

CITY OF STERLING HEIGHTS

MINUTES OF REGULAR MEETING OF CITY COUNCIL

TUESDAY, APRIL 16, 2019

IN CITY HALL

1. Mayor Michael C. Taylor called the meeting to order at 7:00 p.m.
2. Mayor Taylor led the Pledge of Allegiance to the Flag and Melanie D. Ryska, City Clerk, gave the Invocation.
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, to approve the Agenda, moving Item 11-A to Item 7-B.

Yes: All. The motion carried.
5. **REPORT FROM CITY MANAGER**
Mr. Vanderpool reported that the City offices will be closed this Friday, April 19, for Good Friday, adding that there will be no delay in refuse collection services, and they will be reopen for business on Monday, April 22. He informed the street sweepers are starting up soon and will continue through November or December, depending upon the weather. Because the leaves fell so late last year and it will take a while for the street sweeper to get to all areas, they are

requesting anyone with leaves in the street front of their house blocking the water flow to rake them off.

Mr. Vanderpool announced another new hotel coming to Sterling Heights in addition to the few they will be talking about later this evening. He stated the new hotel is a Hilton Home2 Suites, an extended stay that will be located near the southwest corner of Dobry and Mound, just to the west of the Texas Roadhouse and to the north of the AMC. He noted the 107-room hotel, encompassing approximately 61,000 square feet, will be aesthetically pleasing and is anticipated to start soon and completed next year.

The City's Hazardous Waste Event two weeks ago was very successful, with almost 1,000 vehicles going through the DWP facility to drop off hazardous household goods. They had over 43 tons of hazardous material discarded, with the largest portion being paint, 4 tons of discarded herbicides and pesticides, 1 ton of old antifreeze and 2 55-gallon drums of expired medicines. They look forward to hosting this successful event again next year. He highlighted that Clean-Up Saturdays are continuing on April 27, May 4 and May 11 from 8 a.m. to 2 p.m. at the DPW facility, where items such as dirt, tree stumps, furniture, tires, lumber and other items not generally picked up curbside can be disposed in dumpsters. Pride and Shine Clean-Up Day will be held on May 4, where a group of volunteers will be cleaning up 25 to 30 homes of individuals who are not able to do so on their own. It involves raking leaves, trimming bushes, painting and similar tasks, but he stressed they need more volunteers. He

urged those willing to volunteer to call 446-CITY and added they meet at First Church of Sterling Heights, located on Dequindre, at 9:30 a.m. The event is very well-organized and only involves a couple hours of work, but it keeps neighborhoods looking good and property values high.

Mr. Vanderpool explained the City is doing everything possible to stimulate economic development fostering a climate where businesses can flourish, expand and add jobs. He stated the Macomb Oakland University Incubator, located in the Velocity Collaboration Center in Sterling Heights, helps to ensure this cycle of prosperity continues by nurturing the development of start-up companies. He stated they periodically highlight companies that are proven successful and have a promising future for commercialization and expansion. He indicated one of these companies is Microside, and he introduced Dr. John Lopez to share information about his interesting company and their state-of-the-art product.

Mr. John Lopez, president of Microside, located at the Incubator at the Velocity Center, explained the area is very conducive to research and government, and he gave a presentation of their products through a PowerPoint presentation, stressing that they have been honored by the Environmental Protection Agency's (EPA's) Green Chemistry Presidential Award for their products that are safe for people and the environment. He cited some companies already using their products.

Mr. Vanderpool concluded his report by noting that Macomb OU Incubator is in partnership with the City of Sterling Heights, Macomb County and the State of Michigan, as well as Oakland University, which serves as the general manager of the Incubator, working with the businesses to help them develop. He stressed it is a great asset in the City to see businesses like this starting and flourishing, with the hope that the businesses will eventually move from the Incubator and into larger spaces in the area.

6. **PRESENTATIONS**

A. Mayor Taylor stated this is a Nice Neighbor Award presentation, and he invited Mayor Pro-Tem Sierawski to make the presentation.

Mayor Pro-Tem Sierawski stated tonight they are honoring a group of ladies who donate their time and talents to many charities, including churches, hospitals and specialty groups. They are called Sit-N-Stitch, a group who meets together to crochet and knit caps, hats and booties for babies in the hospitals, makes specialty red caps for American Heart Association, and spends so much of their time and talents to help other people. She stated these women have created and donated 1,500 caps, blankets and booties donated to the hospitals and 80% of their costs are covered by donations, with 20% coming out of their own pockets. She thanked these women and the gentlemen who support them.

The members of the group came up to accept their awards, and Mayor Taylor thanked them for doing what they do to make Sterling Heights a better place to live, work and play.

B. Mayor Taylor stated this is a swearing-in of three new Sterling Heights Police Officers. He invited Police Chief Dale Dwojakowski to make the presentation and swear in the new officers.

