

1. January 3, 2017 Agenda

Documents:

[01-03-17 - COUNCIL AGENDA.PDF](#)

2. January 3, 2017 Packet

Documents:

[01-03-17 - COUNCIL PACKET.PDF](#)

3. January 3, 2017 Report

Documents:

[01-03-17 - COUNCIL REPORT.PDF](#)

**MAYOR
Michael C. Taylor**

COUNCIL MEMBERS

**Barbara A. Ziarko, Mayor Pro Tem
Deanna Koski
Maria G. Schmidt**

**Nate Shannon
Doug Skrzyniarz**

CITY OF STERLING HEIGHTS

AGENDA FOR REGULAR CITY COUNCIL MEETING

TUESDAY, JANUARY 3, 2017

7:30 P.M.

**LOCATION: CITY COUNCIL CHAMBERS, CITY HALL, 40555 UTICA ROAD, PHONE (586) 446-CITY
(MINUTES OF COUNCIL MEETINGS ARE FILED IN THE CITY CLERK'S OFFICE)**

MEETING CALLED TO ORDER

PLEDGE OF ALLEGIANCE TO THE FLAG AND INVOCATION

ROLL CALL

APPROVAL OF AGENDA

REPORT FROM CITY MANAGER

PRESENTATION

Presentations - By residents requesting consideration for appointment to the vacant elective office of City Council member.

ORDINANCE INTRODUCTION

- 1. To consider introduction of a map amendment to Zoning Ordinance No. 278 to conditionally rezone property on the south side of M-59 (Hall Road), east of Delco Road, in Section 2 from C-2 (Planned Comparison Business District) to C-3 (General Business District); Case No. PZ16-1146 (Presentation – Chris McLeod, City Planner).**

ORDINANCE ADOPTION

2. To adopt the first amendment to the Appropriations Ordinance for the 2016/17 fiscal year.
3. **CONSENT AGENDA**
 - A. **Approval of Minutes**
Regular Meeting of December 20, 2016
 - B. **Approval of Bills**
 - C. **To authorize a vacation of three (3) existing water main easements in conjunction with the Mayco International Building Additions at 42400 Merrill Road in Section 9; PSP16-0032, EG16-0035.**
 - D. **To award a bid for grant-funded medical and physical evaluations for the Sterling Heights firefighters (Estimated cost of \$73,088.95, 90% grant-funded through an Assistance to Firefighters' Grant).**

CONSIDERATION

4. To consider a request by The Warren Education Association Scholarship Foundation for recognition as a local nonprofit organization for the purpose of obtaining a State of Michigan charitable gaming license.
5. To consider approval of a First Amended Consent Judgement in the case, *Mound 19, LLC vs. City of Sterling Heights*, Macomb County Circuit Court Case No. 77-3913-CH (Presentation – Chris McLeod, City Planner)
6. To consider an appointment to City of Sterling Heights Boards and Commissions.

COMMUNICATIONS FROM CITIZENS

- (a) This item shall be taken up at 10:00 p.m. if the business portion of the agenda has not been concluded.

In accordance with the Sterling Heights Governing Body Rules of Procedure, under this agenda item, citizens are permitted to address the City Council on issues not on the agenda. Citizens are afforded a reasonable opportunity to be heard. Generally, no response shall be made to any communication from a citizen until all citizens have been permitted to speak.

You may be called to order by the Chair or a Council member if you:

- **Attempt to engage the Council or any member in debate**
- **Fail to address the Council on matters germane to City business**
- **Use vulgarity**
- **Make personal attacks on persons or institutions**
- **Disrupt the public meeting**

If you are called to order, you will be required to take your seat until the Council determines whether you will be permitted to continue.

These rules are in place and will be followed to ensure order and civility.

REPORTS FROM CITY ADMINISTRATION AND CITY COUNCIL

UNFINISHED BUSINESS

NEW BUSINESS

CLOSED SESSION PERMITTED UNDER ACT 267 OF 1976 - (roll call vote required)

ADJOURN

Clerk of the Council

The City of Sterling Heights will provide necessary reasonable auxiliary aids and services to individuals with disabilities at the meeting upon 7 days notice to the Community Relations Department at 446-CITY.

**The backup information for this agenda is available on the City's website.
Go to www.sterling-heights.net and click on City Council e-Packets.**

**MAYOR
Michael C. Taylor**

COUNCIL MEMBERS

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CITY MANAGER'S REPORT

January 3, 2017 --- CITY COUNCIL MEETING

A. UPCOMING HOLIDAY

In recognition of Martin Luther King Jr. Day, City offices will be closed for business on Monday, January 16. The municipal offices include City Hall, Public Library, Parks & Recreation Center, Senior Active Life Center, 41-A District Court, and the Nature Center. Normal business will resume on Tuesday, January 17. The closure will NOT affect the City's refuse schedule; trash will be collected on the normal collection day next week.

B. CHRISTMAS TREE RECYCLING

The Christmas Tree Recycling Program, in its 24th year, will start on January 2 and run through January 31. Residents who would like to recycle their tree are asked to place it at the curb with their regular refuse by 7 a.m. on their normal trash day. The tree will be turned into wood chips. Please make sure your tree is free of all ornaments, lights, decorations and is not in a bag. If you have lights to recycle, bring them to City Hall, there is a large, green box outside the doors facing the SHPD that will also be available until January 31.

C. S.T.E.A.M CAMPS AT VELOCITY

Save the date! The Science, Technology, Engineering, Art and Mathematics (STEAM) Camps at the Rose Kidd Velocity Jr. Center will be held February 20th through the 24th. Sign your kids and teens up for STEAM courses like 3D Art, Electronic Game Design, Robotics: Robo Battles, Dino Dig and more! Register now to snag a spot before the classes fill up. Contact the Velocity Jr. Center at (586) 797-5301.

D. NEW SMART BUSES (Presentation)

Respectfully submitted,



Mark D. Vanderpool, City Manager



VELOCITY Jr.
 Preparing students for the high tech jobs of tomorrow

@ ROSE KIDD

Calling All GIRLS & BOYS!

Science, Technology, Engineering, Art and Mathematics Camps

Register online www.ucsccommunityeducation.com/enrichment or call (586)797-6900

Classes located at the Rose Kidd Velocity Jr. Center, located at 38397 Gladstone in Sterling Heights

All Classes run from February 20 –24, 2017 / \$99 for each class

Morning Classes / 9:00 am—12:00 pm

Sewing**	Grades 2-6	1602-W17A	Fashion Factory
Dino Dig	Grades Pre K- 1	1603-W17A	UCS Instructor
Dance/Pom/Cheer	Grades K-6	1605-W17A	Seaton Athletics
Robotics: Robo Battles**	Grades 2-6	1607-W17A	Engineering for Kids

Afternoon Classes / 1:00 —4:00 pm

3D Art **	Grades 4-6	1600-W17A	Art Box Studio
Drawing – February Madness**	Grades K-4	1601-W17A	Young Rembrandts
Dino Dig	Grades Pre K- 1	1603-W17B	UCS Instructor
Weird Science**	Grades K-6	1606-W17A	Seaton Athletics
Electronic Game Design**	Grades 2-6	1608-W17A	Engineering for Kids

**Please see website description for materials fee

Please visit www.ucsccommunityeducation.com/enrichment for a full class description

School Age Child Care Available - Register by calling (586)797-6980

Rose Kidd care available all day

Must be registered and prepaid to attend care, registration ends the first day of class, February 20, 2017 (no refunds).

Daily Rate:	7:00 am – 1:00 pm	\$30	7:00 – 9:00 am	\$10	12:00 pm – 1:00 pm	\$5
	12:00 pm – 6:00 pm	\$30	4:00 – 6:00 pm	\$10		
Weekly Rate: (for 5 days)	7:00 am – 1:00 pm	\$100	7:00 – 9:00 am	\$40	12:00 pm– 1:00 pm	\$20
	12:00 pm - 6:00 pm	\$100	4:00 – 6:00 pm	\$40		

In partnership with the City of Sterling Heights and local business professionals, Utica Community Schools enhances the elementary culture through exciting S.T.E.A.M. Camps!



The Chrysler Foundation



Brands distributed by Chrysler Group LLC



VELOCITY *jr.*
Preparing students for the high tech jobs of tomorrow

@ DUNCAN

Calling All GIRLS & BOYS!

Science, Technology, Engineering, Art and Mathematics Camps

Register online www.ucsccommunityeducation.com/enrichment or call (586)797-6900

Classes located at the Duncan Early Childhood Wing, located at 14500 26 Mile Rd in Shelby Township

All Classes run from February 20 –24, 2017 / \$99 for each class

Morning Classes / 9:00 am — 12:00 pm

3D Art**	Grades 4-6	3100-W17A	Art Box Studio
Sewing**	Grades 2-6	3102-W17A	Fashion Factory
Dino Dig	Grades Pre K- 1	3103-W17A	UCS Instructor
Weird Science**	Grades K-6	3104-W17A	Seaton Athletics
Raspberry PI	Grades 4-6	3105-W17A	Game Crazy
Kudo Kart Racing**	Grades 2-6	3108-W17A	Engineering for Kids

Afternoon Classes / 1:00 —4:00 pm

Drawing – February Madness**	Grades K-4	3101-W17A	Young Rembrandts
Dino Dig	Grades Pre K- 1	3103-W17B	UCS Instructor
Pokemon Video Game Design	Grades 2-6	3106-W17A	Game Crazy
Dance/Pom/Cheer	Grades K-6	3107-W17A	Seaton Athletics
Minecraft EDU Explorations**	Grades 2-6	3109-W17A	Engineering for Kids

**Please see website description for materials fee

Please visit www.ucsccommunityeducation.com/enrichment for a full class description

School Age Child Care Available - Register by calling (586)797-6980

Duncan care available 12:00 pm - 1:00 pm

Must be registered and prepaid to attend care, registration ends the first day of class, February 20, 2017 (no refunds).

Daily Rate: 12:00 pm – 1:00 pm \$5

Weekly Rate: 12:00 pm – 1:00 pm \$20

In partnership with the City of Sterling Heights and local business professionals, Utica Community Schools enhances the elementary culture through exciting S.T.E.A.M. Camps!



The Chrysler Foundation



Brands distributed by Chrysler Group LLC



Community Education

School Age Child Care Program



School Age Child Care

School Age Child Care is designed to meet the needs of working parents by offering planned and supervised activities before and after school.

School Age Child Care is located in every elementary school building in the district, and is available from 7 am until start of your elementary building and again at dismissal until 6 pm.

Due at Registration

Registration fee (non-refundable) \$45 child/\$60 family

SACC - is a prepay program - one week's tuition deposit is due at registration.

Cost of program \$4.50 per hour, per child. There is a minimum charge of one hour per morning and/or afternoon session.

Payment methods: Visa, MasterCard, Discover or check (made payable to UCS)

Completed registration packet

Registration packets will be available during registration or at our website:

www.ucsccommunityeducation.com or call (586) 797-6980



MID-WINTER BREAK CAMP

February 20-24, 2017

Merry Melodies

Join us for a week of music fun!



- Where: Rose Kidd Elementary
38397 Gladstone
Sterling Hgts., MI 48312
- Cost: \$150 per child (must be registered by February 10, 2017)
\$165 per child (registered after February 10, 2017)
- Hours: 7 am – 6 pm
- Registration: Call the SACC office to register, payment is due in full
at the time of registration, 586-797-6980
- Includes: 2 snacks per day
Presentations
Activities, crafts, and fun

***Please pack a lunch with a drink daily for your child

AGENDA STATEMENT

OMB AS03 Rev. 11/04

Item Title: Presentations - By residents requesting consideration for appointment to the vacant elective office of City Council member.

Submitted By: Office of City Clerk

Contact Person/Telephone: ^{MC} Mark Carufel, City Clerk, 586-446-2421

Administration (initial as applicable)

Attachments

^{NC} City Clerk	___	Resolution	___	Minutes
^{BB} Finance & Budget Director	___	Ordinance	___	Plan/Map
^{AK} City Attorney (as to legal form)	___	Contract	___	Other
^{MY} City Manager				

Check box if this agenda item requires billing\revenue collection (fees, etc.) by Treasury Office

Executive Summary

The resignation of Joseph V. Romano has created a vacancy in the elective office of City Council member. Pursuant Charter §4.06, the City Council has the power to fill the vacancy by an appointment within sixty days.

In anticipation of this vacancy, the City Council received and approved the process developed by City Administration to fill the existing vacancy in the elective office of City Council member. The key steps in the process are:

1. Residents interested in the vacancy were required to submit a letter of interest and resume. The deadline for satisfying this requirement was Monday, December 12, 2016 at 5:00 p.m.
2. The City gave notice of the requirement for submission of the letter of interest and resume by the December 12th deadline through the publication of a *Notice of Vacancy on City Council* in the Sentry newspaper. The same Notice was posted on the City website through the deadline.

The notice also advised interested residents of the opportunity to make a presentation at the January 3rd regular meeting. The presentation is limited to three minutes and interested residents are instructed to cover: (a) qualifications for office; (b) reasons for interest in the office; and (c) vision for Sterling Heights.

3. As letters of interest and resumes were received, they were forwarded to Council members for review along with voting records.
4. Based on the letter of interest, resume, and presentation (if one is made), Council members will have an opportunity to contact an interested resident for more information if so desired.
5. At the January 17, 2017 regular meeting, the City Council will have an agenda item to consider an appointment to the vacant elective office of City Council member.
6. The newly appointed City Council member would be sworn in at the January 24, 2017 special meeting for strategic planning.

Under this presentation item, those residents wishing to exercise the option of making a three minute presentation to the City Council will be heard. The City Council will **not** be questioning the presenters.

Suggested Action:

MOVED BY:

SECONDED BY:



AGENDA STATEMENT

OMB AS03 Rev. 11/04

Item Title: To consider introduction of a map amendment to Zoning Ordinance No. 278 to conditionally rezone property on the south side of M-59 (Hall Road), east of Delco Road, in Section 2 from C-2 (Planned Comparison Business District) to C-3 (General Business District); Case No. PZ16-1146 (Presentation – Chris McLeod, City Planner).

Submitted By: Office of Planning

Contact Person/Telephone: Chris McLeod, City Planner, (586) 446.2384

Administration (initial as applicable)

Attachments

	City Clerk	<input type="checkbox"/>	Resolution	<input type="checkbox"/>	Minutes
	Finance & Budget Director	<input type="checkbox"/>	Ordinance	<input checked="" type="checkbox"/>	Plan/Map
	City Attorney (as to legal form)	<input type="checkbox"/>	Contract	<input checked="" type="checkbox"/>	Other
	City Manager				

Check box if this agenda item requires billing\revenue collection (fees, etc.) by Treasury Office

Executive Summary

Introduction

CarMax Auto Superstores, Inc. (Petitioner) is requesting a conditional rezoning for property located on the south side of M-59 (Hall Road), east of Delco Road, in Section 2 of the City, from C-2 (Planned Comparison Business District) to C-3 (General Business District) to facilitate the development of a 10,480 square foot retail automobile sales and service facility and a 271-vehicle sales lot. The proposed conditional rezoning also contemplates a second phase of development that will add a 40,000 square foot building dedicated to inventory acquisition and liquidation.

Background

The subject property contains five (5) contiguous properties situated on the south side of Hall Road between Delco Boulevard and Oleander Drive in Section 2 of the City. The combined properties will have approximately 396 feet of frontage along Hall Road. The combined properties have a depth, as measured from Hall Road, of approximately 1,269 feet. The total combined acreage is approximately 15.6 acres. The properties are currently split-zoned with predominantly C-2 (Planned Comparison Business District) zoning, with a small portion zoned C-3 (General Business District).

The property to the north, across Hall Road in the City of Utica, is developed with shopping centers and fast food restaurants. The property to the immediate east, along the Hall Road frontage is zoned C-2 (Planned Comparison Business) and is developed with the former Dooley's liquor licensed restaurant site and the Ray Lighting store. Along Oleander Drive, the property is zoned R-60 (One Family Residential) and developed with single-family residences.

To the south, the remainder of the property is currently zoned C-2 (Planned Comparison Business District) and vacant. This property was originally included within the rezoning application; however, no proposal is being made at this time and the zoning will remain C-2.

To the west, at the southeast corner of Delco Boulevard and Hall Road, the property is zoned C-2 (Planned Comparison Business District) and developed with a mid-sized shopping center (Bed Bath and Beyond, Dunham's, etc.). Further to the south on Delco Boulevard, the property is zoned O-2 (Planned Office District). Property further to the south on Delco Boulevard and north of North York Drive is zoned C-2 (Planned Comparison Business District) and is vacant.

The City's Master Land Use Plan designates this area for Regional Commercial (north half) and Transitional (south half) which is generally consistent with the proposed development.

Proposal

Petitioner proposes the development of a 10,480 square foot retail automobile sales and service facility that will provide sales space and support for a 271 vehicle sales lot. The proposed conditional rezoning also contemplates the future addition of a 40,000 square foot building for future service and quality control operations for used vehicles. The proposed site plan also includes decorative lighting along the front of the site, extensive landscaping throughout all portions of the site, and all brick buildings at the front of the site as well.

Typical sales hours for a CarMax facility are Monday through Saturday from 9:00 a.m. to 9:00 p.m. Retail service hours are typically 7:30 a.m. to 6:00 p.m. Retail services include routine vehicle maintenance, tires, diagnostic work and mileage services. Further, vehicle servicing will also be done on all vehicles brought to the site to be sold.

The retail service operations offered as a part of phase I of the development will include limited retail vehicle service (routine maintenance, tires, diagnostic, and mileage services). All work will be performed inside fully air-conditioned buildings. The second phase of the development will include the development of a 40,000 square foot reconditioning and final quality control building along with additional parking and sales staging areas. Petitioner indicates that all used vehicles that are sold will go through diagnostic testing and that most routine mechanical work and cosmetic repairs will be performed onsite, much like a typical car dealership. Major reconditioning work will be outsourced to a third party. Upon completion of the phase II development at the site, Petitioner will conduct non-public auctions of vehicles that CarMax does not intend to sell (or has not been able to sell) on a retail basis. These auctions will only be open to licensed wholesalers within the State.

Petitioner has proposed a conditional rezoning request whereby certain terms and conditions are being voluntarily offered to the City which would control development and uses of the subject properties should the request be granted. The terms and conditions are reflected within the plans presented to the City Council and/or will be specified in a conditional rezoning agreement entered into between the City and Petitioner.

Specific conditions which have been voluntarily offered by Petitioner include:

- (1) The site shall be built in substantial accordance with the site plan provided herein and shall be incorporated as part of the Conditional Zoning;
- (2) The site shall be built in substantial accordance with the elevations provided herein and shall be incorporated as part of the Conditional Zoning;
- (3) The site shall be built in substantial accordance with the landscape plans provided herein and shall be incorporated as part of the Conditional Zoning;
- (4) The number of proposed trees less than the front yard greenbelt ordinance requirement shall be mitigated at a 2:1 ratio elsewhere onsite. (As proposed, the development requires 104 trees for Phase 1 and 145 have been proposed).
- (5) At such time that the site ceases to operate in accordance with the Conditional Rezoning, the site shall revert back to its original zoning, or be required to process a new zoning application.
- (6) The development has proposed that the 104 required trees for Phase 1 be installed under the ordinance requirement of 3" caliper tree size and has also proposed that trees in excess of 104 be allowed to be 2" caliper.

- (7) Petitioner proposes that the sales lot used to display inventory be built with parking spaces and aisles less than code standard dimension, less than code standard drive aisles and the relocation of certain required internal landscaping to other places throughout the site. The approval is conditioned that at such time that the site ceases to operate in accordance with the Conditional Zoning Agreement, all of the dimensional modifications of the sales lot be returned to code standards (or a new application processed) prior to any new use operating onsite.

Petitioner has requested a modification to the standard time limitations that are set forth for all conditional rezoning agreements and required by Zoning Ordinance No. 278:

- Apply for and obtain site plan approval for the Proposed Development of the Property within twelve (12) months of the effective date of the ordinance amendment approving the rezoning or map amendment – Petitioner is requesting eighteen (18) months.
- Apply for and obtain a building permit for the Proposed Development within eighteen (18) months of such effective date – Petitioner is requesting twenty four (24) months; and
- Complete construction of the Proposed Development within thirty (30) months of such effective date – Petitioner is requesting thirty six (36) months.

The Office of Planning has no objections to the revised timelines.

Variances Requested

A series of variances are requested as a part of the overall conditional rezoning request. These include:

Reduction in parking space size and configuration. Typical parking spaces within the City range from nine to ten (9'-10') feet in width and are required to be a minimum of twenty (20') feet in depth. The twenty (20') foot depth requirement can be reduced to eighteen (18') feet if an appropriate overhang area is provided. The site plan provided indicates that parking spaces within the display area will be nine (9') feet in width and seventeen (17') feet in depth, with no overhang. Petitioner indicates that due to (i) the minimal turnover of vehicles and (ii) the limited driving of vehicles solely by employees, a smaller parking space should be permitted. As noted above, a case can be made for reduced parking space sizes in this area based upon how the site is proposed to be utilized. However, again, if ever reused for a different use, the parking spaces and parking area that will likely be utilized by the general public will not meet minimum City standards.

Reduction in maneuvering lane width. The site plan provided indicates that all maneuvering lanes within the public and employee parking lot areas will meet the minimum maneuvering lane width (in this case twenty two (22') feet). However, within the display area the maneuvering lane width is maintained at twenty (20') feet in width. This is two (2') feet narrower than required by Ordinance based on parking space width. Again, as noted above, , if ever reused for a different use, the parking maneuvering lanes within the display area that would likely be utilized by the general public will not meet minimum City standards.

Required tree plantings within the frontage greenbelt. The landscape plan provided indicates that a total of nineteen (19) trees are required within the frontage greenbelt. A total of thirteen (13) trees have been shown. The landscape plan and Petitioner's representations indicate that the total number of trees to be planted across the entire site (including required frontage greenbelt trees, parking lot trees, etc.) exceeds that required by Ordinance and that those trees not being planted within the required frontage greenbelt are being provided elsewhere on site at a rate of 2:1. The Zoning Ordinance requires that a specified number of frontage greenbelt trees be planted within the required frontage greenbelt.

Required tree caliper size. Petitioner indicates that trees to be planted within the front area of the site will meet the minimum size requirement of three (3") inches in caliper. However, the trees that will be planted towards the rear of the site will be of a smaller caliper, which does not meet the minimum requirements of the Zoning Ordinance. Based on the landscape plan, it appears that trees of two (2") to two and one half inch (2½") caliper are proposed to be planted in the rear parts of the site.

Lighting Fixture Height. Based on the photometric plan provided, the lighting fixtures proposed will have a total height of twenty six (26) feet. The C-3 (General Business District) zoning district permits an overall fixture height of twenty two (22) feet for a site of this size. Therefore, if acceptable, a variance to allow a four (4) foot increase in lighting fixture height will be necessary.

Planning Considerations

Based upon the location and development patterns within this area, the rezoning request from C-2 (Planned Comparison Business District) and C-3 (General Business District) to C-3 (General Business District), with the conditions being offered by Petitioner, can be seen as logical and appropriate. The subject property is currently vacant and underutilized.

The site plan as proposed provides a fifty foot greenbelt along the eastern and southern boundaries of the property. This is particularly important along the eastern property line that abuts the existing single family residential uses in this area along Oleander Drive. In addition, Petitioner is proposing to plant a large number of trees that wouldn't normally be required until phase II develops, as a part of phase I, to help provide additional buffering between the car sales lot and those same residents.

While the applicant is requesting a small variance to the number of trees required along the road frontage, the applicant is proposing to plant twice that requested number of trees elsewhere on the site. These trees will largely be planted along the eastern property line, again, to help buffer the existing residences.

The issue of lighting was a concern raised at the Planning Commission meeting based on typical lighting intensities for a car sales lot. Petitioner, in response, provided two (2) separate photometric plans – one for the site during operating hours, the second for the site during non-operating hours. The lighting plans indicate general compliance with the City's lighting intensity requirements. Several areas of the site have somewhat intense lighting, however, those areas are not proximate to the adjacent residents and abut existing commercial development and the lighting at the property lines meet all requirements for light trespass standards.

Petitioner has provided a sound study specific to the site. Based on the sound study, the loudest portions of the site are immediately adjacent to the south side of the phase II building as well as at its southeast corner near the vacuum area. The other area of noise is the car carrier staging area. Both of these identified areas have projected noise levels in excess of ninety (90) decibels. This noise is equivalent to that of a lawnmower consistently running. The sound level to the east side of the site, adjacent to the existing residences is fifty six (56) decibels, within the walled in area. That noise level is consistent with a quiet street or general noise from a verbal conversation. The sound will likely be deadened even further as it approaches the property line due to the presence of the masonry wall as well as the large number of trees to be planted. Based on the sound study provided, it does not appear that sound will be an issue as a result of the proposed use of the site.

The site plan elevations propose an all brick front retail sales and service building and separate car wash building. The applicant has also provided additional architectural amenities for these buildings along with the proposed phase II service and quality control building.

Recommendation

The Office of Planning reviewed Petitioner's conditional rezoning request and offered the Planning Commission the following points to consider:

1. Conditional rezoning of this property based upon the proposed voluntary terms and conditions and development plans ensures that the development will be constructed in accordance with a specific zoning agreement between Petitioner and the City, to the benefit surrounding property owners and the City;
2. Conditional rezoning of this property based upon the proposed voluntary conditions and development plans will result in a development compatible with the surrounding zoning and land uses;
3. Conditional rezoning of this property would provide a suitable land use in keeping with the stated planning principles as defined in the City's Master Land Use Plan.

At the regular meeting of December 8th, 2016, the Planning Commission approved by an 8-0 vote (1 member absent) the following motion to recommend approval of Petitioner's request to conditionally rezone the subject property, Case No. PZ15-1146:

Motion by Kopp, supported by Militello, to forward a recommendation to City Council to **APPROVE** case number PZ16-1146, CarMax Auto Superstores, Inc., request to conditionally rezone the subject property from C-2 Planned Comparison Business District to C-3 General Business for the following reasons:

1. Conditional rezoning of this parcel based upon the proposed conditions contained within the development plans will ensure that the development will be constructed in accordance with a specific mutually agreeable conditional rezoning agreement between the petitioner and City prepared by the City Attorney, which incorporates the conditions offered by petitioner, to the benefit of surrounding property owners and the City;
2. Conditional rezoning of this parcel based upon the proposed development plans will result in a development compatible with the surrounding zoning and land uses.
3. That with the requested variances, the site will comply with all site plan requirements for a pre-owned automobile sales facility within the City.
4. That the applicant agree to obtain site plan approval for the proposed development on the property within eighteen (18) months of the effective date of the ordinance amendment approving the rezoning or map amendment, to obtain a building permit for the proposed development within twenty four (24) months of such effective date, and to complete development of the proposed development within thirty six (36) months of such effective date.
5. That a mutually agreeable conditional rezoning agreement be prepared by the City Attorney delineating the terms and conditions of the proposed rezoning to be executed by the property owner, (and facility operator, if different than the owner), and the City and recorded with the Macomb County Register of Deeds within sixty (60) days of approval of the conditional rezoning.
6. That the applicant work with the Planning Department to resolve the design issues of the temporary fencing, decorative lighting, enhanced landscaping treatments and security fencing as outlined in the Planning Department's staff report.
7. That the requested variances as outlined in the Planning Department staff report are acceptable based on the overall design of the site and the adjacent land uses.
8. That the use and operation of the facility shall remain consistent with the scale and nature of the use as described in the proposal, at Public Hearing and reflected on the plans.

9. That the petitioner shall develop, maintain and operate the facility in compliance with all pertinent codes, ordinances and standards of the City of Sterling Heights, County of Macomb and the State of Michigan.

Suggested Action:

MOVED BY:

SECONDED BY:

RESOLVED, to introduce a map amendment to conditionally rezone property on the south side of M-59 (Hall Road), east of Delco Road in Section 2, from C-2 (Planned Comparison Business District) to C-3 (General Business District), Case No. PZ16-1146, and direct Petitioner to proceed to finalize a proposed agreement so that the City Council can further evaluate the offer of conditional rezoning of the property at the February 7th, 2017 regular meeting.

**PETITION TO AMEND THE ZONING ORDINANCE
CITY OF STERLING HEIGHTS, MICHIGAN**

1. CarMax Auto Superstores, INC 12800 Tuckahoe Creek Parkway

 (Name) (Address)
Richmond, VA 23238

 (City, State, Zip Code) (Phone)

is the owner has an option to purchase is buying on land contract

DOCUMENTATION MUST BE INCLUDED THAT VERIFIES OWNERSHIP OR INTEREST IN THE PROPERTY (i.e., Warranty Deed, Land Contract, Lease, Option, etc.)

2. It is requested that the following described property be rezoned from
C-2 & C-3 Zone to Contract Rezone.

3. Property Address: 12300 Hall Road

Property is located on the South side of Hall Road (M-59) Road
 between Delco Boulevard and Oleander Drive

Roads in Section _____.

Sidwell/Parcel ID No. 10-02-126-014 / 10-02-126-019 / 10-02-126-020 / 10-02-126-021 / 10-02-126-22

Acreage: 15.767 Acres (Portion of property owned by Center Management Services and under contract with CarMax Auto Superstores, INC) Acres

Please attach Legal Description: Refer to Site Development Plans for Legal Description

4. If rezoned, describe the intended use of the property and all structures, and any conditions of approval you wish the Planning Commission/City Council to consider. Submit any site, landscaping, signage, and elevation plans that may assist in this review.

The proposed development will consist of a CarMax Automobile Retailer with Automobile Retailer, Car Wash Facilities, Car Auction, Automobile Service uses. Additional site improvements include lighting, landscaping, utility and stormwater improvements.

5. State why the change requested is necessary for the preservation and enjoyment of substantial property rights and why such change will not be detrimental to the public welfare nor the property of other persons in the vicinity.

The proposed development is not anticipated to have any detrimental impact to the public welfare or the property of the other owners in the vicinity.

6. Attach a legible and reasonably accurate location sketch. Identify the boundaries of area requested for rezoning and nearest streets and mile section roads. North point shall point up. Sketch shall be three (3) inches wide and three and one-half (3½) inches long.

7. Legal Owner:

Center Management Services	12300 Hall Road
_____ (Name)	_____ (Address)
Sterling Heights, MI 48313	
_____ (City, State, Zip Code)	_____ (Telephone)

8. Applicant:

CarMax Auto Superstores, INC (c/o Centerpoint Integrated Solutions Attn.: Austin Allen)	355 Union Boulevard; Suite 301
_____ (Name)	_____ (Address)
Lakewood, CO 80228	
_____ (City, State, Zip Code)	_____ (Telephone)

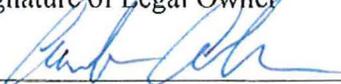
9. Designated Agent for Applicant:

Philip P. Ruggeri (Philip P. Ruggeri & Associates, P.C.)	43231 Schoenherr Road
_____ (Name)	_____ (Address)
Sterling Heights, MI 48313	
_____ (City, State, Zip Code)	_____ (Telephone)



Signature of Legal Owner

Printed Name



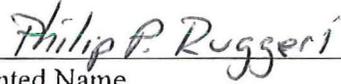
Signature of Applicant



Printed Name



Signature of Agent



Printed Name

APPLICANT: PZ16-1146 – CARMAX AUTO SUPERSTORE, INC.

All or Portions of 12300, 12350, 12414, 12478, 12500 Hall Road

DECEMBER 8th, 2016

SUMMARY:

Requested Action: Conditional Rezoning from C-2 Planned Comparison Business and C-3 General Business District to C-3 General Business District.

Proposal: The applicant proposes to develop the property with a CarMax Automobile retailer consisting of the automobile retail facility, car wash, car auction and associated automobile service use.

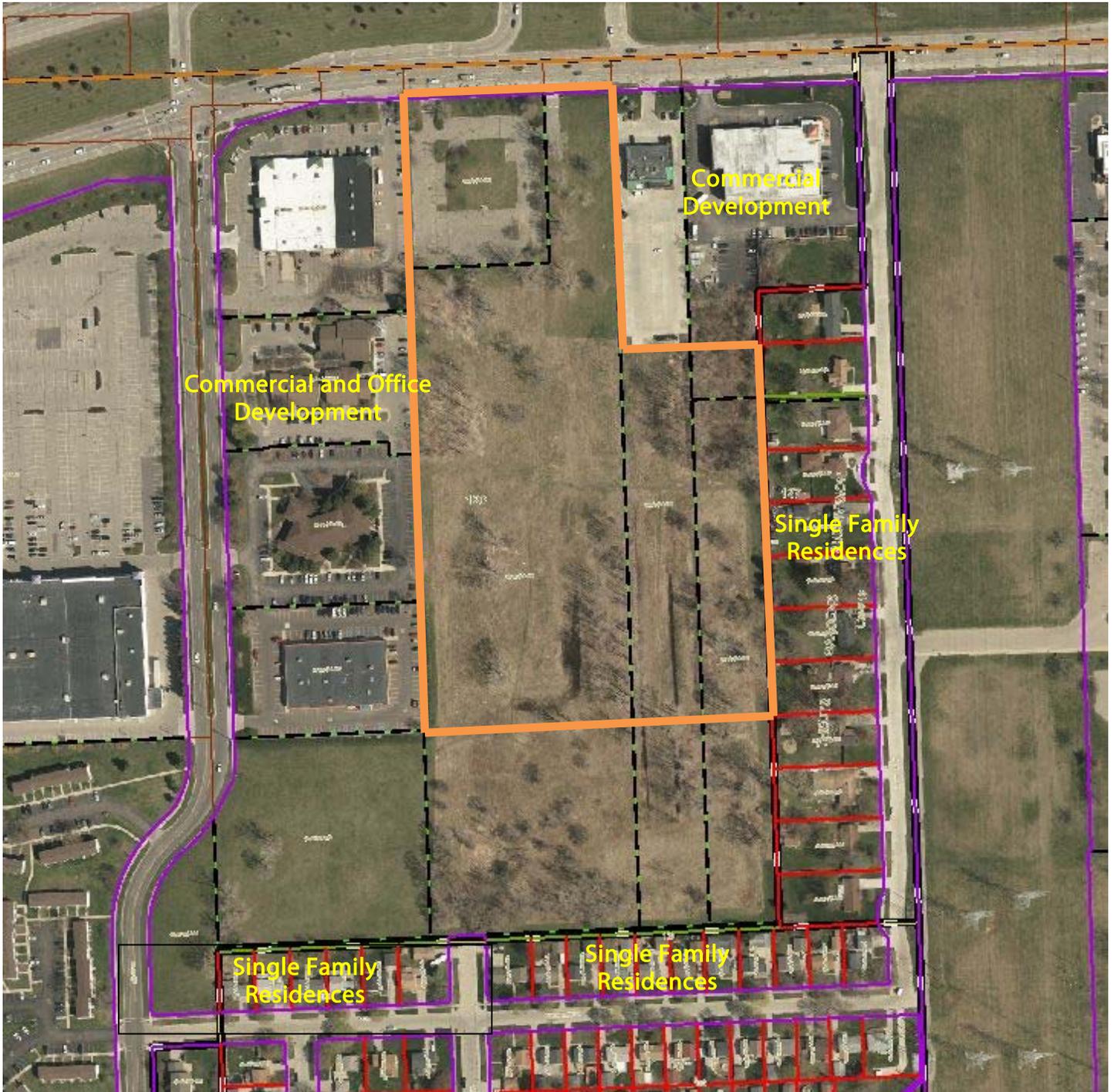
Location: South side of Hall Road, east of Delco Road in Section 2.

Existing Zoning: C-2Planned Comparison Business District and C-3 General Business District

Existing Land Use: Largely Vacant

Master Land Use Plan Designation: Regional Commercial (north half) and Transitional (south half)

PZ16-1146 – CarMax Auto Superstores, Inc.
12300, 12350, 12414, 12478, 12500 Hall Road
December 8th, 2016



Introduction

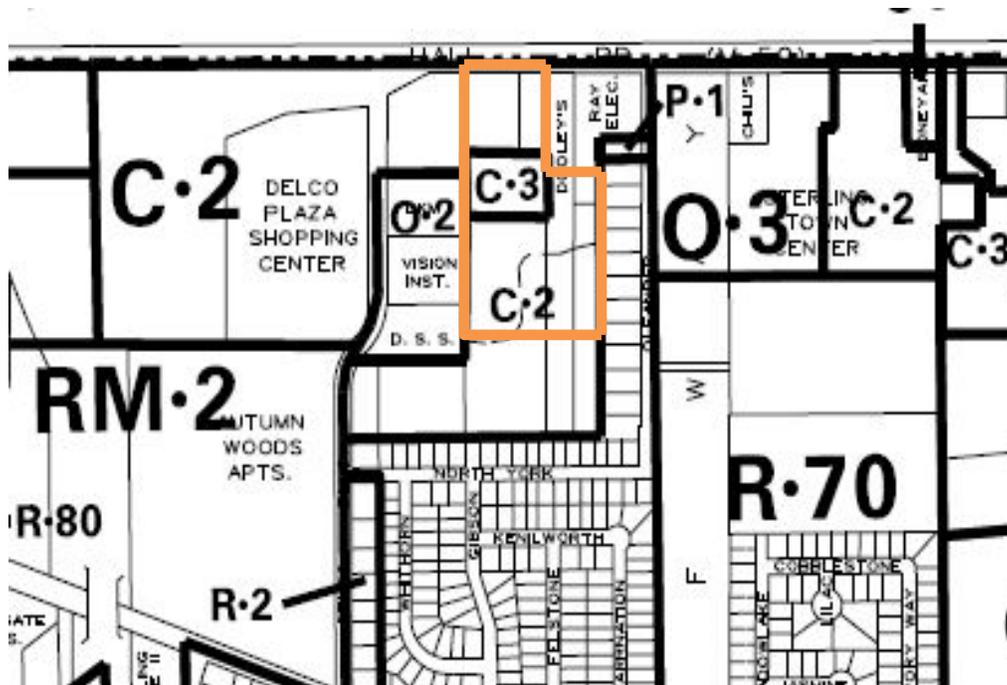
The subject property contains five (5) contiguous properties situated on the south side of Hall Road between Delco Boulevard and Oleander Drive in Section 2 of the City. The property frontage along Hall Road is approximately 396 feet. The property has a depth, as measured from Hall Road, of approximately 1,269 feet. The total property acreage is approximately 15.6 acres. The property is currently split-zoned including C-2 Planned Comparison Business District and a small portion of C-3 General Business District.

The property, as noted, has frontage on Hall Road which is a four (4) lane divided roadway. The site currently has two (2) existing curb cuts along the Hall Road frontage. The two (2) existing curb cuts are proposed to be removed and a new single driveway installed under the jurisdiction of the Michigan Department of Transportation (MDOT).

The property to the north, across Hall Road, is within the City of Utica and is developed as existing shopping centers and fast food restaurants. The property to the east, along the Hall Road frontage is zoned C-2 Planned Comparison Business and is developed with the former Dooley's site as well as Ray Lighting store. Further to the east, along Oleander Drive, is zoned R-60 One Family Residential and is developed as single family housing.

To the south is the remainder of 12350 Hall Road which is currently zoned C-2 Planned Comparison Business District and is vacant. The site was the subject of a rezoning application; however, no action has been taken on the application at this time.

To the west, at the southeast corner of Delco Boulevard and Hall Road is zoned C-2 Planned Comparison Business District and is developed with a mid-sized shopping center (Bed Bath and Beyond, Dunham's, etc.). Further to the south on Delco Boulevard, the property is zoned O-2 Planned Office District. Property further to the south on Delco Boulevard and north of North York Drive is zoned C-2 Planned Comparison Business District and is vacant.



Proposal

The site plan submitted as a part of the overall conditional rezoning application includes two (2) phases for development. The first phase would include the development of the Hall Road frontage with the actual pre-owned automobile dealership, which will include a 10,480 square foot sales, service and presentation building. This building will provide sales and service space for the 271 space sales lot. The first phase of the development will also include the development of a car wash facility. The service operations offered as a part of phase I of the development will include limited retail vehicle service (routine maintenance, tires, diagnostic, and mileage services). All work will be performed inside fully air-conditioned buildings.

The second phase of the development will include the development of a 39,761 square foot reconditioning and final quality control building along with additional parking and sales staging areas. The applicants have indicated that all vehicles that are sold will go through diagnostic testing and that most routine mechanical work and cosmetic repairs will be performed onsite, much like a typical car dealership. Based on the correspondence provided by the applicant, some of the major reconditioning work will be outsourced to a third party.

At this time, no time frame for the construction or development of the second phase has been provided, but the applicant is seeking to include the uses contained in both phases in this Conditional Rezoning Agreement.

All staging areas for vehicles will be contained behind a six (6) foot tall masonry wall. Between the first and second phase, there will likely be a small section of fencing utilized, until the second phase is constructed. The applicants have indicated that there will be no part storage outside.

Typical hours for a CarMax facility are Monday through Saturday from 9:00 a.m. to 9:00 p.m. Retail service hours are typically 7:30 a.m. to 6:00 p.m. The Planning Commission will want to confirm these hours of operation, as well as obtain the hours of operation for the reconditioning use. Retail services will include routine maintenance, tires, diagnostic work and mileage services. Further, vehicle servicing will also be done on all vehicles brought to the site to be sold. It was noted at last month's meeting that vehicle deliveries only occur during operational hours for the site.

As an additional part of phase II of the development, the applicant intends to conduct non-public auctions of vehicles that CarMax does not intend to sell (or has not been able to sell) on a retail basis. These auctions will only be open to licensed wholesalers within the State. The general public is not invited to attend these auctions. It was noted that the auctions may occur every two (2) weeks, or on an as needed basis depending on vehicle inventory. After these vehicles are sold at auction, they will then be removed from the site. The auctions may be able to be considered an accessory use to the retail used vehicle sales facility.

Proposed Conditions

The applicant, along with their revised site plan submission, has provided a more extensive list of proposed conditions:

As part of this request for conditional re-zoning, the Petitioner proposes the following conditions to establish a Conditional Zoning:

- (1) The site shall be built in substantial accordance with the site plan provided herein and shall be incorporated as part of the Conditional Zoning;
- (2) The site shall be built in substantial accordance with the elevations provided herein and shall be incorporated as part of the Conditional Zoning;
- (3) The site shall be built in substantial accordance with the landscape plans provided herein and shall be incorporated as part of the Conditional Zoning;
- (4) The applicant will apply for and obtain site plan approval for the proposed development of the property within eighteen (18) months of the effective date of the ordinance amendment approving the rezoning or map amendment.
- (5) The applicant will apply for and obtain a building permit for the proposed development within twenty-four (24) months of ordinance effective date.
- (6) The applicant will complete construction of the proposed development within thirty-six (36) months of the ordinance effective date.
- (7) The number of proposed trees less than the front yard greenbelt ordinance requirement shall be mitigated at a 2:1 ratio elsewhere onsite. (As proposed, the development requires 104 trees for Phase 1 and 145 have been proposed).
- (8) At such time that the site ceases to operate in accordance with the Conditional Rezoning, the site shall revert back to its original zoning, or be required to process a new zoning application.
- (9) The development has proposed that the 104 required trees for Phase 1 be installed under the ordinance requirement of 3" caliper tree size and has also proposed that trees in excess of 104 be allowed to be 2" caliper.
- (10) The applicant has proposed that the sales lot used to display inventory be built with parking spaces and aisles less than code standard dimension, less than code standard drive aisles and the relocation of certain required internal landscaping to other places throughout the site. The approval is conditioned that at such time that the site ceases to operate in accordance with the Conditional Zoning Agreement, all of the dimensional modifications of the sales lot be returned to code standards (or a new application processed) prior to any new use operating onsite.

As noted above, the applicant is requesting a modification of the development timeframes set forth in the City's Zoning Ordinance for conditional rezonings:

- Apply for and obtain site plan approval for the Proposed Development of the Property within twelve (12) months of the effective date of the ordinance amendment approving the rezoning or map amendment.
- Apply for and obtain a building permit for the Proposed Development within eighteen (18) months of such effective date; and
- Complete construction of the Proposed Development within thirty (30) months of such effective date.

The Planning Department has no issue with the proposed addition of six (6) months to each required timeframe.

VariANCES

The applicant has reduced the total number of variances being requested by providing the parking islands within the display area and by eliminating the use of a chain link fence with privacy slats. The site does still require several variances to be built as proposed.

Reduction in parking space size and configuration. Typical parking spaces within the City range from nine to ten (9'-10') feet in width and are required to be a minimum of twenty (20') feet in depth. The twenty (20') foot depth requirement can be reduced to eighteen (18') feet if an appropriate overhang area is provided. The site plan provided indicates that parking spaces within the display area will be nine (9') feet in width and seventeen (17') feet in depth, with no overhang. The applicant has indicated that due to (i) the minimal turnover of vehicles and (ii) the limited driving of vehicles solely by employees, a smaller parking space should be permitted. As noted above, a case can be made for reduced parking space sizes in this area based upon how the site is proposed to be utilized. However, again, if ever reused for a different use, the parking spaces and parking area that will likely be utilized by the general public will not meet minimum City standards.

Reduction in maneuvering lane width. The site plan provided indicates that all maneuvering lanes within the public and employee parking lot areas will meet the minimum maneuvering lane width (in this case twenty two (22') feet). However, within the display area the maneuvering lane width is maintained at twenty (20') feet in width. This is two (2') feet narrower than required by Ordinance based on parking space width. Again, as noted above, if ever reused for a different use, the parking maneuvering lanes within the display area that would likely be utilized by the general public will not meet minimum City standards.

Required tree plantings within the frontage greenbelt. The landscape plan provided indicates that a total of nineteen (19) trees are required within the frontage greenbelt. A total of thirteen (13) trees have been shown. The landscape plan and applicant's correspondence indicates that the total number of trees to be planted across the entire site (including required frontage greenbelt trees, parking lot trees, etc.) exceeds that required by Ordinance and that those trees not being planted within the required frontage greenbelt are being provided elsewhere on site at a rate of 2:1. The Zoning Ordinance requires that a specified number of frontage greenbelt trees be planted within the required frontage greenbelt.

Required tree caliper size. The applicant has indicated that trees to be planted within the front area of the site will meet the minimum size requirement of three (3") inches in caliper. However, the trees that will be planted towards the rear of the site will be of a smaller caliper, which does not meet the minimum requirements of the Zoning Ordinance. Based on the landscape plan, it appears that trees of two (2") to two and one half inch (2½") caliper are proposed to be planted in the rear parts of the site.

Lighting Fixture Height. Based on the photometric plan provided, the lighting fixtures proposed will have a total height of twenty six (26) feet. The C-3 General Business District permits an overall fixture height of twenty two (22) feet for a site of this size. Therefore, if acceptable, a variance to allow a four (4) foot increase in lighting fixture height will be necessary. Based on proposed lighting intensities and the setback of the lighting fixtures (over fifty (50) feet) from the abutting residential properties to the east.

Findings

As noted previously, the applicant is requesting conditional rezoning approval from the current C-2 Planned Comparison Business District to the C-3 General Business District to permit development of a used vehicle retail sales facility and associated uses. In reviewing a rezoning, it is important to review the types of uses that may be permissible if the rezoning is ultimately granted. The major differences in permissible uses between the current C-2 Planned Comparison Business District and the proposed C-3 General Business District are that the C-3 General Business District allows the following uses which are not permitted in the C-2 Planned Comparison District:

- Hotels and motels
- Fast food restaurants with drive-throughs (Permitted/SALU)
- Automobile service center (light repair) (SALU)
- Indoor Recreation Uses (SALU)
- Self-Storage(SALU)
- Dance Halls (SALU)

With residential properties in close proximity to the east side of the property, the potential proposed use of the property is of concern. The use of the conditional rezoning process does allow for additional uses to be excluded or otherwise prohibited as a condition, much like those already noted above. The revised submission provides an additional condition that indicates should the site cease to operate as CarMax, the site would revert back to the original zoning of C-2 Planned Comparison Business as well as a small portion of C-3 General Business.

If rezoned, this property would be one of the few properties on the south side of Hall Road, between M-53 and Hayes Road, that is zoned C-3 General Business District. The vast majority of properties along the south side of Hall Road are zoned either C-2 Planned Comparison Business District or for office uses (either O-1 Business and Professional Office District or O-3 High Rise Office Commercial Service District). Several exceptions exist where frontage properties are zoned for C-3 General Business District, but those are at the intersections of major roadways such as the southwest corner of Hall Road and Hayes Road as well as the southeast corner of Hall Road and Schoenherr Road. However, as the conditions provide for, the use of the site would be limited to either a used automobile sales area or if not utilized for that purpose, the site would revert back to its original C-2 Planned Comparison Business and C-3 General Business designation.

The City's Master Land Use Plan designates the area for Regional Commercial as well as transitional land use which suggest a larger scale commercial development that would service a market larger than just the City. In addition, the transition designation does permit flexibility in the zoning scheme and overall density/intensity of a property based upon the surrounding land uses and general character of the area.

Since the use is now being proposed to be limited to either a used vehicle sales area or if not for that specific use, the uses contained in the zoning districts that are currently permissible onsite, many of the impacts of the proposed conditional rezoning can be reviewed and addressed through specific site plan review items. The following items are provided based on the issues raised at the last Planning Commission meeting as well as the revised site plans submitted by the application.

Conditional Rezoning Site Plan Items

Fencing

Original reviews of the site plans submitted required the removal of the security guardrail being requested around the perimeter of the display area. The revised plan now indicates this will be security fencing and no additional description. The applicant will need to work with the Planning Department on the appearance and detail of the proposed security fencing.

The issue was raised at last month's meeting regarding the use of a chain link fence with privacy slats around a portion of the site between the first and second phases of the proposed development. The use of this type of fencing would require a variance based on new Ordinance requirements. The site plan now indicates that the fence will meet City Ordinance requirements; however, the exact type of fence has not been shown at this time. The applicant will need to work with the Planning Department on the type of fence to be utilized in this area.

Landscaping

The frontage landscaping as previously designed was deficient based on the current Zoning Ordinance requirements. The deficiency was a total of ten (10) trees (19-9). The revised plans now show a total of thirteen (13) trees which is still six (6) trees deficient. The applicant has provided the remaining required frontage trees elsewhere on site at a rate of two (2) trees for each one (1) tree that is deficient. However, as designed, even with the increase in trees elsewhere, a variance would be required.

Further, the display area now provides landscaped parking islands at the end of each row with the exception of one. The applicant was previously requesting a variance for this item. The trees required as a part of the parking lot/curbed landscaped islands are being provided through the site with the exception of the display area. These trees are being provided elsewhere on site which is permissible based on Zoning Ordinance requirements.

The enhanced landscaping treatments required by Ordinance will need to be further addressed during site plan review. The applicant has provided some plaza areas outside of the entrance to the building, however, further refinement of these areas will need to be addressed.

Building Materials

Previously, the building materials to be utilized on the building(s) were largely split face block and EIFS accents. The applicant has revised the architectural plans to reflect the use of a decorative brick on the north, south, west, and east facades of the phase I building. The car wash building is also shown as being constructed of brick. The phase II building which is located towards the rear of the site will be constructed with consistent architectural design elements but with the decorative split face block that was originally proposed. Based on the location and use of this building, the design materials are acceptable.

Lighting

The issue of lighting was of concern at the last Planning Commission meeting based on typical lighting intensities for a car sales lot. The applicant has provided two (2) separate photometric plans – one for the site during operating hours, the second for the site during non-operating hours. The lighting plans indicate general compliance with the City's lighting intensity requirements. Several areas of the site have somewhat intense lighting, however, those areas are not proximate to the adjacent residents and abut existing commercial development and the lighting at the property lines meet all requirements for light trespass standards.

The lighting fixture heights as proposed do not meet Zoning Ordinance requirements for the C-3 property based on the overall lot area. The Zoning Ordinance permits lighting fixture heights of twenty two (22) feet. The applicant has shown overall lighting heights of twenty six (26) feet and as noted above a variance would be necessary as proposed. The lighting fixtures will be located at least fifty (50) feet from the abutting residential homes to the east as a result of the proposed increased greenbelt being provided. In addition, the lighting intensity should be diminished with the construction of the masonry wall be provided as well as the landscaping being provided within the fifty (50) foot greenbelt.

Finally, the applicant has committed to providing decorative lighting along the frontage of the property and along the entrance drive. The details of these lighting fixtures have not been provided at this time. The applicant will need to work with the Planning Department on the specific lighting fixture types and the appropriate revisions to the photometric plan provided.

Sound

The Planning Department's review last month and discussion at the Planning Commission raised potential issues with noise being generated by the use of exterior audio devices, the car wash, and auto repair facilities. As was discussed at last month's meeting, CarMax does not utilize any outdoor paging or other notification system. All contact is done through cellular phones.

Further, the original plan submittal originally proposed the development of two (2) car washes. One (1) car wash was in a stand along building, between the phase I and phase II buildings. The second car wash was proposed as a part of the phase II building. The revised site plan eliminates the car wash as a part of the second phase to help lower the overall sound generation of the site. Further, discussion took place last month regarding the placement of service doors on the phase II building. The service doors will be located on the north and south facades of the phase II buildings, thereby reducing the potential for noise being emitted to the residences to the east. As noted earlier, the servicing area for the site, both within phase I and phase II will be a climate controlled building and the service doors will be closed during the servicing of vehicles.

Finally, the applicant has also provided a sound study specific to the site. Based on the sound study, the loudest portions of the site are immediately adjacent to the south side of the phase II building as well as at its southeast corner near the vacuum area. The other area of noise is the car carrier staging area. Both of these identified areas have projected noise levels in excess of ninety (90) decibels. This noise is equivalent to that of a lawnmower consistently running. The sound levels to the east side of the site, adjacent to the existing residences is fifty six (56) decibels, within the walled in area. That noise level is consistent with a quiet street or general noise from a verbal conversation. The sound will likely be deadened even further as it approaches the property line due to the presence of the masonry wall as well as the large number of trees to be planted. Based on the sound study provided, it does not appear that sound will be an issue as a result of the proposed use of the site.

SUGGESTED ACTION:

That the Planning Commission forward a recommendation to City Council to **APPROVE** case number PZ16-1146, CarMax Auto Superstores, Inc., request to conditionally rezone the subject property from C-2 Planned Comparison Business District to C-3 General Business for the following reasons:

1. Conditional rezoning of this parcel based upon the proposed conditions contained within the development plans will ensure that the development will be constructed in accordance with a specific mutually agreeable conditional rezoning agreement between the petitioner and City prepared by the City Attorney, which incorporates the conditions offered by petitioner, to the benefit of surrounding property owners and the City;
2. Conditional rezoning of this parcel based upon the proposed development plans will result in a development compatible with the surrounding zoning and land uses.
3. That with the requested variances, the site will comply with all site plan requirements for a pre-owned automobile sales facility within the City.

4. That the applicant agree to obtain site plan approval for the proposed development on the property within eighteen (18) months of the effective date of the ordinance amendment approving the rezoning or map amendment, to obtain a building permit for the proposed development within twenty four (24) months of such effective date, and to complete development of the proposed development within thirty six (36) months of such effective date.
5. That a mutually agreeable conditional rezoning agreement be prepared by the City Attorney delineating the terms and conditions of the proposed rezoning to be executed by the property owner, (and facility operator, if different than the owner), and the City and recorded with the Macomb County Register of Deeds within sixty (60) days of approval of the conditional rezoning.
6. That the applicant work with the Planning Department to resolve the design issues of the temporary fencing, decorative lighting, enhanced landscaping treatments and security fencing as outlined in the Planning Department's staff report.
7. That the requested variances as outlined in the Planning Department staff report are acceptable based on the overall design of the site and the adjacent land uses.
8. That the use and operation of the facility shall remain consistent with the scale and nature of the use as described in the proposal, at Public Hearing and reflected on the plans.
9. That the petitioner shall develop, maintain and operate the facility in compliance with all pertinent codes, ordinances and standards of the City of Sterling Heights, County of Macomb and the State of Michigan.

STERLING HEIGHTS PLANNING COMMISSION
REGULAR MEETING
CITY HALL
December 8, 2016

LOCATION: City Council Chambers, 40555 Utica Road, Sterling Heights, MI
SUBJECT: Minutes of the Regular Meeting of the Planning Commission held
December 8, 2016.

Mr. Reinowski called the meeting to order at 7:00 p.m.

Members present at roll call: Benjamin Ancona, Geoff Gariepy, Edward Kopp, Stefano Militello, Donald Miller, Jeffrey Norgrove, and Leonard Reinowski, Gerald Rowe

Members absent at roll call: Paul Jaboro

Also in attendance: Chris McLeod, City Planner
Clark Andrews, City Attorney

APPROVAL OF AGENDA

Motion by Mr. Miller, supported by Mr. Norgrove, to **APPROVE** the Agenda.

Ayes: Miller, Norgrove, Reinowski, Rowe, Ancona, Gariepy, Kopp, Militello

Nays: None

Absent: Jaboro

Motion carried.

A. Public Hearings

PUBLIC HEARING - PPCM-1164 – Advanced Sports Training, LLC

Requesting approval for a special approval land use to operate an indoor recreational facility in an M-1 (Light Industrial) district - East side of Mound between 17 Mile Road and Sims Road in Section 16.

Property address: 40050 Mound Road

Mr. Reinowski asked Mr. McLeod for an overview.

Mr. McLeod gave an overview stating the applicant's proposed use as an indoor recreation facility would allow the applicant to utilize the building for training and coaching of baseball and softball along with other specific sports instruction and agility training.

Mr. Reinowski asked if the Commissioners had any questions for Mr. McLeod. Being none, he asked for the petitioner to come forward to the podium.

Gary Bussa, 3851 Victoria Dr., Troy from Advanced Sports Training came forward to the podium. They are looking to provide winter training. The main usage would be from October through April. They do not plan to utilize the space in the summer months but if someone wanted to rent the space they would be open to renting the space. They will provide batting and speed/agility training mainly for girls fast pitch softball and hope to expand to boys baseball.

Mr. Reinowski asked if there were any questions from the Commissioners.

Mr. Rowe asked Mr. Bussa if they are only occupying 3,000 of the 12,000 sq. feet and if they are leasing the space. Mr. Bussa stated yes. He stated there is a dividing wall and they will have their own entrance.

Mr. Ancona clarified with Mr. Bussa the building will be available if needed in the summer months. Mr. Bussa responded yes, they are not closing up the building for the summer.

Mr. Miller verified with Mr. Bussa that occupancy would be about 15 athletes and 3 coaches.

Mr. Norgrove asked if the opportunity arose to have special training sessions, could there be multiple teams present at the same time.

Mr. Bussa stated they wouldn't have much more than 15 because of the restricted space.

Mr. Miller asked Mr. Bussa if there will be spectators, as well as athletes in the building. Mr. Bussa stated most parents drop off, but there may be a few that stay.

Mr. Norgrove asked if there will be anyone who is trained in first aid present. Mr. Bussa stated they will have first aid kits and all coaches have been through concussion program.

Mr. Reinowski asked the Commissioners for any other questions. Being none he asked if there were any public participants wanting to speak. Being none, he closed public participation.

Motion by Mr. Rowe, supported by Mr. Gariepy, in the case of PPCM-1164, 40050 Mound Road, I move to **APPROVE** the Special Approval Land Use based upon the facts and plans presented, subject to the following conditions:

1. That the use and operation of the facility shall remain consistent with the scale and nature of the use as described in the proposal, at Public Hearing and reflected on the plans;
2. That the petitioner shall develop, maintain and operate the facility in compliance with all pertinent codes, ordinances and standards of the City of Sterling Heights, County of Macomb and the State of Michigan;
3. That the petitioner file a Notice of Approval with the Macomb County Register of Deeds within sixty (60) days following this action. Failure to file this notice will serve as grounds to revoke the Special Approval Land Use;
4. That the petitioner files and delivers a Hold Harmless Agreement in favor of the City in form and substance satisfactory to the City Attorney.
5. The decision of the Planning Commission shall remain valid and in force only as long as the facts and information presented to the Commission in the public hearing are found to be correct and the conditions upon which this motion is based are forever maintained as presented to the Commission.
6. That the Planning Commission has determined that the proposed indoor recreation facility use is compliant with Section 25.02 of the Zoning Ordinance.
7. That no outdoor activity be conducted onsite and further, that any noises emanating from the building be kept at a minimum.

This action is based on the following findings:

1. That the proposed indoor recreational facility is in conformance with the general planning standards of Section 25.02 of the Zoning Ordinance as outlined in comments A-G above.

2. That the proposed indoor recreational facility meets or exceeds all other applicable Zoning Ordinance requirements upon compliance with conditions #1-#7 above.

Mr. Reinowski asked if there was any discussion on the motion. Being none, he asked for a roll call vote.

Ayes: Rowe, Gariepy, Ancona, Kopp, Militello, Miller, Norgrove, Reinowski
Nays: None
Absent: Jaboro
Motion carried.

PUBLIC HEARING -PPCM-1165 - Sterling Enterprise Park (Planned Unit Development)

Requesting approval for a planned unit development concept plan for a mixed use industrial park development in an M-2 Heavy Industrial, M-1 Light Industrial, and RM-2 Multiple Family Low Rise District – North of 17 Mile Road and west of Van Dyke in Section 16.

