1. January 19, 2016 Agenda

   Documents: COUNCIL AGENDA - 01-19-16.PDF

2. January 19, 2016 Packet

   Documents: COUNCIL PACKET - 01-19-16.PDF

**MAYOR**
**Michael C. Taylor**

**COUNCIL MEMBERS**

**Joseph V. Romano, Mayor Pro Tem**
**Deanna Koski**
**Maria G. Schmidt**
**Nate Shannon**
**Doug Skrzyniarz**
**Barbara A. Ziarko**

# CITY OF STERLING HEIGHTS

## AGENDA FOR REGULAR CITY COUNCIL MEETING

**TUESDAY, JANUARY 19, 2016**

**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**

**Nice Neighbor**

**ORDINANCE INTRODUCTION**

1. **To consider introduction of an ordinance amending Chapter 2, Article II, §§2-17, 2-18, and 2-19 of the City Code and confirmation of the Administrative Code and Plan.**

2. **CONSENT AGENDA**

   A. **Approval of Minutes**
   **Regular Meeting of January 5, 2016**

   B. **Approval of Bills**

   C. **To reject the sole bid received for the 2015 Sanitary Sewer and Water Main Repair Program, City Project #13-244.**

**D. To award a bid for DPW Fuel Storage Facility Replacement, City Project #15-275 (Cumulative project cost of $671,783.00).**

**E. To accept a proposal by Plante & Moran, PLLC for audit services for a three-year period (First year expenditure of $98,700).**

**F. To approve the commitment of the City of Sterling Heights' allocation of 2014 and 2015 Federal HOME Program Funding.**

**G. To approve an Interlocal Agreement between the City of Sterling Heights and Charter Township of Clinton for Reciprocal Lending of Municipal Fire Apparatus.**

**H. To adopt a resolution calling for the immediate repeal of §57(3) of the Michigan Campaign Finance Act.**

**I. To receive the lawsuit, *Patric Jon Hickman v. City of Sterling Heights*, 41A District Court Case No. S-15-4356-GZ.**

**CONSIDERATION**

**3. To consider a request to transfer ownership of escrowed 2015 Class C liquor license, with Sunday Sales Permit (P.M.), specific purpose permit (food), new dance-entertainment permit, located at 31531 Gratiot Avenue, Roseville, MI, from Alia's Restaurants, Inc. to Diana Mary, Inc., and transfer location to 38435 Mound Road, Sterling Heights MI 48310.**

**4. To consider the appointment of Dale R. Deming to the City of Sterling Heights Zoning Board of Appeals.**

**5. 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**

**1.**
**2.**
**3.**
**4.**

**NEW BUSINESS**

**1.**
**2.**
**3.**
**4.**

**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 19, 2016 --- CITY COUNCIL MEETING

A. **PLOWZ & MOWZ**

In October of 2015, city administration worked with a company called Plowz and Mowz to bring on-demand snow removal to Sterling Heights residents, with exclusive benefits only offered in our city. This innovative technology allows customers to order a snow plow or lawn mow directly from their smart phone, tablet, or personal computer. To date, 800 residences in Sterling Heights have downloaded the app and registered for the service.

**B. NEW PARKS & RECREATION SOFTWARE**

We are excited to announce a new software package being installed in our Parks and Recreation Department which will have many new enhancements. The first enhancement to note is that we will have the ability to text and email out program alerts to our current and past participants. This will be a tremendous value add for communicating with our residents. In addition, we will have a module for league administration which has the ability to auto draft players and create schedules. Additionally of note, we will have the ability to take registrations/payments at offsite locations with the point of sale module. This will especially be an added value for ticket sales at the dance recital as we will be able to accept on-site credit card payments in the near future. Currently, we can only take cash and check at the door.

**C. ADMINISTRATIVE CODE UPDATE**

Included on Council's agenda tonight is an update to the City's Administrative Plan. The Plan proposes two significant organizational changes. First, the Office of City Development is being reconstituted as the City Development Department. The Office of City Development is currently part of the Department of Public Works (DPW). By changing to department status, City Development will be restored to the status it had for most of the City's history. If approved, the new City Development Department will absorb the offices of engineering, planning, building services, and neighborhood services from the DPW. Denice Gerstenberg will remain the head of this department.

The second significant organizational change is to split the current Community Services Department into the Library Department and Parks and Recreation Department. Once again, this change, if approved, restores the management of the Library and Parks and Recreation into the traditional model of separate departments. The departments were merged a number of years ago due to retirements. Due to the increasing importance of parks and recreation programming to the City's strategic plan, it makes sense to re-establish the Parks and Recreation Department at this time. Tammy Turgeon will remain the City's Library Director, and Parks & Recreation Manager Kyle Langlois will become Director of the department.

## D. STRATEGIC PLANNING

Respectfully submitted,

Mark D. Vanderpool, City Manager

CITY OF Sterling Heights

Business of the City Council
Sterling Heights, Michigan

DELIVERED JAN 14 2016
City Clerk's Use
Item No: presentation
Meeting: 1/19/2016

# AGENDA STATEMENT

OMB AS03 Rev. 11/04

**Item Title:** Nice Neighbor Award Presentation

**Submitted By:** Community Relations Department

**Contact Person/Telephone:** Sue Giallombardo, Community Relations Specialist / 446- 2473 SG

**Administration (initial as applicable)**

| | | Attachments | | | |
|---|---|---|---|---|---|
| MC | City Clerk | ___ | Resolution | ___ | Minutes |
| BB | Finance & Budget Director | ___ | Ordinance | ___ | Plan/Map |
| JB | City Attorney (as to legal form) | ___ | Contract | ___ | Other |
| | City Manager | | | | |

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

## Executive Summary

This is another presentation in the Nice Neighbor Program, which honors homeowners and businesses that improve the quality of life for their neighbors. The Community Relations Department is proud to present Sterling Heights residents Joan Kajor and John Bingham for recognition as recipients of the Nice Neighbor award. Joan and John were nominated by their neighbor, Joyce Tye, for the Nice Neighbor award.

In support of this nomination, Ms. Tye states that she has been a neighbor of Joan and John for 30 years and 5 years, respectively. During these periods of time, Joyce describes Joan and John as being "terrific neighbors."

Joan has assisted Joyce when her mother was ill, helped train and care for her dog, and helped with yard work.

John has assisted Joyce with many household chores and tasks. If Joyce asks John if she could borrow a tool, he will likely complete the task himself. In addition, John clears snow from Joyce's residence and performs maintenance on her car whenever necessary.

"Both Joan and John pitch in to make all of their properties some of the most attractive in the area," Joyce said. "I am forever grateful to have such wonderful neighbors."

## Suggested Action:

Present Joan Kajor and John Bingham with Nice Neighbor Awards in recognition of their efforts to assist the community and contributions in making Sterling Heights' overall quality of life second to none.

*The Sterling Heights Mayor & City Council*
*proudly issue this*

# NICE NEIGHBOR AWARD

*to*

# Joan Kajor

*In recognition of your efforts to assist your community and contributions in making Sterling Heights' overall quality of life second to none.*

CITY OF Sterling Heights
InnovatingLiving

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

*Issued: January 19, 2016*

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*The Sterling Heights Mayor & City Council proudly issue this*

# NICE NEIGHBOR AWARD

*to*

# John Bingham

*In recognition of your efforts to assist your community and contributions in making Sterling Heights' overall quality of life second to none.*

CITY OF Sterling Heights
InnovatingLiving

Mayor Michael C. Taylor
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Councilwoman Deanna Koski
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Councilman Nate Shannon
Councilman Doug Skrzyniarz
Councilwoman Barbara A. Ziarko

*Issued: January 19, 2016*

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DELIVERED JAN 14 2016

CITY OF Sterling Heights
InnovatingLiving

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

City Clerk's Use
Item No: 1
Meeting: 1/19/16

# AGENDA STATEMENT

OMB AS03 Rev. 11/04

**Item Title:** To consider introduction of an ordinance amending Chapter 2, Article II, §§2-17, 2-18, and 2-19 of the City Code and confirmation of the Administrative Code and Plan.

**Submitted By:** Office of City Management

**Contact Person/Telephone:** Mark Vanderpool, City Manager (586) 446-2301

| Administration (initial as applicable) | | Attachments | | | |
|---|---|---|---|---|---|
| MC | City Clerk | ___ | Resolution | ___ | Minutes |
| FB | Finance & Budget Director | X | Ordinance | X | Plan/Map |
| JB | City Attorney (as to legal form) | ___ | Contract | ___ | Other |
| MV | City Manager | | | | |

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

**Executive Summary**

**Introduction** - City Code §2-20(B) requires that the City Manager file an Administrative Code and Plan and organizational chart setting forth the City's departmental organization, duties and functions of the administrative officers, deputies, and subordinates, and describing the lines of authority and reporting responsibilities. Periodically, the positions set forth in the Administrative Code and Plan change due to organizational restructuring, position elimination or position creation.

**Administrative Code and Plan** – The proposed Administrative Code and Plan ("Plan"), with the required organizational chart, is attached.

The Plan proposes two significant organizational changes. First, the Office of City Development is being reconstituted as the City Development Department. The Office of City Development is currently part of the Department of Public Works (DPW). By changing to department status, City Development will be restored to the status it had for most of the City's history. If approved, the new City Development Department will absorb the offices of engineering, planning, building services, and neighborhood services from the DPW.

This change is motivated by efficiencies to be realized by having the offices of planning, engineering, and building services all working under a unified department reporting to the City Development Director, Denice Gerstenberg. As City Council is aware, great strides have been made in streamlining city services in this critical area to the benefit of developers and businesses within the City. It no longer makes sense to have these offices reporting to the Director of Public Works.

The second significant organizational change is to split the current Community Services Department into the Library Department and Parks and Recreation Department. Once again, this change, if approved, restores the management of the Library and Parks and Recreation into the traditional model of separate departments. The departments were merged a number of years ago due to retirements. Due to the increasing importance of parks and recreation programming to the City's strategic plan, it makes sense to re-establish the Parks and Recreation Department at this time.

Administrative officer changes include:

- The Community Services/Public Library Director position held by Tammy Turgeon is being renamed Public Library Director. The Parks and Recreation Manager position occupied by Kyle Langlois is being elevated to the Director of Parks and Recreation. These changes are necessitated by the splitting of the Community Services Department into the Library Department and Parks and Recreation Department.
- The Information Technology Manager position occupied by Steve Deon is being elevated to Information Technology Director.
- The City Development Director position is being added to reflect Denice Gerstenberg's elevation to direct the new City Development Department.
- The former Broadcast Services Manager and Economic Development Manager positions are being eliminated as administrative officers due to a retirement and the contracting out of economic development services, respectively.
- The Purchasing and Risk Manager position is being renamed Purchasing Manager to accurately reflect the administrative officer duties being performed by Jim Buhlinger.

Cumulatively, the number of administrators has been reduced from 20 to 19 since 2013. A total of 8 administrative positions have been eliminated since 2011. The monetary savings realized by the City as a result of the elimination of 8 administrative positions is $1,200,000, annually.

The revised and attached Administrative Code and Plan reflects the aforementioned changes. Confirmation of the proposed Administrative Code and Plan necessitates introduction and adoption of an ordinance amending Chapter 2, Article II, §§2-17, 2-18 and 2-19 of the City Code to incorporate these changes.

**Suggested Action No 1:**

**MOVED BY:** **SECONDED BY:**

RESOLVED, to confirm the City Manager's Administrative Code and Plan effective January 19, 2016.

**Suggested Action No 2:**

**MOVED BY:** **SECONDED BY:**

RESOLVED, to introduce an ordinance amending Chapter 2, Article II, §§2-17, 2-18 and 2-19 of the City Code to conform the listing of administrative officers to the Administrative Code and Plan.

**CITY OF STERLING HEIGHTS**

**MACOMB COUNTY, MICHIGAN**

**ORDINANCE NO. _____**

AN ORDINANCE TO AMEND CHAPTER 2, ARTICLE II, §§2-17, 2-18, AND 2-19 OF THE CITY CODE TO CONFORM THE LISTING OF THE ADMINISTRATIVE OFFICERS TO THE ADMINISTRATIVE CODE AND PLAN AS CONFIRMED BY CITY COUNCIL EFFECTIVE JANUARY 5, 2016.

THE CITY OF STERLING HEIGHTS ORDAINS:

**SECTION 1**. Section 2-17 of Article II, Chapter 2 of the Code of Ordinances shall be amended to read as follows:

**2-17. ADMINISTRATIVE DEPARTMENTS.**

The administrative service of the city shall consist of the following departments:

(A) City Administration;

(B) City Development;

(C) Community Relations;

(D) Fire;

(E) ~~Community Services~~ Public Library;

(F) Parks and Recreation;

(G) Police;

(H) Public Works.

(1968 Code, § 2-17; Ord. No. 201-C, § 1, 12-16-86; Ord. No. 201-D, § 1, 6-21-88; Ord. No. 201E, § 1, 10-31-88; Ord. No. 201-F, § 1, 5-2-89; Ord. No. 201-G, § 1, 12-19-89; Ord. No. 201-H, § 1, 6-7-94; Ord. No. 201-J, § 1, 4-18-95; Ord. No. 201-K, § 1, 8-17-99; Ord. No. 357, § 1, 12-18-01; Ord. No. 415, § 1, 7-5- 11; Ord. No. 420, § 1, 10-16-12; Ord. No. ___, §1, __-__-__ )

**SECTION 2**. Section 2-18 of Article II, Chapter 2 of the Code of Ordinances shall be amended to read as follows:

2-18. CHARTER-CREATED ADMINISTRATIVE OFFICERS.

The charter-created administrative officers of the city are the City Manager, Clerk, Treasurer, Assessor, Director of Finance, Chief of Police, Fire Chief, Superintendent of Public Works, and Director of Parks and Recreation. In the Administrative Code, Clerk is renamed City Clerk and Risk Manager, Director of Finance is renamed Finance and Budget Director, and Superintendent of Public Works is renamed Public Works Director, and Director of Parks and Recreation is renamed ~~Community Services/Public Library Director~~ Parks and Recreation Director.

(1968 Code, § 2-18; Ord. No. 201-C, § 1, 12-16-86; Ord. No. 201-K, § 1, 8-17-99; Ord. No. 357, § 1, 12-18-01; Ord. No. 389 § 1, 4-3-07; Ord. No. 415 § 2, 7-5-11; Ord. No. 432 § 1, 11-6-13; Ord. No. ___, §2, __-__-__)

**SECTION 3**. Section 2-19 of Article II, Chapter 2 of the Code of Ordinances shall be amended to read as follows:

2-19. CREATION OF ADDITIONAL ADMINISTRATIVE OFFICERS.