Police Chief Dwojakowski stated that this past November, their department was at full staff for the first time in about five years. Since that time, they have lost three people, but they have three outstanding candidates tonight who were on top of the new certified list. He stressed officers come to Sterling Heights because of their excellent reputation all over Michigan. He introduced the three new police officers: Officer Anthony Jantz, an officer since 2014 from Wyandotte who was just selected as "Officer of the Year" for the Wyandotte Police Department; Officer Jason Burge, an officer since 2016 from Port Huron and also served as Senior Airman with the Air National Guard; and Officer Brenden Harrison, an officer since 2012 from Ypsilanti, also serving there as a canine officer. Chief Dwojakowski swore in the three new officers, and they each took the opportunity to say a few words to thank their family, friends and the City for their support and the opportunity to serve in this community.

Chief Dwojakowski stated they now have 58 officers hired within the last four years, and 59 officers who have been with the Department for longer than four years, so they are evenly split.

The Mayor and Council members met and congratulated the new officers.

Mayor Pro-Tem Sierawski thanked the new officers, stating her son is an MP in the Marines, so she is a little familiar with their job. She commended them on

the bravery, courage and dedication it takes to take care of the citizens, and she thanked them for taking on this responsibility for this community.

Councilman Radtke thanked the officers for coming to Sterling Heights, noting they all gave up their positions in other communities to come here. He thanked the Chief and his colleagues on the Council for creating a new officer position in Sterling Heights to make the community safer. He wished the new officers good luck in their careers.

Mayor Taylor welcomed the three new officers, thanking them for choosing to make Sterling Heights their home. He stressed the nearly 135,000 residents take pride in the City and its police force, and although they have always had an excellent reputation, it continues to get even better.

7. PUBLIC HEARINGS

A. Mayor Tylor stated this is to consider the application by the City of Sterling Heights to establish a Commercial Rehabilitation District at 7491, 7575, 7605, 7681, 7739 and 7755 Seventeen Mile Road. He invited Senior Economic Development Advisor Luke Bonner to give a presentation.

Mr. Bonner explained this is a request to establish a Commercial Rehabilitation District, created under Public Act 210 of 2005, one of the few incentives they have to help facilitate the rehab and redevelopment of commercial property. He added it is very similar to the Industrial Facilities Exemption Certificate process. He explained this request involves a nearly seven-acre parcel on the north side of 17 Mile Road, between Van Dyke and Mitchell Drive. The qualifiers for the establishment of this district require a 15-year preceding use

as commercial or industrial, and that commercial/industrial property has to be blighted or obsolete. These properties qualify under the Act, and they are requesting this designation in preparation for an eventual application by HHC Hospitality, who has a previously-approved Planning Unit Development (PUD) by City Council for a multi-hotel development at that location. He invited Mr. Terry Riddle, President/CEO of HHC Hospitality, to give an overview of the project and an anticipated timeline.

Mr. Terry Riddle, President/CEO of HHC Hospitality, stated they are a hotel developer and manage their own portfolio of seventeen current facilities and five under construction in Indiana, Ohio, Illinois and Michigan. He informed this development will consist of two Marriott products, Springhill Suites and Fairfield Inn and Suites by Marriott, and a Hyatt House. They have cleared a lot of the property and had to take care of some issues with the last acquired parcel. They will be demolishing the building on site next week and intend to complete the work with the Planning Department and start construction on the two Marriott products within the next thirty to forty-five days. He hoped they will be open in 2020.

Mr. Bonner stated that concludes his presentation and comments, and he offered to answer questions.

Mayor Taylor opened the public hearing, but there were no comments from the audience. The public hearing was closed.

Moved by Schmidt, seconded by Ziarko, **RESOLVED**, to adopt the resolution approving the application by the City of Sterling Heights to establish a Commercial Rehabilitation District at 7491, 7575, 7605, 7681, 7739 and 7755 Seventeen Mile Road.

Councilwoman Schmidt commented that it is great for the City to have the tools to redevelop this property, noting it has been a blighted parcel for a long time. She is excited to see something new come in. She understood the plan is for construction of the two Marriott hotels first, and she inquired when the third hotel is anticipated to be constructed.

Mr. Bonner replied the PUD allows for three hotels on the site. He explained the first two hotels with the Marriott franchise are secure and those are the two that Planning and Engineering are working on. The third hotel is still to be determined.

Councilwoman Ziarko commented it is great to see this project, adding there are often times she hears of people having to stay at hotels as far away as Southfield because the hotels along Van Dyke are filled to capacity. She expressed confidence that, as they see more industry in the area, these hotels will be filled to capacity as well. She thanked Mr. Riddle for choosing the City of Sterling Heights for their location.

Mayor Pro-Tem Sierawski also thanked Mr. Riddle for choosing this location and welcomed him to the community, adding that the hotels are definitely needed in this area.

Mayor Taylor stated he is looking forward to this project, which is another great redevelopment of property in Sterling Heights. He thanked Mr. Bonner for the work he has put into this and his presentation this evening.

Yes: All. The motion carried.