Property address: 7191 Seventeen Mile Road

Mr. Reinowski asked Mr. McLeod for an overview.

Mr. McLeod displayed site plans and gave an overview of the proposal. He explained the Planned Unit Development Process (PUD) and the uses proposed in the PUD.

Mr. Reinowski asked if there were any questions from the Commissioners for Mr. McLeod.

Mr. Norgrove stated he asked the previous owner if they had any plans for a transfer station for a waste company and asked if there is any guarantee from the current developer that there will be no waste transfer station on the property.

Mr. McLeod stated he believed there was a guarantee per the PUD agreement.

Mr. Norgrove asked if Mr. McLeod felt the owner would uphold that agreement.

Mr. McLeod stated the PUD is a legal binding agreement and there will also be a Master Deed document.

Mr. Reinowski asked the petitioner to come forward to the podium.

Clay Thomas of J.B. Donaldson Company, 37610 Hills Tech Drive, Farmington Hills, came forward to the podium. He is representing the owner of the property. He stated the importance of the approval for the PUD to keep the project moving forward.

Mr. Gariepy asked Mr. Thomas with parcel H heavily encumbered with flood plains, how could it be developed and how they would be able to develop buildings so quickly for suppliers to be ready for 2018 Ram Truck production.

Mr. Thomas stated currently it is listed as a general common element. He explained that means it will not be developed but left as open space. However, it will be convertible so it could possibly be developed if feasible in the future. He also stated they have done timelines and could have at least two more significant buildings done by the end of 2017 and they are confident they can meet those timelines if approvals move along.

Mr. Miller asked about the new wall system they are using for the Mitchell Plastics building.

Mr. Thomas stated it is NuForm. A progressive system made of PVC insulated panels with concrete.

Mr. Reinowski asked for public participation.

Louis Backus of 45550 Vanker Ave, Utica stated the three residential homes at the east end of the property (off 17 Mile Rd.) will be directly affected by a plastics company so close to the home owners. The property is for sale but there has been no interest; they feel they are being forced out. He stated they need to be bought out.

Paul Backus, representing 7439 17 Mile Road, stated since 2014 there have been multiple complaints made to code enforcement regarding the deterioration of the fence which divides the properties. He asked if the residents remain there, what will be the divider.

Mr. Gariepy asked Mr. Thomas to address the concerns of the residents.

Mr. Thomas stated there have never been any issues from Mitchell Plastics regarding emissions. He stated Mitchell Plastics are great neighbors, they care about the environment and will continue to do what they can. He stated they have cleared the vegetation along the fence and was unaware more work needed to be more done. Mr. Thomas stated they have made an attempt to purchase the property with no avail.

Louis Backus stated he had never been approached regarding the sale of any property and would like to discuss it.

Paul Backus stated they did clear the vegetation but his concern is what will divide the properties.

Mr. Gariepy asked Paul Backus if he had been approached regarding selling the property. Paul Backus stated there was some talk regarding the properties but he has not had any offers.

Mr. Rowe asked Mr. McLeod to show the site plan to see where the three residential properties were located.

Mr. McLeod explained the screening would be dealt with when they develop and know what type of use parcel I will be. They will also address the screening along parcel G abutting the condominiums.

Mr. Gariepy asked Mr. McLeod if they will be required to put up some type of wall.

Mr. McLeod stated because the residential properties are zoned industrial, they are not required to put up that type of divider. Depending on what will be developed in parcel I, they will decide at that time what type of screening will be needed.

Mr. Reinowski asked for any other questions from Commissioners. Being none, he called for a motion.

Motion by Mr. Gariepy, supported by Mr. Militello, in the case of PPCM-1165, 7191 17 Mile Road, I move to **recommend approval** of the concept plan for the Planned Unit Development, based upon the facts and plans presented, subject to the following conditions:

1. That the development and operation of the development shall remain consistent with the scale and nature of the use as described in the proposal, at Public Hearing and reflected on the concept plan;
2. That if the concept plan and Planned Unit Agreement are approved by the City Council, the petitioner shall develop, maintain and operate the development in

compliance with all pertinent codes, ordinances and standards of the City of Sterling Heights, County of Macomb and the State of Michigan.

3. That if the concept plan and Planned Unit Agreement are approved by the City Council, appropriate site plan and engineering plans meeting all other requirements of the City of Sterling Heights shall be provided by the developer for each phase as it develops and/or by individual property owners as they develop individual sites.
4. That if the concept plan and Planned Unit Agreement are approved by the City Council, the modifications requested as a part of the overall PUD concept plan be approved as they generally meet the intent of the City's Zoning Ordinance and specifically the Planned Unit Development Ordinance.
5. That if the concept plan and Planned Unit Agreement are approved by the City Council, the Planned Unit Development Agreement be finalized, signed and recorded by the owner of the property and the City.
6. That with City Council approval, the overall time frame for the completion of the project be modified from the required thirty (30) month time frame to no more than eight (8) years due to the nature and expanse of the development, with the option of further extending the time frame upon request by the applicant and approval by City Council.
7. The recommendation of the Planning Commission shall remain valid and in force only as long as the facts and information presented to the Commission in the public hearing are found to be correct and the conditions upon which this motion is based are forever maintained as presented to the Commission.

This action is based on the following findings:

1. That the proposed development of the property in accordance with the proposed concept plan complies with the intent and Ordinance requirements set forth in Section 22.03 of the Zoning Ordinance authorizing planned unit developments. To the extent of any conflict between the proposed PUD development as set forth in the PUD Agreement and the concept plan and other conflicting provisions of the Zoning Ordinance, the provisions of the PUD Agreement and the contents of the concept plan shall control.
2. That the concept plan provides for the reasonable development of one of the only remaining large parcels of land within the City into a first class industrial park.
3. That the concept plan for this proposed industrial park complements the expansion and development of the FCA Sterling Heights Assembly Plant south of the property across 17 Mile Road.
4. That the concept plan provides for regional storm water management through the use of regional detention ponds in lieu of individual site detention ponds, thereby maximizing development of individual parcels and storm water management efficiency.
5. That the concept plan includes traffic signalization at the intersection of Mitchell Drive and 17 Mile Road in order to minimize undesirable traffic back-up and congestion on 17 Mile Road and within the industrial park.
6. That the proposed development of the property as a PUD to be operated and maintained by a mandatory association of unit owners responsible for maintenance of common areas will facilitate the long-term operation and use of this property as a first class industrial park.

7. That the perimeter landscaping, common area landscaping and individual site landscaping incorporated into the concept plan and associated exhibits is consistent with the newly adopted landscaping standards for commercial and industrial sites.
8. That the landscaping and signage for the development enhances the area and is consistent with the LDFA standards and landscaping along Van Dyke Avenue.
9. That the concept plan provides a heavy industrial grade public street, adequate utilities, public sidewalks, parking areas, open spaces, and other common areas accessible to the public or users of the developed properties.
10. That the concept plan provides an adequate foundation for the development of this large industrial parcel into a first class industrial park that is compatible with and complementary to the existing industrial development patterns in the area.

Mr. Reinowski asked for any further discussion on the motion. Being none, he asked for a roll call vote.

Ayes: Gariepy, Militello, Kopp, Miller, Norgrove, Reinowski, Rowe, Ancona

Nays: None

Absent: Jaboro

Motion carried.

PUBLIC HEARING – PZ16-1146 – CarMax Auto Superstores, INC – (Continued from November 3rd, 2016 Meeting)

Requesting approval of a conditional rezoning from C-2 Planned Comparison Business district and C-3 General Business District to C-3 General Business district – South side of M-59 (Hall Road), east of Delco in Section 2.

Property addresses (all or portions of): 12300, 12350, 12414, 12478, 12500 Hall Road

Mr. Reinowski asked Mr. McLeod for an overview.

Mr. McLeod stated this was carried over from the last Planning Commission meeting. He displayed the site plan and gave an overview of the revisions the applicant made to the proposal.

Mr. Reinowski asked if the Commissioners had any questions for Mr. McLeod.

Mr. Rowe asked Mr. McLeod to clarify the hours of operation for the reconditioning use.

Mr. McLeod stated it would have to be clarified with the applicant by he believed the reconditioning use hours are 7:30 a.m. to 6 p.m.

Mr. Gariepy asked Mr. McLeod about the lighting fixtures. Mr. McLeod explained the thought process behind the lighting ordinance. He stated the applicant had two photometric studies done for operational and non-operational hours.

Mr. Norgrove asked Mr. McLeod if the Planning Department was satisfied and confident with the revisions the applicant made.

Mr. McLeod stated with what the applicant has done to mitigate their plans, it is an acceptable solution. He feels they are meeting the intent of the ordinance.

Mr. Reinowski asked if the parking lot would have to be reconfigured (for a new owner) if the applicant is approved to have spaces with smaller dimensions.

Mr. McLeod stated to comply with the zoning ordinance; the parking lot would have to be redone according to the current standards.

Mr. Miller asked if the sound study was done according to the ordinance.

Mr. McLeod stated the decibel levels that were provided met zoning ordinance requirements.

Chairman Reinowski asked the petitioner to come forward to the podium.

Mr. Phil Ruggeri, 46231 Schoenherr, Sterling Heights, came forward on behalf of the petitioner. He stated the applicant addressed all the concerns from residents and the administration and there were many concessions made.

Mr. Reinowski asked for any questions from the Commissioners for the petitioner.

Mr. Rowe asked about the hours of operation.

Mr. Ruggeri stated the retail outlet will be open from 7 a.m. to 6 p.m. The reconditioning is generally open from 9 a.m. to 9 p.m. but there may be instances it could be open until 11 p.m. or later depending on volume of vehicles.

Mr. Reinowski stated there was no public present for participation. He asked for a motion.

Motion by Mr. Kopp, supported by Mr. Miller, that the Planning Commission forward a recommendation to City Council to **APPROVE** case number PZ16-1146, CarMax Auto Superstores, Inc., request to conditionally rezone the subject property from C-2 Planned Comparison Business District to C-3 General Business for the following reasons:

1. Conditional rezoning of this parcel based upon the proposed conditions contained within the development plans will ensure that the development will be constructed in accordance with a specific mutually agreeable conditional rezoning agreement between the petitioner and City prepared by the City Attorney, which incorporates the conditions offered by petitioner, to the benefit of surrounding property owners and the City;
2. Conditional rezoning of this parcel based upon the proposed development plans will result in a development compatible with the surrounding zoning and land uses.
3. That with the requested variances, the site will comply with all site plan requirements for a pre-owned automobile sales facility within the City.
4. That the applicant agree to obtain site plan approval for the first phase of the proposed development on the property within eighteen (18) months of the effective date of the ordinance amendment approving the rezoning or map amendment, to obtain a building permit for the proposed development within twenty-four (24) months of such effective date, and to complete development of the proposed development within thirty-six (36) months of such effective date.
5. That a mutually agreeable conditional rezoning agreement be prepared by the City Attorney delineating the terms and conditions of the proposed rezoning to be executed by the property owner, (and facility operator, if different than the owner), and the City and recorded with the Macomb County Register of Deeds within sixty (60) days of approval of the conditional rezoning.
6. That the applicant works with the Planning Department to resolve the design issues of the temporary fencing, decorative lighting, enhanced landscaping treatments, and security fencing as outlined in the Planning Department staff

report. This is to include the reduction of lighting intensity during the hours the facility is not open for business.

7. That the requested variances outlined in the Planning Department staff report are acceptable based on the overall design of the site and the adjacent land uses.
8. That the use and operation of the facility shall remain consistent with the scale and nature of the use as described in the proposal at public hearing and reflected on the plans.
9. That the petitioner shall develop, maintain, and operate the facility in compliance with all pertinent codes, ordinances, and standards with the City of Sterling Heights, the County of Macomb, and the State of Michigan.

Mr. Reinowski asked for any discussion on the motion.

Mr. Andrews suggested amending the motion to include in #4 "for the first phase" and in #6 specifics regarding the reduction in intensity of the lighting.

Motion by Mr. Kopp, supported by Mr. Miller, to **AMEND** numbers 4 and 6 of the motion.

Mr. Gariepy asked Mr. Andrews what hours is the reduction to take place, for the retail or reconditioning hours.

Mr. Andrews stated you would have different times for each area.

Austin Allen with CenterPoint, 355 Union Blvd, Denver, Colorado came forward to the podium. He stated the lighting would dim substantially at the 9 p.m. closing time.

Mr. Reinowski asked for any further discussion on the motion. Being none, he called for a roll call vote.

Ayes: Kopp, Miller, Norgrove, Reinowski, Rowe, Ancona, Gariepy, Militello
Nays: None
Absent: Jaboro
Motion Carried.

B. Site Plan Reviews

PSP16-0035 – Moual Razoky

Requesting site plan approval for a 12,504 square foot office building - Northeast corner of Maplecrest Road and Dequindre Road in Section 30.

Property addresses: 35614-35634 Dequindre Road

Mr. Reinowski asked Mr. McLeod to give an overview.

Mr. McLeod displayed site plans and gave an overview of the proposal for an office building to be located adjacent to single family residential property.

Mr. Reinowski asked if the Commissioners had any questions for Mr. McLeod.

Mr. Norgrove asked Mr. McLeod if the sign for the building will be an electronic sign and if it will be of high intensity.

Mr. McLeod stated they do not know the design of the sign at this time.

Mr. Rowe asked if notices were sent to the residents regarding this case.

Mr. McLeod stated yes, there were notices sent out.

Mr. Reinowski asked if there were any other questions from the Commissioners for Mr. McLeod. Being none, he asked the petitioner to come forward to the podium.

Moual Razoky, 1920 Bayou Dr., Bloomfield Hills, stated he is requesting site plan approval for a 12,504 square foot office building.

Mr. Reinowski asked if there were any questions from the Commissioners. Being none, he called for a motion. There was no one present for public participation.

Motion by Mr. Rowe, supported by Mr. Norgrove, in the case of PSP16-0035, 35614 & 35634 Dequindre Road, I move to APPROVE the preliminary site plan, based upon the facts and plans presented, subject to the following conditions:

1. That the development and operation of the facility shall remain consistent with the scale and nature of the use as described in the proposal, at Public Hearing and reflected on an amended site plan to be provided which addresses the requirements in this Motion;
2. That the petitioner shall develop, maintain and operate the facility in compliance with all pertinent codes, ordinances and standards of the City of Sterling Heights, County of Macomb and the State of Michigan.
3. The decision of the Planning Commission shall remain valid and in force only as long as the facts and information presented to the Commission are found to be correct and the conditions upon which this motion is based are forever maintained as presented to the Commission.
4. That appropriate site plan and engineering plans meeting all other requirements of the City of Sterling Heights be provided.
5. That the photometric plan be revised to indicate the installation of decorative light fixtures within the parking lot as well as on all facades of the building and compliance with lighting intensity standards.
6. That the areas shown on the site plan within the parking area as being striped be constructed as either sidewalk or curbed landscape islands and the landscape plan is to be amended to show additional landscape in these areas.
7. That the shrubs and plantings along the parking lot areas/frontages be enhanced to the satisfaction of the City Planner to ensure an appropriate hedge meeting zoning ordinance requirements is being provided.
8. That the evergreens along the north property line be increased in height to eight (8) feet to meet the Zoning Board Authority variance conditions and the landscape plan be amended accordingly.
9. That the hours of operation be no greater than 7:00 a.m. to 9:00 p.m., Monday through Sunday.
10. That the square footage dedicated to medical office be reduced to an appropriate amount to coincide with the number of parking spaces being provided.
11. That the site plan complies with all requirements of PZBA16-0021.

This action is based on the following findings:

1. That the applicant intends to build a single story office building in accordance with the proposed site plan, landscape plan, elevations, etc. prepared by Studio Creative Design as amended to meet the requirements of this Motion.

2. That with the required amendments to the site plan and landscape plan, the building site plan and landscaping plan will comply with ordinance requirements in terms of ZBA case PZBA16-0021.
3. The site design with one (1) driveway off of Dequindre Road and one (1) off of Maplecrest at the identified locations meet ordinance requirements.
4. That the site design provides satisfactory traffic circulation in compliance with ordinance requirements.
5. With the site plan and landscape plan amendments, there will be a harmonious relationship between the office building and adjacent uses.

Mr. Reinowski asked for any discussion on the motion.

There was discussion about the hours of operation and Mr. Andrews suggested any changes should be made during this motion. Mr. Andrews also suggested removing the wording "recommend for approval" and replacing it with "approve".

Motion by Mr. Rowe, supported by Mr. Norgrove, to AMEND initial wording and number 9 of the motion.

Mr. Reinowski asked for any further discussion on the motion. Being none, he asked for a roll call vote.

Ayes: Rowe, Norgrove, Ancona, Gariepy, Kopp, Militello, Miller, Reinowski

Nays: None

Absent: Jaboro

Motion carried.

CITIZEN PARTICIPATION

None.

APPROVAL OF MINUTES

Motion by Mr. Norgrove, supported by Mr. Miller, to **APPROVE** the minutes of November 3, 2016.

Ayes: Norgrove, Miller, Reinowski, Gariepy, Kopp, Militello

Nays: None

Absent: Jaboro

Abstained: Ancona and Rowe

Motion Carried.

CORRESPONDENCE

Michigan Association of Planning

Michigan Planner

Letter from Mr. McLeod to City Council regarding the 2017 Planning Commission meeting dates.

OLD BUSINESS

None.

NEW BUSINESS

Approval of 2017 Meeting Dates

Motion by Mr. Rowe, supported by Mr. Militello, to **ACCEPT** the 2017 Planning Commission meeting dates as presented in the memo dated December 1, 2016.

Ayes: Rowe, Militello, Ancona, Gariepy, Kopp, Miller, Norgrove, Reinowski
Nays: None
Absent: Jaboro
Motion carried.

MOTION TO ADJOURN

Motion by Mr. Norgrove, supported by Mr. Militello, to **ADJOURN**.
Ayes: Militello, Norgrove, Ancona, Gariepy, Kopp, Miller, Reinowski, Rowe
Nays: None
Absent: Jaboro
Motion Carried.

The meeting adjourned at 9:10 p.m.

Draft



SOURCE: USGS MAP

LOCATION MAP

SCALE: 1" = 2000'±



PROPOSED AUTOMOBILE RETAILER

PARCEL ID: 10-02-126-014 / 10-02-126-019 / 10-02-126-020 / 10-02-126-021 / 10-02-126-22

12300 HALL ROAD

CITY OF STERLING HEIGHTS, MACOMB COUNTY, MICHIGAN

OWNER

CENTER MANAGEMENT SERVICES
12300 HALL ROAD
STERLING HEIGHTS, MI 48313

APPLICANT

CARMAX AUTO SUPERSTORES, INC
C/O CENTERPOINT INTEGRATED SOLUTIONS
ATTN: AUSTIN ALLEN
355 UNION BOULEVARD, SUITE 301
LAKEWOOD, CO 80228

ATTORNEY

PHILIP P. RUGGERI & ASSOCIATES, P.C.
ATTN: PHILIP P. RUGGERI
43231 SCHOENHERR ROAD
STERLING HEIGHTS, MI 48313

ISSUE	DATE	BY	DESCRIPTION
03	11/29/2016	JAM	CONTRACT REZONE RESUBMISSION TO CITY
02	10/26/2016	JHK	CONTRACT REZONE SUBMISSION TO CITY
01	09/14/2016	JHK	CONTRACT REZONE SUBMISSION TO CITY

NOT APPROVED FOR CONSTRUCTION

STONEFIELD
engineering & design



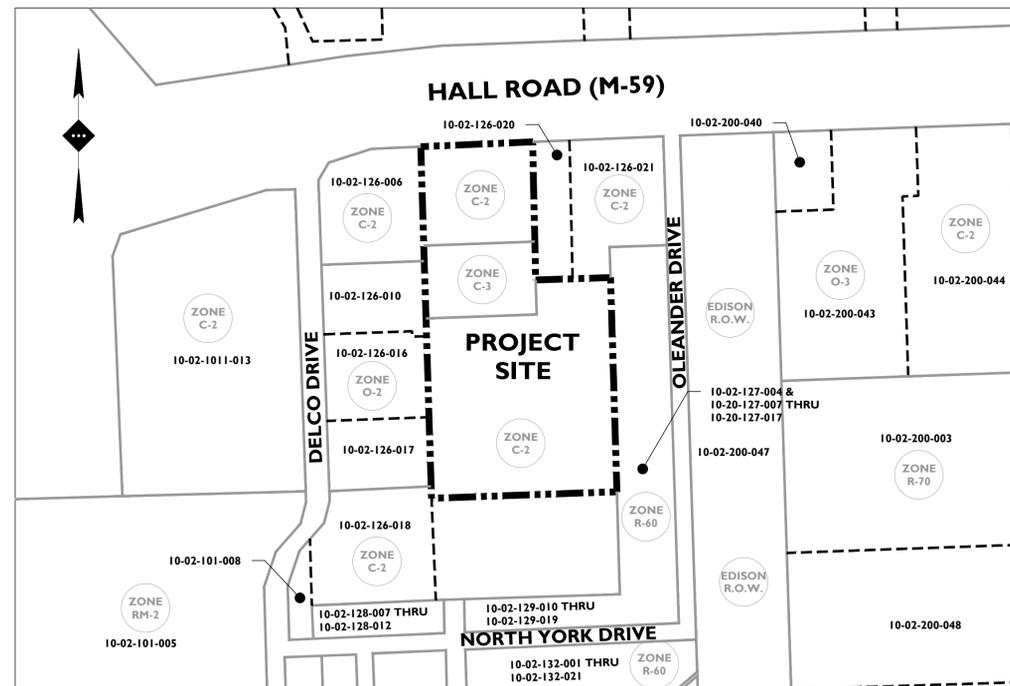
Rutherford, NJ · Long Island City, NY · Royal Oak, MI
www.stonefielddeng.com
28454 Woodward Avenue, Royal Oak, MI 48067
Phone 248.247.1115



SOURCE: GOOGLE EARTH PRO

AERIAL MAP

SCALE: 1" = 300'±

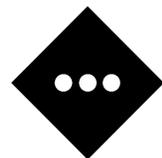


SOURCE: MACOMB COUNTY GIS & STERLING HEIGHT ZONING MAP

TAX & ZONING MAP

SCALE: 1" = 300'±

PLANS PREPARED BY:



STONEFIELD
engineering & design

Rutherford, NJ · Long Island City, NY · Royal Oak, MI

www.stonefielddeng.com

28454 Woodward Avenue, Royal Oak, MI 48067

Phone 248.247.1115

PLAN REFERENCE MATERIALS:

- THIS PLAN SET REFERENCES THE FOLLOWING DOCUMENTS INCLUDING, BUT NOT LIMITED TO:
 - GEOTECHNICAL EXPLORATION AND ENGINEERING REPORT PREPARED BY PROFESSIONAL SERVICE INDUSTRIES DATED 04/13/2016
 - BOUNDARY, TREE AND TOPOGRAPHIC ALTA/NSPS LAND TITLE SURVEY PREPARED BY NF ENGINEERS DATED 04/14/2016
 - ARCHITECTURAL PLANS PREPARED BY RICHARD M. KRAMER ARCHITECT DATED 09/13/2016
 - AERIAL MAP OBTAINED FROM GOOGLE EARTH PRO
 - LOCATION MAP OBTAINED FROM USGS MAPS
 - ZONING & TAX INFORMATION OBTAINED FROM THE MACOMB COUNTY GIS
- ALL REFERENCE MATERIAL LISTED ABOVE SHALL BE CONSIDERED A PART OF THIS PLAN SET AND ALL INFORMATION CONTAINED WITHIN THESE MATERIALS SHALL BE UTILIZED IN CONJUNCTION WITH THIS PLAN SET. THE CONTRACTOR IS RESPONSIBLE TO OBTAIN A COPY OF EACH REFERENCE AND REVIEW IT THOROUGHLY PRIOR TO THE START OF CONSTRUCTION.



Know what's below
Call before you dig.

SHEET INDEX

DRAWING TITLE	SHEET #
COVER SHEET	C-1
PHASING PLAN	C-2
SITE PLAN	C-3
GRADING PLAN	C-4
UTILITY PLAN	C-5
LANDSCAPING PLAN	C-6
LANDSCAPING PLAN (PHASE I & II)	C-7
DETAILS	C-8
BOUNDARY, TREE AND TOPOGRAPHIC ALTA/NSPS LAND TITLE SURVEY	1 OF 5
BOUNDARY, TREE AND TOPOGRAPHIC ALTA/NSPS LAND TITLE SURVEY	2 OF 5
BOUNDARY, TREE AND TOPOGRAPHIC ALTA/NSPS LAND TITLE SURVEY	3 OF 5
BOUNDARY, TREE AND TOPOGRAPHIC ALTA/NSPS LAND TITLE SURVEY	4 OF 5
BOUNDARY, TREE AND TOPOGRAPHIC ALTA/NSPS LAND TITLE SURVEY	5 OF 5

SITE DEVELOPMENT PLAN



PROPOSED AUTOMOBILE RETAILER

PARCEL ID: 10-02-126-014 / 10-02-126-019 / 10-02-126-020
PARCEL ID: 10-02-126-021 / 10-02-126-22
12300 HALL ROAD
CITY OF STERLING HEIGHTS
MACOMB COUNTY, MICHIGAN



STONEFIELD
engineering & design

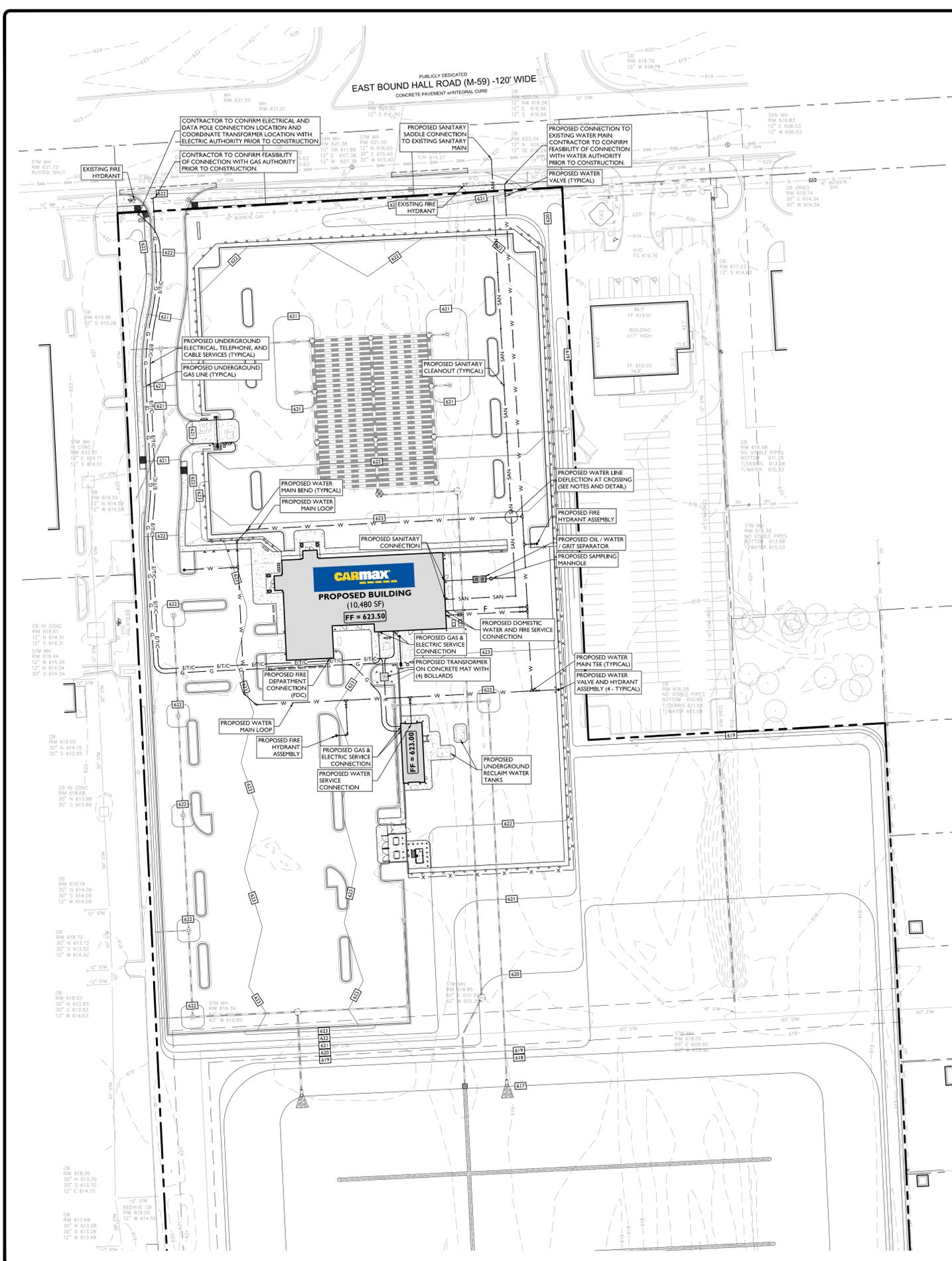
SCALE: AS SHOWN PROJECT ID: M-16025

TITLE:

COVER SHEET

DRAWING:

C-1



CITY SANITARY SEWER NOTES

1. THE CONTRACTOR SHALL NOTIFY THE INSPECTION SECTION OF THE DETROIT WATER AND SEWER DEPARTMENT AT (313) 833-8649 AT LEAST THREE WORKING DAYS PRIOR TO THE START OF ANY SANITARY SEWER CONSTRUCTION.
2. ALL SEWERS TO BE PLACED ON A CLASS "B" BEDDING OR BETTER.
3. WYES, RISERS, AND HOUSE LEADS ARE TO BE PLACED AT LOCATIONS SHOWN ON THE PLANS OR AS DIRECTED BY THE ENGINEER. ALL WYES ARE INCIDENTAL.
4. EACH WYE OR HOUSE LEAD SHALL HAVE A PLUG OF THE SAME TYPE OF JOINT AS THE HOUSE LEAD.
5. HOUSE LEADS SHALL BE A MINIMUM OF 9 FEET DEEP AT THE PROPERTY LINE.
6. DOWNSPOUTS OR OTHER CONDUITS CARRYING STORM OR GROUND WATER SHALL NOT BE CONNECTED TO THE SANITARY SEWER.
7. WHENEVER EXISTING MANHOLES OR SEWER PIPE ARE TO BE TAPPED, HOLES ARE TO BE DRILLED AT 4 INCH CENTER TO CENTER SPACING AROUND THE PERIPHERY OF THE PROPOSED OPENING TO CREATE A PLANE OF WEAKNESS JOINT - A 12 INCH THICK CONCRETE COLLAR IS TO ENCASE THE NEW PIPE AND OPENING.
8. MAXIMUM INFILTRATION SHALL NOT EXCEED 200 GALLONS PER INCH OF DIAMETER PER MILE OF PIPE PER 24 HOURS. FOR PURPOSES OF TESTING INFILTRATION A BULKHEAD WITH A ONE-INCH DIAMETER PIPE SHALL BE PROVIDED AT THE DOWNSTREAM MANHOLE.
9. THE INSIDE JOINTS FOR ALL SANITARY SEWERS 30" AND LARGER SHALL BE CEMENT POINTED.
10. ALL SANITARY SEWER MANHOLES SHALL BE PROVIDED WITH WATER TIGHT BOLT DOWN COVERS.
11. ALL CONCRETE SANITARY SEWER, MANHOLE AND PIPE JOINT SHALL BE MODIFIED GROOVED TONGUE WITH RUBBER GASKETS AS REQUIRED UNDER THE CURRENT ADOPTED A.S.T.M., C-443.
12. CONTACT THE OFFICE OF THE MACOMB COUNTY PUBLIC WORKS COMMISSIONER AT (586) 469-5325 AT LEAST 48 HOURS BEFORE CONSTRUCTION.
13. ABS & PVC TRUSS PIPE WILL BE ALLOWED FOR SANITARY SEWER IN LIEU OF C-14X4M SANITARY SEWER WITH THE PERMISSION OF THE CITY ENGINEER.

CITY WATER MAIN NOTES

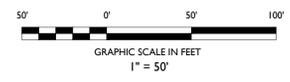
1. THE CONTRACTOR SHALL NOTIFY THE INSPECTION SECTION OF THE DETROIT WATER AND SEWERAGE DEPT. AT (313) 833-8649 AT LEAST 3 WORKING DAYS PRIOR TO THE START OF ANY WATER MAIN CONSTRUCTION.
2. WHEN IT IS NECESSARY TO SHUT DOWN EXISTING WATER MAINS, THE CONTRACTOR SHALL CONTACT THE CITY OF STERLING HEIGHTS DEPARTMENT OF PUBLIC SERVICES 24 HOURS PRIOR TO THE SHUTDOWN AND HE SHALL COOPERATE WITH THE CITY FORCES IN CLOSING THE NECESSARY GATE VALVES AND IN NOTIFYING THE AFFECTED PROPERTIES.
3. HYDRANT ELEVATIONS AND GATE WELL TOP ELEVATIONS SHALL BE SET TO EXISTING GROUND ELEVATIONS UNLESS OTHERWISE DIRECTED BY THE ENGINEER.
4. ALL WATER MAINS SHALL BE CONSTRUCTED WITH A MINIMUM COVER OF 6 FT. BELOW FINISH GRADE, UNLESS OTHERWISE INDICATED ON THE PLANS.
5. CONNECTIONS TO EXISTING WATER MAINS SHALL NOT BE MADE UNTIL AFTER SUCCESSFUL COMPLETION OF BACTERIOLOGICAL AND PRESSURE TESTS.
6. ALL BENDS, TEES, MISCELLANEOUS FITTINGS, THRUST BLOCKS AND SAND BACKFILL ARE TO BE INCIDENTAL.
7. THE CONTRACTOR WILL BE PAID FOR HORIZONTAL DISTANCES ONLY.
8. ALL VALVES ARE TO BE RIGHT-HAND OPEN.
9. ALL FIRE HYDRANTS SHALL BE STERLING HEIGHTS STANDARD E1W 6-BR TRAFFIC TYPE WITH BREAKAWAY FLANGE OR MUELLER A425 CENTURION, TWO-WAY WITH TWO - 4 1/2 INCH PUMPER NOZZLES OR APPROVAL EQUAL.
10. THERE SHALL BE A 3/4 INCH CORPORATION STOPS INSTALLED ON BOTH SIDES OF EACH GATE VALVE.
11. TWO BRASS WEDGES SHALL BE INSTALLED AT EACH JOINT ON CAST IRON AND DUCTILE IRON PIPE.
12. CADILLAC WRAP, OR AN APPROVED EQUAL, SHALL BE USED AROUND THE WATER MAIN AT GATEWELL WALLS.
13. SERVICE TAPS, SHUT-OFF VALVES, AND SERVICE LINE EXTENSIONS TO THE PROPERTY OR EASEMENT LINE SHALL BE MADE BY THE CITY OF STERLING HEIGHTS DEPARTMENT OF PUBLIC WORKS, FOR CONNECTIONS SMALLER THAN 3".
14. WHERE WATER MAINS MUST DIP TO PASS UNDER A STORM SEWER OR SANITARY SEWER, THE SECTIONS WHICH ARE DEEPER THAN NORMAL SHALL BE KEPT TO A MINIMUM LENGTH BY THE USE OF 45°, 22 1/2°, OR 1 1/4" VERTICAL BENDS PROPERLY ANCHORED.
15. HYDRANTS SHALL BE PAINTED SUNRISE RED (RUST-OLEUM® 7762 OR EQUAL), NOZZLES AND TOP FLANGE SHALL BE PAINTED WHITE WITH REFLECTORIZED HAZARD BEADS.
16. SIZES OF IRON PIPES SHALL BE OF A CLASS CONFORMING TO THE FOLLOWING TABLE:

NOMINAL DIAMETER (INCHES)	DUCTILE CLASS	CAST IRON CLASS
6	54	24
8	54	25
12	54	25
16	54	26

UTILITY NOTES

1. THE CONTRACTOR IS REQUIRED TO CALL THE APPROPRIATE AUTHORITY FOR NOTICE OF CONSTRUCTION/EXCAVATION AND UTILITY MARK OUT PRIOR TO THE START OF CONSTRUCTION IN ACCORDANCE WITH STATE LAW. CONTRACTOR IS REQUIRED TO CONFIRM THE HORIZONTAL AND VERTICAL LOCATION OF UTILITIES IN THE FIELD. SHOULD A DISCREPANCY EXIST BETWEEN THE FIELD LOCATION OF A UTILITY AND THE LOCATION SHOWN ON THE PLAN SET OR SURVEY, THE CONTRACTOR SHALL NOTIFY STONEFIELD ENGINEERING & DESIGN, LLC IMMEDIATELY IN WRITING.
2. THE CONTRACTOR IS RESPONSIBLE TO PROTECT AND MAINTAIN IN OPERATION ALL UTILITIES NOT DESIGNATED TO BE REMOVED.
3. THE CONTRACTOR IS RESPONSIBLE FOR REPAIRING ANY DAMAGE TO ANY EXISTING UTILITY IDENTIFIED TO REMAIN WITHIN THE LIMITS OF THE PROPOSED WORK DURING CONSTRUCTION.
4. A MINIMUM HORIZONTAL SEPARATION OF 10 FEET IS REQUIRED BETWEEN ANY SANITARY SEWER SERVICE AND ANY WATER LINES. IF THIS SEPARATION CANNOT BE PROVIDED, A CONCRETE ENCASUREMENT SHALL BE UTILIZED FOR THE SANITARY SEWER SERVICE AS APPROVED BY STONEFIELD ENGINEERING & DESIGN, LLC.
5. ALL WATER LINES SHALL BE VERTICALLY SEPARATED ABOVE SANITARY SEWER LINES BY A MINIMUM DISTANCE OF 18 INCHES. IF THIS SEPARATION CANNOT BE PROVIDED, A CONCRETE ENCASUREMENT SHALL BE UTILIZED FOR THE SANITARY SEWER SERVICE AS APPROVED BY STONEFIELD ENGINEERING & DESIGN, LLC.
6. THE CONTRACTOR TO PERFORM A TEST PIT PRIOR TO CONSTRUCTION (RECOMMEND 30 DAYS PRIOR) AT LOCATIONS OF EXISTING UTILITY CROSSINGS FOR WATER AND SANITARY SEWER CONNECTION IMPROVEMENTS. SHOULD A CONFLICT EXIST, THE CONTRACTOR SHALL IMMEDIATELY NOTIFY STONEFIELD ENGINEERING & DESIGN, LLC IN WRITING.
7. THE CONTRACTOR IS RESPONSIBLE FOR COORDINATING GAS, ELECTRIC AND TELECOMMUNICATION CONNECTIONS WITH THE APPROPRIATE GOVERNING AUTHORITY.
8. CONTRACTOR SHALL START CONSTRUCTION OF ANY GRAVITY SEWER AT THE LOWEST INVERT AND WORK UP GRADIENT.
7. THE CONTRACTOR IS RESPONSIBLE TO MAINTAIN A RECORD SET OF PLANS REFLECTING THE LOCATION OF EXISTING UTILITIES THAT HAVE BEEN CAPPED, ABANDONED, OR RELOCATED BASED ON THE DEMOLITION/REMOVAL ACTIVITIES REQUIRED IN THIS PLAN SET. THIS DOCUMENT SHALL BE PROVIDED TO THE OWNER FOLLOWING COMPLETION OF WORK.
8. THE CONTRACTOR IS RESPONSIBLE TO MAINTAIN A RECORD OF THE AS-BUILT LOCATIONS OF ALL PROPOSED UNDERGROUND INFRASTRUCTURE. THE CONTRACTOR SHALL NOTE ANY DISCREPANCIES BETWEEN THE AS-BUILT LOCATIONS AND THE LOCATIONS DEPICTED WITHIN THE PLAN SET. THIS RECORD SHALL BE PROVIDED TO THE OWNER FOLLOWING COMPLETION OF WORK.

SYMBOL	DESCRIPTION
G	PROPOSED GAS SERVICE LINE
∩	PROPOSED GAS VALVE
SAN	PROPOSED UNDERGROUND SANITARY LINE
○	PROPOSED SANITARY CLEANOUT
W	PROPOSED UNDERGROUND POTABLE WATER LINE
∩	PROPOSED WATER VALVE
⊙	PROPOSED FIRE HYDRANT
⊙	PROPOSED FIRE DEPARTMENT CONNECTION
∩	PROPOSED WATER MAIN BENDS AND TEES
E	PROPOSED UNDERGROUND ELECTRIC SERVICE
ET/C	PROPOSED UNDERGROUND ELECTRIC AND DATA SERVICE
T/C	PROPOSED UNDERGROUND DATA SERVICE
T	PROPOSED ELECTRIC TRANSFORMER



DATE	ISSUE	BY	DESCRIPTION
11/09/2016	JAM		CONTRACT REVISION SUBMISSION TO CITY
10/26/2016	JHK		CONTRACT REVISION SUBMISSION TO CITY
09/16/2016	JHK		CONTRACT REVISION SUBMISSION TO CITY

NOT APPROVED FOR CONSTRUCTION

STONEFIELD
engineering & design

Rutherford, NJ • Long Island City, NY • Royal Oak, MI
www.stonefielddesign.com

28454 Woodward Avenue, Royal Oak, MI 48067
Phone 248.247.1115

CARmax

PROPOSED AUTOMOBILE RETAILER

PARCEL ID: 10-02-126-014 / 10-02-126-019 / 10-02-126-020
PARCEL ID: 10-02-126-021 / 10-02-126-22
CITY OF STERLING HEIGHTS
MACOMB COUNTY, MICHIGAN

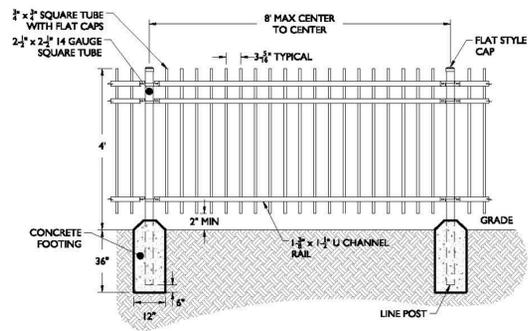


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SCALE: 1" = 50' PROJECT ID: M-16025

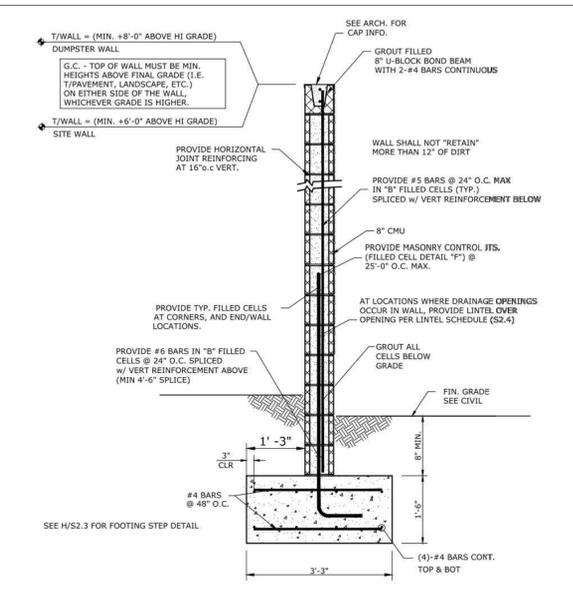
TITLE: **UTILITY PLAN**

DRAWING: **C-5**

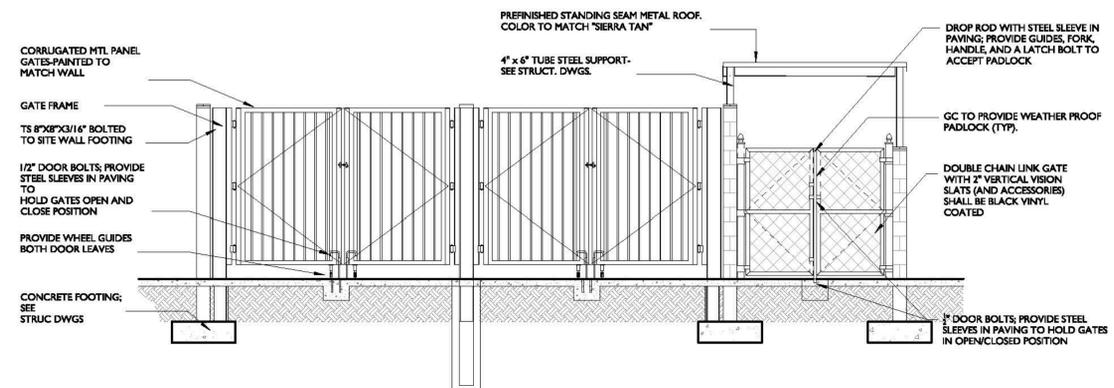
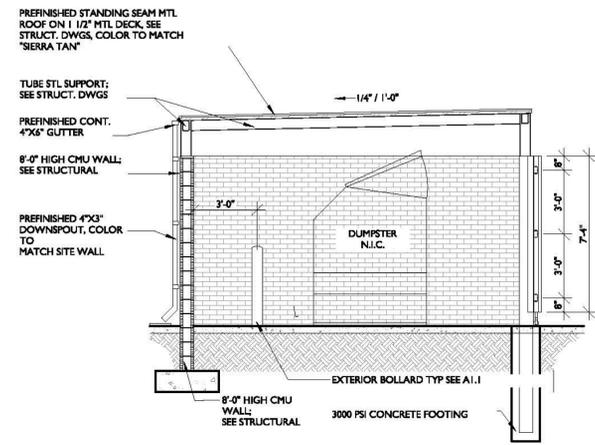


4' HIGH ORNAMENTAL FENCE
NOT TO SCALE

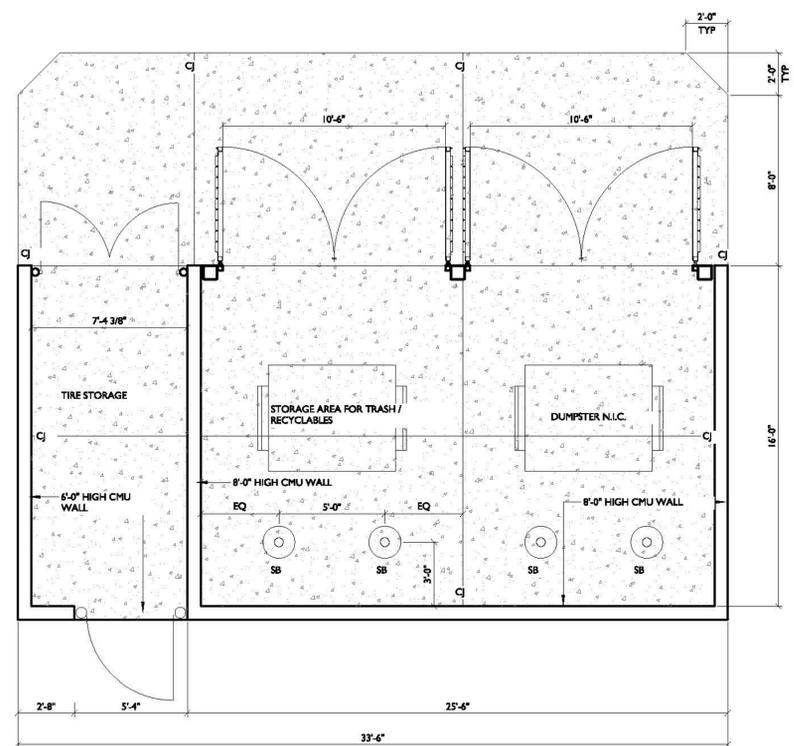
- NOTES:
1. CONTRACTOR TO PROVIDE ALL HARDWARE NECESSARY FOR FENCE CONSTRUCTION AND OPERATION, PER SITE DESIGN. INSTALLATION SHALL COMPLY WITH MANUFACTURER'S REQUIREMENTS.
 2. FENCE TO BE INSTALLED FOLLOWING SITE GRADING.
 3. FENCE TO BE INSTALLED ONE FOOT WITHIN PROPERTY LINE WHERE SHOWN ON PROPERTY LINE ON SITE PLAN.
 4. VIBRATE OR TAMP BACKFILL FOR CONSOLIDATION SURROUNDING FENCE POSTS.
 5. FINISH OF ALL EXPOSED METAL TO BE FACTORY STANDARD BLACK BAKED ENAMEL.



SCREEN WALL DETAIL
NOT TO SCALE



- NOTES:
1. EXPOSED STEEL COLOR TO MATCH CMU
 2. PROVIDE SPLASH BLOCK AT DOWNSPOUTS.



TRASH ENCLOSURE DETAIL
NOT TO SCALE

NO.	DATE	ISSUE	BY	DESCRIPTION
03	11/27/2016	JAM		CONTRACT REZONE SUBMISSION TO CITY
02	10/26/2016	JHK		CONTRACT REZONE SUBMISSION TO CITY
01	09/14/2016	JHK		CONTRACT REZONE SUBMISSION TO CITY

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CARmax

PROPOSED AUTOMOBILE RETAILER

PARCEL ID: 10-02-126-014 / 10-02-126-019 / 10-02-126-020
PARCEL ID: 10-02-126-021 / 10-02-126-22
CITY OF STERLING HEIGHTS
MACOMB COUNTY, MICHIGAN

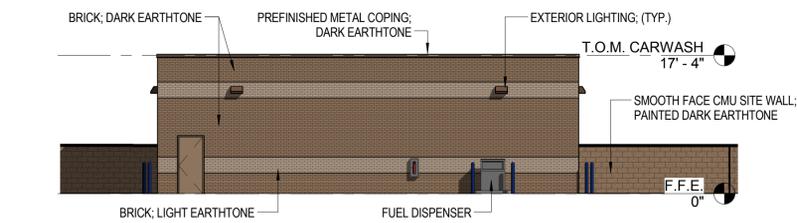


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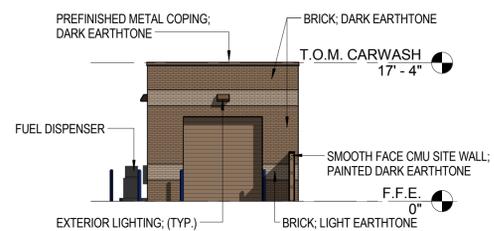
SCALE: AS SHOWN PROJECT ID: M-16025

TITLE: DETAILS

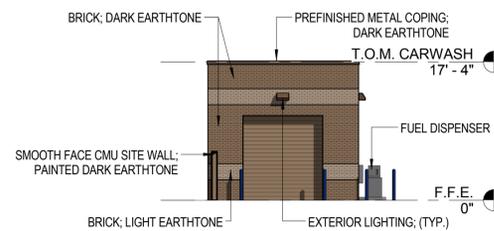
DRAWING: C-8



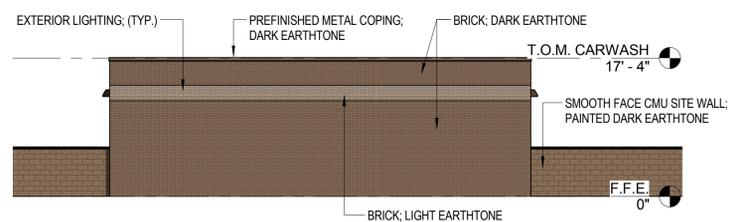
5 PHASE I - CARWASH - EAST
A 3.0 3/32" = 1'-0"



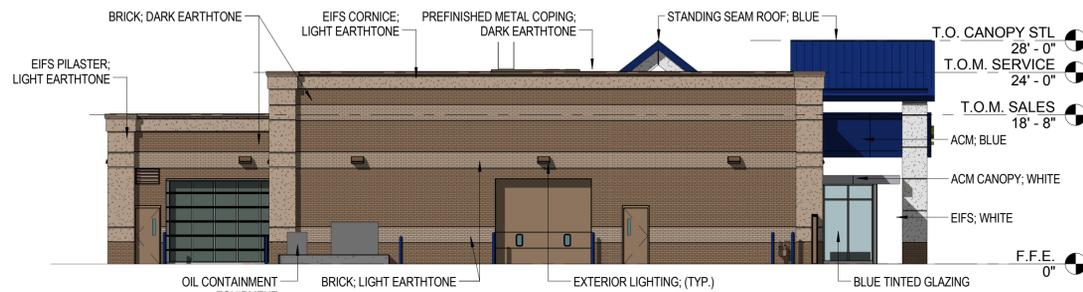
6 PHASE I - CARWASH - NORTH
A 3.0 3/32" = 1'-0"



7 PHASE I - CARWASH - SOUTH
A 3.0 3/32" = 1'-0"



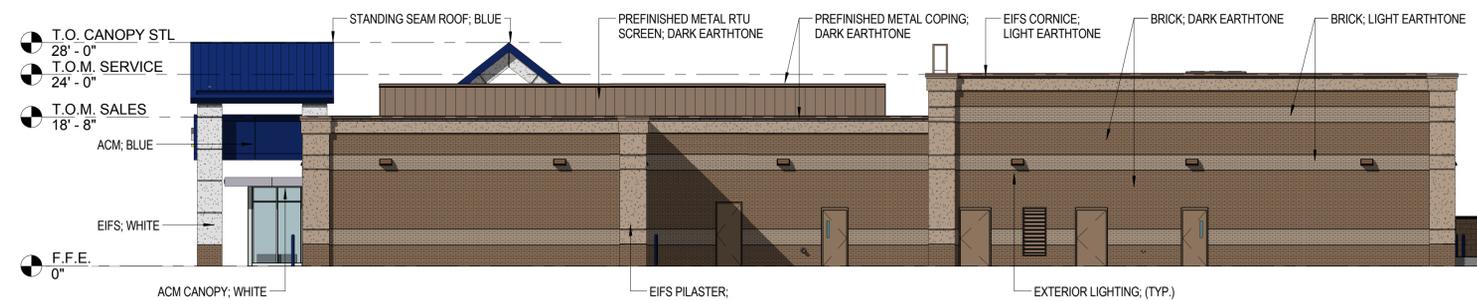
8 PHASE I - CARWASH - WEST
A 3.0 3/32" = 1'-0"



1 PHASE I - EAST
A 3.0 3/32" = 1'-0"



2 PHASE I - NORTH
A 3.0 3/32" = 1'-0"



3 PHASE I - SOUTH
A 3.0 3/32" = 1'-0"



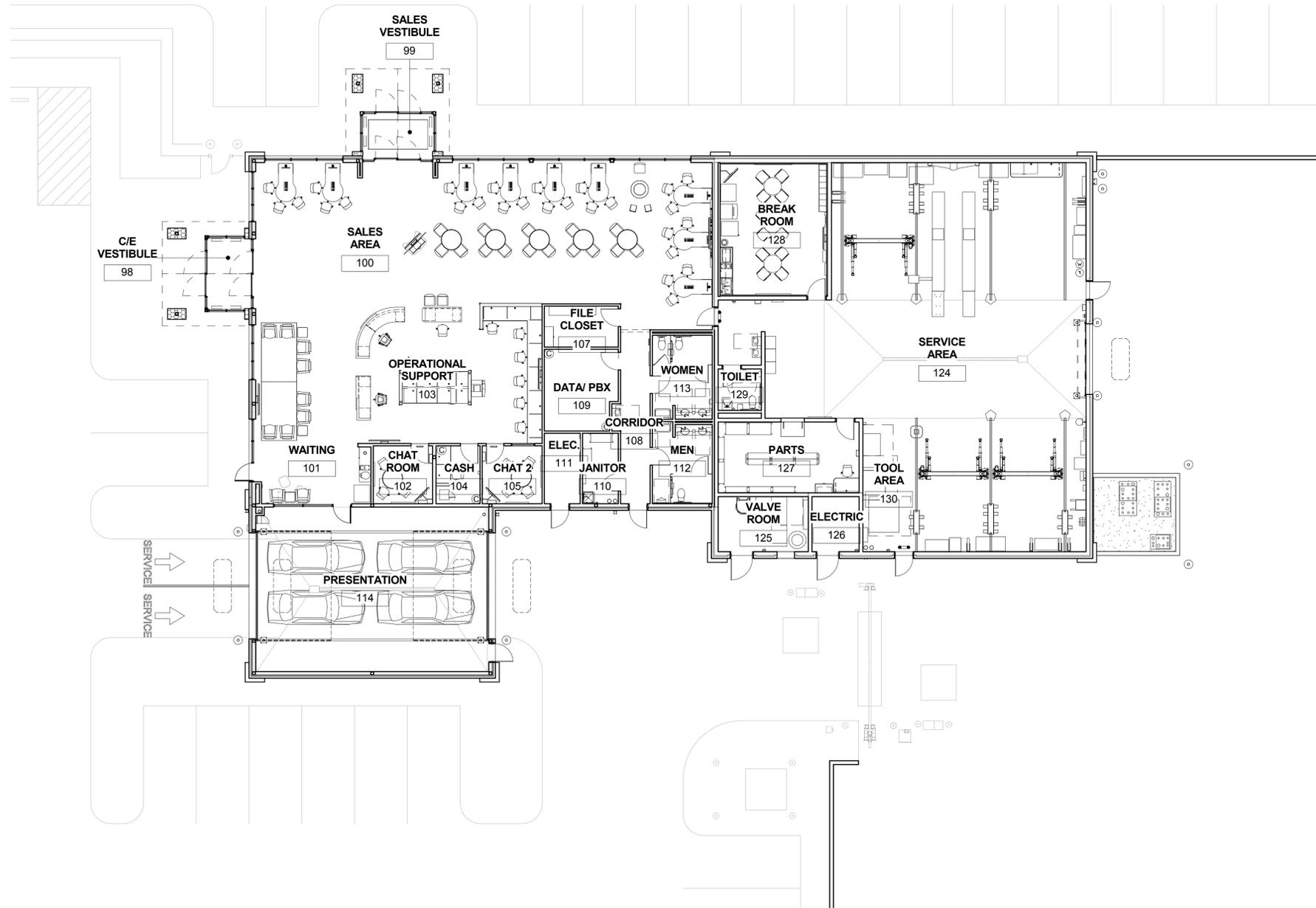
4 PHASE I - WEST
A 3.0 3/32" = 1'-0"



3000 ROYAL BOULEVARD SOUTH
ALPHARETTA, GA 30022
770.569.1756 FAX 569.1786
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A 3.0
15 NOV 2016



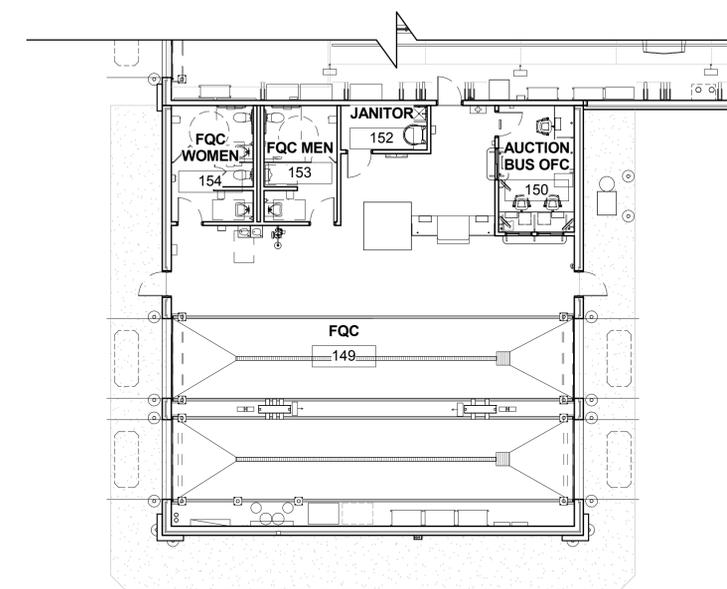
2 PHASE I - CARWASH
A 2.0 3/32" = 1'-0"

