

CITY OF STERLING HEIGHTS  
MINUTES OF REGULAR MEETING OF CITY COUNCIL  
TUESDAY, JUNE 18, 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 Judy McHale, Clerk Coordinator, 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; Judy McHale, Clerk Coordinator; Carol Sobosky, Recording Secretary.
4. **APPROVAL OF AGENDA**  
  
Moved by Koski, seconded by Ziarko, **RESOLVED**, to approve the Agenda as presented, and to move Item 7-S from the Consent Agenda to Item 8-C as a Consideration item.  
  
Yes: All. The motion carried.
5. **REPORT FROM CITY MANAGER**  
  
Mr. Vanderpool informed that the City offices will be closed for business on July 4, 2019 for Independence Day and refuse and recycling pickup will be delayed one day from Thursday through Saturday as a result. He noted that Wednesday, July 3, 2019 is a regular collection day.

Mr. Vanderpool stated that Sterling Heights Parks & Recreation is proud to present the 2019 Music in the Park concert series, with these free concerts performed at 7 p.m. in the bandshell area at Dodge Park and they coincide with the Farmer's Market. There is children's entertainment that varies each week, and he outlined the music schedule for the remainder of June, including this Thursday's concert featuring Crush, the best of Bon Jovi. He stated Patios and Pints will be debuting in the patio area behind the Upton House where craft beer can be purchased and enjoyed with music prior to the main concert. This week, Blake's Cider Mill will be featured with a number of their products, and a pre-concert event will feature Michael Tocco. He explained the Patios and Pints is a pilot program to attract some craft breweries to Sterling Heights, noting that, while there are some in the area, there are none in Sterling Heights. He hoped this will be well-received by the community. He advised the social media page or website can be referred to for a complete lineup of all scheduled acts throughout the summer.

Mr. Vanderpool provided an update on the many road projects that have started and others that will be starting soon. This includes thirty-six neighborhood roads that will be improved, with eighteen involving a complete reconstruction of roadway, and another eighteen will have concrete replacements in various areas. They are hoping to add three more local roads but are reviewing logistical issues. Photographs were shown of some of the

neighborhood work that just started, and he indicated the portions of Sterritt Drive, Fortner Drive and Fox Hill Drive that will be resurfaced with asphalt. He provided an update on the major road projects that have recently been completed, are underway or will be started soon, including portions of Metro Parkway, Utica Road, Dequindre, Merrill and Schoenherr, as well as resurfacing of portions of 19 Mile Road and 18 Mile Road. He assured he will continue to provide updates as they proceed through the construction season.

Mr. Vanderpool introduced Macomb County Public Works Office Deputy Commissioner Brian Baker, who will provide an update on two significant projects going on in the City.

Mr. Brian Baker explained that when Macomb County Public Works Commissioner Candace Miller was elected and after she got the 15 Mile Road Interceptor repair project going and near completion, she instituted a drain maintenance program throughout the County, inspecting some of the drains that had not been inspected, and making the needed repairs. They hired Spalding DeDecker Associates to inspect eight drains in Sterling Heights. There were thirteen miles of underground pipe that were inspected, and he announced the good news is that there were no major maintenance issues found in those eight drains. He explained they also inspected the Hildebrandt pump station and found some pumps and electrical work that needs replacing, noting that pump station goes back forty or fifty years to prevent flooding in

that area. Spalding DeDecker designed it and they have a project budget of \$760,000 needed; however, he indicated the good news is they have surplus funds from drains they inspected that do not need the work, and they also sold property on the Hawken Drain, located on Ryan Road near 18-1/2 Mile Road, so those funds are also available. He indicated there are enough funds for the Hildebrandt project so they do not need a citywide special assessment or a local drainage district assessment. There is an item on tonight's agenda that was pulled from the Consent Agenda to request transfer of those funds by the drainage district to cover the Hildebrandt improvements. He introduced Mr. Scott Isenberg, Project Engineer from Spalding DeDecker, and Mr. Steve Downing, Construction and Maintenance Manager with the Macomb County Department of Public Works, to provide more information on the Hildebrandt project and the other drain inspections and the Sterling Relief Water Quality Improvement project.

Mr. Scott Isenberg, Project Engineer from Spalding DeDecker, one of the designers on the Hildebrandt Drain project, provided some background on the Hildebrandt Drain, which serves approximately 330 acres of subdivisions west of Hayes and extending toward Schoenherr and acts as a regional detention basin for that subdivision. He explained how it works and showed photographs of the inside of the structure, pointing out the erosion and corrosion occurring to the steel inside the structure, as well as an anti-corrosion

paint that is peeling off. The pumps were originally placed there in 1965, replaced in 1990, and they need to be replaced again. He explained they looked at what it would cost to repair and replace versus a complete reconstruction of a new structure and new pumps, and the cost difference was negligible, being less than a \$20,000 difference on a \$700,000 project. They determined it would be better to have the new structure and pumps. He explained the process of replacing this equipment and provided a scope of work and a schedule, noting they plan on going out for bids in July 2019, anticipating construction in Fall 2019. Once the new structure is completed, they will remove the existing structure. He informed they will also be adding a new gravel parking lot for easier access and will be providing an access route down to the bottom so maintenance crews can clean out sediment that deposits at the bottom of the basin. He stated some beautification will also be included with the planting of twenty Chanticleer Pear trees along Hayes, as well as replacement of the fence along Hayes.

Mr. Steve Downing, Construction and Maintenance Manager with the Macomb County Department of Public Works, explained they prioritized the results of their inspections to determine where the needed repairs were located. He reviewed the inspections of the other drains, noting there were no major repairs needed for the remaining drains they looked at in Sterling Heights, and they were able to look at funds in existing accounts so they can allocate them

for priority projects. He showed photographs of some of the other drain inspections.