The following additional administrative officers are created in accordance with § 7.01(A) of the City Charter: ~~Broadcast Services Manager~~ Public Library Director, City Development Director, Building Official/Facilities Maintenance Manager, City Engineer, City Planner, Community Relations Director, Controller, ~~Economic Development Manager~~, Assistant City Manager and Human Resources Director, Information Technology ~~Manager~~ Director, ~~Parks and Recreation Manager~~, City Development Manager, and Purchasing ~~and Risk~~ Manager.

(1978 Code, § 2-19; Ord. No. 201-C, § 1, 12-6-86; Ord. No. 201-D, § 2, 6-21-88; Ord. No. 201E, § 2, 10-31-88; Ord. No. 201-F, § 2, 5-2-89; Ord. No. 201-G, § 2, 12-19-89; Ord. No. 288, § 1, 12-11-90; Ord. No. 201-H, § 1, 6-7-94; Ord. No. 201-J, § 1, 4-18-95; Ord. No. 201-K, § 1, 8-17-99; Ord. No. 357, § 1, 12-18-01; Ord. No. 389 § 2, 4-3-07; Ord. No. 415 § 3, 7-5-11; Ord. No. 420, § 2, 10-16-12; Ord. No. 432 § 2, 11-6-13; Ord. No. ___, §3, __-__-__)

**SECTION 4**. All other provisions of the Code of Ordinances not specifically amended shall remain in full force and effect.

**SECTION 5**. This ordinance shall become effective immediately upon publication of a notice of adoption.

This ordinance was introduced at a _____ meeting of the City Council of the City of Sterling Heights on the _____ day of _____, 2016, and was duly adopted at a meeting of the City Council of the City of Sterling Heights on the ____ day of _____, 2016.

_____
MICHAEL C. TAYLOR, Mayor

_____
MARK CARUFEL, City Clerk

INTRODUCED: _____
ADOPTED: _____
PUBLISHED: _____
EFFECTIVE: _____

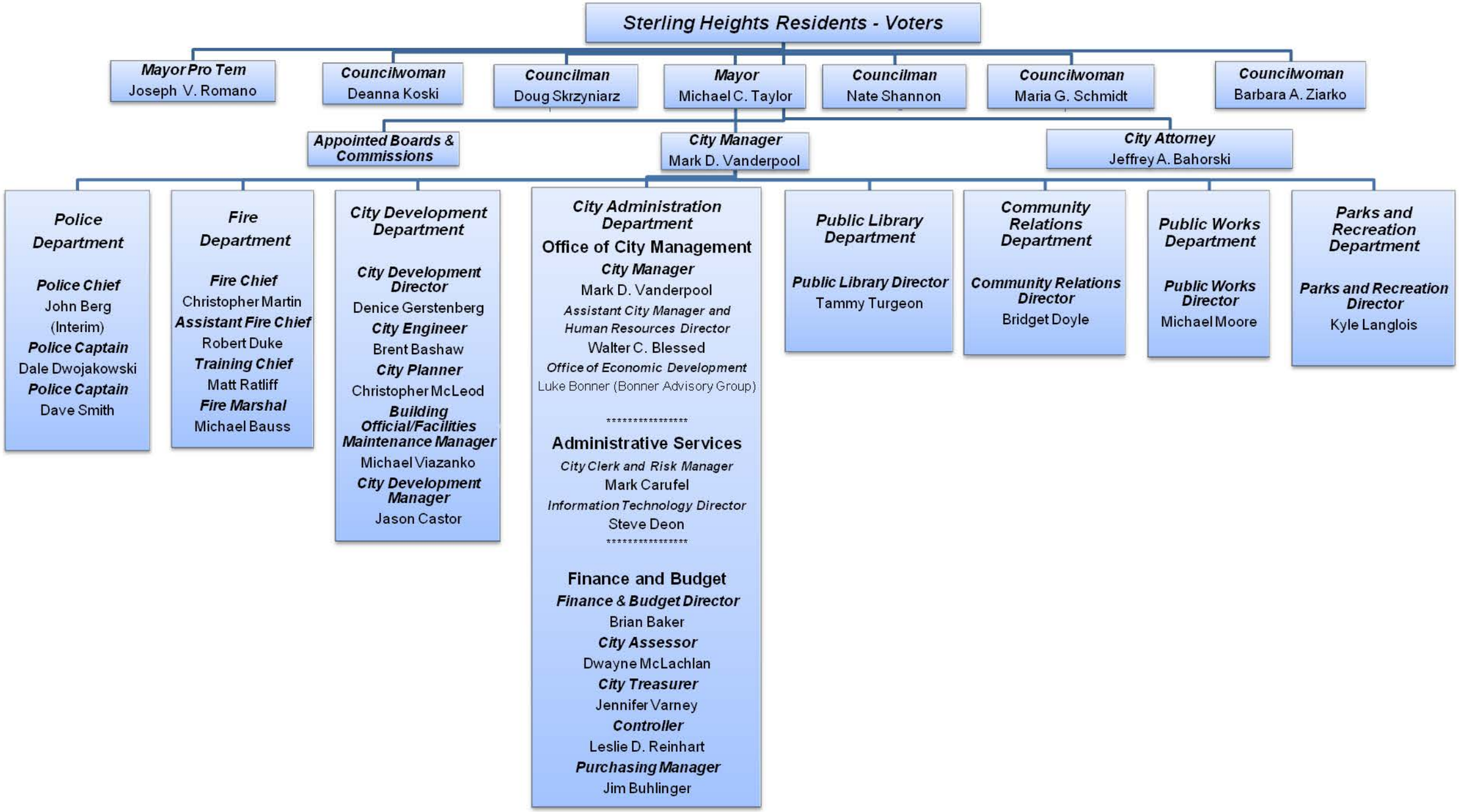
**CITY OF STERLING HEIGHTS**

**ORDINANCE NO**: **_____**

**NOTICE OF ADOPTION OF ORDINANCE**

The City of Sterling Heights has adopted an ordinance which amends Chapter 2, Article II, §§2-17, 2-18, and 2-19 of the Code of Ordinances to conform the listing of administrative officers to the Administrative Code and Plan as confirmed by the City Council effective January 5, 2016. The ordinance shall be effective upon publication of this Notice of Adoption. A copy of the ordinance can be inspected or obtained from the City Clerk's office in City Hall, 40555 Utica Road, Sterling Heights, Michigan 48311-8009, during normal business hours.

# City of Sterling Heights
# Administrative Organizational Plan



# Administrative Code and Plan

Office of City Management
Effective: January 19, 2016

**City of Sterling Heights**
**Administrative Code and Plan**

To set forth the departmental organization, and the duties and functions of the administrative officers and their subordinates of the City in accordance with Sections 7.02(C)(8) and 7.14 of the City Charter and to describe the lines of the authority and reporting responsibilities of each administrative officer. (Ord. No. 201-C,D,E)

SECTION 1. SHORT TITLE. This shall be cited as the "Administrative Code and Plan".
SECTION 2. TABLE OF CONTENTS. The Table of Contents is as follows:

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## CHAPTER 1 - GENERAL PROVISION

### SECTION 101. Functions and Objectives

The purpose of the administrative service is to: (1) assist the Mayor and City Council in the delivery of public services to the residents, (2) carry out Charter and statutory responsibilities assigned to City operations, (3) provide professional management and effective organizational services by following good public business practices, (4) implement the policy decisions of the City Council through cost effective and accountable programs, and (5) provide the City Manager with the administrative structure to carry out the responsibilities of the City Charter.

### SECTION 102. Responsibility of Administrative Officers to the City Manager

The head of each department or office shall be responsible to the City Manager for the effective administration of the department or office and all duties and responsibilities assigned to it (Charter 7.02(B)(C)(1), 4.01).

### SECTION 103. Authority and Functions of Administrative Officers

The City Manager may set aside any action taken by an administrative officer or subordinate and may supersede them in the functions assigned to them. Should a vacancy occur in the office of an administrative officer or during the absence of any administrative officer, the City Manager may designate an interim acting head or personally perform the functions of the administrative officer (Charter 7.02(B)(C)(5), 4.16).

### SECTION 104. Responsibility and Requirement for Professional Conduct and Performance

Each administrative officer shall keep informed as to the latest practices in his or her particular field, and shall, with the approval of the City Manager, initiate such new practices or procedures as may appear to be of benefit to the City administration and general public. All administrative officers shall follow prescribed guidelines of professional conduct as set forth by the City Manager (Charter 7.02(C)(1)).

### SECTION 105. Designation of Administrative Authority

The City Manager, in case of conflict of authority between department heads or in the absence of administrative authority occasioned by inadequacy of State law, the Charter, ordinance provisions, or this Administrative Code, shall resolve the conflict or supply the necessary authority so far as may be consistent with law, and direct the necessary action be taken in conformance therewith, making a full report to City Council (Charter 7.02(C)(5)).

### SECTION 106. Definitions

Budgetary Center: A general operating department or other department or office or group of offices or functions as defined by Public Act 621 of 1978 as amended including the following departments:

| | |
|---|---|
| City Administration | Public Library |
| City Development | Parks and Recreation |
| Community Relations | Police |
| Fire | Public Works |

Office: A function of the administration defined by an expenditure not within a department and within a general budgetary center that includes other functions.

Division: The major activity subdivision of a department which adopts significant sub-department goals and objectives.

**SECTION 107. Organization and Functions**

The establishment, assignment, and responsibility of offices, programs, and divisions are created by the City Manager within this Administrative Code. Offices assigned to specific departments are the responsibility of specific department heads who shall also have the general supervision and control of all divisions and employees of the department. The officers identified in this Administrative Code shall have the general supervision and control of their division and employees assigned to the respective officer.

## CHAPTER 2 - MANAGEMENT OF THE SERVICE

### SECTION 201. The City Manager

The City Manager shall have the general supervision and control of all departments, offices and employees.

The City Manager shall be the Administrative Agent of the Council and shall be vested with all administrative powers of the City pursuant to City Charter. The duties of the City Manager shall include the general supervision and direction of all departments and offices.

By authority of this Administrative Code, the City Manager may assign general supervision and control responsibilities of the various activities, offices, and divisions in each department by administrative staffing schedule.

### SECTION 202. Appointments by the City Manager

All administrative officers shall be appointed in accordance with the City Charter and applicable collective bargaining agreements. Appointments by the City Manager to administrative positions are made on the basis of training, education, fitness, and experience for the duties which shall be assigned to them without regard to political preference or activity.

### SECTION 203. Appointments by Administrative Officers

All appointments to Charter Administrative Civil Service and Act 78 Police and Fire Civil Service are made in accordance with procedures and regulations with the endorsement of the City Manager as appointing authority. Temporary and occasional employees may be appointed by administrative positions pursuant to regulations and procedures established by City Administration with the endorsement of the City Manager or designate.

### SECTION 204. Acting City Manager

In the absence of the City Manager, the City Manager shall designate in writing to the Mayor and City Council, an administrative officer to be the Administrative Agent of the Council who shall be vested with all of the administrative powers of the City Manager and shall perform the duties of the City Manager under authority of the Council and shall be accountable to the Council.

### SECTION 205. Administrative Line of Succession in Absence of City Manager When No Acting Designation is Made

In the unforeseen absence of the City Manager, the succession order for administrative officers is as follows: (1) Assistant City Manager and Human Resources Director; and, (2) Finance and Budget Director.

**SECTION 206. Personnel**

There are nineteen (19) City Manager appointed administrative officers divided into two categories: Department Director and Administrative Manager.

Department Director: The principal administrative officer and/or administrative officer assigned to supervise and administer a budgetary center established by the City Manager as a department per Administrative Code. A department director may be assigned supervision of administrative officers in addition to support personnel.

The eleven (11) Department Directors include:

Assistant City Manager and Human Resources Director
Finance and Budget Director
City Clerk and Risk Manager
Public Library Director
Parks and Recreation Director
Information Technology Director
Community Relations Director
Fire Chief
Chief of Police
Public Works Director
City Development Director

Administrative Manager: An administrative officer assigned to supervise an activity unit within a budgetary center.

The eight (8) Administrative Managers include:

City Treasurer
Building Official/Facilities Maintenance Manager
City Planner
City Development Manager
City Assessor
City Engineer
Controller
Purchasing Manager

## CHAPTER 3 - CITY ADMINISTRATION DEPARTMENT

### SECTION 301. Composition

a) The City Administration Department shall consist of the City Manager and the following Administrative Officers:

| | |
|---|---|
| Assistant City Manager and Human Resources Director | Information Technology Director |
| City Clerk and Risk Manager | Finance and Budget Director |
| City Assessor | City Treasurer |
| Controller | Purchasing Manager |

and employees as may be provided for by an Administrative Staffing Schedule.

(b) The City Manager shall have general supervision and control of all employees of the department.

### SECTION 302. Duties of Administrative Officers

(a) Duties of the City Manager

See Section 201 above.

(b) Duties of the City Clerk and Risk Manager

Under direction of the City Manager, serve as Clerk of the Council and attend all City Council meetings and perform such duties as are prescribed by the Charter and the general laws of the State, together with such other duties as may be required or assigned by the City Manager.

Prepare and receive nominating petitions for City offices and verify for accuracy.

Arrange, establish and publicize the agenda. Read reports, communications and so forth during the meetings. Take minutes and record actions. Direct the preparation, indexing, and publication of minutes. Transmit all pertinent information pertaining to Council activities to members, interested parties, and the news media. Perform support functions such as signing contracts and agreements on behalf of the City, certifying tax rolls, arranging for printing of technical documents, and maintaining diary of information for future action. Prepare, publish, and send notices of hearings. Draft resolutions, motions, reports, and so forth as directed.

Train and supervise subordinates who serve as secretary or clerk to several boards and commissions attending meetings, taking minutes, and completing various background assignments to enable efficient transaction of business.

As Chief Elections Officer and Director of Elections, direct the registration and the related updating of electors. Serve as Chair of the Elections Commission.

Make all arrangements for the proper conduct of elections: preparing ballots, polling places and conditions in conformity with law. Obtain proper certifications and enforce election statutes.

Provide for the Act 78 Civil Service Commission, clerical support for meetings of the Commission. Maintain related employment lists.

As Licensing Authority, receive applications for licenses and permits. Determine propriety of issuance in accordance with ordinances and statutes, clarify technical questions and where appropriate, issue the desired documents.

Approve bonds and certificates of insurance required for licensing and act as enforcement officer for certain licenses.