1 PHASE I - FLOOR PLAN
A 2.0 3/32" = 1'-0"



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A 2.0
15 NOV 2016

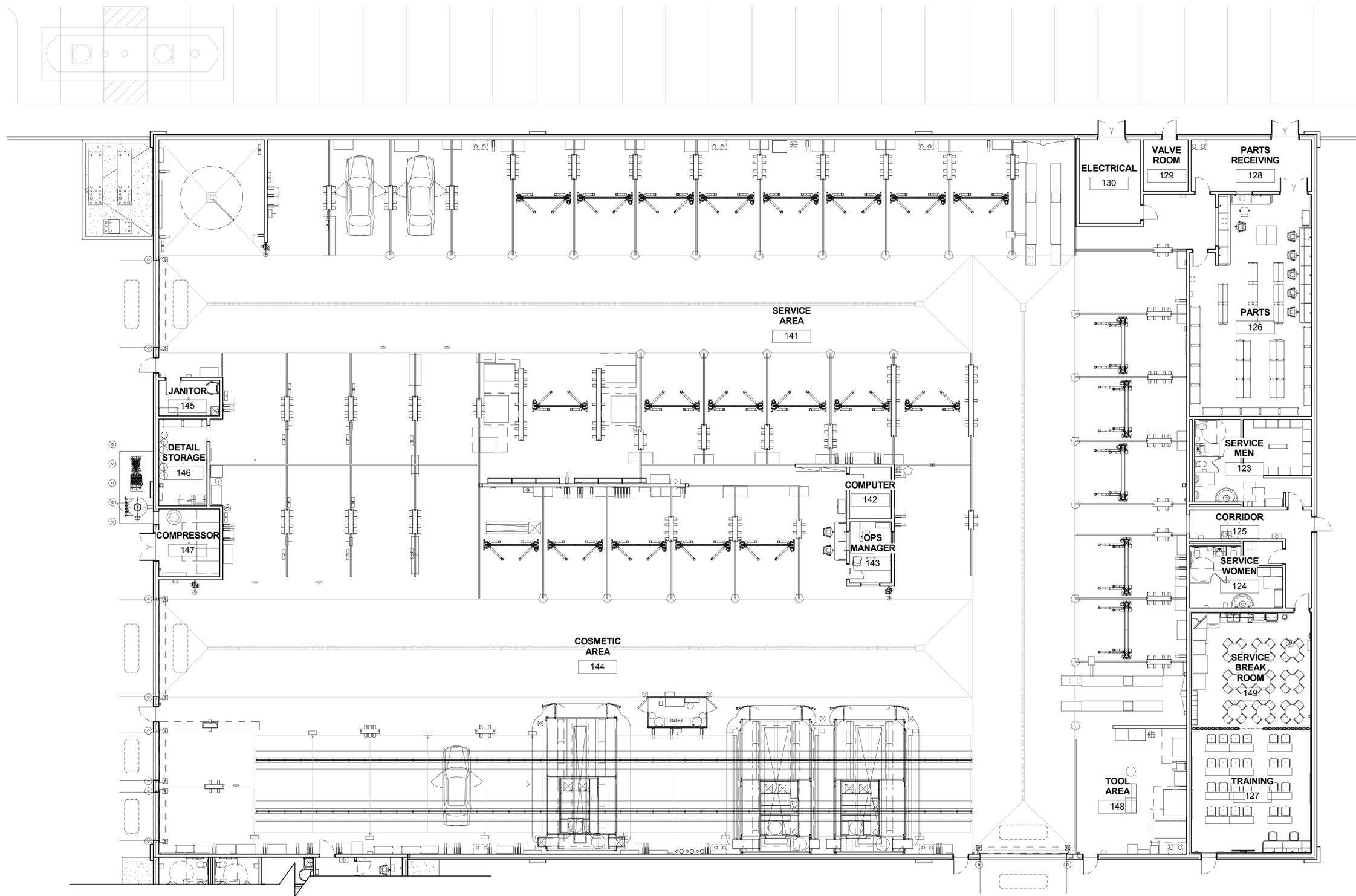


1 PHASE II - FQC PLAN
 A2.2 3/32" = 1'-0"



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A 2.2
 16 NOV 2016

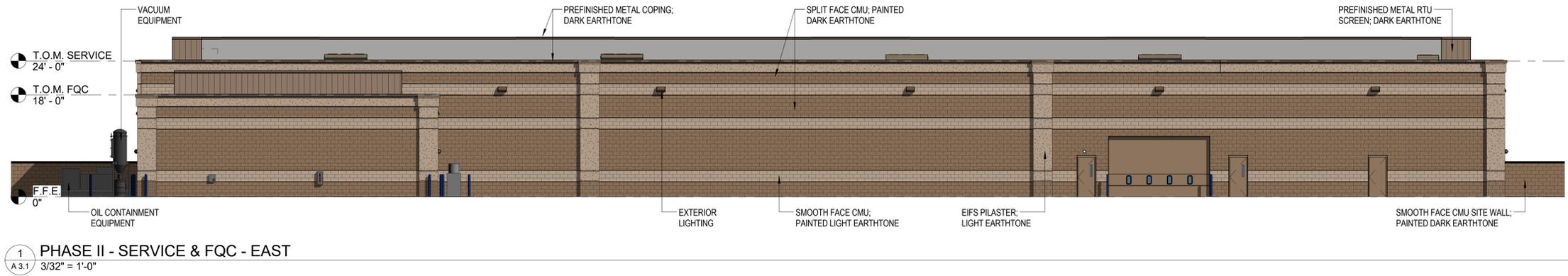


1 PHASE II - SERVICE PLAN
 A.2.1 3/32" = 1'-0"

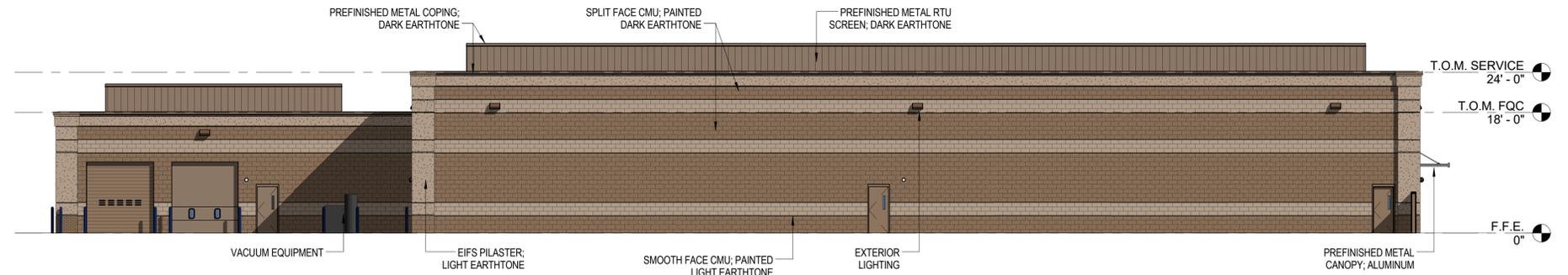


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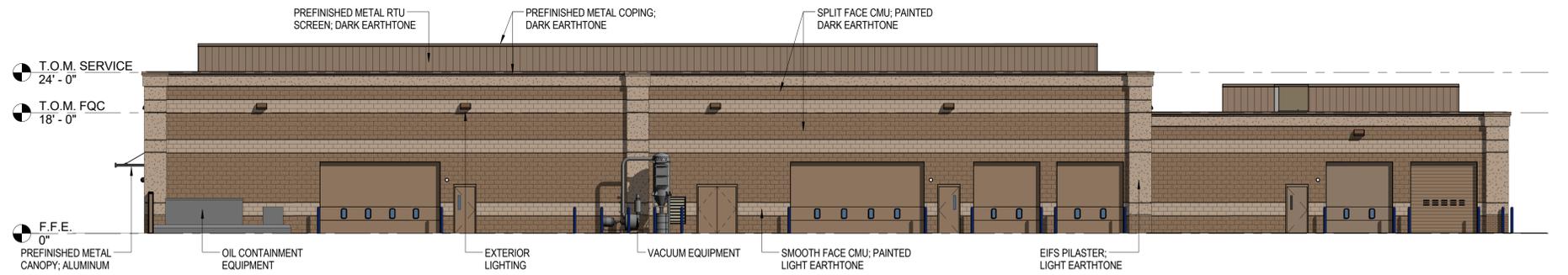




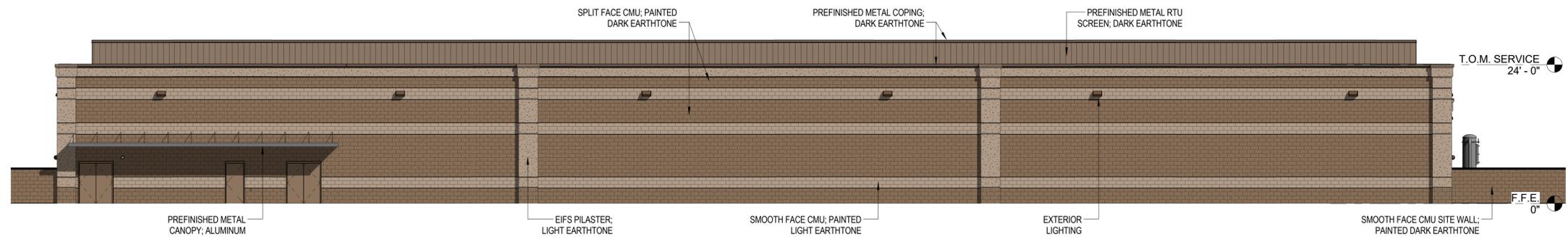
1 PHASE II - SERVICE & FQC - EAST
A 3.1 3/32" = 1'-0"



3 PHASE II - SERVICE & FQC - NORTH
A 3.1 3/32" = 1'-0"



4 PHASE II - SERVICE & FQC - SOUTH
A 3.1 3/32" = 1'-0"



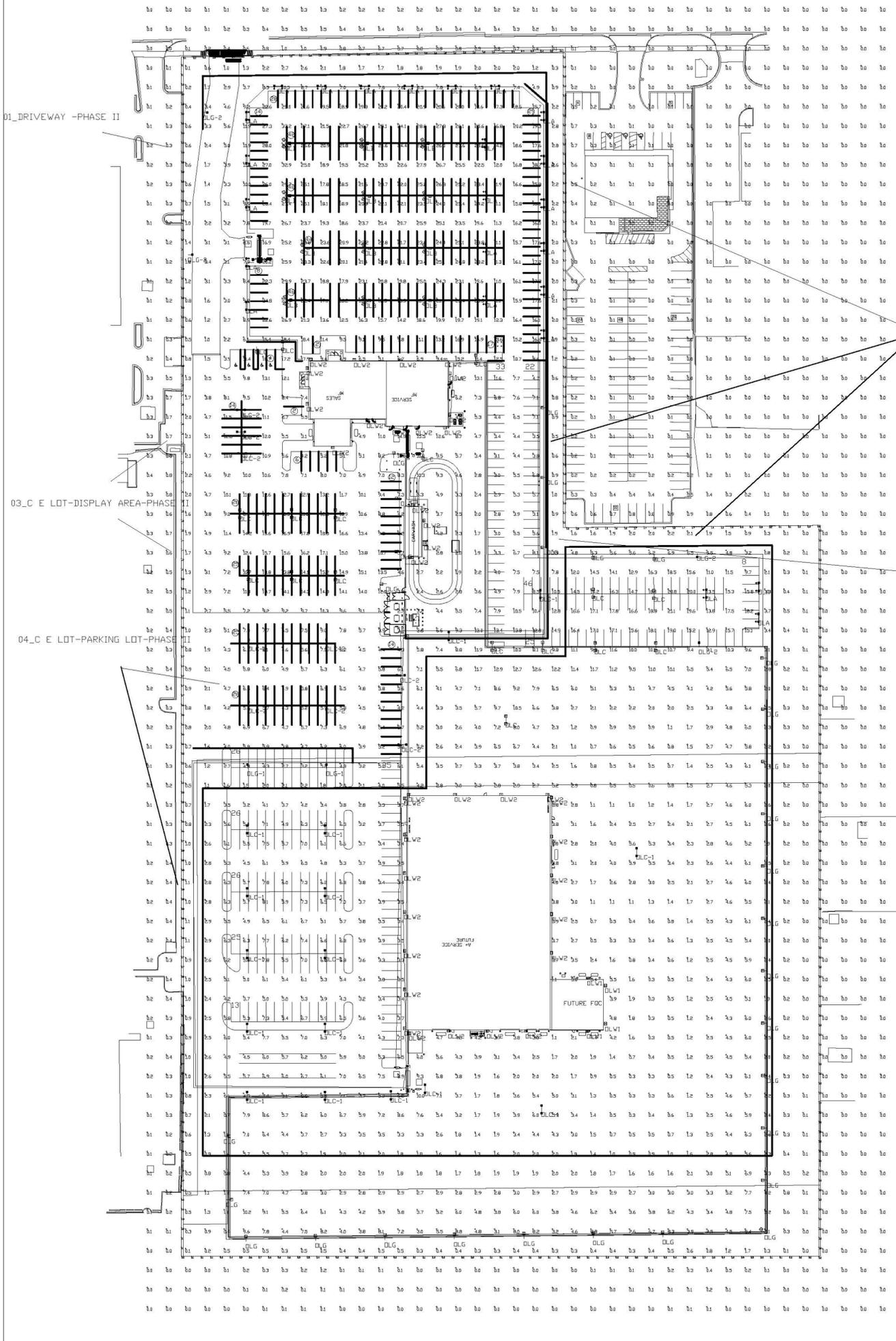
2 PHASE II - SERVICE & FQC - WEST
A 3.1 3/32" = 1'-0"



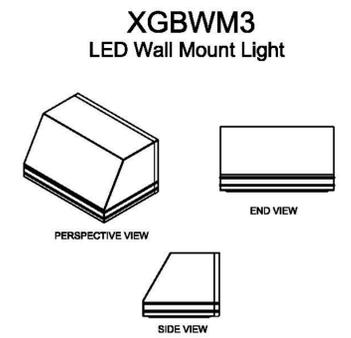
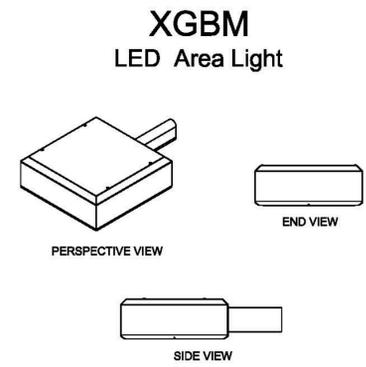
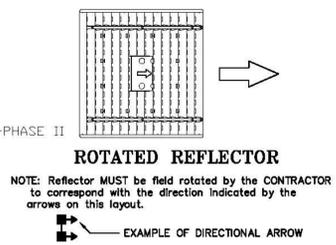
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Based on the information provided, all dimensions and luminaire locations shown represent recommended positions. The engineer and/or architect must determine the applicability of the layout to existing or future field conditions.

This lighting plan represents illumination levels calculated from laboratory data taken under controlled conditions in accordance with The Illuminating Engineering Society (IES) approved methods. Actual performance of any manufacturer's luminaires may vary due to changes in electrical voltage, tolerance in lamps/LED's and other variable field conditions. Calculations do not include obstructions such as buildings, curbs, landscaping, or any other architectural elements unless noted.



IMPORTANT



NOTE: ALL 24' POLES TO BE MOUNTED ON CONCRETE PEDESTALS 2' ABOVE GRADE, FOR A TOTAL MOUNTING HEIGHT OF 26'.

Label	CalcType	Units	Avg	Max	Min	Avg/Min	Max/Min
ALL CALCS @ GRADE	Illuminance	Fc	4.26	33.2	0.0	N.A.	N.A.
PROPERTY LINE COMMERCIAL	Illuminance	Fc	0.67	1.8	0.0	N.A.	N.A.
PROPERTY LINE RESIDENTIAL	Illuminance	Fc	0.00	0.0	0.0	N.A.	N.A.
01_DRIVEWAY -PHASE II	Illuminance	Fc	2.94	6.6	1.0	2.94	6.60
02_SALES LOT-DISPLAY AREA-PHASE II	Illuminance	Fc	17.72	33.2	2.8	6.33	11.86
03_C E LOT-DISPLAY AREA-PHASE II	Illuminance	Fc	9.92	18.7	1.5	6.61	12.47
04_C E LOT-PARKING LOT-PHASE II	Illuminance	Fc	4.85	8.9	1.1	4.41	8.09
05_SALES STAGING-PARKING LOT-PHASE II	Illuminance	Fc	3.84	15.5	0.3	12.80	51.67

Symbol	Qty	Label	Arrangement	Description	LLF	Lumens/Lamp	Arr. Lum. Lumens	Arr. Watts
	24	DLA	D180° 2RTD	XGBM-FT-LED-HO-CW-HSS-24	1.000	N.A.	41928	575.2
	12	DLB	3 @ 120 DEGREES	XGBM-5-LED-HO-CW-24	1.000	N.A.	76392	900
	16	DLC	BACK-BACK	XGBM-5-LED-HO-CW-24	1.000	N.A.	50928	600
	16	DLC-1	D180°	XGBM-5-LED-SS-CW-24	1.000	N.A.	36088	372.2
	9	DLC-2	D180°	XGBM-5-LED-LW-CW-24	1.000	N.A.	27684	280.8
	31	DLG	SINGLE	XGBM-FT-LED-HO-CW-HSS-24	1.000	N.A.	20964	287.6
	2	DLG-1	SINGLE	XGBM-FT-LED-SS-CW-HSS-24	1.000	N.A.	15273	187
	4	DLG-2	SINGLE	XGBM-3-LED-LW-CW-HSS-24	1.000	N.A.	9205	136.7
	4	DLW1	SINGLE	XGBWM3-FT-LED-48-450-CW-UE-15' MH	1.000	N.A.	4829	72
	37	DLW2	SINGLE	XGBWM3-FT-LED-48-450-CW-UE-19' MH	1.000	N.A.	4829	72

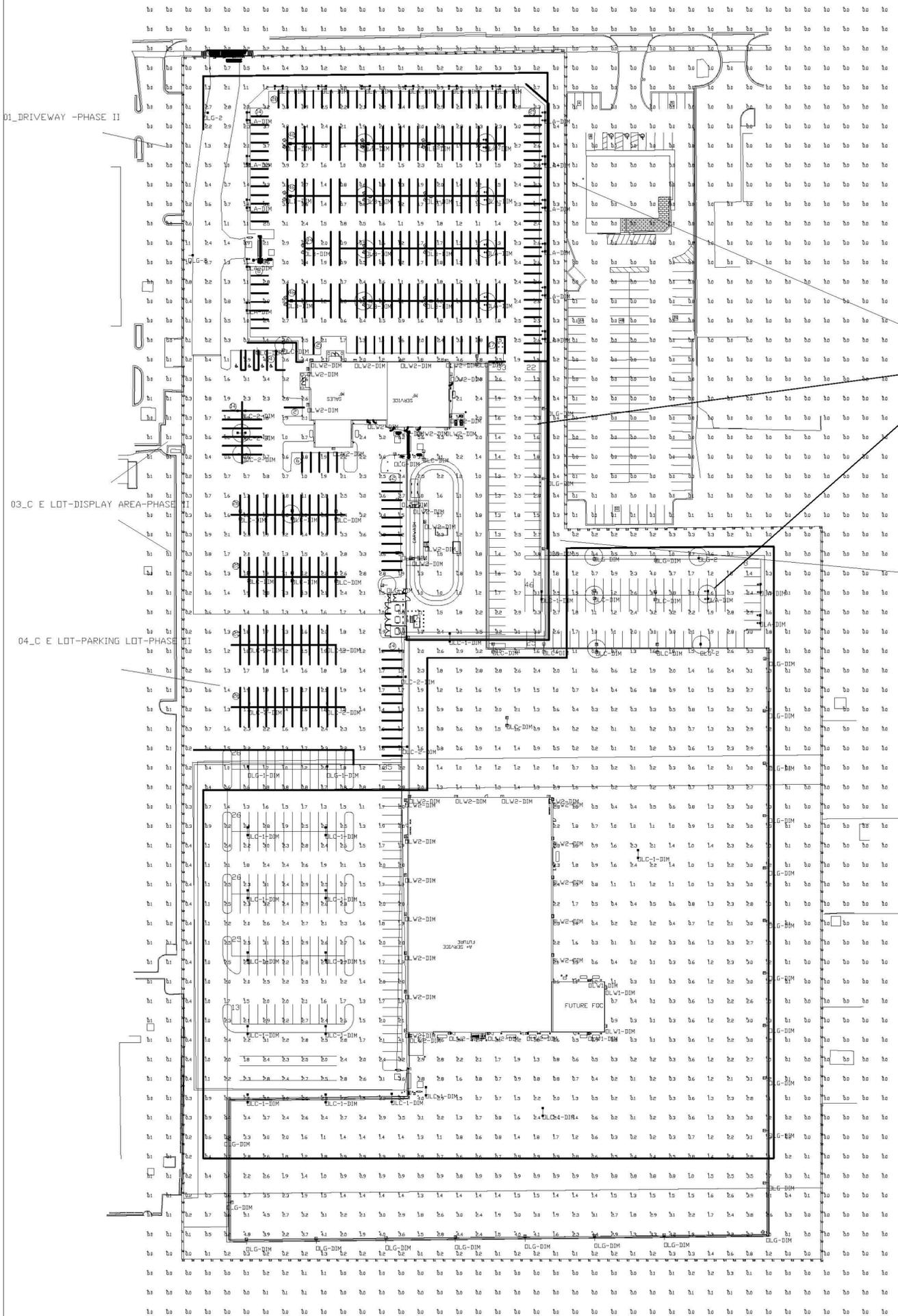
PHASE II - Operational Hours Plan

Total Project Watts_1_1
Total Watts = 55475.66

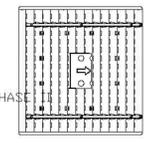
LIGHTING PROPOSAL LD-133041-6
 CARMAX
 STERLING HEIGHTS, MI
 (SP-14)
 BY:AWK DATES/24/16 REV/01/23/16 SHEET 1 OF 1
 SCALE: 1"=60'

Based on the information provided, all dimensions and luminaire locations shown represent recommended positions. The engineer and/or architect must determine the applicability of the layout to existing or future field conditions.

This lighting plan represents illumination levels calculated from laboratory data taken under controlled conditions in accordance with The Illuminating Engineering Society (IES) approved methods. Actual performance of any manufacturer's luminaires may vary due to changes in electrical voltage, tolerance in lamps/LED's and other variable field conditions. Calculations do not include obstructions such as buildings, curbs, landscaping, or any other architectural elements unless noted.

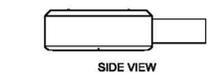
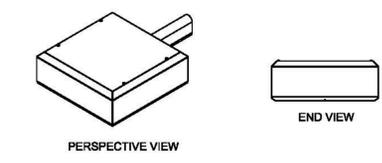


IMPORTANT

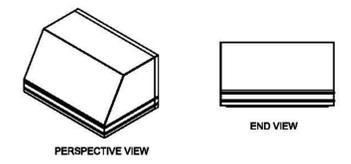


ROTATED REFLECTOR
NOTE: Reflector MUST be field rotated by the CONTRACTOR to correspond with the direction indicated by the arrows on this layout.
EXAMPLE OF DIRECTIONAL ARROW

XGBM
LED Area Light



XGBWM3
LED Wall Mount Light



NOTE: ALL 24' POLES TO BE MOUNTED ON CONCRETE PEDESTALS 2' ABOVE GRADE, FOR A TOTAL MOUNTING HEIGHT OF 26'.

Label	CalcType	Units	Avg	Max	Min	Avg/Min	Max/Min
ALL CALCS @ GRADE	Illuminance	Fc	0.96	6.2	0.0	N.A.	N.A.
PROPERTY LINE COMMERCIAL	Illuminance	Fc	0.17	0.8	0.0	N.A.	N.A.
PROPERTY LINE RESIDENTIAL	Illuminance	Fc	0.00	0.0	0.0	N.A.	N.A.
01_DRIVEWAY -PHASE II	Illuminance	Fc	1.44	2.9	0.2	7.20	14.50
02_SALES LOT-DISPLAY AREA-PHASE II	Illuminance	Fc	2.01	4.2	0.4	5.03	10.50
03_C E LOT-DISPLAY AREA-PHASE II	Illuminance	Fc	1.86	6.2	0.4	4.65	15.50
04_C E LOT-PARKING LOT-PHASE II	Illuminance	Fc	2.00	3.6	0.4	5.00	9.00
05_SALES STAGING-PARKING LOT-PHASE II	Illuminance	Fc	1.52	5.6	0.1	15.20	56.00

Symbol	Qty	Label	Arrangement	Description	LLF	Lumens/Lamp	Arr. Lum. Lumens	Arr. Watts
	24	DLA-DIM	D180° 2RTD	XGBM-FT-LED-HO-CW-HSS-24	0.150	N.A.	41928	575.2
	12	DLB-DIM	3 @ 120 DEGREES	XGBM-5-LED-HO-CW-24	0.100	N.A.	76392	900
	16	DLC-DIM	BACK-BACK	XGBM-5-LED-HO-CW-24	0.200	N.A.	50928	600
	16	DLC-1-DIM	D180°	XGBM-5-LED-SS-CW-24	0.400	N.A.	36088	372.2
	9	DLC-2-DIM	D180°	XGBM-5-LED-LW-CW-24	0.300	N.A.	27684	280.8
	31	DLG-DIM	SINGLE	XGBM-FT-LED-HO-CW-HSS-24	0.500	N.A.	20964	287.6
	2	DLG-1-DIM	SINGLE	XGBM-FT-LED-SS-CW-HSS-24	0.400	N.A.	15273	187
	4	DLG-2	SINGLE	XGBM-3-LED-LW-CW-HSS-24	1.000	N.A.	9205	136.7
	4	DLW1-DIM	SINGLE	XGBWM3-FT-LED-48-450-CW-UE-15' MH	0.200	N.A.	4829	72
	37	DLW2-DIM	SINGLE	XGBWM3-FT-LED-48-450-CW-UE-19' MH	0.600	N.A.	4829	72

CIRCLED FIXTURES ARE TURNED OFF FOR NON OPERATIONAL HOURS LIGHTING

PHASE II - Non Operational Hours Plan

Total Project Watts_1_1
Total Watts = 44589.43

LIGHTING PROPOSAL LD-133041-6

CARMAX
STERLING HEIGHTS, MI
(SP-14)

BY:AWK DATES/24/16 REV/01/23/16 SHEET 1 OF 1

SCALE: 1"=60' 0 60



AGENDA STATEMENT

OMB A503 Rev. 11/04

Item Title: To adopt the first amendment to the Appropriations Ordinance for the 2016/17 fiscal year.

Submitted By: Finance & Budget

Contact Person/Telephone: Jennifer L. Varney, Interim Finance & Budget Director, 446-2302

Administration (initial as applicable)

Attachments

Table with 4 columns: Initial, Title, Attachment, and Description. Rows include City Clerk, Finance & Budget Director, City Attorney, and City Manager with corresponding attachment checkboxes.

Executive Summary:

- List of 4 bullet points summarizing the ordinance's introduction, purpose, budget impact, and adjustments.

Suggested Action:

MOVED BY:

SECONDED BY:

BE IT ORDAINED, to adopt the first amendment to the Appropriations Ordinance for the 2016/17 fiscal year.

**CITY OF STERLING HEIGHTS
MACOMB COUNTY, MICHIGAN
ORDINANCE NO. 446 A**

AN ORDINANCE TO AMEND THE "ANNUAL APPROPRIATIONS ORDINANCE" BY AMENDING THE VARIOUS CITY BUDGETS.

THE CITY OF STERLING HEIGHTS ORDAINS:

ARTICLE I

TITLE

This ordinance shall constitute the "ANNUAL APPROPRIATIONS ORDINANCE" in accordance with Section 9.14 of the City Charter, the "GENERAL APPROPRIATIONS ACT" in accordance with the Michigan Uniform Budgeting and Accounting Act, MCL 141.436 and the "SPECIAL APPROPRIATIONS ACT" pursuant to Public Act 493 of 2000.

ARTICLE II

The following is an estimate of revenues, by source, in each fund and an appropriation of monies as authorized by law, as may be needed or deemed necessary to defray all expenses and liabilities of the City as specified for the corporate purposes and objects of the City for the fiscal year July 1, 2016 through June 30, 2017. The City Council does hereby adopt, by budgetary center, the following General Fund and Special Revenue Funds budgets for 2016/17.

Sec. 2.01

GENERAL FUND BUDGET:

REVENUES & OTHER FINANCING SOURCES

REVENUES

Net General Tax Revenue	\$38,313,350		
Licenses and Permits	2,095,000		
State and Local Returns	14,937,250	15,013,600	
Fines and Forfeitures	2,690,000		
Charges for Services	10,011,620		
Other Revenue	2,853,840		
Cable Revenue	2,625,000		
Use of Fund Balance	<u>0</u>		

Total General Revenue		73,526,060	73,602,410
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Refuse Tax Revenue	4,469,150		
Police & Fire Pension Tax Revenue	7,994,750		
Safe Streets Tax Revenue	<u>6,868,270</u>		
Total Other Tax Revenue		<u>19,332,170</u>	
Total Revenues		92,858,230	92,934,580

OTHER FINANCING SOURCES

Transfers In	<u>0</u>		
Total Other Financing Sources		<u>0</u>	

Total Revenues & Other Financing Sources		<u>\$92,858,230</u>	<u>\$92,934,580</u>
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and does hereby designate \$38,323,350 to be raised by 9.4856 mills tax levied for General Purposes on the assessed valuation of all real and personal property subject to taxation in the City,



AGENDA STATEMENT

OMB A503 Rev. 11/04

Item Title: To adopt the first amendment to the Appropriations Ordinance for the 2016/17 fiscal year.

Submitted By: Finance & Budget

Contact Person/Telephone: Jennifer L. Varney, Interim Finance & Budget Director, 446-2302

Administration (initial as applicable)

Attachments

Table with 4 columns: Initial, Role, Attachment, and Description. Rows include City Clerk, Finance & Budget Director, City Attorney, and City Manager with corresponding attachment checkboxes.

Executive Summary:

- Bulleted list of four points summarizing the ordinance's introduction, purpose, budget impact, and adjustments.

Suggested Action:

MOVED BY:

SECONDED BY:

BE IT ORDAINED, to adopt the first amendment to the Appropriations Ordinance for the 2016/17 fiscal year.

and does hereby designate \$7,994,750 to be raised by 1.9788 mills tax levied on the assessed valuation of all real and personal property subject to taxation in the City, for the purpose of meeting appropriations for fire and police pension purposes, as authorized by MCL 38.551, et. seq.

and does hereby designate \$4,469,150 to be raised by 1.1062 mills tax levied on the assessed valuation of all real and personal property subject to taxation in the City, for the purpose of the collection and removal of garbage and trash of the City as authorized by MCL 123.261, et. seq.

and does hereby designate \$6,868,270 to be raised by 1.7000 mills tax levied on the assessed valuation of all real and personal property subject to taxation in the City, for the purpose of providing revenue for police and fire protection as authorized by the electors of the City in approving the Safe Streets Proposal in 2013, et. seq.

and directs the Treasurer to add a collection fee of one-half (1/2) percent per month to all taxes, charges and assessments paid after September 1, and further, upon all taxes, charges and assessments returned to the County Treasurer upon any delinquent tax roll, a charge of three percent (3%) shall be added and the same shall be collected by the County Treasurer in like manner as and together with the taxes, charges and assessments so returned.

EXPENDITURES & OTHER FINANCING USES

EXPENDITURES

City Administration Department	\$7,086,610	7,087,600	
Public Library Department	2,631,170		
Parks & Recreation Department	1,957,950		
Police Department	34,775,200	34,775,720	
Fire Department	17,326,250	17,427,680	
Public Works Department	6,578,470		
Refuse Collection	4,494,150		
City Development Department	5,625,560	5,650,870	
Community Relations Department	1,091,080	1,091,300	
41-A District Court	3,271,140		
General Expenditures	1,238,270		
Contribution to Fund Balance	<u>786,880</u>	734,760	
Total Expenditures		86,862,730	86,939,080

OTHER FINANCING USES

Transfers Out	<u>5,995,500</u>		
Total Other Financing Uses		<u>5,995,500</u>	

Total General Fund **\$92,858,230** **\$92,934,580**

Sec. 2.02

WATER & SEWER OPERATING FUND:

OPERATING REVENUES

Operating Revenues	\$46,882,890		
Use of Net Assets	<u>391,620</u>	407,270	
Total Operating Revenues		<u>\$47,274,510</u>	<u>\$47,290,160</u>

OPERATING EXPENSES

Administration	\$4,099,270		
Water Distribution	18,038,510	18,054,160	
Sewage Collection	<u>25,136,730</u>		
Total Water & Sewer Operating Fund		<u>\$47,274,510</u>	<u>\$47,290,160</u>

and does hereby designate the rates to be charged for water and sewage disposal services to be as follows for all bills rendered on or after July 1, 2016.

WATER RATES

Consumption Charges Per Billing Period:	<u>Rate Per Thousand Cubic Ft.</u>
First 3,000 cubic feet or less.....	\$22.67
All over 3,000 cubic feet.....	28.34
Fixed GLWA fee (single-family residential customers).....	\$5.00
Fixed GLWA fee (all other customers).....	7.00
 Meter Charges Per Billing Period	
1 ½"	4.90
2"	12.69
3"	23.28
4"	30.54
6"	48.32
8"	76.95
10"	101.07
16"	115.50

SEWER RATES

This charge shall be based on the amount of water used per billing period:	<u>Rate Per Thousand Cubic Ft.</u>
Per 1,000 cubic feet.....	\$39.92
Fixed Macomb County fee (single-family residential customers).....	\$6.25
Fixed Macomb County fee (all other customers).....	9.00

BILLING

Bills for water and sewer service shall be rendered periodically as set forth in this article. The billing period for single-family residential customers is quarterly, all other customers are billed monthly. All bills shall be due and payable twenty (20) days from the date thereon. A penalty of six percent (6%) of the amount of the unpaid portion of each current bill shall be added to each bill not paid on or before the due date. An additional penalty of seventeen percent (17%) of the total of the unpaid balance and the six percent (6%) penalty shall be added at the time the delinquent bill is entered upon the tax roll, pursuant to section 35-6 (a) of the Sterling Heights City Code. The City shall establish a minimum water and sewer bill, which shall be based on 900 cubic feet of water usage per billing cycle. There will be an \$80.00 charge per bill for sewer only customers.

For all single-family residential customers of both water and sewer services from the City, the charges billed during the months of September, October, and November shall be reduced by twenty-five percent (25%) of the combined use charge for both water and sewer usage, as specified in this ordinance; provided, however, no customer shall have the charges reduced by an amount more than \$26.00 during the quarterly period billed during the months of September, October, and November.

For all customers who are not single-family residential customers and have both water and sewer services from the City, the charges billed during the months of July, August, and September shall be reduced by twenty-five percent (25%) of the combined use charge for both water and sewer usage, as specified in this ordinance; provided, however, no customer shall have the charges reduced by an amount more than \$8.67 during the monthly period billed during the month of July, \$8.67 during the month of August, and \$8.66 during the month of September.

Sec. 2.03

MAJOR ROAD FUND BUDGET:

REVENUES & OTHER FINANCING SOURCES

REVENUES

Fund Balance	\$1,032,310	2,564,020	
Federal Grants	0		
State Sources	7,131,000	7,432,750	
Other Revenue	<u>168,000</u>		
Total Revenues		8,331,310	10,164,770

OTHER FINANCING SOURCES

Transfer from General Fund	<u>500,000</u>		
Total Other Financing Sources		<u>500,000</u>	

Total Revenues & Other Financing Sources

\$8,831,310 \$10,664,770

EXPENDITURES & OTHER FINANCING USES

EXPENDITURES

Administration Expenses	\$131,070		
Major Street Maintenance	2,637,000		
Major Street Improvements	3,138,000	4,971,460	
Contribution to Fund Balance	<u>0</u>		
Total Expenditures		5,906,070	7,739,530

OTHER FINANCING USES

Transfer to Road Bond Debt Retirement Fund	1,925,240		
Transfer to Local Road Fund	<u>1,000,000</u>		
Total Other Financing Uses		<u>2,925,240</u>	

Total Major Road Fund

\$8,831,310 \$10,664,770

Sec. 2.04

LOCAL ROAD FUND BUDGET:

REVENUES & OTHER FINANCING SOURCES

REVENUES

Net Property Taxes	\$3,233,330		
State Sources	2,640,000		
Charges for Services	36,000		
Other Revenue	<u>10,470</u>		
Total Revenues		5,919,800	

OTHER FINANCING SOURCES

Transfer from General Fund	400,000		
Transfer from Major Road Fund	<u>1,000,000</u>		
Total Other Financing Sources		<u>1,400,000</u>	

Total Revenues & Other Financing Sources

\$7,319,800

and does hereby designate \$3,232,130 to be raised by 0.8000 mills tax levied on the assessed valuation of all real and personal property subject to taxation in the City for the purpose of providing revenue for local street improvements as authorized by the electors of the City in approving the Safe Streets Proposal in 2013.

EXPENDITURES & OTHER FINANCING USES

EXPENDITURES

Administration Expenses	\$155,070	
Local Street Maintenance	1,848,000	
Local Street Improvements	4,794,000	5,101,370
Contribution to Fund Balance	<u>522,730</u>	215,360
Total Expenditures		7,319,800

OTHER FINANCING USES

Transfer to Road Bond Debt Retirement Fund	<u>0</u>	
Total Other Financing Uses		<u>0</u>

Total Local Road Fund

\$7,319,800

Sec. 2.05

LAND & WATER CONSERVATION FUND BUDGET:

REVENUES & OTHER FINANCING SOURCES

REVENUES

Fund Balance	\$487,400	340,940	
Federal & State Sources	0		
Other Revenue	<u>2,600</u>	83,600	
Total Revenues		490,000	424,540

OTHER FINANCING SOURCES

Transfer from General Fund	<u>240,000</u>		
Total Other Financing Sources		<u>240,000</u>	

Total Revenues & Other Financing Sources

\$730,000

\$664,540

EXPENDITURES

Land Acquisition	\$65,000	91,310	
Land Improvements	<u>665,000</u>	573,230	

Total Land & Water Conservation Fund

\$730,000

\$664,540

Sec. 2.06

PUBLIC SAFETY FORFEITURE FUND BUDGET:

REVENUES

Fund Balance	\$154,650	37,430	
Federal Forfeitures	0	111,200	
Treasury Forfeitures	0		
State Forfeitures	1,000	34,260	
Gambling Forfeitures	0	830	
Operating While Intoxicated Forfeitures	0	7,010	
Act 302 Training Funds	30,800		
Interest Income	<u>410</u>	780	

Total Revenues

\$186,860

\$222,310

EXPENDITURES

Federal Forfeitures	\$117,320	124,920	
Treasury Forfeitures	0	23,450	
State Forfeitures	21,240		
Gambling Forfeitures	7,000	9,830	
Operating While Intoxicated Forfeitures	10,500	12,070	
Act 302 Training Funds	<u>30,800</u>		

Total Public Safety Forfeiture Fund

\$186,860

\$222,310

Sec. 2.07

COMMUNITY DEVELOPMENT BLOCK GRANT FUND BUDGET:

REVENUES

Community Development Block Grant \$1,182,840 1,260,470

Total Revenues

\$1,182,840 \$1,260,470

EXPENDITURES

Administrative Expenses \$179,370
Books 6,030
Senior Citizens Home Chore Program 20,000
Single Parent Education Program 13,000
Minor Home Repair 26,000
Handicapped Recreation Program 19,000
Housing Rehabilitation Program 210,000
Contributions to Non-Profit Organizations 55,500
Capital & Other Improvements 653,940 731,570

Total Community Development Block Grant Fund

\$1,182,840 \$1,260,470

Sec. 2.08

CORRIDOR IMPROVEMENT AUTHORITY FUND:

REVENUES & OTHER FINANCING SOURCES

REVENUES

Property Taxes \$25,170
Federal Grants 0
Other Revenue 100
Total Revenues 25,270

OTHER FINANCING SOURCES

Transfer from General Fund 0
Total Other Financing Sources 0

Total Revenues & Other Financing Sources

\$25,270

EXPENDITURES

Miscellaneous \$0
Contribution to Fund Balance 25,270

Total Corridor Improvement Authority Fund

\$25,270

Sec. 2.09

ECONOMIC DEVELOPMENT CORPORATION FUND BUDGET:

REVENUES & OTHER FINANCING SOURCES

REVENUES

Fund Balance \$0 597,850
Funding from General Government 300,000
Other Revenue 2,150
Total Revenues 302,150 900,000

OTHER FINANCING SOURCES

Transfer from General Fund 0
Total Other Financing Sources 0

Total Revenues & Other Financing Sources

\$302,150 \$900,000

EXPENDITURES & OTHER FINANCING USES

EXPENDITURES

Miscellaneous	\$0		
Contribution to Fund Balance	<u>302,150</u>	0	
Total Expenditures		302,150	0

OTHER FINANCING USES

Transfer to LDFA Fund	<u>0</u>	900,000	
Total Other Financing Uses		<u>0</u>	900,000

Total Economic Development Corporation Fund \$302,150 \$900,000

Sec. 2.10

BROWNFIELD REDEVELOPMENT AUTHORITY FUND BUDGET:

REVENUES & OTHER FINANCING SOURCES

REVENUES

Property Taxes	\$87,600		
Charges for Services	0		
Other Revenue	<u>1,300</u>		
Total Revenues		88,900	

OTHER FINANCING SOURCES

Transfer from General Fund	<u>0</u>		
Total Other Financing Sources		<u>0</u>	

Total Revenues & Other Financing Sources \$88,900

EXPENDITURES & OTHER FINANCING USES

EXPENDITURES

Miscellaneous	\$0		
Contribution to Fund Balance	<u>88,900</u>		
Total Expenditures		88,900	

OTHER FINANCING USES

Transfer to General Fund	<u>0</u>		
Total Other Financing Uses		<u>0</u>	

Total Brownfield Redevelopment Authority Fund \$88,900

Sec. 2.11

LOCAL DEVELOPMENT FINANCE AUTHORITY FUND BUDGET:

REVENUES & OTHER FINANCING SOURCES

REVENUES

Fund Balance	\$0	421,500	
Federal Grants	0		
Property Taxes	862,900		
Other Revenue	<u>141,350</u>		
Total Revenues		1,004,250	1,425,750

OTHER FINANCING SOURCES

Transfer from Economic Development Fund	<u>0</u>	900,000	
Total Other Financing Sources		<u>0</u>	900,000

Total Revenues & Other Financing Sources \$1,004,250 \$2,325,750

EXPENDITURES

Incubator Renovations	\$0	
Incubator Operations	824,750	
FCA Reimbursement	0	900,000
SmartZone Improvements	1,000	601,000
Contribution to Fund Balance	<u>178,500</u>	0

Total Local Development Finance Authority Fund

\$1,004,250

\$2,325,750

Sec. 2.12

GENERAL DRAIN FUND:

REVENUES & OTHER FINANCING SOURCES

REVENUES

Net Drain Tax Revenue	(\$900)	
Delinquents & Penalties	800	
Other Revenue	<u>100</u>	
Total Revenues		0

OTHER FINANCING SOURCES

Bond Proceeds – Refunding	<u>0</u>	
Total Other Financing Sources		<u>0</u>

Total Revenues & Other Financing Sources

\$0

EXPENDITURES

Other Charges	\$0
Principal	0
Interest	<u>0</u>

Total Drain Fund

\$0

Sec. 2.13

VOTED TAX GENERAL OBLIGATION DEBT FUND:

REVENUES & OTHER FINANCING SOURCES

REVENUES

Delinquents & Penalties	\$1,050	
Other Revenue	450	
Federal & State Sources	24,770	
Net Proposal F Tax Revenue	<u>463,880</u>	
Total Revenues		490,150

OTHER FINANCING SOURCES

Transfer from General Fund	<u>0</u>	
Total Other Financing Sources		<u>0</u>

Total Revenues & Other Financing Sources

\$490,150

and does hereby designate \$465,380 to be raised by 0.1152 mills tax levied on the assessed valuation of all real and personal property subject to taxation in the City, for the purpose of meeting appropriations for public improvement debt service as authorized by the electors of the City in approving Proposal F in 2006.

EXPENDITURES

Proposal F Expenditures	\$484,480
Contribution to Fund Balance	<u>5,670</u>

Total Voted Tax General Obligation Debt Fund

\$490,150

Sec. 2.14

ROAD BOND DEBT RETIREMENT FUND:

REVENUES & OTHER FINANCING SOURCES

REVENUES

Special Assessment Revenue	\$145,450	
Interest Income	91,340	
Federal Interest Rebates	<u>31,340</u>	
Total Revenues		268,130

OTHER FINANCING SOURCES

Transfer from Major Road Fund	1,925,240	
Transfer from Road Bond Construction Fund	<u>0</u>	
Total Other Financing Sources		<u>1,925,240</u>

Total Revenues & Other Financing Sources **\$2,193,370**

EXPENDITURES

Principal	\$1,625,000
Interest	516,000
Other Fees	1,350
Contribution to Fund Balance	<u>51,020</u>

Total Road Bond Debt Retirement Fund **\$2,193,370**

Sec. 2.15

LIMITED TAX GENERAL OBLIGATION DEBT FUND:

REVENUES & OTHER FINANCING SOURCES

REVENUES

Other Revenue	<u>\$0</u>	
Total Revenues		0

OTHER FINANCING SOURCES

Transfer from General Fund	<u>356,080</u>	
Total Other Financing Sources		<u>356,080</u>

Total Revenues & Other Financing Sources **\$356,080**

EXPENDITURES

Principal	\$305,000
Interest	50,850
Other Fees	<u>230</u>

Total Limited Tax General Obligation Debt Fund **\$356,080**

Sec. 2.16

CAPITAL PROJECTS FUND:

REVENUES & OTHER FINANCING SOURCES

REVENUES

Fund Balance	\$0	778,130
State & Local Returns	0	100,000
Other Revenue	<u>326,120</u>	
Total Revenues		<u>326,120</u>

1,204,250

OTHER FINANCING SOURCES

Transfer from General Fund	<u>4,499,420</u>		
Total Other Financing Sources		<u>4,499,420</u>	

Total Revenues & Other Financing Sources		<u>\$4,825,540</u>	<u>\$5,703,670</u>
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EXPENDITURES

Capital Equipment	\$823,420	942,040	
Capital Vehicles	1,724,700	1,738,860	
Capital Projects	1,709,300	3,022,770	
Contribution to Fund Balance	<u>568,120</u>	0	

Total Capital Projects Fund		<u>\$4,825,540</u>	<u>\$5,703,670</u>
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Sec. 2.17**CLINTON RIVER RESTORATION FUND:****REVENUES**

Federal Grants	<u>\$0</u>	3,865,170	
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Total Revenues		<u>\$0</u>	<u>\$3,865,170</u>
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EXPENDITURES

Capital Projects	<u>\$0</u>	3,865,170	
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Total Clinton River Restoration Fund		<u>\$0</u>	<u>\$3,865,170</u>
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Sec. 2.18**ROAD BOND CONSTRUCTION FUND:****REVENUES & OTHER FINANCING SOURCES****REVENUES**

Fund Balance	\$0	6,284,080	
Other Revenue	5,000	25,000	
Federal Grants	<u>3,080,000</u>	2,678,950	
Total Revenues		3,085,000	8,988,030

OTHER FINANCING SOURCES

Proceeds from Long-Term Debt	1,795,000		
Transfer from Major Road Fund	<u>0</u>		
Total Other Financing Sources		<u>1,795,000</u>	

Total Revenues & Other Financing Sources		<u>\$4,880,000</u>	<u>\$10,783,030</u>
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EXPENDITURES & OTHER FINANCING USES**EXPENDITURES**

Construction	<u>\$4,880,000</u>	10,783,030	
Total Expenditures		4,880,000	10,783,030

OTHER FINANCING USES

Transfer to Major Road Fund	<u>0</u>		
Total Other Financing Uses		<u>0</u>	

Total Road Bond Construction Fund		<u>\$4,880,000</u>	<u>\$10,783,030</u>
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ARTICLE III

The City Council adopts the following fee schedule for public records and services provided by the City of Sterling Heights for the fiscal year July 1, 2016 through June 30, 2017. Any parts of resolutions and ordinances in conflict with this article are repealed. This article is intended to preserve all existing charges and fees set forth in any resolution, ordinance, or law which are not in conflict with this article and to fulfill the requirements of any ordinance authorizing the City Council to establish fees by resolution.

Fees for public records not set forth in this article, or in any other resolution, ordinance, or law, shall be set by the City Manager in accordance with Act 442 of the Public Acts of 1976, as amended. Fees for public services not specifically set forth in this article or in any other resolution, ordinance, or law may be established by the City Manager, who shall promptly notify the City Council in writing of each of them. The City Manager shall establish fees for public services based upon the cost of providing the public service.

Sec. 3.01

ASSESSING OFFICE:

Lot Splits.....	560.00
Lot Combinations	460.00
Processing Labels (per page)	1.35
Resident Field Sheet Fee	2.00
Apartment Listing (Names/Sidwells/Assessments)	65.00
Shopping Center List	65.00
Section or Subdivision Listing (per page)	1.00
Assessing, Board of Review, & Sales Information (first page)	2.00
Additional Pages.....	0.30
Plat Map.....	135.00
Custom Assessment Information Report	55.00
IFEC Extension Application Fee	585.00
IFEC Request for Extension to Complete Project Application Fee.....	585.00
IFEC Request for Revision of Final Project Cost Application Fee.....	585.00
Application to Establish a Speculative Building Designation Fee	585.00
Tax Hardship Income Limits:	
1 Person	14,250.00
2 Person	16,250.00
3 Person	20,090.00
4 Person	24,250.00
5 Person	28,410.00
6 Person	32,570.00
7 Person	36,730.00
8 Person	40,890.00
Each Additional Person	4,160.00

Sec. 3.02

BUILDING OFFICE:

Fence Permit.....	39.00
Fence Permit – Masonry, Separation	118.00
Board of Code Appeals	231.00
Reestablish Expired Permit Fee	68.00
Overtime Inspections, Each Hour (4 hour minimum).....	91.00
Special Inspections, Each Trade (Residential).....	52.00
Special Inspections, Each Trade (Commercial)	74.00
Building Code Publication	Cost + 14.00 Administration fee
Building Moving Permit.....	303.00
Municipal Civil Infraction:	
Each Violation	150.00
First Repeat Offense	375.00
Second Repeat Offense.....	750.00
Third or Subsequent Repeat Offenses.....	1,500.00

Electrical Work

Application Fee (Non-refundable).....	37.00
Permit fee (minimum)	49.00
Electrical Contractor's Registration	27.00
Fire Alarm Contractor's Registration.....	27.00
Sign Contractor's Registration	27.00
Furnace Wiring.....	28.00
Air Conditioner Reconnect.....	28.00
Circuits: Each (new or extended).....	22.00
Fixtures: Each 25.....	22.00
Motors, Power, Heating Units, Furnaces, Transformers:	
Each ¼ to 10 HP	28.00
Each 11 to 30 HP	33.00
Each 31 to 50 HP	38.00
Each 51 to 60 HP	44.00
Each 61 and over	58.00
Feeders (Conduit, Wireways, Bus Ducts, Cables):	
Each 100 ft. (or less)	51.00
Refrigeration Units:	
Air Conditioning (residential)	28.00
Interruptible Service.....	28.00
Air Conditioning (commercial):	
Up to 5 Tons	33.00
5 to 40 Tons	51.00
Over 40 Tons	76.00
Electric Ranges, Ovens, Dryers, Water Heaters, X-Ray Equipment:	
Each unit of type.....	28.00
Swimming Pools/Hot Tubs (all)	57.00
Service (Lights, Heat, and Power):	
100 Ampere or less	28.00
101 to 500 Ampere	38.00
501 to 900 Ampere	51.00
900 Ampere or more	63.00
Signs: Sign Circuit.....	44.00
Sign Tag Inspection	66.00
Sign Connection	71.00
General Repair & Alterations (per hour or fraction thereof).....	59.00
Generator Connection	51.00
Motion Picture Apparatus.....	51.00
Special Inspections not specifically covered:	
Festivals.....	134.00
Carnivals.....	134.00
Circuses	134.00
Shop Inspection.....	75.00
Theatrical Road Show	75.00
Christmas Tree Lot	75.00
Temporary Wiring:	
Display Area (Sq. Ft.):	
Up to 100,000 sq. ft.	68.00
Over 100,000 to 200,000 sq. ft.	126.00
Over 200,000 to 300,000 sq. ft.	151.00
Over 300,000 to 400,000 sq. ft.	223.00
Over 400,000 sq. ft.	298.00
Outline Tubing – Connection or Tag Inspection:	
Each 100 feet.....	75.00
Mobile Home and Trailer Park Inspections (minimum).....	52.00
Fire Alarm Inspection (minimum).....	72.00
Plan Review Fee	99.00
Manual Pull Station.....	13.00
A/V, Strobe, Voice Speaker.....	13.00
Water Flow/Tamper Switch	13.00
Heat or Smoke Detector	13.00

Flame, Duct Detector	13.00
Auxiliary Panel	13.00
Electric Door Release.....	13.00
Elevator Recall Status.....	13.00
Fire Alarm Circuit.....	21.00
Alterations to existing system.....	59.00
Reinspection Fee.....	59.00
Miscellaneous Fire Alarm Fee.....	59.00

Plumbing Work

Application Fee (Non-refundable).....	41.00
Permit Fee (minimum)	49.00
Plumber's Registration.....	1.00
Journeyman Plumber's Registration.....	0.50
Fixture Inspection: (New and Replacement)	
New Installation (minimum).....	49.00
New Stack or Stack Alteration	19.00
Air Admittance Valve	19.00
Roof conductor	19.00
Sump or interceptor.....	19.00
Backflow preventor	19.00
Pump or Water Lift.....	19.00
Hose connection (sillcocks)	19.00
Water treatment device	19.00
Water closets.....	19.00
Shower traps	19.00
Baths.....	19.00
Water heater.....	33.00
Tankless water heater	33.00
Basement Waterproofing.....	49.00
Sinks (any description)	19.00
Lavatories	19.00
Laundry trays	19.00
Floor drains.....	19.00
Ice Maker	19.00
Back Water Valve	19.00
Thermal Expansion Tank.....	19.00
Bidet	19.00
Dental Chair.....	19.00
Grease or Oil Interceptor	19.00
Drinking fountains.....	19.00
Soda fountains/bars	19.00
Waste opening	19.00
Humidifiers	19.00
Food waste grinders.....	19.00
Dishwashers	19.00
Urinals.....	19.00
Whirlpools.....	38.00
Lawn Sprinkler Systems	44.00
All other fixtures not mentioned.....	19.00
Reinspection Fee.....	59.00
Special Equipment (automatic laundry, humidifier, beverage vending machine, vacuum systems, nitrous oxide, oxygen, nitrogen, medical air):	
Automatic Machines (minimum).....	33.00
Each additional.....	19.00
Building Sewer Connection – sump connection.....	51.00
Drains:	
Storm drains to catch basin for main storm sewer.....	298.00
Lines less than 4" in diameter	29.00
Lines less than 6" in diameter	34.00
Lines less than 8" in diameter	45.00
Lines less than 10" in diameter.....	59.00

Lines less than 12" in diameter.....	75.00
Lines less than 14" in diameter.....	89.00
Lines less than 16" in diameter.....	105.00
Lines less than 18" in diameter.....	120.00
Lines exceeding 18" in diameter (per inch).....	17.00
Water Distribution System:	
3/4"	23.00
1"	34.00
1 1/4"	39.00
1 1/2"	52.00
2"	68.00
2 1/2"	98.00
3"	112.00
4"	126.00
Exceeding 4"	150.00
Replace piping, no increase in size.....	39.00

Mechanical Work

Application Fee (Non-refundable).....	37.00
Permit Fee (minimum)	49.00
License/Registration	15.00
Gas-Fired Equipment; Oil Burners; New or Replacement –	
Burners with input:	
up to 75,000	51.00
75,001 to 500,000.....	58.00
500,001 – 1,000,000.....	102.00
1,000,001 – 2,000,000.....	116.00
2,000,001 – 3,000,000.....	145.00
over 3,000,000.....	174.00
Air Handlers:	
Up to 2,000 CFM.....	51.00
Over 2,000 CFM.....	102.00
Duct Work.....	51.00
Hydronic Piping.....	59.00
Gas Piping:	
Mains up to 2"	44.00
Mains 2 1/2" to 4"	58.00
Mains over 4".....	72.00
Each Opening off of Main.....	16.00
Factory Built Chimneys:	
Up to 8"	22.00
9" to 12"	33.00
Over 12"	44.00
Pre-Fab Fireplace.....	58.00
Flue Liner.....	38.00
Exhaust Fans:	
Up to 400 cfm	17.00
401 cfm to 1,000 cfm.....	22.00
1,001 cfm to 4,000 cfm	33.00
Over 4,000 cfm	44.00
Dryer Vents.....	22.00
Kitchen Hood and Duct (UL300/FM200).....	52.00
Spray Booth Hood and Duct.....	52.00
Alterations to existing installations.....	59.00
Alterations to existing boilers	59.00
Reinspection Fee	59.00
Refrigeration Systems –	
Self Contained:	
2 Tons or Less, each.....	44.00
Over 2 to 5 Tons, each.....	51.00
Alterations to each system	59.00

Remote Systems:	
5 Tons or Less, each.....	51.00
Over 5 to 50 Tons, each.....	72.00
Over 50 Tons, each	116.00
Alterations to each system	59.00
Cooling Towers	72.00
Stand Pipes and Fire Suppression:	
Riser pipe up to 4" diameter.....	45.00
Riser pipe up to 6" diameter.....	75.00
Riser pipe up to 8" diameter.....	105.00
Riser pipe 8" or more diameter	223.00
Each suppression opening (each head of the system).....	5.50
Alteration to existing system	59.00
Flammable and Bulk Storage Tanks:	
Tanks under 500 Gallons	51.00
Tanks under 5,000 Gallons.....	66.00
Tanks under 20,000 Gallons	87.00
Tanks under 50,000 Gallons	102.00
Tanks under 200,000 Gallons.....	116.00
Tanks over 200,000 Gallons.....	217.00

Buildings

Application Fee (Non-refundable).....	37.00
Plan Review Deposits (Non-refundable):	
Single Family Residential.....	560.00
Commercial Alteration	223.00
New Commercial/Industrial Building.....	1,115.00
Commercial/Industrial Addition.....	560.00
Building Permit Fees (all use groups):	
Valuation to \$1,000.....	57.00
Valuation \$1,001 to \$10,000.....	57.00 + 15.00 per 1,000.00 over 1,000.00
Valuation \$10,001 to \$100,000.....	226.00 + 6.00 per 1,000.00 over 10,000.00
Valuation \$100,001 to \$500,000	952.00 + 6.00 per 1,000.00 over 100,000.00
Valuation \$500,001 and over	4,130.00 + 6.00 per 1,000.00 over 500,000.00
Residential Bond (5% Retained)	520.00
Temporary C/O Refundable Bond	540.00
Multi-Family Bond (5% Retained)	780.00
Commercial Bond (5% Retained)	1,580.00
Industrial Bond (5% Retained).....	3,140.00
Mobile Homes	152.00
Plan Review Fee:	
Valuation \$0 - \$500,000	0.0040 of valuation but not less than 100.00
Valuation over \$500,000.....	2,420.00 + 0.0015 of valuation over 500,000.00
Residential Plan Review: If Plan Number is on File	112.00
Additional Expedited Commercial Interior Alteration Plan Review Fee.....	204.00
Miscellaneous Plan Review.....	68.00
Misc. Items (concrete, antennas, awnings, sheds, canopies, tents, gazebos, decks, porches, reroofs).....	68.00
Pigeon Loft Inspection	68.00
Replacement of Public Sidewalk Section(s) by Abutting Property Owner.....	37.00
Use Permit (tenant space).....	98.00
Fire Repair/Water Repair	236.00
Fire Inspection Fee (New City Businesses).....	92.00
Reinspection Fee	59.00
Demolition:	
Plan review and administration base fee	68.00 + 0.10 per square ft.
Swimming Pools:	
Above Ground	72.00
Below Ground.....	145.00
Signs:	
Application Fee (non-refundable).....	37.00
Plan Review Fee	68.00

Permanent	150.00
Temporary.....	68.00
Contractor Registration Fee.....	27.00
Residential Basement Finish	236.00
Residential Interior Finish	236.00
Minor Commercial Alterations under 400 sq. ft.	223.00

Sec. 3.03

CITY ADMINISTRATION:

Amusement Device License:	
Types A & B	965.00 + 63.00 per device
Renewal Fee	197.00 + 37.00 per device
Type C.....	965.00
Renewal Fee	198.00
Attorney Services	Attorney fees & costs
Auction Sales License (per day)	25.00
Auctioneer License.....	58.00
Business Registry License.....	48.00
Carnival/Festival License.....	76.00 + 6.00 each booth, ride, etc.
Cigarette Vending Machine License	67.00 + 6.00 each additional machine
Death and Birth Certificate (Non-FOIA)	24.00
Additional Copies (Non-FOIA)	9.00
Dog License:	
Newly Acquired Dog - Jan. 1 to Oct. 31 OR License Renewal - Jan. 1 to Mar. 31:	
Spayed/Neutered Dog:	
1-Year License	8.00
2-Year License	14.00
3-Year License	20.00
Unaltered Dog:	
1-Year License	21.00
2-Year License	40.00
3-Year License	59.00
Newly Acquired Dog - Nov. 1 to Dec. 31	
Spayed/Neutered Dog:	
1-Year License	4.00
Unaltered Dog:	
1-Year License	10.50
Newly Acquired Dog - Registering later than 30 days after acquisition:	
Additional Late Fee	10.00
License Renewal - After Mar. 31:	
Additional Late Fee	10.00
Senior (60+) Owner.....	No charge
Service Dog.....	No charge
Potentially Dangerous Dog Annual License Fee.....	57.00
Replacement Dog Tag.....	4.50
Fire Inspection Fee (new City businesses – charged by Building)	92.00
Going Out of Business Sales License.....	50.00
Renewal Fee	50.00
House Moving License.....	76.00
Industrial Development District Filing Fee.....	1,000.00
Industrial Facilities Exemption Certificate Filing Fee.....	2,100.00
Industrial Facilities Exemption Certificate Application Amendment Fee.....	1,000.00
Industrial Facilities Exemption Certificate Transfer Fee.....	1,000.00
New Personal Property Exemption Fee	2,100.00
Junk Yard License.....	280.00
Medical Marijuana Location Registration Fee	355.00
Mobile Vending License	193.00
Pawnbroker License.....	500.00
Refuse Collection License	101.00 + 7.00 each truck

Secondhand Goods Merchant Registration Fee	106.00
Snow Removal License	197.00
Solicitor/Peddler License.....	126.00
Tattoo Permit.....	580.00
Taxi License (annual fee)	99.00+ 12.00 per vehicle
Massage Establishment License	665.00
Renewal Fee Massage Establishment License.....	335.00
Precinct Map.....	5.00
City Street Map.....	6.00
Zoning Map.....	5.00
City Budget.....	53.00
Municipal Improvement Program	33.00
City Financial Audit	33.00
Collective Bargaining Agreement.....	6.30
Election Results.....	9.80
Voter and Business Registry Labels (per page)	1.35
Voter and Business Registry Lists (per computer hour).....	Payroll + 0.05/page
Voter Data CD.....	30.00
Liquor License: Class C	2,120.00
Tavern	2,120.00
SDD & SDM	2,120.00
Entertainment and/or Dance Permit	2,120.00
Extended Hours Permit.....	2,120.00
Shareholder Partial Transfer.....	1,050.00
Hotel/Motel License.....	2,120.00
Renewal Fee Hotel/Motel License.....	1,050.00
Certifications.....	6.00
Photo Copies – Black & White (Non-FOIA).....	2.00
Additional Pages – Black & White (Non-FOIA)	0.30
Photo Copies – Color (Non-FOIA)	2.00
Additional Pages – Color (Non-FOIA)	0.85
Microfilm Copies (per page) (Non-FOIA).....	5.60
Recording Fee (formerly Encroachment Fee).....	50.00
Notary Fee.....	10.00
Audio Tape Recordings - prepay minimum (Non-FOIA)	20.00
Fireworks Display Permit.....	730.00
Close Proximity Pyrotechnic Display Permit.....	730.00
Sterlingfest Art Fair Applications	230.00
Double Booth Fee	410.00
Corner Booth Additional Charge.....	30.00
Sterlingfest Art Fair Vendor Jury Fee (Non-Refundable)	17.00
“Taste of the Town” Sterlingfest Booth – Food Cart Vendors	665.00
“Taste of the Town” Sterlingfest Booth - Restaurateurs	1,515.00
DVD Dubs	
Resident (Non-FOIA).....	27.00
Non-Resident (Non-FOIA).....	37.00
Gazebo Rental (per event):	
Resident	60.00
Non-Resident	92.00
Gazebo Rental for Photographs Only (per 1 hour rental):	
Resident	33.00
Non-Resident	46.00
Upton House Rental – (per 4 hour rental):	
Resident	60.00
Non-Resident	92.00
Sterling Heights Magazine Advertisement Fees:	
Full Page Ad (Full Color).....	1,569.00
Full Page Ad (Two Color)	1,344.00
One-Half Page Ad (Full Color).....	897.00
One-Half Page Ad (Two Color).....	784.00
One-Fourth Page Ad (Full Color)	506.00
One-Fourth Page Ad (Two Color).....	448.00

Sidewalk Repair and Gap Programs	Cost +20%
Easement Vacations.....	Attorney fee+ 245.00
Easement Encroachments.....	265.00
Building Number Assignments (per address)	23.00
S.E.S.C. Review Fee for:	
Commercial, Industrial, Multi-Family, Subdivision	¼ of 1% of first \$500,000.00
.....	+1/8 of 1% over \$500,000.00 (50.00 minimum)
Single-Family Residential House	71.00
Underground Private Utility	0.05 linear foot (50.00 minimum)
S.E.S.C. Inspection Fees.....	Payroll + 180%
S.E.S.C. Inspection by Consultant.....	Consultant fee +10%
S.E.S.C. Permit Renewal Fee (\$50 min.)	10% of Permit Fee
Water & Sewer Permit Revision Review Fee.....	105.00
Public Services Agreement Execution Fee	34.00
Recording Fee	40.00
Water & Sewer Debt Service Agreement Finance Charge.....	20%
Document Copying for:	
24" x 36" Prints (Xerox 2510 or blue-line)	8.00 each
34" x 34" Prints (Xerox 2510 or blue-line)	8.00 each
Larger than 34" x 34" (Xerox 2510 or blue-line).....	8.00 each
Detail Sheets (Mylar)	10.00 each
Topographic Map 36" x 36" (blue-line).....	43.00 each
Planimetric Map 36" x 36" (blue-line).....	26.00 each
Overall Watermain Map (blue-line).....	9.00 each
Overall Sanitary Sewer Map (blue-line)	9.00 each
Overall Storm Sewer Map (blue-line)	9.00 each
Master Storm Sewer Plan (book form)	50.00 each
Master Watermain Plan (book form).....	38.00 each
Master Sanitary Sewer Plan (book form)	38.00 each
Master Road Plan (book form) 1998 HRC	50.00 each
Municipal Civil Infraction for Various Soil Erosion and Sedimentation Control Regulations:	
First and Subsequent Repeat Offenses	750.00
Municipal Civil Infraction for Unabated Knowing Violations of City Code Chapter 17:	
Each Violation	5,000.00
First Repeat Offense	7,500.00
Second and Subsequent Repeat Offenses.....	10,000.00
Municipal Civil Infraction for Unabated Knowing Violations After a Notice of Determination:	
Each Violation	10,000.00
First Repeat Offense	15,000.00
Second and Subsequent Repeat Offenses.....	20,000.00
* Class 1 projects include drain enclosures, channel improvements, sanitary sewer, water main, and pavement overlay.	
** Class 2 projects include new road construction or reconstruction, bridges, pumping stations, etc.	