Mr. Downing addressed the Sterling Relief Drain project, scheduled to start very soon. He showed a map indicating the location of this drain, which is a little over five miles of stormwater drain totaling approximately 4,300 acres of urban drainage, with a population of over 27,000 who live in that area, including businesses. He noted it starts west of Ryan and east of Schoenherr at the Red Run Drain. He provided details on this drain, noting the Environmental Protection Agency (EPA) and others have provided grant opportunities for clean water, and this project is targeting an area just over two miles. They started with an EPA grant of about \$1.25 million and were awarded a second grant from the National Fish and Wildlife Foundation in the amount of \$602,183 by adding another mile to the project. They are currently working with the County's Planning Department to secure a grant through Green Macomb which would cover the purchase of another 150 to 400 trees they can spread throughout the project, mostly from Schoenherr to the Red Run Drain. He stressed the goal for this project is water quality and detailed more information on that aspect. He stated it is a beautification project in many ways, not just visibly but also from a water quality standpoint, and the restoration will incorporate native plant species, grasses and flowers, including a plant that monarch butterflies are attracted to, so there are also grant

opportunities for that. He stated the project includes planting 1,500+ trees and shrubs. He explained the preliminary design, earthwork and surveying are complete and hydraulic calculations have been addressed, the plant and tree selection is near completion, and landscape design will be finalized within the next four weeks. He stated they have sent letters and flyers to the residents who have properties adjacent to the drain in the project area, providing them information so they can ask questions and be a part of the project. They will be posting project signs at Dodge Park and at Schoenherr. They are continuing to explore grant opportunities to address the remaining three miles of the drain, and he added construction is expected to start soon, with planting this fall and monitoring taking place in Spring 2020. A picture of the project signs was shown.

Mr. Vanderpool stated that concludes his report.

Councilwoman Schmidt stated she has observed more standing water than usual, and she questioned whether the County plans on doing anything for mosquito control.

Mr. Downing replied that it has been extremely wet this year and they have not been able to get into that drain to maintain it, but they do not anticipate this project will increase the amount of standing water. He felt it will actually reduce the amount of water because there will be drainage put in along the cell's drain tiles to help de-water the system. He assured the intent is not to

create retention or detention basins but to bring the water in, filter it and let it drain out.

Mayor Pro-Tem Sierawski inquired as to the total amount of grants for this project.

Mr. Downing replied the total grant amount from the EPA and the National Fish & Wildlife Foundation is \$1.852 million.

**6. ORDINANCE INTRODUCTIONS**

A. Mayor Taylor stated this is to introduce the final amendment to the Appropriations Ordinance for the 2018/19 fiscal year. He invited Finance and Budget Director Jennifer L. Varney to give a presentation.

Ms. Varney explained that during the year, the Budget office prepares the Final Amendment to the Appropriations Ordinance to estimate how they expect to finish with this fiscal year, which ends June 30. She reported the General Fund revenues are projected to come in \$5 million, or 5 percent, higher than originally budgeted. She reported the revenue increase is primarily in four areas, and she detailed those areas of increase, with the largest increase in higher personal property tax reimbursement than expected of \$3.1 million. She provided a breakdown of the \$3.1 million and why that was so much higher this year; however, she indicated this amount changes annually and is not guaranteed, so it is difficult to include in the budget, and she added that it will be starting to phase out in Fiscal Year 2021 when they change to a new

formula for dividing up personal property tax losses. She stressed it is not responsible to use this money to fund ongoing operations, but it should be considered a bonus used to increase their savings or for one-time expenditures, which is what they have been doing. She emphasized the importance of remembering that, although this payment is over and above the amount necessary to reimburse their calculated tax losses, they are only getting reimbursed for personal property tax as of 2013, so it is not reimbursement on any new growth in the City. The Assessing Department estimates that for 2019, they would have had an additional \$40 million in taxable value due to new investment in the community. She also stressed that these payments do not make up for the cumulative losses they have seen in state revenue-sharing, road funding and property taxes over the past fourteen years, which have totaled nearly \$160 million. Ms. Varney indicated for the past two years, these additional funds have been used to build up their fund balance and is one of the reasons their reserves are over \$25 million. The Final Amendment this year proposes using that money for one-time expenditures to fund three of the City's highest priorities. A \$2 million increase to the major road fund is proposed to help with reconstruction of Fox Hill Drive and rehabilitation of Schoenherr from 19 Mile to Clinton River, both of these being additional projects which were not included in the original budget. A \$1.5 million increase to local road fund will help fund nearly \$7 million in

neighborhood street projects in next year's budget, as well as two new projects. A \$1 million contribution to Police and Fire Pension Fund is proposed, which is in addition to the required contribution of \$9.1 million. The Police and Fire Pension Fund is currently at 62.9% funding level, and additional contributions over and above required amount will help increase that percentage over time.

Ms. Varney stated the net result of the amended General Fund budget is a \$990,000 increase to fund balance, which is about \$50,000 more than originally budgeted, bringing total General Fund reserves to \$25.7 million, which is about 23.2% of budgeted expenditures. The budget for the other funds increased by about \$480,000, and she outlined the expenditures that were responsible for that increase, noting they are offset by a reduction to the facilities project fund due to timing of expenditures. She stated this is the first reading of this Ordinance, which is scheduled for adoption at the first meeting in July.

Mayor Taylor opened the floor for public comments.

Mr. Harry Marchlones – requested a layman's breakdown of the Appropriations Ordinance.

Moved by Ziarko, seconded by Schmidt, **RESOLVED**, to introduce the final amendment to the Appropriations Ordinance for the 2018/19 fiscal year.

Councilwoman Ziarko stated she is excited about being able to add \$1 million to the Police and Fire Pension Fund, and added as long as they have the

money, she is glad they are saving it. She suggested possibly Ms. Varney can meet with Mr. Marchlones to explain to him how this additional money is a good thing.

Councilman Radtke appreciated putting \$50,000 more into their reserves to "save for a rainy day".

Yes: All. The motion carried.