B. Mayor Taylor stated this was formerly Item 11-A on tonight's agenda to consider a First Amendment to Amended and Restated Conditional Rezoning Agreement for property situated on the north side of 15 Mile Road, west of Ryan Road, in Section 30; Case No. PZ18-0002 – The Chaldean Community Foundation. He invited City Planner Chris McLeod to give a presentation.

Mr. McLeod explained this request is relevant to their current facility just northwest of the 15 Mile/Ryan intersection. He provided some background as to what was originally proposed, which was an addition of nearly 16,000 square feet to their original building, as well as additional parking spaces. The question came up as to whether the district boundary wall could be amended out of that potential application since there is existing screening in the form of a fence as well as additional landscaping along the north and west property lines, which are pertinent to the site. They would like to utilize the existing six-foot-tall privacy fence along the north and west property lines. To the west of the site, off Davidoff Drive, is part of the Hatherly development, which is a roadway which abuts the west property line. There are duplexes to the north, with a separation of about eighty feet from building to building along the back of the property line. The applicants are still proposing landscaping along the

northwest property line, which will be approximately four feet to eight feet in height, which is consistent with plantings on the current site. He showed an aerial depicting the existing site, along with the proposed expansion. He showed the elevations of the building and the requested modification to remove the wall from the plan but leave the existing privacy fence. He indicated there would be a planting of arborvitaes on the inside of the fenced area. He explained it does not change the amount of screening because the wall that would be six-feet in height would be replaced with the existing six-foot privacy fence. He concluded that the landscaping would remain as originally proposed.

Mayor Taylor opened the public hearing and invited comments from the audience.

- Ms. Vivian Ramsey, 3572 Davidoff – abutting property owner; prefers the wall over the fence due to concerns about traffic and noise.
- Mr. David Claxton, 3608 Davidoff – abutting property owner, prefers the wall and the fence.

Mayor Taylor closed the public hearing.

Moved by Koski, seconded by Ziarko, **RESOLVED**, to reject the First Amendment to Amended and Restated Conditional Rezoning Agreement for property situated on the north side of 15 Mile Road, west of Ryan Road, in Section 30, Case No. PZ18-0002.

Councilwoman Koski questioned why the petitioner changed his mind and is requesting to eliminate the wall. She further questioned where the dumpster

is located and whether there is parking directly adjacent to the abutting condominiums.

Mr. McLeod replied the abutting condominiums are part of a gated community. The dumpster is currently located in the northwest corner approximately fifteen feet from the north property line, so there would be an approximate fifteen-foot separation between the existing fence and the dumpster. There would be arborvitaes planted at a height of eight feet in that location, so the dumpster enclosure, allowed to be a height of six feet, would be hidden from view. He indicated there is parking that extends to that general area, but it is about fifteen feet off of the north property line. He clarified that this is zoned office per the Conditional Rezoning, and parking is allowed to go right up to the property line in that district, with a wall installed. He noted that there is a greenbelt, being a double row of arborvitaes and deciduous trees along the north property line. He clarified the difference is a six-foot-high wooden fence and a six-foot-high masonry wall. Mr. McLeod replied to inquiry that he is aware of two reasons for the requested revision, and the first is that the existing fence is in good condition. He noted if they put in the wall, they would likely have to remove the fence because they are both on the property lines. He stated they are seeking to do some value engineering and they felt with the amount of landscaping they are putting in, the wall is one area where they could ask for consideration to leave the existing fence.

Councilwoman Koski inquired as to who maintains the wooden fence and how it could be maintained with a row of arborvitaes in front of it.

Mr. McLeod replied it is currently the condominium's fence. Once the point the trees got to a size where they are knitted together, maintenance would have to be done from the residential development side. At that point, when the fence can no longer be seen through the arborvitaes, it would no longer need to be painted.

Mr. Martin Manna, applicant, explained the continuous fence was there when they purchased the property. He assumed it was from the condominium association.

Mr. McLeod replied that is their understanding based on its continuity and overall development, it is the condominium association's fence.

Mr. Manna explained they are a not-for-profit organization and their expansion came in at a much higher cost than anticipated. The cost of a masonry wall is estimated to be about \$125,000, and he stressed the main reason for their expansion is to help those with developmental and intellectual disabilities. They would like to do some value engineering and save money.

Councilwoman Ziarko stated she is grateful for the petitioner's investment in the community and looks forward to what they will be able to do at this facility. She does not know how long the fence will hold up in its current condition, but felt if this is a financial burden, she would be willing to consider some type of extension or timeline for which the wall could be completed. She reminded

she has to consider the residents who live there and is not as opposed to the portion abutting the roadway as she is the portion abutting the existing condominiums.

Councilman Radtke questioned the parameters for a Conditional Rezoning amendment.

Mr. McLeod replied that under the Conditional Rezoning state statute, any conditions proposed have to be offered by the applicant.

Councilman Radtke agreed with the concerns expressed by Councilwoman Ziarko. He suggested the wall be built to the corner, hooked, and then tied into the existing wooden privacy fence that is along the roadway. He would like to ensure the abutting condominium owners have privacy, especially with the dumpster in such close proximity.