Sec. 3.06

FIRE DEPARTMENT:

Fire Reports: First Page (Non-FOIA).....	12.00
Additional Pages (Non-FOIA)	1.00
Digital Photographs:	
5" x 7" Color Print (Non-FOIA)	33.00
8" x 10" Color Print (Non-FOIA)	33.00
8" x 10" Contact Sheet (Non-FOIA)	33.00
Compact Disc (Non-FOIA)	26.00
Burning Permit.....	205.00
Fireworks Sales Permit	730.00
Fireworks Display Permit.....	730.00
Close Proximity Pyrotechnic Display Permit.....	730.00
Board of Code Appeals	245.00
Witnessed Acceptance Test Fee	173.00

Off-Hour Witnessed Acceptance Test Fee (3 hour minimum)	797.00
Each additional hour.....	266.00
Reinspection Fee for Witnessed Acceptance Test.....	173.00
Phase I Site Inspection (1 hour minimum).....	61.00 + 36.00 per hour
Special Fire Prevention Inspection (festivals, craft shows, carnivals, haunted houses, flea markets)	
Each Inspection.....	188.00
Each Re-Inspection	188.00
Off-Hour Inspection (3 hour minimum)	266.00
Each Additional Hour.....	78.00
Off-Hour Re-Inspection (3 hour minimum)	266.00
Each Additional Hour.....	78.00
Plan Review Fee.....	163.00
Resubmitted Plan Review Fee.....	54.00
Explosive Materials Permit Fee	200.00
Requested Fire Services (Schools, Businesses, Hazmat Incidents, etc.)	Cost + 30%
Reinspection Fees:	
First Reinspection.....	No Fee
Second and Subsequent Reinspections	116.00
False Alarm Fees: (within a 12 month period)	
First Response.....	No Fee
Second Response	155.00
Third Response.....	325.00
Fourth and Subsequent Responses.....	655.00
Municipal Civil Infraction:	
First Offense Each Violation.....	150.00
First Repeat Offense	375.00
Second Repeat Offense.....	750.00
Third and Subsequent Repeat Offenses	1,500.00
Municipal Civil Infraction for Violation of a Stop Work Order:	
First Offense Each Violation.....	150.00
First Repeat Offense	375.00
Second Repeat Offense.....	750.00
Third and Subsequent Repeat Offenses	1,500.00

Sec. 3.07

NEIGHBORHOOD SERVICES:

Administrative Warrant	125.00
Board of Ordinance Nuisance Abatement Appeals	225.00
Board of Ordinance Noxious Weed Appeals.....	50.00
Single Family Res. Non-Homestead Inspection Fee (biennial)	130.00
Nuisance Abatement Administrative Fee.....	25%
Nuisance Abatement Agreement Execution Fee.....	Attorney Fee + 25%
Sidewalk Snow Removal Fee	Cost + 25% + 59.00
Claimed Signs:	
16 sq. ft. or less	5.00 each
17 – 31 sq. ft.....	25.00 each
32 sq. ft. and over	120.00 each
Code Enforcement Inspection	58.00
Real Estate Sign Removal Fee.....	Contract Costs + 25% Administration Fee
Municipal Civil Infraction (Residential Parking and Signs):	
Each Violation	100.00
First Repeat Offense	250.00
Second and Subsequent Repeat Offenses.....	500.00
Municipal Civil Infraction for Prohibited Parking during a Snow Emergency:	
Each Violation	25.00
First Repeat Offense	100.00
Second and Subsequent Repeat Offenses.....	125.00

Sec. 3.08

PARKS & RECREATION:

Pavilion Rental:	
Weekday (Resident).....	68.00
(Non-Resident).....	102.00
Weekend (Resident).....	91.00
(Non-Resident).....	136.00
Picnic Kits:	
Weekday (Resident).....	11.00
(Non-Resident).....	16.00
Weekend (Resident).....	31.00
(Non-Resident).....	46.00
Nature Center Classes:	
School Field Trips (WCS/UCS Schools).....	31.00
(All Other Districts per class).....	46.00
Children’s Nature Classes (Resident).....	8.00
(Non-Resident).....	12.00
Scout Badge Classes (Resident).....	9.00
(Non-Resident).....	13.00
Birthday Parties (Resident).....	118.00
(Non-Resident).....	153.00
Parent & Tot Classes:	
1 Child Per Family (Resident).....	51.00
(Non-Resident).....	76.00
2 Children Per Family (Resident).....	57.00
(Non-Resident).....	86.00
Summer Playground:	
Resident.....	106.00
Non-Resident.....	159.00
Field Trip Bus Fee (Per Person).....	8.00
Special Recreation Dances:	
Pre-Registered (Resident).....	7.50
(Non-Resident).....	10.50
Registration at the Door (Resident).....	9.50
(Non-Resident).....	13.50
Staff Registration.....	1.00
Prom Dance – Individual (Resident).....	17.50
(Non-Resident).....	26.25
Special Recreation Playgrounds:	
Physically or Otherwise Health Impaired (P.O.H.I.) – Individual (Resident).....	159.00
(Non-Resident).....	239.00
Physically or Otherwise Health Impaired (P.O.H.I.) – Family (Resident).....	268.00
(Non-Resident).....	402.00
Mentally Impaired (M.I.) – Individual (Resident).....	159.00
(Non-Resident).....	239.00
Mentally Impaired (M.I.) – Family (Resident).....	268.00
(Non-Resident).....	402.00
Special Recreation:	
Crafts (Resident).....	8.00
(Non-Resident).....	12.00
Creative Cooking (Resident).....	8.00
(Non-Resident).....	12.00
Line Dance Exercise (Resident).....	45.00
(Non-Resident).....	67.00
Softball – Individual (Resident).....	50.00
(Non-Resident).....	65.00
Softball – 2nd player - Same Family (Resident).....	40.00
(Non-Resident).....	55.00
Softball – 3rd player - Same Family (Resident).....	30.00
(Non-Resident).....	45.00

Farmers Market:	
Advanced Pay-Full Season	332.00
Per-Day Rate.....	23.00
Electricity (Additional Fee Per Day)	5.00
Vendor Alcohol Permit Per Day.....	5.00
Vendor Alcohol Permit Full Season	51.00
Coffeehouse Tickets:	
Advance Tickets (Resident).....	15.00
(Non-Resident).....	19.00
Subscription (Resident).....	25.00
(Non-Resident).....	33.00
At the Door Sales (Resident).....	16.00
(Non-Resident).....	21.00
Karate:	
Resident	51.00
Non-Resident	66.00
Yoga/Fitness Classes:	
Resident	43.00
Non-Resident	56.00
Zumba:	
Resident	61.00
Non-Resident	79.00
Men's Gym:	
Resident	46.00
Non-Resident	59.00
Senior Boys Basketball	500.00
Men's Softball	908.00
Co-ed Softball.....	592.00
Women's Softball	592.00
Ball Field Rental Fees – Seasonal:	
Delia or LWB Park (per field per day):	
MABF Teams/Church Teams.....	398.00
All Other Users	423.00
All Users – Lighted Fields Additional Fee (per day).....	63.00
Jaycee Park (per field per day):	
MABF Teams/Church Teams.....	275.00
All Other Users	300.00
Ball Field Rental Fees – Daily:	
Delia or LWB Park (per field per day):	
MABF Teams/Church Teams.....	69.00
All Other Users	79.00
All Users – Lighted Fields Additional Fee (per day).....	64.00
Jaycee Park (per field per day):	
MABF Teams/Church Teams.....	47.00
All Other Users	57.00
Ball Field Request to Groom/Stripe Additional Fee	Cost + 25%
Soccer Field Rental Fees (per field per season):	
Travel Clubs:	
Seasonal 1-3 days/week	570.00
Seasonal 4-7 days/week	870.00
Camp/Other	
Weekly (one week only).....	204.00
Daily	85.00
Sand Volleyball League.....	233.00
Daddy/Daughter Dance:	
Resident Couple.....	46.00
Non-Resident Couple.....	60.00
Additional Resident Daughter.....	20.00
Additional Non-Resident Daughter.....	25.00
Mother/Son Cookout:	
Resident Couple.....	18.00
Non-Resident Couple.....	24.00

Gymnastics:	
One-half Hour Class (Resident).....	46.00
(Non-Resident)	69.00
One Hour Class (Resident).....	57.00
(Non-Resident)	85.00
Dance:	
Fall Session (Resident)	53.00
(Non-Resident).....	68.00
Winter/Spring Session (Resident).....	85.00
(Non-Resident)	110.00
30 Minute Dance Classes:	
Fall Session (Resident)	42.00
(Non-Resident).....	54.00
Winter/Spring Session (Resident).....	54.00
(Non-Resident).....	70.00
Ballroom:	
Resident	41.00
Non-Resident	61.00
Senior Center Activities:	
Arthritis Exercise (Resident).....	5.00
(Non-Resident).....	7.00
Exercise (Resident)	6.00
(Non-Resident).....	9.00
Golf League (Resident)	17.00
(Non-Resident)	25.00
Line Dance (Resident).....	5.00
(Non-Resident).....	7.00
Senior News Subscription per year (Resident)	15.00
(Non-Resident).....	22.50
Stained Glass Class (Resident)	7.00
(Non-Resident).....	10.50
Tai Chi (Resident).....	6.00
(Non-Resident).....	9.00
Zumba Gold (Resident)	5.00
(Non-Resident).....	7.00
Senior Bus Trip:	
1 day..... (Resident).....	8.00
(Non-Resident)	12.00
2-4 days....(Resident).....	15.50
(Non-Resident)	23.25
Extended..(Resident)	34.00
(Non-Resident)	51.00
SMART Bus Day Trips (Resident).....	4.00
(Non-Resident).....	6.00
Senior Activity Fee - per day (Resident).....	0.25
(Non-Resident).....	0.50
Senior Center Gymnasium Activities:	
Track Usage Fee – After Hours (Resident)	1.00
(Non-Resident)	1.50
Gymnasium Usage Fee – After Hours (Resident).....	2.00
(Non-Resident).....	3.00
Parks and Recreation Plan	9.00

Sec. 3.09

PLANNING:

Special Approval Land Use.....	580.00
Temporary Use.....	424.00
Administrative Review.....	260.00
Temporary Use Vendor License.....	50.00
Variances to Subdivision Regulations	424.00

Right-of-Way Vacations	640.00
Rezoning Petition:	
First Acre	1,805.00
Additional Acre	70.00
Public Hearing Postponements (Petitioner Requested)	47.00
Ordinance Text Amendment.....	1,805.00
Subdivision Plat	1,415.00
Each lot over 100 lots.....	9.50
Subdivision Open Space and One-Family Cluster Development	790.00
Tree Preservation – Site Plans and Plats	895.00
Tree Preservation – Single Family Lot (less than one acre)	195.00
Tree Preservation Administrative Fee	25% of landscape plan inspection fees
Tree Preservation Inspection Fee (per inspection/re-inspection)	Payroll + 175%
No Tree Affidavit.....	126.00
Site Plan Review:	
First Acre	433.00
Additional Acre	72.00
Site Plan Review by Planning Commission:	
First Acre	581.00
Additional Acre	72.00
As Built Revisions	256.00
Master Land Use Report	40.00
Master Land Use Map.....	12.75
Subdivision Plat Print (per sheet).....	12.75
Subordination of Lien.....	150.00
Zoning Board of Appeals:	
Regular Meeting	430.00
Special Meeting	855.00
Zoning Compliance Letter.....	63.00
Landscape Plan Inspection.....	25% of site plan fees
Municipal Civil Infraction:	
Each Violation	150.00
First Repeat Offense	375.00
Second Repeat Offense.....	750.00
Third or Subsequent Repeat Offenses.....	1,500.00

Sec. 3.10

POLICE DEPARTMENT:

Police Reports:	
First Page (Non-FOIA)	12.00
Additional Pages (Non-FOIA)	2.00
Clearance Letter.....	17.00
Noncriminal Fingerprint Card	26.00
Photos: 8" x 10" Color (Non-FOIA)	34.00
5" x 7" Color (Non-FOIA).....	32.00
8" x 10" Contact Sheet (Non-FOIA)	32.00
Compact Disc (Non-FOIA)	47.00
Administrative Towing Fees: (Charged to Towing Company)	
Inspection of VIN	24.00
Reports on TR-52 Tracking	29.00
Administration and Presence at Auction	600.00
Audio Tape Duplication Fee (Non-FOIA).....	43.00
Video Tape, DVD, CD Duplication Fee (Non-FOIA)	47.00
Animal Give-up Fee:	
No Euthanasia	40.00
Euthanasia.....	75.00
Animal Impoundment Fee (Released from Station)	32.00
Macomb County Daily Animal Care Fee.....	21.00
Animal Trap Rental Fee (per 5 days)	50.00
Animal 10-Day Quarantine Fee.....	250.00

Rabies Testing:	
Euthanasia Not Required.....	77.00
Euthanasia Required	152.00
Treatment Rendered to an Animal.....	Cost
Use of Tranquilizer Equipment	155.00
County Animal Control Officer Fee	Cost
Personal Breathalyzer Test (PBT)	25.00
Booking Photo (Non-FOIA).....	11.00
Notary Fee for Gun Permits.....	10.00
Park Alcohol Permit Fee.....	35.00
Temporary Liquor License Application Fee	35.00
Outdoor Service Permit.....	263.00
Requested Police Services (Schools, Businesses, Hazmat Incidents, etc.).....	Cost + 30%
Towed Vehicle Impound Fee.....	30.00
Correctable Traffic Violation	10.00
Warrant Fee (All Warrants).....	10.00
False Alarm Fees: (within a 12 month period)	
First Response.....	No fee
Second Response	No fee
Third Response (Residential).....	36.00
Third Response (Non-Residential).....	101.00
Fourth Response (Residential).....	68.00
Fourth Response (Non-Residential).....	205.00
Fifth and Subsequent Responses (Residential)	135.00
Fifth and Subsequent Responses (Non-Residential).....	405.00
Municipal Civil Infraction (including Animal Control Regulations):	
Each Violation	150.00
First Repeat Offense	375.00
Second Repeat Offense.....	750.00
Third and Subsequent Repeat Offenses	1,500.00
Municipal Civil Infraction for Prohibited Parking during a Snow Emergency:	
Each Violation	25.00
First Repeat Offense	100.00
Second and Subsequent Repeat Offenses.....	125.00
Municipal Civil Infraction for Youth Curfew Violations:	
Each Violation	25.00
First Repeat Offense	50.00
Second and Subsequent Repeat Offenses.....	100.00
Municipal Civil Infraction for Violation of Bicycle Regulations (City Parks):	
Each Violation	10.00
First Repeat Offense	25.00
Second and Subsequent Repeat Offenses.....	50.00

Sec. 3.11

PUBLIC LIBRARY:

Overdue fines (per day):	
Hardcover Books (maximum \$15.00).....	0.25
Paperback Books (maximum \$5.00).....	0.25
Magazines (maximum \$5.00).....	0.25
Audios (maximum \$15.00).....	0.25
Compact Discs (maximum \$15.00).....	0.25
DVD's (maximum \$15.00).....	0.25
Replacement Library Card	3.00
Suburban Library Cooperative Non-Resident Library Card.....	200.00
Black & White Copy/Computer Print	0.10
Color Copy/Computer Print	1.00
Microfilm/Microfiche Print (per copy).....	0.20
Internet Use Without Library Card (per day).....	4.00
Municipal Civil Infraction:	
Each Violation	75.00

First Repeat Offense	150.00
Second or Subsequent Repeat Offenses	300.00

Sec. 3.12

PUBLIC WORKS DEPARTMENT:

Sewer Inspection.....	105.00
Sewer Tap.....	1,150.00
Sewer Capital/Unit	
Residential.....	855.00
Commercial/Industrial (per 1,000 sq. ft.)	440.00
Sewer Frontage (per front ft.).....	71.00
Sewage Disposal Service Only (per billing).....	80.00
Residential and Commercial Water Meters:	
¾" Remote.....	395.00
1" Remote.....	450.00
1 ½" Remote	770.00
2" Compound Remote.....	2,000.00
3" Compound Remote.....	3,530.00
4" Compound Remote.....	4,950.00
6" Compound Remote.....	7,340.00
Double Check Detector Assembly with Meter:	
3".....	1,970.00
4".....	2,070.00
6".....	2,970.00
8".....	5,380.00
10".....	7,830.00
Water Inspection	105.00
Water Tap	
1".....	1,090.00
1 ½".....	1,490.00
2".....	1,740.00
3".....	3,490.00
4".....	3,770.00
6".....	4,310.00
Additional Charge for 86 ft. wide street:	
1".....	350.00
1 ½".....	400.00
2".....	540.00
Additional Charge for 120 ft. wide street:	
1".....	690.00
1 ½".....	890.00
2".....	1,150.00
Additional Charge for 204 ft. wide street:1,440.00	
1".....	1,640.00
1 ½".....	2,090.00
2".....	2,980.00
Water Capital/Unit:	
Residential.....	670.00
Commercial/Industrial (per 1,000 sq. ft.)	360.00
Water Frontage (per front ft.)	40.00
Monitor Surcharge.....	per City of Detroit Industrial Waste Control Rate Structure
Water Turn On Fee.....	91.00
Water Service Fee (avoidable & repeat visits).....	91.00
Water Service Abandonment Fee:	
Residential.....	470.00
Commercial	Contract Costs + 940.00
Sewer Service Abandonment Fee.....	105.00
Water Service Re-Use Fee	
Residential.....	470.00
Commercial	Contract Costs + 940.00

Sewer Service Re-Use Fee	105.00
Water Meter Testing Fee	104.00
Water Meter Rescheduling Fee.....	91.00
Non-Compliance with Back Flow Fee.....	214.00
Automatic Fixed Network Meter Read Permit	174.00
Final Water Meter Read.....	35.00
Final Water & Sewer Bill Preparation Fee	14.00
Citizen Water Service Request – after hours	91.00
Public Works Services Provided.....	Cost + 25%
Water Meter Removal/Reinstallation for common area irrigation system.....	199.00
Landlord/Tenant Affidavit Filing Fee.....	155.00
Fire Hydrant Rental – Payable by City	26.50
Private Use of Fire Hydrant:	
Per Hydrant.....	110.00 per month + 330.00 water usage deposit
Bypass Inspection Fee	Back bill + 140.00
Common Area Irrigation System Permit	390.00
Planting of tree in right-of-way	205.00
Culvert installation permit.....	94.00
Ditch enclosure permit	94.00
Monitoring well installation permit	450.00
Sewer connection to discharge treated ground water.....	450.00
Cutting of noxious weeds.....	Contract costs + 60% administrative fee + 34.00 fine
Special Pickup/Additional Refuse Collection.....	Contract costs + 25% administrative fee
Refuse Collection Fees (Schools).....	Contract costs
Refuse Collection Fees (Mobile Home Parks and Apartment Complexes).....	Contract costs
.....	+ 5% administrative fee – refuse taxes paid
Curbside Recycling License (min. \$1,500/year)	1% of program revenue based upon previous year
Debris Removal Fee.....	Contract Costs + 25% administrative fee
Tree Branch Chipping Fee	65.00
Fleet Services Requested by Other Cities.....	Cost + 30%
Municipal Civil Infraction:	
Each Violation	150.00
First Repeat Offense	375.00
Second Repeat Offense.....	750.00
Third and Subsequent Repeat Offenses	1,500.00
Municipal Civil Infraction for Trash Placed at Curb Outside of Permitted Hours:	
Each Violation	25.00
First Repeat Offense	50.00
Second and Subsequent Repeat Offenses.....	100.00
Municipal Civil Infraction for Violation of a Mandatory Water Restriction:	
Each Violation	25.00
First Repeat Offense	50.00
Second and Subsequent Repeat Offenses.....	100.00
Municipal Civil Infraction for Raking Leaves Into Street:	
Each Violation	25.00
First Repeat Offense	50.00
Second and Subsequent Repeat Offenses.....	100.00

Sec. 3.13

TREASURY OFFICE:

Bounced Check Fee.....	30.00
Delinquent Bill to Tax Roll Penalty (excluding Water & Sewer)	17%
Late Payment Penalty.....	6%
Penalty Assessment on Delinquent Taxes.....	3%
Attorney Review Fee for Liens or Discharges	79.00
Subordination of Lien.....	510.00
Annual Lien Penalty	6% + lien filing costs
O.U.I.L./O.U.I.D.....	325.00 + additional reimbursements
Property Tax Administration Fee (P.T.A.F.)	1%

Municipal Civil Infraction for Failure to Pay Police or Fire False Alarm Invoices:	
Each Violation.....	150.00
First Repeat Offense	375.00
Second Repeat Offense.....	750.00
Third and Subsequent Repeat Offenses	1,500.00

ARTICLE IV

The City Manager is hereby authorized to make transfers within the budgetary centers established in this ordinance but all transfers between budgetary centers, contingencies, reserves, and fund balances shall be made only by further action of the City Council pursuant to law; the City Manager is hereby authorized to sign letters of severance after notifying the City Council and establish City programs which are a de minimis, but necessary expenditure for the benefit of the recipient employee and funded through appropriations in this ordinance; the City Manager is hereby authorized to release bidding documents for those capital items and recurring commodities expressly authorized within appropriations in this ordinance for public review by the City Council following receipt of bids.

ARTICLE V

SEVERABILITY

If any clause, sentence, paragraph, or part of this ordinance, or the application thereof to any person or circumstance, shall for any reason be adjudged by any Court of competent jurisdiction to be unconstitutional or invalid, said judgment shall not affect, impair, or invalidate the remainder of this ordinance and the application of such provision to other persons or circumstances, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered and to the person or circumstances involved. It is hereby declared to be the legislative intent of this body that the ordinance would have been adopted had such invalid provision not been included.

ARTICLE VI

EFFECTIVE DATE

This ordinance shall become effective upon publication.

AYES: _____

NAYES: _____

ABSENT: _____

City of Sterling Heights
City Clerk

GENERAL FUND BUDGET AMENDMENT SUMMARY

2016/17

	Original Budget	First Amendment 12/20/16	Second Amendment	Amended Budget
REVENUES				
City Taxes	\$ 38,313,350			\$ 38,313,350
Licenses & Permits	2,095,000			2,095,000
State & Local Returns	14,937,250	76,350		15,013,600
Fines & Forfeitures	2,690,000			2,690,000
Charges for Services	10,011,620			10,011,620
Other Revenue	2,853,840			2,853,840
Cable Revenue	2,625,000			2,625,000
Use of Fund Balance	0			0
Total General Revenues	73,526,060	76,350	0	73,602,410
Refuse Tax	4,469,150			4,469,150
Fire & Police Pension Tax	7,994,750			7,994,750
Safe Streets Tax	6,868,270			6,868,270
Total Other Tax Revenues	19,332,170	0	0	19,332,170
Total Revenues	92,858,230	76,350	0	92,934,580
OTHER FINANCING SOURCES				
Transfers In	0			0
Total Other Financing Sources	0	0	0	0
Total Revenues & Other Financing Sources	\$ 92,858,230	\$ 76,350	\$ 0	\$ 92,934,580
EXPENDITURES				
City Administration Department	\$ 7,086,610	\$990		\$ 7,087,600
Public Library Department	2,631,170			2,631,170
Parks & Recreation Department	1,957,950			1,957,950
Police Department	34,775,200	520		34,775,720
Fire Department	17,326,250	101,430		17,427,680
Public Works Department	6,578,470			6,578,470
Refuse Collection	4,494,150			4,494,150
City Development Department	5,625,560	25,310		5,650,870
Community Relations Department	1,091,080	220		1,091,300
41-A District Court	3,271,140			3,271,140
General Expenditures	1,238,270			1,238,270
Contribution to Fund Balance	786,880	(52,120)		734,760
Total Expenditures	86,862,730	76,350	0	86,939,080
OTHER FINANCING USES				
Transfers Out	5,995,500			5,995,500
Total Other Financing Uses	5,995,500	0	0	5,995,500
Total Expenditures & Other Financing Uses	\$ 92,858,230	\$ 76,350	\$ 0	\$ 92,934,580

See page 47-48 for transaction detail

WATER & SEWER OPERATIONS/RECEIVING FUND
BUDGET AMENDMENT SUMMARY
2016/17

	Original Budget	First Amendment 12/20/16	Second Amendment	Amended Budget
REVENUES				
Operating Revenue	\$ 46,882,890			\$ 46,882,890
Use of Net Assets	391,620	15,650		407,270
Total Revenues	\$ 47,274,510	\$ 15,650	\$ 0	\$ 47,290,160
EXPENDITURES				
Administration	\$ 4,099,270			\$ 4,099,270
Water Distribution	18,038,510	15,650		18,054,160
Sewage Collection	25,136,730			25,136,730
Contribution to Net Assets	0			0
Total Expenditures	\$ 47,274,510	\$ 15,650	\$ 0	\$ 47,290,160

See page 49 for transaction detail

MAJOR ROAD FUND BUDGET AMENDMENT SUMMARY
2016/17

	Original Budget	First Amendment 12/20/16	Second Amendment	Amended Budget
REVENUES				
Fund Balance, 6/30/16	\$ 1,032,310	\$ 1,531,710		\$ 2,564,020
Federal Grants	0			0
State Sources	7,131,000	301,750		7,432,750
Other Revenue	168,000			168,000
Total Revenues	8,331,310	1,833,460	0	10,164,770
OTHER FINANCING SOURCES				
Transfer from General Fund	500,000			500,000
Total Other Financing Sources	500,000	0	0	500,000
Total Revenues & Other Financing Sources	\$ 8,831,310	\$ 1,833,460	\$ 0	\$ 10,664,770
EXPENDITURES				
Administration Expenses	\$ 131,070			\$ 131,070
Major Street Maintenance	2,637,000			2,637,000
Major Street Improvements	3,138,000	1,833,460		4,971,460
Contribution to Fund Balance	0			0
Total Expenditures	5,906,070	1,833,460	0	7,739,530
OTHER FINANCING USES				
Transfer to Road Bond Debt Retirement Fund	1,925,240			1,925,240
Transfer to Local Road Fund	1,000,000			1,000,000
Total Other Financing Uses	2,925,240	0	0	2,925,240
Total Expenditures & Other Financing Uses	\$ 8,831,310	\$ 1,833,460	\$ 0	\$ 10,664,770

See page 50 for transaction detail

LOCAL ROAD FUND BUDGET AMENDMENT SUMMARY
2016/17

	Original Budget	First Amendment 12/20/16	Second Amendment	Amended Budget
REVENUES				
Net Property Taxes	\$ 3,233,330			\$ 3,233,330
Federal Grants	0			0
State Sources	2,640,000			2,640,000
Charges for Services	36,000			36,000
Other Revenue	10,470			10,470
Total Revenues	5,919,800	0	0	5,919,800
OTHER FINANCING SOURCES				
Transfer from Major Road Fund	1,000,000			1,000,000
Transfer from General Fund	400,000			400,000
Total Other Financing Sources	1,400,000	0	0	1,400,000
Total Revenues & Other Financing Sources	\$ 7,319,800	\$ 0	\$ 0	\$ 7,319,800
EXPENDITURES				
Administration Expenses	\$ 155,070			\$ 155,070
Local Street Maintenance	1,848,000			1,848,000
Local Street Improvements	4,794,000	307,370		5,101,370
Contribution to Fund Balance	522,730	(307,370)		215,360
Total Expenditures	7,319,800	0	0	7,319,800
OTHER FINANCING USES				
Transfer to Road Bond Debt Retirement Fund	0			0
Total Other Financing Uses	0	0	0	0
Total Expenditures & Other Financing Uses	\$ 7,319,800	\$ 0	\$ 0	\$ 7,319,800

See page 51 for transaction detail

LAND & WATER CONSERVATION FUND
BUDGET AMENDMENT SUMMARY
2016/17

	Original Budget	First Amendment 12/20/16	Second Amendment	Amended Budget
REVENUES				
Fund Balance, 6/30/16	\$ 487,400	\$ (146,460)		\$ 340,940
Federal & State Sources	0			0
Other Revenue	2,600	81,000		83,600
Total Revenues	490,000	(65,460)	0	424,540
OTHER FINANCING SOURCES				
Transfer from General Fund	240,000			240,000
Total Other Financing Sources	240,000	0	0	240,000
Total Revenues & Other Financing Sources	\$ 730,000	\$ (65,460)	\$ 0	\$ 664,540
EXPENDITURES				
Land Acquisition	\$ 65,000	\$ 26,310		\$ 91,310
Land Improvements	665,000	\$ (91,770)		573,230
Contribution to Fund Balance	0			0
Total Expenditures	\$ 730,000	\$ (65,460)	\$ 0	\$ 664,540

See page 52 for transaction detail

PUBLIC SAFETY FORFEITURE FUND
BUDGET AMENDMENT SUMMARY
2016/17

	Original Budget	First Amendment 12/20/16	Second Amendment	Amended Budget
REVENUES				
Fund Balance, 6/30/16	\$ 154,650	\$ (117,220)		\$ 37,430
Federal Forfeitures	0	111,200		111,200
Treasury Forfeitures	0			0
State Forfeitures	1,000	33,260		34,260
Gambling Forfeitures	0	830		830
OWI Forfeitures	0	7,010		7,010
ACT 302 Training Funds	30,800			30,800
Interest Income	410	370		780
Total Revenues	\$ 186,860	\$ 35,450	\$ 0	\$ 222,310
EXPENDITURES				
Federal Forfeitures	\$ 117,320	\$ 7,600		\$ 124,920
Treasury Forfeitures	0	23,450		23,450
State Forfeitures	21,240			21,240
Gambling Forfeitures	7,000	2,830		9,830
OWI Forfeitures	10,500	1,570		12,070
ACT 302 Training Funds	30,800			30,800
Total Expenditures	\$ 186,860	\$ 35,450	\$ 0	\$ 222,310

See page 53 for transaction detail

COMMUNITY DEVELOPMENT BLOCK GRANT FUND
BUDGET AMENDMENT SUMMARY
2016/17

	Original Budget	First Amendment 12/20/16	Second Amendment	Amended Budget
REVENUES				
Community Development Block Grant	\$ 1,182,840	\$ 77,630		\$ 1,260,470
Total Revenues	\$ 1,182,840	\$ 77,630	\$ 0	\$ 1,260,470
EXPENDITURES				
Administrative Expenses	\$ 179,370			\$ 179,370
Books	6,030			6,030
Senior Citizens Home Chore Program	20,000			20,000
Single Parent Education Program	13,000			13,000
Minor Home Repair	26,000			26,000
Handicapped Recreation Program	19,000			19,000
Housing Rehabilitation Program	210,000			210,000
Contributions to Non-Profit Organizations	55,500			55,500
Capital & Other Improvements	653,940	77,630		731,570
Total Expenditures	1,182,840	77,630	0	1,260,470
OTHER FINANCING USES				
Transfer to General Fund	0			0
Transfer to Limited Tax Debt Fund	0			0
Total Other Financing Uses	0	0	0	0
Total Expenditures & Other Financing Uses	\$ 1,182,840	\$ 77,630	\$ 0	\$ 1,260,470

See page 54 for transaction detail

CORRIDOR IMPROVEMENT AUTHORITY FUND
BUDGET AMENDMENT SUMMARY
2016/17

	Original Budget	First Amendment 12/20/16	Second Amendment	Amended Budget
REVENUES				
Fund Balance, 6/30/16	\$ 0			\$ 0
Property Taxes	25,170			25,170
Federal Grants	0			0
Other Revenue	100			100
Total Revenues	25,270	0	0	25,270
OTHER FINANCING SOURCES				
Transfer from General Fund	0			0
Proceeds from Long-Term Debt	0			0
Total Other Financing Sources	0	0	0	0
Total Revenues & Other Financing Sources	\$ 25,270	\$ 0	\$ 0	\$ 25,270
EXPENDITURES				
Capital Improvements	\$ 0			\$ 0
Miscellaneous	0			0
Debt Service	0			0
Contribution to Fund Balance	25,270			25,270
Total Expenditures	25,270	0	0	25,270
OTHER FINANCING USES				
Transfer to General Fund	0			0
Total Other Financing Uses	0	0	0	0
Total Expenditures & Other Financing Uses	\$ 25,270	\$ 0	\$ 0	\$ 25,270

No amendments are proposed

ECONOMIC DEVELOPMENT CORPORATION FUND
BUDGET AMENDMENT SUMMARY
2016/17

	Original Budget	First Amendment 12/20/16	Second Amendment	Amended Budget
REVENUES				
Funding from General Government	\$ 300,000			\$ 300,000
Other Revenue	2,150			2,150
Fund Balance, 6/30/16	0	597,850		597,850
Total Revenues	302,150	597,850	0	900,000
OTHER FINANCING SOURCES				
Transfer from General Fund	0			0
Total Other Financing Sources	0	0	0	0
Total Revenues & Other Financing Sources	\$ 302,150	\$ 597,850	\$ 0	\$ 900,000
EXPENDITURES				
Miscellaneous	\$ 0			\$ 0
Contribution to Fund Balance	302,150	(302,150)		0
Total Expenditures	302,150	(302,150)	0	0
OTHER FINANCING USES				
Transfer to LDFA Fund	0	900,000		900,000
Total Other Financing Uses	0	900,000	0	900,000
Total Expenditures & Other Financing Uses	\$ 302,150	\$ 597,850	\$ 0	\$ 900,000

See page 55 for transaction detail

BROWNFIELD REDEVELOPMENT AUTHORITY FUND
BUDGET AMENDMENT SUMMARY
2016/17

	Original Budget	First Amendment 12/20/16	Second Amendment	Amended Budget
REVENUES				
Fund Balance, 6/30/16	\$ 0			\$ 0
Property Taxes	87,600			87,600
Charges for Services	0			0
Other Revenue	1,300			1,300
Total Revenues	88,900	0	0	88,900
OTHER FINANCING SOURCES				
Transfer from General Fund	0			0
Total Other Financing Sources	0	0	0	0
Total Revenues & Other Financing Sources	\$ 88,900	\$ 0	\$ 0	\$ 88,900
EXPENDITURES				
Miscellaneous	\$ 0			\$ 0
Contribution to Fund Balance	88,900			88,900
Total Expenditures	88,900	0	0	88,900
OTHER FINANCING USES				
Transfer to General Fund	0			0
Total Other Financing Uses	0	0	0	0
Total Expenditures & Other Financing Uses	\$ 88,900	\$ 0	\$ 0	\$ 88,900

No amendments are proposed

LOCAL DEVELOPMENT FINANCE AUTHORITY FUND
BUDGET AMENDMENT SUMMARY
2016/17

	Original Budget	First Amendment 12/20/16	Second Amendment	Amended Budget
REVENUES & OTHER FINANCING SOURCES				
Fund Balance, 6/30/16	\$ 0	\$ 421,500		\$ 421,500
Federal Grants	0			0
Property Taxes	862,900			862,900
Other Revenue	141,350			141,350
Transfer from Economic Development Fund	0	900,000		900,000
Total Revenues & Other Financing Sources	\$ 1,004,250	\$ 1,321,500	\$ 0	\$ 2,325,750
EXPENDITURES				
Business Incubator Operations	\$ 824,750			\$ 824,750
FCA Reimbursement	0	900,000		900,000
SmartZone Improvements	1,000	600,000		601,000
Contribution to Fund Balance	178,500	(178,500)		0
Total Expenditures	\$ 1,004,250	\$ 1,321,500	\$ 0	\$ 2,325,750

See page 56 for transaction detail

GENERAL DRAIN FUND AMENDMENT SUMMARY
2016/17

	Original Budget	First Amendment 12/20/16	Second Amendment	Amended Budget
REVENUES				
Fund Balance, 6/30/16	\$ 0			\$ 0
Required Drain-at-Large Levy	(900)			(900)
Delinquents & Penalties	800			800
Other Revenue	100			100
Total Revenues	0	0	0	0
OTHER FINANCING SOURCES				
Bond Proceeds - Refunding	0			0
Transfer from General Fund	0			0
Total Other Financing Sources	0	0	0	0
Total Revenues & Other Financing Sources	\$ 0	\$ 0	\$ 0	\$ 0
EXPENDITURES				
Other Charges	\$ 0			\$ 0
Principal	0			0
Interest	0			0
Contribution to Fund Balance	0			0
Total Expenditures	\$ 0	\$ 0	\$ 0	\$ 0

No amendments are proposed

**VOTED TAX GENERAL OBLIGATION DEBT FUND
AMENDMENT SUMMARY
2016/17**

	Original Budget	First Amendment 12/20/16	Second Amendment	Amended Budget
REVENUES				
Fund Balance, 6/30/16	\$ 0			\$ 0
Delinquents & Penalties	1,050			1,050
Other Revenue	450			450
Federal & State Sources	24,770			24,770
Proposal F Levy	463,880			463,880
Total Revenues	490,150	0	0	490,150
OTHER FINANCING SOURCES				
Transfer from General Fund	0			0
Bond Premium	0			0
Total Other Financing Sources	0	0	0	0
Total Revenues & Other Financing Sources	\$ 490,150	\$ 0	\$ 0	\$ 490,150
EXPENDITURES				
Proposal R Expenditures	\$ 0			\$ 0
Proposal F Expenditures	484,480			484,480
Contribution to Fund Balance	5,670			5,670
Total Expenditures	\$ 490,150	\$ 0	\$ 0	\$ 490,150

No amendments are proposed

ROAD BOND DEBT RETIREMENT FUND
AMENDMENT SUMMARY
2016/17

	Original Budget	First Amendment 12/20/16	Second Amendment	Amended Budget
REVENUES				
Fund Balance, 6/30/16	\$ 0			\$ 0
Special Assessment Revenue	145,450			145,450
Interest Income	91,340			91,340
Federal Interest Rebates	31,340			31,340
Total Revenues	268,130	0	0	268,130
OTHER FINANCING SOURCES				
Transfer from Major Road Fund	1,925,240			1,925,240
Transfer from Local Road Fund	0			0
Transfer from Road Bond Construction Fund	0			0
Total Other Financing Sources	1,925,240	0	0	1,925,240
Total Revenues & Other Financing Sources	\$ 2,193,370	\$ 0	\$ 0	\$ 2,193,370
EXPENDITURES				
Principal	\$ 1,625,000			\$ 1,625,000
Interest	516,000			516,000
Other Fees	1,350			1,350
Contribution to Fund Balance	51,020			51,020
Total Expenditures	\$ 2,193,370	\$ 0	\$ 0	\$ 2,193,370

No amendments are proposed

LIMITED TAX GENERAL OBLIGATION DEBT FUND
AMENDMENT SUMMARY
2016/17

	Original Budget	First Amendment 12/20/16	Second Amendment	Amended Budget
REVENUES				
Fund Balance, 6/30/16	\$ 0			\$ 0
Other Revenue	0			0
Total Revenues	0	0	0	0
OTHER FINANCING SOURCES				
Transfer from General Fund	356,080			356,080
Transfer from CDBG Fund	0			0
Total Other Financing Sources	356,080	0	0	356,080
Total Revenues & Other Financing Sources	\$ 356,080	\$ 0	\$ 0	\$ 356,080
EXPENDITURES				
Principal	\$ 305,000			\$ 305,000
Interest	50,850			50,850
Other Fees	230			230
Contribution to Fund Balance	0			0
Total Expenditures	\$ 356,080	\$ 0	\$ 0	\$ 356,080

No amendments are proposed

CAPITAL PROJECTS FUND AMENDMENT SUMMARY

2016/17

	Original Budget	First Amendment 12/20/16	Second Amendment	Amended Budget
REVENUES				
Fund Balance, 6/30/16	\$ 0	\$ 778,130		\$ 778,130
State & Local Returns	0	100,000		100,000
Other Revenue	326,120			326,120
Penalties & Interest	0			0
Total Revenues	326,120	878,130	0	1,204,250
OTHER FINANCING SOURCES				
Transfer from General Fund	4,499,420			4,499,420
Proceeds from Long Term Debt	0			0
Total Other Financing Sources	4,499,420	0	0	4,499,420
Total Revenues & Other Financing Sources	\$ 4,825,540	\$ 878,130	\$ 0	\$ 5,703,670
EXPENDITURES				
Capital Equipment	\$ 823,420	\$ 118,620		\$ 942,040
Capital Vehicles	1,724,700	14,160		1,738,860
Capital Projects	1,709,300	1,313,470		3,022,770
Contribution to Fund Balance	568,120	(568,120)		0
Total Expenditures	4,825,540	878,130	0	5,703,670
OTHER FINANCING USES				
Transfer to Settlement Bonds Debt Fund	0			0
Transfer to LTGO Debt Fund	0			0
Total Other Financing Uses	0	0	0	0
Total Expenditures & Other Financing Uses	\$ 4,825,540	\$ 878,130	\$ 0	\$ 5,703,670

See page 57-58 for transaction detail

CLINTON RIVER RESTORATION FUND
BUDGET AMENDMENT SUMMARY
2016/17

	Original Budget	First Amendment 12/20/16	Second Amendment	Amended Budget
REVENUES				
Fund Balance, 6/30/16	\$ 0			\$ 0
Other Revenue	0			0
Federal Grant	0	3,865,170		3,865,170
Total Revenues	0	3,865,170	0	3,865,170
OTHER FINANCING SOURCES				
Transfer from General Fund	0			0
Total Other Financing Sources	0	0	0	0
Total Revenues & Other Financing Sources	\$ 0	\$ 3,865,170	\$ 0	\$ 3,865,170
EXPENDITURES				
Capital Projects	\$ 0	\$ 3,865,170		\$ 3,865,170
Contribution to Fund Balance	0			0
Total Expenditures	0	3,865,170	0	3,865,170
OTHER FINANCING USES				
Transfer to General Fund	0			0
Total Other Financing Uses	0	0	0	0
Total Expenditures & Other Financing Uses	\$ 0	\$ 3,865,170	\$ 0	\$ 3,865,170

See page 59 for transaction detail

ROAD BOND CONSTRUCTION FUND
AMENDMENT SUMMARY
2016/17

	Original Budget	First Amendment 12/20/16	Second Amendment	Amended Budget
REVENUES				
Fund Balance, 6/30/16	\$ 0	\$ 6,284,080		\$ 6,284,080
Other Revenue	5,000	20,000		25,000
Federal Grants	3,080,000	(401,050)		2,678,950
Total Revenues	3,085,000	5,903,030	0	8,988,030
OTHER FINANCING SOURCES				
Proceeds from Long-Term Debt	1,795,000			1,795,000
Transfer from Major Road Fund	0			0
Total Other Financing Sources	1,795,000	0	0	1,795,000
Total Revenues & Other Financing Sources	\$ 4,880,000	\$ 5,903,030	\$ 0	\$ 10,783,030
EXPENDITURES				
Construction	\$ 4,880,000	\$ 5,903,030		\$ 10,783,030
Contribution to Fund Balance	0			0
Total Expenditures	4,880,000	5,903,030	0	10,783,030
OTHER FINANCING USES				
Transfer to Major Road Fund	0			0
Transfer to Local Road Fund	0			0
Transfer to Road Bond Debt Retirement Fund	0			0
Total Other Financing Uses	0	0	0	0
Total Expenditures & Other Financing Uses	\$ 4,880,000	\$ 5,903,030	\$ 0	\$ 10,783,030

See page 60 for transaction detail

**General Fund
Budget Amendment
2016/17**

Increased/
(Decreased)

Fund 1010

1. Activity 3370 - Fire Administration

Account No.	807001	Firefighter Physicals - Grant	\$83,980
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Source of Funding

General Fund

Account No.	529000	Federal Grant - \$76,350
Account No.	390000	Fund Balance - \$7,630

Reason for Adjustment:

To reflect the award of a Fire AFG grant for firefighter physicals.

GENERAL FUND
REAPPROPRIATION OF RESERVE FOR ENCUMBRANCES
2016/17

ACTIVITY NAME	ACTIVITY NUMBER	ACCOUNT NUMBER	ITEM DESCRIPTION	AMOUNT
City Administration Department City Clerk	2160	751000	Chairs	990
Total City Administration Department				990
Police Department Police Administration	3050	751000	Police Uniforms - New Hires	520
Total Police Department				520
Fire Department Fire Administration	3370	826000	Feasibility Study	5,820
Fire Administration	3370	826000	Radio Fees	8,630
Fire Administration	3370	959000	Peer Fitness Training	3,000
Total Fire Department				17,450
City Development Department Building & Facilities Maintenance	4120	832000	Building Maintenance	1,650
Planning	4020	826000	Master Land Use Plan	23,660
Total City Development Department				25,310
Community Relations Department Community Relations	2920	826000	Advertisement	220
Total Community Relations Department				220
Total General Fund				\$44,490

Source of Funding - General Fund

Account No. 390000 - Fund Balance - \$44,490

Reason for Adjustment

To reappropriate funding for the above encumbrances that were outstanding at June 30, 2016. A budget existed for each of these accounts last year. The budget has since lapsed and needs to be reappropriated. These encumbrances are commitments made last year before June 30, 2016 that, due to timing of the fiscal year, will be expensed in the current fiscal year (2016/17). As a result, Fund Balance has been reserved by the City's Auditors for this purpose.

Water & Sewer Fund Budget Amendment 2016/17

Increased/
(Decreased)

Fund 5790

1. Activity 5560 - Water Distribution

Account No.	984000	Cube Truck	\$15,650
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Source of Funding

Water & Sewer Fund

Account No.	390000	Use of Net Assets - \$15,650
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Reason for Adjustment:

To reappropriate funding for the additional cost of a Cube Truck which was approved at the July 5, 2016 City Council meeting.

Major Road Fund Budget Amendment 2016/17

	Increased/ (Decreased)
Fund 2020	
1. Activity 7000 - Major Road Fund	
Account No. 988000 Mound Road Grant Application	\$50,000
Account No. 988000 Schoenherr - 14 Mile to Moravian	20,220
Account No. 988000 Mound Road Repairs - 18 Mile to M-59	299,460
Account No. 988000 15 Mile Road & Dodge Park Repair	200,000
Account No. 988000 Bridge Rehabilitation Program	50,000
Account No. 988000 LED Lighting Project	60,000
Account No. 988235 17 Mile Bridge	17,520
Account No. 988246 Van Dyke Reconstruction	658,100
Account No. 988255 19½ Mile - Merrill to Utica Road	41,790
Account No. 988700 Dequindre Road - 18 Mile to M59	436,370
	\$1,833,460

Source of Funding	Major Road Fund
Account No. 539002	State Grant - \$301,750
Account No. 390000	Fund Balance - \$1,531,710

Reason for Adjustment:

To reappropriate funding for the above named projects. These projects were approved and started in the prior fiscal year. It is now necessary to carry forward and reappropriate the unspent funds into the current fiscal year. Most of the amendment is to carryover funding for Van Dyke and Mound Road projects.

**Local Road Fund
Budget Amendment
2016/17**

**Increased/
(Decreased)**

Fund 2030**1. Activity 7000 - Land & Water Conservation Fund**

Account No.	988000	City Road Asset Management Plan	\$32,000
Account No.	988250	Faith Drive	119,530
Account No.	988266	2015 Reconstruction Program	89,740
Account No.	988282	Comstock Drive	66,100
			\$307,370

Source of Funding**Local Road Fund**

Account No.	390000	Fund Balance - \$307,370
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Reason for Adjustment:

To reappropriate funding for neighborhood road improvements that were approved and funded last year, but will not be fully expensed until the current fiscal year. It is now necessary to carry forward the unspent funds.

Land & Water Conservation Fund Budget Amendment 2016/17

**Increased/
(Decreased)**

Fund 2440

1. Activity 7000 - Land & Water Conservation Fund

Account No.	971000	Land Acquisition	\$26,310
Account No.	972000	Baumgartner Park Scoreboards	42,040
Account No.	975000	Recreation Feasibility Study	21,230
Account No.	988277	Dodge Park Trail Bridge	(155,040)
			(\$65,460)

Source of Funding Land & Water Conservation Fund

Account No.	673000	Sale of Fixed Assets - \$81,000
Account No.	390000	Fund Balance - (\$146,460)

Reason for Adjustment:

To reappropriate funding for the Baumgartner Park scoreboards, Recreation Center feasibility study and the purchase of eight tax foreclosed properties for future recreation uses. The budget for the Dodge Park bridge can be reduced to offset project funds spent in the prior year. The City Council approved the sale of three vacant parcels on Dundee for \$81,000 at the June 7, 2016 City Council meeting.

**Public Safety Forfeiture Fund
Budget Amendment
2016/17**

	Increased/ (Decreased)
Fund 2770	
1. Activity 3200 - Federal Justice Forfeitures	
Account No. 726000 Supplies	\$5,230
Account No. 970000 Capital	2,370
	7,600
2. Activity 3210 - Federal Treasury Forfeitures	
Account No. 726000 Supplies	8,380
Account No. 800000 Other Charges	4,000
Account No. 970000 Capital	11,070
	23,450
3. Activity 3230 - Gambling Forfeitures	
Account No. 970000 Capital	2,830
4. Activity 3240 - OWI Forfeitures	
Account No. 726000 Supplies	1,570
	\$35,450

Source of Funding	Public Safety Forfeiture Fund
Account No. 529100	Federal Forfeitures - \$111,200
Account No. 539200	State Forfeitures - \$33,260
Account No. 539300	Gambling Forfeitures - \$830
Account No. 539400	OWI Forfeitures - \$7,010
Account No. 665100	Interest Income Federal - \$120
Account No. 665130	Interest Income Treasury - \$40
Account No. 665200	Interest Income State - \$170
Account No. 665400	Interest Income OWI - \$20
Account No. 665500	Interest Income ACT 302 - \$20
Account No. 390000	Fund Balance - (\$117,220)

Reason for Adjustment:

To adjust the Public Safety Forfeiture Fund revenues and expenditures to provide proper funding to each account. The amendment includes funding for storage building improvements and electrical updates, a replacement safety restraint chair, a Stalker Radar Traffic Data Collector, replacement weapon cases, and rescue vehicle towing services. The amendment also reflects funding for training ammunition that was budgeted and encumbered last year but not spent until this year, and Honor Guard uniforms for new members. The revenues to cover these purchases are from drug forfeiture revenues.

**Community Development Block Grant Fund
Budget Amendment
2016/17**

**Increased/
(Decreased)**

Fund 2780**1. Activity 7000 - Community Development Block Grant Fund**

Account No.	988247	Indigo/Elmcrest Drive Reconstruction	\$10,810
Account No.	988270	Senior Center Parking Lot	<u>66,820</u>
			\$77,630

Source of Funding**Community Development Block Grant Fund**

Account No.	529000	CDBG Federal Grant - \$77,630
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Reason for Adjustment:

To reappropriate the prior year unspent funding for two federally funded projects. The projects were not fully completed or expensed in the prior year and funded now needs to be carried forward to the current fiscal year.

**Economic Development Fund
Budget Amendment
2016/17**

**Increased/
(Decreased)**

Fund 8550**1. Activity 7000 - Economic Development Fund**

Account No.	999867	Transfer to LDFA Fund	\$900,000
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Source of Funding**Economic Development Fund**

Account No.	390000	Fund Balance - \$900,000
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Reason for Adjustment:

To transfer funding from the Economic Development Fund to reimburse FCA for eligible LDFA improvements related to the new investment at the Sterling Heights Assembly Plant. This budget amendment is scheduled for approval at the December 20, 2016 City Council meeting.

Local Development Finance Authority Fund Budget Amendment 2016/17

Increased/
(Decreased)

Fund 8670**1. Activity 7180 - LDFA Corridor Improvements**

Account No.	988280	Smartzone District Improvements	\$600,000
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Source of Funding

Account No. 390000

LDFA Fund

Fund Balance - \$600,000

Reason for Adjustment:

To amend the budget to appropriate unspent BAE captured revenues for improvement to the Smartzone District including signage and streetscapes. The City Council approved this budget amendment at the July 19, 2016 City Council meeting.

2. Activity 7150 - LDFA Reimbursements

Account No.	962000	Miscellaneous Expense	\$900,000
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Source of Funding

Account No. 699255

LDFA Fund

Transfer from Economic Development Fund - \$900,000

Reason for Adjustment:

To reflect the transfer of funding from the Economic Development Fund to the LDFA Fund to reimburse FCA for eligible LDFA improvements as part of their investment at the Sterling Heights Assembly Plant. The City Council is scheduled to approve this amendment at the December 20, 2016 City Council meeting.

Capital Projects Fund Budget Amendment 2016/17

Increased/
(Decreased)

Fund 4030**1. Activity 9010 - Motor Vehicles**

Account No.	984315	Police Cars	\$14,160
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Source of Funding**Capital Projects Fund**

Account No.	390000	Fund Balance - \$14,160
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Reason for Adjustment:

To appropriate additional funding needed for the purchase of nine police patrol and traffic vehicles. The price per vehicle came in slightly higher than originally budgeted. The City Council approved this purchase and amendment at the September 6, 2016 City Council meeting.

2. Activity 2580 - Information Technology

Account No.	979000	Fire Station #5 Data Room Air Conditioning	\$8,350
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Activity 2160 - City Clerk

Account No.	979000	Laptop Supplies	270
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Activity 3390 - Fire Extinguishment

Account No.	982001	Fire Air Compressors - Grant	110,000
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\$118,620

Source of Funding**Capital Projects Fund**

Account No.	529000	Federal Grant - \$100,000
Account No.	390000	Fund Balance - \$18,620

Reason for Adjustment:

To reappropriate funding for computer equipment and supplies budgeted last year and encumbered at year-end. This amendment also reflects the receipt of a \$100,000 AFG grant to purchase new air compressors for the Fire Department.

Capital Projects Fund Budget Amendment 2016/17

**Increased/
(Decreased)**

3. Activity 7000 - Capital Projects Fund

Account No.	971000	Dodge Park Road House Demolition	(\$12,000)
Account No.	975000	Utica Road Banners	2,360
Account No.	975000	City Management Workstation/Security Door	9,500
Account No.	975000	Security Door Locks - Fire, DPW	56,390
Account No.	975010	City Hall Electrical Panel Replacement	80,600
Account No.	975130	City Hall/Court Parking Lot	653,360
Account No.	988000	Brentwood & Pond View Retention Pond Repairs	128,100
Account No.	988000	Pinebrook Retention Pond Repairs	27,740
Account No.	988000	Sterling Drive South Retention Pond Repairs	37,000
Account No.	988000	Moravian Pointe Retention Pond Repairs	41,440
Account No.	988000	Pedestrian Bridge Inspection Program	15,000
Account No.	988275	DPW Fuel System	273,980
			\$1,313,470

Source of Funding

Account No. 390000

Capital Projects Fund

Fund Balance - \$1,313,470

Reason for Adjustment:

To reappropriate funding for the above named projects. These projects were either budgeted and not completed in the prior fiscal year, or were repairs that we approved by the City Council after the budget was adopted. It is now necessary to reappropriate the unspent funds and to amend the budget for the approved projects.

**Clinton River Restoration Fund
Budget Amendment
2016/17**

**Increased/
(Decreased)**

Fund 4050**1. Activity 7000 - Clinton River Restoration Fund**

Account No.	988278	Clinton River Restoration	\$3,865,170
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Source of Funding**Clinton River Restoration Fund**

Account No.	529000	Federal Grant - \$3,865,170
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Reason for Adjustment:

To reappropriate prior year unspent federal funds for the Clinton River bank restoration project.

**Road Bond Construction Fund
Budget Amendment
2016/17**

**Increased/
(Decreased)**

Fund 4280**1. Activity 7000 - Road Bond Construction Fund**

Account No.	988254	Dodge Park Road - Metroparkway to Utica	\$5,168,740
Account No.	988271	15 Mile Road Resurfacing - Dequindre to Ryan	77,110
Account No.	988286	Ryan Road - 15 Mile to Metroparkway	657,180
			\$5,903,030

Source of Funding**Road Bond Construction Fund**

Account No.	390000	Fund Balance - \$6,284,080
Account No.	529000	Federal Grant - (\$401,050)
Account No.	665000	Interest - \$20,000

Reason for Adjustment:

To reappropriate funding for three road projects approved and budgeted in the prior year. At year end, the projects were not completed and fully expensed, so it is necessary to carry over unspent funding to the current fiscal year. A portion of the federal grant for Dodge Park Road was recorded in the prior year.