## 7. CONSENT AGENDA

Mayor Taylor stated this item is consideration of the Consent Agenda with the omission of Item 7-S, which is now a Consideration item, and he invited 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 June 4, 2019.
- B. To approve payment of the bills as presented: General Fund - \$1,012,455.63, Water & Sewer Fund - \$2,899,940.09, Other Funds - \$3,647,721.14, Total Checks - \$7,560,116.86.
- C. **RESOLVED**, to purchase construction and utility castings from EJ USA, Inc., 301 Spring Street, East Jordan, MI 49727, at unit pricing available through the Oakland County Purchasing Program, contract #005621, through February 28, 2022.
- D. **RESOLVED**, to purchase library books through the Suburban Library Cooperative, 44750 Delco Blvd., Sterling Heights, MI 48313, for fiscal year 2019/2020 in the amount of \$105,000.
- E. **RESOLVED**, to purchase StoryWalk Solutions picture book displays from Barking Dog Exhibits, S12824 County Road U, Strum, WI 54770, at a cost of \$12,021.60.
- F. **RESOLVED**, to purchase Kronos Workforce Ready HR and Talent Acquisition software at pricing available through the U.S. Communities Government Purchasing Alliance cooperative request for proposals, contract #18221, in the amount of \$32,496, and authorize the City

Manager to sign all required documentation on behalf of the City and extend the term of the maintenance agreements annually on the same terms and conditions.

- G. **RESOLVED**, to approve the agreement with AT&T Corporation for phone voice services for a three-year period and authorize the City Manager to sign all documents required in conjunction with this approval.
- H. **RESOLVED**, to purchase heavy duty truck equipment parts from Van Horn Truck, Inc., 100 South Street, Rochester, MI 48307, at unit pricing available through the City of Rochester Hills cooperative request for proposals, #RFP-RH-19-004, for a three-year period and authorize the City Manager to extend the authorization to purchase two additional years if the terms and conditions of the cooperative RFP are extended.
- I. **RESOLVED**, to award the bid for MityLite chairs, tables and carts to Trident Furniture Group, Inc., 1028 North 150 West, American Fork, Utah 84003, at unit pricing bid.
- J. **RESOLVED**, to approve the Master Services Agreement between the City of Sterling Heights and Access Interactive, LLC, 46635 Magellan Drive, Novi, MI 48377, for information technology consulting services and authorize the City Manager to sign the Agreement on behalf of the City.
- K. **RESOLVED**, to approve the addendum to the vehicle lease agreement between the City of Sterling Heights and Michigan Tournament Fleet for utility and golf carts to be utilized during the 2019 Sterlingfest Art & Music Fair and authorize the City Manager to sign all documents required in conjunction with this approval.
- L. **RESOLVED**, to approve the application by Ace Pyro, LLC for a fireworks display permit on Friday, July 12<sup>th</sup>, 2019 at Freedom Hill County Park, 14900 Metropolitan Parkway, subject to a final site inspection by personnel of the Sterling Heights Fire Department.
- M. **RESOLVED**, to award the bid for improvements to the City Hall Entrances, City Project No. 19-342, to Brenca Contractors, Inc., 26079 Schoenherr Road, Warren, MI 48089, in the amount of \$718,607.55 and authorize the Mayor and City Clerk to sign all required documents on behalf of the City.
- N. **RESOLVED**, to approve the Promotional Agreement between the City of Sterling Heights and the Michigan Bureau of State Lottery for the 2019 Sterlingfest Art & Music Fair and authorize the City Manager to sign it on behalf of the City.
- O. **RESOLVED**, to set a public hearing on Tuesday, July 16, 2019 at 7:00 p.m. regarding the application by HTI Cybernetics, Inc. for an Industrial Facilities Tax Exemption Certificate at 40033 Mitchell Drive.

- P. **RESOLVED**, to award a bid for 19 Mile Road Resurfacing, Schoenherr Road to Hayes Road, City Project #19-337 to ML Chartier Excavating, Inc., 9195 Marine City Highway, Fair Haven, MI 48023, in the amount of \$1,783,230.44.
- Q. **RESOLVED**, to approve final payment to Michigan Joint Sealing, Inc., 28830 W. 8 Mile, Suite 103, Farmington Hills, MI 48336, in the amount of \$17,114.40, plus interest on retainage, for the 2018 Joint Sealing Program, City Project #18-324.
- R. **RESOLVED**, to approve final payment to DiLisio Contracting, Inc., 23525 Lakepointe Dr., Clinton Township, MI 48036, in the amount of \$133,890.74, plus interest on retainage, for the 2018 Local Road Concrete Reconstruction Program, City Project #18-307.

Yes: All. The motion carried.

**8. CONSIDERATION**

A. Mayor Taylor stated this is to consider nominations to the City of Sterling Heights Boards and Commissions. He opened the floor for public comments but no one from the audience spoke.

Nominations to Board of Ordinance Appeals 1

Councilwoman Schmidt stated she would like to move to postpone this for two meetings, adding she had someone who reached out to her to indicate interest but has not yet submitted the application.

Moved by Schmidt, seconded by Ziarko, **RESOLVED**, to postpone the nomination to the Board of Ordinance Appeals 1 to the July 16, 2019 regular City Council meeting.

Yes: All. The motion carried.

Nominations to Board of Ordinance Appeals 1 (Alternate)

Mayor Taylor stated if there are no nominations for this position this evening, he would like this to be postponed to the second meeting in July.

Moved by Ziarko, seconded by Taylor, **RESOLVED**, to postpone the nomination to the Board of Ordinance Appeals 1 (Alternate) to the July 16, 2019 regular City Council meeting.

Yes: All. The motion carried.

Nominations to Board of Ordinance Appeals II (Alternate)

Moved by Ziarko, seconded by Taylor, **RESOLVED**, to postpone the nomination to the Board of Ordinance Appeals II (Alternate) to the July 16, 2019 regular City Council meeting.

Yes: All. The motion carried.