Councilwoman Schmidt agreed with her colleagues. She expressed concern about the increased possibility of the deterioration of the wooden fence once the arborvitaes are so big the fence cannot be maintained. She stated noise for the residents of the condominiums is a concern to her, although she agreed she is not as concerned about a wall replacing the portion of the fence abutting the roadway. She noted the east side of the property abuts a shopping center and questioned whether the dumpster could be located adjacent to that side. She is in support of Councilwoman Koski's motion, but she would not object to Councilwoman Ziarko's suggestion to give them more time to install the wall behind the condominiums.

Councilman Yanez agreed with his colleagues, but he stressed he would not want a dumpster located fifteen feet from his property line. He inquired as to the hours of operation and whether they will be hosting events in the evenings.

Mr. Manna replied they will not have evening events, and he stated there are no banquet facilities at this location. He explained there were challenges with the trash pickup occurring all the way in the back, so they talked with Engineering, and the location of the dumpster was changed. They discussed options about the wall on the west side only, but he stated he has letters of support for the wooden fence to remain. He stressed they would like to start construction, and he questioned whether the Council would consider a further discussion and be willing to offer a permit for temporary construction to begin on the rest of the property.

Mayor Taylor questioned whether postponing this would allow the Chaldean Foundation to come back with a proposal that the Council may find acceptable.

Mr. Kaszubski replied that is an option, and Mr. Manna replied that May 7, 2019 would give them sufficient time to come back with a revised proposal.

Mayor Pro-Tem Sierawski assured they appreciated the good work done by this organization, but they have to consider the neighbors. She realizes it is existing but noted that the petitioner has not offered to maintain it or put up a new one if it comes down. She agreed with the suggestion of giving the petitioner more

time for the installation of the wall. She agreed the dumpster should be located further from the abutting condominiums and expressed confidence in the drivers of those waste haulers that they should be able to maneuver on the property.

Mayor Taylor inquired as to the zoning of the property between Davidoff and the existing center.

Mr. McLeod replied the entire property is zoned Office under the Conditional Rezoning Agreement. Prior to the Conditional Rezoning Agreement, the vacant area was zoned single-family residential.

Mayor Taylor inquired as to whether there is always a masonry wall requirement separating office from residential.

Mr. McLeod responded affirmatively. He stated the ordinance offers two options: a six-foot-high wall with parking immediately against it; or a greenbelt and double row of evergreens which measures fifteen to twenty feet. He added the latter option has been utilized in very few situations in the City.

Mayor Taylor inquired as to whether there have been any studies or information on noise being blocked out with regard to a masonry wall versus a wooden fence with a row of arborvitaes and trees.

Mr. McLeod stated the general ideology is that a solid mass wall is always the optimum way to buffer, and if there is a wall and a fence, the sound can reverberate between them and make the situation worse. He could not imagine that the sound would travel through wood, but he acknowledged that

the fence is a shadow-box style so there are openings. He indicated they felt the wooden fence in addition to landscaping would provide the best of both worlds.

Mayor Taylor stated would be comfortable approving this as presented. He is sympathetic to the concerns of the abutting neighbors, but he did not feel anything was presented that would indicate the noise would be an issue or that it would not be properly mitigated by the plan presented; however, rather than rejecting this tonight, he respectfully requested that Councilwoman Koski withdraw her motion on the floor in favor of a motion to postpone.

Councilwoman Koski withdrew her motion, and Councilwoman Ziarko withdrew her second to the motion.

Mr. Manna stated he would prefer to be back in front of Council on May 7.

Councilwoman Ziarko questioned whether there is a way the petitioner can move forward with the building while they are still considering the wall.

Mr. McLeod replied affirmatively, and he felt the plan would move forward under the premise as though the wall is going in until such time as Council may decide the wall is not going in. He believed it will continue to go through engineering, and it should not make a great difference at this point.

Moved by Taylor, seconded by Ziarko, **RESOLVED**, to postpone further consideration of this request to the May 7, 2019 Regular City Council meeting.

Yes: All. The motion carried.

8. ORDINANCE INTRODUCTION

A. Mayor Taylor stated this is to introduce an ordinance amending the registration requirements for temporary signs pursuant to Zoning Ordinance No. 278. He invited City Planner Chris McLeod to give a presentation.

Mr. McLeod explained this is a potential introduction to an amendment to the Sign Ordinance. He stated on December 18, 2018, City Council directed city administration to research and bring forward for consideration an ordinance amendment with regards to registration requirements for temporary signs. He introduced Assistant City Attorney Nathan Petrusak to provide some background.

Mr. Petrusak stated a 2015 U.S. Supreme Court decision in the case Reed v. Town of Gilbert held that regulations that categorized signs based on the type of information they convey, and applying different standards to each of those content-based restrictions violated the First Amendment of the Constitution. The City amended its sign ordinance in 2016 by eliminating any content-based categories and by regulating all temporary signs, regardless of viewpoint and subject matter, according to content-neutral standards such as square footage and size. The registration process for temporary signs on vacant and non-residential properties was also reviewed at that time and was streamlined to make it easier to register signs online and eliminated the requirement for written consent from the property owner. Mr. Petrusak summarized that, in reviewing the ordinance, the current ordinance is constitutional because it remains content-neutral and advances the City's Supreme-Court-recognized

interest in controlling traffic, public safety and avoiding blight. He concluded that, from a legal aspect, they believe no change is necessary.