Categorize and store documents, contracts, agreements, and other papers necessary for the administration of City government.

As Registrar of Vital Statistics, oversee the recording and filing of birth and death certificates and preparation of related reports for the county and state.

Analyze and coordinate liability claims. Serve on the Loss Control Committee to provide data on claims as well as suggested loss control actions.

Research, recommend and implement computer applications for the risk and insurance data; maintain records of type, frequency, cost, and location of insurance claims.

Research and recommend changes in City policies, procedures and equipment to improve safety, reduce risk and minimize cost.

Maintain awareness regarding State and Federal health and safety legal requirements and notify office administrators of their responsibilities concerning affected employees.

Investigate accidents, injuries and liability claims to determine liability of involved parties and process claims to submit to insurance companies.

Coordinate litigation of claims with legal counsel.

Coordinate with various departments the issuance and receipt of certificates of insurance to ensure that they meet the conditions of the underlying contracts and that the departments have established a system for monitoring them.

(c) Duties of the Information Technology Director

Responsible for the overall development and direction of the computer programming, and operational activities of the City's information system. Provide direction and leadership in the development and implementation of both short- and long-range management information services planning.

Supervise the establishment of programming standards and methods of evaluating the economics of technical services applications used throughout the City.

Responsible for total systems analysis, study, design, and implementation of user applications and internal information systems.

Coordinate the activities between office and user departments on current and future projects and applications.

Responsible for detailed technical expertise of new equipment and systems.

Responsible for the development of and maintenance of all appropriate systems, programming, operational, and user documentation.

Plan and schedule all training required for personnel involved in or affected by computer systems and equipment.

Estimate for budget purposes, the future personnel, equipment, and supply needs for the office.

Direct the continuing review and analysis of systems and methods for the formulation of new and revised systems, examining techniques in use, and determining appropriate changes to effect improvements, reduce cost, and enhance efficiency.

Provide guidance and counsel to other administrators in the examination and definition of objectives for existing or proposed systems and in the design of improved systems, utilizing computing equipment.

Review purchase requests for any computer equipment or related product and make recommendations to the Purchasing Manager regarding desirability of the proposed purchase.

Recommend the location, type, size, and equipment for telecommunication installations including applicable programs. Recommend the staffing of the office consistent with the workload.

Oversee the design, installation, maintenance, and monitoring of local area networks (LANs), wide area networks (WANs), and new technologies.

Provide technical leadership during the development and enhancement of office automation applications. Analyzes and recommends acquisition of new productivity software purchases. Schedules and coordinates new software installations or upgrades.

Diagnose and resolve network and communication system problems on a timely basis. Arrange for outside technical and/or vendor support as needed.

Analyze client requirements and recommend appropriate hardware and software solutions to optimize workflow and efficiency.

Maintain proper user documentation on all aspects of the network and communication systems.

Research compatibility issues relating to the implementation of new technology.

(d) Duties of the Assistant City Manager and Human Resources Director

Serves as an Assistant City Manager responsible for administration, supervision, and coordination of duties assigned by the City Manager, including development of strategies and policies to improve City-wide operations. Discharges duties of City Manager when designated pursuant to Section 204.

Under direction of the City Manager and Civil Service Commission, is responsible for the administration of all personnel matters, including the recruitment, selection, and training of City employees.

Prepare, or revise as necessary, and administer rules for appointment, promotion, transfer, layoff, reinstatement, suspension and removal of employees in accordance with applicable civil service and collective bargaining agreement rules.

Coordinate all recruitment activities for both exempt and nonexempt employees including advertising, testing, interviewing, and final selection.

Prepare personnel reports as required by the City Manager, Charter Civil Service Commission, and State and Federal agencies.

Serve as Secretary to the Charter Civil Service Commission. Attend meetings, keep minutes, and record all proceedings. Serve as custodian of all personnel records. Provide professional personnel advice and information in making policy decisions.

Provide information as requested on prevailing wage and fringe benefit information by conducting surveys for use in contract negotiations. Administer wage and benefit contract interpretation and review benefit procedures and providers for cost containment and effective implementation.

Conduct, negotiate, and administer on behalf of management all collective bargaining with the city's bargaining units. Oversee and administer the interpretation of collective bargaining agreements.

Administer grievance procedures provided for under collective bargaining agreements on behalf of management. Prepare for and attend all arbitration proceedings relating to grievances.

Develop personnel policies and procedures keeping abreast of new Federal and State requirements. Advise City Council, City Manager and other City officials of significant changes.

Provide benefit information and communications to employees regarding coverage. Function as problem solver. Assist in the evaluation of alternative benefit providers.

Train department heads and other personnel in proper personnel procedures.

Prepare correspondence; cooperate with the personnel staff of other political entities in exchanging information and expertise.

Prepare Memoranda of Understanding dealing with carrying out the duties concerning the employee relations program.

Participate as the administrative representative in Quality of Worklife and labor/management committees.

Serve on committees or conduct special studies directed by the City Manager.

Write and revise job descriptions or class specifications as necessary. Conduct job analyses when required.

Review insurance bills and payments of claims to ensure accuracy and compliance with conditions of insurance policies and claims administration contracts.

Supervise personnel that administer the City's short and long-term disability programs, workers' compensation claims, and Family & Medical Leave Act requests.

Manage and coordinate the City's medical, dental, and vision care programs.

(e) Duties of the Finance and Budget Director

Under the direction of the City Manager, is responsible for coordinating the development of the City's annual budget and support documentation. Serve as Chief Fiscal Officer to City Manager for all fiscal affairs of the City. Provide for the management and coordination of various administrative functions as required by the City Manager. Performs the Charter designated duties and responsibilities of the Finance Director.

Supervise and control all administrative officers, supervisors, activities and employees of the Finance and Budget Division.

Coordinate and supervise the development and completion of the City's annual budget overseeing City-wide budget preparation and submission by each department and service area.

Make informal recommendations and adjustments of the proposed budget in accordance with policy decisions of the City Manager.

Provide assistance in monitoring the financial condition, operation, and procedures of the City, recommending improvements as necessary.

Review and assist in forecasting City revenues, expenditures and capital outlay for management planning and budgetary control.

Provide research and analysis necessary to support administrative activity.

Research and develop reports on special projects.

Evaluate existing and proposed administrative policies, practices and techniques as requested.

Prepare reports to Council and keep the City Manager informed as to the financial affairs of the City.

Assist in the creation and implementation of new administrative policies and programs.

Supervise the City's risk insurance management program with the objectives of minimizing liability and property loss. Assign, direct, and assist projects and activities of the service staff in performing their related job tasks.

(f) Duties of the City Assessor

Under the supervision of the Finance and Budget Director, administer and supervise the real and personal property assessment function to assure equitable taxation in the City. Perform those functions provided by law, together with such other duties as may be required or assigned by the City Manager or Finance and Budget Director.

Direct appraisal staff in field activity for the collection of data on real property such as measurements, type of materials, condition and other factors.

Develop and direct the use of methods for the conversion of collected data into uniformly determined property valuations to which standard assessment factors from the State Tax Manual are applied. Implement and maintain a computer-assisted mass appraisal system.

Serve as the liaison to the Board of Review in March, July, and December and may sit in on the March Board of Review sessions to answer questions during hearings.

Supervise the preparation of the assessment roll for presentation to the Board of Review.

Attend Board of Review meetings with taxpayers appealing their assessments and oversee any appropriate adjustments of the tax roll as directed by the Board.

Develop individual assessments within all special assessment districts for improvements to sewer, water, sidewalks, etc.

Periodically prepare status reports for County Director of Equalization, State Tax Commission and the City administration.

Calculate the residential sales study and determine specific percentage increases for all of the residence types located in the City's subdivisions and 36 acreage sections.

Appear at community meetings to explain and answer questions on assessed and equalized values.

Develop and supervise tax billing and tax mapping programs.

Act as the City's expert witness in tax appeal cases.

Review Industrial Development District and Industrial Facilities Exemption applications to monitor conformance with State law and City regulations.

Coordinate with the Information Technology Director concerning programming changes necessary for updating or creating new Assessing Office reports and notices.

Prepare and maintain the City's Industrial Facilities roll.

(g) Duties of the City Treasurer

Under the direction of the Finance and Budget Director, coordinate and manage the functional areas of Tax Administration, Revenue Collection, Investments, Cash Management, Water Billing, and Banking Services. Plan, direct, and establish policies and procedures and supervise staff of Treasurer's Office. Participate in Debt Financing and Pension Administration.

Oversee the receipt of all monies belonging to and receivable by the City that may be collected by any office of the City including license fees, taxes, assessments, utility, and other charges.

Direct the safekeeping and deposit of such funds as determined by the City Council and make reports thereof to the City Clerk.

Responsible for Letters of Credit and escrow letters left in custody and issuance of Water and Sewer Capital charge certificates.

Supervise final preparation of City payroll for distribution.

Coordinate with the Finance and Budget Director and Controller on collection and account maintenance procedures as necessary and review existing procedures for conformity to City accounting standards, tax laws, attorney general's opinions and sound fiscal management procedures.

Review all check requests and bill listings for individuals or companies who have issued bounced checks to the City.

Perform daily analysis of cash flow, accounts payable and receivable to determine availability of idle City funds in various accounts for investment. Analyze current market

trends and rates and invest accordingly. Prepare reports and coordinate for Investment Committee meetings.

Implement special projects for the Director as assigned including research of City records, pension reports and other matters pertaining to the City's financial operation.

Oversee the pension administration functions of the City.

Serve as Treasurer of the Police and Fire Retirement Board, General Employees Retirement System, and Building Authority.

Plan, direct, and establish policy and procedures for the Treasurer's Office.

Serve as member of the City's Investment Committee.

(h) Duties of the Controller

Under the supervision of the Finance and Budget Director, is responsible for the books of account of the assets, receipts and expenditures, and the general supervision and control of the Accounting Office and staff. Perform those functions provided by law or ordinance, together with such other duties as may be required or assigned by the City Manager or Finance and Budget Director.

Responsible for the supervision of office staff in their performance of accounting procedures, posting and balancing accounts in accordance with accepted accounting practices.

Coordinate and control the general ledger posting of receipts, disbursements, and journal entries.

Supervise preparation of schedules and entries for transfers and cross-charges between activities and funds, review work orders, general ledgers, inventory withdrawals, and escrow deposits, verify and compute costs as appropriate.

Supervise and direct the accounting and clerical staff responsible for payroll and accounts payable.

Maintain oversight of departmental operating and capital needs for current and future fiscal years and prepare comprehensive schedules for assigned revenue and expenditure activities.

Plan for and accommodate external auditors for annual audit and coordinate audit follow-up to include post-audit critique and application for GFOA Awards (CAFR & PAFR).

Compile special reports on revenues and expenses for City and departmental planning and respond to City Council and public inquiries about the bill listings.

Implement and coordinate all Governmental Accounting Standards Board (GASB) financial reporting changes.

Assist the external auditors in their review of the City's financial management, accounting procedures, and internal controls.

Oversee the City's debt administration function, assuring compliance to debt schedules and covenants, as applicable. Serves as the liaison to the City's bond counsel by coordinating all bond sales. Maintains good working relationship with the bond rating agencies.

Serve as the City's internal auditor conducting special reports and analysis for the City Manager as directed.

Carry out special projects for the Finance and Budget Director as assigned including research of City records, pension reports and other matters pertaining to the City's financial operation.

Serve as alternate City member to the General Employees Retirement System Board.

(i) Duties of the Purchasing Manager

Under the direction of the Finance and Budget Director, is responsible for the purchasing of supplies, materials, services, and equipment for all departments.

Supervise and direct the purchasing activities of the City. Encourage employee input and suggestions in improving functions.

Work with departments to identify needed supplies, equipment, materials, or services. Review all requisitions and determine action to be taken.

Coordinate development of specifications with user departments for services or items to be purchased.

Interview vendors to determine capability and suitability of vendor to supply requested materials or services at the quoted price within a given time.

Review proposals from vendors and negotiate for purchase or contracts, keeping within budgetary limitations while evaluating their performance.

Maintain records of items purchased, costs, delivery, and product performance.

Provide budget estimates for supplies and services to be used by all departments in development of annual budget.

Encourage open competition on all purchases and sales by soliciting written quotations, bids, and participation in State, County, and other cooperative bids.

Update and revise the City's purchasing manual and procedures as required.

Recommend the disposal of scrap and surplus supplies and equipment.

## CHAPTER 4 - COMMUNITY RELATIONS DEPARTMENT

### SECTION 401. Composition

(a) The Community Relations Department shall consist of the Community Relations Director and such other employees as may be provided for by an Administrative Staffing Schedule.

### SECTION 402. Duties of the Administrative Officer

(a) Duties of the Community Relations Director

Under the direction of the City Manager, is responsible for the general supervision and control of all employees of the Community Relations Department.

Plan, implement, produce, and supervise professional public relations work using a variety of media, including broadcast, website, social media and traditional print shop product. Responsible for the dissemination of information regarding all City government activities and services and maintaining a positive image and relationship with the community.

Oversee management of all public communications via Sterling Heights Television (SHTV), city's official Web site, e-mail subscription services, various social media sites, Sterling Heights Radio - AM 1700, local and national media outlets and city publications.

Implement and monitor all citizen input, which includes complaint and information services to the community.

Prepare and edit all community publicity and media relations sent on behalf of City departments, City Manager, and Council.

Prepare agendas, attend meetings, direct special activities and serve as the City's liaison for Beautification, Arts, Telecommunications, and Ethnic Commissions. Serve as administrative liaison to the Sterling Heights Community Foundation.

Direct and administer all City cable programs as well as live televising of Council meetings, ZBA, Planning Commission, Ordinance Board of Appeals and Telecommunications Commission meetings.

Provide professional guidance and communication with service clubs, homeowner groups, churches, school districts, Chamber of Commerce, and business community.

Prepare and implement marketing strategies to attract potential developers and retain existing businesses in the community.

Plan and organize City-sponsored events, including the Memorial Day Parade, Cultural Exchange, Beautification Awards, Pride & SHINE Days and Sterlingfest.

Supervise and direct the printing activities of the City.

Serve as Public Information Officer for the City in Emergency Management situations.

## CHAPTER 5 - PUBLIC WORKS DEPARTMENT

### SECTION 501. Composition

(a) The Public Works Department shall consist of the Public Works Director and such other employees as may be provided for by an Administrative Staffing Schedule.

