding. He estimated they would be two years

away from that, and he acknowledged that he is not privy to the school district's information regarding the plans for all of their buildings. He assured it is not related to this plan.

Councilwoman Schmidt thanked Mr. Langlois for clearing up that issue, and she wanted to make sure everyone is aware the City has not acquired that building. If they acquire the building with grant dollars, they still have to fund it to fill it. She felt what is presented is encouraging and an extension of *ReCreating Recreation*, and she appreciated their help.

Councilwoman Koski noted that this is their "wish list." She referred to the comments of the bike / hike path from the east to the west along the Sterling Relief Drain. She requested an explanation of the plan.

Mr. Langlois believed Councilwoman Koski is referring to one of their concept plans which is actually a County plan referencing a previous plan discussed at City Council.

Councilwoman Koski replied to inquiry that is correct.

Mr. Langlois explained that plan was included in their plan as a future potential opportunity for non-motorized transportation. It was noted that it was debated heavily at City Council level, so there are no plans to pursue a trail at this time, but it is an opportunity so it was determined important to be included in the plan.

Councilwoman Koski inquired as to whether that is something they are doing tonight as far linking Freedom Hill.

Mr. Langlois replied that is a separate plan and a separate section of the trail. He clarified the section on the agenda this evening is not directly behind homes but is on the other side of the drain, so they are two completely separate plans with two completely separate trail concepts.

Councilwoman Koski questioned whether the other plan would be added to it if it were done, because it would extend all the way to Nelson Park.

Mr. Langlois again emphasized there are no plans for that.

Councilwoman Koski clarified it is part of a "wish list" and might be something that can be done.

Mr. Langlois replied it is an item that should be considered moving forward if they want to extend and expand their non-motorized inventory of trails.

Councilwoman Koski questioned whether any thought has been given to the former Belvedere Dance Hall.

Mr. Langlois replied that Belvedere Park, now part of Rotary Park, has some pieces of the old building in the back of the park. They have talked internally about producing some programming that incorporates some of those landmarks along the Clinton River and in the park system, although there are no immediate plans to renovate or do anything with it. He clarified it is in a very sensitive area of the park in terms of wetlands, so it is difficult to get to and from the main part of Rotary Park.

Councilwoman Koski thought of it as a tourist attraction.

Councilwoman Ziarko thanked those involved who put this plan / vision together. She requested, as they move forward and each project comes up, that City Council is kept in the loop as to what they are doing. She felt that would give them an opportunity to discuss it or ask questions. She felt it is a great vision.

Councilman Yanez questioned as to the criteria they use when purchasing property and whether it is to expand a park or create a new park.

Mr. Langlois cited two examples for which they have an interest. One parcel included in their Master Plan as property that would be desirable for the City to acquire is located south of 17 Mile Road, along Utica Road, to possibly expand their greenbelt along the Clinton River at the south end of what would be South Clinton River Park. He added another reason for interest in acquisition is for conservation purposes to maintain natural parkland and to plant additional trees. Mr. Langlois explained when they look at acquiring a parcel such as the Fillmore Elementary School site, it provides a potential opportunity to provide a park in that area of the City where there is no park in that area. He summarized the two things they look at are whether it provides opportunities to conserve natural public lands and increase tree canopy, or whether a property that becomes available has a utility to the residents and Parks and Recreation Department. This was the criteria used when the City recently purchased an acre from the church adjacent to Donovan Park to be used for additional parking to support the activities at the park.

Councilman Yanez felt the Iron Belle Trail is a fantastic project, and he did not know if any other state has a trail that goes from north to south for the entire length of

their state. He questioned what kind of signage would be provided along that portion of the trail in the City, especially for people who do not live in Sterling Heights, which could spur economic activity in the area.

Mr. Langlois replied there are multiple potential routes for the Iron Belle Trail to work their way through Sterling Heights. He felt one of the more attractive routes would be through Baumgartner Park, across 15 Mile to Dodge Park to the north, and this would bring them past various shops along the way, including Coaches Ice Cream, and would proceed past the Community Center into Dodge Park. He explained the Iron Belle Trail has specific signage, so that would be the goal to have that along the entire trail, with the expectation to support local businesses along the trail.

Councilman Yanez questioned whether there are any phone apps that bicyclists/hikers can use that would show landmarks, or whether one could be created.

Mr. Langlois felt they have looked at this a number of times; however, there are not canned apps they have discovered so they would most likely have to enlist the services of an app-building company to build what they are looking for.

Mayor Taylor thanked Mr. Langlois and Mr. Young for their presentations. He noted the disc golf course has been talked about for a long time, and he questioned whether there are any updates on it.

Mr. Langlois explained there was a difference of opinion on how it should be built, although he added that does not mean that Nelson Park does not offer a great opportunity for a disc golf course. He noted that they will need to get Puffin Park

built out first because there is some shared space, and the original plan called for disc golf using the parking lot at Puffin Park and extending into the south portion of Nelson Park. He anticipated it will be a nine-hole disc course, and not a large eighteen-hole tournament-quality disc golf course.

Mayor Taylor commented that Pickleball is one of the fastest-growing new sports, and he is glad to see they are planning expansion of those services.

Councilwoman Schmidt recalled playing a fun game called "Kick Golf" and added she would not mind finding a spot for that in one of the parks.

Councilwoman Ziarko recalled it was "Footgolf."

Councilman Radtke noted this plan refers to the annual agreement between the City of Warren and the City of Sterling Heights with regard to Warren's pool and the City's Community Center. He questioned what the current agreement allows, noting he receives a lot of calls from residents about the swimming pool.

Mr. Langlois explained when they initially signed the intergovernmental agreement, it was for the use of the Community Center, and at that time, it included use of the Warren pool for Sterling Heights residents, whether it was for annual passes, monthly memberships, or drop-in daily passes, which they were offering at that time. The City of Sterling Heights pays an annual fee to the City of Warren, and in turn, it affords Sterling Heights residents an opportunity to use those facilities at their resident rates. He assured that plan remains in place, although there have been changes since Covid-19 has come about. Since reopening after the Covid-19 shutdown, it has only been reopened to annual

passholders and monthly passholders, but they have not reopened the doors to daily passholders in order to better manage the capacity. He added they feel it is also a better experience for the users, and that policy is in place for both Warren residents and Sterling Heights residents. It is a departure from the initial plan, but he assured the residents of Sterling Heights are not being singled out, and this was a Covid-driven decision. He advised they are in the final few months of the initial agreement period, so they will be going back to discussions later this month as to what the next five years looks like and whether both cities are interested in continuing that agreement. Mr. Langlois felt that having access to facilities of another municipality is important to great regional partnership. The pool is in close proximity to the Sterling Heights border, so it provides the residents of this city the great opportunity to use a community pool and workout facility.

Councilman Radtke commented there is a lot of debate about community pools. At this time, the City can use the Warren community pool at their residents' rates, which is good, although he felt it may be difficult for some to pay for a monthly or yearly membership if they only want to use it occasionally. He would like to see other partnerships pursued, both for swimming lessons and recreation.

Yes: All. The motion carried.