Mr. McLeod outlined the current sign ordinance for temporary signs, including detail on the current registration process. He showed some photographs of some non-compliant properties based on temporary signage. Currently all temporary signs for non-residential and vacant properties must be registered at the City Clerk's office, and no written permission is required, which was a cumbersome process. It can be done online or in person at the Clerk's office. He stressed the registration process is how they get to the essence of enforcement, noting without that process, it becomes difficult to regulate. He provided details on the current process. He stated last year the Clerk's office received 464 temporary sign registrations, and over the last four years, there has been nearly 1,200 registrations. Mr. McLeod further explained the difficulties Ordinance Enforcement encounters without the registration process in making determination which signs to remove, contacting the owner or property manager in a timely manner to ask them to make that determination, and ultimately having to remove all signs from the site if they cannot reach the owner for an answer. He concluded the registration process creates order and a systematic way of moving through enforcement when necessary. He explained a public hearing was held by the Planning Commission on March 14, and upon hearing that the City was not requiring the description of the sign on the registration in order to approve a certain message, but it was solely for the

purpose of identification of the sign, they were satisfied with that. The other question asked by Planning Commission is whether the City Administration had an issue with this, and the answer was that they do not have an issue with the current ordinance, noting it provides order and the ability for enforcement. The Planning Commission's recommendation was for no changes to the current ordinance. The Planning Department and Community Development Department also recommend no changes to the current ordinance, because the main concern is enforcement. He advised that if the Council wishes to move forward, two different amendments have been prepared, which includes Version No. 1, which removes the requirements solely on occupied non-residential properties and keeps registration on vacant properties, and Version No. 2, which removes the registration requirements on both vacant property and occupied non-residential properties. He noted that vacant properties are often owned by conglomerates or vacant land owners who are hard to reach and track down, especially within the time frame they are dealing with in sign violations. He noted, however, that even on occupied non-residential properties, it is often difficult to be able to talk to the person who has the authorization to determine which signs need to be removed, and he added many owners/property managers do not want to make that decision. These situations would most likely revert to a situation where they are removing all signs from the property. He concluded his presentation by reiterating the

Planning Commission and Administration recommend no changes, and he offered to answer questions.

Mayor Taylor opened the floor for public comments.

- Ms. Jazmine Early – opposed to registration; felt property owner should make the decision as to the signs on his/her property.
- Mr. Charles Jefferson – questioned how this information is disseminated to all candidates; questioned how long a sign can remain in place after an election.

Moved by Radtke, seconded by Taylor, **RESOLVED**, to introduce an ordinance eliminating the registration requirement for temporary signage prior to placement on occupied non-residentially zoned property, only, pursuant to Section 28.13L.13 of Zoning Ordinance No. 278.

Councilman Radtke felt the sign ordinance in its current form is unconstitutional. He questioned whether there are other communities with similar sign ordinances.

Mr. Petrusak replied they looked at Michigan and across the United States in their review process to determine if other municipalities were doing it this way. They identified in Michigan, the Village of Bellaire has a sign ordinance requiring registration, very similar to what was adopted by the City of Sterling Heights. The City of Dearborn also has a registration requirement, but they require a \$40 fee per registration. He added that Ventura County, California, Shelborne, Vermont, and Allentown, Pennsylvania all have similar registration requirements that focus on description, size and permission from the owner. He commented it is not easy to compare because they have to look closely at

all codes and ordinances to determine whether they are content-neutral and to compare them with the City's ordinance.

Councilman Radtke commented the photographs of violations were not taken in the State of Michigan. He inquired as to how the preregistration requirement is not a prior restraint of the First Amendment.

Mr. Petrusak replied it is not a prior restraint because the sign ordinance and registration process are content-neutral, and treats all temporary use signs exactly the same, based on square footage and size. He added the sign registrations are accepted by the City and effective upon filing. They City is not approving them based on any subjective standards, and they are not content based.

Councilman Radtke stated that it is a hassle to register them, which he felt could be considered a prior restraint.

Mr. Petrusak noted everyone is entitled to their opinion, but from a legal standpoint, what is and is not a prior restraint on speech.

Councilman Radtke inquired as to whether any of the sign ordinances requiring preregistration have been challenged.

Mr. Petrusak replied he has done a search and found no recent case law pertaining to registration ordinances.

Councilman Radtke felt it is up to the owner of the property as to what signs he wants, and he will remove signs he does not want on his property. He explained the only reason he opted for the middle option instead of complete

elimination of the registration requirement is because he agrees it is difficult to find the property owner of vacant parcels, and they can become "sign farms". He did not feel the City needs to get between the property owner of occupied non-residentially zoned property and the speech they want to convey, and he felt it is wrong and is the reason he is voting in favor of changing the sign ordinance.