**Business of the City Council
Sterling Heights, Michigan**

Delivered DEC 29, 2016

City Clerk's Use
Item No: 3 A-D
Meeting: 01/03/17

AGENDA STATEMENT

OMB AS03 Rev. 11/04

Item Title: Consent Agenda

Submitted By: Office of the City Clerk

Contact Person/Telephone: Mark Carufel, 446-2421

Administration (initial as applicable)

Attachments

- | | | |
|---|-------------------------------------|-----------------------------------|
| <input type="checkbox"/> City Clerk | <input type="checkbox"/> Resolution | <input type="checkbox"/> Minutes |
| <input type="checkbox"/> Finance & Budget Director | <input type="checkbox"/> Ordinance | <input type="checkbox"/> Plan/Map |
| <input type="checkbox"/> City Attorney (as to legal form) | <input type="checkbox"/> Contract | <input type="checkbox"/> Other |
| <input type="checkbox"/> City Manager | | |

Check box if this agenda item requires billing/revenue collection (fees, etc.) by Treasury Office

Suggested Action:

MOVED BY:

SECONDED BY:

- 3. **A. Approval of Minutes
Regular Meeting of December 20, 2016**
- B. Approval of Bills**
- C. To authorize a vacation of three (3) existing water main easements in conjunction with the Mayco International Building Additions at 42400 Merrill Road in Section 9; PSP16-0032, EG16-0035**
- D. To award a bid for grant-funded medical and physical evaluations for the Sterling Heights firefighters (Estimated cost of \$73,088.95, 90% grant-funded through an Assistance to Firefighters' Grant).**

CITY OF STERLING HEIGHTS
MINUTES OF REGULAR MEETING OF CITY COUNCIL
TUESDAY, DECEMBER 20, 2016
IN CITY HALL

Mayor Michael C. Taylor called the meeting to order at 7:30 p.m.

Mayor Taylor led the Pledge of Allegiance to the Flag and Mark Carufel, City Clerk, gave the Invocation.

Council Members present at roll call: Deanna Koski, Joseph V. Romano, Maria G. Schmidt, Nate Shannon, Doug Skrzyniarz, Michael C. Taylor, Barbara A. Ziarko.

Also Present: Mark Vanderpool, City Manager; Marc D. Kaszubski, City Attorney; Mark Carufel, City Clerk; Carol Sobosky, Recording Secretary.

APPROVAL OF AGENDA.

Moved by Koski, seconded by Romano, to approve the Agenda as presented.

Yes: All. The motion carried.

REPORT FROM CITY MANAGER

Mr. Vanderpool reported that City offices will be closed on Friday, December 23rd and Monday, December 26th in observance of Christmas, and on Friday, December 30th and Monday, January 2nd in observance of New Year's holiday. He stated that the refuse collection schedule will not be affected by the holidays this year.

Mr. Vanderpool stated the City will be recycling Christmas trees left at the curb by 7 a.m. on residents' normal trash day, and reminded that all ornaments, hooks and decorations, as well any plastic bags used to carry the tree outside, must be removed in order for the tree to be picked up. He advised the program, extending through January 31st, allows the trees to be turned into wood chips and returned to the earth in an environmentally friendly manner. He encouraged residents to recycle their trees.

Mr. Vanderpool reported that City employees have been involved in many charitable causes. This year, 576 families in Sterling Heights and surrounding communities have received assistance through the City's Holiday Assistance program, with twenty local organizations participating through sponsorships of local families. He commended the Community Relations staff for their hard work on this program, and all local businesses and organizations who have given generously. The Annual Cops and Kids event assists area children and their families during the holidays, and Mr. Vanderpool commended Sterling Heights Police Sergeant Randy DePriest for organizing this event the past 18 years, helping 1,000 children have a special day because of the program.

Mr. Vanderpool provided an update on the City's first snow emergency of this season on December 12th, stating that they cleared the roads in 33 hours. The City issued over 200 on-street parking tickets. He reminded that the city-wide parking ban on local roads goes into effect during a snow emergency, and remains in effect until the snow emergency has been lifted, even if the roads have been

cleared. He explained some residents did not have their streets cleared until the second day of the event, but he advised this is on a rotation schedule, so those residents will get their streets cleared on the first day during the next snow event. Mr. Vanderpool reported that Lawn Guru, the new on-demand service for snow-clearing of driveways and sidewalks, completed 633 orders and they received a rating of 4.78 on a 5-star scale. It is a popular service and they expect more residents will be taking advantage of it.

Mr. Vanderpool announced that tonight is Budget and Finance Director Brian Baker's last City Council meeting. He served the City for thirty years in an exemplary manner, resulting in superior bond ratings, strong reserves, low tax rates, and reduced legacy costs. Mr. Vanderpool credited Mr. Baker's strong financial leadership for the City of Sterling Heights being in an excellent financial position. Mr. Baker was appointed to the Great Lakes Water Authority where he continues to fight for reformed measures to lower water bills across the region. He will now serve as Deputy County Public Works Commissioner, where he will continue to implement reform measures to lower water bills across the County. Mr. Vanderpool thanked Mr. Baker for his outstanding service.

PRESENTATION

Mr. Vanderpool reported that Mayor Pro-Tem Romano has been elected to serve on the Macomb County Board of Commissioners and he has consequently submitted his resignation from his office on City Council. In accordance with City Charter, the City Council must act upon the resignation. Based upon his 24

years of distinguished dedicated service to the City, they are acknowledging Mayor Pro-Tem Romano's contributions to the City. On behalf of City administration, Mr. Vanderpool congratulated Mayor Pro-Tem Romano on his new position, and thanked him for his steadfast support. A brief video in tribute to Mayor Pro-Tem Romano was shown, and Mayor Taylor presented him with a plaque.

Councilwoman Ziarko read the Resolution into the record.

Moved by Ziarko, seconded by Schmidt, **RESOLVED**, to accept, with regret, the resignation by Joseph V. Romano from the office of City Council and adopt the resolution honoring him for 24 years of distinguished and dedicated public service to the City of Sterling Heights.

Councilwoman Ziarko commented on the good relationship she has had with Mayor Pro-Tem Romano, stating he has always been a friend. She stated he has even shoveled her snow and he does not live in her neighborhood. She commended him on being loyal and passionate about that in which he believes. She thanked him, wished him well and expressed her confidence that he will continue working with the City of Sterling Heights in his new position at the county level.

Councilwoman Schmidt thanked Mayor Pro-Tem Romano for "always having my back". She was very touched by the kindness and caring he expressed to her family, and added he is extremely loyal. She loved working with him and learned

a lot from him, adding his replacement will have “big shoes to fill”. She wished him well in his new position.

Councilman Skrzyniarz stated it has been a memorable three years that he has served with Mayor Pro-Tem Romano, and he wished him well.

Councilwoman Koski stated she took credit for Mayor Pro-Tem Romano’s start in government, recalling that they both worked in real estate, and when their sons played soccer together, she convinced him to serve on the Board of Review. He has subsequently served on numerous boards and commissions prior to being elected to City Council, and she has served with him for 19 years. She commended him on his strong support of police and fire, and she wished him well at the County.

Councilman Shannon stated he has been on City Council for nearly two years, and thanked Mayor Pro-Tem Romano for helping him navigate all the intricacies of the job. He also thanked Mayor Pro-Tem Romano for making him and his family feel welcome, and he thanked him for all he has done for the City of Sterling Heights.

Mayor Taylor thanked Mayor Pro-Tem Romano for being genuine, open and welcoming to his family, and added that he leaves his legacy as a family man who has always thought about what is best for the families in Sterling Heights. He stated it has been a pleasure serving with him, and he hoped Mayor Pro-Tem Romano will be going to the County with the same level of enthusiasm he

had for his position on City Council. He stated he is proud to have had Mayor Pro-Tem Romano as a colleague, and he wished him well.

Mayor Pro-Tem Romano appreciated everyone's comments and well-wishes, and added the City was kind enough to host a get-together for him prior to tonight's meeting. He thanked the administration and employees of the City of Sterling Heights, commenting that the Council is nothing without them. He was honored that the voters of Sterling Heights allowed him to serve them for ten terms, and he especially thanked the senior citizens. He explained his greatest pleasure is the ability he has had to serve the residents and cut through what some of them called "red tape". He stated he is proud to be referred to as a "family guy", adding that family comes first.

Yes: All. The motion carried.

~ Resolution ~

Sterling Heights City Council

A resolution honoring Joseph V. Romano for 24 years of distinguished and dedicated public service to the city of Sterling Heights.

Joseph "Joe" Romano is completing 24 years of public service to the city of Sterling Heights, including 19 years as a member of City Council. It is not an overstatement to say that during his tenure, Joe Romano has left an indelible imprint on the City he loves and calls home.

While his accomplishments over the span of 24 years are too numerous to list, Joe Romano played a prominent role in the growth of Sterling Heights as a member of the Board of Review, Board of Ordinance Appeals, Zoning Board of Appeals, and City Council person. Under Joe Romano's leadership, the City continued to add population and enhance its commercial and industrial sectors.

But aside from these tangible results, Joe Romano will be remembered for his common sense approach to good governance. He was always the person to remind

us to enjoy every moment when the times were good and displayed unshakable faith in this City when times were bad.

In making the tough decisions, Joe Romano never forgot who he was serving and took great pride in being the voice of the people. Joe Romano never wavered in his commitment to do what was best for his community and was willing to take a stand for a cause no matter the consequences.

Joe Romano brought a sense of family in his relationship to all who served the City and cared deeply for their welfare. At those times when the City was shaken to its core by tragedy, Joe Romano took it personally.

Joe Romano's public service will be remembered for many things, but most of all for the passion he had for Sterling Heights. It is both fitting and proper to thank him for a job well done.

NOW, THEREFORE,

BE IT RESOLVED, that the City Council of the City of Sterling Heights, Macomb County, Michigan honors Joseph V. Romano for 24 years of distinguished and dedicated public service to the city of Sterling Heights.

This resolution was unanimously adopted at the December 20, 2016 regular City Council Meeting by the Sterling Heights City Council.

IN WITNESS WHEREOF, I have set my official signature, this 20th day of December, 2016.

Mark Carufel, City Clerk

Mayor Taylor opened the presentation to recognize and honor Mr. Michael Viazanko as recipient of the *Thomas Ricketts Outstanding Building Official Award* for 2016.

Mr. Vanderpool explained that Home Builders Association (HBA) is part of a professional trade association chartered in 1948 with the National Association of Home Builders, and they work to positively promote the building industry and impact legislative, regulatory and legal issues affecting housing affordability. Each year HBA bestows this award on a local municipal building official who has made outstanding contributions and accomplishments over an extended period. Mr. Vanderpool reported that Mr. Viazanko, a building official with the City of Sterling Heights since 1998, received the award this year, and some of his achievements were outlined.

Mr. Mike Stoskopf, HBA Executive Officer, and Mr. Forrest Wall, HBA Government Affairs and Industry Relations Vice-President, on behalf of the Board of Directors, presented Mr. Michael Viazanko with the award.

Mr. Viazanko thanked his family and friends who have joined him this evening, as well as the members of HBA who took time to attend this presentation. He explained that a building is only as good as its foundation, and he commended the Building Department staff. He stated he is being presented with the award tonight, but emphasized it is a reflection on the entire department. He thanked the HBA for the award.

Moved by Romano, seconded by Taylor, **RESOLVED**, to recognize and honor Sterling Heights Building Official Michael Viazanko as the deserving recipient of the *Thomas Ricketts Outstanding Building Official Award* for 2016 from the Home Builders Association of Southeastern Michigan.

Mayor Pro-Tem Romano appreciated Mr. Viazanko's service to the City of Sterling Heights, and he congratulated him on this award.

Mayor Taylor stated that the Council members are not in the city offices daily, but they hear high accolades about the Building Inspectors from developers and builders in the area. He commended Mr. Viazanko on the fabulous job he does for the City, and thanked him for making it easy for those who want to do business in Sterling Heights.

Yes: All. The motion carried.

1. ORDINANCE INTRODUCTION

Mr. Brian Baker, Finance and Budget Director, presented the first amendment to the Appropriations Ordinance for the 2016/17 fiscal year. He explained they amend the budget twice a year: once in December, which is mid-year, and again at the end of the fiscal year in June. This is primarily to re-appropriate items that were not fully completed last year. He stated the General Fund Budget is contributing \$734,000 to Fund Balance Reserves, and that decreased only \$52,000 due to the carry-forward unspent encumbrances and purchase orders in the last year as well as the required match for the Firefighter Grant. In the other funds, the budget is being adjusted by \$14.9 million, which is all carryover from the

prior year. He explained \$8 million is carryover for unspent road projects, including Dodge Park Road, Van Dyke, Ryan and Dequindre. He stated \$3.9 million is re-appropriating funding for the Clinton River Bank Restoration project, and \$1.3 million is the carryover of unspent Capital Projects Fund, and includes City Hall parking lot, installation of the DPW fuel system, repairs to city retention ponds and council-approved adjustments to the LDFA Fund for economic development and SmartZone district improvements. He stated that concludes his presentation.

Mr. Jeffrey Norgrove thanked Mr. Baker for all he has done for the City during his tenure, and stated that he has kept them on a solid path through the difficult economy.

Moved by Koski, seconded by Ziarko, **RESOLVED**, to introduce the first amendment to the Appropriations Ordinance for the 2016/17 fiscal year.

Yes: All. The motion carried.

2. ORDINANCE INTRODUCTION

Mr. Chris McLeod, City Planner, presented an introduction of a map amendment to Zoning Ordinance No. 278 to conditionally rezone property on the north side of 18 Mile Road, east of Dequindre Road from C-2 (Planned Comparison Business District) to C-3 (General Business District). He stated SLM Windmill LP, the owner of the property, is requesting the rezoning for the purpose of facilitating the redevelopment of an approximate 165,000-square-foot shopping center with a new Kroger Marketplace store and Kroger Gasoline Service Station. The

proposed redevelopment includes construction of a 129,000-square-foot Kroger Marketplace, a free-standing gas station, renovations to the existing shopping center as well as a small expansion of almost 16,000 square feet on the east side of the building. The property is zoned C-2 and contains approximately 19.4 acres. He showed the plan and reviewed the zoning and uses of the surrounding properties. He stated the Master Plan for Future Land Use calls for regional commercial for the subject parcel, which is consistent with the proposed development. He reported that the focus of the redevelopment aspect is the 129,000-square-foot Kroger facility on the west end of the site, which was formerly a K-Mart facility, and it will currently extend a little further to the east. The remainder of the building will be given a face lift and a future building addition will be at the east end of the site. The proposed fuel center will be located at the southeast corner of the site and provide gas services through the Kroger brand. The plan proposes complete renovation of landscaping, bringing it into conformance with the city's commercial landscaping standards, and they will be providing new lighting and signage for the site. Mr. McLeod stated the plan proposes several variances, mainly since this is retrofitting on an existing site. The variances involve some parking in the required setbacks, canopy encroachment, setback of truck dock due to additional screening being added, encroachment of proposed monument sign into setback, height of some of the lighting poles to eliminate a plethora of lighting poles, height of proposed monument sign and an additional monument sign for fuel station, height of the

proposed building, and number of wall signs. He stated the main reason for the proposed C-2 to C-3 designation is for providing the fuel center, but as part of the conditional rezoning request, they have eliminated some of the objectionable-type uses that could go into a C-3 District, bringing it more into a C-2 use but with the addition of a fuel center. He reported that the Planning Commission voted 7-0 to approve this at their November 3rd meeting.

Moved by Ziarko, seconded by Schmidt, **RESOLVED**, to introduce a map amendment to conditionally rezone property on the north side of 18 Mile Road, east of Dequindre Road in Section 7, from C-2 (Planned Comparison Business District) to C-3 (General Business District), Case No. PZ16-1149, and direct Petitioner to proceed to finalize a proposed agreement so that the City Council can further evaluate the offer of conditional rezoning of the property at the January 17th, 2017 regular meeting.

Councilwoman Schmidt inquired as to whether there is a plan now for the current Kroger building.

Mr. Chris Rodgers, Real Estate Manager for Kroger, 40399 Grand River, Novi, Michigan, replied they do not have a plan now because it is too far out in timing to market the existing store. He stated, however, that they have had excellent success in marketing their former Kroger stores in Michigan. He cited the example at 23 Mile and Hayes, with a similar sized Kroger taken over by Emagine Theater. A Planet Fitness took over a former Kroger site in Commerce Township. He stated they have retail contacts throughout the United States. He

anticipated the proposed project will be a \$40 million investment so it is important to them that they find a user for their former site across the street that will complement their business.

Councilwoman Schmidt inquired as to whether there will be other businesses adjoining Kroger.

Mr. Rodgers replied there will be other adjoining businesses. They are working with Slate Management, a company out of Toronto, who is upgrading the center and changing the tenant mix. They will be able to attract national tenants and redo the entire shopping center.

Councilman Shannon stated he is very supportive of the development of the new Kroger with the fuel station. He has had complaints from residents living behind the proposed development who are very upset with some of the problems they have had, especially with Ali Baba Restaurant, which he claimed have caused a lot of problems for the residents.

Mayor Taylor stated this has been a project that has generated a lot of interest, and the residents are excited. He questioned how many former K-Mart locations have been redeveloped into Kroger stores.

Mr. Rodgers replied he does not have an exact count, but he knows of one in Commerce Township and one in Roseville. He stated that is all he can make public at this time.

Mayor Taylor stated this is a great use of that space, and he is impressed with the proposal. He is looking forward to this coming back next month.

Yes: All. The motion carried.

3. ORDINANCE ADOPTION

Mr. Chris McLeod presented a brief overview of the proposal, which would provide amendments to regulate outdoor patio spaces for initial review and for annual licensing. He advised that, since the introduction of these ordinances, they have come up with a revised fee schedule. He stated small patios will be exempt if they meet the standards of the ordinance. The second tier will encompass most businesses with patios and they will need to obtain a license each year. The third tier will involve businesses having patios that are within 500 feet of residential districts, and they will be required to go through further Planning Department and Planning Commission review, providing a “Nuisance Mitigation Plan” prior to obtaining their license.

Mr. Giulio Russo questioned whether some of the existing patios are exempt. He further questioned whether these businesses would still be grandfathered if they choose to make improvements to their building or construct a new building.

Moved by Schmidt, seconded by Ziarko, **RESOLVED**, to adopt the ordinance amending Article 28 of Zoning Ordinance No. 278 to allow commercial outdoor patio spaces subject to specific restrictions and nuisance mitigation requirements.

Councilwoman Schmidt appreciated the administration reevaluating the fee schedule so that license renewals will be half the price of the initial license. She questioned whether there is something that can be put into place to charge a

business the full initial license fee if there are violations issued to them during the year.

Mr. Kaszubski responded that the fees must be related to inspection costs. He stated that if there is a violation, a license can be revoked; therefore, if they seek licensing the following year, they would be required to pay the initial fee.

Councilwoman Schmidt stated she is happy with the amendments proposed.

Councilwoman Ziarko stated this ordinance is needed, adding that it will not affect most businesses, but it will help the City to deal with those for which they are having trouble. She is in favor of the City's ability to be able to revoke the patio license, if necessary.

Mayor Taylor thanked the Planning Department and the Legal Department for working through the fee schedule to reduce the cost of renewals

Yes: All. The motion carried.

CITY OF STERLING HEIGHTS

COUNTY OF MACOMB, MICHIGAN

ORDINANCE NO. 278-ZZ

AN ORDINANCE TO AMEND ZONING ORDINANCE NO. 278 OF THE CITY OF STERLING HEIGHTS, SPECIFICALLY ARTICLE 28, BY ADDING A NEW SECTION 28.19 TO IMPLEMENT NEW REGULATIONS FOR COMMERCIAL OUTDOOR PATIO SPACES

Section 1. Article 28, Section 28.19 of Zoning Ordinance No. 278 shall be renumbered as Section 28.20.

Section 2. Article 28, Section 28.19 of Zoning Ordinance No. 278 shall be added to read as follows:

SECTION 28.19. OUTDOOR PATIO SERVICE (“OPS”).

(A) An outdoor patio space, or “OPS,” that is an accessory use to a lawful principal use is permitted for all cafes, clubs, halls, liquor-controlled establishments, and food service establishments for purposes of offering an outdoor space for patrons to congregate for a variety of purposes, such as dining, drinking, and/or enjoying some form of entertainment, subject to the following conditions:

- A. In addition to the parking spaces required for the principal use, sufficient parking must be provided to accommodate the OPS, with such parking calculated on the same basis as that of the principal use.
- B. An OPS may not be located on a sidewalk unless a minimum clearance width of at least five (5) feet, or such greater width as required by the state barrier free design law, is maintained between the outdoor seating area and the edge of the sidewalk and any other barriers, structures, or objects.
- C. For any OPS proposed as part of a new development, redevelopment, or as an addition to an existing development, the City Planner may require the installation of additional landscaping, screening, or other devices or materials designed to deaden noise, light, and/or other impacts that are anticipated to extend beyond the property line of the site and/or to provide separation from abutting parking and maneuvering areas or other areas incompatible with an OPS use.

(B) If Planning Commission review of nuisance mitigation is required pursuant to the City’s licensing requirements for a new or existing OPS, the following standards shall apply:

- 1. A nuisance mitigation plan, including but not limited to all plans to mitigate and eliminate any nuisances or disturbances caused by noise, vibration, litter, congregation, excessive lighting, or vehicular traffic, shall be reviewed by the Planning Commission.
- 2. Approval of the nuisance mitigation plan may include conditions beyond those that are otherwise required by the City’s licensing requirements and/or stricter than those that are otherwise required by any law, ordinance, or code, including but not limited to reduced occupancy limits, increased separation from incompatible uses, specific dates/hours of operation, and additional noise mitigation requirements.
- 3. Conditions imposed by the Planning Commission when approving a nuisance mitigation plan shall be based on the location of the OPS site, the construction and design of the OPS, the surrounding land uses and conditions, the size of the OPS, the intended use, proposed hours of operation, and any other factors deemed by the Planning Commission to be relevant to preserving the public health, safety, and welfare.

4. Amplified sound, video displays (such as televisions), and the use of musical instruments are not permitted unless specifically included in the Planning Commission's approved noise mitigation plan, which if included shall address but not be limited to type, times, numbers, and levels (if applicable).
5. Any 2 violations of any requirements of an approved nuisance mitigation plan within any 12 month period shall cause the City Planner to review the OPS approval for potential suspension or revocation. In the event that the violations are not remedied, or cannot be remedied, to the satisfaction of the City Planner, the matter shall be submitted to the Planning Commission for consideration of a modification, suspension, or revocation of the nuisance mitigation plan.
6. A third violation of an approved nuisance mitigation plan within any consecutive 12-month period shall result in an automatic suspension of the right to utilize the OPS until the owner and/or operator of the OPS petitions the Planning Commission for a review of the conditions of the OPS approval. Operation of an OPS while a nuisance mitigation plan is suspended shall result in the issuance of a municipal civil infraction citation punishable by a fine of \$500. A second or subsequent violation shall be deemed a misdemeanor, punishable as provided in Chapter 1 of the City Code. Any and all entities, owners, managers, and/or operators may be issued a citation if deemed to be jointly responsible for allowing or not stopping the operation of the OPS while the nuisance mitigation plan is suspended.

Section 3. Section 33.00, Subsection C of Zoning Ordinance No. 278 is amended to read as follows:

C. Municipal civil infraction. It is unlawful and constitutes a municipal infraction for any person to violate or fail to comply with the following provisions of this zoning ordinance:

<i>Article</i>	<i>Title</i>	<i>Section</i>
23	Residential parking must be on paved areas	23.01(J)
28	Portable signs	28.13
28	All signs within the city must be properly maintained	28.13
28	Regulation of window signs	28.13
28	Operation of outdoor patio while nuisance mitigation plan suspended	28.19(B)6 (first offense only)

The sanction for a municipal civil infraction citation shall be a civil fine in the amount provided by this zoning ordinance, plus any costs, damages, expenses and other sanctions, as authorized under Chapter 87 of Public Act 236 of 1961, as amended, and other applicable laws.

1. The fine for a first offense violation of section 28.19(B)6 shall be \$500. Unless otherwise specifically provided by this Code, the fine for any other violation of this zoning ordinance shall not be less than \$100 or more than \$200.

2. An increased fine may be imposed by the court for each repeat offense in accordance with the following:

a. The fine for any offense that is a first repeat offense shall be no less than \$250 nor more than \$400;

b. The fine for any second repeat offense or any subsequent repeat offense shall be no less than \$500.

Section 4. All other provisions of Zoning Ordinance No. 278 not amended in this amendment shall remain in full force and effect.

Section 5. This amendment shall become effective seven days after publication of this amendment or a notice of adoption.

This Ordinance was introduced at a regular meeting of the City Council of the City of Sterling Heights on the 6th day of December, 2016, and was duly adopted at a regular meeting of the City Council of the City of Sterling Heights on the 20th day of December, 2016.

MARK CARUFEL
CITY CLERK

INTRODUCED: 12-06-16
ADOPTED: 12-20-16
PUBLISHED: 12-28-16
EFFECTIVE: 01-04-17

Moved by Schmidt, seconded by Ziarko, **RESOLVED**, to adopt the ordinance amending Chapter 12 of the Sterling Heights City Code to regulate the licensing and operation of commercial outdoor patio spaces.

Yes: All. The motion carried.

CITY OF STERLING HEIGHTS
COUNTY OF MACOMB, MICHIGAN
ORDINANCE NO. 450

AN ORDINANCE TO ADD DIVISION 3 TO ARTICLE II OF CHAPTER 12 OF THE
CODE OF ORDINANCES TO CREATE LICENSING REQUIREMENTS AND
REGULATIONS FOR COMMERCIAL OUTDOOR PATIO SPACES

Section 1. Division 3 is added to Article II of Chapter 12 of the City Code to read as follows:

DIVISION 3. OUTDOOR PATIO SPACE (“OPS”)

12-46. PURPOSE.

Many service industry business establishments, including but not limited to establishments that serve alcoholic beverages for on-site consumption, utilize outdoor patio spaces at various times throughout the year for patrons to congregate for a variety of purposes, such as dining, drinking, and/or enjoying some form of entertainment. At times, the use of such areas can result in disturbances to neighboring properties, noise violations, and occupancy concerns. This division establishes licensing requirements designed to minimize the adverse secondary effects of such uses.

12-47. LICENSE REQUIRED.

The term “outdoor patio space” is abbreviated in this division as an OPS and includes, but is not limited to, a designated area outside of the primary structure to which it is attached, whether or not it is functionally capable of being completely enclosed, that is utilized for patron seating, dining and/or drink service for patrons, and any other form of patron congregation, with the exception of an outside area that is designated solely for smoking and which complies with the Dr. Ron Davis Smoke-Free Air Law. An OPS must be licensed by the City if it falls within any of the following categories:

1. The OPS is defined by a perimeter of walls, fencing, trees, shrubbery, or any other design that restricts ingress and egress from the OPS, and the OPS is larger than 100 square feet.
2. The business to which the OPS is open later than 10:00 p.m. Sunday through Thursday and/or later than 11:00 p.m. on Friday and Saturday. However, a license will not be required for the OPS if it is not accessible to the public or otherwise being utilized during unusual occasions when indoor business operations are extended beyond those times.
3. Total tabletop space available outdoors on the site for patron use exceeds 100 square feet.

4. Any form of amplified sound is transmitted on, in, from, or through the OPS.
5. The OPS is part of an area licensed or authorized for alcoholic beverage consumption and/or service under the Liquor Control Code.

12-48. APPLICATION.

(A) By March 1, 2017, any person desiring a license to utilize an OPS for which a license is required under this division shall file with the City Clerk an application, under oath, on a form provided by the City Clerk. Applications shall include the following information:

- (1) The full name of the applicant and whether the applicant is an individual or a corporation, partnership or other business entity;
- (2) The name under which the business is operated and a copy of the current business registration and any applicable business licenses;
- (3) The business address and all telephone numbers for the business;
- (4) A copy of the signed lease for the business premises and written consent of the owner to utilize an OPS on the premises, if the premises are not owned by the applicant;
- (5) The site plan number and the date of the meeting at which the site plan for the OPS was approved by the Planning Commission (if applicable), including a layout plan of the OPS showing:
 - a. Its overall design and placement on a scaled site plan;
 - b. The location of all seats, tables, serving areas, exits, trash receptacles, and any other temporary fixtures;
 - c. Lighting (other than decorative lighting);
 - d. Speakers, amplifiers, televisions, display screens, stages or performance areas, and similar installations designed to facilitate entertainment;
 - e. Design of any walls, railings, planters, and other screening and boundary elements; and
 - f. If outdoor heating elements are proposed (permanent or temporary), the location and design of such elements, which shall be required to meet all applicable codes prior to installation.
- (6) The full name, address, and phone number of each individual who manages or is principally in charge of the operation of the business, with such information to be updated immediately with any new or changed information not found on the initial list;
- (7) A detailed summary or description of the nature and type of services to be provided within the OPS;
- (8) The days and times the OPS will be open to patrons;

(9) A release and authorization for the City, through its agents and employees, to seek information and conduct an investigation into the truth of the statements set forth on the application and the qualifications of the applicant for the license;

(10) Additional business establishments with an OPS that have been owned and/or operated by the applicant, in whole or in part, within the past ten (10) years;

(11) Such other information as may be required by the Clerk;

(12) A written declaration by the applicant, given under oath or affirmation, under penalty of perjury, that the information contained in and attached to the application is true and correct.

(C) All applications shall be accompanied by a nonrefundable application fee in an amount set by the City's annual appropriations ordinance.

(D) It shall be a misdemeanor, punishable as provided in Chapter 1 of the City Code, for any person to knowingly make any false, fraudulent, or untruthful statement, either written or oral, or in any way knowingly to conceal any material fact or to give or use any fictitious name in applying for a license under this division. Any license obtained in violation of this subsection shall be void.

(E) Each application shall also be accompanied by:

1. A fully executed maintenance agreement acceptable to the City Attorney, assuring the upkeep and maintenance of, and the prevention of nuisances created by operation of, the OPS. The agreement shall remain in effect for as long as the OPS is operated and properly licensed, and shall include the applicant's agreement to cease operating the OPS until the operation is in full compliance with the requirements of the maintenance agreement. Any modifications to the OPS may require an amended maintenance agreement.
2. A public liability and property damage insurance policy insuring the establishment and its personnel against any liability arising out of its utilization of an OPS on the premises. The City, including its employees, agents, officials, officers, and volunteers, shall be named as an additional insured. No person or entity shall maintain, utilize, or allow to be utilized any OPS unless the insurance required by this section is in force at the time of such operation.
3. A fully executed indemnity agreement, approved by the City Attorney, whereby the applicant and property owner agree to indemnify and hold harmless the City and its officers, agents, and employees from any claim arising or resulting in any manner from the operation of the OPS.

12-49. DUTIES OF THE CITY CLERK REGARDING APPLICATIONS FOR OPS LICENSES.

(A) Upon receipt of a properly and fully completed application for a license, the City Clerk shall provide a copy of the application materials to the City Manager or his or her designee and shall forward a copy of the application materials to the following for their review, investigation, and recommendation:

- (1) Chief of Police;
- (2) Building Official;
- (3) Fire Marshal;
- (4) City Planner; and
- (5) City Development Director.

(B) Except as provided in subsection (D), upon receipt of favorable recommendations from each of the investigating officials listed in subsection (A), the City Clerk shall issue a license to the applicant.

(C) Upon issuance of a license, the City Clerk shall notify each of the following of the issuance:

- (1) Chief of Police;
- (2) Building Official;
- (3) Fire Marshal;
- (4) City Planner;
- (5) City Development Director; and
- (6) City Manager.

(D) Denial. The City Clerk shall deny an application for any of the following reasons:

(1) The operation or facility, as proposed in the application, would not comply with all applicable laws, including, but not limited to, the city's building, fire, zoning, and health ordinances.

(2) The business is not registered with the City Clerk, does not have a proper certificate of occupancy, has unresolved code, liquor control, and/or property maintenance violations, is in default to the City for taxes or other obligations, or has pending litigation or pending ordinance violations in court.

(3) The applicant made a false, misleading, or fraudulent statement of fact or omission in the license application or any document required by the city in conjunction therewith, or has failed to submit all required information or the required fee.

(4) The applicant has had a similar permit or license denied, revoked, or suspended by the City or any other state or local agency.

(5) The applicant has not provided all of the information required to be submitted with an application pursuant to this division.

(6) The OPS or its use is no longer in compliance with approved plans or other approvals on file with the City.

(E) If the City Clerk denies an application, he or she shall notify the applicant by regular mail addressed to the applicant at the address shown on the application. Such notice shall specify the following:

(1) Notice of the proposed action.

(2) Reasons for the proposed action.

(3) A statement that the individual or entity has the right to appeal the decision to the Board of Ordinance Appeals by submitting a written application to the City Clerk or his or her designee within 14 calendar days.

(F) The City Clerk shall grant or deny a license application under this division within 60 days of receipt of the application, except that the City Clerk may extend that deadline upon request of an applicant in order for the applicant to attempt to remedy any correctable violations that would require denial if left uncorrected. The applicant may extend the deadline as often and for as long as it believes it will need, except that upon the expiration of 1 year from receipt of the application, the City Clerk shall issue a final grant or denial decision and close the matter. Thereafter, a new application from the applicant shall not be accepted by the City Clerk for a period of 6 months unless accompanied by documentation of a material change in circumstances, including but not limited to a correction or elimination of any previously outstanding violations or other reasons for denial. An OPS that is or has previously been lawfully in use prior to March 1, 2017 may continue to be utilized as an OPS while the license application is pending, unless the City identifies an immediate risk or hazard to public safety requiring closure, so long as the application is properly completed and submitted to the City Clerk prior to March 1, 2017.

(G) Each license issued under this division shall be valid until January 31 of the calendar year following the year in which it was issued. The expiration date shall be designated by the City Clerk on the license. A renewal form and any applicable fee must be submitted to the City Clerk prior to expiration of the license in order for the OPS use to continue. Upon receipt of a properly completed

renewal form and any applicable fee, the license will be deemed renewed until and unless the City Clerk denies the renewal due to inaccurate or incomplete information or for any of the reasons a license may be suspended or revoked under this division.

(H) A party aggrieved, including but not limited to the applicant or an adjoining property owner or tenant, may appeal any decision under this section to the Board of Ordinance Appeals within 14 calendar days after the contested decision. An appeal must be made in writing and submitted to the City Clerk or his or her designee and shall contain the reasons supporting the appeal and any evidence that supports it. The person appealing may review the evidence that is the basis of any grant, inaction, or denial during the City's normal business hours. The City shall send notice of the meeting at which the appeal will be heard to all addresses within 1,500 feet of the OPS. The scope of the Board's review shall be limited to verifying the facts supporting a written decision to grant, not act upon, or deny a license. If the Board finds that the facts supporting the decision are correct, the grant, inaction, or denial shall not be disturbed.

12-50. USE OF LICENSE.

(A) Each license issued under this chapter shall be conspicuously displayed upon a wall of the establishment within the OPS or at the inside entrance to the OPS, including the approved layout of the OPS, unless the license is issued with a QR code that enables City personnel to scan the license and review the approved layout plans electronically. All licenses shall be made available, upon request, for inspection by any patron, police officer, or city official in order to confirm the information contained in the licenses. Within 72 hours of any change in fact, policy, or method which would alter the information provided in a license application, or on the license itself, the applicant/licensee shall notify the City Clerk of such change(s) in writing.

(B) It shall be a misdemeanor for any person to fraudulently make use of, to his or her own or another's benefit, a license issued to him, her, or another in accordance with this division.

(C) It shall be a misdemeanor for any person to counterfeit or forge the license required by this division or to deface or otherwise alter a license issued under the provisions of this division.

(D) A license issued under this division is not transferable, separable, or divisible, and the authority conferred shall be conferred only upon the individuals named on the license. Upon sale, transfer, or relocation of the establishment, the license therefor shall be null and void unless pre-approved by the City Clerk. It shall be the duty of all owners or licensees having knowledge of the sale, transfer, or relocation of the establishment to immediately report such sale, transfer, or relocation to the City Clerk's office. The failure to do so shall result in an immediate suspension of the license. An application for transfer shall be in writing, shall contain the same information as required by this division for an initial application for a new license, and shall be accompanied by the same fee as required for an application for a new license.

(E) It shall be a misdemeanor for any person operating an establishment to permit or allow an employee or any person whatsoever to violate any of the terms of this division while on the premises

of the establishment, and it shall be a misdemeanor for any person at a licensed establishment to condone or allow any unlawful activity to occur on the licensed premises, whether within or outside the actual licensed building or the OPS.

(F) The hours of operation of an OPS shall be consistent with the hours of operation of the principal business to which it is attached, and a licensee shall be guilty of a misdemeanor if the OPS is utilized between the hours of 2:00 a.m. and 6:00 a.m.

12-50A. REGULAR INSPECTIONS AND SAFETY REQUIREMENTS.

(A) All premises used by a licensee under this division shall be periodically inspected by the Police Chief, Building Official, Fire Marshal, City Development Director, and City Planner, or their authorized representatives, for the safety of the OPS and compliance with all applicable laws, codes, ordinances, and any conditions imposed by any board or commission. A search warrant shall not be required for such inspections, in accordance with the opinion of the Michigan Supreme Court in *Gora v City of Ferndale*, 456 Mich 704 (1998). It is unlawful for any licensee to deny or refuse access to the premises or to hinder the official in any manner in the performance of his or her responsibilities under this division, and such refusal shall constitute sufficient grounds for immediate revocation of a license granted under the provisions of this division. The following minimum standards shall be maintained:

- (1) An OPS must comply with all applicable construction, building, and fire codes and all other governmental laws and regulations, including all technical codes, as well as the conditions of any permits, licenses, or other approvals issued for, or governing, the use of the OPS.
- (2) An OPS must be “open air” but be enclosed around its perimeter to prevent ingress and egress from any location except the principal structure to which it is attached. Enclosures shall consist of metal railing, wood railing, brick walls, or other durable materials approved by the Building Official. No exits, doors, or gates shall be installed in the enclosure unless required by federal or state laws or codes, or unless specifically authorized by the Fire Department, Building Official, or a board or commission. Access to the OPS, and departure therefrom, shall not be permitted from any location other than the principal structure unless for emergency purposes. The OPS shall be located adjacent and connected to the indoor premises and all patrons shall enter and exit the OPS from inside the principal structure. The perimeter of the OPS shall be shielded and screened through the use of walls, fencing, trees, shrubbery, and/or other materials designed to mitigate sound and light emanating from the OPS.

Exception:

An OPS licensed under this division that consists solely of outside tables provided for patrons of the business is not required to comply with this subsection.

- (3) Lighting for the OPS shall be shielded so as to prevent glare to adjacent properties, public rights-of-way, vehicles, and pedestrians.
- (4) The OPS shall only be operated in accordance with a plan approved by the City Planner (or, if applicable, the Planning Commission) for mitigation of any potential nuisance caused by the use of speakers, amplified music, televisions, displays, lighting, performances, or other forms of entertainment.
- (5) If required by the City Planner due to proximity of the OPS to nearby properties that may be residential or otherwise in use, the establishment shall post conspicuous signage visible to users of the OPS advising patrons to respect neighboring properties by not yelling, screaming, littering, singing, or otherwise engaging in activities that could disturb a neighboring property, and to depart the premises at the conclusion of their visit by leaving courteously and expediently, with no loitering in the parking areas or outside of the establishment.
- (6) The establishment shall employ sufficient staff to ensure that noise levels within the OPS are not distracting any nearby residents and/or businesses, and also to maintain compliance and reduce congestion. The establishment shall also maintain staff to continuously patrol and monitor the exterior of the premises to address any noise and/or nuisance issues and facilitate the dispersal of individuals loitering on the site but outside of the OPS.
- (7) Unless an alternative is specifically approved by the City Planner or a City board or commission, the ingress and egress points to and from an OPS into the principal structure (if applicable) shall be designed to muffle, mask, or prevent lights, vibration, and/or sound from inside the principal structure that could impact neighboring properties by installation of a vestibule, transition room, or hallway with a sound muffling door at each access point, or by installing a sound-muffling revolving door. All ingress and egress doors shall remain closed unless being utilized for immediate ingress or egress, or unless the business is closed to the public and employees are utilizing the doors during daylight hours for cleaning, stocking, and similar business purposes.
- (8) An OPS and shall be regularly maintained in a safe, clean, litter-free, and orderly condition.

- (9) All chairs, benches, tables, and other installations that are part of the outdoor seating area shall be of quality, durable material and shall be removed and stored in a legal location and manner when the OPS is not in use.
 - (10) Elevated platforms are prohibited unless specifically authorized by the City Planner or a City board or commission.
 - (11) If applicable, the maximum occupancy permitted in the OPS shall be posted in the OPS and at the inside entrance to the OPS in a conspicuous place. The licensee shall ensure that the number of occupants in the OPS does not exceed the posted limit at any time. A server or other person employed by the licensee who briefly enters and exits an OPS shall not be considered an occupant for the purposes of this subsection.
 - (12) All required City, county, and state permits, licenses, and approvals shall be secured prior to any OPS license becoming effective.
- (B) For an OPS that is located upon property that adjoins, or is located within 500 feet of (measured from the approved boundary of the OPS to the applicable property line), any property zoned for, utilized for, or depicted on the City's master plan for future residential purposes, the following additional regulations apply:
7. The applicant is required to comply with a nuisance mitigation plan.
 8. The nuisance mitigation plan must be submitted by the applicant with the license application. The nuisance mitigation plan will be presented by the City Planner to the Planning Commission for review under the standards set forth in the Zoning Ordinance.
 9. Failure to comply with the nuisance mitigation plan as approved by the Planning Commission shall be grounds for the Planning Commission to revise or revoke the nuisance mitigation plan. Ongoing or recurring instances of noncompliance shall be submitted by the City Planner to the Planning Commission for review. A license issued under this division shall be suspended by the City Clerk in the event that the Planning Commission revokes an approved nuisance mitigation plan. The license shall be reinstated if the Planning Commission later approves a new or revised nuisance mitigation plan or if the City Planner determines that the noncompliance is otherwise corrected.
 10. Ongoing instances of unforeseen or unintended consequences adverse to other properties or which extend beyond the property line shall be submitted by the City Planner to the Planning Commission for review and consideration of potential amendments to the terms and conditions applicable to the OPS.

12-50B. VIOLATIONS AND APPEALS.

(A) Unless otherwise specified, any violation of the provisions of this division shall result in the issuance of a municipal civil infraction citation carrying a fine of \$500. A second or subsequent violation of the same provision within any consecutive 12-month period shall be deemed a misdemeanor, punishable as provided in Chapter 1 of the City Code. Any and all entities, owners, managers, and operators may be issued a citation if deemed to be jointly responsible for the same violation.

(B) Any second violation of the same provision of this division, and/or any third violation of any provision of this division, within any consecutive 12-month period shall cause the City Clerk to suspend the license for 30 days. Any fourth violation of this division within any consecutive 12-month period shall cause the City Clerk to review the license for revocation. The City Clerk shall solicit a review of the development and utilization of the OPS from the Police Chief, Fire Chief, Building Official, City Development Director, and City Planner. The review shall be limited to determining whether the license should be revoked, either for (1) ongoing nuisance conditions, (2) continued violations of the original City approvals relating to the OPS application, and/or (3) other law, ordinance, or code violations arising out of the use and/or maintenance of the OPS and reasonably related to the public health, safety, and welfare. In the event that any of them recommend revocation, the City Clerk shall issue notice to the licensee that the license is revoked.

(C) The licensee may submit a written request to appeal any suspension or revocation pursuant to the appeal provisions set forth in this division.

1. All suspension appeals shall be reviewed by the City Manager or his/her designee. Review is limited to (1) finding error in the conclusion of the City Clerk regarding the number and/or nature of violations, (2) finding that the licensee has satisfactorily demonstrated that one or more of the underlying violations was due to causes outside of its control, or (3) the licensee has implemented significant remedies to prevent future violations. A written decision shall be provided to the licensee within 14 calendar days.
2. All revocation appeals shall be heard by the Board of Ordinance Appeals at its next regular meeting scheduled at least 3 calendar days after submission of the appeal.
3. Upon submission of the appeal request, the licensee may continue to operate under the license until the decision of the City Manager or the Board is rendered unless the basis for the suspension or revocation is an immediate risk or hazard to public safety or continued disturbance of public tranquility.
4. When considering a revocation appeal, the Board may uphold the revocation, reverse the revocation, or modify the revocation to a suspension with reinstatement conditioned upon any terms and conditions the Board determines to be reasonably necessary for the safe and lawful continued utilization of the OPS, including but not limited to referral to the Planning

Commission if the Board determines that a required nuisance mitigation plan should be reviewed for potential revision.

(D) Ongoing violations of this division may also subject the licensee and/or property owner to the remedial and enforcement provisions set forth in Section [11-141](#) of the City Code.

Section 2. Section 1-9(C) of the City Code shall be amended to add a new row in the table of municipal civil infractions as follows:

12	Business Registration and Regulations	12-4 (a), (b)
		Film permits: All sections except 12-160 , 12-166 , and 12-167
		12-21 (first offense only)
		12-47, 12-48(D), 12-50(A), 12-50(D), 12-50A (first offense only)

Section 3. Section 1-26(B) of the City Code shall be amended to add a new row in the table of municipal civil infractions as follows:

Buildings and Building Regulations	Unless otherwise excepted in § 1-9 (c), all sections of the Michigan Construction Code, with updates, as promulgated and by the Director of Consumer and Industry Services after October 15, 1999	\$150 for each first violation, \$375 for the first repeat offense, \$750 for any second repeat offense and \$1,500 for any third or subsequent repeat offense
	Unless otherwise excepted in § 1-9 (c), all sections of the Property Maintenance Code in Article VI of Chapter 11	
	Sections 12-47, 12-48(D), 12-50(A), 12-50(D), 12-50A (first offense only)	\$500 first violation; subsequent violations are misdemeanors

Section 4. All other provisions of the City Code not amended in this amendment shall remain in full force and effect.

Section 5. This amendment shall become effective seven days after publication of this amendment or a notice of adoption.

This Ordinance was introduced at a regular meeting of the City Council of the City of Sterling Heights on the 6th day of December, 2016, and was duly adopted at a regular meeting of the City Council of the City of Sterling Heights on the 20th day of December, 2016.

MARK CARUFEL
CITY CLERK

INTRODUCED: 12-06-16
ADOPTED: 12-20-16
PUBLISHED: 12-28-16
EFFECTIVE: 01-04-17

4. CONSENT AGENDA

Moved by Koski, seconded by Romano, **RESOLVED**, to approve the Consent Agenda:

- A. To approve the minutes of the Regular Meeting of December 6, 2016, as presented.
- B. To approve payment of the bills as presented: General Fund - \$1,030,821.08, Water & Sewer Fund - \$1,567,061.97, Other Funds - \$1,994,119.43, Total Checks - \$4,592,002.48.
- C. **RESOLVED**, to award the bid for park restroom janitorial services to Du All Cleaning, Inc., 13334 West Star Drive, Shelby Township, MI 48315, for a two-year period based on unit prices bid.
- D. **RESOLVED**, to award the bid for heavy-duty mobile hydraulic column lifts to Allied, Inc., 240 Metty Drive, Suite D, Ann Arbor, MI 48103 in the amount of \$59,966.

- E. **RESOLVED**, to award the bid for Riverland Drive Pedestrian Bridge Replacement, City Project #16-289, to Z Contractors, Inc., 50500 Design Lane, Shelby Township, MI 48315, at a cumulative cost of \$344,695.84, authorize the Mayor and City Clerk to sign all required documents on behalf of the City, and authorize a budget amendment in the amount of \$70,000 from Major Road Fund Reserves.
- F. **RESOLVED**, to set a public hearing on Tuesday, January 17th, 2017 at 7:30 p.m. regarding the application by Chalk Spade Investments (USA), Inc. for a Planned Unit Development on 154.4 acres situated north of 17 Mile Road, west of Van Dyke, PPCM-1165.
- G. **RESOLVED**, to adopt the resolutions accepting Lisa Marie Drive (extended), Tamarack Drive (extended), Caden Court, Ersa Court and Adrian Road (extended) in the City Local Street System as public streets located within City right-of-way and operated for public street purposes.

***RESOLUTION FOR STREET ADDITION
CADEN COURT***

At a regular meeting of The City Council of Sterling Heights, Michigan, held at the City Hall on December 20, 2016 the following resolution was offered by Member Koski, and supported by Member Romano.

Whereas the City of Sterling Heights did on December 22, 2015 acquire title to a certain street, and

Whereas it is necessary to furnish certain information to the State of Michigan to place this street/plat within the City Street System for the purpose of obtaining funds under Act 51, P.A. 1951 as amended.

NOW, THEREFORE, IT IS RESOLVED:

1. That the center line of said street is described as:
2. **Part of the SE 1/4 of Section 20, T.2N, R.12E, City of Sterling Heights, Macomb county, Michigan, being more particularly described as:**

Commencing at the East 1/4 corner of Section 20; thence S 0°09'45"W 1339.95 feet along the East Section line of Section 20; thence N 89°57'28"W 1049.48 feet; thence N 0°47'36"E 122.64 feet; thence N 89°57'50"W 171.83 feet; thence N 0°38'53"E 162.60 feet to the Point of Beginning; thence N 89°57'54"E 233.95 feet; thence Easterly along a curve concave to the North with 230.00 feet radius and chord bearing N 85°02'33"E 39.47 feet; thence N 80°07'12"E 109.28 feet; thence Easterly along a curve concave to the South with 170.00 feet radius and chord bearing N 85°04'41"E 29.38 feet; thence S 89°57'50"E 30.5 feet; thence Easterly along a curve concave to the North with 64.0 feet radius and chord bearing N 80°02'25"E 22.22 feet; thence N 70°02'40"E 100.85 feet to the point of ending.

3. That said street is located within a City right-of-way and is under the control of the City of Sterling Heights.
4. That said street is a public street and is for the public street purposes.
5. That said street is accepted in the City Local Street System.

Resolution duly adopted.

Dated this 20th day of December, 2016

Certification

Mark Carufel, City Clerk of the City of Sterling Heights, does hereby certify that the above Resolution was adopted by the City of Sterling Heights City Council on December 20, 2016.

Mark Carufel, City Clerk

***RESOLUTION FOR STREET ADDITION
ERSA COURT***

At a regular meeting of The City Council of Sterling Heights, Michigan, held at the City Hall on December 20, 2016 the following resolution was offered by Member Koski, and supported by Member Romano.

Whereas the City of Sterling Heights did on December 22, 2015 acquire title to a certain street, and

Whereas it is necessary to furnish certain information to the State of Michigan to place this street/plat within the City Street System for the purpose of obtaining funds under Act 51, P.A. 1951 as amended.

NOW, THEREFORE, IT IS RESOLVED:

1. That the center line of said street is described as:
2. **Part of the SE 1/4 of Section 20, T.2N, R.12E, City of Sterling Heights, Macomb county, Michigan, being more particularly described as:**

Commencing at the East 1/4 corner of Section 20; thence S 0°09'45"W 1339.95 feet along the East Section line of Section 20; thence N 89°57'28"W 1049.48 feet; thence N 0°47'36"E 122.64 feet; thence N 89°57'50"W 171.83 feet; thence N 0°38'53"E 162.60 feet; thence N 89°57'54"E 233.95 feet; thence Easterly along a curve concave to the North with 230.00 feet radius and chord bearing N 85°02'33"E 39.47 feet; thence N 80°07'12"E 59.28 feet to the Point of Beginning; thence S 9°52'48"E 51.76 feet; thence Southerly along a curve concave to the West with 170.0 feet radius and chord bearing S 6°53'56"E 17.68 feet; thence S 9°52'48"E 51.76 feet; thence Southerly along a curve concave to the West

with 64.0 feet radius and chord bearing S 2°04'37"E 4.11 feet; thence S 0°14'10"E 100.85 feet to the point of ending.

3. That said street is located within a City right-of-way and is under the control of the City of Sterling Heights.
4. That said street is a public street and is for the public street purposes.
5. That said street is accepted in the City Local Street System.

Resolution duly adopted.

Dated this 20th day of December, 2016

Certification

Mark Carufel, City Clerk of the City of Sterling Heights, does hereby certify that the above Resolution was adopted by the City of Sterling Heights City Council on December 20, 2016.

Mark Carufel, City Clerk

***RESOLUTION FOR STREET ADDITION
LISA MARIE DRIVE***

At a regular meeting of The City Council of Sterling Heights, Michigan, held at the City Hall on December 20, 2016 the following resolution was offered by Member Koski, and supported by Member Romano.

Whereas the City of Sterling Heights did on September 6, 2016 acquire title to a certain street, and

Whereas it is necessary to furnish certain information to the State of Michigan to place this street/plat within the City Street System for the purpose of obtaining funds under Act 51, P.A. 1951 as amended.

NOW, THEREFORE, IT IS RESOLVED:

1. That the center line of said street is described as:

2. **Part of the SE 1/4 of Section 6, T.2N, R.12E, City of Sterling Heights, Macomb county, Michigan, being more particularly described as:**

Commencing at the Southeast corner of Section 6; thence N 02°32'18"E 809.11 feet along the East Section line of Section 6; thence N 88°50'02"W 626.20 feet; thence N 02°05'05"E 271.77 feet to the Point of Beginning; thence Easterly along a curve concave to the South with 149.48 feet radius and chord bearing S 76°07'23"E 61.09 feet; thence S 64°20'35"E 52.67 feet; thence Easterly along a curve concave to the North with 148.20 feet radius and chord bearing S 76°35'00"E 63.45 feet; thence S 89°06'39"E 198.88 feet; thence Easterly along a curve concave to the South with 85.0 feet radius and chord bearing S 80°39'32"E 26.86 feet; thence S 71°33'42"E 108.82 feet to the point of ending.

3. That said street is located within a City right-of-way and is under the control of the City of Sterling Heights.
4. That said street is a public street and is for the public street purposes.
5. That said street is accepted in the City Local Street System.

Resolution duly adopted.

Dated this 20th day of December, 2016

Certification

Mark Carufel, City Clerk of the City of Sterling Heights, does hereby certify that the above Resolution was adopted by the City of Sterling Heights City Council on December 20, 2016.

Mark Carufel, City Clerk

***RESOLUTION FOR STREET ADDITION
TAMARACK DRIVE***

At a regular meeting of The City Council of Sterling Heights, Michigan, held at the City Hall on December 20, 2016 the following resolution was offered by Member Koski, and supported by Member Romano.

Whereas the City of Sterling Heights did on December 22, 2015 acquire title to a certain street, and

Whereas it is necessary to furnish certain information to the State of Michigan to place this street/plat within the City Street System for the purpose of obtaining funds under Act 51, P.A. 1951 as amended.

NOW, THEREFORE, IT IS RESOLVED:

1. That the center line of said street is described as:
2. **Part of the SE 1/4 of Section 20, T.2N, R.12E, City of Sterling Heights, Macomb county, Michigan, being more particularly described as:**

Commencing at the East 1/4 corner of Section 20; thence S 0°09'45"W 1339.95 feet along the East Section line of Section 20; thence N 89°57'28"W 1049.48 feet; thence N 0°47'36"E 122.64 feet; thence N 89°57'50"W 171.83 feet to the Point of Beginning; thence N 0°38'53"E 162.60 feet to the point of ending.

3. That said street is located within a City right-of-way and is under the control of the City of Sterling Heights.
4. That said street is a public street and is for the public street purposes.
5. That said street is accepted in the City Local Street System.

Resolution duly adopted.

Dated this 20th day of December, 2016

Certification

Mark Carufel, City Clerk of the City of Sterling Heights, does hereby certify that the above Resolution was adopted by the City of Sterling Heights City Council on December 20, 2016.

Mark Carufel, City Clerk

- H. **RESOLVED**, to adopt the reimbursement resolution for road projects declaring the City of Sterling Heights' intent to be reimbursed from bond proceeds for any expenditures undertaken by the City for road projects prior to issuance of Michigan Transportation Fund bonds.

**REIMBURSEMENT RESOLUTION
FOR ROAD PROJECTS**

**CITY OF STERLING HEIGHTS
County of Macomb, State of Michigan**

Minutes of a regular meeting of the City Council of the City of Sterling Heights, County of Macomb, State of Michigan, held on December 20, 2016, at 7:30 p.m., prevailing Eastern Time.

PRESENT: Members Koski, Romano, Schmidt, Shannon, Skrzyniarz, Taylor, Ziarko

ABSENT: Members None

The following preamble and resolution were offered by Member: Koski and supported by Member: Romano:

WHEREAS, the City of Sterling Heights, County of Macomb, State of Michigan (the "City"), intends to issue Michigan Transportation Fund Bonds, pursuant to Act 175, Public Acts of Michigan, 1952, as amended, in the principal amount of not to exceed Three Million Six Hundred Thousand Dollars (\$3,600,000) (the "Bonds"), for the purpose of paying the cost of constructing, reconstructing, widening, resurfacing and rehabilitating road and median improvements in the City, including all related appurtenances and attachments (the "Project"); and

WHEREAS, the City intends at this time to state its intentions to be reimbursed from proceeds of the Bonds for any expenditures undertaken by the City for the Project prior to issuance of the Bonds.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City makes the following declarations for the purpose of complying with the reimbursement rules of Treas. Reg. § 1.150-2 pursuant to the Internal Revenue Code of 1986, as amended:

- (a) The City reasonably expects to reimburse itself with proceeds of the Bonds for certain costs of the Project which were paid or will be paid from funds of the City subsequent to sixty (60) days prior to today.
- (b) The maximum principal amount of debt expected to be issued for the Project, including issuance costs, is \$3,600,000.
- (c) A reimbursement allocation of the capital expenditures described above with the proceeds of the Bonds will occur not later than 18 months after the later of (i) the date on which the expenditure is paid, or (ii) the date the Project is placed in service or abandoned, but in no event more than three (3) years after the original expenditure is paid. A reimbursement allocation is an allocation in writing that evidences the City's use of the proceeds of the Bonds to reimburse the City for a capital expenditure made pursuant to this resolution.

2. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

AYES: Members Koski, Romano, Schmidt, Shannon, Skrzyniarz, Taylor, Ziarko

NAYS: Members None

RESOLUTION DECLARED ADOPTED.

Mark Carufel
City Clerk

- I. **RESOLVED**, to adopt the Notice of Intent Resolution for Parks and Recreation Capital Improvement Bonds.

**NOTICE OF INTENT RESOLUTION
PARKS AND RECREATION CAPITAL IMPROVEMENT BONDS**

**CITY OF STERLING HEIGHTS
County of Macomb, State of Michigan**

Minutes of a regular meeting of the City Council of the City of Sterling Heights, County of Macomb, State of Michigan, held on the 20th day of December, 2016, at 7:30 o'clock p.m. prevailing Eastern Time.

PRESENT: Members Koski, Romano, Schmidt, Shannon, Skrzyniarz, Taylor, Ziarko.

ABSENT: Members None

The following preamble and resolution were offered by Member Koski and supported by Member Romano:

WHEREAS, the City of Sterling Heights, County of Macomb, State of Michigan (the "City"), intends to authorize the issuance and sale of one or more series of general obligation limited tax bonds pursuant to Act 34, Public Acts of Michigan, 2001, as amended ("Act 34"), to pay all or part of the cost to acquire construct, furnish and equip parks and recreation improvements for the City, including a new community center, together with all related appurtenances and attachments (the "Project"); and

WHEREAS, the total amount of bonds to be issued to finance the acquisition and construction of the Project shall not exceed Forty-Five Million Dollars (\$45,000,000); and

WHEREAS, a notice of intent to issue bonds must be published before the issuance of the aforesaid bonds in order to comply with the requirements of Section 517 of Act 34; and

WHEREAS, the City intends at this time to state its intention to be reimbursed from proceeds of the Bonds for any expenditures undertaken by the City for the Project prior to issuance of the Bonds.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Clerk is hereby authorized and directed to publish a notice of intent to issue the Bonds in the *Sterling Heights Sentry*, a newspaper of general circulation in the City.

2. The notice of intent shall be published as a **display advertisement not less than one-quarter (1/4) page in size** in substantially the form attached to this Resolution as Exhibit A.

3. The City Council does hereby determine that the foregoing form of Notice of Intent to Issue Bonds, and the manner of publication directed, is adequate notice to the taxpayers and electors of the City, and is the method best calculated to give them notice of the City's intent to issue the Bonds, the purpose of the Bonds, the security for the Bonds, and the right of referendum of the electors with respect thereto, and that the provision of forty-five (45) days within which to file a referendum petition is adequate to insure that the City's electors may exercise their legal rights of referendum, and the newspaper named for publication is hereby determined to reach the largest number of persons to whom the notice is directed.