7. ORDINANCE INTRODUCTION

A. Mayor Taylor stated this is to consider introduction of an ordinance to amend Chapter 25 of the City Code by adding Article 1 to prohibit discrimination in housing, employment, and public accommodations. He invited Assistant City Attorney Donald P. DeNault, Jr. to give a presentation.

Assistant City Attorney Donald P. DeNault, Jr. explained this is to discuss an introduction of the Non-Discrimination Ordinance, which their office prepared and Council enacted in 2014. It is being presented to them in its initial form and has not been modified, and he added it has not needed modification. In the last seven years, the courts have ruled on a few things that have enhanced protections against discrimination in certain areas, but this ordinance was only intended to cover areas not yet covered by case law or standard federal laws. He cited the example of Title 7 of the Civil Rights Act, protecting against discrimination by employers who have fifteen or more employees, and this ordinance would afford protection regardless of the employer's size. It would cover what the Supreme Court covered in its opinion last year, which includes sexual orientation, gender identity, etc. He offered to answer questions.

Mayor Taylor opened the floor for public comments.

- Jon Matthews – in favor of proposed ordinance; this ordinance could make the difference of where people live and work; questioned the timeline of how a non-discrimination investigation; comfortable and proud of this ordinance.
- Benjamin Orjada – in favor of Council adopting this ordinance; claimed this is deeply personal for him; even if this becomes redundant some day at a federal level, it will offer protection today; felt the City and its residents deserve this.
- Brandy Wright – concerned that some were more concerned about the controversy this may bring up rather than protecting some of the City's residents; acknowledged there may be a vocal minority; should not let a fear of controversy to stop them from doing what is right; urged Council to pass this ordinance.

- Jade Cruz – in favor of this ordinance; may be redundant in future, and may be controversial now, but felt this sends the right message; skills and past performance, should be looked at for jobs, and how a home is maintained should be looked at for home ownership, rather than gender identity or sexual orientation.

Moved by Radtke, seconded by Sierawski, **RESOLVED**, to introduce the ordinance amending Chapter 25 of the City Code by adding Article 1 to prohibit discrimination in housing, employment, and public accommodations.

Councilman Radtke felt this is long overdue, noting the City has become more inclusive than it was years ago.

Mayor Pro-Tem Sierawski echoed Councilman Radtke, and she felt everything Council does should be the “right thing” for the most people. She commented people are entitled to rights, she is happy to be a part of it, and she will be voting in favor of the ordinance.

Councilwoman Ziarko stated she voted for this the first time and will be voting for it again today. She has no problem with it and feels it is the right thing to do, although she hopes things have changed over the last seven years and they do not see a repeat of what happened the last time this was passed.

Councilwoman Schmidt commented that she voted in favor of this in 2014 and will be voting in favor of it again tonight. She felt it was unfortunate they had to repeal it, but she felt it is time for Council to bring it back and make this decision.

Mayor Taylor felt there is a difference between the current discussions on this and the hatred and mean-spirited comments that were said in 2014. He felt progress has been made in the last seven-and-a-half years, and he is inspired to see no one

here opposing it. He credited former colleague Doug Skrzyniarz who helped to get this passed in 2014.

Yes: All. The motion carried.

8. ORDINANCE ADOPTIONS

A. Mayor Taylor stated this is to adopt the first amendment to the Appropriations Ordinance for the 2021/22 fiscal year. He opened the floor for public comments, but no one in the audience spoke.

Moved by Sierawski, to adopt the first amendment to the Appropriations Ordinance for fiscal year 2021/22, as amended.

Mayor Taylor clarified that motion would not include the amendments for the Deputy Police Chief and the Fire Inspector. He advised if she would like to make the motion to include the Deputy Police Chief and/or Fire Inspector, she would have to make the motion outlined in Suggested Action No. 1, and if she only wants one or the other of those two positions, she can just leave one out of the motion.

Mayor Pro-Tem Sierawski clarified she would like to make the motion to include those two positions, so she withdrew her motion on the floor.

Moved by Sierawski, seconded by Yanez, **RESOLVED**, to amend the first amendment to the Appropriations Ordinance for fiscal year 2021/22 to fund the Deputy Police Chief and Fire Inspector job classifications in the amount of \$120,000, with an offsetting reduction in the contribution to Other Postemployment Benefits.

Councilman Yanez noted the robust discussion about a Fire Inspector at the time the original budget was acted upon. He recalled the Fire Chief had indicated they were way behind in commercial fire inspections. He stressed these are very important, and he explained some communities opt for a plan where they put

their focus on extinguishment, while other communities, such as Troy, decided to put their money into fire prevention and inspection, and maintain a volunteer suppression department. Councilman Yanez emphasized that ensuring buildings are safe is an absolute importance for a safe community. He explained that none of the safety features in a building, such as lit-up exit signs, panic-bar exit doors, fire alarms, sprinkler systems, etc., matter unless they are working, and they cannot ensure they are in working order unless someone inspects it. He commented that it takes four to six months to certify an inspector for buildings, so when this is delayed, it is for a period of six months or longer. He felt they need to get someone approved now to get this process started, pointing out that they had to pull one of their inspectors off for approximately one year to handle marijuana grow houses. He stressed his work with the Fire Department tells him the importance of this position for the safety of their first responders, workers in the City, and the overall view of the safety in the City. He understands the concern about how this position will be paid, and he hopes that during Strategic Planning, they will have a plan or program presented as to how they are going to move forward with fire inspections. He supported the motion on the floor to include the Deputy Police Chief and the Fire Inspector.

Mayor Taylor questioned why the City would not hire someone already certified if that process takes four to six months.

Councilman Yanez replied that it has been the City's policy, and he believes they may be required contractually, to promote through the ranks. The firefighters are

not certified until they move into that position, and they do not hire inspectors from the outside. He added, however, that the City may present a plan at Strategic Planning that would allow that to occur. He felt if they are going to wait until the next budget year, which starts July 1, they are “kicking the can down the road” for another six months.

Mayor Taylor inquired as to whether this would be hiring a firefighter and promoting a current firefighter to inspector.

Finance Director Jennifer Varney replied her experience is that the past fire inspectors have been promoted from within, and eventually it would trickle down to hiring a firefighter from the outside. The ordinance reflects that both positions cost a total of \$345,000, but she only budgeted \$120,000 for six months. She indicated she had to make assumptions when budgeting, noting that the Deputy Chief’s position has not yet been negotiated. She assumed someone would be promoted, so budgeting the salary differential between a Captain and a Deputy Police Chief, and eventually hiring a police officer from the outside. She added it would be similar for a fire inspector.

Councilman Radtke stated he brought this amendment forward and felt both positions are critical. He agreed with Councilman Yanez and appreciated the explanation. He pointed out they had a fire inspector dealing with the illegal marijuana grow operations, which are high hazard areas, sparking building fires, so he felt the addition of a fire inspector is essential. He also felt the Deputy Police Chief is essential, mainly because they have been requesting a lot from their first

responders over these last couple of years. He credited the Police Chief for doing an excellent job but pointed out he has been working very hard and could use some support. They have talked about the implementation of a lot of policies and procedures, including better speed enforcement and better organizational enforcement. He is glad they found money in the budget to pay for them for at least the next six months, and he is looking forward to voting in favor of this motion.

