

CITY OF STERLING HEIGHTS  
MINUTES OF REGULAR MEETING OF CITY COUNCIL  
TUESDAY, JULY 6, 2021  
IN COMMUNITY CENTER

1. Mayor Taylor called the meeting to order at 7:00 p.m.
2. Mayor Taylor led the Pledge of Allegiance to the Flag and Melanie D. Ryska, City Clerk, gave the Invocation.
3. Council Members present at roll call: Deanna Koski, Michael V. Radtke Jr., Maria G. Schmidt, Liz Sierawski, Michael C. Taylor, Henry Yanez, Barbara A. Ziarko.  
  
Also Present: Mark Vanderpool, City Manager; Marc D. Kaszubski, City Attorney; Melanie D. Ryska, City Clerk; Carol Sobosky, Recording Secretary.
4. **APPROVAL OF AGENDA**  
Councilman Radtke requested that Item 8-K be taken off of the Consent Agenda.  
  
Mayor Taylor stated the amended agenda will move Consent Agenda Item 8-K to Consideration Item 9-A, with all of the remaining agenda items being numerically adjusted accordingly.  
  
Moved by Koski, seconded by Ziarko, **RESOLVED**, to approve the agenda as amended, moving Consent Agenda Item 8-K to Consideration Agenda Item 9-A.  
  
Yes: All. The motion carried.
5. **REPORT FROM CITY MANAGER**  
Mr. Vanderpool provided an update on property valuations across the City of Sterling Heights. He stated it is good news and important for the community to see where the City ranks statewide and throughout Macomb County. He explained strong property values is a primary measure used to determine return on investment, and strong code enforcement, community-oriented policing,

investments in parks and other quality-of-life amenities are all factors that tend to increase residential property values. He added that allowing pro-active economic development programs help business thrive, create jobs, and that results in strong commercial and industrial property values. He gave a brief PowerPoint presentation explaining the top five cities in the State of Michigan are ranked by property valuation, and he pointed out the City of Detroit, based on its size and magnitude, it ranks number 1 in a lot of property valuation categories. He explained the detail of the categories, which include residential, commercial, industrial, personal, and total valuation. He stressed industrial and residential are what they consider the most important categories to look at, and he felt being in the top five in the state is very impressive. He explained for residential values, they rank just slightly behind the City of Troy, but throughout the state, they rank second in industrial valuations, only behind the City of Detroit. He stressed being in the top four for residential and the top two for industrial is very good, and he explained the importance of the industrial valuation, adding that industrial creates jobs and has the largest economic impact to the local and regional economies. He also pointed out Sterling Heights is not a "bedroom" community, noting they have 60,000 people who work in the City, including one of the largest number of engineers per capita of any city this size in the country, which he credited to their strong industrial base. He compared the same categories with the largest communities in Macomb County, adding this also includes agricultural; however, Macomb Township is the only community that has any agricultural property

valuation. With regard to residential valuation county-wide, Sterling Heights ranks number one, with Macomb Township ranking number two. He advised that Sterling Heights also ranks number one in commercial, and two in industrial, just slightly behind the City of Warren, adding that Sterling Heights ranks one and two in all of the categories. Strong overall property values, especially residential, make communities more desirable, creating increases in population and perpetual synergy. He stressed they are focused on that every year and they will continue to do all they can to rank very high in all of these classes.

Mr. Vanderpool talked about the Innovate Mound project, with a related project to be discussed as a Consideration Item this evening. He stated this project, totaling over \$2 million, will be starting up this summer. The City secured federal funding a couple of years ago to make this project possible, and it encompasses Mound Road, between I-696 and M-59. The state-of-the-art project will start at M-59 in Sterling Heights and continue for the next six miles over the period of a couple of years. He introduced John Bailey, ombudsman for the project, and Steve Griffith, Project Manager, with HNTB, to provide an update on the project.

Project Manager Steve Griffith stated they are anxious to get started with this project, transforming the Mound Road Corridor over the next three years to an innovative corridor for the future. Bids were submitted on May 14, and the \$217-million contract was awarded to Dan's Excavating, a local contractor. Preliminary engineering plans have been completed for up to about 30 percent of the corridor, and all documents were obtained for the design builder to complete the design

of the rest. They submitted an “alternative technical concept”, which allows them to propose different ways to construct the project, with the result of time savings or cost savings. One of those concepts was revising the project schedule, and he explained the details of proposing to construct the project over a two-year phase rather than three full years of reconstruction. As a result, they will be starting work in August 2021, starting from the Sterling Relief Drain, located halfway between 15 Mile and 16 Mile Roads. They will be doing temporary work with single lane closures to prepare for traffic switches in early 2022. They will also be constructing temporary and permanent drainage along the corridor and will begin some of the municipal utility work involving the sanitary sewer and water main. He explained that this allows both Sterling Heights and Warren to take advantage of cost-sharing by being able to take advantage of mobilization and economy of scale. Lane closures will start in mid-August through mid-December in preparation of full construction to take place from March through mid-November 2022, and in March 2023 they anticipate constructing the south portion of the project, from the Sterling Relief Drain south to 11 Mile Road. Mr. Griffith talked about the process in preparation for the start-up in August. He emphasized a key component of the project is the project ombudsman, who is a dedicated person who will be available 24 hours a day, 7 days a week, and that person will be out on the job. That person will have a dedicated phone available 24/7, and that information will be shared on the public website and project information sheets, so any residents or business owners with questions or concerns on the work or the project can call that

number, which will be 1-800-MOUND-4U. He also noted that the bus depots for Warren Consolidated Schools are located in the project area, so they will be maintaining close communications with the schools during construction. That ombudsman will be taking a proactive approach to meet with residents and businesses in the area. He offered to answer questions.