4. The City makes the following declarations for the purpose of complying with the reimbursement rules of Treas. Reg. § 1.150-2 pursuant to the Internal Revenue Code of 1986, as amended:

(a) The City reasonably expects to reimburse itself with proceeds of the Bonds for certain costs of the Project which were paid or will be paid from funds of the City subsequent to sixty (60) days prior to today.

(b) The maximum principal amount of debt expected to be issued for the Project, including issuance costs, is \$45,000,000.

(c) A reimbursement allocation of the capital expenditures described above with the proceeds of the Bonds will occur not later than 18 months after the later of (i) the date on which the expenditure is paid, or (ii) the date the Project is placed in service or abandoned, but in no event more than three (3) years after the original expenditure is paid. A reimbursement allocation is an allocation in writing that evidences the City's use of the proceeds of the Bonds to reimburse the City for a capital expenditure made pursuant to this resolution.

5. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution are hereby rescinded.

AYES: Members Koski, Romano, Schmidt, Shannon, Skrzyniarz, Taylor, Ziarko

NAYS: Members None

RESOLUTION DECLARED ADOPTED.

Mark Carufel
City Clerk

J. **RESOLVED**, to:

- (A) Authorize an amendment to the fiscal year 2016/2017 budget to transfer \$900,000 from the Economic Development Fund to the LDFA Fund for reimbursement of eligible expenditures made by FCA USA LLC at 38111 Van Dyke; and
- (B) Authorize an amendment to the fiscal year 2016/2017 budget fee schedule to waive building permit fees in connection with the rehabilitation of an obsolete facility situated at 38111 Van Dyke.

K. **RESOLVED**, to approve the Administrative Services Contract with Blue Cross Blue Shield of Michigan for the period January 1, 2017 through December 31, 2017, with monthly fees of \$56.90 per employee/retiree contract for administration, \$1.61 per contract per employee/retiree contract for Total Care Management, and \$64.61 per employee/retiree contract for specific stop loss insurance at \$250,000 for the self-insured retention, and authorize the Mayor and City Clerk to sign all documents

required in conjunction with this approval, upon review and approval by the City Attorney.

- L. **RESOLVED**, to delegate final approval authority for the new Master Land Use Plan to the Sterling Heights Planning Commission in accordance with the provisions set forth in the Michigan Planning Enabling Act – PPCM-1145.
- M. **RESOLVED**, to receive the lawsuit, *Mark Hagadone v. Sterling Heights Police Department*, 41A District Court Case No. S-16-4052-GZ.
- N. **RESOLVED**, to approve the Settlement Agreement and Release in resolution of *Petz, et al vs. City of Sterling Heights, et al*; Macomb County Circuit Court Case No. 2016-003817-NI and authorize the City Manager to sign all documents required in conjunction with this approval.

Yes: All. The motion carried.

5. CONSIDERATION

Fire Chief Christopher Martin made a presentation on a Memorandum of Understanding between the City of Sterling Heights and Local No. 1557 of the International Association of Fire Fighters to implement Advanced Life Support Transport. He stated this represents a new vision for the Fire Department to offer a significant increase of service to the community at no cost, and the completion of over a quarter-century-long project. He stated over twenty-five years ago, the City began providing Advanced Life Support service to its residents, even though at that time not everyone was convinced it was the right thing to do. He stated in

looking back, it was perhaps the best thing the Fire Department ever did, and it is evident not only in the statistics he can provide but in the testimonies received from families in both lives saved and the difference in the outcome because of the treatment they received. He pointed out that not everyone they encounter is at risk of dying in the emergencies to which they respond, but there are situations where their interventions and treatment have a significant impact on the quality of life they have after the event. Chief Martin provided details about the plan to take over services to residents and visitors. The benefits include increasing the number of ALS units daily from six to ten and adding fifteen firefighters to the staff. The number of incidents the Fire Department handled escalated from approximately 5,000 in 1995 to more than 14,000 this year, and there has been a reduction in staffing since that time. Over the last several years, there has been an increase in response times because there has an increased need for the incidents to be handled by apparatus coming from other stations when the first two engines are out of service. Having two ALS units in every station will have a significant impact on their service delivery, especially when every second counts. The plan will also make available more firefighters and fire companies to respond to all emergencies. This plan also funds the outfitting of a full set of extrication equipment on every fire engine, which is industry standard and will reduce the time it takes to remove victims from car accidents. This proposal has been developed to be cost-neutral, but there are significant improvements at no cost to the residents.

Chief Martin acknowledged there are risks, but he is confident that between his staff and city administration, they have identified and analyzed all risks. One of those risks involves hiring fifteen new firefighter/paramedics, but all costs now and into the future have been incorporated into this plan, including pension health care and safety equipment. The plan also calls for significant capital investment in ambulances and associated equipment, additional liability, and unknown future of health care, although he added there will always be the need to transport people to hospitals. He explained that the City maintains the ability to stop this service, although he acknowledged that would not be easy because they would have hired additional firefighters and purchased the equipment. He was confident that there will be no need to consider that option.

Chief Martin outlined how the plan would work for each station through the aid of a Powerpoint presentation. He explained what would be needed to keep staffing at specific levels. He reported that if staffing is not at optimum levels, it could add between \$300,000 and \$400,000 in overtime each year, which tips the scales in the self-sustaining model presented. He explained the plan allocates enough funding to keep the staffing levels at 28 per station, which allows for adequate coverage when firefighters are off for approved training. He explained a “jump system” that they can implement in the event they are short-staffed at a station. He stated with this plan, there will be five ambulances in service. Chief Martin explained the key begins with dispatch, and he acknowledged the Sheriff and his staff have been great to work with, and while this new vision for the fire

department was not part of the contract of services when dispatching was moved to the County, the County has agreed not only to handle it but work with the Fire Department to implement all of the required changes that go along with it. He thanked them for their support.

Chief Martin outlined the number of fire departments in Macomb County that currently provide transporting service, including Harrison Township, Roseville, St. Clair Shores, Warren, Shelby Township, Washington Township, Bruce Township, Utica and Armada. He added that the City of Sterling Heights already has secured mutual protocols with each of these departments to share ambulances. He cited many other communities in the metro-Detroit area, as well as communities state-wide, that offer transport. He stated he has heard this service compared to the contracting out of refuse pickup, but he disagreed with that analogy, stressing this is dealing with the care, treatment and transportation of human beings. He stated that Universal has some great employees but like all other EMS agencies in the state and nation, they struggle to recruit and retain quality employees, mainly due to the requirements and the pay and benefits they provide. He stated that Universal Ambulance is not under command and control of the dispatch system or officers until they arrive on the scene. There are no radio communications between the two agencies and the ambulances are not equipped with the vehicle locaters to allow the City's dispatch or fire apparatus to know their location, and this has become problematic. They have no ability to reroute ambulances to other incidents to reduce response times, and they are not

in direct communication with them at any time. Under the proposed plan, all ALS units will be under command and control of their dispatchers and officers on duty, which is a significant improvement in their service delivery. Chief Martin emphasized the important part of this plan is the hiring of fifteen more paramedic/firefighters. He assured they hire the best and train them to be better, and they keep them for twenty-five years or more.

Chief Martin outlined the proposed timeline if this plan is approved this evening. They would advertise for openings, and the City is now actively advertising for candidates. Those interested have until February 1st to take the written test through EMPCO, followed by request for background packet from those who scored 80 or higher, and preliminary police background check will be made. In-house oral interviews will then be conducted, which will rank candidates, and background checks will be completed. The Civil Service will approve the new list in June, and physicals and psychological testing can begin. They expect to be able to hire them by August 1st. They plan to fine-tune the specs for the equipment and order by March 1st with a three- to four-month build time, and order all related equipment and supplies to be delivered by August 1st. The vehicles would subsequently be inspected and licensed by the State. He was confident that they can be ready to start by September 1st.

Chief Martin explained the need to select and contract a billing agency early next year, which will allow time to work out the data-sharing aspect of the program and to provide training on report-writing and billing. They also need to negotiate

a contract extension with Universal Macomb Ambulance because their contract expires in July, and identify what level of mutual aid they would be willing to provide. They will need to develop the changes in the CAD system with the County, fine-tune the City's operational changes and revamp mutual aid plans to address the need for sharing ambulances. He concluded his presentation, stating he has every confidence in handling this transition with great success.

Mr. Baker continued with the Powerpoint presentation to provide the financial aspects of the proposed plan. To keep this a self-sustaining model, they had to make some cuts. More firefighters were originally requested, but they worked it out with the union, and the Chief had some innovative ideas to have a jump system with the rigs, as well as manning the engines with two instead of three firefighters in a couple of situations. This plan includes the fifteen new firefighters, as well as their annual wage and benefit increases as well, over a five-year period, which gets them to the top of the payscale, and continues over a ten-year period for analysis purposes. It includes all pension and overtime costs, and since the retiree medical plan is closed, there will be no associated costs. He advised that all capital costs are included regarding ambulances and equipment. They would have five ambulances, with two in reserves, so eventually they would be purchasing seven ambulances. The plan includes all vehicle maintenance costs, insurance, fuel and supplies, and it fully-funds all capital replacement needs. Mr. Baker stated the model uses the lowest of the three consultant estimates provided. They looked at ten surrounding comparable communities and

their average collection amount. They were conservative and assumed no increase in that transport fee for the next ten years. They assumed an increase of only 3% for the number of transports each year, which is lower than the historical rates, so they are comfortable with their projections of what anticipated revenue. They are proposing the hiring of a medical billing company so that it will not fall on their Treasury staff. Mr. Baker stated there is a possibility of receiving grant funds, but they were not assumed in this analysis. They will maintain the same billing fees as Universal, but unlike Universal, the City can offer favorable billing policies for residents in hardship cases. There is a net positive return over the ten-year projected period of approximately \$105,000 per year, with the \$1 million over ten years providing some cushion. He advised that the Fire Chief has agreed to this plan in terms of expenditure limits they have modeled. He assured it is a sustainable plan over ten years and lifetime. The Memorandum of Understanding does allow them to get out of the service, but they do not anticipate that happening.

Ms. Linda Godfrey – not opposed to firefighters, but could not see it necessary to take on the capital spending, liability, bonding, possibility of lawsuits when Universal is at no cost to taxpayers as a whole and already provides excellent service; suggested a committee consisting of a Council member, representative from administration and residents to look at this.

Ms. Jazmine Early – questioned why no input from citizens; risks involved by the City taking this on at expense of taxpayers; in favor of citizen committee; urged Council to take no action tonight.

Mr. Jeffrey Norgrove – transport in the City turned down by voters twice; took City of Warren 25 years to recoup capital outlay; supports fire and police, but Universal provides good service; more time should be spent looking into the proposal; questioned whether other communities are going to benefit from City's purchase of all this equipment.

Ms. Mary Marcinak – opposed to proposal; cost is too high; Universal Macomb Ambulance has paid taxes to the City for 40 years and provide great service; questioned where the money will come from; costs continuing to rise for taxpayers in Sterling Heights.

Three nurses who work for Ford Motor Company – in favor of keeping Universal Macomb Ambulance; current arrangements have worked for 40 years, so why change it; forcing a good tax-paying company to downsize; will affect a lot of people; urged the Council to postpone a decision.

Mr. Dave Poterek – retired battalion chief for Sterling Heights and employee of Washington Township; in favor of the proposal; cannot buy experience and that is what they are gaining with this proposal; will gain revenue of millions of dollars over the next ten years; similar proposals turned down over the years because they were poorly written; felt this is a

good solid proposal; would not be endorsed by Finance if it was not a good proposal.

Dr. Steve Naumovski – should be reviewed from a life-saving aspect; commended the initiative of those who worked hard on this; consider grant funding.

Mr. Geoff Gariepy – in support of proposal; will enhance public safety; some have said Universal is “free” to taxpayers, but he reminded firefighters are still going on every run, so taxpayers are already paying; Universal has been good, but this offers a new level of service; enhances Fire Department’s response time with added personnel with costs that can be recouped; encouraged Council to approve this proposal.

Mr. Duncan Walker – Vice-President of Universal Macomb; surprised at how quick this is progressing; assured if the City opts for this proposal, they are not going anywhere and will work to make it a smooth transition; urged Council to take more time to look at it but felt the residents should be involved in the decision.

Mr. Kevin Conlon – resident for 30 years; worked for Sterling Heights for 25 years as firefighter, paramedic and battalion chief; arguments against this from 1980’s “don’t hold water”; Fire Department is already responding to all calls, and their experience makes a difference; spoke highly of Universal, but cutting the number of firefighters over the years has made their jobs less safe; expressed confidence in Mr. Baker’s

analysis of the plan and his recommendation of it; cost effective and safer for both firefighters and residents; fifteen additional firefighters will make a big difference.

Mr. John Farah – lieutenant in Fire Department, and president of Local 1557; commended Mayor Pro-Tem Romano for bringing this forward; triple the amount of runs now than in 1990, with less firefighters now; has nothing against Universal but is in favor of the proposal.

Mr. Darin Inda – 26-year employee with Universal Macomb Ambulance; opposed to the plan; has 170 co-workers worried about their jobs; they have a public-private partnership that has worked efficiently; cited only 37% of communities across the country are involved in transport; Universal has 11 ambulances available as opposed to 5; asked for citizens to be included in a committee to study this.

Mr. Jeff Duncan – Sterling Heights resident for 23 years and employee with the Fire Department since 1995; responding to more calls with less personnel; proposed plan will make it safer; have had great relationship with Universal, but have had more frequent instances where Universal does not have an ambulance available for a run, and they have had to count on mutual aid; confident the City will be able to respond quicker and bring in more revenue; plan is cost-neutral because it was demanded by the Chief; Fire Department has excellent employees.

Mr. Ed Miller – in support of plan; good for both residents and firefighters, and offers a great service opportunity; appreciated the hard work that went into the plan.

Mr. Justin Emerson – firefighter/paramedic; in favor of the proposal; when they have an unstable patient, firefighters stay with them; one advantage is they will have life-saving equipment with them; stressed seconds matter, and this is a good plan.

Moved by Romano, seconded by Koski, **RESOLVED**, to approve the Memorandum of Understanding between the City of Sterling Heights and Local No. 1557 of the International Association of Fire Fighters to implement Advanced Life Support Transport and authorize the Mayor and City Clerk to sign it on behalf of the City.

Mayor Pro-Tem Romano believed Universal does a good job, but he was confident the Fire Department does a better job. He stated he was originally opposed to this proposal because it was going to cost the residents; however, the union members and administration got together and worked it out. He was confident that Mr. Baker would not have recommended this if the City would lose money on it. He added that if they discover it does not work, it can be stopped. He stated the firefighters are not going to get increases if this is approved. He commended the employees of the Fire Department for their professionalism, their knowledge of their field and their willingness to take this on.

Councilwoman Koski stated this has been in the works for a long time, but the question has been how they could come up with a plan that is cost-neutral. She recalled when she was elected to City Council in 1989, they had two fire trucks. She stated having the additional firefighters will improve service to the residents and allow them the best care in the least amount of time, and she added they owe this to the residents. She felt this will improve service and response time, providing professional care, and is in favor of this proposal.

Councilwoman Schmidt referenced a comment that indicates if this is approved, they will have extra equipment on their trucks. She questioned why they do not have it now.

Chief Martin replied that they recently switched to better-operated tools, and prior to that, it was hydraulic-based. They have purchased the second set of batter-operated tools and they have used them and like them. He stated the ladder truck is coming with another set of battery-operated tools. During the recession, there were not many new capital items being approved, so this will give them the ability to have the extrication equipment on the apparatus, especially when they are staffed to their minimums, and it is paid for by the revenues generated from the transport.

Councilwoman Schmidt inquired as to whether any of the money is being used for this from the Safe Streets Millage.

Mr. Baker replied there are no funds in this proposal from the Safe Streets Millage.

Councilwoman Schmidt inquired as to whether there will be any impact on this if the Safe Streets Millage is not passed.

Mr. Baker responded that will be a Council decision. If the Safe Streets Millage does not get approved, there would have to be layoffs in Police and Fire. He stated that millage currently brings in about \$7 million annually.

Councilwoman Schmidt questioned whether this has to do more with manpower or transport. She stressed she has supported the Fire Department for the past 14 years, and she felt they are the best in the country. She stated that employees and residents have seen staffing levels decline over the last ten years, with some services still not restored, and many still outsourced such as custodial services, some snow plowing and snow removal, and dispatch. She was concerned about the risk of assuming what the city will recoup in revenue from taking on this service. Councilwoman Schmidt does not feel there is an "out" clause because the equipment would have been purchased and the personnel would have been hired. She stated that the City's bond rating has decreased over the last couple of years because of legacy costs, and she was concerned this will add to that. She questioned that transport will make money but at what expense, and pointed out that patients are now being transported at no expense to residents and at no risk to the City. She has talked with people from other communities that transport, and those people have spoken strongly against it. Councilwoman Schmidt stated if the City's firefighters are first on the scene, she would like to see them pursue a

“first responder fee”. She emphasized that she loves the Fire Department but cannot support this.

Councilman Skrzyniarz cited a personal experience he had with a member of his family, and he stated the Fire Department arrived about five or six minutes before the ambulance. He stated that time is critical in a life-or-death situation. He stated that the projections reflect that the City will be benefiting by about \$100,000 a year. He also pointed out the number of runs “is off the charts” because the population continues to increase. He was confident in Mr. Baker’s analysis of this, and is in support of the proposal.

Mr. Baker replied to inquiry that they were using very conservative data in their calculations.

Councilman Skrzyniarz stated the plan includes new equipment, which is already built into the plan. He stated he has been on City Council for three years and involved with public service for twenty-five years, and he will be voting in favor of this. He was confident this will save lives now and in the future, and he is very proud of the steps they are taking tonight.

Councilman Shannon stated he has been in favor of moving forward with transport because it will make the city safer. It will allow an increase of manpower, and the legacy costs are worked into the total cost over the next ten years, and this does not take into consideration any grant money. He stated that a lot of departments have been downsized, and if the city can figure out how to generate additional revenue to bring more people into the department, he is in

favor of it. He noted the plan projects a profit each year, and it is a way to recover the expenses.

Councilwoman Ziarko stated she has supported the Fire Department since she first took office on City Council, but she has been very cautious. She took office when the City was in the middle of a lawsuit that cost the City, and they have gone through an economic downturn. She was criticized for being in support of increasing taxes to keep fire and police. She stated there are flaws in the proposal, and although it looks good on paper, she was concerned that many of the fees they can charge for these runs will not be able to be collected. She did not feel there is an "out clause" because she could not see any future Council backing out of this plan. She was concerned about the morale of the employees if they hire 15 more people in Fire and not in other departments. She reported that a lot of firefighters started out at Universal Ambulance and possibly left there because they wanted to make more money through the city.

Mayr Taylor stated this is an important issue and is something he has been talking about for a long time with the administration and the firefighters. He addressed a comment he has heard that "if it ain't broke, don't fix it", stating he is opposed to that argument. He pointed out that they would be living in the stone ages if they lived by that mantra. He stated this proposal will help the people of Sterling Heights, and although there is the risk that it may cost more money because they may not get reimbursed as much as anticipated, he is willing to take that risk. He stated the service will be much better, and although Universal Ambulance has

done a good job, bringing more firefighters into the City is a good thing. He is proud to support this and stated it is a proud moment for the City.

Yes: Romano, Koski, Skrzyniarz, Taylor, Shannon.

No: Ziarko, Schmidt.

The motion carried.

Mayor Taylor called a five-minute recess. The meeting recessed at 11:06 p.m. and reconvened at 11:12 p.m.

COMMUNICATIONS FROM CITIZENS

Ms. Jazmine Early – Berms at Freedom Hill that were added this past summer.

Mr. Jeffrey Norgrove – Thanked Mayor Pro-Tem Romano for his years of service; wished him well at the county level.

Ms. Mary Marcinak – Questioned why Utica Road is a two-lane road in Sterling Heights, and four- or five-lane road in other communities.

Ms. Linda Godfrey – Commended Mayor Pro-Tem Romano on being straightforward and fair; rising gas taxes; increases in registration and license fees beginning January 1st.

Mr. Thomas Neil – Thanked Mayor Pro-Tem Romano; snow plowing on city roads; CPR training for residents; social media.

Dr. Steve Naumovski – Condition of Utica and 18 Mile Roads; thanked Councilman Romano; commended Clerk Mark Carufel on all the hard work he put in during election.

Mr. Giulio Russo – Thanked Mayor Pro-Tem Romano

Mr. George Parker – Communications from Citizens portion of each meeting; thanked Mayor Pro-Tem Romano and wished him well.

6. CONSIDERATION

Moved by Schmidt, seconded by Romano, **RESOLVED**, to appoint Ms. Wanda Hansbrough Walker to the Housing Commission to a term ending December 31, 2021, 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.

REPORTS FROM CITY ADMINISTRATION AND CITY COUNCIL

Mr. Vanderpool had nothing further to add, other than to respond to a previous citizen comment that the City Council has invited candidates for the vacant position on January 3rd to make a three-minute presentation.

Mr. Kaszubski had nothing further to add.

UNFINISHED BUSINESS/ NEW BUSINESS

Mayor Taylor asked Mayor Pro-Tem Romano if he wished to have any final words at this point.

Mayor Pro-Tem Romano stated he made the decision to move on to the County because he felt he has lost his effectiveness on City Council. He suggested that citizens who come to the podium during the public comment portion of the meeting need to be sure they have their facts and figures straight, and he felt it should be germane to city business. He expressed his love for this city and added

he will soon be sitting in the audience. He assured he will do his best at the county level for the residents of Sterling Heights, not only those in his district but for all residents. He and his family have lived in this city, his children were raised in this community, and it is a great community.

Mayor Taylor stated that Mayor Pro-Tem Romano will be missed.

ADJOURN

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

Yes: All. The motion carried.

The meeting was adjourned at 11:57 p.m.

MARK CARUFEL, City Clerk

EXPENDITURES FOR THE MEETING OF
January 3, 2017

	TOTAL PREPAYMENT LISTING	INTERFUND TRANSFERS	PROPERTY TAXES TO OTHER ENTITIES	EXPENSES & EXPENDITURES
GENERAL FUND	\$381,236.10			\$381,236.10
WATER & SEWER FUND	\$143,813.66			\$143,813.66
OTHER FUNDS	\$1,128,402.16		\$6,254.90	\$1,122,147.26
TOTAL CHECKS	\$1,653,451.92	\$0.00	\$6,254.90	\$1,647,197.02

BILL LISTING DETAIL IS AVAILABLE AT THE STERLING HEIGHTS PUBLIC LIBRARY

AGENDA STATEMENT

OMB AS03 Rev. 11/04

Item Title: To authorize vacation of three (3) existing water main easements in conjunction with the Mayco International Building Additions at 42400 Merrill Road in Section 9; PSP16-0032, EG16-0035.

Submitted By: Office of Engineering



Contact Person/Telephone: Brent Bashaw, P.E., City Engineer/(586) 446-2720

Administration (initial as applicable)

Attachments

 City Clerk	___	Resolution	___	Minutes
 Finance & Budget Director	___	Ordinance	___	Plan/Map
 City Attorney (as to legal form)	___	Contract	<u>x</u>	Other
 City Manager				Staff Report, Request Letter, Exhibit
<input type="checkbox"/>	Check box if this agenda item requires billing/revenue collection (fees, etc.) by Treasury Office			

Executive Summary:

MCE Properties, LLC (Applicant) is the owner of real property situated on the northeast corner of Merrill Road and 18 1/2 Mile Road and commonly known as 42400 Merrill Road. The existing building on the real property is the subject of two (2) proposed building additions. Applicant has secured final site plan approval for the proposed building additions to be constructed on the north side of the existing building. The footprints of the proposed building additions encroach upon the City's existing water main easements as previously granted.

A request to relocate the existing water main and vacate all of the existing water main easements encumbered by the proposed building additions has been submitted to the Office of Engineering. A new water main easement will be dedicated over the existing and proposed approved layout. The existing water main easements proposed for vacation are depicted on the attached exhibits. Applicant desires to obtain a building permit and permission to initiate building construction within a portion of the existing easements while the easement vacation document is being prepared. The Office of Engineering recommends approval of the request by the owner subject to certain conditions as specified in the proposed motion.

Suggested Action:

MOVED BY:

SECONDED BY:

RESOLVED, to direct the City Attorney to prepare the necessary agreement to vacate three (3) existing water main easements for the proposed Mayco International Building Additions, Section 9, PSP16-0032, EG16-0035, and the Mayor and City Clerk are hereby authorized to sign the agreement on behalf of the City; And,

RESOLVED, that City Council indicates no objection to the issuance of a building permit for the Mayco International Building Additions, Section 9, PSP16-0032, EG16-0035, subject to the following:

1. That site plans and building plans be approved by City Administration prior to issuance of a building permit;
2. That the Applicant pay all costs incurred by the City in the preparation of the easement vacation document(s), including attorney fees; and
3. That Applicant agrees in writing to indemnify and hold the City, its officers and employees, harmless from all damages to persons or property arising from construction activities in the existing easements prior to completion of the vacation process.

Cc: Chris McLeod, City Planner
Michael Moore, Public Works Director
Scott A. Charron, Civil Engineer II

NOTIFICATION LIST

MCE Properties, LLC
424 Merrill Road
Sterling Heights, Michigan 48314

**CITY OF STERLING HEIGHTS
STAFF REPORT
JANUARY 3, 2016**

RE: Mayco International Building Additions, Section 9 –Vacation of three (3) Existing Water Main Easements

Prepared By: Brent Bashaw, P.E., City Engineer

(586) 446-2720

GENERAL INFORMATION: MCE Properties, LLC has obtained final site plan approval for two (2) proposed building additions to its existing building located at 42400 Merrill Road. Part of this site development requires that an existing water main be relocated due to its close proximity to the proposed building additions.

Applicant has made a request (see attached) to vacate three (3) existing water main easements. The existing water main easements to be vacated and the new water main easement are shown on the attached exhibits.

TECHNICAL INFORMATION: MCE Properties, LLC has granted three (3) water main easements to the City of Sterling Heights and constructed the associated water main in conjunction with separate site plan developments constructed in 1977, 1981, and 1985, respectively. The documents are:

Water Main Easement as recorded in Liber 3418, Page 667-668, Macomb County Records

Water Main Easement as recorded in Liber 3210, Page 752-753, Macomb County Records

Water Main Easement as recorded in Liber 3859, Page 117-119, Macomb County Records

STAFF ANALYSIS AND FINDINGS: A water main easement has been dedicated over the entire water main on the site as part of the Mayco International Building Additions. Therefore, the existing water main easements may be vacated.

STAFF RECOMMENDATION: Please see the Suggested Action on the accompanying Agenda Statement.

Cc: Chris McLeod, City Planner
Michael Moore, Public Works Director
Scott A. Charron, Civil Engineer II



December 15th, 2016

Mr. Scott A. Charron, City Engineer
City of Sterling Heights
40555 Utica Road
P.O. Box 8009
Sterling Heights, MI 48311-8009

Request to vacate 3 Existing Water Main Easements described by location below and to replace with A Water Main Easement as indicated in Exhibit A.

1. **Liber 3418, P 667-668.** Located in Macomb County Register of Deeds
2. **Liber 3210, P 752-753.** Located in Macomb County Register of Deeds
3. **Liber 3859, P117-119.** Located in Macomb County Register of Deeds

Dear Mr. Charron,

Please accept this letter on behalf of MCE Properties, LLC that has asked me as an authorized agent of the company to submit a written request asking that the three WATER MAIN EASEMENTS described above be vacated and replaced in concert with the plans provided by the engineering firm of Nowak & Fraus and attached to this request as EXHIBIT A.

The attached renderings from Nowak & Fraus covers all of the existing easement and reroutes the necessary sections around the proposed building additions planned for Mayco International. Please do not hesitate to call me directly at 586-630-1100 if you have any questions or concerns.

Sincerely,

Gwendolyn Cameron, Esq (P74635)
In-house Counsel for Mayco International, LLC

c.c Nick Demiro
Tim Bradley



December 15th, 2016

Mr. Scott A. Charron, City
Engineer City of Sterling Heights
40555 Utica Road
P. O. Box 8009
Sterling Heights, MI
48311-8009

RE: Construction of accessory building(s) and expansion of Mayco International, LLC [Mayco] located at 42400 Merrill Road in Sterling Heights

Dear Mr. Charron,

Please accept this letter as an official request to allow Mayco's employees, agents, assigns and contractors to work within the Water Main Easements that property owner, MCE Properties, LLC has concurrently requested to be vacated while the documents for vacating these easements are drawn up by the City's Attorney's office. These easement areas that may require access by employees, agents or contractors can be located on the attached Exhibit (Exhibit A) and are formally recorded in the Macomb County Register of Deeds under the following: Liber 3418, P667-668; Liber 3210, P 752-753 and Liber 3859, P117-119.

Gwendolyn Cameron, Esq (P74635)
In-house Counsel for Mayco International, LLC

c.c Nick Demiro - President
Tim Bradley

Release and Hold Harmless Agreement

For valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Mayco International, LLC, a Michigan Limited Liability Company [Mayco] along with MCE Properties, LLC [MCE] (a Michigan Limited Liability Company-property owner), agrees to release and hold the CITY OF STERLING HEIGHTS, a Michigan municipal corporation ("City"), its elected and appointed officials, board and commission members, employees, and others working on behalf of the City (together, the "Indemnified Parties"), harmless from any and all claims, injuries, damages, losses or suits, including attorney fees, arising out of or in connection City's granting of permission to MCE to construct a building on the site located at 42400 Merrill Road, Sterling Heights, Macomb County, Michigan as more particularly described below*, and incorporated herein by it's reference (the "Property"), on which Property an existing City water main is located in an easement area, also as shown on attached Exhibit A ("Water Main"), until such time as the first to occur of: (i) vacation of the Water Main; (ii) discontinuance of the Water Main; (iii) removal of the Water Main; or (iv) relocation of the Water Main; except to the extent, if any, arising from the negligence or misconduct of any of the Indemnified Parties.

By executing this Agreement, the undersigned represents and covenants to the City that the undersigned is fully authorized to execute this RELEASE AND HOLD HARMLESS AGREEMENT ("Agreement") and to bind Mayco and MCE with respect to the subject matter of this Agreement. This Agreement may be executed in counterparts, which when taken together shall constitute one and the same instrument, and digital signatures shall be binding upon the parties as though they were originals.

Mayco and MCE acknowledge that a separate agreement to vacate the water main may be required to be executed between the parties in order to formally vacate the existing water main easement located in the area where the new building(s) will be constructed on the Property.

Dated: December 15th, 2016

Mayco International, LLC by:


Gwendolyn Cameron (P74636)

IN-HOUSE COUNSEL FOR MAYCO INTERNATIONAL, LLC

* "THE PROPERTY"

PARCEL LEGAL DESCRIPTION - 42400 MERRILL RD.

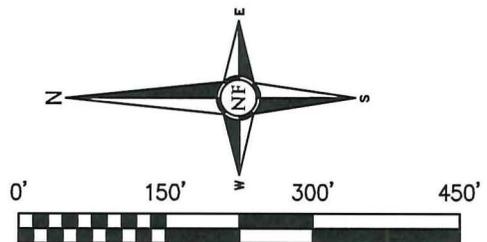
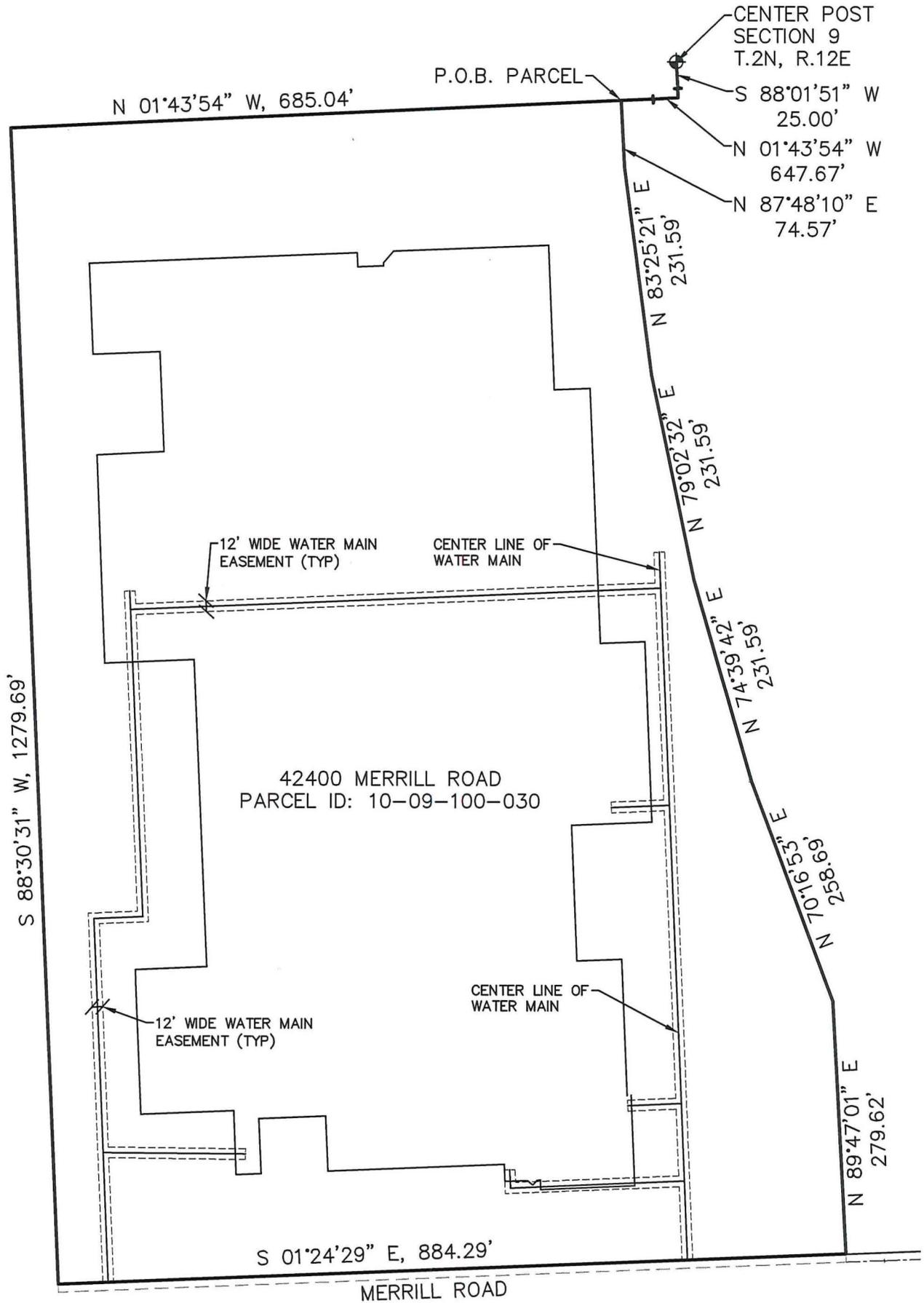
LAND IN THE CITY OF STERLING HEIGHTS, MACOMB COUNTY, MICHIGAN, IS DESCRIBED AS FOLLOWS:

A PART OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 9, TOWN 2.N, RANGE 12.E, CITY OF STERLING HEIGHTS, MACOMB COUNTY, MICHIGAN; BEING MORE PARTICULARLY DESCRIBED AS BEGINNING AT A POINT DISTANT S 88°01'51" W, 25.00 FEET AND N 01°43'54" W, 647.67 FEET FROM THE CENTER OF SAID SECTION 9; THENCE CONTINUING N 01°43'54" W, 685.04 FEET; THENCE S 88°30'31" W, 1279.69 FEET TO THE CENTERLINE OF MERRILL ROAD; THENCE S 01°24'29" E, 884.29 FEET ALONG THE CENTERLINE OF MERRILL ROAD; THENCE N 87°49'01" E, 279.62 FEET; THENCE N 70°16'53" E, 258.69 FEET MEASURED (N 70°16'53" E, 259.53 FEET RECORDED); THENCE N 74°39'42" E, 231.59 FEET MEASURED (N 74°39'13" E, 231.59 FEET RECORDED); THENCE N 79°02'32" E, 231.59 FEET MEASURED (N 79°02'03" E, 231.59 FEET RECORDED); THENCE N 83°25'21" E, 231.59 FEET MEASURED (N 83°24'52" E, 231.59 FEET RECORDED); THENCE N 87°48'10" E, 74.57 FEET MEASURED (N 87°47'41" E, 74.57 FEET RECORDED) TO THE POINT OF BEGINNING; EXCEPT THE WEST 43 FEET DEEDED TO THE CITY OF STERLING HEIGHTS FOR PUBLIC STREETS AND UTILITIES, AS RECORDED IN LIBER 2772, PAGE 90, MACOMB COUNTY RECORDS.

EXHIBIT A

Easement #1 to be Vacated

Liber 3210, Page 752, Macomb County Records



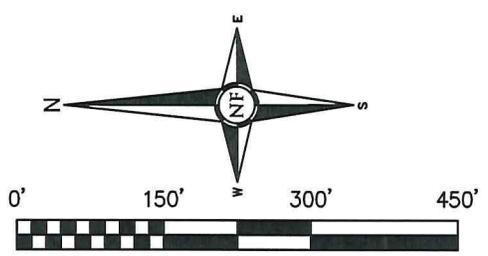
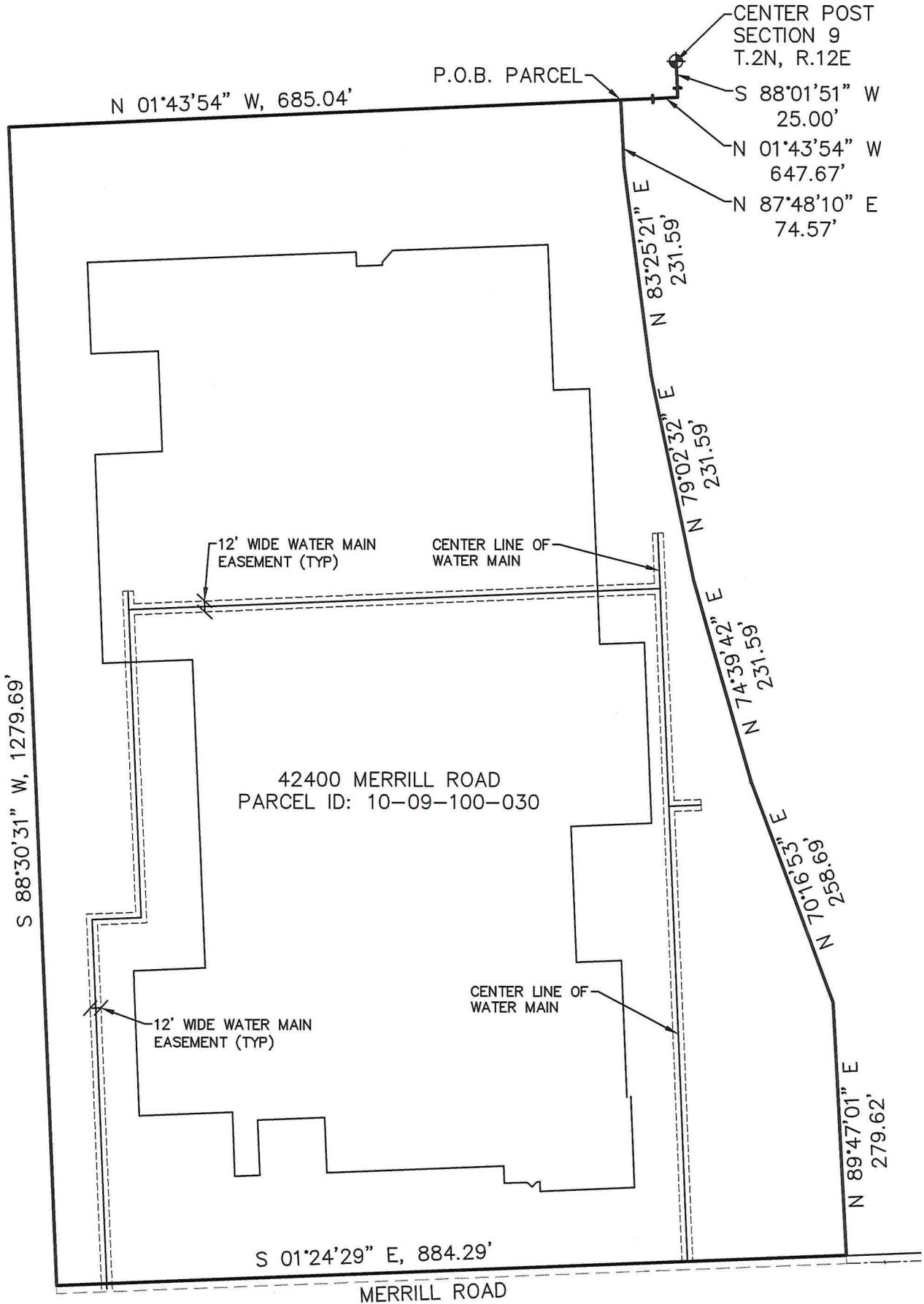
ENGINEERS
 NOWAK & FRAUS ENGINEERS
 46777 WOODWARD AVE.
 PONTIAC, MI 48342-5032
 TEL. (248) 332-7931
 FAX. (248) 332-8257

SCALE	DATE	DRAWN	JOB NO.	SHEET
1" = 150'	2016-12-19	J.Klenk	G740-03	1 of 1

EXHIBIT B

Easement #2 to be Vacated

Liber 3418, Page 667, Macomb County Records



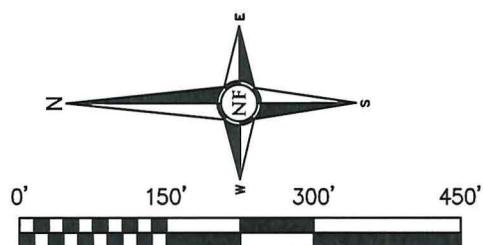
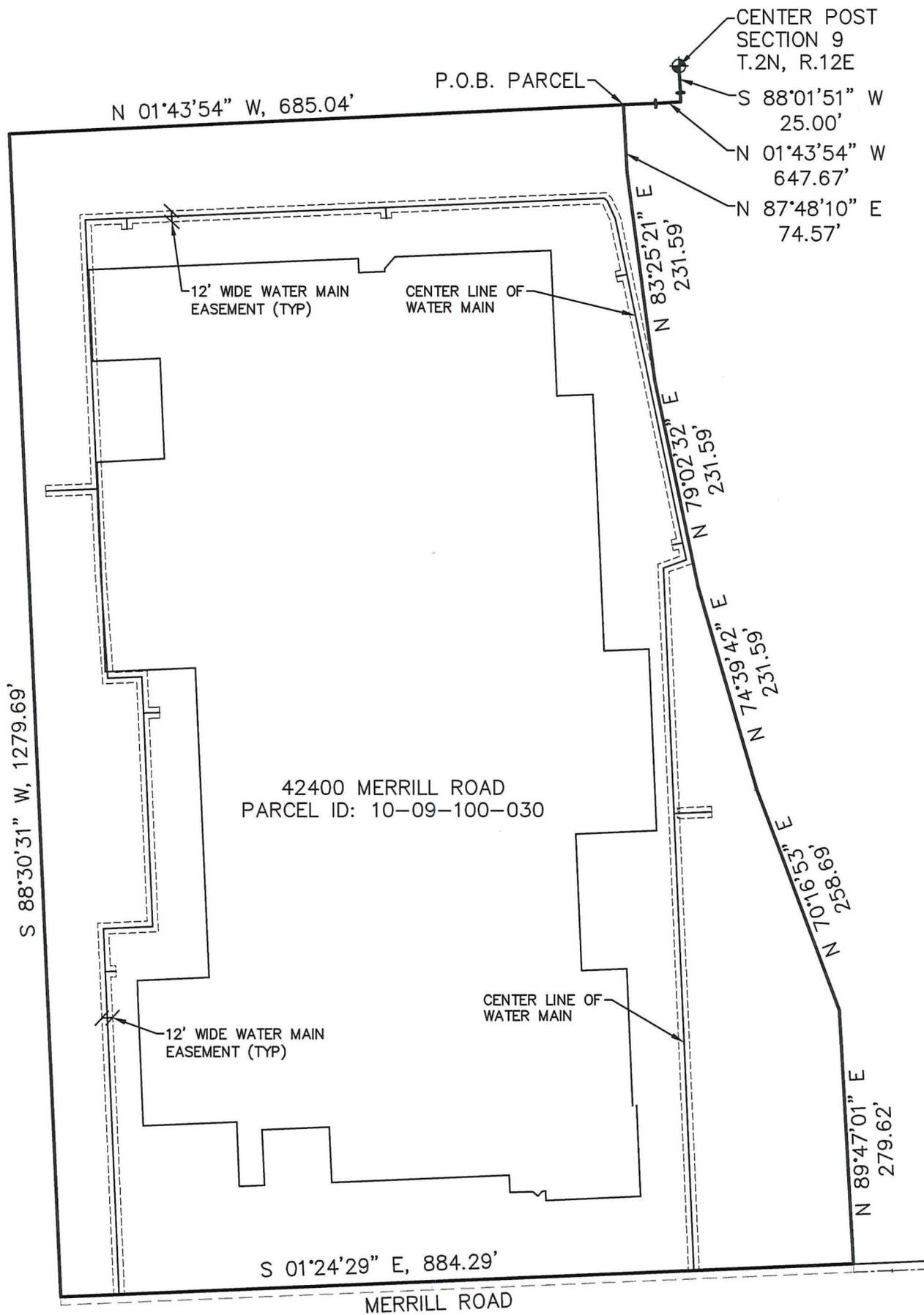
NF ENGINEERS
 NOWAK & FRAUS ENGINEERS
 46777 WOODWARD AVE.
 PONTIAC, MI 48342-5032
 TEL. (248) 332-7931
 FAX. (248) 332-8257

SCALE	DATE	DRAWN	JOB NO.	SHEET
1" = 150'	2016-12-19	J.Klenk	G740-03	1 of 1

EXHIBIT C

Easement #3 to be Vacated

Liber 3859, Page 117, Macomb County Records

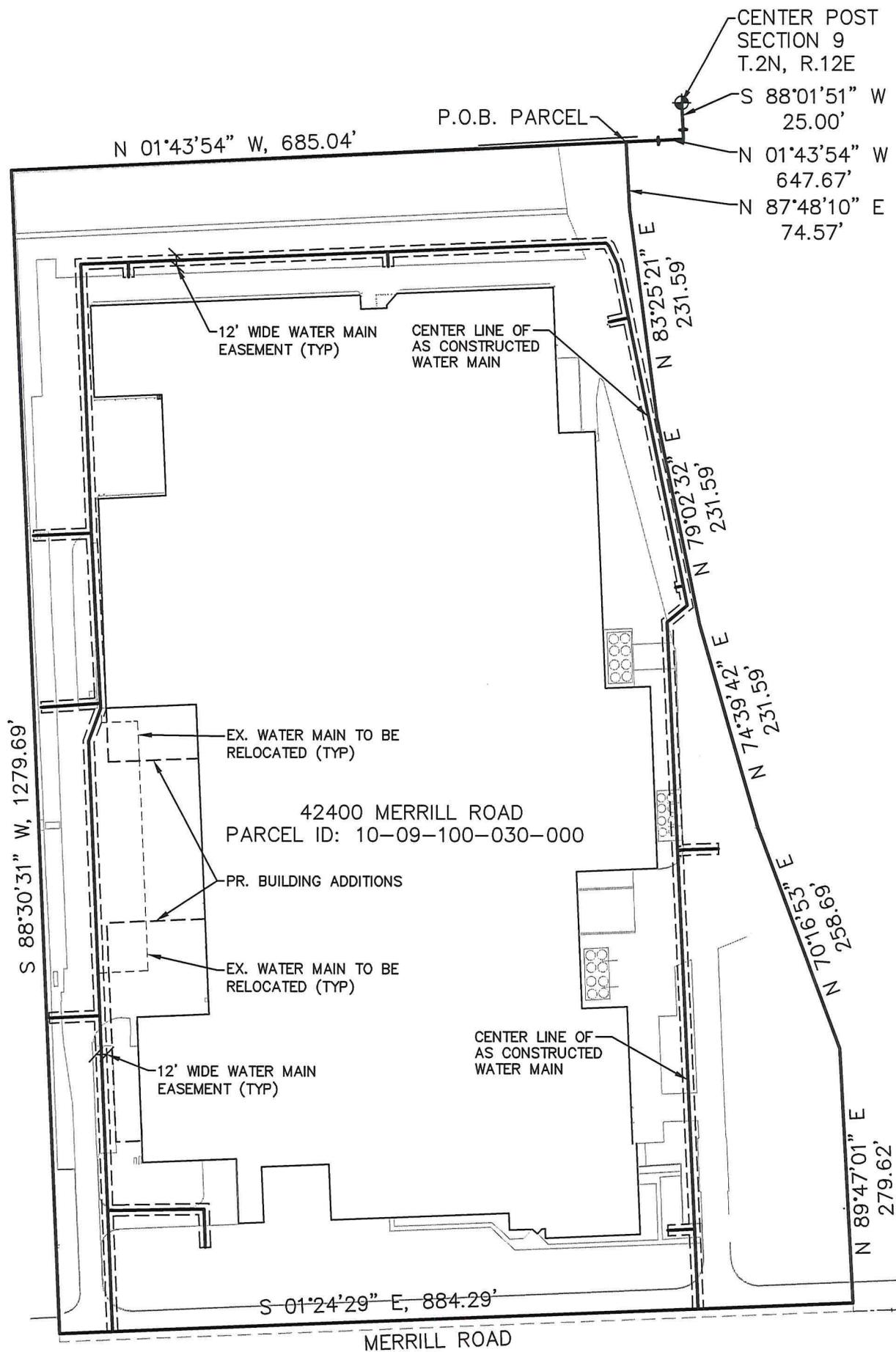


NOWAK & FRAUS ENGINEERS
 46777 WOODWARD AVE.
 PONTIAC, MI 48342-5032
 TEL. (248) 332-7931
 FAX. (248) 332-8257

SCALE	DATE	DRAWN	JOB NO.	SHEET
1" = 150'	2016-12-19	J.Klenk	G740-03	1 of 1

Exhibit D

PROPOSED WATER MAIN EASEMENT

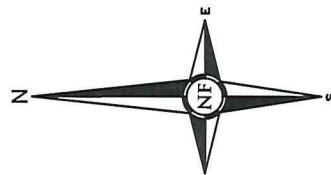


LEGAL DESCRIPTION - WATER MAIN EASEMENT

A TWELVE (12) FOOT WIDE EASEMENT ALONG THE CENTERLINE OF THE WATER MAIN AS CONSTRUCTED.



NOWAK & FRAUS ENGINEERS
46777 WOODWARD AVE.
PONTIAC, MI 48342-5032
TEL. (248) 332-7931
FAX. (248) 332-8257



SCALE	DATE	DRAWN	JOB NO.	SHEET
1" = 150'	2016-12-16	J.Klenk	G740-03	1 of 1

Exhibit E

PROPERTY LEGAL DESCRIPTION

PARCEL LEGAL DESCRIPTION

LAND IN THE CITY OF STERLING HEIGHTS, MACOMB COUNTY, MICHIGAN, IS DESCRIBED AS FOLLOWS:

A PART OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 9, TOWN 2.N, RANGE 12.E, CITY OF STERLING HEIGHTS, MACOMB COUNTY, MICHIGAN; BEING MORE PARTICULARLY DESCRIBED AS BEGINNING AT A POINT DISTANT S 88°01'51" W, 25.00 FEET AND N 01°43'54" W, 647.67 FEET FROM THE CENTER OF SAID SECTION 9; THENCE CONTINUING N 01°43'54" W, 685.04 FEET; THENCE S 88°30'31" W, 1279.69 FEET TO THE CENTERLINE OF MERRILL ROAD; THENCE S 01°24'29" E, 884.29 FEET ALONG THE CENTERLINE OF MERRILL ROAD; THENCE N 87°49'01" E, 279.62 FEET; THENCE N 70°16'53" E, 258.69 FEET MEASURED (N 70°16'53" E, 259.53 FEET RECORDED); THENCE N 74°39'42" E, 231.59 FEET MEASURED (N 74°39'13" E, 231.59 FEET RECORDED); THENCE N 79°02'32" E, 231.59 FEET MEASURED (N 79°02'03" E, 231.59 FEET RECORDED); THENCE N 83°25'21" E, 231.59 FEET MEASURED (N 83°24'52" E, 231.59 FEET RECORDED); THENCE N 87°48'10" E, 74.57 FEET MEASURED (N 87°47'41" E, 74.57 FEET RECORDED) TO THE POINT OF BEGINNING; EXCEPT THE WEST 43 FEET DEEDED TO THE CITY OF STERLING HEIGHTS FOR PUBLIC STREETS AND UTILITIES, AS RECORDED IN LIBER 2772, PAGE 90, MACOMB COUNTY RECORDS.

COMMONLY KNOWN AS 42400 MERRILL ROAD, PARCEL ID 10-09-100-030-000.



NOWAK & FRAUS ENGINEERS
46777 WOODWARD AVE.
PONTIAC, MI 48342-5032
TEL. (248) 332-7931
FAX. (248) 332-8257

SCALE	DATE	DRAWN	JOB NO.	SHEET
N.T.S.	2016-12-16	J.Klenk	G740-03	1 of 1

AGENDA STATEMENT

OMB AS03 Rev. 11/04

Item Title: To award a bid for grant-funded medical and physical evaluations for the Sterling Heights firefighters (Estimated cost of \$73,088.95, 90% grant-funded through an Assistance to Firefighters' Grant).

Submitted By: Office of Purchasing

Contact Person/Telephone: James Buhlinger, Purchasing Manager, (586) 446-2741

Administration (initial as applicable)



Attachment

	City Clerk	___	Resolution	___	Minutes
	Finance & Budget Director	___	Ordinance	___	Plan/Map
	City Attorney (as to legal form)	___	Contract	___	Other
___	City Manager				
<input type="checkbox"/>	Check box if this agenda item requires billing/revenue collection (fees, etc.) by Treasury Office				

Executive Summary:

- Firefighting is one of the most dangerous and demanding professions in the United States. It requires that firefighters maintain a high-level of mental and physical fitness in order to successfully perform in emergency situations. The environments in which firefighters perform also present threats to their long-term health and well-being. In order to meet the mental and physical demands of the profession and protect their long-term health, the Fire Department secured an Assistance to Firefighters' Grant (AFG) to assist in funding medical assessments and fitness evaluations.
- In 2015, the City also used AFG grant funding to procure physical fitness equipment, as well as baseline medical and fitness evaluations. The 2015 medical assessments and fitness evaluations exceeded Fire Department expectations and served as motivation to continue the program going forward. The Fire Department again sought and was awarded AFG funding for another iteration of medical assessments and fitness evaluations in 2017.
- An Invitation to Bid (ITB) was prepared and issued and based upon a thorough clinical program outlined in National Fire Protection Associations' (NFPA) 1582 for medical assessment and physical fitness evaluation.
- The ITB is divided into two main components: Medical Assessment and Fitness Evaluation. Each component is further divided into specific evaluation criteria to provide a thorough, yet personalized, appraisal of each firefighter's overall well-being. The 2015 assessments served as the baseline against which the 2017 evaluations will be compared against. All results will be kept confidential.

- On December 6, 2016, two (2) bids were received in response to the City's ITB. Recommendation is being made to award the bid to Professional Health Services (PHS) Inc., the lowest bid meeting specifications. Professional Health Services' is providing the most comprehensive appraisal of the firefighters' fitness and health.
- Please refer to the attached documentation for additional information.

Suggested Action:

MOVED BY:

SECONDED BY:

RESOLVED, to award the bid for medical and physical evaluations of Sterling Heights firefighters to Professional Health Services, Inc., 83 South Eagle Road, Havertown, PA 19083, at unit pricing bid.

CITY OF STERLING HEIGHTS
STAFF REPORT
January 3, 2017

Prepared By: James Buhlinger, Purchasing Manager

Ext. No. 2741

GENERAL INFORMATION:

An Invitation to Bid (ITB) for medical and fitness evaluations for fire personnel was advertised on SHTV, posted to the MITN website, Facebook and Twitter, and published in the Sentry Newspaper. Three bids were submitted, one of which was non-responsive and did not receive further consideration in the attached bid tabulation.

Funds in the amount of \$83,980 have been included in the 2016/17 budget in 11733337 (Fire Administration) 807001 (Medical Services – Grant) to cover this program. Of this amount, 90% (\$76,350) is funded through an Assistance to Firefighters' Grant (AFG) with 10% (\$7,630) to be funded by the City. The Fire Department expects actual expenditures for these medical and physical fitness evaluations to be \$73,088.95 based on unit prices bid.

STAFF ANALYSIS AND FINDINGS:

In 2015, the Sterling Heights Fire Department studied and designed a program for evaluating the fitness and health of its firefighters using the components of the National Fire Prevention Association (NFPA) standards for occupational safety, health, fitness and medical programs for firefighters. That effort resulted in an AFG funded award of bid to conduct medical assessments and physical fitness evaluations for all firefighters. That program established 'baseline' metrics against which future assessments and evaluations would be compared against.

In 2016, the Sterling Heights Fire Department again applied for and received grant funding under the Assistance to Firefighter Grant (AFG) program, administered by the Federal Emergency Management Agency (FEMA) and the Department of Homeland Security (DHS).

In addition to very specific metrics intended to address all facets of medical and physical fitness components, Invitation to Bid (ITB) specifications were updated to allow for a split award for the two aspects of the bid; medical assessment and fitness evaluation.

Three bids were received on December 6, 2016 in response to the City's ITB. One of the bids excluded travel costs and for this reason deemed non-responsive. Personnel from the Office of Purchasing and Fire Department extensively reviewed the two bids submitted by Henry Ford Health System and Professional Health Services, Inc. Follow-up questions were communicated to the bidders and their responses included in the final evaluations.

Recommendation is being made to award a bid to Professional Health Services (PHS), Inc. Based upon anticipated use of the services bid, PHS is the lowest responsible bidder. PHS was awarded a bid for

and conducted comparable medical assessments and physical fitness evaluations for fire department personnel in 2015 with positive results. Current references were contacted and proved favorable.

For purposes of analyzing the medical assessment component of the ITB, bid specifications required unit prices for individual parts of the overall medical exam (i.e. blood work, audiology, as well as a plethora of immunizations). Using the specific unit pricing received for the medical assessment testing, the Fire Department anticipates total cost will come in at or below the budgeted amount of \$83,980.

PHS' primary line-of-business is to provide evaluations of this nature for firefighters around the country. PHS has been in business for 54 years and employ 30 full-time medical professionals. PHS's home office is in Havertown, PA, however its methodology of providing the specific medical testing and fitness evaluation core services is based on the exclusive use of mobile units staffed with the necessary medical professionals. Consistent with the 2015 program, their mobile unit (50' tractor-trailer) will be staged at Fire Station #1 to ensure that accommodations are made available for all Sterling Heights firefighters for the duration of the six-day visit. Fitness equipment previously purchased under the AFG grant will be used during the fitness evaluation component of this program.

STAFF RECOMMENDATION:

Please see Suggested Action on the accompanying Agenda Statement.

NOTIFICATION LIST:

Professional Health Services, Inc.

83 South Eagle Road

Havertown, PA 19083

David P. Hartman, Sales Manager

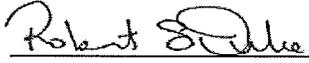
dhartman@phsmobile.com



Interoffice Memorandum

Date: December 20, 2016

To: Jim Buhlinger, Purchasing Manager

From: 
Robert Duke, EFO
Assistant Fire Chief

Subject: Medical & Fitness Evaluations Bid Award Recommendation

The Fire Department has reviewed the bid tabulation (ITB-SH16-047) for medical and fitness evaluations for fire personnel and is recommending the bid be awarded to Professional Health Services (PHS), located at 83 S Eagle Rd, Havertown, PA 19083, (610) 853-1330.

PHS is recommended based on bid grant total and unit price of individual tests needed per firefighter being lower in cost (See attached spreadsheet). PHS is a reliable vendor, having exceeded staff expectations last year in providing the same medical and fitness evaluations to fire personnel.

PHS has provided the most thorough and comprehensive detailed description of services to properly implement the clinical program outlined in NFPA 1582 document (2007 edition) which includes a stringent but flexible guide for fire fighters. These services will allow for an appropriate medical and fitness assessment, early detection of diseases and illnesses, as well as implementation of health promotional programs.

The total bid price for these medical and fitness evaluations is \$136,358.21. Funds have been budgeted in the FY16/17 medical services grant account number 11733337-807001.

Funding for this project is provided through the Assistance to Firefighter Grant (AFG) that was awarded through the U.S. Department of Homeland Security/Federal Emergency Management Agency (FEMA). Total funding for this project is \$83,980. 90% of the total amount, or \$75,582, is provided by FEMA and the remaining 10%, or \$8,398, is provided by the City of Sterling Heights.

The FEMA grantor number is EMW-2015-FO-02706 and City GID number is 20617-001. The period of performance for this grant award package through DHS/FEMA is June 8, 2016 and ends June 7, 2017.