Councilwoman Schmidt clarified that she does not oppose these two positions, but she pointed out the City has procedures in place for hiring and creating positions. She questioned whether the Police Chief and the Fire Chief have approached Mr. Vanderpool to formally make requests on these two positions.

Mr. Vanderpool replied they do not have a formal recommendation from either the Fire Chief or the Police Chief on either one of these positions. He acknowledged they are positions that have been discussed, and he is not disputing the need, but Administration is concerned because they have not had a chance to analyze possible options. He clarified that fire inspections are taking place, noting that in 2021, they anticipate completing over 1,800 fire inspections of buildings, and in 2020, they actually completed 1,937 building inspections, which is significant. They conducted over eight hundred hazardous inspections in 2020, so the inspections are being done, but they have not had a chance to analyze this, because they have not received formal requests from the chiefs. He emphasized they appreciate the interest, but it is Administration's job to always

put forth the most cost-effective recommendations. With respect to the firefighter inspector, there is a good chance they could hire multiple fire inspectors with a more cost-effective approach. The approach being recommended through this amendment is the most expensive approach, hiring a sworn firefighter who will make almost \$100,000 after five years to conduct inspections. He suggested a more effective model used by the City is in the Building Department, where they have hired retired police officers. They are paid \$26 per hour, with no benefits, pension or legacy costs, and that model has become a model for other communities. He expressed confidence that the model will work well in the Fire Department by hiring part-time retired firefighters that are certified. They would be able to hire many more for the same amount or lower, but he reiterated they have not had an opportunity to analyze it. The Deputy Police Chief position has to be negotiated, and it is hard to send the Human Resources Manager into the negotiating room and negotiate the best deal for the City, when the position is already funded. They do not know the salary, they would have to design an assessment process which would have to be negotiated, and that is not included in the budget amendment. Mr. Vanderpool feels it needs to go through a thorough process in order for Administration to make a good recommendation to City Council.

Councilwoman Schmidt assured she is not against these positions and she can see a valid need for these positions, but she felt this is not the correct process. She felt that approving these positions with funding for six months and talking about it at

Strategic Planning as to how they will further fund it is “kicking the can down the road.” She recalled there was a split vote on last year’s budget, but they were able to bring back some of the positions that were eliminated without raising taxes. She commended Administration for doing that. She did not feel an emergency funding of these positions is not the right way to do this. She understood that promotions are from within in the Fire Department, but in the Police Department, they have to test and be vetted, so it is a different process.

Mr. Vanderpool replied to inquiry that Councilwoman Schmidt is correct in the way the Police and Fire Departments do their hiring. A Deputy Chief position in the Police Department has to be negotiated and formalized, and it would have to go through an assessment center. There would be testing criteria to select from, with both internal and external candidates; however, they do not have a recommendation from the Police Chief, the Human Resources Director, or the Chief Financial Officer to elaborate any further on costs and process.

Councilwoman Schmidt stated that, because of that fact, she is not comfortable supporting the motion on the floor.

Councilwoman Ziarko agreed with Councilwoman Schmidt of being in favor of these positions, adding that she would possibly be in favor of hiring three fire inspectors, as well as a Deputy Chief in the Police Department, but not tonight. She felt some of what has been discussed could be put off and discussed at Strategic Planning, where they may be able to plan for this process. She noted part of that would involve labor negotiations through the Police Department. She

questioned that if they know they will need someone in six months and they will be promoting from within, why they cannot start training now on their free time, knowing they are preparing themselves for the opportunity which may present itself down the road.

Mr. Vanderpool replied that is a possibility and a big part of their succession planning. With respect to illegal grow operations, they are working on a succession plan with the individual who is currently handling it. They might be able to create a unique contractual relationship upon his retirement and/or identify an individual they have to work in conjunction or as a replacement. He stressed these things take time to research, and the budget process allows them to bring forth these ideas through a very structured budget process. He noted there are many departments who request positions for very important purposes, so they use a collaborative approach before they make a formal recommendation to City Council. He noted that in the ARPA (American Rescue Plan Act) funding, there was \$300,000 set aside for illegal grow inspections, and they are looking at a plan to fund additional inspection services, noting it could be through a contractual arrangement. He stressed they need more time to analyze this and submit a meaningful recommendation.

Councilwoman Ziarko questioned whether there is something requiring a "Fire Inspector" title before a firefighter can conduct an inspection.

Mr. Vanderpool replied that years ago, they negotiated a provision through the collective bargaining agreement where they could do company inspections, but

it is difficult to do because of the workload. He explained medical runs are their primary workload now, but they have the ability for firefighters to do inspections. He clarified they are firefighters and not necessarily trained to do inspections, but there are rudimentary parts of an inspection a firefighter can handle. The Fire Chief has created a task force, and he will share it with City Council when he receives it. The task force is looking at the twenty-seven assisted living facilities that disproportionately result in a preponderance of runs in the community. If they can address that, it may free up more time for more company inspections and/or create revenue to fund additional inspection services.

Councilwoman Ziarko stated she is not comfortable with the way this is being done tonight. She felt in order for the City to work as successfully as it has, the Council needs to be here to direct and approve. She does not feel they should be influenced by one person, especially if the request is not coming from the department head. She questioned how many people are on the committee to discuss the needs as they are setting up the budget.

Ms. Varney explained the process, noting that next week, all budget requests are due from the department heads for 2022/23. She explained that they review all of these in the Budget office, and she and the City Manager meet with every department head and their directors to discuss the justification and finding a more cost-effective way to get what they need. She added that nearly everyone wants more personnel, but they have all been challenged to find the most efficient ways to get their jobs done. Ms. Varney stated they collaboratively come up with

everything they would like to fund, she then has to “put the puzzle together” to see how much money they have to fund those things. She commented that, unfortunately, there is never enough to fund everyone’s request, so they analyze the needs of the entire city and try to prioritize everyone’s wants and try to find out the most important needs they can fund that year. She added that, in the case of personnel, they need to look at funding those positions for the foreseeable future.

Councilwoman Ziarko stated she is in favor of the Appropriations Ordinance as it was introduced and presented. She hoped her colleagues would agree that in three weeks, one of the focal points they will put on strategic planning would be the Fire Inspector and Deputy Police Chief positions. She hoped that in that time, they could get some negotiations started in the Police Department to determine how that position would be funded, the union in which they would belong, the salary, and who they would answer to besides the Chief. She explained that she will be voting against the motion on the floor even though she is in favor of the other positions introduced, adding that she feels the process by which they are adding these positions is wrong.

Councilwoman Koski recalled requesting a Deputy Police Chief for at least the last ten year, and it was always put off. She was confident that the Chief did not formally request the Deputy Police Chief position because they were asked to wait until the manpower study was complete. She pointed out that the City has grown over the years, and she felt the Police Chief needs help with all of the projects they

have. She recalled the Police Department had four captains but did not have a Deputy Chief. She felt this position is long in coming, and it will take some time to get that position in place, considering the negotiations, the time to find the right person, and to conduct the testing. She anticipated this could take until July, so they will be well into the budget process before this person is selected. She expressed her favor of this tonight, cautioning that it will not happen immediately because there is work that has to be done, but she is voting in favor of the motion. Mayor Taylor stated when a position is budgeted in a formal budget presented by City Administration, the job description and funding for the position are clearly defined. He noted this proposal is to promote a current firefighter to fire inspector, but the end result will actually be hiring a new firefighter.