Mayor Taylor stated they would normally ask questions during the agenda item, and he questioned whether Mr. Griffith and Mr. Bailey will be staying until later in the meeting when this item is discussed.

Mr. Griffith replied they can stay.

Mr. Vanderpool concluded his report by requesting that, at the conclusion of tonight's agenda, City Council convene a closed session pursuant to Section 8 (c) and (h) of the Open Meetings Act to consult with the City Attorney regarding ongoing collective bargaining negotiations and to discuss two confidential written legal opinions.

**6. ORDINANCE INTRODUCTION**

A. Mayor Taylor stated this is to consider introduction of an ordinance amending Chapters 1, 11, and 33 of the City Code to define offensive odors as a public nuisance and property maintenance violation and provide for municipal civil infraction penalties for violations. He invited Assistant City Attorney Donald P. DeNault, Jr. to give a presentation.

Assistant City Attorney Donald P. DeNault, Jr., explained that administration has requested presentation of a proposed ordinance amendment that is brief in scope and nature. He stated it is designed to ensure Code Enforcement individuals and

officers have the ability to deal with resident complaints and other observations of what they are referring to as “offensive odors” or “objectionable odors.” They currently only have the nuisance ordinance on which to rely, which is a misdemeanor offense. This ordinance will help residents with complaints and will help police and fire officials so they are not the only ones responsible for this type of enforcement. This ordinance amendment will allow this type of violation to be a municipal civil infraction, which he compared to a traffic ticket but with the difference of it being a civil violation rather than a criminal violation. The infraction solely consists of a fine. He explained how they looked at ordinances in communities throughout the country, and how they arrived at the proposed language, which has two components. He relayed that it involves doing something resulting in an odor or smell that leaves their property line and affects other people, and it is because of doing something illegal. He provided examples. He added the second way someone could be in violation of the ordinance is by creating a smell that is so intense, long in duration or recurring “as to unreasonably interfere with the comfort, repose, health, or peace of the public or a neighboring property.” They have a redundancy to make sure someone from the City can verify that odor exists from the property line, which helps protect against unreasonable complaints. He explained that in his years with the City, he does not feel they have a major problem, but this gives Code Enforcement an extra tool for those who do not want to come into compliance or who do not believe they are hurting their neighbors. He offered to answer questions.

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

Moved by Sierawski, seconded by Radtke, **RESOLVED**, to introduce the ordinance amending Chapters 1, 11, and 33 of the City Code to define offensive odors as a public nuisance and property maintenance violation and to provide for municipal civil infraction penalties for violations..

Mayor Pro-Tem Sierawski noted there are fines imposed as penalties ranging from \$500 to \$1,500, and she inquired as to how fast the amount escalates.

Mr. DeNault replied it is \$500 for the first violation. If the problem persists, each additional day is a new violation, so the next repeat offense would be \$750, then \$1,000, and any offenses after that point are \$1,500 per offense. He assured if they work with the city to correct the problem, they may never pay the higher amounts.

Councilman Radtke questioned whether these fines are issued per offense or per day.

Mr. DeNault clarified they are per violation, which is defined as a verifiable offense. It is one violation per day, so he assured the city will not be issuing the same violation every 15 minutes. Code Enforcement tend to provides reasonable time for the property owner to work it out, but after that set amount of time, they can charge another fine, and can continue to charge a fine each day they are not brought into compliance.

Councilman Radtke felt this is one more tool in the toolbox for Sterling Heights. He felt this will be able to be used against the "frequent fliers" who continuously violate the ordinance.

Councilwoman Schmidt requested Mr. DeNault to review the exceptions to this ordinance, adding this information was included in their backup.

Mr. DeNault explained there are some built-in exceptions. If an odor does not rise to the level of truly disturbing someone's peace, it will not get to the level of being ticketed, although they may have a discussion with the homeowner that there has been a complaint filed. He cited the instance of open burning or a recreational backyard fire, which are governed by the fire code, so as long as those requirements are being adhered to, even if there is a smell across property lines, it is reasonable and would be allowed. Any odor during construction or redevelopment of property, or by traffic, parking, loading or maintenance operations, are incidental and will occur from time to time, so fumes from vehicles in those circumstances are not considered unreasonable and would be an exception. There is also an exception for odors created by public services, such as street cleaning, and odors from agricultural uses are an exception as well.

Councilwoman Schmidt questioned where restaurants fall into this ordinance. She stated they occasionally get complaints about odors from restaurants that are grilling.

Mr. DeNault replied that he cannot think of a time when the only complaint about a restaurant has been odor-related, because there is typically smoke, fumes, or something else going on based on grease exhaust. He noted this ordinance could be used, but he was confident they have other building codes that would address those situations. He reminded the City also has a nuisance ordinance.

Councilman Yanez questioned who makes the decision as to what is offensive.



Mr. DeNault replied it comes down to what is and is not reasonable. They will look at how many complaints they have received, whether the smell has been verified, and whether it is offensive to the code enforcement personnel.

Councilman Yanez questioned how they can establish consistency when there are numerous individuals conducting the inspections.