Analysis reflects expected actual tests/immunizations to be administered
 Completed by Fire Department

Henry Ford Health System (HFHS)
 Professional Health Services (PHS)

	Quantity	HFHS	Total	PHS	Total
Complete and Comprehensive Medical Assessments					
Physical Exam	85	\$43.00	\$3,655.00	\$121.82	\$10,354.70
Blood Work	85	\$75.00	\$6,375.00	\$100.00	\$8,500.00
Urine Lab Tests	85	N/A	N/A	\$30.00	\$2,550.00
Urine Dip	85	\$12.00	\$1,020.00	N/A	N/A
Urine Send Out	85	\$12.00	\$1,020.00	N/A	N/A
Audiology	85	\$24.00	\$2,040.00	\$55.00	\$4,675.00
Spirometry	85	\$47.00	\$3,995.00	\$55.00	\$4,675.00
Chest Radiograph	85	\$170.00	\$14,450.00	85*	\$7,225.00
Electrocardiogram	85	\$75.00	\$6,375.00	\$85.00	\$7,225.00
TB Screen	85	\$30.00	\$2,550.00		
Hepatitis C Titer	85	\$45.00	\$3,825.00	\$16.00	\$1,360.00
Hepatitis B Titer	85	\$52.00	\$4,420.00	\$13.50	\$1,147.50
Influenza Vaccine	85	\$25.00	\$2,125.00	\$30.00	\$2,550.00
HIV Screening	85	\$20.00	\$1,700.00	\$27.00	\$2,295.00
Colon Cancer Screen	85	\$14.00	\$1,190.00	\$3.00	\$255.00
Total Health Screen Assessment	85	\$644.00	\$54,740.00	\$621.32	\$52,812.20

Complete and Comprehensive Physical Fitness Exam	Quantity	HFHS	Total	PHS	Total
	85	600**	\$51,000.00	\$238.55	\$20,276.75

TOTAL COST FOR SERVICE			\$105,740.00		\$73,088.95
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* PHS Chest Radiograph includes TB Test

** Stress Test is \$150.00 at Macomb Hospital

**CITY OF STERLING HEIGHTS
 BID TABULATION - DECEMBER 6, 2016
 ITB-SH16-047: MEDICAL ASSESSMENTS AND FITNESS EVALUATIONS FOR FIRE PERSONNEL**

		<u>HENRY FORD HEALTH SYSTEM</u>		<u>PROFESSIONAL HEALTH SERVICES</u>	
	Estimated Quantity	Unit Price	Total Bid	Unit Price	Total Bid
Complete and comprehensive medical assessment:	83	\$1,148.00	\$95,284.00	\$1,404.32	\$116,558.56
Complete and comprehensive physical fitness evaluation:	83	600.00*	49,800.00	238.55	19,799.65

Bid Grand Total

\$145,084.00

\$136,358.21

Mobile facility for medical assessments?

Yes

Yes

Mobile facility for physical fitness evaluations or willing to use F/S #1?

Yes

Yes

	Unit Price	Unit Price
Physical Exam:	\$43.00	\$121.82
Blood Work:	75.00	100.00
Urine Lab Tests:	-	30.00
Urine dip:	12.00	-
Urine send out:	12.00	-
Audiology:	24.00	55.00
Spirometry:	47.00	55.00
Chest Radiographs:	170.00	85.00
Electrocardiograms:	75.00	85.00
Mammography:	No bid (refer to PCP)	No bid (refer to PCP)
<i>Immunizations and Infectious Disease Screening:</i>		
Tuberculosis screen (PPD):	30.00	12.00
Hepatitis C virus screen:	45.00	16.00
Hepatitis B virus vaccinations (three shots):	198.00	315.00
Hepatitis B virus titer:	52.00	13.50
Tetanus/diphtheria vaccine:	66.00	50.00
Measles, mumps, rubella vaccine (MMR):	60.00	97.00
Polio vaccine:	tbd **	60.00
Hepatitis A vaccine:	90.00	105.00
Varicella vaccine:	90.00	144.00
Influenza vaccine:	25.00	30.00
HIV screening:	20.00	27.00
Colon Cancer Screening:	14.00^	3.00

\$1,148.00

\$1,404.32

TB onsite group read (if needed):

75.00

-

* Stress testing at Macomb Hospital is \$150.00 if needed

** For members traveling to endemic areas

^ Fecal occult

^^ Will need a room located at fire station, or wherever physicals are done.

Non-responsive bid submitted from Bio-Care, Inc.



CITY OF Sterling Heights

InnovatingLiving

Richard J. Notte Sterling Heights City Center
City Hall
40555 Utica Road | P.O. Box 8009
Sterling Heights, MI | 48311-8009

City Council	
Mayor	Michael C. Taylor
Mayor Pro Tem	Joseph V. Romano
Councilwoman	Deanna Koski
Councilwoman	Maria G. Schmidt
Councilman	Nate Shannon
Councilman	Doug Skrzyniarz
Councilwoman	Barbara A. Ziarko

TEL 586.446.CITY (2489) FAX 586.276.4077
cityhall@sterling-heights.net | www.sterling-heights.net
facebook.com/cityofsterlingheights | twitter.com/sterling_hts

City Manager Mark D. Vanderpool

INVITATION TO BID

ITB-SH16-047

The City of Sterling Heights, Michigan is accepting sealed bids to provide **MEDICAL ASSESSMENTS** and **FITNESS EVALUATIONS FOR FIRE PERSONNEL** until **TUESDAY, DECEMBER 6, 2016 AT 2:30 P.M.** in the Office of the City Clerk, 40555 Utica Road, Sterling Heights, Michigan 48313. Specifications are attached.



 James Buhlinger
 Purchasing Manager

**Office of Purchasing
586-446-2740**

VI. SPECIFICATIONS – MEDICAL ASSESSMENT COMPONENTS

1. **Medical History Questionnaire** - According to NFPA 1582 7.5.1-3, a medical history questionnaire shall be completed by each member to provide baseline information with which to compare future medical concerns. A medical history questionnaire, which includes changes in health status and known occupational exposures since the previous evaluation, shall be completed by each member to provide follow-up information. Information on the questionnaire and interval concerns shall be reviewed with each member by the physician or designated medical evaluator.
2. **Physical Exam** - Each member scheduled for a physical exam shall receive evaluation of the following concentrations that are identified in Chapter 7 of the NFPA 1582 Standard. These items include:
 - Vital signs
 - Medical history / medical conditions
 - Head and Neck
 - Eyes and Vision
 - Ears and hearing
 - Nose, Oropharynx, Trachea, Esophagus, & Larynx
 - Lungs and Chest Wall
 - Heart and Vascular system
 - Abdominal organs
 - Gastrointestinal system (including rectal exam for mass, occult blood)
 - Genitourinary (including Pap smear, testicular exam, and rectal exam for prostate mass)
 - Hernia
 - Urinary system
 - Spine and axial skeleton
 - Extremities
 - Neurological disorders
 - Skin
 - Blood and blood-forming organs
 - Endocrine and metabolic disorders
 - Lymphatic system
 - Systemic diseases and miscellaneous conditions
 - Tumors and malignant diseases
 - Breast
 - Musculoskeletal system
3. **Use of Primary Care Physician** - It shall be acceptable for certain components of the occupational medical evaluation to be performed by a member's private physician, provided full results are forwarded in the required time frame to the contracted physician according to NFPA 1582 7.4.2.
4. **Blood Work** - Blood testing shall be performed and shall include the following:
 - CBC with differential, RBC indices and morphology, and platelet count
 - Electrolytes (Na, K, HCO₃, or CO₂)
 - Renal function (BUN, creatinine)

- Glucose
 - Liver function tests (ALT, AST, direct and indirect bilirubin, alkaline phosphatase)
 - Total cholesterol, HDL, LDL, clinically useful lipid ratios (eg. percent LDL), and triglycerides
 - Prostate specific antigen (PSA) after age 40 for positive family history, if African American, or if otherwise clinically indicated; after age 50 for all other males.
5. **Urine Lab Tests** - The urine laboratory tests required shall include the following:
- Dipstick analysis for glucose, ketones, leukocyte esterase, protein, blood, and bilirubin
 - Microscopic analysis for RBC, WBC, casts, and crystals if indicated by results of dipstick analysis
 - Analysis for occupational chemical exposure if indicated
6. **Audiology** - Audiology thresholds shall be assessed in each ear at each of the following frequencies:
- 500 Hz
 - 1000 Hz
 - 2000 Hz
 - 3000 Hz
 - 4000 Hz
 - 6000 Hz
 - 8000 Hz
7. **Spirometry** - Pulmonary function testing shall be conducted to measure the member's forced vital capacity (FVC), forced expiratory volume in 1 second (FEV1), and the FEV1/FVC ratio.
8. **Chest Radiographs** - Chest x-rays shall be performed as part of the medical evaluation.
9. **Electrocardiograms** - A resting 12 lead EKG shall be performed as part of the medical evaluation. Stress EKG with or without echocardiography or radionuclide scanning shall be performed as clinically indicated by history or symptoms.
10. **Mammography** - Mammography shall be performed on each female member over the age of 40.
11. **Immunizations and Infectious Disease Screening** - Prescreening and immunization against biological threat agents shall be made available to members following CDC guidelines or recommendations. All members shall be immunized against infectious diseases as required by the AHJ and by 29 CFR 1910.1030. The contracted physician shall ensure that all members are offered currently recommended immunizations and titers. The following infectious disease immunizations, titers, or infectious disease screenings shall be provided, as indicated:

- Tuberculosis screen (PPD) – according to CDC guidelines unless member has a history of positive PPD, in which case CDC guidelines for management and subsequent chest radiographic surveillance shall be followed
- Hepatitis C virus screen – baseline and following occupational exposure
- Hepatitis B virus vaccinations and titers – as specified in CSC guidelines
- Tetanus/diphtheria vaccine – booster every 10 years
- Measles, mumps, rubella vaccine (MMR) – one dose of MMR vaccine to members born after 1957 without prior immunization and/or evidence of immunity as outlined in *Morbidity and Mortality Weekly Report* 49(2000): 1-22
- Polio vaccine - a single booster of IPV for members traveling to endemic areas in the line of duty, or as outlined in *Morbidity and Mortality Weekly Report* 49(2000): 1-22
- Hepatitis A vaccine – offered to high-risk (HazMat, USAR, and SCUBA team members) and other personnel with frequent or expected exposures to contaminated water
- Varicella vaccine – offered to all non-immune personnel
- Influenza vaccine – offered to all personnel annually
- HIV screening – available to all personnel

12. **Colon Cancer Screening** - Fecal occult blood testing shall be provided to all members above the age of 40 or earlier if clinically indicated. Screening colonoscopy services shall be recommended to all members above the age of 50 or earlier if clinically indicated.

13. **Written Documentation** - The service provider shall provide each participant with written documentation of testing results and evaluation. These results may be used in the future to predict trends and intrapersonal directional assistance, when available. Testing for illegal drugs shall not be performed as part of the annual medical evaluation.

* All medical information and findings shall remain confidential.

14. **Review of results** - Any blood work, urinalysis, or other pre-examination work should be completed in such a way for the examining physician to have the results to review with the individual at the time of the exam. If multiple trips are involved, this shall be identified in the proposal for scheduling purposes. In an effort to reduce the impact on the participating members and Fire Department, it is desirable for the physical evaluations and body material analysis be conducted during the same appointment.

15. **Professional Review of results and copy** - A medical practitioner (M.D., D.O., P.A., or N.P.) shall review all medical assessment findings with each member. The member shall be given an optional private individual opportunity to review such findings and have an opportunity to present any questions and concerns. The contractor shall provide each member a comprehensive hard copy of the collected statistical analysis.

16. **Program follow-up** - A follow-up session will be held at a date to be determined and agreed upon between the Fire Chief (or his representative) and contractor and include visual media feedback of recent testing, rankings, helpful input regarding improvement techniques and concentrations. The information shall be coded so as not to reveal any member's personal information.

17. **Location of Evaluations** - The Fire Department prefers to have the medical assessments conducted at a medically licensed and insured **mobile** facility provided by the vendor that will be positioned on the city of Sterling Heights' property under agreement between the Fire Chief (or his representative) and contractor(s) as opposed to an off-site medical location out of the convenience and cost minimization.

Proposals that are not able to provide mobile facilities will not be excluded from consideration. If mobile facilities are not available, facility locations to be used shall be identified along with any deviation in scheduled hours identified.

18. **Summary Profile** - A summary profile shall be provided to the Fire Department through the Fire Chief (or his representative) identifying trends, department-wide recommendations, and a general data summary including comparisons between other benchmarks and previous test results, if available. This summary shall be suitable for sharing with the entire membership.

19. **Future Assessment** - For future assessments, the contractor shall agree to confidentially provide the information collected from these assessments (upon request of the member), to the medical professional of their choosing for future medical assessment/reference purposes.

20. **Assessment Scheduling** - Scheduling shall be coordinated with the Training Chief (or his representative). Scheduling shall be conducted on consecutive days in order to accommodate multiple battalion schedules. The assessments are to be conducted from 8:30 AM to 5:00 PM. This provides each battalion two opportunities to satisfy their mandatory participation requirement. If members are unable to participate in the mandatory assessments within the previously mentioned time period, provisions must be made to ensure that each member is given alternative options to completely satisfy his or her requirements. These options must remain local (within a fifteen mile radius from the Sterling Heights border), remain convenient to both the member and the fire department, and provide all the necessary components of the assessments while being performed.

VII. SPECIFICATIONS – PHYSICAL FITNESS EVALUATION COMPONENTS

1. **Baseline Establishment** - All component results of the mandatory fitness evaluation shall be used to establish an individual's baseline and/or be measured against the individual's previous assessments and not against any standard or norm.
2. **Pre-evaluation** - The mandatory fitness evaluation shall include a mandatory pre-evaluation procedure.
3. **Quantitative Testing** - Quantitative testing is requested for physiological activities such as aerobic capacity while walking/running including a VO2 max calculation, lower extremity strength, grip strength, arm flexion strength, core strength, push-ups, flexibility (core, shoulders, hip flexion, etc.), a one-repetition maximum calculation of exercises such as the bench press and latissimus dorsi pulldowns, and a job functional series exercise.
4. **Aerobic Capacity** - An evaluation of aerobic capacity shall be conducted using either a stairmill or a treadmill and remain consistent with the protocol listed in NFPA 1583 Annex C.
5. **Body Composition** - An evaluation of body composition including the following shall be conducted and remain consistent with the protocol listed in NFPA 1583 Annex C.
 - Circumferential measurements
 - Hydrostatic weighing or Bod-Pod
 - Skinfold measurement
 - Bio impedance analysis
6. **Muscular Strength** - An evaluation of muscular strength shall be conducted and remain consistent with the protocol listed in NFPA 1583 Annex C.
7. **Muscular Endurance** - An evaluation of muscular endurance shall be conducted and remain consistent with the protocol listed in NFPA 1583 Annex C.
8. **Flexibility** - An evaluation of flexibility shall be conducted and remain consistent with the protocol listed in NFPA 1583 Annex C.
9. **Written Documentation** - The service provider shall provide each participant with written documentation of testing results and evaluation. These results may be used in the future to predict trends and intrapersonal directional assistance, when available.

* All physical fitness information and findings shall remain confidential.

10. **Review of results** - Any pre-fitness evaluation work should be completed in such a way for the examining professional to have the results to review with the individual at the time of the fitness evaluation. If multiple trips are involved, this shall be identified in the proposal for scheduling purposes. In an effort to reduce the impact on the participating members and Fire Department, it is desirable for the physical evaluations

and body material analysis be conducted during the same appointment.

11. **Professional Review of results and copy** - A certified fitness professional (Physical Therapist, Occupational Therapist, Exercise Physiologist or other credentialed fitness professional) shall review all physical fitness assessment findings with each member. The member shall be given an optional private individual opportunity to review such findings and have an opportunity to present any questions and concerns. The contractor shall provide each member a comprehensive hard copy of the collected statistical analysis.
12. **Program follow-up** - A follow-up session will be held at a date to be determined and agreed upon between the Fire Chief (or his representative) and contractor and include visual media feedback of recent testing, rankings, helpful input regarding improvement techniques and concentrations. The information shall be coded so as not to reveal any member's personal information.
13. **Location of Evaluations** - The Fire Department requires that physicals be conducted at either an insured mobile facility provided by the vendor positioned on the city of Sterling Heights' property under agreement between the Fire Chief (or his representative) and contractor or at Fire Station #1 located at 38911 Van Dyke in Sterling Heights. These options are strongly preferred opposed to an off-site location out of the convenience and cost minimization.

Proposals that are not able to provide mobile facilities will not be excluded from consideration. If mobile facilities are not available, facility locations to be used shall be identified along with any deviation in scheduled hours identified.
14. **Summary Profile** - A summary profile shall be provided to the Fire Department through the Fire Chief (or his representative) identifying trends, department-wide recommendations, and a general data summary including comparisons between other benchmarks and previous test results, if available. This summary shall be suitable for sharing with the entire membership.
15. **Future Evaluation** - For future evaluations, the contractor shall agree to confidentially provide the information collected from these assessments (upon request of the member), to the fitness professional of their choosing for future fitness evaluation/reference purposes.
16. **Evaluation Scheduling** - Scheduling shall be coordinated with the Training Chief (or his representative). Scheduling shall be conducted on consecutive days in order to accommodate multiple battalion schedules. Assessments are to be conducted from 8:30 AM to 5:00 PM. This provides each battalion two opportunities to satisfy their mandatory participation requirement. If members are unable to participate in the mandatory assessments within the previously mentioned time period, provisions must be made to ensure that each member is given alternative options to satisfy his or her requirements. Options must remain local (within a fifteen mile radius from the Sterling Heights border), remain convenient to both the member and the fire department, and provide all the necessary components of the assessments while being performed.

VIII. BID FORM

The undersigned hereby declares that the instructions and specifications have been carefully examined and bidder will provide medical and/or fitness evaluations for fire personnel that comply with the National Fire Protection Association standard titled: NFPA 1582 Standard on Comprehensive Occupational Medical Program for Fire Departments 2013 Edition. It is the intention of the City to conduct medical and fitness evaluations on 83 sworn fire personnel.

It is understood and agreed that all bid prices shall remain in effect for at least ninety (90) days from the date of the bid opening to allow for the award of the bid.

The undersigned bidder further agrees and understands that the City of Sterling Heights is reserving the right to reject any and all bids and the right to waive irregularities in bidding if it determines such action to be in the best interest of the City. The City reserves the right to split all bids to realize the greatest cost savings.

Company _____

<u>DESCRIPTION</u>	<u>QTY</u>	<u>COST PER MEMBER</u>	<u>TOTAL BID</u>
<p>A complete and comprehensive medical assessment in accordance with NFPA 1582 (and ITB specifications) to be completed by February 28, 2017 for all uniformed personnel.</p>	83	\$ _____	\$ _____
<p>Do you have a mobile facility in which you are able to provide the medical assessments? Yes <input type="checkbox"/> No <input type="checkbox"/></p>			
<p>A complete and comprehensive physical fitness evaluation in compliance with ITB specifications along with counseling and personalized exercise prescription to be completed by March 28, 2017.</p>	83	\$ _____	\$ _____

Do you have a mobile facility in which you are able to provide the physical fitness evaluations?
 Yes No

VIII. BID FORM (CONT'D)

How did you receive notification of this bid? (please check all that apply)

- MITN City of Sterling Heights website Text notification from City
 Email notification from City Local paper Other: _____

How did you obtain the bid specifications? If bid documents were downloaded from a website, please list: _____

Would you be interested in free notification from the City via text or email for ALL future solicitations? Yes No

If yes: text _____ email _____ both

I hereby state that I have read, understand and agree to be bound by all the terms of this bid document.

The undersigned certifies that he has downloaded all documents/addendums associated with this bid from the MITN website.

Company _____

Address _____

City/State/Zip _____

Representative/Title _____

Telephone/Fax _____

Terms _____

E-Mail Address/Website _____

Signature/Date _____

This form **must** be completed and returned with your bid.



**Business of the City Council
Sterling Heights, Michigan**

City Clerk's Use
Item No: **4**
Meeting: 01/03/17

AGENDA STATEMENT

OMB AS03 Rev. 11/04

Item Title: To consider a request by The Warren Education Association Scholarship Foundation for recognition as a local nonprofit organization for the purpose of obtaining a State of Michigan charitable gaming license.

Submitted By: Office of the City Clerk

Contact Person/Telephone: ^{MC} Mark Carufel, City Clerk / Risk Manager, 586/446-2421

Administration (initial as applicable)

Attachments

^{MC} City Clerk			
^{BB} Finance & Budget Director	___	Resolution	___ Minutes
^{KK} City Attorney (as to legal form)	___	Ordinance	___ Plan/Map
^{NI} City Manager	___	Contract	___ Other

Check box if this agenda item requires billing\revenue collection (fees, etc.) by Treasury Office

Executive Summary:

The Warren Education Association Scholarship Foundation, a Michigan nonprofit corporation (Applicant), is an IRC 501(c)(3) non-profit corporation seeking to obtain a charitable gaming license through the State of Michigan. Applicant's primary stated purpose is to provide financial support in the form of scholarships for graduating high school seniors from Warren Consolidated Schools.

A charitable gaming license will enhance Applicant's fundraising to support this stated purpose. Specifically, Applicant is seeking a Raffle License to raise funds to continue providing future scholarships to deserving students.

In order to obtain a charitable gaming license to perform fundraising activities, the Charitable Gaming Division of the State of Michigan requires a resolution adopted by a local governing body recognizing the Applicant as a "local nonprofit group operating in the community." The enclosed resolution, if adopted, will recognize Applicant as a local nonprofit group operating in the community.

Included in the backup are Applicant's Bylaws, Articles of Incorporation, IRS notification of IRC 501(c)(3) status, financial documents, and other information.

In the past, the City Council has adopted Local Governing Body resolutions for other nonprofit organizations whose beneficiaries were students enrolled in public schools or participating in school-sponsored activities.

Suggested Action:

MOVED BY:

SECONDED BY:

RESOLVED, that the request from The Warren Education Association Scholarship Foundation, of Sterling Heights, County of Macomb, asking that they be recognized as a nonprofit organization operating in the community for the purpose of obtaining a charitable gaming license be considered for approval; provided, however, that this action is not an endorsement of the organization and the City of Sterling Heights should not be listed on any promotional materials associated with their charitable gaming activities.



Warren Education Association
Scholarship Foundation

Warren Education Association Scholarship Foundation

13969 Plumbrook • Sterling Heights, MI 48312 • 586/825-0429 Phone • 586/825-0453 Fax

December 20, 2016

City of Sterling Heights,

The Warren Education Association Scholarship Foundation (WEASF) respectfully requests that the City of Sterling Heights consider approving a local governing body resolution to formally recognize the WEASF as a nonprofit organization within the communities of Sterling Heights and Macomb County.

WEASF is a nonprofit organization located in Sterling Heights and was formally incorporated in 2009. WEASF was granted tax-exempt 501(c)(3) status by the IRS in 2010.

During the past seven years, WEASF has awarded scholarships to graduating high school seniors from Warren Consolidated Schools (WCS). These scholarships have been awarded at public meetings of the WCS Board of Education in the spring. WEASF has raised funds to provide these scholarships through donations from members of the Warren Education Association and friends, families, and local businesses contacted by these members. In previous years, we have held a fundraiser at a bowling alley in the area. In 2017, WEASF would like to hold a charity reverse raffle to raise funds to continue providing these scholarships in the future.

Thank you for your consideration of this request. We appreciate your assistance and would be happy provide any additional information you may need on considering this request.

Sincerely,

WARREN EDUCATION ASSOCIATION

Bob Callender
President

BC/jpr

Warren Education Association
Scholarship Foundation

RECEIVED
CITY CLERK
2016 DEC 29 P 12:45



QUALIFICATION INFORMATION

The organization must complete this form and submit with the qualification documents. **If this form does not accompany the qualification documents, documents will be returned to contact person.** This will delay processing. Any misrepresentation is grounds for denial.

Please check the appropriate box(es) for the license you wish to obtain. <input type="checkbox"/> Millionaire Party <input type="checkbox"/> Bingo <input checked="" type="checkbox"/> Raffle <input type="checkbox"/> Charity Game Ticket				Application(s) and fee(s) enclosed? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
1. Name of Organization Warren Education Scholarship Foundation					
2. Doing Business As (DBA) (if applicable) WEA Scholarship Foundation				3. US Federal Employer Identification Number 33-1205707	
4. Organization Physical Address 13969 Plumbrook					
City Sterling Heights		State MI	Zip 48312	County Macomb	
5. Organization Mailing Address <input checked="" type="checkbox"/> Same as Physical Address					
City		State	Zip	County	
6. Telephone Number 586-825-0429		7. Fax Number 586-825-0453		8. Date Organization Established April 14, 2009	
9. Briefly describe the purpose of the organization The purpose of the Warren Education Scholarship Foundation shall be to receive and and administer funds to provide scholarships to members of the Warren Education Association and/or their children, and/or alumni of the Warren Consolidated Schools who have an immediate family member in a labor union.					
10. Name of Authorized Contact Person Bob Callender			11. Authorized contact person's position or role with organization President		
12. Mailing Address 13969 Plumbrook					
City Sterling Heights		State MI	Zip 48312	County Macomb	
13. Email Address rlcallender@yahoo.com		14. Telephone Number 586-825-0429		15. Fax Number 586-825-0453	
The undersigned hereby certifies that the representations, information and data, presented are true, accurate and complete to the best of the undersigned's knowledge. <i>The undersigned understands that failure to answer truthfully, completely and accurately could preclude the organization from receiving an approval to obtain a gaming license.</i>					
Authorized Contact Signature 				Date 12/17/2016	
Print Name and Title Bob Callender, President					

PLEASE READ CAREFULLY

If you are qualifying for a millionaire party license, mail this completed form and the required qualification documentation to Michigan Gaming Control Board, PO Box 30786, Lansing, MI 48909.

If you are qualifying for a raffle, bingo, or charity game ticket license, mail this completed form and the required qualification documentation to Charitable Gaming Division, PO Box 30023, Lansing, MI 48909.

If you are qualifying for a millionaire party **AND** raffle, bingo, or charity game license, you must submit copies of this form and all qualification documents to **BOTH** agencies.



Warren Education Association Scholarship Foundation

By-Laws

Adopted May 22, 2009

Article I. Name

Section 1.

The name of this corporation shall be "Warren Education Association Scholarship Foundation," hereinafter referred to as the WEASF. The WEASF is a Michigan non-profit corporation. The Association shall be a non-profit corporation organized in accordance with the laws of Michigan.

Article II. Purpose

Section 1.

The purpose of the WEASF shall be to provide scholarships to members of the Warren Education Association (WEA) and/or their children, and/or alumni of the Warren Consolidated Schools (WCS) who have an immediate family member in a labor union, that will be attending a public institution of higher education.

Article III. Organization

Section 1.

The WEASF shall be organized on a non-stock, directorship basis.

Section 2.

The directors of the WEASF shall be the WEA President, the WEA Vice President, and the two (2) Trustees designated by the WEA Board of Trustees to conduct the financial transactions of the organization.

Section 3.

The directors shall conduct all business of the WEASF consistent with the rules set forth in the Articles of Incorporation of the WEASF and the financial policies and procedures of the WEA. The fiscal year of the WEASF shall be the same as that of the WEA unless otherwise dictated by law.

Section 4.

The awarding of scholarships by the WEASF shall be conducted by a committee appointed by the WEA President and confirmed by the WEA Congress. The terms, selection, and removal of the members of the committee shall be consistent with the requirements set forth in the Constitution of the WEA.

Article IV. Amendments

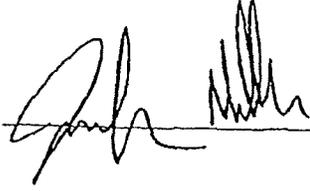
Section 1.

Any member of the WEA Board of Trustees may propose amendments to these By-Laws.

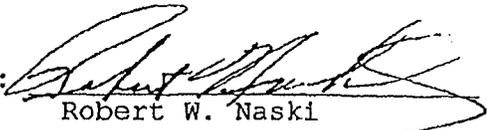
Section 2.

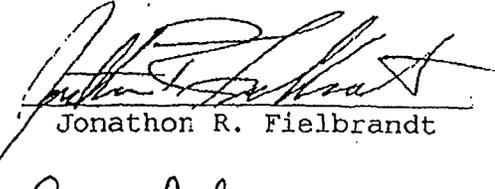
These By-Laws shall be adopted by, and future amendments may be approved by, the affirmative votes cast by five (5) members of the WEA Board of Trustees at any regularly scheduled meeting or properly called special meeting.

ATTEST:



WEA SCHOLARSHIP FOUNDATION

By: 
Robert W. Naski

By: 
Jonathon R. Fielbrandt

By: 
Lisa L. Sikoski

By: 
Robert L. Callender

502

4828687-1 0324 \$20
CK# 1012

70436H

ARTICLES OF INCORPORATION

OF

THE WARREN EDUCATION ASSOCIATION
SCHOLARSHIP FOUNDATION
(A Michigan Nonprofit Corporation)

FILED

APR 14 2009

Administrator
BUREAU OF COMMERCIAL SERVICES

These Articles of Incorporation have been signed by the Incorporators for the purpose of forming a nonprofit corporation pursuant to Act 162, Michigan Public Acts of 1982, as amended (hereafter referred to as the "Michigan Nonprofit Corporation Act").

ARTICLE I: NAME.

The name of the corporation is The Warren Education Association Scholarship ^{Foundation} (hereafter referred to as the "WEA Scholarship Foundation").

ARTICLE II: PURPOSES.

The WEA Scholarship Foundation is organized and shall be operated exclusively to receive and administer funds for charitable and educational purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code of 1954, as amended. All references in these Articles of Incorporation to the "Internal Revenue Code of 1954" or the "Code" shall be deemed to include

both amendments thereto and any corresponding provisions of any subsequent federal tax laws or recodifications. The WEA Scholarship Foundation may exercise all powers conferred on nonprofit corporations and may engage in all activities permitted to nonprofit corporations by the laws of the State of Michigan, subject to limitations imposed on its activities by the Code. The WEA Scholarship Foundation shall comply with the laws set forth in the Code and applicable to organizations described in Section 501(c)(3) of the Code. Without limitation of the foregoing, the purpose of the WEA Scholarship Foundation shall be to receive and administer funds to provide scholarships to members of the Warren Education Association and/or their children, and/or alumni of the Warren Consolidated Schools who have an immediate family member in a labor union, that will be attending a public institution of higher education.

ARTICLE III: FINANCING AND ASSETS.

A. The WEA Scholarship Foundation is to be financed by grants, contributions, gifts, donations, bequests, devises, benefactions and other voluntary transfers of property.

B. The WEA Scholarship Foundation has no real property or personal property assets.

ARTICLE IV: REGISTERED OFFICE AND REGISTERED AGENT.

The WEA Scholarship Foundation is organized on a non-stock, directorship basis.

ARTICLE V: REGISTERED OFFICE AND REGISTERED AGENT.

A. The address of the registered office is: 12434 Twelve Mile Road - Suite 203, Warren, MI 48093.

B. The name of the registered agent at the registered office is JENNIFER K. NOWACZOK-MILLER.

ARTICLE VI: INCORPORATORS.

The names and business addresses of the incorporators are:

Robert W. Naski
12434 Twelve Mile Road - Suite 203
Warren, MI 48093

Jonathon R. Fielbrandt
12434 Twelve Mile Road - Suite 203
Warren, MI 48093

Lisa L. Sikoski
12434 Twelve Mile Road - Suite 203
Warren, MI 48093

Robert L. Callender
12434 Twelve Mile Road - Suite 203
Warren, MI 48093

ARTICLE VII: ACTIONS OF THE MEMBERSHIP OR DIRECTORS.

If permitted under the laws of the State of Michigan, any action required or permitted to be taken at any annual or special meeting of members or the directors of the WEA Scholarship Foundation may be taken without a meeting, without prior notice and without a vote, if a consent in writing, setting forth the action so taken, is signed by that number of members or directors of the WEA Scholarship Foundation that would be necessary to authorize or take the action at a meeting at which all the members or directors were present and voted. Prompt notice of the taking of any corporate action without a meeting by less than unanimous written consent shall be given to all members or directors who have not consented in writing.

ARTICLE VIII: LIABILITY OF VOLUNTEER DIRECTORS.

A. A volunteer director of the WEA Scholarship Foundation, as defined in Section 110 of the Michigan Nonprofit Corporation Act, is not personally liable to the WEA Scholarship Foundation for monetary damages for a breach of the director's fiduciary duty, except that nothing herein shall be construed to eliminate or limit the liability of a director for any of the following:

1. a breach of the director's duty of loyalty to the corporation;

2. acts or omissions not in good faith or that involve intentional misconduct or a knowing violation of the law;
3. a violation of Section 551(1) of the Michigan Nonprofit Corporation Act;
4. a transaction from which the director derived an improper personal benefit; and
5. an act or omission that is grossly negligent.

B. The WEA Scholarship Foundation assumes all liability to any person other than itself for all acts or omissions of a volunteer director of the WEA Scholarship Foundation, as defined in Section 110 of the Michigan Nonprofit Corporation Act, incurred in the good faith performance of the director's duties.

ARTICLE IX: LIMITATIONS ON CORPORATE ACTIONS.

A. No substantial part of the activities of the WEA Scholarship Foundation shall be to carry on propaganda, or otherwise attempt to influence legislation.

B. The WEA Scholarship Foundation shall not participate in or intervene in (including the publishing or distributing of statements) any political campaign on behalf of or in opposition to any candidate for public office.

C. Notwithstanding any other provision of these Articles of Incorporation, the WEA Scholarship Foundation shall not engage

in any activity not permitted for a corporation exempt from federal income under Section 501 (c) (3) of the Code; not permitted for a corporation, contributions to which are deductible under Section 170 (c) (2) of the Code; or not permitted for a nonprofit corporation organized pursuant to the Michigan Nonprofit Corporation Act.

ARTICLE X: DEDICATION OF ASSETS AND EARNINGS.

The assets and net earnings of the WEA Scholarship Foundation shall be devoted exclusively to the purposes provided in Article II of these Articles of Incorporation and no part of the assets or net earnings shall inure to the benefit of or be distributable to its members, directors, officers, or other private persons, except that the WEA Scholarship Foundation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth in Article II hereof.

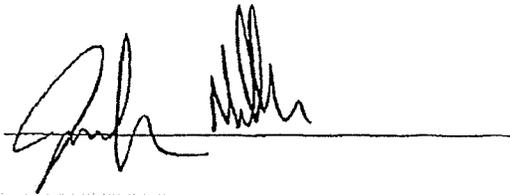
ARTICLE XI: DISTRIBUTION OF ASSETS UPON DISSOLUTION.

Upon dissolution of the WEA Scholarship Foundation, and after payment has been made or provided for as to all liabilities, the assets of the WEA Scholarship Foundation shall be distributed in a manner consistent with the purposes set forth in Article II of these Articles of Incorporation; or shall

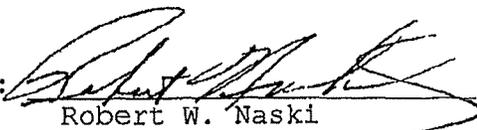
be distributed for one or more exempt purposes within the meaning of Section 501 (c) (3) of the Code; or shall be distributed to the Federal government, or to a state or local government, for a public purpose.

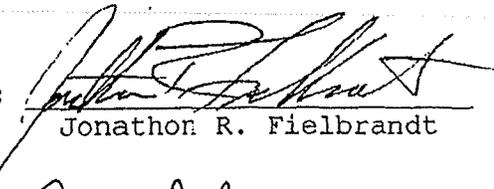
IN WITNESS WHEREOF, the undersigned incorporators have executed these Articles of Incorporation this 12th day of March, 2009.

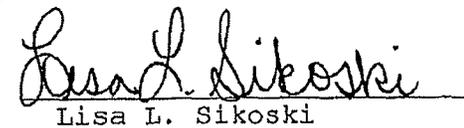
ATTEST:



WEA SCHOLARSHIP FOUNDATION

By: 
Robert W. Naski

By: 
Jonathon R. Fielbrandt

By: 
Lisa L. Sikoski

By: 
Robert L. Callender

INTERNAL REVENUE SERVICE
P. O. BOX 2508
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: **FEB 25 2010**

THE WARREN EDUCATION ASSOCIATION
SCHOLARSHIP FOUNDATION
C/O JENNIFER K N MILLER
12434 12 MILE RD STE 203
WARREN, MI 48093

Employer Identification Number:
33-1205707
DLN:
17053282336019
Contact Person:
WILLIAM SCHRODER ID# 31694
Contact Telephone Number:
(877) 829-5500

Accounting Period Ending:
December 31
Public Charity Status:
170(b)(1)(A)(vi)
Form 990 Required:
Yes
Effective Date of Exemption:
April 14, 2009
Contribution Deductibility:
Yes
Addendum Applies:
No

Dear Applicant:

We are pleased to inform you that upon review of your application for tax exempt status we have determined that you are exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code. Contributions to you are deductible under section 170 of the Code. You are also qualified to receive tax deductible bequests, devises, transfers or gifts under section 2055, 2106 or 2522 of the Code. Because this letter could help resolve any questions regarding your exempt status, you should keep it in your permanent records.

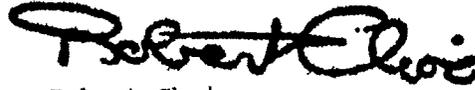
Organizations exempt under section 501(c)(3) of the Code are further classified as either public charities or private foundations. We determined that you are a public charity under the Code section(s) listed in the heading of this letter.

Please see enclosed Publication 4221-PC, Compliance Guide for 501(c)(3) Public Charities, for some helpful information about your responsibilities as an exempt organization.

Letter 947 (DO/CG)

THE WARREN EDUCATION ASSOCIATION

Sincerely,

A handwritten signature in black ink that reads "Robert Choi". The signature is written in a cursive style with a large, prominent "R" and "C".

Robert Choi
Director, Exempt Organizations
Rulings and Agreements

Enclosure: Publication 4221-PC

**DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
CORPORATIONS, SECURITIES & COMMERCIAL LICENSING BUREAU
NONPROFIT CORPORATION ANNUAL REPORT
2016**

Identification Number 70436H	Corporation Name THE WARREN EDUCATION ASSOCIATION SCHOLARSHIP FOUNDATION
--	--

Resident agent name and mailing address of the registered office
ROBERT CALLENDER
13969 PLUMBROOK

STERLING HEIGHTS MI 48312

The address of the registered office
13969 PLUMBROOK

STERLING HEIGHTS MI 48312

Describe the purpose and activities of the corporation during the year covered by this report:
SCHOLARSHIP FOUNDATION FOR THE WARREN EDUCATION ASSOCIATION

Officer/Director Information		
NAME	TITLE	BUSINESS OR RESIDENCE ADDRESS
ROBERT CALLENDER	PRESIDENT	13969 PLUMBROOK STERLING HEIGHTS MI 48312
CHRISTY STONE	SECRETARY	13969 PLUMBROOK STERLING HEIGHTS MI 48312
DON BIETLER II	TREASURER	13969 PLUMBROOK STERLING HEIGHTS MI 48312
LISA SIKOSKI	VICE PRESIDENT	13969 PLUMBROOK STERLING HEIGHTS MI 48312
KAREN KUCIEL	DIRECTOR	13969 PLUMBROOK STERLING HEIGHTS MI 48312
DONNA ZIMMER	DIRECTOR	13969 PLUMBROOK STERLING HEIGHTS MI 48312
ROBERT DELICATO	DIRECTOR	13969 PLUMBROOK STERLING HEIGHTS MI 48312

Electronic Signature

Filed By	Title	Phone
ROBERT L. CALLENDER	AUTHORIZED OFFICER OR AGENT	586-825-0429

I certify that this filing is submitted without fraudulent intent and that I am authorized by the business entity to make any changes reported herein.

Payment Information		
Payment Amount	Payment Date/Time	Reference Nbr
\$ 20	09/07/2016 09:22:02	71315 6800 70436H 2016

Transaction - Last 12 months

12/20/2015 through 12/19/2016

12/19/2016

Page 1

Date	Account	Num	Description	Memo	Category	Tag	Clr	Amount
BALANCE 12/19/2015								35,474.38
12/31/2015	Checking-Mo...		Interest Earned		Interest		R	6.07
1/31/2016	Checking-Mo...		Interest Earned		Interest		R	6.03
2/29/2016	Checking-Mo...		Interest Earned		Interest		R	5.64
3/9/2016	Checking-Mo...	DEP ...		Dewey Cain	Fundraiser Income:Lane Sponsor...		R	100.00
					Fundraiser Income:Registration F...		R	300.00
3/31/2016	Checking-Mo...		Interest Earned		Interest		R	6.08
4/26/2016	Checking-Mo...	DEP ...			Fundraiser Income:Lane Sponsor...		R	860.00
					Fundraiser Income:Registration F...		R	2,650.00
4/30/2016	Checking-Mo...		Interest Earned		Interest		R	6.00
5/2/2016	Checking-Mo...	1062	Chase Disney		Fundraiser Expense		R	-1,528.00
5/2/2016	Checking-Mo...	DEP ...			Fundraiser Income:Lane Sponsor...		R	400.00
					Fundraiser Income:Registration F...		R	30.00
					Fundraiser Income:50-50 #1		R	195.00
					Fundraiser Income		R	1,082.00
					Fundraiser Income:Strike Ball Win...		R	190.00
					Fundraiser Income		R	531.00
5/11/2016	Checking-Mo...	DEP ...			Fundraiser Income:Lane Sponsor...		R	400.00
					Fundraiser Income		R	135.41
5/31/2016	Checking-Mo...		Interest Earned		Interest		R	7.15
6/15/2016	Checking-Mo...	DEP			Fundraiser Income:Lane Sponsor...		R	300.00
6/30/2016	Checking-Mo...		Interest Earned		Interest		R	6.74
7/30/2016	Checking-Mo...		Interest Earned		Interest		R	6.99
8/31/2016	Checking-Mo...		Interest Earned		Interest		R	6.99
9/30/2016	Checking-Mo...		Interest Earned		Interest		R	6.77
10/27/2016	Checking-Mo...	1063	Oakland University	Sarah Buch...	Scholarships		R	-1,000.00
10/31/2016	Checking-Mo...		Interest Earned		Interest		R	6.99
11/30/2016	Checking-Mo...		Interest Earned		Interest		R	6.65
12/1/2016	Checking-Mo...	1064	Shane Steinmetz		Scholarships			-1,000.00
12/14/2016	Checking-Mo...	1065	Central Michigan University	DeAnn Stari...	Scholarships			-1,000.00
12/20/2015 - 12/19/2016								2,723.51
BALANCE 12/19/2016								38,197.89

TOTAL INFLOWS 7,251.51

TOTAL OUTFLOWS -4,528.00

Transaction - Last 12 months
12/20/2015 through 12/19/2016

12/19/2016

Page 2

Date	Account	Num	Description	Memo	Category	Tag	Clr	Amount
					NET TOTAL			2,723.51



Charitable Gaming Division
 Box 30023, Lansing, MI 48909
 OVERNIGHT DELIVERY:
 101 E. Hillsdale, Lansing MI 48933
 (517) 335-5780
 www.michigan.gov/cg

LOCAL GOVERNING BODY RESOLUTION FOR CHARITABLE GAMING LICENSES
 (Required by MCL.432.103(K)(ii))

At a _____ meeting of the _____
REGULAR OR SPECIAL TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD

called to order by _____ on _____
DATE

at _____ a.m./p.m. the following resolution was offered:
TIME

Moved by _____ and supported by _____

that the request from _____ of _____,
NAME OF ORGANIZATION CITY

county of _____, asking that they be recognized as a
COUNTY NAME

nonprofit organization operating in the community for the purpose of obtaining charitable

gaming licenses, be considered for _____.
APPROVAL/DISAPPROVAL

APPROVAL	DISAPPROVAL
Yeas: _____	Yeas: _____
Nays: _____	Nays: _____
Absent: _____	Absent: _____

I hereby certify that the foregoing is a true and complete copy of a resolution offered and
 adopted by the _____ at a _____
TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD REGULAR OR SPECIAL
 meeting held on _____.
DATE

SIGNED: _____
TOWNSHIP, CITY, OR VILLAGE CLERK

PRINTED NAME AND TITLE

ADDRESS

COMPLETION: Required.
 PENALTY: Possible denial of application.
 BSL-CG-1153(R6/09)



AGENDA STATEMENT

OMB AS03 Rev. 11/04

Item Title: To consider approval of a First Amended Consent Judgment in the case, *Mound 19, LLC vs. City of Sterling Heights*, Macomb County Circuit Court Case No. 77-3913-CH (Presentation – Chris McLeod, City Planner).

Submitted By: Office of Planning

Contact Person/Telephone: Chris McLeod, City Planner, (586) 446.2384

Administration (initial as applicable)

Attachments

 City Clerk	___	Resolution	___	Minutes
 Finance & Budget Director	___	Ordinance	<u> x </u>	Plan/Map
 City Attorney (as to legal form)	___	Contract	<u> x </u>	Other
 City Manager				

Check box if this agenda item requires billing\revenue collection (fees, etc.) by Treasury Office

Executive Summary

Introduction

Mound 19, LLC (Plaintiff) is requesting approval of a First Amended Consent Judgment to facilitate the construction and operation of gasoline service station on property situated on the east side of Mound Road, between Goff Avenue and Stacy Avenue, and commonly known as 43904 Mound Road.

Background

The subject property is comprised of a single parcel situated on the east side of Mound Road, between Goff Avenue and Stacy Avenue, in Section 4 of the City. The subject property has approximately 200' of frontage along Mound Road and a depth, as measured from the Mound Road frontage, of approximately 300'. The total acreage of the subject property is approximately 1.4 acres. The subject property is zoned C-1 (Local Convenience Business District), but is subject to a Consent Judgment that was originally entered into between the original plaintiffs, Metro La Cuesta and Anna La Cuesta, d/b/a Mound Delicatessen, and defendant city of Sterling Heights in 1977.

Under the terms and conditions of the 1977 Consent Judgment, the subject property can be developed with uses permitted under the B-1 (Local Business District) zoning. Under the City's previous Zoning Ordinance, the B-1 (Local Business District) zoning is similar to the current C-1 (Local Business District), which is the predominant zoning for a majority of properties with frontage along Mound Road in this area. The subject property was eventually developed with a delicatessen and market that had carry-out liquor licenses.

The property to the north of the subject property is zoned C-1 (Local Convenience Business District) and is developed with professional medical offices. The property to the east is zoned R-60 (One Family Residential) and developed with single-family residences along Mulberry Drive.

To the south, the properties are zoned C-1 (Local Convenience Business District). The property immediately to the south is vacant, while the next occupied commercial property is utilized for a yard ornament business.

To the west, across Mound Road, is zoned R-100 (One Family Residential District) and is developed with single-family residential homes that front on both Cannes Drive, as well as Mound Road.

The Master Land Use Plan designates this area as Transitional. This land use category is intended to permit transitional uses depending on the parcel size, configuration, and location. The appropriate land uses for this designation will depend on the unique characteristics of each site. The Master Land Use Plan specifically indicates the Transitional designation is to be utilized where single-family housing is to be phased out over time (i.e. along the Mound Road frontage). The Master Land Use Plan further suggests that nonresidential developments adhere to the design principles outlined for Local Commercial land uses in the Plan. These principles include traditional architectural design principles, developments being orientated to pedestrians, parking being located in the side and rear yards, a buildings relationship to the street, amongst others.

Proposal

Mound 19, LLC is the present owner of the subject property. The proposed First Amended Consent Judgment would allow for the Mound 19, LLC to develop a gasoline service station on the subject property that will include a total of six (6) gasoline pumps and covered canopy. The retail portion of the gasoline service station would be handled within the existing "Liquor Book" retail building (former delicatessen). An additional freestanding sign dedicated to advertising gasoline prices, enhanced landscaping along both the Mound Road frontage and the eastern property line, new decorative lighting fixtures, enhanced landscaping elements and restricted hours for the operation, are also being proposed under the First Amended Consent Judgment.

Mound 19, LLC is willing to limit the hours of operation for the new gasoline service station to between 7:00 a.m. to 10:00 p.m., daily. Lighting specific to operation of the gasoline service station will be required to be turned off at 10:00 p.m. The gasoline pumps will not be permitted to have audio devices that project sound with the exception of verbal transmissions between the gas station attendant and the patron.

Landscaping per the proposed site plan provides for a total of twenty-three (23), eight (8) foot tall evergreens, nine (9), three (3) inch caliper deciduous trees, in addition to the existing trees, to be planted along the east property line that is shared with residential uses. This enhanced landscaping is intended to provide an adequate buffer to the residents that live to the east of the site, mainly on Mulberry Drive. The site plan also proposes additional landscaping along the Mound Road frontage to generally bring the site into compliance with the City's new commercial landscaping standards. The site will also provide an enhanced landscaping element near the front of the retail building in the form of a patio sitting area with benches, tables and bicycle racks.

The proposed canopy over the gasoline pumps will be decorative in that it will carry architectural details of the building for architectural consistency. Several other site improvements planned include the installation of a decorative dumpster enclosure to house the existing freestanding dumpster onsite and additional parking lot islands to help direct traffic onsite.

VariANCES Requested

One variance from the requirements of Zoning Ordinance No. 278 is being requested under the terms and conditions of the First Amended Consent Judgment:

Additional Ground Monument Sign – The site plan and First Amended Consent Judgment propose a second ground sign for the subject property. This ground sign would provide for the daily gasoline prices for the gasoline service station. The City Zoning Ordinance only permits one freestanding sign for each business site.

Planning Considerations

The land use pattern in this area of the City contains a variety of land uses ranging from multiple family, office, restaurant, retail, and even auto repair. The current site is being used for retail (C-1) purposes that are generally consistent with the Local Convenience Business Zoning District. The proposal for a gasoline service station will introduce a more intense use on the subject property and at a location where such a use is not found. Typically, gasoline service stations along Mound Road are reserved to the four corners of a major intersection.

The site plan as proposed provides a 47' greenbelt along the eastern property line, which is shared with single-family residences. The site plan proposes the addition of thirty two (32) total trees in this area. It is also noted that the site already has a six (6) foot high masonry separation wall along the eastern property line.

The issue of nuisance lighting is always a concern where a more intense commercial use abuts residential properties. Mound 19, LLC has provided a photometric study that indicates the commercial lighting from the gasoline service station use will be at 0.0 well before the eastern property line. In addition, as noted above, the proposed Consent Judgement requires that the canopy lighting for the gasoline pumps be turned off at 10:00 p.m. daily.

The Office of Planning reviewed the proposed First Amended Consent Judgment and associated site plan and offers the following points to consider:

1. Imposing terms and conditions on the development and operation of the proposed gasoline service station ensures that the more intensive use will not become a nuisance for surrounding property owners and the City;
2. Mound 19, LLC has provided a site plan that complies with the City's requirements for a gasoline service station, including building, lighting, and landscaping.

Suggested Action:

MOVED BY:

SECONDED BY:

RESOLVED, to approve the First Amended Consent Judgment for entry in *Mound 19, LLC vs. City of Sterling Heights*, Macomb County Circuit Court Case No. 77-3913-CH, and authorize the City Attorney to sign all documents required in conjunction with this approval.

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF MACOMB

MOUND 19, LLC
a Michigan limited liability company,

Plaintiff,

v

CITY OF STERLING HEIGHTS,
a Michigan municipal corporation,

Defendant.

Hon.: James M. Biernat, Jr.
Case No.: 77-3913-CH

PHILIP P. RUGGERI AND ASSOCIATES, P.C
PHILIP P. RUGGERI (P59552)
Attorney for Successor Plaintiff
43231 Schoenherr Road
Sterling Heights, MI 48313-1957
(586) 524-3390

O'REILLY RANCILIO P.C.
MARC D. KASZUBSKI (P60333)
CLARK A. ANDREWS (P24380)
Attorneys for Defendant
12900 Hall Road, Suite 350
Sterling Heights, MI 48313
(586) 726-1000

FIRST AMENDED CONSENT JUDGMENT

At a session of said Court held in the Macomb County Court Building,
City of Mount Clemens, Macomb County, Michigan on _____

PRESENT: Hon. James M. Biernat, Jr.
Circuit Court Judge

On November 9, 1977, a consent judgment ("Consent Judgment") was entered by this court between Plaintiffs, Metro La Custa and Anna La Custa, individually, d/b/a Mound Delicatessen, (collectively referred to as the "Prior Plaintiffs") and the City of Sterling Heights ("Defendant") regarding certain land then owned by Prior Plaintiffs which is located in the City of Sterling Heights, Macomb County, Michigan, commonly known as 43904 Mound Road, identified as Parcel ID 10-04-301-029 and legally described in the Consent Judgment and on the site plan attached to this First Amended Consent Judgment, which parcel is referred to in this First Amended Consent Judgment as the "Property".

The Consent Judgment provided that the Consent Judgment was binding upon the parties, their heirs, devisees, assignees or successors in title to the land described in the Consent Judgment.

Prior Plaintiffs conveyed the Property to Renee K. Investments, LLC, a Michigan limited liability company, which lost the Property by foreclosure, and Mound 19, LLC acquired the Property from the foreclosing bank, Comerica Bank, on December 3, 2013, including all of Prior Plaintiffs' rights under the Consent Judgment.

Under the terms of the Consent Judgment, Prior Plaintiffs and their heirs, devisees, assignees, and successors in title were allowed to develop the Property with uses permitted under the B-1 (Local Business District) regulations of the former Sterling Heights Zoning Ordinance, Zoning Ordinance No. 131, then in effect ("Former Zoning Ordinance"), which zoning classification is now designated in the current Sterling Heights Zoning Ordinance, Zoning Ordinance No. 278 ("Zoning Ordinance"), as C-1 (Local Convenience Business District).

Plaintiff and Defendant, through their respective counsel, have stipulated to the entry of a Stipulated Order of Reinstatement and Stipulated Order Substituting Plaintiff, both dated _____, 2016 in order to reinstate the previously closed case between Prior Plaintiffs and Defendant, and to allow Mound 19, LLC to be substituted as Plaintiff in place of the Prior Plaintiffs.

Plaintiff, as current owner of the Property, now wishes to further develop the southerly part of the Property with a gasoline self-service station which will contain six (6) pump islands in general conformance with the C-3 (General Business District) provisions of the Zoning Ordinance, specifically that part of the Property legally described on the attached site plan as "Gasoline Self-Service Area", rather than with uses permitted under the C-1 (Local Convenience Business District) provisions of the Zoning Ordinance.

Plaintiff and Defendant have determined that the Gasoline Self-Service Area of this Property should be allowed to be developed with a gasoline self-service station (“Project”) in accordance with the terms of this First Amended Consent Judgment (“Amended Consent Judgment”), as more particularly set forth on the site plan prepared by Serra – Marko & Associates dated December 6, 2016, Sterling Heights Planning Department Receipt Date, December 7, 2016, (“Amended Site Plan”), attached as Exhibit A which is incorporated into this Amended Consent Judgment.

Defendant acknowledges that Plaintiff’s proposed development of the Gasoline Self-Service Area of the Property with a gasoline self-service station in conformance with the terms of this Amended Consent Judgment is a reasonable use of the Property.

Plaintiff and Defendant wish to amend the Consent Judgment to permit the Property to be developed with the Project in accordance with the terms of this Amended Consent Judgment, and as more particularly shown on the Amended Site Plan.

NOW THEREFORE, Plaintiff and Defendant consent and agree that the Consent Judgment be amended and it is ordered that the Consent Judgment be amended as follows:

1. **Incorporation of Recitals.** The recitals set forth above shall be incorporated into and shall form a part of the terms of this Amended Consent Judgment.

2. **Development of the Property.** For purposes of this Amended Consent Judgment and irrespective of the current zoning designation of the Property as R-60 (One Family Residential District), Defendant, its agencies, departments, agents, employees, representatives and officials approve Plaintiff’s proposed development of the Gasoline Self-Service Area of the Property with a gasoline self-service station with six (6) pump islands in accordance with the terms of this Amended Consent Judgment and the attached Amended Site Plan. Plaintiff, or its

heirs, devisees, assignees, and successors in title with respect to the Property, shall be required to follow and comply with the City's administrative site plan review procedure, with such minor modifications to the attached Site Plan as are approved by the City Planner.

3. **Conditions Relating to Development of the Gasoline Self-Service Station.**

Plaintiff shall comply with the following conditions as a condition precedent to Plaintiff developing the Gasoline Self-Service Area of the Property with the Project:

- A. Plaintiff shall comply with all of the conditions set forth in Article 11, Section 11.02.C. which pertain to gasoline self-service station uses (except any requirements varied in Paragraph 4 of this Amended Consent Judgment).
- B. Plaintiff shall install and maintain a six (6) foot high decorative masonry wall approved by the Planning Department on the east property line to provide screening to the adjacent residential properties on Mulberry Drive, as depicted on the attached Amended Site Plan.
- C. Plaintiff shall plant (in the case of new landscaping) and maintain (in the case of new or existing landscaping) the following landscaping adjacent to the masonry wall on the east property line in the locations depicted on the approved landscape plan to provide additional screening and noise and light absorption to the adjacent residential properties on Mulberry Drive:
(i) three (3) existing deciduous trees, (ii) twenty three (23) eight foot (8') high evergreens and (iii) nine (9) three inch (3") caliper deciduous trees.
- D. Plaintiff shall maintain all trees, shrubs, and landscaped areas on the Property, whether now existing or subsequently installed on the Property, in an aesthetically pleasing condition at all times, including regular

fertilizing, watering, and pruning all plant materials and trees, replacement of any dead or diseased trees, shrubs, or plant materials, regular weeding, replacement of deteriorated or eroded mulch and/or ground cover, and regular removal of litter, trash and debris from the landscaped beds on the Property. If Plaintiff fails to maintain the landscaping as required by this Amended Consent Judgment, the City shall give written notice to Plaintiff at its last known address shown on the City Assessor's records for the Property setting forth the manner in which Plaintiff has failed to maintain the landscaping, The notice shall direct Plaintiff to correct the deficiencies in maintenance within ten (10) days of the date of the notice. If the maintenance deficiencies set forth in the notice are not cured within the ten (10) day period (or any extensions of time granted by the City in writing) the City may enter upon the Property in order to eliminate and cure the deficiencies in the maintenance of the landscaping. Should deficiencies in the maintenance of the landscaping be determined by the City to constitute an impending danger to the health, safety, or welfare of the public, or a public or private nuisance, the City shall have the right to take immediate correction action without prior notice and summarily abate such danger or nuisance. The maintenance of the landscaping by the City shall not constitute a taking of the Property nor vest in the public any additional right to use same. The actual costs and expenditures, including administration expenses and attorney fees, incurred by the City as a result of its maintenance of the landscaping or the summary abatement of an impending danger or nuisance in relation thereto, shall be at the expense

of Plaintiff and shall be billed to Plaintiff. If the invoice remains unpaid for thirty (30) days, it shall be assessed as a lien against the Property and become due, be collected, and be returned for non-payment in the same manner and at the same time as general ad valorem property tax levies of the City, including the provisions for payments of interest, penalty, and foreclosure. The cost of performing any of the maintenance obligations of the landscaping, if done by City personnel, shall be charged on a direct cost basis in accordance with City policy.

- E. Plaintiff shall not install or operate any audio device on the Property that projects sounds or noise into the Gasoline Self-Service Area of the Property (other than low volume verbal transmissions to customers in the pump island areas to assist them in (i) fueling their vehicles (or filling portable gasoline or diesel containers), (ii) completing outside payment for fuel, or (iii) dealing with an emergency in the Gasoline Self-Service Area.
- F. The hours of operation of the Gasoline Self-Service Area shall be limited to 7:00 a.m. to 10:00 p.m. seven (7) seven days a week.
- G. All overhead exterior lighting in the Gasoline Self-Service Area shall be turned off between the hours of 10:00 p.m. and 6:00 a.m. seven (7) days a week.
- H. Plaintiff shall construct, develop, and operate the Gasoline Self-Service Area in compliance with all the terms of this Amended Consent Judgment and all applicable City, Macomb County, State and Federal codes, ordinances, laws and regulations.

4. **Variance of Sign Ordinance.** The City approves the granting the following variance to the sign regulations of the Zoning Ordinance to allow Plaintiff to proceed with development of the Gasoline Self-Service Area in accordance the attached Site Plan:

- A variance to permit a second freestanding sign on the Property, provided (a) the new sign is a monument style sign meeting all standards of the Zoning Ordinance, and (b) the design and materials of the new monument sign match or are compatible with the design and materials of the existing sign as determined by the Office of Planning (other than the existing sign being a pylon style sign and the new sign being a monument style sign)

5. **Parcel Designation on Zoning Map.** The Zoning Map of the Zoning Ordinance shall designate that the parcel constituting the Property is a Consent Judgment parcel subject to the terms of this Amended Consent Judgment. Except as modified by the variances approved in Section 4 above, the provisions of the applicable C-3 (General Business District) zoning classification, including the Special Approval Land Use conditions applicable to the gasoline self-service stations, shall apply to the Gasoline Self-Service Area, and such provisions are incorporated into and shall form a part of this Amended Consent Judgment. The terms of this Amended Consent Judgment shall survive and continue in full force and effect without being affected or modified by any change in the Zoning Ordinance provisions applicable to the Property as provided in this Amended Consent Judgment.