Ms. Varney clarified the new position is a fire inspector, but it will get filled through promotion, eventually resulting in hiring down the line.

Mayor Taylor agreed with Councilwoman Schmidt and Councilwoman Ziarko that he is fully in support of the policy of dedicating city resources to increasing fire inspections if they have a way to do it. He mentioned discussions about reducing contributions to post-employment benefits, but he felt that is "moving money from one pocket to another." He questioned why they were budgeting for post-employment benefits if they did not need it in that fund. He understands there have been some new assumptions, but he recalled when he spoke with Ms. Varney about it, the new positions included in the budget and the changes in the assumptions get them to a break-even point. If they now opt to add \$120,000 for

the Deputy Police Chief and Fire Inspector positions, they will be below the break-even point.

Ms. Varney explained they received the actuarial report, which reduced the recommended OPEB contribution by \$2 million. She noted the City has traditionally funded over and above the recommended amount, which is why they went from 6 percent to 80 percent in fifteen years. She expressed her confidence that reduction is permanent, but she cautioned it is never guaranteed, so she was comfortable taking half of that reduction, which is \$1 million, to fund the positions already discussed, and to get rid of the use of fund balance. She would prefer to keep overfunding OPEB by \$1 million, which was what the original First Amendment did; however, when she had to find the money to fund these positions, one option is to overfund OPEB by over \$800,000 rather than \$1 million. She reminded that overfunding OPEB by \$1 million has been very successful in getting the City to the funding status they are at.

Mayor Taylor appreciated the explanation, adding it makes perfect sense. He added that it may turn out doing more fire inspections is more valuable to the community than putting more money into their OPEB fund. He stressed his objection is the same as it was last May, which is that multiple departments have things they want, and there are only two of these being featured. He noted that they are not seeing requests from other departments that could possibly save lives, keep drinking water clean, improve child literacy, etc. He does not like setting this precedent that occurred when they approved the fire lifts for the last budget,

and it is occurring again when they are amending this budget. He questioned why a sworn firefighter has to be doing the inspections, and why it could not be done as Mr. Vanderpool outlined, with the hiring of part-time personnel.

Councilman Radtke suggested the City Council recess for a few minutes and request that the Fire Chief come to the meeting to answer some of these questions.

Mayor Taylor replied he is not comfortable interrogating a city employee, noting the Fire Marshall is present tonight and he could ask him certain information if he felt it was needed tonight.

Councilman Yanez replied that their union fire department is a seniority-based department, which means when one person leaves, everyone moves up. He stressed that is how it has always been in the 40-hour positions, and that is why they have sworn firefighters in that position.

Mayor Taylor inquired as to whether the current Fire Inspectors do fire extinguishment.

Councilman Yanez replied that they are busy doing inspections.

Mayor Taylor understood it is a union issue. He indicated he would like to know more about fire inspection, assuring he means no disrespect to the firefighters or to the model they have been using in their department. He felt doing inspections is a different job classification than putting out fires, and Mr. Vanderpool indicated that for the cost of a Fire Inspector, they could possibly hire two or three part-time employees who could do more fire inspections, resulting in a safer community. He

acknowledged it has always been done through promotions, but he questioned whether public safety is more important, or whether it is more important to do things "the way it has always been done." He stated he is not comfortable voting in favor of this tonight and would like an explanation of why the hiring of multiple part-time inspectors, which seems to protect the public and is a more efficient use of City resources and taxpayer dollars, would not be the model they use.

Mr. Vanderpool commented that he spoke with Chief Edmonds at length last night about this, and he is not recommending the Fire Inspector position at this time. He mentioned he would be contacting Councilman Yanez today to share his concern about doing it at this time. Mr. Vanderpool clarified he has not been privy to other conversations if they have been occurring.

Councilman Yanez stated he would love to talk with the Fire Chief as to his feeling of why they do not need another fire inspector, and he requested that the Fire Chief contact him so he can discuss it. He noted the term was used in the discussion tonight as "emergency funding," and he assured that is not the case, pointing out that City Council can revise the budget as they feel is necessary. He agreed City Council receives direction from City Administration, but this is something City Council can bring up. He talked about the votes on this last year, recalling that it was voted down 6-1 because there was concern about raising taxes to pay for this. He felt they now have the money to pay for this position, but it still seems to be an issue. He questioned how many buildings are not being inspected, and how many buildings have not been inspected within the last five

years. He questioned the plan to fill the positions recommended in the manpower study, including a plan for the fire inspection position they discussed last year. He questioned if it is possible to hire retirees for the positions of part-time fire inspectors, and why this has not been investigated and negotiated. Councilman Yanez stressed he appreciates and respects all of the thoughts and comments of his colleagues, but he felt their City could be safer with the filling of these positions.

Mayor Taylor emphasized that his vote no on this motion is not because he does not want the City to be safer, but he felt there may be a way to make the City even safer than proposed without adversely impacting the Fire union. He felt they need an opportunity to study it more. With regard to the Deputy Police Chief position, he is not sure how it will impact pending negotiations. He clarified he is not doing this but felt it may be better if a Council member, without objection, would direct City Administration to negotiate a Memorandum of Understanding with the Command Union to create a Deputy Police Chief position and bring it to City Council for approval within thirty (30) days. If everyone agreed, then City Administration could move forward with a timeline, and they would come back with a cost. Council could then consider a specific amendment to the budget for that amount. He assured he would like to hire a Deputy Chief tomorrow, and although the Police Chief and his department are doing an incredible job without having a Deputy Police Chief, especially considering the size of the City, he felt there is a process that needs to be followed. He acknowledged that the budget

can be amended at any time throughout the year, but he indicated he will be voting no on the amendment for the reasons he stated.

Roll Call Vote: Yes: Yanez, Koski, Radtke.
No: Schmidt, Sierawski, Taylor, Ziarko.
The motion failed 3-4.

Moved by Ziarko, seconded by Schmidt, **RESOLVED**, to adopt the first amendment to the Appropriations Ordinance for fiscal year 2021/22, as introduced.

Councilman Yanez appreciated the Mayor's comments and understood his perspective on getting more information. He felt that there is not such an urgency to fill either of these two positions that they cannot wait to fill these until after their Strategic Planning Session to move forward, so he stated he will vote no on the amendment; however, he would like to motion to postpone.

Moved by Yanez, seconded by Koski, **RESOLVED**, to postpone the first amendment adoption to the Appropriations Ordinance for fiscal year 2021/22 to the February 1, 2022, Regular City Council Meeting.

Roll Call Vote: Ayes: Sierawski, Yanez, Koski.
No: Taylor, Ziarko, Radtke, Schmidt.
The motion failed 3-4.

Councilwoman Ziarko would like City Administration to bring up at Strategic Planning the Deputy Police Chief position, and if negotiations could start on it, she would appreciate it. She added she would like to know if the Fire union would be willing to let junior members of the department be trained for fire inspections so they could do it in off hours.