Mr. DeNault replied that everyone dealing with enforcement will be under the same "umbrella" of verifying the complaint, and after talking to the complainant and others in the area who are affected, they will talk to the offender to try to resolve it. If that process fails, they will then bring it to their superiors to make sure it is approved and will move forward at that point. He assured there will be checks and balances, and they have to determine whether it meets the level where it has to go to court. He indicated they will have a little flexibility to determine whether it is offensive.

Councilman Yanez questioned whether this would apply to someone legally growing marijuana.

Mr. DeNault replied the ordinance prohibits the odor if they are doing something illegal, but if they are legally growing twelve or fewer plants for recreational marijuana or because they are a caregiver, they still have an obligation to contain that odor on their property, and they have no right for that odor to trespass onto other people's property and violate their rights. He cautioned that, while people may have the right to do something like use fireworks or own a gun, there is a point where they cannot trespass on the rights of others.

Councilwoman Ziarko thanked Mr. DeNault for his very informative presentation. She noted they have had complaints in industrial areas for things such as plastic injection molding companies, where the odors may drift. She questioned whether this ordinance would apply, and she further questioned whether they would notify the business to caution them about the ordinance.

Mr. DeNault compared it to a paint shop, where there are fumes that at times may drift into the air onto a neighboring property, or even to another commercial or industrial area, hampering their businesses. He cited the example of a business that had an odor drifting to a nearby Dairy Queen, and it was difficult for a Dairy Queen to operate under those conditions. He reiterated the general practice will be to talk to the business first and if necessary, issue a Notice of Violation, urging them to solve the problem before they have to get to the next stage of a ticket.

Councilwoman Ziarko questioned whether they start from scratch now since they did not previously have this ordinance. She further questioned how they get the word out about this ordinance.

Mr. DeNault stated he would defer to Community Relations as to how they will inform the public, but he assumed all usual methods will be used. He replied that they have had nuisance violations issued, although it is rare, and they have had to go to circuit court for some. He stressed they try to use diplomacy, and if that does not work, they resort to extreme measures. He added that, to this point, Code Enforcement has not had much to work with, which is why this ordinance is being proposed to give them a middle level.

Councilwoman Ziarko questioned whether the fee structure is the same, regardless of whether it is residential, commercial, or industrial.

Mr. DeNault replied that the fee structure is the same for everyone.

Councilwoman Koski questioned whether the agricultural exception would apply to someone who has a compost pile in their backyard.

Mr. DeNault replied affirmatively for anyone doing residential gardening or composting, adding that this ordinance is to go after those who are going illegal activities or not tending to things they should.

Councilwoman Koski questioned whether the exception would include someone who likes to smoke meat outside.

Mr. DeNault replied that would be included in the exception, noting it is no different than someone barbequing in their backyard and is a traditional residential use. The odor does not have a duration or proliferation to it that would offend the entire neighborhood. He clarified converting a shed to a smoker without permits would not be legal.

Councilwoman Koski questioned how they would handle a vacant property with an odor emanating from it.

Mr. DeNault replied that a ticket would be issued if necessary to the property owner. He felt a vacant property would not generally have an odor, and the majority of violations would be for unkept grass or weeds.

Councilwoman Koski clarified she was referring to a vacant home, with possible odors from the house that may be in disrepair.

Mr. DeNault explained this ordinance would not change how that situation is currently handled. They would determine who is handling the estate and let them know they are responsible for properly managing the property, and a citation can be issued if necessary.

Mayor Taylor does not have objection to Section 1 because it specifies that it has to be an odor caused by something that is illegal. His main concern is the illegal grow operations that cause problems throughout the neighborhood. He does not mind enacting something to provide another tool to use against those violators, but he felt the City, with the help of the attorneys, to get those shut down. He does not know whether this will help. He expressed concern about Section 2 because it does not have the illegality component as reflected in Section 1. He questioned why they need both Section 1 and Section 2.

Mr. DeNault replied that Section 2 is just a small amendment into the Property Maintenance Code, and its purpose is to make sure it cross-references back to the new ordinance. The second purpose is that the Property Maintenance Code is the guide their Code Enforcement Officers use, so it is important to have that built in. He added that amending the Property Maintenance Code, which is a very technical national code, and having it tie back into the definition in the Nuisance Ordinance makes sense so they have the same tools.

Mayor Taylor understood, but pointed out in Section 2 it is added into the Property Maintenance Code, but in Section 4, it is a municipal civil infraction and the offense is the same as the offense as in Section 5. He added that Sections 3 and 5 relate

back to Section 1, whereas Section 4 relates back to Section 2. He indicated he will vote yes this evening because it is an introduction, and he will talk to administration and legal, but he stated he read the code. He referred to the definition of "public nuisance," and he cited the example of a skunk that sprays on a property, which would then be the property owner's responsibility to get rid of that odor. He questioned whether the City would issue a \$500 ticket. He felt they would not do that, yet the ordinance would give them that ability. He reiterated he will vote yes for the introduction but requested that his concerns be addressed by the next meeting.

Yes: All. The motion carried.

7. **ORDINANCE ADOPTIONS**

A. Mayor Taylor stated this is to adopt the final amendment to the Appropriations Ordinance for the 2020/21 fiscal year. He opened the floor for public comment, but no one spoke.

Moved by Ziarko, seconded by Schmidt, **RESOLVED**, to adopt the final amendment to the Appropriations Ordinance for the 2020/21 fiscal year.

Councilwoman Ziarko felt this was very well explained at the last meeting.

Yes: All. The motion carried.