Nominations to Zoning Board of Appeals

Mayor Taylor stated he spoke with Mr. Eric Castiglia, who indicated he is interested in serving on this Board. He has an application on file, and he stated if anyone would be interested in making that nomination, he would support it.

Moved by Ziarko, seconded by Schmidt, **RESOLVED**, to nominate Eric Castiglio for consideration as an appointee to the Zoning Board of Appeals at the July 16, 2019 regular City Council meeting.

Councilwoman Ziarko questioned whether they are making all of these appointments at the July 16 meeting.

Mayor Taylor indicated he will not be at the July 2 meeting, and he did not feel it is necessary for him to be present to vote on it. He felt July 2 may be better so they have this candidate serving on the Board sooner rather than later.

Councilwoman Ziarko withdrew her motion on the floor, and Councilwoman Schmidt withdrew her second.

Moved by Ziarko, seconded by Schmidt, **RESOLVED**, to nominate Eric Castiglio for consideration as an appointee to the Zoning Board of Appeals at the July 2, 2019 regular City Council meeting.

Councilman Radtke questioned how many Boards Mr. Castiglio will be serving on, including this anticipated appointment.

Mayor Taylor replied he believed it would be three boards: Citizens Advisory Commission; Zoning Board of Appeals and one other.

Councilman Radtke inquired as to whether Mr. Castiglio will be giving up one of those positions to take on this new position.

Mayor Taylor stated Mr. Castiglio expressed an interest in serving on a board that has more responsibility than the others on which he is currently serving. He indicated if Councilman Radtke wants to reach out to Mr. Castiglio to see if he would be interested in resigning from another Board to serve on this one, he can do so.

Councilwoman Ziarko did not believe there is a limit to the number of boards on which a person can sit on because the number of meetings varies. She noted some meet monthly, some quarterly and other only every couple of years.

Yes: All. The motion carried.

**B.** Mayor Taylor stated this is to consider appointments to the City of Sterling Heights Board and Commissions. He opened the floor for public comments.

Mr. Charles Jefferson – questioned necessity of two-step nominating/appointment process for someone already serving on a Board or Commission.

Appointments to Planning Commission

Mayor Taylor indicated there are three appointments to be made to the Planning Commission, all with term ending June 30, 2022.

Moved by Schmidt, seconded by Ziarko, **RESOLVED**, to appoint Paul Jaboro, Gerald Rowe and Parmpreet Sarau to the Planning Commission, each to a term ending June 30, 2022, subject to the appointees meeting the qualifications set forth in Charter §4.03 and taking the oath of office within two weeks.

Yes: All. The motion carried.

Appointment to Board of Code Appeals

Moved by Radtke, seconded by Taylor, **RESOLVED**, to appoint Douglas Harvey to the Board of Code Appeals 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.

Yes: All. The motion carried.

Appointment to Board of Ordinance Appeals I

Moved by Sierawski, seconded by Ziarko, **RESOLVED**, to appoint Kathleen Martin to the Board of Ordinance Appeals I to a term ending June 30, 2022, subject to the appointee meeting the qualifications set forth in Charter §4.03 and taking the oath of office within two weeks.

Yes: All. The motion carried.

Appointment to Board of Ordinance Appeals I (Alternate)

Moved by Radtke, seconded by Ziarko, **RESOLVED**, to appoint Michael Sauger to the Board of Ordinance Appeals I (Alternate) to a term ending June 30, 2022, subject to the appointee meeting the qualifications set forth in Charter §4.03 and taking the oath of office within two weeks.

Yes: All. The motion carried.

Appointment to Board of Ordinance Appeals II

Moved by Schmidt, seconded by Sierawski, **RESOLVED**, to appoint Aisha Farooqi and Michael Sauger to the Board of Ordinance Appeals II, each to a term ending June 30, 2022, subject to the appointees meeting the qualifications set forth in Charter §4.03 and taking the oath of office within two weeks.

Yes: All. The motion carried.

Appointments to Board of Review

Moved by Sierawski, seconded by Schmidt, **RESOLVED**, to appoint Kimberly Legarski and Betty Jane Sukkar to the Board of Review, each to a term ending June 30, 2022, subject to the appointees meeting the qualifications set forth in Charter §4.03 and taking the oath of office within two weeks.

Yes: All. The motion carried.

Appointment to General Employees Retirement System Board

Moved by Ziarko, seconded by Schmidt, **RESOLVED**, to appoint Richard Weiler to the General Employees Retirement System Board to a term ending June 30, 2022, subject to the appointee meeting the qualifications set forth in Charter §4.03 and taking the oath of office within two weeks.

Yes: All. The motion carried.

Appointments to Zoning Board of Appeals

Moved by Schmidt, seconded by Ziarko, **RESOLVED**, to appoint David Graef and Raymond Washburn to the Zoning Board of Appeals, each to a term ending June 30, 2022, subject to the appointees meeting the qualifications set forth in Charter §4.03 and taking the oath of office within two weeks.

Yes: All. The motion carried.

Appointment to Corridor Improvement Authority

Mayor Taylor stated he talked with Mr. Steven Pomaville today, and he had listed this as the number one board for which he is interested in serving, adding that he would appreciate the appointment.

Moved by Sierawski, seconded by Taylor, **RESOLVED**, to appoint Steven Pomaville to the Corridor Improvement Authority to a term ending June 30, 2023, subject to the appointee meeting the qualifications set forth in Charter §4.03 and taking the oath of office within two weeks.

Yes: All. The motion carried.

#### Appointment to Ethnic Community Committee

Mayor Taylor stated he spoke with Ms. Stacy Williams and she indicated this committee as her number one choice. He added he talked with her today and felt confident she will be a great asset to this committee.

Moved by Ziarko, seconded by Schmidt, **RESOLVED**, to appoint Stacy Williams to the Ethnic Community Committee to a term ending June 30, 2022, subject to the appointee meeting the qualifications set forth in Charter §4.03 and taking the oath of office within two weeks.