Mayor Taylor felt this request would be more appropriately made at the end of the Council meeting. He questioned whether the Fire Inspector position and the

suggestion to hire part-time retired inspectors would require a Memorandum of Understanding from their union.

Mr. Vanderpool replied affirmatively. He assured they are happy to follow through with that direction from Council, but he cautioned they have to coordinate it with two unions, which could take weeks. He added that they cannot demand this meeting, so he hoped Council will give them some latitude on the timing. He assured the direction will be clear, but to have it prior to Strategic Planning may be ambitious.

Mayor Taylor stated he does not want to require it in thirty days.

Councilman Radtke requested that this discussion take place at the end of the meeting.

Mayor Taylor stated they will talk about it at the end of the meeting, but he does not want to give the impression that this is not a high priority for him. He stressed having a Deputy Police Chief is a very high priority to him. He understands Councilman Yanez's concerns, and agreed they are irrefutable that they are not doing enough fire inspections as conveyed by the experts. He would like to see them be able to do the most fire inspections in the most cost-effective way.

Mayor Taylor called for a roll call vote on the motion on the floor, which is to adopt the first amendment to the Appropriations Ordinance for fiscal year 2021/22 as introduced.

Roll Call Vote (on original motion): Yes: Taylor, Ziarko, Radtke, Schmidt, Sierawski.
No: Yanez, Koski.
The motion carried (5-2).

9. **CONSENT AGENDA**

Mayor Taylor stated this item is consideration of the Consent Agenda, with the exception of Item 9-D, which has been moved to Consideration Item 10-C. He opened the floor for public comments, but there were no comments from the audience.

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

- A. To approve the minutes of the Regular Meeting of December 21, 2021.
- B. To approve payment of the bills as presented: General Fund - \$376,602.97, Water & Sewer Fund - \$209,391.80, Other Funds - \$256,458.76, Total Checks - \$842,453.53.
- C. **RESOLVED**, to approve a Purchase Agreement between the City of Sterling Heights and DTE Electric Company for the city-wide conversion of street lighting to energy-efficient LED technology at a cost of \$527,217 and authorize the City Manager to sign the Agreement on behalf of the City.
- D. This item was moved to Consideration Item 10-C.
- E. **RESOLVED**, to approve the Clinton River Maintenance Agreement between the City of Sterling Heights and Outdoor Escorts, LLC, d/b/a Clinton River Canoe & Kayak and authorize the City Manager to sign the agreement on behalf of the City.
- F. **RESOLVED**, to reject the bids received and purchase six (6) Argus MI-TIC thermal imaging cameras, model #320-3, from Premier Safety, 33596 Sterling Ponds Boulevard, Sterling Heights, MI 48312, at a total cost of \$26,923.93.
- G. **RESOLVED**, to waive the competitive bidding requirements in accordance with City Code §2-217(A)(9)(a) and (b) and approve the purchase of parts and labor from Michigan CAT, 12550 23 Mile Road, Shelby Township, MI 48315, for the repair of the Caterpillar 938K front-end loader at a total cost of \$14,008.71.
- H. **RESOLVED**, to suspend Governing Body Rule of Procedure No. 2 and hold the second regular meeting of the Sterling Heights City Council in March on Monday, March 14, 2022, at 7:00 p.m. and direct the City Clerk to provide the appropriate notice as required by Michigan's Open Meetings Act.
- I. **RESOLVED**, to receive the lawsuit, Ronald Ervin v City of Sterling Heights Police Department; 41-A District Court Case No. S-21-3058-GZ.

Yes: All. The motion carried.

10. **CONSIDERATION**

A. Mayor Taylor stated this is to consider a nomination to the City of Sterling Heights Board of Review. He opened the floor for public comments, but no one spoke.

Moved by Schmidt, seconded by Ziarko, **RESOLVED**, to nominate Patrick Rye for consideration as an appointee to the Board of Review at the January 18, 2022, regular City Council meeting.

Yes: All. The motion carried.

B. Mayor Taylor stated this is to consider appointments to City of Sterling Heights Arts Commission. He noted there are two openings, with one term expiring June 30, 2024, and the other term expiring June 30, 2025. Mayor Taylor opened the floor for public comments, but no one spoke.

Moved by Radtke, seconded by Taylor, **RESOLVED**, to appoint Debie Thao 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 explained Ms. Thao was recommended by the liaison for the Arts Commission. He added she likes what the City is doing, and would like to contribute, and he felt she will be a great addition.

Yes: All. The motion carried.

Moved by Radtke, seconded by Taylor, **RESOLVED**, to appoint Barbara Ann Chudzik to the Arts Commission to a term ending June 30, 2024, 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 Ms. Chudzik was also brought forward by the liaison, and he was confident she will do an excellent job on this Commission.

Yes: All. The motion carried.

C. Mayor Taylor stated this was originally on tonight's agenda as Consent Agenda Item 9-D, but was moved to Consideration Item 10-C. This is to consider approval of an Agreement for Construction and Maintenance of Non-Motorized Waterfront Trail to facility the construction and maintenance of a 1.35-mile non-motorized recreational gravel trail along the north side of the Red Run Drain and Sterling Relief Drain, between Metropolitan Parkway and Schoenherr Road. He invited Jamie Burton, of Hubbell Roth & Clark, to speak on this.

Jamie Burton, of Hubbell, Roth and Clark, stated Jeff Bednar, of the Macomb County Public Works Office, is also present this evening. Mr. Burton stated that Hubbell, Roth and Clark does a tremendous amount of work in Sterling Heights, he is also working for Macomb County Public Works, Oakland County Water Resources Commissioner, and other parties in this project. He provided some background on this project, informing that Oakland County is the fiduciary and secretary of the Drainage Board for the Red Run Drain, and a number of years ago they put together a project with their partners in Macomb County involving the maintenance and operation plan for the Red Run Drain. He indicated part of that project is to do some streambank stabilization behind Freedom Hill. It was a landfill, and the river is moving, so they have spent a lot of money on the streambank stabilization. It became obvious through Macomb County Planning that a waterfront trail amenity along that location would be a great addition since they were already working on it. He noted that the Sterling Relief Drain is a tributary to the Red Run Drain, and he showed it on a map. Sterling Heights owns

the underlying property for the drain easement, and the Sterling Relief Drainage Board holds an easement over the top of the entire drain. This is a 2022 project that went out for bid and is ready for construction of a road base, which will require large equipment to facilitate the construction. He explained the thought was to leave it in place if they are considering a trail, so the road would lead to a trail; however, that trail needs to be managed and maintained. Mr. Burton explained they are here tonight to ask for the agreement to not only build this but also for Sterling Heights to maintain only the portion on the Sterling Relief Drain, and Macomb County will handle the portion behind Freedom Hill. It is a 1.3-mile gravel trail going along the drain, and with the plantings proposed, it will be an amenity. He stated they will be mirror-imaging what was done on the other side of Schoenherr. He assured there is no cost to the City for the installation of the 10-foot-wide trail with 6-foot-wide mowed zones, which is funded by grants and the Red Run project, as well as by the Macomb County Department of Roads. A cost of \$17,000 annually is what has been estimated to maintain this aggregate trail, which is a fine gravel on top of a road base. He added there has been talk about the ability to use this loop in 5-K runs. He explained on the north side behind the church property, it is about 250 feet away from the homes that are on Brougham Drive, so it does not back up to residential homes. He mentioned that visible from Schoenherr, there is a berm, and this trail runs on the top of the berm. It will not be subject to flooding and it will be ADA-compliant and asphalt-compliant for bicycles, so it will provide great recreational opportunities for 5-K events, Freedom

Hill events, walking, etc. He added it will be a better way for police to patrol this area. He reiterated that it is actually a 10-foot-wide road, but he assured each end will be secured with bollards and fencing so that ATV's, snowmobiles, and other vehicles will not have quick access to this area. He talked about the vegetation and plantings proposed. He offered to answer questions.