8. **CONSENT AGENDA**

Mayor Taylor stated this item is consideration of the Consent Agenda with the exception of Item 8-K, which has been moved to Consideration Item 9-A. He opened the floor for public comments.

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 15, 2021.

- B. To approve payment of the bills as presented: General Fund - \$929,708.49, Water & Sewer Fund - \$93,655.06, Other Funds - \$3,438,620.31, Total Checks - \$4,461,983.86.
- C. **RESOLVED**, to purchase youth baseball and softball team uniforms and coaches' shirts from E.A. Graphics, 42111 Van Dyke Avenue, Sterling Heights, MI 48314, at discounted pricing available through the proposal for printed and embroidered clothing award accepted in July 2018.
- D. **RESOLVED**, to purchase Gym Pro Eco carpet tiles and storage carts from Continental Flooring, 9319 N. 94<sup>th</sup> Way, Suite 1000, Scottsdale, AZ 85258, at pricing available through an OMNIA Partners – Public Sector cooperative purchasing contract, #R171701, at a total cost of \$48,988.24.
- E. **RESOLVED**, to purchase the Tennant T300 and T500 walk-behind floor scrubbers from W.W. Grainger, Inc., 100 Grainger Parkway, Lake Forest, IL 60045, at pricing available through National Association of State Procurement Officials cooperative purchasing contract, #171-180000000689, at a total cost of \$19,847.67.
- F. **RESOLVED**, to purchase office, meeting room, and divisional area furniture manufactured by Haworth Inc., National Office Furniture Inc. and Safco Products Company from Interior Systems Contract Group, LLC, 612 North Main, Royal Lak, MI 48067, at pricing available through the State of Michigan's MiDeal cooperative purchasing program, contracts #071B7700023 and #071B7700074, and OMNIA Partner's cooperative purchasing program, contracts #R191811 and R191814, at a total cost of \$64,212.94.
- G. **RESOLVED**, to purchase IBM MaaS360 Essential Suite software licenses from International Business Machines Corporation, P.O. Box 643600, Pittsburg, PA 15264-3600, at a cost of \$11,242.19, and authorize the City Manager to renew the annual subscription for the software licenses, subject to a maximum 5% annual increase in the licensing fee.
- H. **RESOLVED**, to approve the Support Amendment between the City of Sterling Heights and Tyler Technologies, Inc., 840 West Long Lake Road, Troy, MI 48098, effective July 1, 2021, and authorize the City Manager to sign all documents required in conjunction with this approval.
- I. **RESOLVED**, to authorize the City Manager to approve rental agreements containing indemnification terms and conditions for vehicles, equipment and other essentials costing less than \$10,000 subject to review and approval by the City Attorney.
- J. **RESOLVED**, to approve the Intergovernmental Agreement for Regional Emergency Dispatch Services between the City of Sterling Heights and County of Macomb for the period January 1, 2022, to December 31, 2024, and authorize the City Manager and City Clerk to sign the Agreement on behalf of the City.
- K. This item was moved to Consideration Item 9-A.

- L. **RESOLVED**, to approve final payment to T.R. Pieprzak Company, Inc., 6267 St. Clair Hwy., China Twp., MI 48054, in the amount of \$5,709.60, plus interest on retainage, for Sterling Relief Drain Right of Way Improvements, City Project #19-335.

Yes: All. The motion carried.

**9. CONSIDERATION**

- A. Mayor Taylor stated this is to consider a Cost Sharing Agreement between the Macomb County Department of Roads, City of Sterling Heights, and City of Warren for the reconstruction of Mound Road (Innovate Mound), from I-696 to M-59, which was formerly Consent Agenda Item #8-K.

Mr. Vanderpool felt this was covered quite well earlier this evening, but he felt the reason Councilman Radtke pulled this off of the Consent Agenda was because of the sidewalk. He stressed it has been the City's crusade over the last twenty years to close as many sidewalk gaps as possible and they have made significant progress, especially along Van Dyke. He stated this project will close the gaps on the west side of Mound, where there will be a 10-foot-wide sidewalk from M-59 along the length of the entire project; however, they will not have a 10-foot-wide pathway on the east side because it was not within the scope of the project. He acknowledged that it was initially in all of the concept renderings submitted to the federal government for federal funding, but there have been numerous reductions that had to occur. The gaps on the east side will have to be a later phase and, although there will be new sidewalk in certain areas, it will not extend the entire length of the project. He commented that, aside from the reduced scope, this project will be one of the most state-of-the-art roadways in the State of

Michigan and the entire country. There are a lot of technical amenities and vehicle connectivity amenities.

Mayor Taylor opened the floor for public comments.

- Ken Nelson – City’s monetary share of this project; felt the money should have been saved for this project rather than bonding; additional cost for sanitary sewer and water main improvements along Mound Road; opposed to raising the city’s indebtedness.

Councilman Radtke questioned whether a motion to postpone to a date certain is debatable because he would like to have conversation before he makes a motion.

Mayor Taylor replied that a motion to postpone to a date certain is non-debatable.

Moved by Ziarko, seconded by Schmidt, **RESOLVED**, to:

- (1) Approve the Cost Sharing Agreement between the Macomb County Department of Roads, City of Sterling Heights, and City of Warren, and authorize the City Manager and City Clerk to sign the Agreement on behalf of the City; and
- (2) Authorize the City Manager to sign all future project documents on behalf of the City.