Yes: All. The motion carried.

#### Appointment to Historical Commission

Moved by Ziarko, seconded by Schmidt, **RESOLVED**, to postpone the appointment to the Historical Commission to the July 16, 2019 regular City Council meeting.

Yes: All. The motion carried.

#### Appointment to Library Board of Trustees

Moved by Ziarko, seconded by Schmidt, **RESOLVED**, to appoint Terry Hojnacki to the Library Board of Trustees to a term ending June 30, 2022, subject so the appointee meeting the qualifications set forth in Charter §4.03 and taking the oath of office within two weeks.

Yes: All. The motion carried.

#### Appointment to Solid Waste Management Commission

Moved by Schmidt, seconded by Ziarko, **RESOLVED**, to postpone the appointment to the Solid Waste Management Commission to the July 16, 2019 regular City Council meeting.

Yes: All. The motion carried.

C. Mayor Taylor stated this item was moved from the Consent Agenda to consider adopting the resolution requesting transfer of Chapter 20 Drain Funds pursuant to MCL 280.499 to fund the replacement of the Hildebrandt Pump Station.

Moved by Ziarko, seconded by Sierawski, **RESOLVED**, to adopt the Resolution requesting transfer of Chapter 20 Drain Funds pursuant to MCL 280.499 to fund the replacement of the Hildebrandt Pump Station.

Councilman Radtke commented that he had never seen this come before Council and questioned how they move drain funds between accounts and why there are remaining funds in some of the accounts.

Ms. Varney explained there are five different drain funds all funded through bond proceeds. The County fixed the drains, borrowed money, and the City made the payments, passed on to the residents through a City drain millage. They borrowed a certain amount of money for each of those projects, and there is money left over, possibly from the project coming in a little under budget, or it could have resulted from interest earned on the bonds. There was also a sale of land, resulting in additional dollars. The money borrowed was specific for these drains, so it cannot be spent on other expenditures. They can move those funds because those drains do not need any specific construction, and they can legally use that money to fund this project. If they do not use it, the money would remain in those individual funds until such time as the

County may find something to spend on those particular drains; however, the inspection indicated those drains are not in need of work so that money would continue to sit in those accounts.

Councilman Radtke inquired as to what the assessment would be for those who are served by the Hildebrandt Drain if this money were not to be moved from these other drain funds.

Ms. Varney stated they estimated there are 800 parcels, so each parcel would be assessed about \$900 if they were to establish a Special Assessment District.

Councilman Radtke commented that is a lot of money, so he is in favor of this proposal to transfer the funds, adding it is a good use of funds. He found it interesting that they levy millages for drains and roads, but they assess homeowners for sidewalks, yet they are all for public use. He felt the City needs to reevaluate that policy.

Yes: All. The motion carried.

## 9. COMMUNICATIONS FROM CITIZENS

Mayor Taylor stated there is a large group of people here tonight, and he explained the rules for this portion of the meeting, noting they can speak about any item not on tonight's agenda, and they are limited to four minutes per person. He added the Council will not engage in back-and-forth dialog.

Ms. Jazmine Early – opposed to nature trail from Delia Park; number of trees being removed and privacy of abutting residents.

Mr. John Fack – opposed to nature trail; disruption of wildlife, more trash and debris; public safety issues; no privacy for abutting residents; depreciating home values; no written notification from City to abutting residents.

Mr. J.J. Liao – opposed to nature trail; disruption of quiet and privacy; residents should have to agree before this can be done.

Mr. Radu Botezatu – opposed to nature trail; depreciating property value because of pedestrian traffic behind his house; residents' opinions should be considered.

Mr. Johnson Acho – opposed to nature trail; paid \$25,000 more for premium lot years ago adjacent to nature preserve; no notification from City; will sell his house and move if it goes in.

Ms. Linda Komer – opposed to nature trail; questioned why nature trail goes from Delia Park to a parking lot; safety concerns for children; no fences allowed for privacy from trail; no notification from City; increased litter and impact on wildlife; road patching needed on North Hampton.

Ms. Angela Koerner – opposed to nature trail in her backyard; debris and destruction of nature in the area; new sidewalks already available in the area; safety of her grandchildren and security of her home.

Mr. Charles Jefferson – recommended "Meet the Candidates" be held at night rather than during day; sunset clause on Safe Streets millage.

Unidentified resident – opposed to nature trail; privacy, security and safety for his children; disruption of nature; unsafe at night; no City notification.

Unidentified resident at 42450 Flis Drive – opposed to nature trail; he and his parents selected these lots for privacy; concerned those using trail will be peering into large windows of abutting homes.

Mr. Don Cornelli – opposed to nature trail; invasion of privacy; removal of trees and disruption to wildlife; no notification to residents.

Ms. Kathy Bowvickat – opposed to nature trail; security for her two small children; removal of trees and impact on nature; concerned with lighting from trail.

Unidentified resident (inaudible) – opposed to nature trail; depreciating home values along trail; lives alone and fears for safety with no privacy in rear yard; disruption to wildlife.

Ms. Aleksandra Urban – opposed to nature trail; number of trees to be removed in wetlands area; premium prices paid for these lots and residents want to be compensated; impact on nature; safety and privacy concerns; decreased property values; potential litigation if this trail proceeds.

Mr. Ron Twigg – opposed to nature trail; saw this plan over two years ago and was in favor but changed his mind because there are now sidewalks that serve same purpose but are less intrusive to area; disruption to wildlife and privacy of residents.

Mr. James Banashak – opposed to nature trail; two home invasions already and trail provides faster escape into woods for robbers.

Ms. Rita Myers – concern about pedestrian lights at Dodge Park and 15 Mile not working properly; feared for son's safety as he walked to and from Carleton Middle School.

A Dearborn resident representing his parents at 43514 Pondview – opposed to nature trail; safety, security and quality of life for abutting residents; no notification from City.