Mayor Taylor opened the floor for public comments.

- Ben Orjada – questioned whether this will have operating hours similar to other city parks.

Mr. Langlois replied this trail would be held to the same operating hours as the rest of the park system. In April through September, those hours of operation are from 7 a.m. to 10 p.m., and 7 a.m. to 8 p.m. in October through March.

- Joe Romano – stated he is County Commissioner and on the Drain Board for the Sterling Relief Drain; clarified this is grant-funded and he is 100 percent in favor of this trail; relayed questions he has had from residents:
 - Where parking will be for people who want to use the trail and concern that parking will spill onto residential streets?
 - How will they monitor people using the trail to “see a free concert” at Freedom Hill with regard to noise and leaving their garbage?
 - Will path be closed in winter so it is not accessible to ATV's and snowmobiles, and who will maintain the locks on it?
 - Concerned noise will carry to residential area.
 - Why do they need this when there is already a bike trail from Van Dyke to Utica Road?

He is in favor but felt most people will still use Dodge Park trail systems, which is much more extensive than 1.3 miles, and cost to maintain it is the City's responsibility at \$17,000 annually, plus an additional liability to the City; claimed these are the questions and concerns from residents and he had no answers.

- Nathan Inks – expressed support for this proposal; having another access point to that trail is a benefit.

Moved by Radtke, seconded by Taylor, **RESOLVED**, to approve the Agreement for Construction and Maintenance of Non-Motorized Waterfront Trail and Temporary Construction Agreement and authorize the City Manager to sign all documents required in conjunction with this approval on behalf of the City.

Councilman Radtke felt this is an excellent amenity and he is glad the County brought it forward. He indicated there will be bollards to keep ATV's and snowmobiles off the path. He noted that as far as cleaning the litter, he believed the City would be responsible, although he assured the City will deal with it as they do in all parks. He felt \$17,000 annually is a great deal. He admitted he does not have an answer for where people will park, but he pointed out they have parking at Freedom Hill. He questioned Mr. Burton as to whether the County would be willing to set aside a parking area so people can access this trail.

Mr. Burton replied he does not know the answer to that question, clarifying he does not represent Freedom Hill. He commented that Freedom Hill is a county park that already has somewhat of a trail going through the area already, with the Freedom Trail nearby. He clarified that the jurisdiction of the City of Sterling Heights ends behind the church, so the property directly behind Freedom Hill will be maintained by the County. He also clarified that the City reserves the right within this agreement to place and post limitations on access at any point of their portion of the trail.

Councilman Radtke pointed out the County will be putting in this road regardless of what the City says, so the question is whether the City wants to keep the trail being built and paid for by the County, or whether they want to make the County tear it out after they build it. He has heard comments from residents in the south

end of the City that they feel excluded from a lot of the amenities, and he agreed that area near 15 Mile and the Sterling Relief Drain lacks park access for residents. He felt this is a perfect way to add those residents in to receive an amenity and provide them with a place to bike and hike, adding that the existing pathway along 16 Mile has curb cuts, whereas this would be a 1.3-mile trail where there would be no cars. Councilman Radtke recalled the cost of putting in a path from Delia Park north, which was close to \$1 million, and this path is at almost no cost, other than the \$17,000 a year for the maintenance, which he felt is well worth it. He stated he will be voting in favor of this proposal and he urged his colleagues to do the same.

Councilwoman Schmidt questioned whether there will be fences on both sides of the trail.

Mr. Burton replied there is existing fencing on Schoenherr, noting the Sterling Relief Drain is fenced in. There is a gate kept closed for maintenance purposes, but there will be an opening to the gate with bollards. He advised that the City can always put a gate on it at some point. He added there is not a gate at the other end because it connects to 16 Mile Road, but he assured there will be bollards and controls for limited vehicle access.

Councilwoman Schmidt questioned what would stop people exiting concerts at Freedom Hill from using this trail as an exit from the parking lot.

Mr. Burton explained if someone were to go off the back of the parking lot to get down to this trail, they would have to have a four-wheeler. He clarified the trail is

not physically connected to the parking lot, which is at a higher elevation than the trail. Access at Schoenherr is fenced and has bollards, so there is no exit at that point, and there is a 10-foot vertical separation from the pathway to the road, so anyone trying to exit would have to drive on the sidewalks along Metro Parkway to get to a vehicle access, and that would be a police issue.

Councilwoman Schmidt questioned how police officers will access this path from Schoenherr if it is fenced and has bollards.

Mr. Burton replied they have a lock box key, they wave the bollards down, drive over them, then put them back up. He assured a car could not squeeze through there without significant damage.

Councilwoman Schmidt pointed out there are only two curb cuts along 16 Mile Road between Utica Road to Schoenherr Road, and that is only the Freedom Hill entrance, so she did not feel curb cuts are a reason for her to think the existing pathway is not safe. She agreed with Commissioner Romano's earlier reference that "there is no such thing as a free lunch," pointing out the County wants the City to maintain this path at a cost of \$17,000 per year, so she considered that a gift "with strings."

Councilman Yanez explained he pulled this off of the Consent Agenda because he had a number of questions. He referred to a rendering included on Page 290 of their agenda packet showing people using this park, and he observed a wide gap in the existing gate. He questioned whether the County still owns the gate. He further questioned whether this pathway is ADA-compliant when it is gravel.

Mr. Burton explained that ADA for outdoor spaces can be any type of material as long as it is hard-packed, wheel-chair accessible with the correct width, slopes, and depth. Wood chips, grass, or asphalt can be used, but gravel is very typically used for hike/bike trails. He assured they are 100 percent compliant with ADA.

Councilman Yanez questioned whether this gravel will throw up a dust.

Mr. Burton explained when it first goes in, the answer is yes, but after one or two rain events and the dust comes out, it will not be dusty.

Councilman Yanez questioned whether Sterling Heights will be responsible for the entire 1.3-mile trail.

Mr. Burton replied that the County will handle their portion, so the City's portion equates to just slightly over one-half mile.

Councilman Yanez reiterated many of the same questions raised by Commissioner Romano earlier. He referred to the letter from the County that was included in the agenda packet, referring to this as a "gift," yet he questioned that this "gift" will cost the City an amount of \$17,000 per year. He expressed concern about patrolling this path, especially during concerts at Freedom Hill, and he noted his concern about possible parking on subdivision streets to gain access to the path. He questioned the noise that could emanate from this path, and he did not see any bollards on the artist's renderings. He questioned what the annual \$17,000 will be paying for.