6. **Compliance with Codes and Ordinances.** Plaintiff shall fully comply with all other terms and conditions of the Zoning Ordinance, as well as the Michigan Construction Code and other required governmental rules and regulations not in conflict with the terms and conditions of this Amended Consent Judgment.

7. **Payment of Fees and Costs.** Plaintiff shall reimburse the City of Sterling Heights for any attorney fees, court costs, recording fees or other expenses incurred by the City of Sterling Heights in connection with the consideration, negotiation, preparation, review, or

presentation to the City Council of this Amended Consent Judgment, and shall pay all applicable building, planning, and engineering review and inspection fees in accordance with the fee schedule set forth in the Annual Appropriations Ordinance.

8. **Amendment.** The terms of this Amended Consent Judgment may only be amended, changed or modified by a written agreement of the parties to this Amended Consent Judgment, or their successors and assigns. This Amended Consent Judgment shall be amended to reflect any such revisions or changes.

9. **Continuing Jurisdiction of Circuit Court.** This court retains continuing jurisdiction for the purpose of enforcing this Amended Consent Judgment.

10. **Waiver.** No waiver or any provision of this Amended Consent Judgment shall be valid unless in writing and signed by the party against whom the waiver is charged.

11. **Recordable Form; Binding Effect.** This Amended Consent Judgment shall be deemed to be in recordable form and shall be recorded and shall run with the Property and shall be binding upon and inure to the benefit of the Plaintiff, Defendant and their respective successors and assigns.

12. **Resolution of Case.** The entry of this Amended Consent Judgment resolves all pending claims and re-closes this case.

DATED: _____, 2016

James M. Biernat, Jr., Circuit Court Judge

WE STIPULATE TO THE ENTRY OF THE ABOVE
FIRST AMENDED CONSENT JUDGMENT:

PHILIP P. RUGGERI AND ASSOCIATES, P.C.



Philip P. Ruggeri (P31554)
Attorney for Successor Plaintiff

O'REILLY RANCILIO P.C.

Marc D. Kaszubski (P60333)
Attorney for Defendant

Exhibit A

Site Plans for Proposed Gasoline Self-Service Station

11
9
8
7
6
5
4
3
2
1

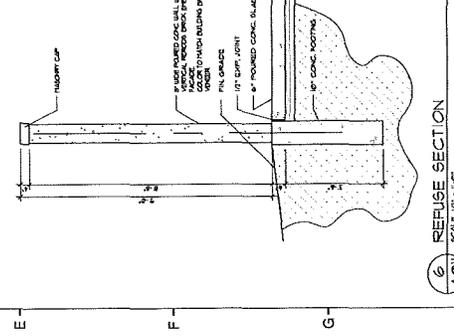
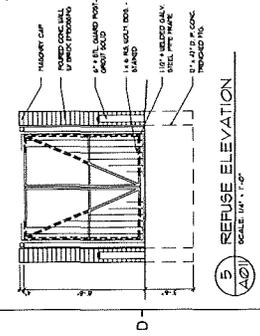
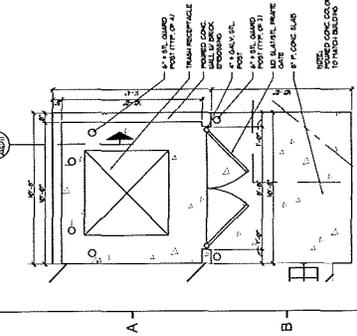
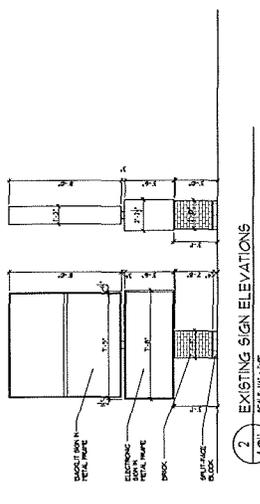
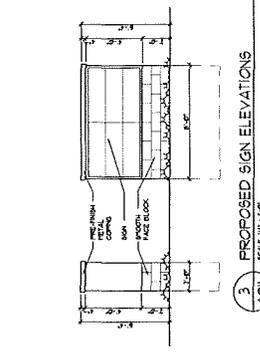
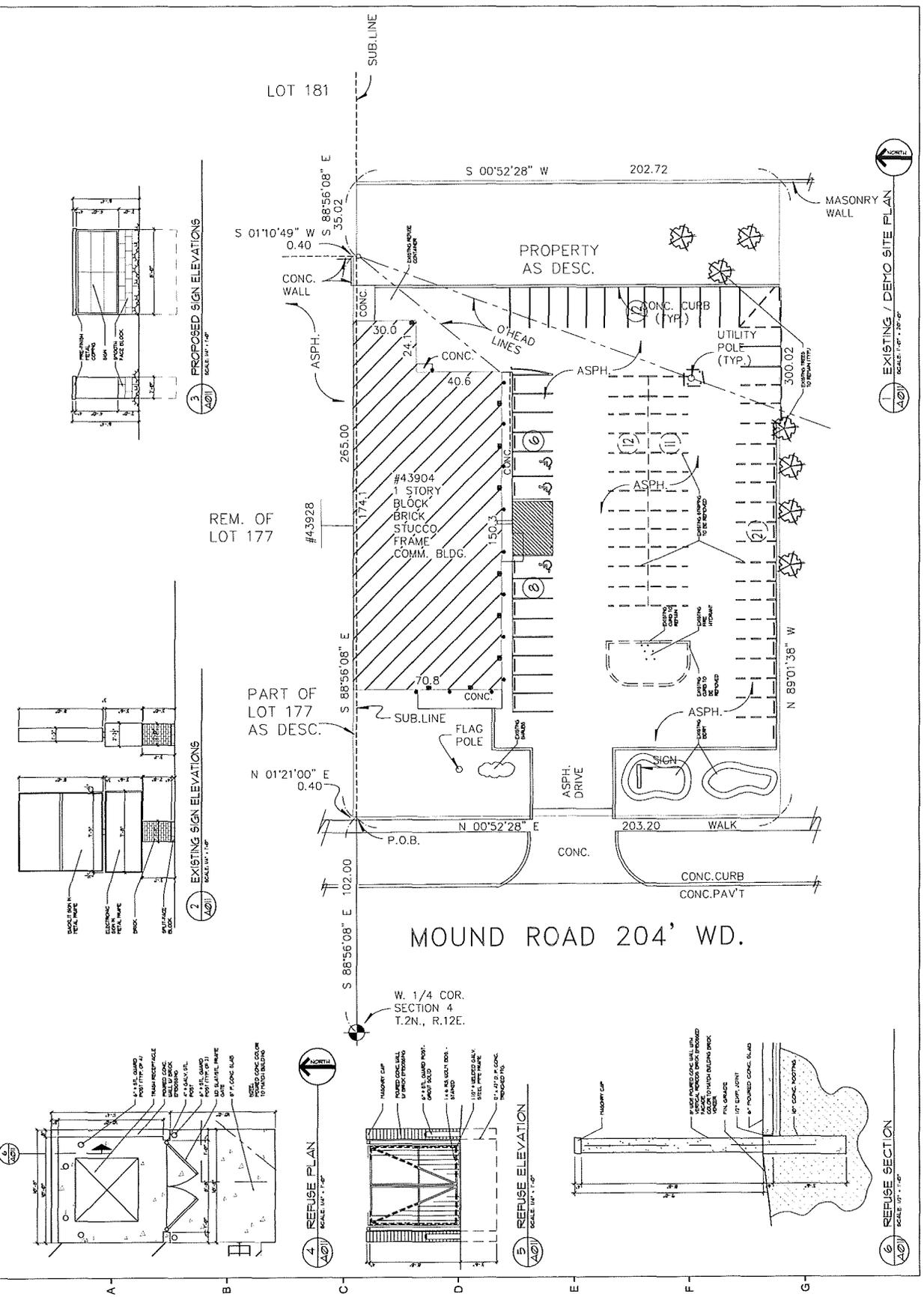
ARRA - MARKO ASSOCIATES
 ARCHITECTURAL DESIGNERS
 189 E Big Beaver, Suite 106 Troy, MI 48063
 Tel: 248.457.6903 Fax: 248.457.6906
 Email: info@arramarko.com
 Website: www.s-m-associates.com

PROFESSIONAL SEAL
 REGISTERED PROFESSIONAL ARCHITECT
 STATE OF MICHIGAN
 NO. 043000
 PREPARED IN COLLABORATION
 WITH C/D/MA ASSOCIATES, INC.
 13430 WOODLAND AVENUE
 STERLING HEIGHTS, MI 48314

LIQUOR BOOK (PUMP) CANOPY
 PER CITY COMMENTS
 12-06-2016
 ADDRESS:
 43904 MOUND ROAD
 STERLING HEIGHTS MI 48314

REVISIONS	DATE	BY
1	12/06/16	BA/EM
2	11/01/16	BA/EM
3	11/01/16	BA/EM

PROJECT TITLE
EXISTING / DEMO SITE PLAN
 DRAWING NO.
A0.1.1



1 EXISTING / DEMO SITE PLAN
 SCALE 1/4" = 1'-0"

6 REFUSE SECTION
 SCALE 1/4" = 1'-0"

11
10
9
8
7
6
5
4
3
2
1

MARRA - MARKO ASSOCIATES
 ARCHITECTURAL DESIGNERS
 189 E Big Beaver, Suite 106 Troy, MI 48063
 Tel: 248.457.6903 Fax: 248.457.6906
 Email: info@m-associates.com
 Website: www.s-m-associates.com

LANDSCAPE ARCHITECTURE
 WITH DANINA ASSOCIATES, INC.
 14400 WOODBROOK AVENUE
 SUITE 1000
 TROY, MI 48063
 TEL: 248.457.6903
 FAX: 248.457.6906
 WWW.DANINAASSOCIATES.COM

LIQUOR BOOK (PUMP) CANOPY
 PER CITY COMMENTS
 12-06-2016
 ADDRESS:
 43804 MOUND ROAD
 STERLING HEIGHTS MI 48314

JOB NO. # 13-0247

ISSUANCES	DATE	BY
1. PRELIMINARY	03/23/16	MM/EM
2. FOR CONSENT	11/01/16	MM/EM
3. PER CITY COMMENTS	12/06/16	MM/EM

LANDSCAPE PLAN
 SHEET TITLE
 PROJECT NO.
A0.2.2

LANDSCAPE COMPLIANCE CITY OF STERLING HEIGHTS CODE OF ORDINANCES

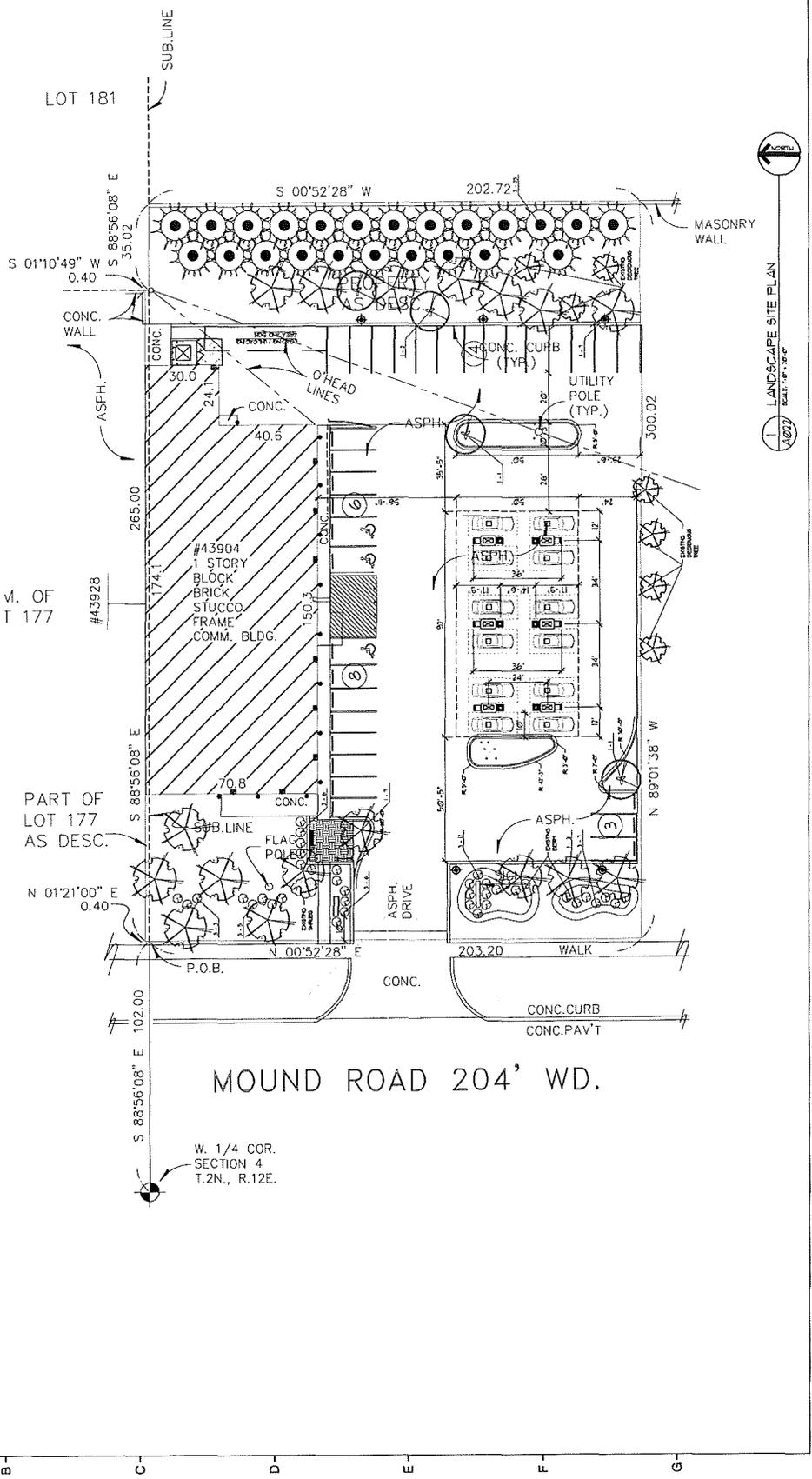
REQUIRED	PROVIDED
MINIMUM PLANTING DENSITY (10% PER 1000 SQ. FT.)	100% (100 PER 1000)
MINIMUM PLANTING SPECIES (10% PER 1000 SQ. FT.)	100% (100 PER 1000)
MINIMUM PLANTING SIZE (10% PER 1000 SQ. FT.)	100% (100 PER 1000)
MINIMUM PLANTING TYPE (10% PER 1000 SQ. FT.)	100% (100 PER 1000)
MINIMUM PLANTING COLOR (10% PER 1000 SQ. FT.)	100% (100 PER 1000)
MINIMUM PLANTING HEIGHT (10% PER 1000 SQ. FT.)	100% (100 PER 1000)
MINIMUM PLANTING WIDTH (10% PER 1000 SQ. FT.)	100% (100 PER 1000)
MINIMUM PLANTING DEPTH (10% PER 1000 SQ. FT.)	100% (100 PER 1000)
MINIMUM PLANTING SPACING (10% PER 1000 SQ. FT.)	100% (100 PER 1000)
MINIMUM PLANTING DISTANCE FROM CURB (10% PER 1000 SQ. FT.)	100% (100 PER 1000)
MINIMUM PLANTING DISTANCE FROM WALK (10% PER 1000 SQ. FT.)	100% (100 PER 1000)
MINIMUM PLANTING DISTANCE FROM DRIVE (10% PER 1000 SQ. FT.)	100% (100 PER 1000)
MINIMUM PLANTING DISTANCE FROM BUILDING (10% PER 1000 SQ. FT.)	100% (100 PER 1000)
MINIMUM PLANTING DISTANCE FROM UTILITY POLE (10% PER 1000 SQ. FT.)	100% (100 PER 1000)
MINIMUM PLANTING DISTANCE FROM OVERHEAD LINES (10% PER 1000 SQ. FT.)	100% (100 PER 1000)
MINIMUM PLANTING DISTANCE FROM MASONRY WALL (10% PER 1000 SQ. FT.)	100% (100 PER 1000)
MINIMUM PLANTING DISTANCE FROM SUBLINE (10% PER 1000 SQ. FT.)	100% (100 PER 1000)

PLANT MATERIAL LEGEND

KEY	QUANTITY	TYPE	SIZE
1	21	DECIDUOUS TREE	7 DBD
2	33	EVERGREEN TREE	8 DBD PK
3	35	SHRUBS	3' DBD

LANDSCAPE LEGEND

SYMBOL	DESCRIPTION
(Tree symbol)	EXISTING TREE
(Tree symbol)	PROPOSED DECIDUOUS TREE
(Tree symbol)	PROPOSED EVERGREEN TREE
(Shrub symbol)	PROPOSED SHRUBS



MOUND ROAD 204' WD.

W. 1/4 COR. SECTION 4 T.2N., R.12E.

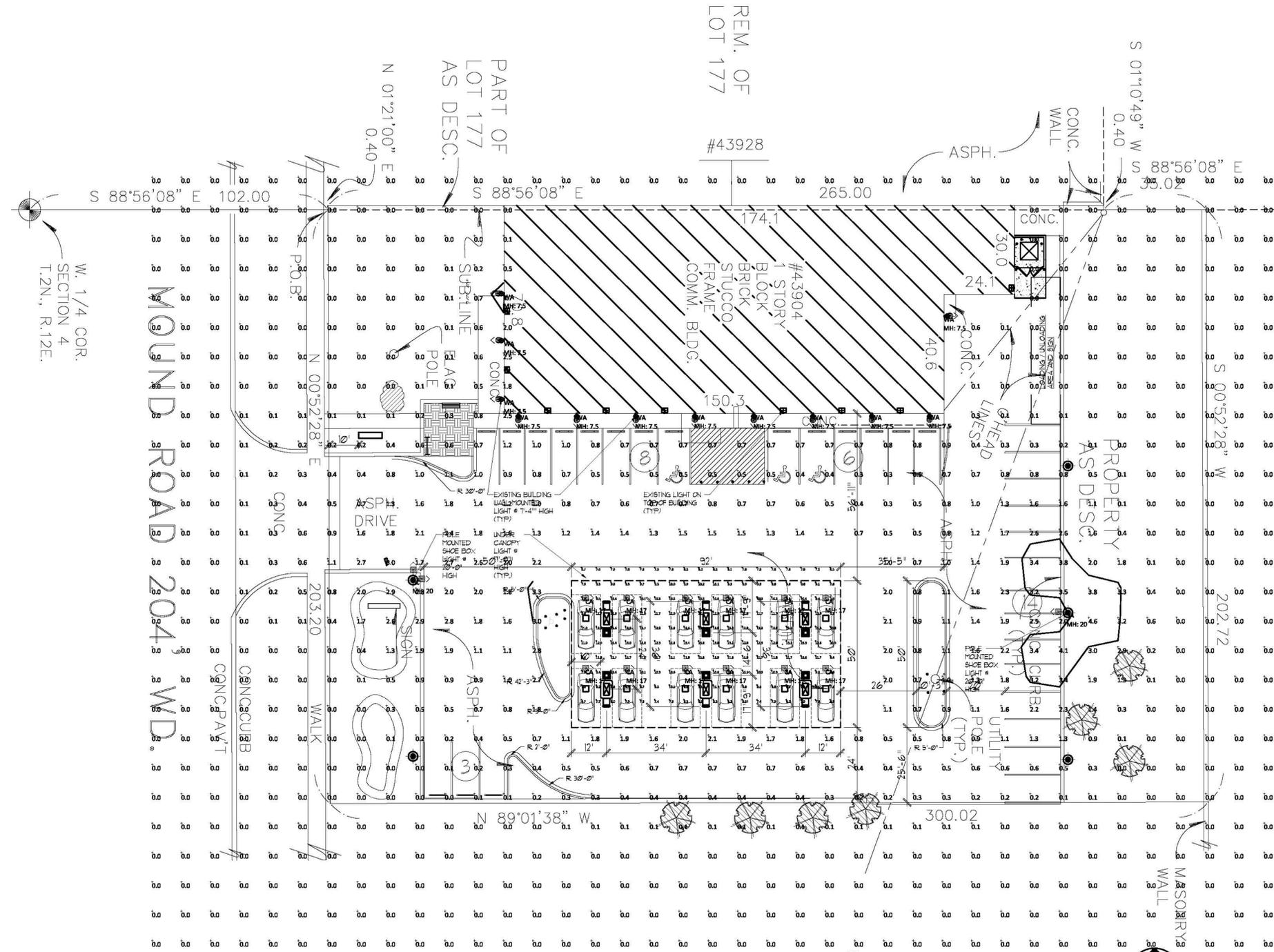
LANDSCAPE SITE PLAN
 SCALE: 1" = 10' 0"

Symbol	Qty	Label	Arrangement	Manufacturer	Description	Arr. Lum. Lumens	Arr. Watts	LLF	BUG Rating
☐	12	CA	SINGLE	PHILIPS GARDCO	M3L-32G3-700-NW-SS @ 17'	6610	91	0.850	B2-U0-G0
→	1	SA	SINGLE	PHILIPS GARDCO	ECF-1-3-160LA-481A-NW @ 20'	15565	158.3	0.850	B3-U0-G2
↖	1	SC	2 @ 90°	PHILIPS GARDCO	ECF-2@90-3-55LA-3253-NW @ 20'	11790	103.2	0.850	B2-U0-G1
⊙	12	WA	SINGLE	PHILIPS STONCO	LWL-LED-1C-SK-120-PCB-BZ @ 7.5'	829	12.7	0.850	B1-U3-G1

PROPOSED GAS STATION PUMPS & CANOPY			
LIGHTING COMPLIANCE: CITY OF STERLING HEIGHTS CODE OF ORDINANCES, MICHIGAN BUILDING CODE 2012			
EXTERIOR LIGHTING	REQUIRED / ALLOWED	PROVIDED	REFERENCE
SHIELDING	LIGHTING TO BE FULLY SHIELDED		SEC. 24.06
POLE LIGHT HEIGHT	30'-0" HIGH MAX.		SEC. 24.06
GAS STATION CANOPY LIGHTS	FIXTURES TO BE RECESSED 28 FOOTCANDLES MAX.		SEC. 24.06
DRIVEWAYS	3 FOOTCANDLES MAX.		SEC. 24.06
PARKING LOT	5 FOOTCANDLES MAX.		SEC. 24.06

Calculation Summary										
Label	CalcType	Avg	Max	Min	Avg/Min	Max/Min	# Pts	Units	PtSpclr	PtSpcTb
Canopy	Illuminance	10.32	13.8	6.5	1.59	2.12	180	Fc	5	5
Total Grid	Illuminance	0.37	4.7	0.0	N.A.	N.A.	966	Fc	10	10

Luminaire Location Summary					
Label	X	Y	Z	Orient	Tilt
SC	9871.047	-1534.85	20	43.543	0
SA	10094.62	-1546.15	20	180.095	0
CA	9930.108	-1541.38	17	0	0
CA	9944.108	-1541.38	17	0	0
CA	9964.108	-1541.38	17	0	0
CA	9978.108	-1541.38	17	0	0
CA	9998.108	-1541.38	17	0	0
CA	10012.10	-1541.38	17	0	0
CA	9930.108	-1565.35	17	0	0
CA	9944.108	-1565.35	17	0	0
CA	9964.108	-1565.35	17	0	0
CA	9978.108	-1565.35	17	0	0
CA	9998.108	-1565.35	17	0	0
CA	10012.10	-1565.35	17	0	0
WA	9902.193	-1437.54	7.5	180	0
WA	9902.253	-1453.49	7.5	180	0
WA	9902.253	-1473.49	7.5	180	0
WA	9907.026	-1478.61	7.5	270	0
WA	9927.022	-1478.61	7.5	270	0
WA	9947.194	-1478.61	7.5	270	0
WA	9967.365	-1478.49	7.5	270	0
WA	9987.537	-1478.61	7.5	270	0
WA	10007.70	-1478.61	7.5	270	0
WA	10027.88	-1478.61	7.5	270	0
WA	10047.59	-1478.49	7.5	270	0
WA	10052.55	-1445.16	7.5	0	0



PHOTOMETRIC PLAN
SCALE: 1"=10'-0"

SERRA - MARKO & ASSOCIATES
ARCHITECTURAL DESIGNERS
 189 E Big Beaver, Suite 106 Troy, MI 48063
 Tel: 248.457.6903 Fax: 248.457.6906
 Email: info@s-m-associates.com
 Website: www.s-m-associates.com

ALL DIMENSIONS SHALL BE VERIFIED IN THE FIELD BY THE CONTRACTOR. THE CONTRACTOR IS SOLELY RESPONSIBLE FOR COORDINATION OF ALL DIMENSIONS.
 PREPARED IN COLLABORATION WITH D'ANNA ASSOCIATES, INC.
 LIQUOR BOOK PUMP CANOPY
 JOB #13-0247
 ISSUED DATE: 12/02/2016
 PIETRO DALEO ARCHITECT IN CHARGE

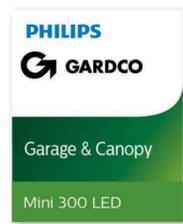
LIQUOR BOOK (PUMP) CANOPY
 PER CITY COMMENTS
 12-06-2016
 ADDRESS:
 43904 MOUND ROAD
 STERLING HEIGHTS MI 48314

JOB NO.		#13-0247	
ISSUANCES			
NO	DESCRIPTION	DATE	BY
1	FOR REZONING	01/20/16	IM/EM
2	FOR CONSENT JUDGEMENT	11/01/16	IM/EM
3	PER CITY COMMENTS	12/06/16	IM/EM

SHEET TITLE
PHOTOMETRIC SITE PLAN

DWG. NO.
A0.3.1

A
B
C
D
E
F
G



Philips Gardco Mini 300 LED gas station canopy luminaire combines exceptional optical performance with long life to provide the ultimate energy-saving solution. The series features LEDgine, Philips global platform, and is available in 32 and 48 LED configurations with multiple lumen packages to accommodate any gas station and under-canopy application.

Ordering guide Example: M3L-32G3-700-CW-S-120-SS-F1-WHT

Series	No. of LEDs	Driver	LED Selection	Distribution	Voltage	Mounting	Options	Finish
M3L Mini 300 LED	32G3 32 LEDgine Generation 3 (8500 lumens, approx.)	700 700 mA driver	CW Cool White (5000K +/- 250K)	S Symmetrical	120 208 240 277 347 480	SS ¹ Single Skin (thru canopy) F2 ² Double Fusing (208, 240, 480V) DS ³ Double Skin (recessed mount) SM ⁴ Surface Mount RK1 ⁵ Retrofit Kit LSI Dialoca (2x2 Dia)	F1 ⁶ Single Fusing (120, 277, 347V) F2 ² Double Fusing (208, 240, 480V) DD ⁷ 0-10V Dimming Driver (includes dimmer driver with leads exiting the luminaire for secondary control) EPC ⁸ Environmental Protection Cover (single skin only)	WHT Smooth white powder coat

Accessories (order separately)

F1-KIT
Single Fusing Field Install Kit (120, 277, 347V)

F2-KIT
Double Fusing Field Install Kit (208, 240, 480V)

Mini_300_M3L_LED_09/15 page 1 of 9

Dimensions

**Double Skin (DS)
Recessed Mount**
Weight: 198 lbs / 89 kg

**Single Skin (SS)
Thru Canopy Mount**
Weight: 176 lbs / 79 kg

Surface Mount (SM)
Weight: 98.8 lbs / 45 kg

RK1-RK3
Retrofit Kit #1 (LSI Richmond or similar)
Retrofit Kit #2 (LSI Scottsdale or similar)
Retrofit Kit #3 (LSI Richmond or similar)
M3L-SCN⁹
Install Silicone

Retrofit Accessories (order separately)

DL
Diffusing Lens

PCB
Photocell Button

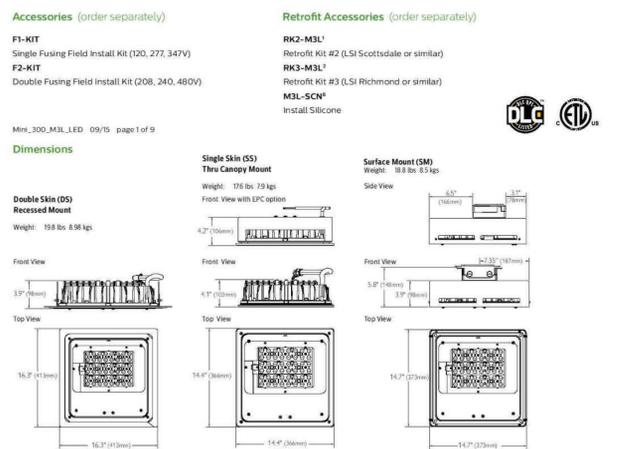
PCRS
Photocell Receptacle only with 2 dimming connections

PCRB
Photocell Receptacle only with 2 dimming and 2 auxiliary connections

DL*
Diffusing Lens

POLY
Polycarbonate Lens (1 yr warranty on lens)

BD
Bird Deterrent Spike (bird installed only)



3 CANOPY RECESSED MOUNTED LIGHT DETAIL SCALE: N.T.S.



Philips Gardco SlenderForm luminaires combine LED performance excellence and advanced LED thermal management technology with a distinct styling to provide outdoor area lighting that is both energy efficient and aesthetically pleasing. SlenderForm is defined by its high performance, sleek low profile design and rugged construction. The advanced LED optical systems provide IES Types II, III, IV and V distributions. Surge protection included with all SlenderForm luminaires.

Ordering guide Example: SFRP-APD-T3-4-80LA-4853-NW-120-AR-NP-PCRS

Prefix	Controls	MTP	Mounting	Optical System	Wattage	LED Temp	Voltage	Ring	Finish	Options
SFRP-	Standard luminaire	T3	Standard Optic Position	150 mA	CW	120V	AR	BRP	LF ¹	Line Fusing
APD	0-10V Dimming	QD	Mounts to 7' x 4' luminaire (standard)	25LA-4815 350 mA	5,000K 7000K (nominal)	208V	LFC ²	BLP	Line Fusing for Canada	
APD-MRI	Automatic Profile Dimming	MTP	Mounts to 2' x 4' luminaire	55LA-4835 70LA-4435 90LA-8035	NW	240V	ORBP	BLP	Black Paint	PC ³
MRP	Auto Profile Dimming with Motion Response	T2	Mounts to 2' x 4' luminaire	530 mA	Neutral White 5000K 7000K (nominal)	277V	ORLP	WP	White Paint	WP
	Overdrive luminaire mounted sensor	SM	Mounts to 2' x 4' luminaire	80LA-4853 105LA-4453 130LA-8053	Warm White 3000K 3000K (nominal)	347V	ORWP	NP	Neutral Paint	PCB ⁴
	Future mounted sensor	LCR	LED Corner Light	220 Type 2 320 Type 3 420 Type 4 BLC-270 Backlight Opt 2BL-270 Type 2 with Backlight (see sheet) LCR LED Corner Light	1000K 5000K/50Hz 5000K/50Hz	480V	ORWC	OC	Optional Color Specify optional color or RAL (ex. OC-RAL7024)	PCRS ⁵
				220 Type 2 320 Type 3 420 Type 4 BLC-270 Backlight Opt 2BL-270 Type 2 with Backlight (see sheet) LCR LED Corner Light	1000K 5000K/50Hz 5000K/50Hz	480V	ORWC	SC	Special color Specify, must supply color chip. Requires factory quote.	PCRB ⁶
					1000K 5000K/50Hz 5000K/50Hz	480V	ORWC	DL*	Diffusing Lens	POLY ⁷
					1000K 5000K/50Hz 5000K/50Hz	480V	ORWC	CLR*	Clear Glass Lens	BD ⁸

1 Available 120V-277V only.
2 Available 120V or 277V only.
3 MTP and APD-MRI luminaires include an integral motion sensor.
4 MTP types limited to LED Wattages utilizing 530 mA (80LA, 105LA, 130LA) or 700 mA (100LA, 140LA) only.
5 Mount to a round pole with 4" O.D. for a smooth transition.
6 See page 4-5 for details on optic orientation prior to ordering.
7 Available with 80LA-4453 and 130LA-8053 only.
8 Consult factory for lead times on Warm White.
9 Must specify input voltage with LF, LFC, PC, and PCB options.
10 Not available in 480V. Provide specific input orientation prior to ordering.
11 Works with 3-pin or 5-pin NEMA photocell/dimming device.
12 If ordered with DM, APD, MRI, M3SD, APD-MRI, APD-MRO, dimming will not be connected to NEMA receptacle.
13 Works with 3-pin or 5-pin NEMA photocell/dimming device and auxiliary connections are not connected for future use only.
14 Reduces performance.
15 Kit consist of 25 injection molded plastic bird deterrent spikes.

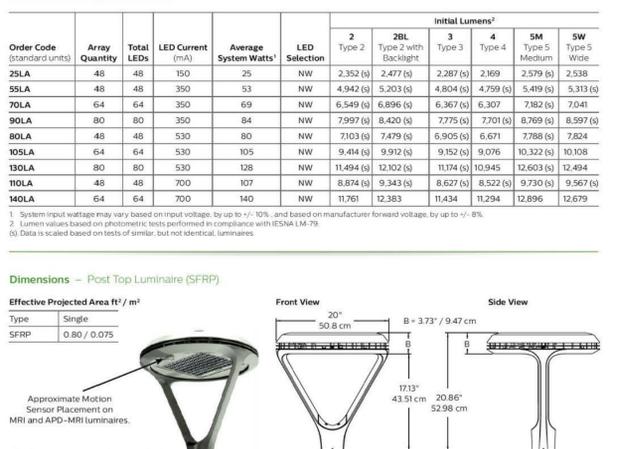
Description

Philips Gardco SlenderForm luminaires combine LED performance excellence and advanced Philips Gardco LED thermal management technology with a distinct styling to provide outdoor area lighting that is both energy efficient and aesthetically pleasing. SlenderForm is defined by its high performance, sleek low profile design and rugged construction. The die cast aluminum housing has a maximum profile of just 3.67". The advanced LED optical systems provide IES Types II, III, IV and V distributions. All LED wattages utilize high performance Class I LED systems. The luminaire features a state of the art integral thermal control system to maximize LED performance and life, and to extend component life. The door frame is die cast aluminum. Luminaires are finished with a fade and abrasion resistant TGIC powdercoat. All SlenderForm luminaires provide full output performance, with 0% lumens at or above 90° above radi.

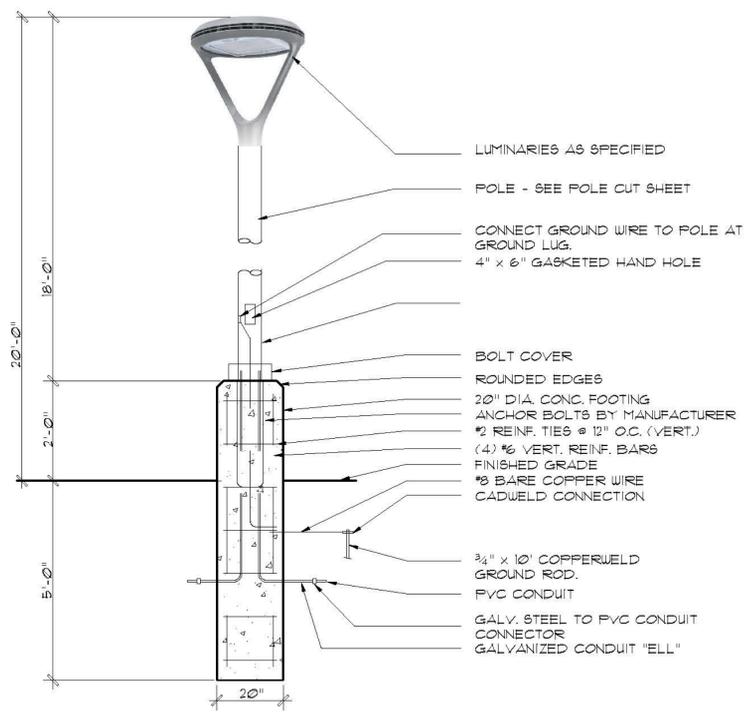
LED Selection and Lumen Values

Order Code (Standard Units)	Array Quantity	Total LEDs	LED Current (mA)	Average System Watts ¹	LED Selection	Initial Lumens ²					
						2 Type 2	2BL Type 2 with Backlight	3 Type 3	4 Type 4	SM Type 5 Medium	5W Type 5 Wide
25LA	48	48	150	25	NW	2,352 (6)	2,477 (6)	2,387 (6)	2,169	2,579 (6)	2,538
55LA	48	48	350	53	NW	4,942 (6)	5,203 (6)	4,804 (6)	4,759 (6)	5,499 (6)	5,313 (6)
70LA	64	64	350	69	NW	6,549 (6)	6,896 (6)	6,367 (6)	6,307	7,382 (6)	7,041
90LA	80	80	350	94	NW	7,997 (6)	8,420 (6)	7,775 (6)	7,701 (6)	8,769 (6)	8,597 (6)
80LA	48	48	530	80	NW	7,103 (6)	7,479 (6)	6,905 (6)	6,671	7,788 (6)	7,824
105LA	64	64	530	105	NW	9,414 (6)	9,913 (6)	9,152 (6)	9,076	10,322 (6)	10,108
130LA	80	80	530	128	NW	11,494 (6)	12,102 (6)	11,174 (6)	10,945	12,603 (6)	12,494
100LA	48	48	700	107	NW	8,874 (6)	9,343 (6)	8,627 (6)	8,522 (6)	9,730 (6)	9,567 (6)
140LA	64	64	700	140	NW	11,761	12,383	11,434	11,294	12,896	12,679

1 System input wattage may vary based on input voltage, by up to +/- 10%, and based on manufacturer forward voltage, by up to +/- 8%.
2 Lumen values based on photometric tests performed in compliance with IESNA LM-79.
3 Data is scaled based on tests of similar, but not identical, luminaires.



2 SITE LIGHTING FIXTURE SCALE: N.T.S.



1 SITE LIGHTING FIXTURE AND POLE BASE DETAIL SCALE: N.T.S.

SERRA - MARKO & ASSOCIATES
ARCHITECTURAL DESIGNERS
189 E Big Beaver, Suite 106 Troy, MI 48063
Tel: 248.457.6903 Fax: 248.457.6906
Email: info@s-m-associates.com
Website: www.s-m-associates.com

ALL DIMENSIONS SHALL BE VERIFIED IN THE FIELD BY THE CONTRACTOR. THE CONTRACTOR IS SOLELY RESPONSIBLE FOR COORDINATION OF ALL DIMENSIONS.

PREPARED IN COLLABORATION WITH D'ANNA ASSOCIATES, INC.

LIQUOR BOOK PUMP CANOPY
JOB # 13-0247
ISSUE DATE: 12/06/2016

PIETRO D'ALEO ARCHITECT INC.

LIQUOR BOOK (PUMP) CANOPY

PER CITY COMMENTS
12-06-2016

ADDRESS:
43904 MOUND ROAD
STERLING HEIGHTS MI 48314

JOB NO. #13-0247

ISSUANCES

NO	DESCRIPTION	DATE	BY
1	FOR REZONING	01/20/16	IM/EM
2	FOR CONSENT	11/01/16	IM/EM
3	PER CITY COMMENTS	12/06/16	IM/EM

SHEET TITLE
PHOTOMETRIC CUT SHEETS & DETAILS

DWG. NO.
A0.3.2

Law Firm
PHILIP P. RUGGERI AND ASSOCIATES, P.C.
Professional Corporation
43231 Schoenherr
Sterling Heights, Michigan 48313-1957
(586) 685-0212
FAX (586) 685-0215

Timothy Bugenski
6005 Mulberry Dr.
Sterling Heights, MI 48314

Re: Mound-19, LLC - 43904 Mound Road
Zoning Modification of Consent Judgment

ACKNOWLEDGEMENT

By signing below, I hereby acknowledge speaking with attorney, Philip P. Ruggeri, regarding the above-referenced matter, as well as receiving a copy of the proposed site plan for the same.

Timothy Bugenski

Dated: _____

*Spoke to Home owner Tim Bugenski
on 12-27-16*

Law Firm
PHILIP P. RUGGERI AND ASSOCIATES, P.C.
Professional Corporation
43231 Schoenherr
Sterling Heights, Michigan 48313-1957
(586) 685-0212
FAX (586) 685-0215

Vian Bunny and Fadi Kabota
5980 Mulberry Dr.
Sterling Heights, MI 48314

Re: Mound-19, LLC - 43904 Mound Road
Zoning Modification of Consent Judgment

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Vian Bunny

Fadi Kabota

Dated: _____

*NO
ANSWER
12/27/16*

Law Firm
PHILIP P. RUGGERI AND ASSOCIATES, P.C.
Professional Corporation
43231 Schoenherr
Sterling Heights, Michigan 48313-1957
(586) 685-0212
FAX (586) 685-0215

Jason Smith
5993 Mulberry Dr.
Sterling Heights, MI 48314

Re: Mound-19, LLC - 43904 Mound Road
Zoning Modification of Consent Judgment

ACKNOWLEDGEMENT

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Jason Smith

Dated: _____

No
Answer:
12/27/16

Law Firm
PHILIP P. RUGGERI AND ASSOCIATES, P.C.
Professional Corporation
43231 Schoenherr
Sterling Heights, Michigan 48313-1957
(586) 685-0212
FAX (586) 685-0215

Michelle and Christopher Leier
5992 Mulberry Dr.
Sterling Heights, MI 48314

Re: Mound-19, LLC - 43904 Mound Road
Zoning Modification of Consent Judgment

ACKNOWLEDGEMENT

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Michelle Leier



Christopher Leier

Dated: 12/27/16

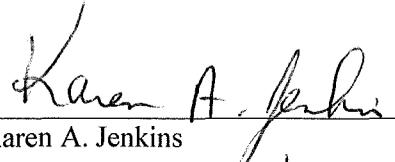
Law Firm
PHILIP P. RUGGERI AND ASSOCIATES, P.C.
Professional Corporation
43231 Schoenherr
Sterling Heights, Michigan 48313-1957
(586) 685-0212
FAX (586) 685-0215

Karen A. Jenkins
6004 Mulberry Dr.
Sterling Heights, MI 48314

Re: Mound-19, LLC - 43904 Mound Road
Zoning Modification of Consent Judgment

ACKNOWLEDGEMENT

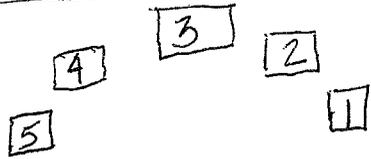
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Karen A. Jenkins
Dated: 12/22/16

43904 Mound.

Wall



- 1) Timothy Bugenski
6005 Mulberry Dr.
#10-04-303-011-000
- 2) Jason Smiteh
5993 Mulberry Dr.
#10-04-303-010-000
- 3) Vian Bunny & Fadi Kabota
5980 Mulberry Dr.
#10-04-303-009-000
- 4) Michelle & Christopher Leier
5992 Mulberry Dr.
#10-04-304-009-000
- 5) Karen A. Jenkins
6004 Mulberry Dr.
#10-04-304-010-000

12/19/2016

6005 Mulberry Dr - Google Maps

Google Maps 6005 Mulberry Dr



Imagery ©2016 Google, Map data ©2016 Google 50 ft

NOTICE IS HEREBY GIVEN that on Tuesday, January 3, 2017 at 7:30 p.m., the City Council for the City of Sterling Heights will consider an amendment to a Consent Judgment to permit the construction and operation of a gasoline service station on property situated on the east side of Mound Road, between Goff Avenue and Stacy Avenue, and commonly known as **43904 Mound Road**. The proposed development includes:

- Six (6) gasoline pumps and a covered canopy
- Additional signage
- Enhanced landscaping, including extensive plantings along the east property line
- Limited hours of operation 7:00 a.m. to 10:00 p.m. daily and all canopy lights shall be turned off at 10:00 p.m.

The City Council Chambers are located at located at 40555 Utica Road, Sterling Heights, Michigan, 48313. Please contact the Office of Planning at (586) 446-2360 for further information.

The City of Sterling Heights will provide necessary reasonable auxiliary aids and services to individuals with disabilities at the meeting, upon seven days' notice to the Community Relations Department at 586-446-CITY.

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City of Sterling Heights
40555 Utica Road
P.O. Box 8009
Sterling Heights, MI 48311-8009
(586) 446-2489

**NOTICE OF
PUBLIC MEETING**

Planning Department (586) 446-2360

10-04-153-015
GAGE, RICHARD P. & GAGE-TASKER, R.F
631 KAYSER
ROYAL OAK MI 48067

The City of Sterling Heights has received a request for consideration as indicated on the reverse side of this notice. You are invited to attend this hearing or write and express any views you may have pertaining to this hearing.

City of Sterling Heights
40555 Utica Road
P.O. Box 8009
Sterling Heights, MI 48311-8009
(586) 446-2489

**NOTICE OF
PUBLIC MEETING**

Planning Department (586) 446-2360

10-04-153-014
DOMANSKI, GREGORY & CHERYL
6010 STACY
STERLING HEIGHTS MI 48314

The City of Sterling Heights has received a request for consideration as indicated on the reverse side of this notice. You are invited to attend this hearing or write and express any views you may have pertaining to this hearing.

City of Sterling Heights
40555 Utica Road
P.O. Box 8009
Sterling Heights, MI 48311-8009
(586) 446-2489

**NOTICE OF
PUBLIC MEETING**

Planning Department (586) 446-2360

10-04-301-030
BIONDO, MICHAEL
43742 MOUND ROAD
STERLING HEIGHTS MI 48314

The City of Sterling Heights has received a request for consideration as indicated on the reverse side of this notice. You are invited to attend this hearing or write and express any views you may have pertaining to this hearing.

City of Sterling Heights
40555 Utica Road
P.O. Box 8009
Sterling Heights, MI 48311-8009
(586) 446-2489

**NOTICE OF
PUBLIC MEETING**

Planning Department (586) 446-2360

10-04-301-009
ZEGARSKI, DONALD & CATHERINE
6071 GOFF AVE
STERLING HEIGHTS MI 48314-2156

The City of Sterling Heights has received a request for consideration as indicated on the reverse side of this notice. You are invited to attend this hearing or write and express any views you may have pertaining to this hearing.

City of Sterling Heights
40555 Utica Road
P.O. Box 8009
Sterling Heights, MI 48311-8009
(586) 446-2489

**NOTICE OF
PUBLIC MEETING**

Planning Department (586) 446-2360

10-04-301-003
AGA DEVELOPMENT, LLC
43742 MOUND ROAD
STERLING HEIGHTS MI 48314

The City of Sterling Heights has received a request for consideration as indicated on the reverse side of this notice. You are invited to attend this hearing or write and express any views you may have pertaining to this hearing.

City of Sterling Heights
40555 Utica Road
P.O. Box 8009
Sterling Heights, MI 48311-8009
(586) 446-2489

**NOTICE OF
PUBLIC MEETING**

Planning Department (586) 446-2360

10-04-153-007
PIOTROWSKI, MADISON N.
6070 STACY AVE
STERLING HEIGHTS MI 48314

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City of Sterling Heights
40555 Utica Road
P.O. Box 8009
Sterling Heights, MI 48311-8009
(586) 446-2489

**NOTICE OF
PUBLIC MEETING**

Planning Department (586) 446-2360

10-04-303-013
CRIGHTON, DAWN & SHUTTER,
CAROLYN
6029 MULBERRY CT
STERLING HEIGHTS MI 48314

The City of Sterling Heights has received a request for consideration as indicated on the reverse side of this notice. You are invited to attend this hearing or write and express any views you may have pertaining to this hearing.

City of Sterling Heights
40555 Utica Road
P.O. Box 8009
Sterling Heights, MI 48311-8009
(586) 446-2489

**NOTICE OF
PUBLIC MEETING**

Planning Department (586) 446-2360

10-04-303-012
STECHLY, MICHAEL P.
6017 MULBERRY DR
STERLING HEIGHTS MI 48314

The City of Sterling Heights has received a request for consideration as indicated on the reverse side of this notice. You are invited to attend this hearing or write and express any views you may have pertaining to this hearing.

City of Sterling Heights
40555 Utica Road
P.O. Box 8009
Sterling Heights, MI 48311-8009
(586) 446-2489

**NOTICE OF
PUBLIC MEETING**

Planning Department (586) 446-2360

10-04-303-011
BUGENSKI, TIMOTHY
6005 MULBERRY DR
STERLING HEIGHTS MI 48314

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40555 Utica Road
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Sterling Heights, MI 48311-8009
(586) 446-2489

**NOTICE OF
PUBLIC MEETING**

Planning Department (586) 446-2360

10-04-303-010
FULKS, LAUREN
5993 MULBERRY DR.
STERLING HEIGHTS MI 48314

The City of Sterling Heights has received a request for consideration as indicated on the reverse side of this notice. You are invited to attend this hearing or write and express any views you may have pertaining to this hearing.

City of Sterling Heights
40555 Utica Road
P.O. Box 8009
Sterling Heights, MI 48311-8009
(586) 446-2489

**NOTICE OF
PUBLIC MEETING**

Planning Department (586) 446-2360

10-04-303-009
BUNNY, VIAN & KABOTA, FADI
5980 MULBERRY DR
STERLING HEIGHTS MI 48314

The City of Sterling Heights has received a request for consideration as indicated on the reverse side of this notice. You are invited to attend this hearing or write and express any views you may have pertaining to this hearing.

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**NOTICE OF
PUBLIC MEETING**

Planning Department (586) 446-2360

10-04-304-009
LEIER, MICHELLE & CHRISTOPHER
5992 MULBERRY DR.
STERLING HEIGHTS MI 48314

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**NOTICE OF
PUBLIC MEETING**

Planning Department (586) 446-2360

10-04-304-012
LAHMAN, RACHEL
6028 MULBERRY DR
STERLING HEIGHTS MI 48314

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**NOTICE OF
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10-04-304-011
DOUGHERTY, JANET
6016 MULBERRY
STERLING HEIGHTS MI 48314

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**NOTICE OF
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Planning Department (586) 446-2360

10-04-304-010
SMITH, JAMES & TRESEWICZ, MARIE
6004 MULBERRY DR
STERLING HEIGHTS MI 48314

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**NOTICE OF
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10-04-301-023
POLLARD, JULLIAN & DEANNA
6045 GOFF AVE
STERLING HEIGHTS MI 48314-2156

The City of Sterling Heights has received a request for consideration as indicated on the reverse side of this notice. You are invited to attend this hearing or write and express any views you may have pertaining to this hearing.

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**NOTICE OF
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10-04-301-022
MARINAU, CORNEL & ZORITA
6031 GOFF AVE
STERLING HEIGHTS MI 48314-2156

The City of Sterling Heights has received a request for consideration as indicated on the reverse side of this notice. You are invited to attend this hearing or write and express any views you may have pertaining to this hearing.

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**NOTICE OF
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10-04-301-027
THORPE, PATRICIA A.
4445 18 1/2 MILE ROAD
STERLING HEIGHTS MI 48314

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**NOTICE OF
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10-04-301-026
DYDA, JOHN & G.
41705 HILLVIEW DR
STERLING HEIGHTS MI 48314-4133

The City of Sterling Heights has received a request for consideration as indicated on the reverse side of this notice. You are invited to attend this hearing or write and express any views you may have pertaining to this hearing.

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**NOTICE OF
PUBLIC MEETING**

Planning Department (586) 446-2360

10-04-301-004
MCB DEVELOPMENT, L.L.C.
56390 BIRKDALE DR
MACOMB MI 48042

The City of Sterling Heights has received a request for consideration as indicated on the reverse side of this notice. You are invited to attend this hearing or write and express any views you may have pertaining to this hearing.

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**NOTICE OF
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Planning Department (586) 446-2360

10-04-301-005
MARIA, ELI SANTA & MARIA, LUZ STA
6537 PARKVIEW DR
TROY MI 48098-2243

The City of Sterling Heights has received a request for consideration as indicated on the reverse side of this notice. You are invited to attend this hearing or write and express any views you may have pertaining to this hearing.

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**NOTICE OF
PUBLIC MEETING**

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10-05-277-008
KORESKEY, JOSEPH & MARY JEANNINE
5805 CANNES DR
STERLING HEIGHTS MI 48314

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City of Sterling Heights
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**NOTICE OF
PUBLIC MEETING**

Planning Department (586) 446-2360

10-04-301-029
MOUND 19, LLC
43904 MOUND RD
STERLING HEIGHTS MI 48314

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**NOTICE OF
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Planning Department (586) 446-2360

10-04-153-022
LUCENT, JOSEPH A. & LAURIE L.
17801 LAURANA COURT
MACOMB MI 48044

The City of Sterling Heights has received a request for consideration as indicated on the reverse side of this notice. You are invited to attend this hearing or write and express any views you may have pertaining to this hearing.

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**NOTICE OF
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Planning Department (586) 446-2360

10-05-426-004
KALTZ-HARRI, JOAN
43105 MOUND
STERLING HEIGHTS MI 48314

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10-05-426-005
TREBA, LENORE
00859 PORTMOUTH RD
TROY MI 48084

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**NOTICE OF
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Planning Department (586) 446-2360

10-05-426-016
ZAFROVSKI, J & ZAFROVSKA, M
5816 CANNES DR
STERLING HEIGHTS MI 48314

The City of Sterling Heights has received a request for consideration as indicated on the reverse side of this notice. You are invited to attend this hearing or write and express any views you may have pertaining to this hearing.

City of Sterling Heights
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**NOTICE OF
PUBLIC MEETING**

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10-04-153-023
STEVEN MARGOLIS, LLC
2039 APPLEWOOD DRIVE
TROY MI 48085

The City of Sterling Heights has received a request for consideration as indicated on the reverse side of this notice. You are invited to attend this hearing or write and express any views you may have pertaining to this hearing.

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**NOTICE OF
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Planning Department (586) 446-2360

10-04-153-024
LITTLE MOUNDS, LLC
2146 LIVERNOIS
TROY MI 48083

The City of Sterling Heights has received a request for consideration as indicated on the reverse side of this notice. You are invited to attend this hearing or write and express any views you may have pertaining to this hearing.

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**NOTICE OF
PUBLIC MEETING**

Planning Department (586) 446-2360

request for consideration as indicated
~~invited to attend this hearing or write~~
aining to this hearing.



Business of the City Council
Sterling Heights, Michigan

DELIVERED DEC 29 2016

City Clerk's Use
Item No: 6
Meeting: 01/03/17

AGENDA STATEMENT

OMB AS03 Rev. 11/04

Item Title: To consider appointments to City of Sterling Heights Boards and Commissions

Submitted By: Office of the City Clerk

Contact Person/Telephone: Mark Carufel, City Clerk / Risk Manager, 586/446-2421

Administration (initial as applicable)

Attachments

Table with 4 columns: Initials, Title, Attachment Type, and Attachment Name. Rows include City Clerk, Finance & Budget Director, City Attorney, and City Manager, with corresponding checkboxes for Resolution, Ordinance, Contract, Minutes, Plan/Map, and Other.

Check box if this agenda item requires billing\revenue collection (fees, etc.) by Treasury Office

Executive Summary:

At the December 6, 2016 regular meeting, City Council postponed an appointment to fill a vacancy on the Beautification Commission. The City Council has the power of appointment to the Beautification Commission.

Applications of the residents interested in serving on the Beautification Commission have been provided to City Council. Spreadsheets indicating the applicants' preferences for appointment as reflected by their ranking of the respective boards and commissions are also included in the attached materials.

Suggested Action (To appoint):

MOVED BY:

SECONDED BY:

RESOLVED, to appoint _____ to the Beautification Commission to a term ending June 30, 2019, subject to the appointee meeting the qualifications set forth in Charter §4.03 and taking the oath of office within two weeks.

Alternate Suggested Action (To Postpone Appointment(s) to a Date Certain):

MOVED BY:

SECONDED BY:

RESOLVED to postpone the appointment to the Beautification Commission to the _____, 2017* regular City Council Meeting.

[*Future Regular Meeting Dates are January 17, 2017, February 7, 2017 and February 21, 2017).

Beautification Commission

(12 Members)

(One Vacancy)

Name	Request Re-Appt. (Yes/No)	Expiration Date of New Term	Action
1. Unexpired Term		06/30/19	

Applications on File:

- Jazmine M. Early (Arts Commission-exp. 06/30/18)
- Kozeta Elzhenni (Citizens Advisory Committee-Community Development BI Grant-exp. 06/30/17)
- (Ethnic Community Committee-exp. 06/30/18)
- Junina Jean (Zoning Board of Appeals-exp. 06/30/19)
- Robert Lulgjuraj (Ethnic Community Committee-exp. 06/30/19)
- Louis Marinelli
- Kathleen Martin
- Howard Sizemore II
- Deborah Travis

The Beautification Commission shall consist of 12 members to be appointed by the majority vote of the members of the City Council. Each member shall hold office for a full three year term.

REPORT ON THE CITY COUNCIL MEETING
OF TUESDAY, JANUARY 3, 2017

Mayor Michael C. Taylor called the meeting to order at 7:30 p.m.

Council Members present at roll call: Deanna Koski, Maria G. Schmidt, Nate Shannon, Doug Skrzyniarz, Michael C. Taylor, Barbara A. Ziarko.

Moved: Koski

Seconded: Ziarko

RESOLVED, to approve the Agenda, as presented.

The motion carried. 6/0.

Agenda Item #1

Moved: Schmidt

Seconded: Ziarko

RESOLVED, to introduce a map amendment to conditionally rezone property on the south side of M-59 (Hall Road), east of Delco Road in Section 2, from C-2 (Planned Comparison Business District) to C-3 (General Business District), Case No. PZ16-1146, and direct Petitioner to proceed to finalize a proposed agreement so that the City Council can further evaluate the offer of conditional rezoning of the property at the February 7th, 2017 regular meeting.

The motion carried. 6/0.

Agenda Item #2

Moved: Koski

Seconded: Ziarko

BE IT ORDAINED, to adopt the first amendment to the Appropriations Ordinance for the 2016/17 fiscal year.

The motion carried. 6/0.

Agenda Item #3

Moved: Koski

Seconded: Taylor

RESOLVED, to approve the Consent Agenda, as presented.

- A. Approval of Minutes
Regular Meeting of December 20, 2016
- B. To approve payment of the bills as presented: General Fund - \$381,236.10, Water & Sewer Fund - \$143,813.66, Other Funds - \$1,128,402.16, Total Checks - \$1,653,451.92.
- C. To direct the City Attorney to prepare the necessary agreement to vacate three (3) existing water main easements for the proposed Mayco International Building Additions, Section 9, PSP16-0032, EG16-0035, and the Mayor and City Clerk are hereby authorized to sign the agreement on behalf of the City; And,

That City Council indicates no objection to the issuance of a building permit for the Mayco International Building Additions, Section 9, PSP16-0032, EG16-0035, subject to the following: 1) That site plans and building plans be approved by City Administration prior to issuance of a building permit; 2) That the Applicant pay all costs incurred by the City in the preparation of the easement vacation document(s), including attorney fees; and 3) That Applicant agrees in writing to indemnify and hold the City, its officers and employees, harmless from all damages to persons or property arising from construction activities in the existing easements prior to completion of the vacation process.

- D. To award the bid for medical and physical evaluations of Sterling Heights firefighters to Professional Health Services, Inc., 83 South Eagle Road, Havertown, PA 19083, at unit pricing bid.

The motion carried. 6/0.

Agenda Item #4

Moved: Schmidt

Seconded: Ziarko

RESOLVED, that the request from The Warren Education Association Scholarship Foundation, of Sterling Heights, County of Macomb, asking that they be recognized as a nonprofit organization operating in the community for the purpose of obtaining a charitable gaming license be considered for approval; provided, however, that this action is not an endorsement of the organization and the City of Sterling Heights should not be listed on any promotional materials associated with their charitable gaming activities.

The motion carried. 6/0.

Agenda Item #5

Moved: Skrzyniarz

Seconded: Taylor

RESOLVED, to approve the First Amended Consent Judgment for entry in Mound 19, LLC vs. City of Sterling Heights, Macomb County Circuit Case No. 77-3913-CH, and authorize the City Attorney to sign all documents required in conjunction with this approval.

The motion carried. 4/2. Yes: Skrzyniarz, Taylor, Koski, Shannon. No: Schmidt, Ziarko.

Agenda Item #6

Moved: Ziarko

Seconded: Skrzyniarz

RESOLVED, to postpone the appointment to the Beautification Commission to the February 21, 2017 regular City Council meeting.

The motion carried. 6/0.

Report on Regular City Council Meeting

January 3, 2017

Page 3

Adjourn

Moved: Ziarko

Seconded: Schmidt

RESOLVED, to adjourn the meeting. The meeting was adjourned at 11:29 p.m.

The motion carried. 6/0.

THIS IS A SUMMARY OF ACTIONS TAKEN AT THE CITY COUNCIL MEETING. THE OFFICIAL MINUTES WILL BE POSTED TO THE WEBSITE, AT WWW.STERLING-HEIGHTS.NET, WHEN THEY ARE APPROVED.

Clerk of the Council