Councilman Radtke stated he pulled this because over the course of this project, it has always been the City’s contention that the east side of Mound Road would be repurposed with sidewalk, similar to what was done on Van Dyke. As it is now time for the City to pay their share, it is now being proposed that they will not be putting the sidewalk in on the east side of Mound. He referred to this as a “tremendous bait and switch.” He pointed out this project totals \$217 million, with the City’s share of road improvements being \$52 million. He could not understand why the County and the City cannot come up with another \$1 million to \$2 million to completely redo the sidewalk on the east side of Mound. He felt they are investing in cars over people, and he expressed concern that people will jaywalk



across Mound as a result of the inconvenience, resulting in possible injuries or death. He stated he would be willing to postpone until they hear from the County as to why they will not spend the money on the sidewalk to protect the residents of Sterling Heights. He pointed out those who live next to this roadway already have to put up with the noise and speed, and he felt they need the sidewalk.

Mayor Taylor asked Mr. Griffith as to why the initial proposal went from 10-foot-wide paths on both sides of the road to what is now being proposed.

Mr. Griffith replied that their firm was not involved in the grant process, but they came on board after the grant was approved to carry the project through preliminary design and construction. One of the concerns when looking at the scope of the project was the limited right-of-way throughout the corridor, especially at the north end of the project where they are widening it from three lanes to four lanes in each direction. It was determined small right-of-way parcels were needed throughout the corridor to facilitate the 10-foot pathway on the west side. There were concerns about the need to widen the bridges over the Plumbrook Creek. They are widening the west structure to accommodate the pathway; however, the east side will be widened for the roadway, but there are hydraulic impacts to Plumbrook Creek so that would have to be accounted for. He explained there is free-flowing movement on northbound Mound Road to 18-1/2 Mile, which would eliminate the ability to cross 18-1/2 Mile Road on the east side of Mound. He added that the traffic on southbound

Mound there is a green signal phase that allows traffic to continue to turn right onto 18-1/2 Mile. He explained they determined during their traffic operation analysis, adding pedestrian signals on the east side would create large congestion problems throughout the corridor.

Mayor Taylor questioned whether the County pays a portion when the City closes sidewalk gaps on county-owned roads.

Mr. Vanderpool provided the example of the 18 Mile Road project, which was a county project. They had to work with the County collaboratively to get the easements, and they were able to negotiate with the property owners to get easement agreements, and in turn, some of the property owners did not have to pay for the sidewalk. In other cases, they paid the property owners directly, and the owners in turn had to pay for the sidewalk. While there are not easement agreements in place along Mound, it does not mean it cannot be done in time; however, it can take years to get those easement agreements. He does not feel the sidewalk should be ruled out, but it could be part of a second phase. He added it would be interesting to hear from the County how that second phase would be funded long-term.

Mayor Taylor pointed out the sidewalks are very spotty north of 14-1/2 Mile Road. He appreciated the concern about the traffic movement at 18-1/2 Mile Road, and it is hard to understand how a sidewalk would work at that location without interrupting vehicular traffic flow. He stated he is not entirely clear on the details of the Plumbrook Drain, but he understands it is a complication. He appreciated

Councilman Radtke's passion about this but does not know that they can stop this project to begin the process of obtaining the five miles of easements they would need. He questioned, even without putting in sidewalks on the east side of Mound at the Plumbrook Drain and at 18-1/2 Mile Road, what it would cost and the time frame to get all of the easements in place.

Mr. Vanderpool deferred to City Engineer Brent Bashaw.

City Engineer Brent Bashaw replied it is a tough question, but their estimate is around \$800,000 for sidewalk on the east side of Mound, which does not include easement acquisition. He confirmed it is a lengthy process and usually takes a long time. He added that the cost for easement acquisition generally depends upon the square footage of the property and how it is evaluated. He cited the easement acquisition on 18 Mile Road, which was a similar cost for the sidewalk installation. Mayor Taylor questioned whether there is already a right-of-way established. He further questioned whether they could put a sidewalk in that right-of-way without negotiating the easement.

Mr. Bashaw replied he is not sure where the easements would be required, but the County has advised that they would be required. He clarified they have a uniform 204-foot right-of-way, but there are instances where there are obstacles, causing them to have to go further outside of the right-of-way. He indicated they would have to take a detailed look to make that determination.

Mayor Taylor inquired as to the original plan which depicted the pathways on both sides of Mound. He questioned what their original plan was going to be for the pathway at 18-1/2 Mile Road and over the Plumbrook Drain.

Mr. Bashaw replied they have to widen the bridge over the Plumbrook Drain as well as install a pedestrian bridge. He knows there was concern for safety at 18-1/2 Mile, especially with the constant movement of traffic. The question was whether it would be safe when there is a constant movement of traffic, and whether motorists would realize a pedestrian crossing where the light would turn red when the majority of time the light is green.

Mayor Taylor stated he would like to see the City work collaboratively with the County to close as many of the sidewalk gaps as possible on the east side, but he does not want to hold up this project or jeopardize the first year of the project. He respected Mr. Nelson's concerns about spending more money and incurring debt, but he stressed that debt is so cheap. He pointed out their option could have been to increase taxes so they could save \$10 million a year for five years, but he felt many people would have felt that would be outrageous. He felt debt can be used wisely, adding that Sterling Heights has relatively low debt and is not in danger of defaulting. He stressed they take on debt for meaningful projects, claiming that Mound Road received the single largest federal grant for a local road project in United States history, which signifies its importance that was emphasized when they were in Washington D.C. to petition for the grant. He added that he would

like to do something about the sidewalk on the east side but he does not believe they can at this time.