Mr. Langlois replied that the majority of the \$17,000 estimate is grass-cutting on each side of the trail. They have a contractor who cuts the grass throughout all of

the park system. The trail design indicates a grass shoulder on each side, providing people an opportunity to get off of the trail to rest or congregate, and they can do so safely off the trail. Within that estimate, there is a certain number of hours per day or week to drive the trail, pick up litter, and do occasional grooming, although he added it is a shorter trail than the 5.5-mile Clinton River trail, or the 2-mile nature trail. He felt it is a minor maintenance expense on an ongoing basis, especially since it is not in a flood plain. He addressed Councilman Yanez's concern about dust, noting they are using a slightly larger aggregate that sits nicely but does not blow away. He replied to further inquiry it is compacted.

Councilwoman Yanez stated he was not comfortable with spending \$17,000 of taxpayers' money annually without having this discussion, which is why he requested the item be pulled. He stated he is not against it. He recalled there was a lot of concern by residents about invasion of privacy when the pathway was going in from Delia Park to the nature center, but he did not believe any of those concerns were realized. He expressed some concern about liability, even though they are held harmless.

Mr. Kaszubski replied to inquiry that he has reviewed the documents.

Councilman Yanez questioned whether there is any situation where someone could get hurt at this facility and sue the City.

Mr. Kaszubski replied that anyone can sue anybody, but the City enjoys a broad grant of governmental immunity, especially with pathways. It is not considered a

sidewalk so they do not have to worry about that aspect. He felt it would be very rare that there would be liability under governmental immunity.

Councilman Yanez commented that, after hearing the presentation, he is satisfied that the City will get the benefit from this project, and he felt a significant number of people will utilize it. He indicated if they start getting complaints from people in the abutting neighborhood that there are problems, it will have to be addressed. He does not believe they will see a number of the problems for which people have expressed concerns because they have not come to fruition in other project areas. He indicated he will be in support of this project.

Councilwoman Koski questioned whether there will be a berm behind the church. She questioned the portion for which the City will be responsible, and whether that is from Schoenherr to the connection to the Red Run drain.

Mr. Burton replied that the path will be on top of the berm as it runs along the Sterling Relief drain from Schoenherr to Red Run. He noted on the aerial where the City's portion would be.

Councilwoman Koski inquired as to whether there will be gates.

Mr. Burton replied there are gates at Freedom Hill to open the back parking lot. He explained there is quite a difference in elevation coming up to Schoenherr, coming up to a regular parking lot behind a guard rail from 16 Mile Road, so there is no gate but there are bollards to prevent motor vehicles, ATVs, and snowmobiles from gaining access. Although it is currently open, they will close it off with plantings so people are discouraged from four-wheeling there.

Councilwoman Koski recalled when Freedom Hill began having concerts, the neighbors were experiencing problems with noise, and they were very unhappy. She understands there will be limited hours for this path to be open, and it will be according to park rules. She questioned whether people will try to use this pathway to see a concert for free, or whether they will have the ability to close off that path during concerts. She felt the fact that they cannot totally close off the path indicates to her they will have no control with who will be utilizing that path in the evening during the concern season. She anticipated this will be a problem with the residents. She questioned why Sterling Heights should have to pay \$17,000 to maintain it, and she felt it is the responsibility of the County to maintain the drain and keep it mowed.

Mr. Burton assured if it becomes a problem on City property, there is nothing in this agreement that prohibits the City from putting another gate or fence at their property line. They can also make that decision to fence it off so they can close it during concerts, and he added that would only amount to 50- to 60-feet of fencing. He clarified the grant for the trail was started by Macomb County Planning Executive's Office and was supported through the Department of Roads. They brought it to the Drainage Board, but the Drain Code legally prohibits them from maintaining recreational facilities. Their job is to keep the water clean and flowing through the drain. He noted it is the Red Run Drainage Board that is coordinating all of this and bringing these entities together. The County can leave their road

they are putting in as access under the grant, which pays for surfacing it, but the two drainage districts cannot maintain this trail as a recreational facility.

Councilwoman Koski inquired if the City opts to call it an "access road" rather than a "trail," will the County maintain it.

Mr. Burton replied affirmatively, but cautioned it will not be ADA-compliant, it will not be snow-plowed, and it will not be open to the public.

Mayor Pro-Tem Sierawski inquired as to what will happen if the City does not approve this.

Mr. Burton believed if this is not approved by the City, the Macomb County Executive's Office and the two drainage boards would have to attempt to keep their grant for Sterling Relief intact, and that includes the plantings. There would be no gates, no trail, gravel would be left in for access if the County chooses, or they can ask that the gravel not be put in, and they "walk away." He clarified the grant was written for access and plantings, and if it is decoupled, the plantings on the Sterling Relief drain may go away with that grant. He assured they would try to keep that portion, but there would be no trail.

Councilwoman Ziarko understood they still have the ability to gate off their end at Schoenherr.

Mr. Burton replied they would not take down the fence but would access it through the maintenance gate that is already there.

Councilwoman Ziarko stated she can walk to the drain, and she would probably use the path if it was put in; however, she has to consider the best interest of the

residents who live there. She felt the explanations provided this evening resolved a lot of the concerns expressed, with one being motorized vehicles leaving Freedom Hill after a concert. She questioned whether the drain will be altered, or whether it will remain as is.

Mr. Burton replied that the drain configuration will be the same, but it will be planted differently. He clarified the work on the Sterling Relief drain is all vegetation, and there is no earth work planned. The trail will be graded and built along the top of the berm.

Councilwoman Ziarko referred to the earlier comment that this will look like the drain on the west side of Schoenherr; however, she expressed concern that the drain on the west side of Schoenherr is not being maintained the way it should, and she outlined some of the issues. She questioned who will be putting in the landscape and felt the artist's rendering in the agenda package is more reflective of what the trail will look like in twenty-five years. She stated she is not opposed to this, and they have addressed some of her concerns. She compared the liability as the same for those who walk in Dodge Park along the Clinton River, with the same danger of water at both locations. Gaining access by four-wheelers is an issue and can still happen, even with precautions in place. She questioned whether there is \$17,000 in the *Re*Creating Recreation fund to cover the maintenance of this trail.

Mr. Langlois replied there is not currently money in *Re*Creating Recreation to cover maintenance of this trail. This is a new amenity that has come up since that was

established, so there would have to be a budget amendment to increase the cost of mowing that would take place.

Councilwoman Ziarko referred to the Parks, Recreation and Non-Motorized Master Plan that was approved this evening, and this was reflected as the beginning of the Sterling Relief trail. She questioned what happens when they get to the west side of Schoenherr. She stated she would use this trail, but she is concerned that they will not get what they are promised.

Mayor Taylor stressed the City is allowed to have nice amenities. He questioned how many miles of trails there are in the City.

Mr. Langlois replied that, not including sidewalks, they have close to twenty-five miles of trails.