### SECTION 502. Duties of the Administrative Officer

(a) Duties of the Public Works Director

Under the direction of the City Manager, is responsible for the general supervision and control of all employees of the Public Works Department. Directly responsible for the coordination of all Public Works activities including Water and Sewer Fund administration, water distribution, roads, parks and grounds maintenance, fleet maintenance, refuse collection, and solid waste management.

Supervise all staff including office and field personnel.

Ensure prompt, reliable, and efficient refuse collection by the City's private refuse contractor.

Promote public education in the area of solid waste disposal through the Solid Waste Management Commission.

Supervise the activities of the city's three drop off recycling centers.

Administers the city's National Pollutant Discharge Elimination System (NPDES) permit program to control water pollution.

Administer the city's right-of-way maintenance contracts with the Michigan Department of Transportation (MDOT) and the Macomb County Department of Roads (MCDR).

Act as liaison to the Macomb County Health Department, Environmental Health Division and Michigan Department of Transportation for storm water activities within the City.

Act as liaison with Great Lakes Water Authority for the purchase of potable water and water supply issues.

Act as liaison with the Macomb County Public Works Office as part of the city's membership in the Macomb County Wastewater Disposal District (MCWDD).

Maintain the City-owned fleet of vehicles and equipment in a safe, proper functioning condition. Maintain an adequate parts inventory.

Coordinate capital budget and related purchases.

Administer the City's tree planting operations; review hazardous tree complaints and make recommendations in accordance with the vegetation ordinance.

Recommend and participate in the establishment of ordinances related to the use of the City's infrastructure or in areas of department responsibility.

Implement, update and adjust rates and fees for services to reflect current costs and to meet current needs.

Administer the following programs: refuse collection and disposal, retention basin maintenance, and noxious weed cutting.

Develop performance objectives for the levels of service to be provided by the Department. Gather data and assemble proposed division budgets and maintain operational control of appropriate funds to assure that money is spent in accordance with Department policy and Council's directive.

Participate in the hiring of new personnel and establish and enforce personnel policy in accordance with Civil Service rules, union contracts, and administrative policies and procedures.

Work with contractors, builders, general public, and other departments to coordinate activities and ensure good service to the community.

Manage the City's fleet of vehicles, schedule maintenance and repairs, and write specifications for new vehicles.

## CHAPTER 6 - CITY DEVELOPMENT DEPARTMENT

### SECTION 601. Composition

a) The City Development Department shall consist of the following Administrative Officers:

City Development Director
City Planner
City Development Manager
City Engineer
Building Official / Facilities Maintenance Manager

and employees as may be provided for by an Administrative Staffing Schedule.

### SECTION 602. Duties of Administrative Officers

(a) Duties of the City Development Director

Under the direction of the City Manager, is responsible for general supervision and control of all employees of the department.

Responsible for administration, supervision, and coordination of all City Development Department programs and activities.

Prepare drafts, review and comment, or take actions to cause execution of varied agreements, contracts, deeds or other documents with developers, builders, contractors, corporations, property owners, and other public agencies for a number of purposes, such as equipment, capital improvements, maintenance, and connection or use of facilities.

Recommend and participate in the establishment of ordinances related to the use of the City's infrastructure or in areas of department responsibility.

Supervise all departmental personnel to ensure efficiencies in City Development activities.

Develop a professional team approach with a high degree of competence and sound judgment to encourage efficient departmental operations for the benefit of the City's residents and businesses.

As liaison to the Board of Ordinance Appeals, manage code enforcement personnel and functions to ensure compliance with City property maintenance codes is realized. Create innovative approaches to enable the City to meet the demand of residents and businesses for clean and safe neighborhoods and developments. Supervise all available resources dedicated to Code Enforcement.

Compile and analyze technical and statistical information and prepare reports regarding departmental operations throughout the City for use by City Management and state and federal agencies.

Provide leadership and guidance in the implementation of the 2030 Visioning process through development of new master land use and parks and recreation plans.

Identify resources outside city government to support community improvements, including grant funding and donations.

Create and coordinate unique economic development partnerships which promote green initiatives and technology, including the Blue Economy and STEM / Velocity Jr.

Oversee the Community Development Block Grant program and compliance with all applicable federal regulations.

Serve as Executive Director to the Sterling Heights Housing Commission.

Supervise City personnel dedicated to the operation and management of the Velocity collaborative center. Assist in liaison activities between the City and the Local Development Finance Authority (LDFA).

(b) Duties of the City Engineer

Under direction of the City Development Director, is responsible for all engineering services for the City, and for developing master plans and programs for public improvements. Supervise staff in plan review, design, inspection, and contract administration for water and sewer mains and lines, drains, parking lots, roads, and streets.

Establish policies and procedures for the acquisition of land, easements, and rights-of-way required by the City. Take all actions needed for such acquisition. Establish policies and procedures for disposal of land, easements, and rights-of-way, which are no longer necessary for a public purpose and take such actions for their disposal.

Review the City's infrastructure needs; establish annual and long-range capital improvement programs. Take action to initiate and coordinate the construction of these improvements, including but not limited to pavement, sanitary sewers, drainage, watermains, sidewalks, parks, and public buildings and coordinate these public improvements with other units of government.

Prepare drafts, review and comment, or take actions to cause execution of varied agreements, contracts, deeds or other documents with developers, builders, contractors, corporations, property owners, and other public agencies for a number of purposes, such as equipment, capital improvements, maintenance, and connection or use of facilities.

Recommend and participate in the establishment of ordinances related to the use of the City's infrastructure or in areas of department responsibility.

Implement, update and adjust rates and fees for services to reflect current costs and to meet current needs.

Develop landscape design plans for major road rights-of-way, medians, and City parks.

Review litigation related to the Engineering Office with the City Attorney. Direct the administration of the Engineering Office.

Direct and oversee the proper preparation of design drawings, specifications, estimated costs and contracts for City construction projects such as water mains, sewers, drains, roads, sidewalks, and park development. Supervise staff in inspecting and approving placement of those municipal improvements.

Review plans, conduct inspections, and supervise construction of all privately built streets, sidewalks, and water and sewer lines to see that City standards are met.

Review or initiate various reports and studies pertaining to the City's engineering requirements.

Assist other offices including Public Works, Planning, Building, and Assessing by providing professional engineering services as needed.

Meet with County and State agency representatives, homeowners, developers, engineers, and contractors to discuss and resolve problems concerning water and sewer service, roads, and other issues. Act as liaison between City, County, State and Federal agencies.

Implement current technology to enable the Engineering Office to operate more efficiently.

Coordinate with a professional engineering firm regarding assignments for engineering services during periodic peak overload building periods, designate projects, and review completed work.

Assign and coordinate work with other consulting engineers retained by the City for specific studies, reports, etc.

Prepare and process special assessment proceedings for all improvement projects constructed under special assessment.

(c) Duties of City Development Manager

Under the direction of the City Development Director, is responsible for development, implementation and marketing of Blue Economy initiatives and collaborate on the Parks & Recreation Master Plan and the Bike Path Master Plan to enhance the City’s future development of key recreational opportunities.

Survey, assess, and plan for improvements to the infrastructure, facilities, and attractions in the City's major and neighborhood parks in collaboration with the Community Services Department and Department of Public Works.

Assist the City Engineer in proper preparation of design drawings, specifications, cost estimates and contract administration for public improvement projects. Participate directly in the work as necessary. Review plans and supervise inspection as necessary.

Acquire easements and rights-of-way as needed for city projects. Coordinate disposal of city-owned property no longer needed for a public purpose.

Assist the City Manager as traffic/street system administrator. Complete Act 51 reports. Coordinate traffic studies and installation of traffic control devices with the Police and Public Works Departments, residents and outside agencies.

Act as city NPDES permit administrator in coordination with DPW.

Act as city flood plain administrator.

Manage city sustainability and green initiatives, including streetlight management and administration. Participate with the Southeast Michigan Regional Energy Office.

Assist City Development Director and City Engineer with preparation of departmental operating budgets including budgets for Major Roads, Local Roads and Road Bond Construction Fund in coordination with DPW.

Act as liaison to the City Manager, City Council and Ordinance Board of Appeals in the absence of the City Development Director or City Engineer at regularly scheduled or special meetings.

(d) Duties of the City Planner

Under the direction of the City Development Director, is responsible for administration and coordination of the Office of Planning. Coordinate and monitor the approval of commercial, industrial, and multiple family development plans for compliance with adopted master plans and planning policy.

Work with the Planning Commission in developing and revising comprehensive plans and programs for the orderly development and utilization of land and other physical assets of the City.

Provide professional planning and administrative support to the Planning Commission by providing meeting places, coordinating agendas, transcribing and distributing of minutes, providing findings and recommendations, maps, and research data.

Advise and propose solutions to the Planning Commission on a variety of planning matters and problems such as rezoning, subdivision plats, special approval land uses, public service facilities, and plans for sections of the City as reflected in the Master Land Use Plan.

Conduct special studies and research on planning matters (e.g., land use, commercial feasibility and market analysis, housing trends, population projections, etc.) for City Administration and Planning Commission.

Review plans submitted for development with regards to tree inventories for compliance with the City's Tree Preservation Ordinance and inspect sites to determine accuracy of inventories.

Assist in the preparation and update of Master Plans and the development of policies to implement those plans.

Function as ombudsman for development activities.

Serve as liaison with adjacent communities, County and State agencies to coordinate planning activities.

Review and approve residential plot plans and site plans for compliance with the requirements of the Zoning Ordinance and review and approve zoning compliance use permit applications.

Review tree surveys and landscape plans for compliance to appropriate codes and issue tree removal permits.

Review and make recommendations on industrial, commercial, and multiple-family site plans before formal presentation for Planning Commission approval.

Review easement encroachment requests from property owners.

Interpret Zoning Ordinance and various other ordinances for residents, developers, builders, or other interested parties.

Assist residents and developer/builders in resolving complaints or problems, or complying with requirements and procedures relative to the Zoning Ordinance or other City ordinances.

Act as administrative liaison to Zoning Board of Appeals (ZBA) which includes preparing board agendas, reviewing ZBA applications, and preparing all back-up information and reports.

Supervise the review and processing of site plans and subdivision plats and coordinating the reviews of other applicable departments.

Provide input into all land division/combination applications and administer temporary use requests.

Review and make recommendations on liquor licenses, amusement devices, motel licenses, and massage establishments.

Serve as coordinator between city and census bureau for all pre- and post-census review of demographic data and mapping.

Assist in researching and preparing text amendments to Zoning Ordinance. Also, assist in preparation of testimony and exhibits involving planning related lawsuits and other miscellaneous items as assigned.

(e) Duties of the Building Official / Facilities Maintenance Manager

Under the general direction of the City Development Director, assists in managing the Office of Building Services by coordinating work assignments of staff as it relates to the plan review process. Assists developers, builders, professionals, and homeowners with specific questions or problems arising from construction and the plan submission process. As Facilities Maintenance Manager, is responsible for the custodial care and maintenance of City buildings.

Enforce codes and ordinances relating to building, wiring, plumbing, heating and cooling by developing policies and procedures for making inspections to ensure that each of the activities conform to City ordinances and State law.

Review and sign all permits and plans for buildings in the City.

Assign work to inspectors and may participate in the most complex inspections.

Recommend to City Manager and City Council changes in codes and ordinances to keep abreast of new concepts, practices, procedures, and materials.

Act as advisor to the Code and Ordinance Boards of Appeal and furnish appropriate data in appeals cases.

Serve as Chairperson of the Code Committee.

Appear in court to testify in cases involving Building Services activities.

Issue permits.

Review plans to ensure that they conform to appropriate building codes and ordinances.

Inform homeowners, architects and builders concerning the requirements of city codes and ordinances.

Maintain accurate records of all activities in building services and make periodic reports to the City Manager, state and federal government.

Consult with other departments and divisions regarding plan reviews to ensure compliance with all City codes and ordinances.

Inspect and investigate construction sites to assist inspectors with special problems or to check their work and to be acquainted with various building projects.

Review and update new materials and procedures for compliance to code requirements.

Conduct meetings with builders, architects and their technical staff, building services technical staff and fire department inspectors prior to start of a large construction site to ensure a common understanding of the application of city ordinances and codes.

Investigate complaints made against inspectors and support staff. Recommend discipline as necessary.

Serve as Building Security Officer, obtaining and repairing various locks, setting up and changing locks, combinations and making, cataloging and issuing keys.

Supervise and direct the custodial and maintenance staff and Facilities Maintenance Coordinator. Plan and develop work schedules and maintenance projects.

Provide written specifications for all electrical, mechanical, and renovation work.

Investigate and troubleshoot building problems and safety issues that arise to insure the well being of the citizens and City employees.

Research product quality and competitive pricing to aid in the selection and purchase of all housekeeping and maintenance supplies.

Oversee the City's archive and storage area and provide verification of capital equipment and fixed asset disposition.

Supervise, coordinate, and follow-up on outside vendors and contractors to insure the quality of materials and workmanship.

Plan, develop, and prepare the annual Facilities Maintenance budget and administer once approved.

Direct and coordinate the shipping and receiving area.

Supervise the preparation of voting machines and their timely distribution to the voting precincts during local, state, and national elections.

Maintain building security insuring all intrusion and fire alarms remain operational and are tested on a regular basis.

CHAPTER 7 - POLICE DEPARTMENT

**SECTION 701. Composition**

(a) The Police Department shall consist of the Police Chief and such other officers and employees as may be provided for by law.

**SECTION 702. Duties of the Administrative Officer and Members**

(a) Duties of the Police Chief

Under the direction of the City Manager, is in immediate charge of the Police Department. Responsible for the proper and efficient enforcement of all laws, ordinances, and regulations which the Police have authority to execute.

Supervise directly and through subordinate command officers all patrol, traffic, investigative, juvenile, and ancillary departmental personnel. Perform normal managerial and administrative functions such as personnel and budget administration, reviewing performance, and counseling and disciplining staff members.

Plan, develop, and oversee the implementation of Department policies and procedures in accordance with the City Charter, applicable laws and ordinances.

Ensure proper functioning of department and coordination with other law enforcement agencies by participating in meetings of professional police organizations such as county, regional and state chief associations and maintaining contacts with officials of Federal, State, and local law enforcement agencies. Attend Council meetings and staff meetings to report on police matters, recommend City policy and receive policy decision. Make other reports and investigations as requested by the City Manager or Council.

Oversee the development, implementation, and operation of specialized enforcement and/or education programs.

Investigate and resolve citizen complaints against members of the Police Department.

Oversee the preparation of police activity reports for City management as well as for State and Federal enforcement and/or investigative agencies.