Councilwoman Ziarko recalled talking about doing shared projects with other government entities using American Relief Funds. She questioned whether they could research the guidelines to determine whether that sidewalk project could be shared with the County using some of those funds. She felt it would be helpful to put the guidelines for the American Relief Funds on the city's website so residents can see those guidelines as the Council begins to make decisions on how that money should be spent. She questioned whether the fact that the majority of the property long the east side of Mound Road is developed as industrial had anything to do with the delay of installing the sidewalk.

Mr. Vanderpool replied the County looked at it and they thoughtfully extended the sidewalk in some areas to get an individual to a mile marker crossing, but they determined there would be greater use on the west side. He pointed out there are good, signalized crossings at the mile roads, and audio crossings in some cases. He felt that will help with the pedestrian mobility along Mound Road.

Councilwoman Ziarko agreed with the concern about crossing 18-1/2 Mile Road on the east side of Mound Road. She would like to see them look into what they can do rather than what they cannot do.

Councilwoman Schmidt pointed out that the bulk of this project is being paid by a federal grant, and when they applied for that grant, the pathway was indicated

on both sides of Mound. She questioned whether those plans can be altered after the grant was awarded.

Mr. Vanderpool explained when the initial grant application was submitted, they had preliminary engineering analysis and concept plans, so there was nothing etched in stone at that time. He stressed it was great to be awarded \$97 million, the federal government cut \$30 million from their initial request, so they knew there would have to be something creatively done with the scope of the project. He explained that, of the \$30 million that was cut, it is likely the project will get another \$10 million in other grant funding.

Councilwoman Schmidt recalled that Mr. Vanderpool had indicated that some of the gaps will be filled. She questioned how many of the gaps will remain.

Mr. Vanderpool replied he does not have that number here but he estimated with the extensions it may close ten or twenty percent, still leaving significant gaps on the east side. He added where there are businesses and anticipated foot traffic to the nearest mile road, the County decided it would be prudent to make extensions in those cases.

Councilwoman Schmidt inquired as to whose responsibility it would be to acquire the easements on the east side of Mound.

Mr. Vanderpool replied that for the 18 Mile Road easement acquisition, the City worked hand-in-hand with the County in a collaborative way, although the City took the lead on the easement agreements.

Councilwoman Schmidt felt with the money they are spending, it would be a dereliction of duty for them to not update their infrastructure when they have the opportunity to do so. She is comfortable moving forward with the project. She commended Mr. Bailey, the ombudsman, for providing his phone number "to the world" for 24/7 access, and she wished him well.

Councilman Yanez stated he does not like debt, but he also understands they have to have progress. He pointed out that Mound Road generates \$5 billion a year in activity, so the cost of that debt against the amount being brought in is an absolute necessity. He stressed Mound Road has become an extremely dangerous road and catching up on infrastructure comes at a price. He stated there is good debt and bad debt, and he felt this is going to be very good debt for the City of Sterling Heights, as well as southeast Michigan. He understood the concern of crossing at 18-1/2 Mile Road but suggested possibly the pedestrian traffic could follow 18-1/2 Mile Road for a short distance and a crossing could be established a little further away from the intersection. He stressed they need to look at the future, and even though people do not currently live on the east side of Mound, he raised the question of what kind of activity could be created there if they had a continuous sidewalk on that side of the road. He referred to the federal grant and stressed that is the money of the taxpayers coming back to build their road for their businesses to serve their people. He felt they are selling the taxpayers short by not putting in the sidewalk.

Councilwoman Koski suggested that if money is an issue regarding the sidewalk on the east side of the road, she questioned whether they could consider eliminating the proposed steel light fixtures and use that money for the sidewalks.

Mr. Griffith replied one of the components of the grant was unified lighting throughout the corridor, so they are going with energy-efficient LED lighting throughout the entire corridor. DTE is also relocating the overhead transmission power lines from the median to the east side of the roadway to allow more greenspace and appeal to the median. He stated it could be looked at, but the contract is out for bid, so it would be a change in the contract as well. He pointed out they would still have the concern of acquiring the right-of-way in the time frame necessary.

Councilwoman Koski stated it was a suggestion, adding she is a big proponent of sidewalks.

Mayor Pro-Tem Sierawski agreed with Councilman Radtke and Councilman Yanez that sidewalks are important. She has noticed people running across Mound, and she is concerned for their safety. She would like to see the City pursue and be creative in closing the sidewalk gaps. She does not want to see the project held up but would ask that they investigate and explore their options to continue to work with the County to acquire the necessary easements for sidewalks to accommodate foot and bike traffic.

Councilman Radtke calculated the anticipated cost of easement acquisition and sidewalk installation along the east side of Mound Road in comparison with the



total cost of the project, pointing out the sidewalk on the east side would equate to only 0.006 percent of the entire project cost. He felt the City has not received a good answer from the County as to why they are not willing to put in this sidewalk that was originally proposed. He felt they are hearing excuses, but the City worked hard with Warren and spent a lot of time and effort to obtain the grant. He felt Mound Road would be the ideal corridor for rapid transit, but sidewalks are imperative. He stressed handicap access is necessary. He added he does not agree with the reason they provided about the crossing at 18-1/2 Mile Road and the constant flow of traffic they need, and he cannot understand why cars cannot stop at that point if there are pedestrians. He noted there is residential on the east side of Mound, and he felt the elimination of the pathway on the east side of the road does not make it easy for pedestrians and bicyclists. He mentioned he is on the Michigan Municipal League (MML) Transportation and Transit Committee and they have been discussing drones for delivery, where they need to go on sidewalks. He felt they are favoring cars, and those who walk and bike are being ignored.