Councilwoman Koski questioned what types of signs are included under "temporary signs".

Mr. Petrusak deferred to Mr. McLeod but stated it does not include things that are for commercial purposes because they would fall under a special use permit. It would include estate sale signs at an off-site location, signs advertising a church event, such as a fish fry, a craft show for a local high school and any non-commercial sign where a use permit is not needed.

Mr. McLeod replied that temporary signage discussed tonight is for the non-commercial temporary sign provisions. It is conveying messages and not commercial information. He indicated political signs are one of the main types of signs in this category, but they are not the only ones. Commercial signage can include grand openings, \$5 haircuts, and those are handled through the Planning Department as part of a temporary use permit.

Councilwoman Koski questioned why he is recommending the ordinance remain in place for all temporary signs.

Mr. McLeod clarified the ordinance is basically addressing non-commercial speech. He noted if a church has a large multi-day festival, it is addressed under a temporary use permit, which also allows them a sign. Multiple signs throughout the community advertising that one event would have to be addressed. With the registration, they know which signs were registered first on a "first come, first served" basis, and it is not the City deciding which sign has to go and which signs can stay. He stressed it takes the discretion out of the hands of the City, and he expressed concern that taking the registration away will create chaos and additional administrative work for code enforcement to try to track down property owners and managers. He summarized the problem when multiple tenants are in a building, but the owner is not on the premises on a daily basis, so the problem becomes finding the individual who has the authority to say which signs can stay and which signs will be removed. Mr. McLeod stated in thirty-six square miles, they have tens of thousands of properties, and twelve part-time code enforcement officers, and signage is only one portion of their duties.

Councilwoman Koski inquired as to whether there have been complaints about the registration process.

Mr. McLeod replied the registration process has been around in one form or another since approximately 2000. He stated he does not know of any complaints, and although there may be some complaints any time there is a process, he stressed the City has done worked hard to streamline the efficiency

and ease of the process. He noted a sign can be registered on line in a matter of a few minutes, at no charge, and there is no review process. If there is available room on that site, the registration is complete and they move forward.

Councilwoman Schmidt inquired as to how many temporary signs were pulled by code enforcement because there was no permit.

Mr. McLeod replied there were a number of signs pulled, but as people realize registration of temporary signs is the City's policy, there are more people registering their signs. He added there will always be some non-compliance of signs. He replied to further inquiry that there is nothing a business owner has to do for this registration other than, in theory, there is a conversation between the business owner and the person placing the sign.

Councilwoman Schmidt inquired as to whether a business owner can rescind one of the permits issued for his/her property if they opt to put up a sign for a fourth candidate or event when they already have three signs on their site.

Mr. McLeod replied affirmatively, stating the property owner ultimately has the right to decide which signs he/she wants on the property, but that is a conversation they should have with the person who placed the sign originally.

Councilwoman Schmidt commented that Sterling Heights does not look like the photographs of the blighted areas with excessive signs because they have ordinances in place to control numbers and square footage of signs. She also noted that not every sign is removed from code enforcement, and many

election signs are removed by others, but not much can be done about that. She stressed that business owners have the right to have the signs they choose on their property, so their freedom of speech is not being infringed upon. She stated she is in favor of keeping the ordinance as it stands currently.

Councilman Yanez questioned whether he could go on line and secure every corner business in the City for his signs without talking to the business owners.

Mr. McLeod replied that, in registering on line, he would have to attest to that and sign the documents that that he obtained permission. If there is a discrepancy between information, the City will ultimately go back and ask the property owner if the information is correct.

Councilman Yanez commented that, unless the property owner contacts the City about false information and requests a sign to be removed from the registration, the code enforcement still goes with the registration list. He felt it is a rather archaic system, but since they have limitations on square footage and number of signs, he did not see how they can get around not having the registration process. He felt although the situation they have is not perfect, it is better than allowing people to randomly place signs in the ground, so he stated his preference to keep the ordinance as it currently stands.

Councilwoman Ziarko stated she is not in favor of the motion and was opposed to this being brought to Administration for a change. She felt the current ordinance provides equality for all because the verbiage does not matter if they registered their sign and received permission from the City to put it up. She

did not feel it should be up to the business owner to have to remove signs he/she does not want. She felt the majority of candidates know the rules for signs in Sterling Heights, and although they may not like them, they follow them. She stressed she has a problem with changing an ordinance for which the Council members will benefit from, which she considered self-serving.

Mayor Pro-Tem Sierawski agreed with Mr. Jefferson that they have heard enough about changing the sign ordinance, and she would like to keep it the way it is. She felt it is appropriate to have an ordinance, and although it may not be perfect, she stated it works. She indicated this is not about public safety or good service, and she will be voting to keep the ordinance the same.

Mayor Taylor stated this is something he has been passionate about and acknowledged that although it may not have to do with public safety, it has to do with speech. He questioned who has the authority at this time to place a sign on a non-residential property.