Responsible for functions of City traffic engineer, analyzing and assessing the need for traffic control devices and recommending the appropriate action and policy for Council consideration.

(b) Duties of Members

It shall be the duty of members of the Police Department to enforce all ordinances of the City and all statutes effective in the City; to preserve order and prevent infractions of the law and to arrest violators thereof; to respond and assist in all emergency situations; to

investigate motor vehicle accidents and criminal activity; to maintain records and items of evidence; to educate the public in crime prevention; and to perform such further duties as are provided by law.

## CHAPTER 8 - FIRE DEPARTMENT

### SECTION 801. Composition

(b) The Fire Department shall consist of the Fire Chief and such other officers and employees as may be provided for by law.

### SECTION 802. Duties of the Administrative Officer and Members

(a) Duties of the Fire Chief

Under the executive direction of the City Manager and in accordance with Act 78 of the Public Acts of 1935 as amended, is responsible for the functions of the Fire Department including the maintenance and care of all fire apparatus, equipment, and property.

Establish policy for all phases of Fire Department operations consistent with efficient fire prevention, hazardous materials, advanced life support, and fire control programs.

Plan and develop Fire Department programs based on standards of preparedness.

Remain current with new procedures; conduct staff meetings to discuss administration, operations, fire prevention and fire control.

Evaluate training needs and approve training programs.

Maintain a sufficient complement of personnel on duty and the necessary equipment to insure effective fire control.

Attend meetings with other department heads to discuss organizational projects and problems.

Supervise officers and provide general guidance and direction.

Make recommendations for hiring, promoting, and demoting personnel. Enforce discipline and issue penalties for rule and regulation violations.

Responsible for fire control and pre-fire planning for fire attack.

Participate in local fire organization, speak to civic groups and other interested parties about Department activities.

(b) Duties of Members

It shall be the duty of the Fire Department to prevent and extinguish fires, protect life and property against fire, remove fire hazards, provide emergency services and rescue operations, hazardous materials responses, advanced life support, conduct fire inspections and investigations, and educate the public in fire safety and prevention.

## CHAPTER 9 – PUBLIC LIBRARY DEPARTMENT

### SECTION 901. Composition

(a) The Public Library Department shall consist of the Public Library Director and such other employees as may be provided for by an Administrative Staffing Schedule.

### SECTION 902. Duties of the Administrative Officer

(a) Duties of the Public Library Director

Under the direction of the City Manager, is responsible for general supervision and control of all employees of the department.

The Public Library Director shall plan, implement and supervise the operations and programs of the Sterling Heights Public Library, subject to policies established by City Charter and State rules and regulations.

Develop detailed procedures for maintaining library standards, attaining stated library goals and objectives, and for responding to the information needs of the community.

Oversee Library services to include maintenance of efficient circulation of materials and availability of adequate periodical collection, and the coordination of commissions and committees.

Prepare agendas, attend public meetings, and provide advice and counsel to the Advisory Library Board of Trustees to develop policies and services.

Prepare agendas, attend public meetings, direct special activities, and provide advice and counsel to the City's Historical Commission.

Provide administrative support for the activities of the Friends of the Library.

Prepare and recommend the annual program and capital improvement budget. Oversee the expenditure of funds according to approved budget and supervise the keeping of budgetary records of receipts and expenditures.

Provide input regarding the strategic plan for the Library.

Represent and promote the Library to its clientele and to the community.

Prepare application proposals for Library grants and manage expenditure of monies.

Personally or through subordinate supervisors select, organize, train, supervise full-time and seasonal staff, and promote good working relationships among employees.

Serve as Departmental representative on various City-wide organizational committees.

Direct the activities of permanent and volunteer staff. Direct the maintenance of activity and attendance records and submission of various reports.

## CHAPTER 10 – PARKS AND RECREATION DEPARTMENT

### SECTION 1001. Composition

(a) The Parks and Recreation Department shall consist of the Parks and Recreation Director and such other employees as may be provided for by an Administrative Staffing Schedule.

### SECTION 1002. Duties of the Administrative Officer

(a) Duties of the Parks and Recreation Director

Under the direction of the City Manager, is responsible for general supervision and control of all employees of the department.

Oversee and direct the operations of the Parks and Recreation Department, including development and coordination of the public recreation program to serve the needs of the residents of the community, including a variety of recreational and nature service programs for youth, adults, handicapped, and senior citizens.

Supervise the varied recreational programs for residents of all ages and abilities.

Coordinate the activities of permanent and seasonal staff including the maintenance of activity and attendance records and submission of various reports.

Responsible for the utilization of parks, properties, and buildings owned by the City or other public or private facilities (schools, churches, and private clubs) that may be used for recreational activity.

Select, organize, train, and supervise full-time and seasonal staff, and promote good working relationships among employees.

Develop specifications for recreational equipment working with the Purchasing Manager.

Coordinate park maintenance priorities.

Recommend an annual program and capital improvement budget.

Oversee the expenditure of funds according to approved budget and supervise the keeping of budgetary records of receipts and expenditures.

Review park development plans for City management and make recommendations concerning recreational aspects of plans.

Work in cooperation with City management and park consultants updating the City-wide Recreational Master Plan and the formulation of park site development plans.

Serve as the Office of Parks and Recreation's representative on various City-wide organizational committees.

## CHAPTER 11 - ADMINISTRATIVE SERVICE & ORGANIZATIONAL CHART OF THE CITY

Pursuant to City Code, Chapter 2, Article 2, Section 2-20, the organization chart reflects the components of this Administrative Plan.

Effective: January 19, 2016

_____

Mark D. Vanderpool
City Manager

Confirmed by City Council: January 19, 2016

*Delivered JAN 14, 2015*

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

City Clerk's Use
Item No: 2 A-I
Meeting: 01/19/16

# 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)**

__ City Clerk
__ Finance & Budget Director
__ City Attorney (as to legal form)
__ City Manager

**Attachments**

__ Resolution
__ Ordinance
__ Contract
__ Minutes
__ Plan/Map
__ Other

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

**Suggested Action:**

**MOVED BY:** **SECONDED BY:**

**2. A. Approval of Minutes**
**Regular Meeting of January 5, 2016**

**B. Approval of Bills**

**C. To reject the sole bid received for the 2015 Sanitary Sewer and Water Main Repair Program, City Project #13-244.**

**D. To award a bid for DPW Fuel Storage Facility Replacement, City Project #15-275 (Cumulative project cost of $671,783.00).**

**E. To accept a proposal by Plante & Moran, PLLC for audit services for a three-year period (First year expenditure of $98,700).**

**F. To approve the commitment of the City of Sterling Heights' allocation of 2014 and 2015 Federal HOME Program Funding.**

**G. To approve an Interlocal Agreement between the City of Sterling Heights and Charter Township of Clinton for Reciprocal Lending of Municipal Fire Apparatus.**

**H. To adopt a resolution calling for the immediate repeal of §57(3) of the Michigan Campaign Finance Act**.

**I. To receive the lawsuit, Patric Jon Hickman v. City of Sterling Heights, 41A District Court Case No. S-15-4356-GZ.**

***Delivered January 14, 2016***
***Agenda Item 2-A***
***Meeting: 01/19/16***

# UNOFFICIAL MINUTES

CITY OF STERLING HEIGHTS

MINUTES OF REGULAR MEETING OF CITY COUNCIL

TUESDAY, JANUARY 5, 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; Jeffrey Bahorski, City Attorney; Mark Carufel, City Clerk; Madeline L. Ranella, Recording Secretary.

APPROVAL OF AGENDA

Councilman Romano removed Consent Agenda Item F and made it Consideration Item 8.

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

Yes: All. The motion carried.

REPORT FROM CITY MANAGER

Mr. Vanderpool announced a new scholarship season has commenced as the Sterling Heights Community Foundation will award nearly $40,000 in scholarships from 10 scholarship partners. This year marks its 24th year in awarding scholarships, with a total of over $400,000 awarded to 318 college bound students since the program's inception. For more information about the program, or to access the scholarship application, please visit the foundation's website at www.sterlingheightscommunityfoundation.org. Applications must be submitted by mid-March to be considered for a scholarship. Awards will be presented in May at a televised City Council meeting.

Mr. Vanderpool reported the road construction season is continuing, weather permitting. He pointed out a public information meeting is scheduled for Wednesday, January 13 from 4-7 p.m. at Reuther Middle School in Rochester Hills regarding the reconstruction of Dequindre Road. The first phase will be from 19-1/2 Mile to just north of M-59 and amount to just under $8 million. The second phase will start the following year from 18 Mile Road.

Mr. Vanderpool pointed out the good news is that Van Dyke will be finished entirely this year, but the reconstruction of Dodge Park Road will commence in early spring and will be under construction most of the year. The City Engineer will make a presentation on this project at the next City Council meeting and following that, neighborhood meeting will be held. Mr. Vanderpool stated the bad news is that after Dodge Park, M-59 would be completely reconstructed from

Delco to Hayes. In total, almost $100 million in new roadway improvements will occur in Sterling Heights in the next five years.

Mr. Vanderpool reported on the first Business Spotlight for 2016 and showed a video explaining the expansion of Beta Steel in the City of Sterling Heights.

ORDINANCE INTRODUCTION

1. Mr. Jeffrey Norgrove stated the Fire Chief made a very thorough presentation of the lock boxes at the last City Council meeting and he believes it's a good idea. He hopes that businesses would go along with it to save money for both their company and the Fire Department.

   Mr. Charles Jefferson questioned the timeframe for notification to the businesses.

Moved by Schmidt, seconded by Ziarko, **RESOLVED**, to adopt the ordinance to amend Chapter 20 of the City of Sterling Heights Code of Ordinances by enacting local amendments to the International Fire Code to implement new requirements for rapid entry systems in commercial buildings.

Councilwoman Schmidt questioned the procedure for a business that doesn't want one of the new lock boxes and inquired whether they were mandatory.

Chief Martin responded they are not mandatory. The business would notify the Fire Marshal that they want to opt out and in that case they would need to supply a letter from their insurance company. Chief Martin stated another requirement would be for the company to hold the Fire Department harmless for damages by signing a hold harmless agreement.

Councilwoman Schmidt questioned enforcement and Chief Martin responded the businesses with the old system would have one year to comply with the new law. The Fire Department will be reaching out to the 740 plus businesses in the City to obtain additional information from them. The Fire Marshal will be reaching out to all the owners of the strip malls and have them put in one box with multiple keys inside for all the businesses.

Councilwoman Schmidt discussed residential boxes for those residents who live alone and stated this is a great opportunity for children of elderly parents to invest in their parent's care and having access faster.

Chief Martin stated in the last three weeks they have taken many calls from residents interested in the lock boxes. He pointed out Dino from Van Dyke Towing stated they wanted to buy 30 boxes for the Fire Department to give out to low income seniors.

Councilwoman Ziarko doesn't have a problem with this ordinance and was happy to hear that Dino from Van Dyke Towing donated the 30 boxes.

Councilman Shannon pointed out that not one of the 740 businesses in Sterling Heights have come here to speak against the lock boxes and that is one of the reasons he is in favor of it. He also thanks Dino from Van Dyke Towing for their donation.

Councilwoman Koski questioned the procedure for residents to purchase the Knox boxes.

Fire Chief Martin stated there are many different ways for the residents and businesses to comply and obtain the boxes. He pointed out information will be available on the City's website, there will be information on each of the fire engines, there will be boxes available for purchase at the Fire Department or they can purchase them directly from the company.

**CITY OF STERLING HEIGHTS**

**MACOMB COUNTY, MICHIGAN**

**ORDINANCE NO. 443**

AN ORDINANCE TO AMEND CHAPTER 20 OF THE CITY CODE BY ENACTING LOCAL AMENDMENTS TO THE INTERNATIONAL FIRE CODE TO IMPLEMENT NEW REQUIREMENTS FOR RAPID ENTRY SYSTEMS IN COMMERCIAL BUILDINGS

**WHEREAS**, many buildings within the City are equipped with automatic systems that may cause the Sterling Heights Fire Department to be summoned at a time of emergency when the building or business is not occupied or when the occupant is not available to provide the Sterling Heights Fire Department entry into the building; and

**WHEREAS,** the health, safety, and welfare of the citizens of Sterling Heights are promoted by requiring a building equipped with automatic systems to have a key box emergency access system installed on the exterior of the structure to provide the Sterling Heights Fire Department rapid entry into the building during a time of emergency; and

**WHEREAS**, the key box emergency access system will eliminate costly damage from forcible entry into buildings equipped with automatic systems by the Sterling Heights Fire Department checking for fire or other dangerous conditions; and

**WHEREAS**, the Sterling Heights Fire Department can reduce the potential for rapid extension of fire and other hazardous conditions by quick access and decreasing dangers for firefighters; and

**WHEREAS**, a mandatory key box rapid entry system is authorized by Section 506 of the International Fire Code, which has been adopted by the City, and the key box rapid entry

system will operate on a controlled master key basis by the Sterling Heights Fire Department; and

**WHEREAS**, the Sterling Heights Fire Department has studied various key box options and recommends the only one brand of key box rapid entry system, known as "Knox Box®," which has been determined to be the most widely used, the most durable, and the most consistent with systems accessed by the City's neighboring mutual aid partners; and

**WHEREAS**, the City desires to ensure that existing and aging key box systems throughout the City are replaced with uniform key boxes of the same type and for which only one master key is required to be maintained on emergency apparatus, and to specify the uniform key box required for that purpose so that existing properties without key boxes may also be encouraged to voluntarily participate.

**NOW, THEREFORE, THE CITY OF STERLING HEIGHTS ORDAINS:**

**SECTION 1**. Section 20-23 of the City Code shall be amended to add new local amendments to the existing provisions of the International Fire Code, to be inserted in numerical order and to read as follows:

*Section 506* shall be replaced and shall read as follows:

**SECTION 506**
**RAPID ENTRY SYSTEMS**

*506.1 Required*. All buildings and locations within the City that are currently equipped with a rapid entry key box shall be required to replace the key box if it is not the Knox Box® type and size approved by the code official in accordance with UL 1037 as the exclusive key box system to be utilized throughout the City. Commercial buildings not currently equipped with a rapid entry key box, including properties with a locked gate or driveway which allows access to a commercial building or business, shall install an approved key box within 90 days of any forced entry emergency response by the Fire Department into such building or through such gate or driveway, or within 90 days of finished reconstruction in the event that the building was so severely damaged as to not be able to install a key box sooner. In addition, and in the sole discretion of the Fire Marshal, a rapid entry key box shall be required in any building where lack of access may result in loss of life and/or large property or environmental damage, based on factors including, but not limited to, fire load, occupant load, exposures, building construction, age of building, and storage or use of hazardous materials.