Mayor Taylor suggested if the concern is the cost of maintenance on the trails, possibly they should all be ripped out. He added that people can do things they are not supposed to do, they can litter, make noise, use a parking lot to get to the trails, etc. for any of the trails in the City. He emphasized the City has trusted Mr. Langlois with their Parks and Recreation Plan over the past decade. He pointed out that they saw figures tonight reflecting that Sterling Heights had more properties sold in the last twelve months than any other city in Metro Detroit by a wide margin. He has heard many comments from residents who indicate they have moved into this City because of their parks.

Mr. Langlois believed that there will always be people who love the amazing job the City has done with their park system. This trail would be a piece of the non-

motorized transportation system that continues to further their non-motorized goals around the City. He admitted there are pros and cons to everything, and the Mayor and City Council are here to weigh those. He felt the benefits of having these types of paths outweigh the negatives.

Mayor Taylor pointed out the good the Parks and Recreation program has done for the City in the last five years in terms of recreational opportunities. He felt this is a gift because they are getting 1.3 miles of trail, which is several acres of property. He questioned how much money is being spent to create this path.

Mr. Burton replied that the cost to create it is \$600,000.

Mayor Taylor felt the benefit to the residents to have these amenities outweighs the \$17,000 annual maintenance cost. He did not feel parking will be a major issue, noting that many people will divert from the trail along 16 Mile and use this new trail instead. He cited other trail heads, where there may be seven or eight cars, but he did not anticipate a problem. He added that people litter everywhere, including at Dodge Park, but they do not stop events because of it, but the City deals with it. He wished there would be interconnected trails to every community, and the more trails they have, the closer they will be in getting to that position.

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

No: Schmidt.

The motion carried (6-1).

11. COMMUNICATIONS FROM CITIZENS

Mayor Taylor opened the floor for comments from the audience.

- Jon Matthews – talked about Covid-19 and prevention; urged keeping up with sanitation practices, vaccinations/boosters, wearing masks in large crowds, and maintaining social distancing.

12. REPORTS FROM CITY ADMINISTRATION AND CITY COUNCIL

Mr. Vanderpool stated he has nothing further to add at this time but will wait for the direction the Council will provide.

Mayor Taylor questioned how much time it would take for City Administration to come back to City Council with a proposal for creation of a Deputy Police Chief position.

Mr. Vanderpool stated he had an opportunity to confer with Ms. Varney, and they are currently putting the budget together. In less than ninety days, they will have the proposed budget. He assured they will work to incorporate both the Deputy Police Chief position and the Fire Inspector position initiatives into the proposed budget and provide City Council progress reports each month. He assured if they can do it quicker, that will be reflected in the progress report. He assured the direction of Mayor and Council is clear, and they are committed to getting both initiatives done in the way he has outlined, gathering as much information as possible and incorporating a good recommendation for Council to consider in the proposed budget.

Mayor Taylor noted they will get the draft budget in March, consider it in April, vote on it in May, and it would be effective July 1, 2022. He questioned the mechanics that need to happen to get a Deputy Police Chief position authorized by the union, and establish roles, responsibility, testing, etc.

Mr. Vanderpool replied that is happening parallel to the budget preparation. He stated April 12 is the first budget hearing, and they will have a detailed

presentation on each at the April 12 hearing. If there is consensus to proceed, they will do so. He clarified they do not have to wait until the budget is approved before starting the mechanics, including getting the assessment lined up for the Deputy Police Chief, so they are ready to go. He felt they will be able to update Council through the progress reports on what they have been able to achieve, and the steps remaining. He reiterated if they can get it done quicker, Council always has the option to exercise the budget amendment.

Mayor Taylor inquired as to when Mr. Vanderpool anticipates a Memorandum of Understanding will be brought to Council.

Mr. Vanderpool replied that thirty days would be ambitious because they have to get two unions together, present the idea with good data, have the position fully defined, and their proposal has to be complete. They have to allow the two unions time to review it. He admitted it might be a quick decision for them, but he anticipated it will take them a few weeks to look at it closely and consider it. He felt the more realistic time frame would be a good proposal in thirty days, possibly negotiating it within those thirty days, but in the meantime, they will be prepared to incorporate both ideas in the proposed budget.

Mayor Taylor stated he agrees with Mr. Vanderpool's proposal to getting a proposal to the union within thirty days. He agreed they cannot control how long it will take the union to consider it. He questioned whether the two unions are the Fire Inspectors and the Police Chief.

Mr. Vanderpool clarified they are dealing with three unions: Firefighter's union, Command Officers union; and the Executive union, in which the Deputy Chief position would be placed. He reiterated that will require some coordination.

Mayor Taylor questioned whether anyone has any objection to the plan as outlined by Mr. Vanderpool this evening with regard to the Deputy Police Chief and Fire Inspector positions.

Councilman Yanez questioned whether Mr. Vanderpool proposed to the Firefighters union to use a retired Fire Inspector to do the marijuana inspections.

Mr. Vanderpool replied they have had some very conceptual discussions rather than proposals to look at these more creative cost-effective ideas. He relayed, to the union's credit, they expressed no opposition. He felt they are willing to talk about these ideas, and they need to get it done.

Councilman Yanez felt if they have had these discussions already regarding the marijuana inspections, he is not sure why they are in their current position. He questioned what happens if the union rejects their proposal, and whether this will mean "kicking the can down the road" again.

Mr. Vanderpool assured he will provide Council with the progress reports as mentioned, but if all of these efforts fail, it will be Council's decision to hire the full-time Fire Inspector as proposed. He assured they have not been "kicking the can down the road" and he felt they are one of the most aggressive enforcement communities on illegal marijuana grow operation. They have shut down hundreds

of illegal grow operations, so they have been incredibly proactive, in large part to the Fire Department, the City Attorney, and their Building Inspectors.

Councilman Yanez felt that was able to be done because they took a Fire Inspector off of normal inspections in order to have him on the marijuana grow inspections.

Councilwoman Ziarko requested a list of companies and organizations in the City that do self-inspections.

There were no objections.

Mr. Vanderpool replied to inquiry that he is clear on that direction.

Councilman Radtke requested, without objection, that Mr. Vanderpool provide them with a report on the pathway at the back of Moravian Park and also the ITC Corridor from the west side. He would like to see some of these paths opened up, noting that bollards blocking bike access also block wheelchair access.

There were no objections from the Mayor or Council members.

Councilman Yanez wished everyone a happy and prosperous New Year. He stated he is grateful they can have these robust and honest discussions on how they spend taxpayer dollars.

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 two items for closed session this evening.

Mayor Taylor indicated they will be going into Closed Session and may return.

Moved by Ziarko, seconded by Schmidt, **RESOLVED**, to recess into closed session.

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

No: None.

The motion carried, and the meeting recessed into Closed Session at 10:24 p.m.

Council returned from Closed Session at 10:44 p.m.

Moved by Schmidt, seconded by Ziarko, **RESOLVED**, to authorize the City Attorney to pursue all available remedies to abate the nuisance and code violations existing at 14700 Fifteen Mile Road.

Yes: All. The motion carried.

16. **ADJOURN**

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

Yes: All. The motion carried and the meeting was adjourned at 10:46 p.m.

MELANIE D. RYSKA, City Clerk