Mr. Walter Szczubialka – opposed to nature trail; complimented City on improvements to Dodge Park; no notification from City or attempt to gain input about trail from abutting residents; large number of mature trees being removed.

Mr. Patrick Granowicz – opposed to nature trail; abuts preserve area and standing water will make it hard for City to maintain path and add expense.

Mr. Harry Marchlones – concerned nature trail does not take abutting residents' concerns into consideration; fought trail along Sterling Relief

Drain and that was turned down; residents abutting proposed trail should have same consideration.

Mr. Giulio Russo – nature trail is unfair to abutting residents who are opposed to it; suggested it be installed near the street, similar to the Metro Parkway Hike/Bike path; concerned about semis using Merrill.

Mr. Joe Judnick – sign ordinance on temporary signs requiring more work for Code Enforcement; concerns that Ordinance Board of Appeals provides too much time to abate nuisances; officers spread too thin.

Mr. Paul Smith – objected to a private subdivision becoming an extension of a public park; more important to install sidewalks along major mile roads instead of along residential backyards.

Mr. Steve Sitto – opposed to nature trail; homeowner’s association claimed they knew nothing of the project, yet City claimed it was on the news two years ago; urged City Council to cancel this project.

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

Mr. Vanderpool stated he has nothing further to report but would be glad to respond to issues raised tonight if Council would like him to do so.

Mayor Taylor stated if there are no objections, he requested Mr. Vanderpool respond to the history of this project, how it got to this point, an update as to how it was on the agenda two weeks ago, and how many times it has been discussed publicly and the messaging since 2016 regarding this trail.

Mr. Vanderpool stated City Administration would be happy to hold an additional informational meeting with the residents to go over in fine detail the location and scope of the project, and they would be happy to meet on-site individually with property owners to view their individual concerns and look at individual screening. He provided some history on this project, noting this is

part of the *Re*Creating Recreation plan that was approved by the voters in November 2016. He indicated the scope of this particular project was included as part of the original plan, along with many other components, including the upgrade of twenty-four neighborhood parks, which included, within those parks, the extension and improvement of many bike/hike trails. He stated all of the parks, with the exception of four of them, have bike/hike trails that go through them and abut residential properties. The *Re*Creating Recreation project was massive in scope and not only included this bike/hike extension of their many miles of trails throughout the City, but it also included upgrades to twenty-four parks, the upgrade of Dodge Park, building a new community center, skate park, dog park, new soccer field, basketball courts, volleyball courts, and many other components. He stressed it was widely advertised and there were numerous town hall meetings talking about the various components of that project. He noted many residents attended the meetings and they received many comments, and as a result, they ended up revising some of the components. He explained the dog park was originally proposed for Magnolia Park, but when holding the town hall meeting, residents expressed concern, and the dog park was located to a location near Delia Park. The projects, including the one in question, was bid out and approved by City Council at their meetings. At their Strategic Planning session this past year, a significant update was provided on this particular component. A couple of

years ago, the City approved its first ever Non-Motorized Transportation Plan, and they are filling in as many sidewalk gaps as possible throughout the City, including constructing new sidewalk in certain areas. He noted they are working on a sidewalk along 18 Mile Road. Bike/hike extensions were widely publicized and public hearings were held, and that Non-Motorized Transportation Plan included this particular path in question.

Mr. Vanderpool responded to some of the concerns expressed about safety and assured he can appreciate and respect the concerns about public safety, but they have an extensive network of bike/hike trails in the City and they have not had public safety concerns. He stressed many of these areas are very safe, and they have police officers on bike patrol, where that was not possible prior to the bike/hike paths being put in. He knows there is concern that there will be a decline in neighboring property values; however, that has not been the case nationwide and right here in Sterling Heights. Some of the most expensive properties in the city are located adjacent to the bike/hike paths. There is an increased value of properties along public amenities compared to properties further inland, and that can be evidenced in assessing records. Property listings will point out if they are near the Dodge Park trail system or other park amenities. He assured they do not have significant debris along current bike/hike trail system, and if they do experience it, it is rectified quickly within a matter of hours rather than days. He clarified there will be no tree

clear-cutting, and although there will have to be some trees removed, there will be many new trees planted throughout the project. He recalled the question raised as to why a trail system would “dump into a parking lot” and why they would connect to Troy Beaumont Hospital. He explained that the City of Sterling Heights has one of the most beautiful nature preserve areas around, but no one can enjoy it because it is not easily accessible. The second phase of this trail would be a loop around the perimeter of it, with various lookout points and factoids about wildlife and the natural habitation and preserve. He assured the path would not go into the preserve but would have lookout points. They want to partner with Troy Beaumont to promote and encourage an active lifestyle, and the bike/hike trail system does that. He concluded that he is happy to follow up on any other concerns City Council may have.

Mayor Taylor noted one resident was concerned about lighting on the trail, and asked Mr. Vanderpool to address that concern.

Mr. Vanderpool assured there is no plan to put lighting along the trail. None of the City’s trails are lit, and that is not a component of this plan.

Mr. Kaszubski reported he has nothing to report this evening.

Councilwoman Ziarko brought up the issue of Safe Streets, and she confirmed there is a sunset clause in it. She commented that it is 2.45 mills, but if they do not need all of that money, they will not assess it. She addressed the concern

about the traffic signal at 15 Mile and Dodge Park, and she agreed there seems to be a signal missing for westbound 15 Mile to cross Dodge Park. She felt it needs to be looked at because there is no push button to go west. She agreed with the concern about the semis on Merrill and hopes that when they redo the road, they take into consideration that it is being used for semis. She understood the residents' comments about how many of them paid premiums for certain lots, but she reminded that the City has no control over that, and it is between buyer and seller. She cited a similar situation where residents paid premiums for golf course lots, only to have the golf course sold and homes were built on the golf course.

Councilwoman Schmidt questioned whether it would be possible to post "No construction traffic" along Merrill Road.