*506.2 Maintenance*. The responsible party shall immediately notify the code official when any or all of the locks or keys have been changed and shall keep the immediate area of the key box free and clear of any and all obstructions. The responsible

party shall provide the proper keys for the key box to the Fire Department and shall not have access to a key that can open the key box.

*506.3 Requirements.* The responsible party is required at all times to keep a key(s) in the key box that will allow access to, and/or into, the structure. The key box shall contain, but not be limited to, the following items as designated by the code official:

a. Labeled keys to locked points of egress, whether in interior or exterior of the building;
b. Labeled keys to the locked mechanical and electrical rooms;
c. Labeled keys to locked elevator rooms and controls;
d. Labeled keys to any fence or secured areas;
e. Labeled keys to areas of the building where fire alarm panels and fire protection systems are located;
f. Labeled keys to any other areas as required by the code official;
g. A card containing the emergency contact people and phone numbers for the building;
h. Floor plans of the rooms within the building showing locations of shut offs;
i. Hazardous materials information;
j. An inventory of the keys inside all key boxes;
k. Digital codes for access to any gates or any electronic door locks within the building;
l. Any other keys, instructions, and/or information required by the Fire Department's administrative regulations and guidelines.

*506.4 Registration and installation.* The responsible party shall apply for a registration for a key box on forms provided by and obtained from the code official. A registration is required prior to the installation of a key box in order to verify the proper mounting location and installation of the key box. The key box shall be installed on the exterior of the building at a location and in a manner approved by the code official. No key box shall be installed, voluntarily or otherwise, without first obtaining the approval of the code official. The responsible party shall be responsible for the cost to purchase, install, and maintain the key box.

*506.4.1 Waiver.* The requirement for a key box may be waived by the code official if, in the opinion of the code official, the size of the building or other unusual circumstances render the key box ineffective for its intended purpose, or if the building houses a business, firm, or other entity that provides sensitive personal services or routinely stores or handles potentially hazardous or expensive, rare, or unique materials. Businesses, firms, or other entities that are legally required to maintain customer, client, trade, or patient confidentiality may opt out of the key box requirement.

*506*.4.2 Opt out. Any property owner not otherwise exempt may opt out of the key box program if such owner or owner's authorized insurance agent furnishes the code official with a letter of understanding from the insurer of the subject premises directed to the City of Sterling Heights and neighboring fire departments acknowledging its understanding that the City and the fire departments are not authorized to obtain access to the premises during an emergency by way of a lock-box key, and that damage resulting from forced emergency entry and/or delayed entry may occur. Additionally all owners of such premises shall execute and deliver to the code official an agreement, in the form and substance required by the City Attorney, holding the City of Sterling Heights and all neighboring fire departments free, harmless, and indemnified from any claim relating in any way to forced emergency entry damage or delayed access.

*506.5 Compliance dates.* All properties with existing key boxes that are not the type and size approved by the code official shall comply with this section by February 1, 2017. All newly constructed buildings not yet occupied or buildings currently under construction and all buildings or businesses applying for a certificate of occupancy shall comply, if required by the code official to install a key box, within 90 days of the adoption of this Section 506 or prior to issuance of the certificate of occupancy, whichever time period is longer. The cost of purchasing and installing, along with any cost associated with implementation of the program at a specific property, will be borne by the responsible party. The code official shall ensure that written notification is sent to all responsible parties regarding the key box program requirements and the exemptions and opt out conditions at least 90 days before a building is required to be in compliance. Such notice shall be sent by regular mail to the name and address of record in the assessor's office and/or on file as a business registration with the City Clerk.

*506.6 Regulations.* The Fire Department shall create administrative guidelines and regulations governing placement and approval of key boxes, the keeping and use of Knox Box® keys, and Knox Box® access. Any administrative guidelines and regulations imposing an obligation or duty upon a building, property, and/or responsible party shall have the force and effect of law as if fully set forth in this section 506.

*506.7 Definitions.* As used in this chapter:

*Commercial building.* A building protected by an automatic fire suppression and/or standpipe system or protected by an automatic fire alarm system (automatic dialer, central station, external audible/visual alarm), but does not include owner-occupied freestanding residential homes, government buildings, or multi-family apartment buildings with units that have direct outdoor access doors and individual addresses.

*Key*. Any device that functions as a means to afford access and/or to unlock that which secures or controls entrance to a building, property, or other location, including but not limited to a standard key, an electronic card, or a code.

*Knox Box®*. A key box known by its brand name, and the type of key box required by the City for uniformity, security, access, and long-term durability.

*Responsible party*. The property owner of a building or property that is subject to this Section 506. In the event that the owner is a corporate entity, a property manager, business manager, or other individual responsible for the daily and legal operations of the business or enterprise on the property may be cited by the code official as the "responsible party" under this section.

*506.8 Applicability*. This section shall not apply to owner-occupied one and two family dwellings. However, any dwelling and any building or property may participate on a voluntary basis by purchasing a Knox Box® key box independently or through a discount program arranged with Knox Box® by the Sterling Heights Fire Department.

**SECTION 2**. All other provisions of the Code of Ordinances not specifically amended shall remain in full force and effect.

**SECTION 3**. This ordinance shall become effective immediately upon publication of a notice of adoption.

This ordinance was introduced at a regular meeting of the City Council of the City of Sterling Heights on the 15th day of December 2015, and was duly adopted at a regular meeting of the City Council of the City of Sterling Heights on the 5th day of January, 2016.

_____
MICHAEL C. TAYLOR, Mayor

_____
MARK CARUFEL, City Clerk

| | |
|---|---|
| INTRODUCED: | 12-15-15 |
| ADOPTED: | 01-05-16 |
| PUBLISHED: | 01-13-16 |
| EFFECTIVE: | 01-13-16 |

Yes: All. The motion carried.

CONSENT AGENDA

2. Moved by Koski, seconded by Romano, **RESOLVED**, to approve the Consent Agenda, as amended:

A. To approve the minutes of the Regular Meeting of December 15, 2015, as presented.

B. To approve payment of the bills as presented: General Fund - $837,101.66, Water & Sewer Fund - $79,862.15, Other Funds - $1,074,090.29, Total Checks - $1,991,054.10.

C. **RESOLVED**, to award the bid for motor oils, solvents, and anti-freeze to Corrigan Oil Company, 775 North 2nd Street, Brighton, MI 48116, based on unit prices bid for a one-year period.

D. **RESOLVED**, to award the bid for pruning of street trees to Wonsey Tree Service, Inc., Post Office Box 1142, Alma, MI 48801, for the period of January 6, 2016 to March 15, 2016, at unit prices bid.

E. **RESOLVED**, to approve the purchase of heavy-duty truck parts from Kirk's Automotive, Inc., 9330 Roselawn, Detroit, MI 48024 at unit pricing available through the Michigan Intergovernmental Trade Network cooperative request for proposals for a three-year period and an additional two-year period should the option be extended under the same terms and conditions.

F. Moved to Consideration Item 8,

G. **RESOLVED**, to approve final payment to Pamar Enterprises, Inc., 58021 Gratiot Avenue, New Haven, MI 48048 in the amount of $19,153.68, plus interest on retainage for the Canal Road Storm Drain, Sterritt Street to Morang Drive, City Project #14-258.

H. **RESOLVED**, to approve final payment to Asphalt Specialists, Inc., 1780 E. Highwood, Pontiac, MI 48340 in the amount of $1,715.10, plus interest on retainage, for the Maple Lane Golf Course Parking lot Repairs, City Project #14-264.

I. **RESOLVED**, to approve the Municipal Primary Street Maintenance Agreement between the City of Sterling Heights and the Macomb County Department of Roads for the period October 1, 2015 to September 30, 2016, and authorize the City Manager and City Clerk to sign the Agreement on behalf of the City.

J. **RESOLVED**, to receive the lawsuit, *Lubinski vs. City of Sterling Heights*; Macomb County Circuit Court Case No. 15-4191-NO.

Yes: All. The motion carried.

CONSIDERATION

3. Moved by Koski, seconded by Romano, **RESOLVED**, to approve the minutes of the regular meeting of the City Council for December 1, 2015, as corrected.

Yes: All The motion carried.

4. Mr. Dominic Moceri, representing Maple Lane Golf Course, LLC., explained their request to transfer ownership of a 2015 Class C liquor licensed business

from Maple Lane Golf Club to Maple Lane Golf Course, LLC and stated he looks forward to a smooth transition and continuing to serve the community.

Mr. Jeffrey Norgrove asked Council to request the petitioner to explain more about his proposal, which sounds really good for the City. He stated he is 100% in favor of the transfer and questioned the intentions of the petitioner.

Moved by Romano, seconded by Ziarko, **RESOLVED**, that the request to transfer ownership of a 2015 Class C liquor licensed business, with new dance-entertainment permit, Sunday Sales (AM and PM), four bars, outdoor service and specific purpose permit, located at 33203 Maple Lane, Sterling Heights, MI 48312 from Maple Lane Golf Club to Maple Lane Golf Course, LLC, be considered for approval.

Councilman Romano pointed out Maple Lane Golf Club has been sold to the Moceri family. He asked Mr. Moceri to explain their intentions.

Mr. Moceri explained they are working with the City planners and stakeholders to come up with a comprehensive master plan for the golf course within the residential zoning currently in place and to retain golf as an anchor. He explained it would be a high quality development and they would be bringing a world class residential community to south Sterling Heights.

Councilman Romano stated that some of the holes would be eliminated in order to build residential homes around the golf course.

Mr. Moceri stated it would be a mixture and blend of housing types, not to exceed the depth density of the current zoning. He went on to state that the existing club house has facilities for the golfers, but no weddings could ever be held there because there was no dance floor. That is the purpose of the new dance-entertainment permit.

Councilman Romano pointed out this is only a transfer from one corporation to another corporation.

Councilwoman Ziarko is excited about what is happening at 14 Mile and Maple Lane. She stated this is an opportunity to bring something good into the community and Mr. Moceri has great ideas.

Councilman Skrzyniarz thanked Mr. Moceri for the development and what he is bringing into the City. He stated it is a good validation for the residents, City Management and administration that they have chosen to do this in Sterling Heights. He stated it feels good to have a company of their caliber here.

Mayor Taylor expressed his excitement with the project and stated it will be adding an opportunity for a lot of new residents to move here. He wishes them the best and is happy to support this request.

Yes: All. The motion carried.

5. Moved by Romano, seconded by Schmidt, **RESOLVED**, to nominate Dale Deming for consideration as an appointee to the Zoning Board of Appeals at the January 19, 2016 regular City Council meeting.

Councilman Romano pointed out Mr. Deming has served on the Zoning Board before and wants to be appointed again.

Yes: All. The motion carried.

6. Moved by Ziarko, seconded by Romano, **RESOLVED**, to postpone the appointment to the Arts Commission to the regular City Council meeting of January 19, 2016.

Yes: All. The motion carried.

Moved by Schmidt, seconded by Romano, **RESOLVED**, to appoint Stacy Ziarko to the Library Board of Trustees to a term ending June 30, 2016, subject to the appointee meeting the qualifications set forth in Charter §4.03 and taking the oath of office within two weeks.

Councilwoman Schmidt stated, as a point of clarification, that Stacy Ziarko is the daughter of Councilwoman Barb Ziarko. This is a non-compensated board and Stacy has been involved with the library since high school as a coop. She is a perfect fit and has read over 60 books since last year. Councilwoman Schmidt is excited to have Stacy on the Library Board of Trustees.

Mayor Taylor pointed out the Arts Commission and Library Board of Trustees is losing Commissioner Don Schinzing. He thanked him for his many years of service on these commissions and looks forward to seeing Mr. Schinzing around the City.

Yes: All. The motion carried.

7. Mr. Vanderpool made a presentation explaining the proposed amendment to the City of Sterling Heights Governing Body Rules of Procedure. He stated since adoption on April 5 1994, the Governing Body Rules of Procedure have been periodically reviewed and amended eleven times to address desired changes to the rules and procedures that govern the conduct of City Council meetings. At the regular meeting of December 15, 2015, Councilman Skrzyniarz, with the consent of the City Council, proposed an amendment to the Rules be drafted and brought forward that would reduce the time allotted to citizens to comment on agenda items and under Communications from Citizens from seven minutes to four minutes. The seven minute time limit was introduced into the Rules in 2012. Mr. Vanderpool stated a survey of time limits adopted by comparable municipalities indicates that on average, 3.6 minutes is granted to a citizen when addressing the governing body. He is recommending the City Council approve the amendment to reduce the time limit from seven minutes to four minutes. The following residents spoke against the proposed amendment:

Mr. Jeffrey Norgrove

Ms. Jazmine Early

Mr. Michael Lombardini

Ms. Linda Godfrey

Mrs. Dolores Hatton

Mr. Michael Radke

Mrs. Christina Ruble

Mr. Charles Jefferson

Mr. Dennis White.

Moved by Skrzyniarz, seconded by Taylor, **RESOLVED**, to approve the amendment to Rule No. 5 of the City of Sterling Heights Governing Body Rules of Procedure to reduce the time limit for persons addressing the City Council to four minutes.

Councilman Skrzyniarz stated when he looked at this issue, the first question he asked is "what is reasonable". He questioned what a reasonable time limit would be in order to protect a person's right to express their opinion. He pointed out the many opportunities residents have to speak at the City Council meetings. Councilman Skrzyniarz believes that three to four minutes is more reasonable than seven minutes. He also stated it is arbitrary to give the power to the Mayor to cut someone's time off.

Councilwoman Schmidt stated when she was first appointed and then elected, there were no time limits for citizen comments and the meetings were very long. She stated it is her personal belief that she was elected by the residents of the City to listen to them. There is a seven-minute time frame in place and the City Council has a tool, whereby the time could be reduced to three minutes, if there is a subject that brings a large number of residents to the meeting. Councilwoman Schmidt is comfortable with keeping Communications From Citizens at seven minutes as long as that tool is in place. She stated the only amendment she would like to see is for Sterling Heights residents to speak before non-residents.

Councilwoman Ziarko stated that a resident had come up to the podium and complained that seven minutes was not enough time to speak. She then asked the City Manager to research what other communities allow and she knows that seven minutes was more than any other community. Councilwoman Ziarko has always said she is here to listen to the people. She doesn't have to agree with them and they don't have to agree with her. The City Council is here to listen to what the residents have to say. She also discussed the tool the Council has to reduce the time limit when there are numerous speakers on a specific item. Councilwoman Ziarko stated she has received many phone calls from residents about the trash contract and the limits on speaking time. In regard to the comments about the City Council's salary, she pointed out the Council does more than attend the meetings and this is like a full time job for them. Councilwoman Ziarko is opposed to changing the time limit for the speakers at the podium.