Moved by Radtke, seconded by Yanez, **RESOLVED**, to postpone the Cost Sharing Agreement between the Macomb County Department of Roads, City of Sterling Heights, and City of Warren for the reconstruction of Mound Road (Innovate Mound), from I-696 to M-59, to the July 20, 2021 Regular City Council Meeting.

Roll Call: Yes: Koski, Radtke, Taylor, Yanez.

No: Schmidt, Sierawski, Ziarko. The motion carried (4-3).

Mayor Taylor stated this is postponed to the July 20 meeting. He inquired as to whether Mr. Vanderpool needs further direction from City Council.

Mr. Vanderpool stated that, without objection, he would like clear direction from Council.

Mayor Taylor stated they can discuss that at the end of the meeting.

**10. COMMUNICATIONS FROM CITIZENS**

Mayor Taylor opened the floor for comments from the audience.

- Paul Manni – appreciated police patrolling; concerned about panhandling near Ryan and Dequindre; concerned about condition of roads near 16 Mile/Dequindre, Ryan from 15 Mile to 18 Mile; questioned how parts of Dequindre that have been repaired were funded; questioned why one bench rather than the four proposed on Ryan Bike Trail from 18 Mile to 19 Mile; concerned about dead pine trees that were planted last year and questioned warranty; cleaning of ponds; questioned when clean-ups are scheduled.
- Ken Nelson – stressed need for water main work and whether they can take money for that while bonding for the other projects; concerned about northbound Schoenherr being shut down, creating backup of traffic in area; concerned about not enough north/south and east/west roads; questioned why a house was allowed to be built on Saal Road in the 18 Mile Road right-of-way.

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

Mr. Vanderpool addressed several comments and questions that were raised this evening. He clarified that panhandling is not allowed, and if anything is being done on sidewalks, they must be moving and not standing in place, and they must remain on the sidewalks. He assured they have addressed those concerns in the past and continue to do so. He stated 16 Mile Road, from Ryan to Dequindre, is scheduled to be improved by the County next year, with a massive project for Ryan Road, using some federal funding, scheduled for 2023. He indicated the dead trees along the new nature path will be replaced during the dormant season later this year, and make sure they are covered under warranty. He added those are

natural die-offs so they are on top of it. He explained the City spends a significant amount of money improving their water and sewer mains each year, and that includes sleeving, lining, etc.

Mayor Taylor referred to Mr. Nelson's concern about the house that was permitted to be constructed in the middle of the 18 Mile Road right-of-way, and he inquired as to how they were permitted to build on an easement.

Mr. Vanderpool replied that he does not know but he will look into it and report back to Council.

Mayor Taylor commented that he does not expect 18 Mile Road will ever go through, although he admitted it could go from Hayes to Schoenherr. He understood the points Mr. Nelson was making about the east/west route, adding the firefighters deal with that difficulty all the time, but getting across the Clinton River takes a lot of planning. He pointed out if 18 Mile is constructed, it would go directly through Dodge Park. He commented that he is willing to put up with a lot of inconvenience in order to avoid having 18 Mile Road go through Dodge Park, which he felt would be horrific.

Councilwoman Schmidt questioned the location of the house to which Mr. Nelson referred.

Mayor Taylor replied the house is located on the east side of Saal, and it is right in the middle of the 18 Mile Road easement.

Councilwoman Schmidt received numerous telephone calls about trash pickup, and she reminded that there is no delay this week in trash pickup and they are on

the regular schedule. She recalled that information was publicized, but since the Independence Day holiday was on Sunday and observed by many on Monday, many people felt the trash would be delayed. She stated that she received her tax bill today, and in looking closely, she commented that the actual money coming to the City for general operating expenses, including the millage fees, only equates to one-third of her tax bill, with the remainder for schools, county, and everyone else. She stressed she is getting "an amazing bang for her buck", and she wanted to point out that out because when people complain about their taxes, they think the City is getting it all. She added that the summer tax bill is the largest of the two tax bills.

Councilman Yanez responded to Mr. Manni's question about clean-ups, and he informed that there is a clean-up, sponsored by the Clinton River Watershed Council, scheduled from 10 a.m. to noon on July 21, 2021, at Delia Park. He stated he will be there and encouraged others to join them to help keep the parks clean. He referred to the ordinance introduced this evening regarding odors, triggered by a legally-sanctioned operation such as growing marijuana. He found this appropriate being discussed this evening, adding they just got done with people celebrating the Fourth of July, one of those being his neighbor who was shooting off M-80's. He stressed it was obnoxious to most people, and he cannot imagine what it did to people with Post Traumatic Stress Disorder (PTSD) or people with pets. He emphasized the M-80's are quarter sticks of dynamite, and his neighbor shot these off all Saturday afternoon. He checked the noise ordinance, and he felt

if they can stop people from growing marijuana on private property because of the odor, they should be able to stop people from using M-80's because of their noise ordinance. He was opposed to the fireworks law, adding they had more important things to do, but he felt quarter sticks of dynamite are dangerous, annoying, and unnecessary. He felt if the City can adopt an ordinance to do something about odor, they should be able to adopt an ordinance to do something about the noise from these M-80's. He requested an update from the Police Chief on the progress and interaction they have had on the "Slow Your Roll" program, claiming that he has not noticed anyone "slowing their roll" on Metro Parkway.