Mr. McLeod replied it is the property owner or manager, whomever has the authority to act on that property.

Mayor Taylor presented numerous scenarios where there are multiple owners through an LLC, a management company and multiple tenants and questioned who has the authority over the temporary sign. He stressed it is impossible to answer and felt the government should not be getting in the middle of that situation. He complained that those with signs can go on line and register for any property they wish without actually having the owner's permission, and

the City is approving it based on the amount of square footage and number of signs available for that site and is not verifying they actually have permission from the owner. He felt the system can be easily abused but getting rid of the registration requirement would take the government out of the business of giving approval to people. He stressed he is not concerned about blight occurring, noting they already have a fairly restrictive sign ordinance in place even if they eliminate the registration for temporary signs. He could not see where the proposed change is self-serving, and he felt the current registration system is not fair to challenger candidates.

Moved by Ziarko, seconded by Yanez, **RESOLVED**, to call the question.

Yes: Yanez, Ziarko, Koski, Schmidt, Sierawski. No: Radtke, Taylor. The motion carried.

Mayor Taylor called for a roll call vote on the motion on the floor.

Yes: Radtke, Taylor. No: Ziarko, Koski, Schmidt, Sierawski, Yanez. The motion failed.

Moved by Ziarko, seconded by Yanez, **RESOLVED**, to deny introduction of an ordinance amendment eliminating in part or in full registration requirements for temporary signage, Section 28.13 L of Zoning Ordinance No. 278.

Councilman Radtke felt the current system is self-serving to those already in office, and he felt it makes it difficult for people to put up signs. He questioned if there is a penalty if a person lies and claims he has permission from the owner to put up a sign.

Mr. McLeod replied no, indicating with temporary signs, they would be pulled at that point. He replied to further inquiry the premise is that political candidates are truthful and the registration requires the applicant to certify they have permission from the owner, so if they are not truthful, they are breaking the registration rules.

Councilman Radtke inquired as to how other cities regulate their temporary signs.

Mayor Taylor questioned, if the registration requirement for temporary signs on occupied non-residential property was eliminated, whether code enforcement would be powerless to do anything if they observed excessive temporary signs on the site.

Mr. McLeod replied the ordinance enforcement process would follow its typical process, trying to contact the property owner or manager, and all signs would be tagged. If the property owner or manager failed to comply, ordinance enforcement would go out and remove all signs. He stressed if code enforcement officers were tasked to do this for every property, the task would be monumental, especially for twelve part-time code enforcement officers. He anticipated there would be more signs if the registration requirement was removed.

Mayor Taylor felt the current system makes it more difficult for people to engage in political speech for no good reason.

Mayor Taylor called for a roll call vote on the motion on the floor.

Yes: Koski, Schmidt, Sierawski, Yanez, Ziarko. No: Radtke, Taylor. The motion carried.

9. **ORDINANCE ADOPTIONS**

A. Mayor Taylor stated this is to consider adoption of an ordinance amending Article V of Chapter 20 of the City Code to conform local regulations for fireworks to the State of Michigan's Fireworks Safety Act, as amended. He opened the floor for public comments.

There were no comments from anyone in the audience.

Moved by Radtke, seconded by Taylor, **RESOLVED**, to adopt the ordinance amending Article V of Chapter 20 of the City Code to conform local regulations for fireworks to the State of Michigan's Fireworks Safety Act, as amended.

Yes: All. The motion carried.

10. **CONSENT AGENDA**

Mayor Taylor stated this item is consideration of the Consent Agenda, and he invited public comments.

There were no comments from the audience.

Moved by Koski, seconded by Ziarko, **RESOLVED**, to approve the Consent

Agenda as presented:

- A. To approve the minutes of the Regular Meeting of April 2, 2019, as presented.
- B. To approve payment of the bills as presented: General Fund - \$943,866.18, Water & Sewer Fund - \$1,575,133.98, Other Funds - \$8,444,682.52, Total Checks - \$10,963,682.68.
- C. **RESOLVED**, to purchase ten (10) Microsoft Surface Pro LTE tablets, SIM cards, keyboard covers, accident protection and delivery from CDW Government LLC, 75 Remittance Drive, Suite 1515, Chicago, IL 60675-1515, at pricing available through the State of Michigan's cooperative

purchasing program, MiDeal contract #0071B6600110, at a cumulative cost of \$17,906.00.