Councilwoman Koski stated she has seen communications handled a number of different ways in the many years she has been on City Council and she doesn't want to go back to some of those ways. She believes people can learn to say what they have to say in a reasonable amount of time. Councilwoman Koski stated she is open to suggestions, but if the City Council cannot agree tonight, the item should be postponed.

Councilman Shannon stated this is an issue to get people to be more prepared and more concise with what they want to speak about on City business. He believes by going from seven minutes to four minutes, people will be more concise. He

stated to the resident that said they are doing the City Council's homework, he appreciates the fact that they think they are doing that, but he will do his own homework. He stated there is a lot of misinformation given to him, which has no relevance to his position on a specific item. He agrees with Councilman Skrzyniarz that the City Council is here to represent the residents of the community. He takes that job very seriously and has no objection to the lowering of the time limit from seven minutes to four minutes.

Councilman Romano stated in regard to the Council's salary, it does not end at the meetings. On average, he gets calls from residents three to five days a week and he is happy to get the calls. The City Council has to attend many functions and work their vacations and time off around the meetings. Councilman Romano stated many speakers repeat themselves. He thanked Mr. White for being prepared and saying what he wants to say in a few words and then sitting down. Councilman Romano stated the City Council is trying to serve the residents.

Mayor Taylor stated he looked at what other cities are doing because in any line of work people want to see what their competition is doing. It does not make the City a follower. The main reason for the reduction in the time limit is to conduct meetings in an efficient way. He pointed out if residents have a problem, they don't have to wait until the 1st or 3rd week to come before the City Council. They can contact the City departments or the City Manager. If they don't get a resolution to their problem, then they can come to the City Council. Mayor Taylor stated in regard to the amount of money made by the Mayor and City

Council, a lot of time is spent preparing for the City Council meetings. He spends two to four hours a day handling City business. Mayor Taylor stated he is not trying to limit the amount of time or the ability of the public to present anything to the City Council. He stated his private phone number is on the City's website and residents could call him or come to his office hours. He is comfortable going with four minutes for citizen comments and allow more time if it is needed.

Roll call vote on motion to approve the amendment to Rule No. 5:

Yes: Skrzyniarz, Taylor, Shannon.

No: Schmidt, Ziarko, Koski, Romano.

The motion FAILED.

8. Item F from the Consent Agenda:

Moved by Romano, seconded by Ziarko, **RESOLVED**, to authorize the Community Relations Department to proceed with the contract for a headliner act to perform at the *Sterlingfest Art & Jazz Festival* on Saturday, July 30, 2016 and authorize the City Manager to sign all documents required in conjunction with this approval, subject to review and approval by the City Attorney.

Councilman Romano stated the City will be spending $20,000 for a headliner group and that's a good thing because it attracts bigger crowds. He is in total and complete agreement with this item.

Councilwoman Ziarko asked for Community Relations Director Bridget Doyle's opinion on this contract and why we need this amount of money.

Ms. Doyle explained the group (without revealing their name) that would be performing this year and feels comfortable going into this year with a lot of new opportunities. She could not say that the City would be increasing sponsorship, but she feels comfortable that they are. She stated this is something new and worth a try.

Councilwoman Ziarko stated the City has been criticized about the amount of money they have spent in the past for Sterlingfest. She stated it is probably the best form of public relations and you cannot put a price tag on what the City accomplishes on that weekend.

Councilwoman Koski stated her concerns are the same as in the past when we were able to buy headliners for all three nights. This is something the City can no longer afford to do. She is concerned about the ability to raise funds. She questioned Ms. Doyle about the budget she projects for Sterlingfest, the City's profit and whether any money is received from the rides or beer tent.

Mr. Vanderpool responded in terms of the budget for Sterlingfest, in the old days when we had headliner acts, we spent significantly more. The last time the City had a headliner act it was in 2008. The average net cost (out of pocket costs) for Sterlingfest, with headliners cost, was $250,000 to $300,000 annually. After 2008, Sterlingfest was changed and we no longer used headliner acts and used tribute acts in the $2,000 to $7,000 range. Mr. Vanderpool went on to state the City worked out different revenue sharing agreements with the Chamber and we were able to increase our revenue. We were able to get the cost of Sterlingfest

down to $50,000 per year. In terms of the net cost, he will be providing the proposed budget for Sterlingfest to the City Council. Mr. Vanderpool stated considering the magnitude of the event and the positive impact on the community and sponsors, a $50,000 investment in Sterlingfest is money wisely spent.

Councilwoman Schmidt agrees that Sterlingfest is an important event in our community. She stated when the City was going out for the millage increase, more residents came up to her and said don't cancel Sterlingfest. She is in support of the contract for a headliner act.

Mayor Taylor echoes the comments from the City Council members. He is glad this item was pulled off the Consent Agenda to allow the City Council to explain what Community Relations is doing.

Yes: All. The motion carried.

COMMUNICATIONS FROM CITIZENS

Mr. Michael Lombardini - Fire Department response to a vehicle accident at a Sterling Heights party store, benefits of mutual aid agreements.

Mr. Harry Marchlones – Correcting comments made concerning Rizzo Environmental Services at the prior City Council meeting.

Mr. Charles Jefferson - Affect on residents in the north end of the City by the new ballpark in the City of Utica; Possibility of purchasing vacant parcel of land on Mound Road for use as a parking lot for people attending the ballpark; Possibility of right hand turn only on Canal Road from Super Kroger.

Mrs. Dolores Hatton – Fire Department Study/Council members reelection/positive feedback.

Mrs. Jazmine Early - Application to boards and commissions; Invited residents and interested parties to participate in and attend March 4th Cultural Exchange.

Mr. Joe Judnick - Taping of Sterling Heights sporting events; Sale of Mr. Ruggeri's property on Poplar Avenue; Catch basin west of Merrill; Push button doors for handicapped people entering Doctor offices.

REPORTS FROM CITY ADMINISTRATION AND CITY COUNCIL

Mr. Vanderpool responded to comments/inquiries from residents. He stated a plan will be in the proposed budget to close the gap of sidewalks between Clinton River and 17 Mile Road.

In regard to parking for the new ballpark, the City of Utica would have to provide parking. There will be parking lots in addition to on-the-street parking and municipal parking lots.

As far as the Kroger parking lot, he agrees there are problems with traffic congestion in this area and they will continue to monitor it.

Mr. Vanderpool pointed out the Fire study is not completed yet and it is not only for consolidation. There will be public comment time.

Mr. Vanderpool stated in regard to revisiting the Sterling Heights videotaping of sporting events, they have contacted the schools in the past about this and hope to use their sound crews.

Mr. Vanderpool stated they will look into the catch basin.

There was no report from Mr. Bahorski at this time.

Councilwoman Koski discussed the absentee ballots and thought the voters would not have to select a party.

City Clerk Mark Carufel responded for the Presidential Primary Election on March 8, voters will have to select either Republican Party ballot or Democrat Party ballot. He stated the elimination of straight ticket voting the Governor recently signed into law will not affect the March 8 election.

ADJOURN

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

Yes: All. The motion carried.

The meeting was adjourned at 10:09 p.m.

_____

MARK CARUFEL, City Clerk

EXPENDITURES FOR THE MEETING OF

January 19, 2016

| | TOTAL PREPAYMENT LISTING | INTERFUND TRANSFERS | PROPERTY TAXES TO OTHER ENTITIES | EXPENSES & EXPENDITURES |
|---|---|---|---|---|
| GENERAL FUND | $333,663.74 | | | $333,663.74 |
| WATER & SEWER FUND | $2,659,627.28 | | | $2,659,627.28 |
| OTHER FUNDS | $1,397,560.13 | | $108,108.52 | $1,289,451.61 |
| TOTAL CHECKS | $4,390,851.15 | $0.00 | $108,108.52 | $4,282,742.63 |

BILL LISTING DETAIL IS AVAILABLE AT THE STERLING HEIGHTS PUBLIC LIBRARY

DELIVERED JAN 14 2016

City Clerk's Use
Item No: 2-C
Meeting: 01/19/16

CITY OF Sterling Heights
InnovatingLiving

Business of the City Council
Sterling Heights, Michigan

# AGENDA STATEMENT

OMB AS03 Rev. 11/04

**Item Title:** To reject the sole bid received for the 2015 Sanitary Sewer and Water Main Repair Program, City Project #13-244.

**Submitted By:** Office of Engineering

**Contact Person/Telephone:** Brent Bashaw, P.E., City Engineer/(586) 446-2720

**Administration (initial as applicable)**

| | | Attachments | | | |
|---|---|---|---|---|---|
| MC | City Clerk | __ | Resolution | __ | Minutes |
| AB | Finance & Budget Director | __ | Ordinance | __ | Plan/Map |
| JB | City Attorney (as to legal form) | __ | Contract | x | Other |
| | City Manager | | | | Staff Report, Bid Tabulation |

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

**Executive Summary:**

The 2015 Sanitary Sewer and Water Main Repair Program, City Project #13-244, provides for the maintenance and repairs to sanitary sewer and water main installations at various locations throughout the City. On August 11, 2015, one bid was received for the project in the amount of $832,927.75. The bid amount is more than double the Office of Engineering's cost estimate of $383,627.50.

Recommendation is being made by the Office of Engineering to reject the bid received due to the cost and lack of competitive bids received. The Office of Engineering will review the scope of work and re-bid the project in the future. The Department of Public Works will continue to monitor the functioning of the infrastructure that is scheduled for maintenance and repair work and will, if necessary, effectuate the repairs if it becomes necessary prior to re-bidding.

**Suggested Action:**

MOVED BY: SECONDED BY:

**RESOLVED**, to reject the sole bid received for the 2015 Sanitary Sewer and Water Main Repair Program, City Project #13-244, and authorize the Office of Engineering to proceed with a re-bid.

Cc: Michael Moore, Public Works Director
Jason Castor, City Development Manager

CITY OF STERLING HEIGHTS
STAFF REPORT
January 19, 2016

RE: To reject the sole bid received for the 2015 Sanitary Sewer and Water Main Repair Program, City Project #13-244.

Prepared By: Brent Bashaw, City Engineer (586) 446-2720

## GENERAL INFORMATION:

The Department of Public Works (DPW) has identified sanitary sewer and water main installations that are in need of maintenance and repair at various locations throughout the City. The Office of Engineering received a request to design and bid out the scope of work needed to effectuate the maintenance and repair work associated with this infrastructure. The bid documents prepared by the Office of Engineering requested pricing for repairs to sanitary sewer line in six locations and a water main line.

## TECHNICAL INFORMATION:

An Invitation to Bid (ITB) for the 2015 Sanitary Sewer and Watermain Repair Project, City Project #13-244, was prepared and advertised. A total of 24 companies received notice of the ITB via the MITN site. Responses to the City's bid solicitation were due August 11, 2015. One sealed bid was received.

The lone bid was submitted by DVM Utilities, Inc., 6045 Sims Drive, Suite 2, Sterling Heights, MI 48313. The bid amount of $832,927.75 is more than double the Office of Engineering's estimate of $383,627.50.

## STAFF RECOMMENDATION:

Please see the Suggested Action on the accompanying Agenda Statement.

Cc: Michael Moore, Public Works Director
Jason Castor, City Development Manager

NOTIFICATION LIST

DVM Utilities, Inc.
6045 Sims Dr., Suite 2
Sterling Heights, MI 48313

CITY OF STERLING HEIGHTS
BID TABULATION
Bid Opening Date: August 11, 2015 @ 2:30 p.m.

2015 Sanitary Sewer and Water Main Repair Program
City Project #13-244

*D.V.M. Utilities, Inc.*
*6045 Sims, Ste. 2*
*Sterling Heights, MI 48313*

| ITEM/DESCRIPTION | CONTRACT QUANTITY | UNIT PRICE | AMOUNT |
|---|---|---|---|
| **Section I - Ledgate Drive Sanitary Sewer Repair** | | | |
| 1. Remove Existing 10" C-14XM Sanitary Sewer | 301 FT | 65.00 | 19,565.00 |
| 2. Install 10" PVC Truss Pipe | 301 FT | 221.00 | 66,521.00 |
| 3. Disconnect Ex. Sanitary Lead From Ex. Sewer & Connect to New Sewer | 7 EA | 1,550.00 | 10,850.00 |
| 4. Adjust Water Service Line | 6 EA | 550.00 | 3,300.00 |
| 5. Maintain Sewer Flow | 1 LS | 8,500.00 | 8,500.00 |
| 6. Pavement Removal | 1,435 SYD | 13.00 | 18,655.00 |
| 7. 7" Nonreinforced Concrete Pavement w/4" Mountable Curb | 1,130 SYD | 74.50 | 84,185.00 |
| 8. 6" MDOT 21AA Crushed Limestone - C.I.P. | 1,000 SYD | 11.50 | 11,500.00 |
| 9. Install 4" Concrete Sidewalk | 1,050 SFT | 6.75 | 7,087.50 |
| 10. Install 6" Concrete Sidewalk | 550 SFT | 8.25 | 4,537.50 |
| 11. Install 6" Concrete Driveway | 195 SYD | 77.25 | 15,063.75 |
| 12. Detectable Warning Strip | 70 SFT | 35.00 | 2,450.00 |
| 13. Install 6" Concrete Sidewalk Ramp | 100 SFT | 12.25 | 1,225.00 |
| 14. 6" Edge Drain (Pea Stone Backfill) | 500 FT | 18.25 | 9,125.00 |
| 15. Earth Excavation | 500 CYD | 35.00 | 17,500.00 |
| 16. Remove Ex. Tree | 4 EA | 1,000.00 | 4,000.00 |
| 17. Carpinus Caroliniana "American Hornbeam" 4 inch | 2 EA | 950.00 | 1,900.00 |
| 18. Amelanchier Grandiflora "Autumn Brilliance Serviceberry" 4 inch | 1 EA | 800.00 | 800.00 |
| 19. Tilia Cordata "Greenspire Linden" 4 inch | 1 EA | 700.00 | 700.00 |
| 20. Restoration - 3" Topsoil & Sod | 200 SYD | 32.50 | 6,500.00 |
| 21. Restoration - 3" Topsoil, Fertilizer, Seed & Hydroseeding | 50 SYD | 30.00 | 1,500.00 |