Councilwoman Koski stated she has not been in favor of that path from the time it was first brought to Council. She stated she was on Council when the nature preserve was created, and she stressed it was supposed to stay pristine. She felt they should sit down with the residents and explain what is going to take place. If they are still opposed, she believed she still has one more meeting where she can rescind her vote and bring it back to the table again.

Mr. Vanderpool understood Councilwoman Koski's concern with the nature preserve and that was taken into consideration. He assured there are no plans to go into the nature preserve, but only to go around it as an amenity, and that

would be a second phase. This phase only goes to Troy Beaumont, but the plan is to interconnect and fully integrate all of these nodes, sidewalks and trail systems long-term, which is the goal of their Non-Motorized Transportation Plan. He assured they would be happy to meet and share more detailed plans with the residents, and he has circulated a sign-up sheet to get names, addresses, phone numbers and emails so they can contact the concerned residents about a meeting. They will be happy to fine-tune and make adjustments as necessary to address some of the concerns. He stated Councilwoman Koski is correct that City Council would have the prerogative to reconsider this. They have two meetings to do so and would need a majority vote of City Council. The contract is proceeding but they would have the chance to reconsider that according to their rules and procedures.

Councilwoman Koski inquired as to what they can do to stop this project now until they have had a conversation with the residents.

Mr. Vanderpool replied they have the latitude in the contract to delay the start until they get additional feedback from the community involved and make adjustments. City Council would not have to take action on that this evening, noting Administration has the latitude to determine the start date of the project.

Mr. Kaszubski explained the contract provides the latitude noted by Mr. Vanderpool that they can delay the start time for a little while. There are some

provisions that state how long this can be done in the long run, but it is not a problem for a short time.

Councilwoman Koski stated she is requesting that no action be taken with the bid that was awarded at the June 4<sup>th</sup> meeting to the LaSalle Group, and she would like them to be put on notice that they are to take no action until Mr. Vanderpool has had the opportunity to meet with the residents and report back to Council that the residents are satisfied with the trail as proposed, or that they should not follow through with the project. She would like to see an update at the next meeting because that would be the last day for her to rescind her vote.

Mayor Taylor inquired as to whether Councilwoman Koski is asking for any action to be taken this evening.

Councilwoman Koski reiterated she would like Administration to put the LaSalle Group on notice that they are not to take any steps to proceed with the installation of the path, and Mr. Vanderpool meet with the residents within the next two weeks and report back to Council at the next meeting.

Mr. Kaszubski replied to inquiry that it would take the consensus of Council to give that direction to the City Manager.

There were no objections to a two-week delay on this.

Mayor Taylor stated he does not object to a two-week delay and have the contractor stop work so they can try to work something out over the next two weeks. He questioned the Council's options at the July 2 City Council meeting. Mr. Kaszubski explained the project is under contract so the options at the next Council meeting would be a motion for reconsideration on the award of the contract. He stated that is the only action item that could be reversed at this point. It is under contract, so they would have to look at the consequences of that action. He explained the process of Rule 18, which is the reconsideration process.

Mayor Taylor noted they have a signed contract and some work has been started. If they put them on notice not to do any more work now and were to reconsider and change the vote at the July 2 meeting, he questioned whether there would be consequences.

Mr. Kaszubski replied there would be consequences and he would want to review those over the next two weeks so he can advise Council.

Councilman Radtke requested, if no objections, a traffic study prepared for 15 Mile Road, from Van Dyke to Dodge Park. There are two hotels, the credit union and two more shopping centers, and he often witnesses people crossing the street although there is no crosswalk at that point. He suggested the possibility of a traffic island for pedestrians.

Mayor Taylor asked if there were any objections to that traffic study, and none of the Council members objected.

Councilman Radtke addressed an earlier citizen comment about code enforcement.

Mr. Vanderpool replied to inquiry that they have hired another code enforcement officer, and over the last ten years, they have doubled their number of code enforcement officers.

Councilman Radtke acknowledged the problem with semis on Merrill, and assured the City is trying to address all code enforcement problems throughout the City. He addressed the topic of the nature trail, and although he could understand the objections, he felt it is a net gain for the City. He counted twenty-two people who came to the microphone to object, but he listed the twelve meeting dates on which this nature trail was discussed. He felt notice has been given, and although he understands the residents did not receive a letter in the mail, he would like to do more to alleviate some of their concerns. He stressed, however, this was part of the *Re*Creating Recreation ordinance. He acknowledged that 22 people came to the microphone tonight, but 26,420 voted in favor of *Re*Creating Recreation. He stated they have to balance the entire community's needs, and he has talked with realtors who have indicated property values around Dodge Park have increased ten to fifteen percent overnight because people want recreation amenities in their

neighborhoods. He recalled the Police Chief indicating there is not an increase in crime as a result of these trails, but actually a decrease because there are more people in the area. He pointed out the City is constantly growing so people cannot buy their houses thinking nothing around them will change. He cited Dodge Park as an example of an area that has been transformed. He sympathized with the residents in the area, but assured they want to improve it for everyone. He pointed out the trail will not be lit, and he addressed the complaint about the removal of trees, commenting that he is a huge proponent of trees, but by increasing their abilities to enjoy nature, people can go out and see what they need to preserve, such as the nature preserve. He was confident if this trail is added to their parks system, the City's staff will work hard to make sure it remains clean. He noted the complaint mentioned earlier about the trail ending at Beaumont's parking lot, but when it is in a residential area, people complain that cars are parked on their streets for people to gain access to the trail.

Mayor Pro-Tem Sierawski stated she grew up in a farming community outside of Lansing, and their house abutted up against a beautiful field, woods and meadow. They did not own it but were able to use it, and it is upsetting now as she sees how built-up it has become. She understands the concerns of the residents and encouraged everyone to attend the meetings Mr. Vanderpool will be hosting. She could see where the residents in the area may have never

thought this area would have any type of development or change, but she noted it was part of the *Re*Creating Recreation plan. She apologized this is a surprise to the residents, but she urged the residents to attend and listen to the details of the plan, because there will be plantings between the trail, which will be crushed gravel, and the abutting properties. She acknowledged the plantings will take some time to grow fully, and the residents will have an opportunity at these meetings to listen and look at those renderings, and she stated the Council will listen to their concerns as well.