- D. **RESOLVED**, to award the bid for landscaping and snow removal services in connection with nuisance abatement activities to Xpert Lawn and Snow, Inc., 21083 Mound Road, Warren, MI 48091, through April 30, 2020, at unit prices bid, with an option for the City Manager to extend the bid award for two additional one-year periods, under the same terms and conditions.
- E. **RESOLVED**, to:
- a. Purchase one (1) AEV Type III Traumahawk 164" ambulance and accessories from American Emergency Vehicles, 165 American Way, Jefferson, NC 28640, at pricing available through a Houston-Galveston Area Council cooperative bid, Contract AM10-16, in the amount of \$160,216.24;
 - b. Purchase two (2) LIFEPAK 15 V4 cardiac monitors/defibrillators and ancillary equipment from Physio-Control, Inc., 11811 Willows Road NE, P.O. Box 97066, Redmond, WA 98073-9706 in the amount of \$70,509.76;
 - c. Purchase one (1) Stryker Power-Pro ambulance stretcher and one (1) Stryker Stair Pro stair chair from the Stryker Corporation, 3800 E. Centre Avenue, Portage, MI 49002, at a total cost of \$23,629.20; and
 - d. Authorize a \$254,355.20 budget amendment from General Fund Reserves.
- F. **RESOLVED**, to:
- a. Purchase four (4) 2019 Dodge Charger Police Pursuit AWD vehicles from Galeana's Van Dyke Dodge, 28400 Van Dyke Ave., Warren, MI 48093, at pricing available through the State of Michigan MiDeal cooperative bid, contract #071B7700182, in the cumulative amount of \$101,251.00; and
 - b. Purchase two (2) 2020 Ford Interceptor Utility Police Pursuit AWD vehicles from Signature Ford – Lincoln, 1960 E. Main St., Owosso, MI 48867, at pricing available through the Macomb County cooperative bid, #21-18, in the cumulative amount of \$70,628.00.
- G. **RESOLVED**, to waive the competitive bidding requirement in accordance with City Code §2-217(A)(9)(b) and approve a contract between the City of Sterling Heights and DiLisio Contracting Inc., 23525 Lakepointe, Clinton Township, MI 48036, for the 2019 Local Road Concrete Restoration Program, City Project #19-339, in the amount of \$3,646,500 and authorize the Mayor and City Clerk to sign all documentation required in conjunction with this approval.
- H. **RESOLVED**, to waive the competitive bidding requirement in accordance with City Code §2-217(A)(9)(b) and approve a contract

between the City of Sterling Heights and Galui Construction Co., 33805 Harper Avenue, Clinton Township, MI 48035, for the 2019 Concrete Sectional Replacement Program, City Project #19-341, Kennedy Drive Reconstruction, City Project #19-338, and Fire Station No. 1 Drive Approach Reconstruction, City Project #19-346, at a cumulative cost of \$2,056,180 and authorize the Mayor and City Clerk to sign all documentation required in conjunction with this approval.

- I. **RESOLVED**, to adopt the resolution designating May 5 through May 11, 2019 as Public Service Recognition Week in the City of Sterling Heights.
- J. **RESOLVED**, to set a public hearing on Tuesday, May 21, 2019 at 7:00 p.m. regarding the application by The Chaldean Community Foundation for a Planned Unit Development on approximately 10 acres situated on the east side of Van Dyke, north of Riverland, PPCM-1207.

Yes: All. The motion carried.

11. **CONSIDERATION**

- A. This item was moved to Item 7-B on tonight's agenda.

12. **COMMUNICATIONS FROM CITIZENS**

- Ms. Dawn Mandell – ongoing code enforcement issues with a neighbor.

Mayor Taylor requested Ms. Mandell provide the Clerk with her contact information so they can check into it and get back to her.

- Ms. Jazmine Early – political comments; immigrants.
- Mr. Charles Jefferson – signature requirements for candidate petitions; age limit for vape e-cigarettes; educational program for low-income individuals.

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

Mr. Vanderpool stated he had nothing further this evening.

Councilman Yanez responded to Mr. Jefferson's comments about e-cigarettes.

He stated when he was a state legislator, he had a package of bills to tax e-cigarettes like tobacco. There is a federal age requirement that anyone buying online must be 18 years of age. He added the State of Michigan is the only state that does not have an age law, and he complained he could not even get

a hearing on that issue. He felt strongly that children should be protected from the dangers of nicotine.

Councilman Radtke questioned whether the City can impose an age requirement on e-cigarettes.

Mr. Kaszubski replied affirmatively, and he believed the City had already done that. He stated he will have to look it up in the ordinance.

Councilman Radtke requested Mr. Kaszubski also look up what the fine is if that ordinance is violated.

Mayor Pro-Tem Sierawski explained the number of signatures required on a petition is not an ordinance but it is part of the City Charter. It would have to go through City Council to a vote of the voters in the City. The number of signatures required for a candidate is based on a percentage of the registered number of voters in the City, and she admitted it is a very cumbersome requirement of the City's Charter and would love to see it changed. She stressed it is difficult for incumbents, and even harder for those who are trying to run for City office for the first time.

Mayor Taylor felt they need to put it in front of the voters, and he could see no reason to require so many signatures.

13. **UNFINISHED BUSINESS**

There was no unfinished business.

14. **NEW BUSINESS**

There was no new business.

15. **CLOSED SESSION**

Mr. Kaszubski stated there are no items for Closed Session this evening.

16. ADJOURN

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

Yes: All. The motion carried.

The meeting adjourned at 9:41 p.m.

MELANIE D. RYSKA, City Clerk