Councilwoman Ziarko agreed with Councilman Yanez about fireworks, and she felt the biggest issue is local control. There is a statewide law that dictates when people can and cannot shoot off fireworks; however, she pointed out there is a big difference between very rural areas compared to suburban areas that are heavily populated, such as southeast Michigan, and when people are spread far apart, the sounds are not as noticeable. She commented that the City has been asked to support short-term rentals throughout the state and, while these short-term rentals may not affect Sterling Heights as much as communities such as Charlevoix, Traverse City, or other areas where people rent condos or homes for a short amount of time, she felt they can enlist the help of that group of people in an effort get local control back so communities can put their own ordinances in

place. She would like to see how they can get more local control back into their city, especially for fireworks.

Councilman Radtke commented that putting 18 Mile Road through may speed up traffic, but it would cut Dodge Park in half and destroy the park, which he is against. He addressed the concern regarding panhandling, and he acknowledged people become upset when they see that; however, he feels for some of the panhandlers because that is how they are trying to raise money. He recalled one of the reasons they are hiring a social worker this year is to try to get more resources. The only thing they can do now is to call the police on these panhandlers, but they are not really doing anything wrong. He hoped the social worker will provide more resources to help the indigent community in Sterling Heights. He agreed with Councilman Yanez about getting a police report on the "Slow Your Roll" program.

Mayor Pro-Tem Sierawski talked about Marco "Mike" Adragna, a Sterling Heights resident who served in the U.S. Marines in the Korean War. She noted some of his achievements, awards, and memberships, adding that he served as Executive Director of the Korean War Memorial. He ran the Sterling Heights Veteran's Day ceremony for many years, and he designed the granite memorials in the City's Veteran's Memorial Park. He had them privately funded and donated them to the City, and she added that he passed away from a sudden heart attack eleven years ago. Without objection from Council, she requested administration to prepare a motion and bring back to Council at their next meeting, to name the current un-

named veteran's memorial garden the "Marco Mike Adragna Veteran's Memorial Garden".

Mayor Taylor and Council had no objections.

Councilwoman Koski addressed the comments regarding 18 Mile Road going through, and she recalled the City wanted it to go through, but the County felt it was too expensive, so that was the end of it. The last she heard was that they were going to sell off the easements, so she suspected that is how the house was able to be built on the easement. She questioned whether the water bills going out now are including information regarding the restructuring of the water system.

Mr. Vanderpool replied affirmatively, adding that the new water bills will have a flyer enclosed that will talk about the new water rate structure which significantly reduces summer water bills, especially related to irrigation. It also talks about the new meter program, which begins this month and will continue for six months to replace meters on the outside of the homes, and the following year-and-a-half will be spent on the meter replacement inside the homes. He replied to further inquiry that the bill come out quarterly and reflect the prior three months.

Councilwoman Koski questioned whether the credit is applied now with regard to the sewer billing.

Mr. Vanderpool clarified the average winter consumption starts this quarter, so they will make sure it is clarified in the flyer and on the billing insert as well.

Councilwoman Koski indicated she was asked that question, and she had advised them to check the date on the bill because it shows the period the bill covers.

Mr. Vanderpool assured the good news is that it will hit for the summer irrigation months.

Mayor Taylor referred to the earlier question raised about the house constructed on Saal Road at the point of the 18 Mile Road easement. He found a deed that was signed in March 2021, which deeded that house from an individual to a couple. He added they will need to go back further to find out how that individual got the deed. He noted the deed provides the legal description, but specifies it is "subject to the rights of the public for roadway purposes along Saal Road and to all other easements of record". He questioned what that would mean for that homeowner and whether the public has some rights to the right-of-way, even if there is not a road constructed.

Councilwoman Koski stated she used to work for a title company, and she recalled an instance where there was a wrong legal description written for a road right-of-way, and that erroneous legal description took half of the gentleman's house.

**12. UNFINISHED BUSINESS**

Mayor Taylor summarized the issue of Mound Road that was discussed earlier and Council postponed it to the July 20, 2021 meeting. He understands that they would like to start work in August, and the question is what they can do in the meantime to get as much of the sidewalk gap fixed. He felt Councilwoman Ziarko had a great idea to use some of the American Relief Funds, and he recalled they had been talking about using some of that money for sidewalk gap closing. He questioned whether it would be a possibility to work with the County on that and come up with a plan. He questioned how disruptive it would be to the overall plan



and engineering they are doing for this project. He questioned whether any of the Council members want to add anything else.

The Council members felt Mayor Taylor's clarification covers it.

Mr. Vanderpool replied that he has clear direction.

**13. NEW BUSINESS**

There was no new business.

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

Mr. Kaszubski stated there are three items for closed session this evening.

Mayor Taylor indicated they may be coming out of closed session.

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

Roll Call: Yes: Radtke, Schmidt, Sierawski, Taylor, Yanez, Ziarko, Koski.  
No: None. The motion carried.

The meeting adjourned into Closed Session at 9:03 p.m. and reconvened at 9:55 p.m.

Moved by Sierawski, seconded by Radtke, **RESOLVED**, to authorize the City Attorney to pursue all available remedies to abate the nuisance conditions and code violations existing at 4099 Nathan West.

Yes: All. The motion carried.

**15. ADJOURN**

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

Yes: All. The motion carried. The meeting adjourned at 9:56 p.m.