Councilwoman Ziarko stated she has been approached by residents who cannot find a description of the various boards and commissions on the website. They can find the application, but the descriptions would help them to decide on which board or commission they wish to serve. She felt if they can look into that, it would be appreciated.

Councilman Radtke questioned what would happen to the funds they have allocated for this proposed nature trail if the project is canceled. He questioned whether the funds would be returned to the residents.

Ms. Varney replied it is part of the *Re*Creating Recreation plan so the funds are from the millage. At this point, they would go back into the fund to use for other purposes of the plan.

Mayor Taylor addressed complaints regarding notification requirements of this trail. He stated it was an agenda item at the last City Council meeting to award the contract. He questioned Mr. Kaszubski as to notification requirements.

Mr. Kaszubski replied the notice requirements for the action taken at the last City Council meeting were satisfied by Council rules. As far as the use of city property on which to put a pathway, there is no specific notice requirement because there is no zoning issue involved. The City is putting a pathway on their own property as part of this *Re*Creating Recreation plan.

Mayor Taylor questioned whether the City has to acquire any of this property, or whether they own it.

Mr. Kaszubski replied that, to his understanding, it is fully owned by the City of Sterling Heights.

Mr. Vanderpool concurred with Mr. Kaszubski's statement.

Mayor Taylor questioned the rights or obligations of the City regarding use by the public. He noted this subject came up when a bike/hike trail was proposed along the Sterling Relief Drain, and although that issue has gone away, there were a lot of residents abutting that property that used that property as part of their yard. He understood when people purchase a home abutting an open area with trees, forest, or a pristine area, even though they do not own it, they want it to look that way for as long as they live there. He felt the concern expressed by some of the residents is that the property will change in nature.

He questioned as to the public's rights to that property, and whether he is allowed walk along that drain from Delia park now even though there is not a crushed limestone path.

Mr. Vanderpool replied the reality is people currently walk and hike along this right-of-way, and there is nothing stopping them from doing so. They are not allowed to litter and disturb the natural habitation. He indicated that occurs on public ways all over the City and he cited examples in Dodge Park, where there are informal trail ways that branch off the main path. He stated he has confirmed that residents are using that area now to walk and hike, and it happens frequently. They are making it a little more inviting for hikers and bikers, while giving the City the ability to monitor and control it for litter. He added it is very hard to control now.

Mayor Taylor stated there were a number of residents concerned as to what would happen after dark and access to rear yards after dark. He questioned whether Mr. Vanderpool is aware of any issues in the City where the existing bike/hike trails are being used late at night or any crime being committed along those trails at night. He knows the police officers patrol the trails on bike. Mr. Vanderpool acknowledged that is a valid concern, but the reality is that most of the City's parks, by ordinance, close at dusk. If there are disturbances, it is rather easy for the City to control and go out to check those areas. They do not encourage use of the parks and trail system after daylight hours, and

although they cannot enforce every single park and every violation, and after discussing this with the Police Chief, they do not have any empirical evidence that shows any concerning trends whatsoever on their bike/hike trail systems or parks in the City. He pointed out there are thousands of homes that abut parks, when considering twenty-four neighborhood parks across the City, and many of those homes do not have fences, but they do not have reports of people trespassing in the back yards or reports of break-ins into homes in those areas.

Mayor Taylor noted that, in addition to the neighborhood parks, there are a couple dozen elementary schools through Warren Consolidated and Utica Community Schools, and in his ten years on Council, he could not recall any issues relating to break-ins or other crimes. He cited one of the neighborhood parks in the City where there is a trail going directly behind homes in the subdivision. He also noted he grew up in a house abutting a bike/hike trail that went through the entire neighborhood, and fences were not allowed. He acknowledged the difference in the situation because his parents bought their house knowing about this trail, whereas the residents objecting tonight purchased their homes and expecting something else. He understands it is difficult for the residents who expressed their concerns tonight, and they are sensitive to the safety aspect, but he felt if someone is going to break in to a house, it would be in the front where they have access to their vehicle to make

a getaway. They will most likely not try to escape through the back, where there is a well-maintained trail and potential for police patrols and people using the trails. Mayor Taylor noted in his years serving on City Council, the most difficult issues are those where something is going up behind someone's house. He pointed out that all of the property in this area used to be pristine with trees, nature and animals, but things change and development occurs. He feels this nature trail is a centerpiece of the *Re*Creating Recreation plan, along with the Community Center and the improvements to Dodge Park. He urged the residents whose property abuts directly where this nature trail will be to work with the City to try to figure out a way to minimize the disruption they feel will be there, and they can try to work through the privacy concerns. He emphasized, however, there is a lot of empirical evidence as to the positive effect trails have on abutting property values and crime statistics. If the project is eliminated, there would be consequences to that as well. He urged residents to be calm and patient, and the City Council and administration will work with them to make sure it is as minimally disruptive as possible.

Mayor Taylor stated he is a member of the United States Conference of Mayors and they meet annually in the summer for a conference. He stressed it is a valuable opportunity, and this year the City of Sterling Heights is going to be presenting at a jobs, training and workforce committee regarding some of the innovations occurring in and around Sterling Heights, particularly their Sterling

University program. He stated the travel schedule for this conference will not allow him to be back for the July 2 City Council meeting so Mayor Pro-Tem Sierawski will be chairing the meeting. He stated he will be back for the July 16 meeting.

11. **UNFINISHED BUSINESS**

There was no unfinished business.

12. **NEW BUSINESS**

There was no new business.

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

There was no Closed Session this evening.

14. **ADJOURN**

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

Yes: All. The motion carried.

The meeting adjourned at 9:52 p.m.

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MELANIE D. RYSKA, City Clerk