*D.V.M. Utilities, Inc.*
*6045 Sims, Ste. 2*
*Sterling Heights, MI 48313*

| ITEM/DESCRIPTION | CONTRACT QUANTITY | UNIT PRICE | AMOUNT |
|---|---|---|---|
| 22. Sprinkler Repair, ¾" Poly Pipe | 250 FT | 8.50 | 2,125.00 |
| 23. Sprinkler Repair, 1" Poly Pipe | 250 FT | 8.50 | 2,125.00 |
| 24. Sprinkler Rotary Head | 10 EA | 60.00 | 600.00 |
| 25. Sprinkler Spray Head | 10 EA | 60.00 | 600.00 |
| 26. Temporary Aggregate 21AA Limestone | 50 CYD | 45.00 | 2,250.00 |
| 27. Temporary Mailboxes | 1 LS | 100.00 | 100.00 |
| 28. Traffic Control and Cleanup | 1 LS | 9,500.00 | 9,500.00 |
| 29. Color Audio-Video Recording of Project Area | 1 LS | 2,000.00 | 2,000.00 |
| **Section I Total** | | | **314,764.75** |
| **Section II - Spicemill Drive Sanitary Sewer Repair** | | | |
| 1. Remove 10" C-14XM Sanitary Sewer | 264 FT | 65.00 | 17,160.00 |
| 2. Install 10" C-14XM Sanitary Sewer | 264 FT | 221.00 | 58,344.00 |
| 3. Disconnect Ex. Sanitary Lead From Ex. Sewer & Connect to New Sewer | 3 EA | 1,550.00 | 4,650.00 |
| 4. Adjust Water Service Line | 3 EA | 550.00 | 1,650.00 |
| 5. Maintain Sewer Flow | 1 LS | 8,500.00 | 8,500.00 |
| 6. Pavement Removal | 1,180 SYD | 13.00 | 15,340.00 |
| 7. 7" Nonreinforced Concrete Pavement w/4" Mountable Curb | 1,000 SYD | 74.50 | 74,500.00 |
| 8. 6" MDOT 21AA Crushed Limestone - C.I.P. | 800 SYD | 11.50 | 9,200.00 |
| 9. Earth Excavation | 400 CYD | 35.00 | 14,000.00 |
| 10. 6" Concrete Sidewalk | 165 SFT | 8.25 | 1,361.25 |
| 11. Install 6" Concrete Sidewalk Ramp | 125 SFT | 12.25 | 1,531.25 |
| 12. Detectable Warning Strip | 90 SFT | 35.00 | 3,150.00 |
| 13. Install 4" Concrete Sidewalk | 1,265 SFT | 6.25 | 7,906.25 |

*D.V.M. Utilities, Inc.*
*6045 Sims, Ste. 2*
*Sterling Heights, MI 48313*

| ITEM/DESCRIPTION | CONTRACT QUANTITY | UNIT PRICE | AMOUNT |
|---|---|---|---|
| 14. Install 6" Concrete Driveway | 65 SYD | 77.25 | 5,021.25 |
| 15. Restoration - 3" Topsoil & Sod | 200 SYD | 22.50 | 4,500.00 |
| 16. Restoration - 3" Topsoil, Fertilizer, Seed & Hydroseeding | 50 SYD | 15.00 | 750.00 |
| 17. Sprinkler Repair, ¾" Poly Pipe | 200 FT | 8.50 | 1,700.00 |
| 18. Sprinkler Repair, 1" Poly Pipe | 200 FT | 8.50 | 1,700.00 |
| 19. Sprinkler Rotary Head | 10 EA | 60.00 | 600.00 |
| 20. Sprinkler Spray Head | 10 EA | 60.00 | 600.00 |
| 21. Temporary Mailboxes | 1 LS | 100.00 | 100.00 |
| 22. Traffic Control and Cleanup | 1 LS | 9,500.00 | 9,500.00 |
| 23. Color Audio-Video Recording of Project | 1 LS | 2,000.00 | 2,000.00 |
| **SECTION II TOTAL** | | | **243,764.00** |
| **Section III - Woodridge Sanitary Sewer Repair** | | | |
| 1. Remove Existing 10" C-14XM Sanitary Sewer | 152 FT | 65.00 | 9,880.00 |
| 2. Install 10" PVC Truss Pipe | 152 FT | 221.00 | 33,592.00 |
| 3. Disconnect Ex. Sanitary Lead From Ex. Sewer & Connect to New Sewer | 1 EA | 1,550.00 | 1,550.00 |
| 4. Maintain Sewer Flow | 1 LS | 8,500.00 | 8,500.00 |
| 5. Pavement Removal | 365 SYD | 13.00 | 4,745.00 |
| 6. Bituminous Wearing Course Mix 1100T | 30 TONS | 240.00 | 7,200.00 |
| 7. Bituminous Leveling Course Mix 1100L | 50 TONS | 225.00 | 11,250.00 |
| 8. Concrete Curb and Gutter, Match Existing | 170 FT | 50.00 | 8,500.00 |
| 9. Install 4" Concrete Sidewalk | 720 SFT | 6.25 | 4,500.00 |
| 10. Earth Excavation | 140 CYD | 35.00 | 4,900.00 |
| 11. 6" MDOT 21AA Crushed Limestone - C.I.P. | 285 SYD | 11.50 | 3,277.50 |

*D.V.M. Utilities, Inc.*
*6045 Sims, Ste. 2*
*Sterling Heights, MI 48313*

| ITEM/DESCRIPTION | CONTRACT QUANTITY | UNIT PRICE | AMOUNT |
|---|---|---|---|
| 12. Restoration - 3" Topsoil & Sod | 100 SYD | 22.50 | 2,250.00 |
| 13. Restore Landscape Island | 1 LS | 4,000.00 | 4,000.00 |
| 14. Sprinkler Repair, ¾" Poly Pipe | 50 FT | 8.50 | 425.00 |
| 15. Sprinkler Repair, 1" Poly Pipe | 50 FT | 8.50 | 425.00 |
| 16. Sprinkler Rotary Head | 2 EA | 60.00 | 120.00 |
| 17. Sprinkler Spray Head | 2 EA | 60.00 | 120.00 |
| 18. Color Audio-Video Recording of Project | 1 LS | 2,000.00 | 2,000.00 |
| 19. Traffic Control and Clean-up | 1 LS | 7,000.00 | 7,000.00 |
| **SECTION III TOTAL** | | | **114,234.50** |
| **Section IV - 18 Mile Water Main Repair** | | | |
| 1. Exploratory Excavation | 15 FT | 400.00 | 6,000.00 |
| 2. Remove and Replace 24" D.I. Water Main | 25 FT | 725.00 | 18,125.00 |
| 3. Restoration - 3" Topsoil, Fertilizer, Seed & Hydroseeding | 25 SYD | 15.00 | 375.00 |
| 4. Restoration - 3" Topsoil & Sod | 100 SYD | 32.50 | 3,250.00 |
| 5. Pavement Removal | 65 SYD | 20.00 | 1,300.00 |
| 6. Install 4" Concrete Sidewalk | 250 SFT | 6.25 | 1,562.50 |
| 7. Deep Strength Asphalt | 35 SYD | 150.00 | 5,250.00 |
| 8. 7" Curb Match Existing | 30 FT | 40.00 | 1,200.00 |
| 9. Sprinkler Repair, ¾" Poly Pipe | 50 FT | 8.50 | 425.00 |
| 10. Sprinkler Repair, 1" Poly Pipe | 50 FT | 8.50 | 425.00 |
| 11. Sprinkler Rotary Head | 2 EA | 60.00 | 120.00 |
| 12. Sprinkler Spray Head | 2 EA | 60.00 | 120.00 |
| 13. Macomb County Department of Roads Permit | 1 LS | 3,500.00 | 3,500.00 |

*D.V.M. Utilities, Inc.*
*6045 Sims, Ste. 2*
*Sterling Heights, MI 48313*

| ITEM/DESCRIPTION | CONTRACT QUANTITY | UNIT PRICE | AMOUNT |
|---|---|---|---|
| 14. Color Audio-Video Recording of Project | 1 LS | 1,200.00 | 1,200.00 |
| 15. Traffic Control and Cleanup | 1 LS | 5,000.00 | 5,000.00 |
| 16. Agency Permit | 1 LS | 1,000.00 | 1,000.00 |
| **SECTION IV TOTAL** | | | **48,852.50** |
| **Section V - Koper and Serra Drive Sanitary Sewer Repair** | | | |
| 1. Cured in Place Pipe 10" - 6mm | 565 FT | 78.00 | 44,070.00 |
| 2. Remove Existing 12" C-76 IV Sanitary Sewer | 16 FT | 150.00 | 2,400.00 |
| 3. Install 12" C-76 IV Sanitary Sewer | 16 FT | 900.00 | 14,400.00 |
| 4. Disconnect Ex. Sanitary Lead From Ex. Sewer & Connect to New Sewer | 1 EA | 1,550.00 | 1,550.00 |
| 5. Pavement Removal | 55 SYD | 20.00 | 1,100.00 |
| 6. 7" Nonreinforced Concrete Pavement w/4" Mountable Curb | 25 SYD | 125.00 | 3,125.00 |
| 7. Restoration - 3" Topsoil, Fertilizer, Seed & Hydroseeding | 25 SYD | 15.00 | 375.00 |
| 8. Restoration - 3" Topsoil & Sod | 25 SYD | 22.50 | 562.50 |
| 9. Install 6" Concrete Driveway | 17 SYD | 82.25 | 1,398.25 |
| 10. Install 6" Concrete Sidewalk | 50 SFT | 8.25 | 412.50 |
| 11. Install 4" Concrete Sidewalk | 115 SFT | 6.25 | 718.75 |
| 12. Remove Ex. Tree | 1 EA | 2,500.00 | 2,500.00 |
| 13. Tilia Cordata "Greenspire Linden" 4 inch | 1 EA | 700.00 | 700.00 |
| 14. Maintain Sewer Flow | 1 LS | 8,500.00 | 8,500.00 |
| 15. Color Audio-Video Recording of Project | 1 LS | 2,000.00 | 2,000.00 |
| 16. Traffic Control and Cleanup | 1 LS | 2,500.00 | 2,500.00 |
| **SECTION V TOTAL** | | | **86,312.00** |

*D.V.M. Utilities, Inc.*
*6045 Sims, Ste. 2*
*Sterling Heights, MI 48313*

| ITEM/DESCRIPTION | CONTRACT QUANTITY | UNIT PRICE | AMOUNT |
|---|---|---|---|
| **Section VI - Cherry Creek Lane at Ryan Road** | | | |
| 1. Sanitary Sewer Manhole Repair | 1 EA | 19,000.00 | 19,000.00 |
| 2. Traffic Control and Cleanup | 1 LS | 6,000.00 | 6,000.00 |
| **SECTION VI TOTAL** | | | **25,000.00** |
| **TOTAL SECTIONS I, II, III, IV, V & VI** | | | **832,927.75** |

DELIVERED JAN 14 2016

City Clerk's Use
Item No: 2-D
Meeting: 01/19/16

Business of the City Council
Sterling Heights, Michigan

# AGENDA STATEMENT

OMB AS03 Rev. 11/04

**Item Title:** To award a bid for DPW Fuel Storage Facility Replacement, City Project #15-275 (Cumulative project cost of $671,783.00).

**Submitted By:** Office of Engineering

**Contact Person/Telephone:** Brent Bashaw, P.E., City Engineer/(586) 446-2720

**Administration (initial as applicable)**

| | | Attachments | | | |
|---|---|---|---|---|---|
| MC | City Clerk | __ | Resolution | __ | Minutes |
| AS | Finance & Budget Director | __ | Ordinance | __ | Plan/Map |
| JB | City Attorney (as to legal form) | __ | Contract | x | Other |
| NW | City Manager | | | | Staff Report, Bid Tabulation |

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

**Executive Summary:**

City Project #15-275, entitled DPW Fuel Storage Facility Replacement, provides for the removal and replacement of the existing vehicle fueling system at the Department of Public Works Facility, 7200 18 Mile Road.

The existing fueling system consists of underground storage tanks (USTs), above-grade fuel dispensers, and a computerized fuel management system. Due to age, there are a number of structural issues with the existing USTs that require replacement to ensure that there is no risk of environmental contamination associated with fuel leaks and the integrity of the fuel being pumped into the City fleet is not compromised. The fuel management system is likewise antiquated and subject to both hardware and software issues.

On December 8, 2016, bids were received for the DPW Fuel Storage Facility Replacement, City Project #15-275. Three bids were received ranging from $671,783.00 to $984,007.00. These amounts include unit pricing for a bid alternate that provides additional pavement removal, excavation, and replacement in the vicinity of the fuel pumps.

Recommendation is being made to accept the low bid submitted by Oscar W. Larson Company, 10100 Dixie Highway, Clarkston, MI 48348, in the cumulative amount of $671,783.00.

Suggested Action:

MOVED BY: SECONDED BY:

RESOLVED, to:

(A) Award the bid for the DPW Fuel Storage Facility Replacement, City Project #15-275, inclusive of the alternate bid for additional pavement removal and replacement, to Oscar W. Larson Company, 10100 Dixie Highway, Clarkston, MI 48348, at a cumulative cost of $671,783.00;

(B) Authorize a budget amendment of $315,000 from the Water and Sewer Fund Reserves; and,

(C) Authorize the Mayor and City Clerk to sign all documents required in conjunction with this project on behalf of the City.

Cc: Mike Moore, Public Works Director
Jason Castor, City Development Manager
Mike MacDonald, Hubbell, Roth & Clark Inc.

CITY OF STERLING HEIGHTS
STAFF REPORT
January 19, 2016

RE: To award a bid for DPW Fuel Storage Facility Replacement, City Project #15-275

Prepared By: Brent Bashaw, City Engineer (586) 446-2721

## GENERAL INFORMATION:

The bid specifications for City Project #15-275 solicited unit pricing for the removal and replacement of the existing vehicle fueling system situated at the Department of Public Works facility located at 7200 18 Mile Road. The main components of this fueling system are underground fuel storage tanks (USTs), above-grade fuel dispensers, and a computerized fuel management system. All of the major components have reached the end of their useful life and pose a greater risk to the environment and fleet operations.

The most significant issues that necessitate removal and replacement of the fueling system at this time are:

- There are three USTs on-site: a 25,000 gallon-capacity UST for unleaded fuel; a 20,000 gallon capacity UST for diesel fuel; and, and 1,000 gallon capacity UST for waste oil. These three USTs are 25 years old. The average life expectancy of a UST is approximately 20 years.

  The existing USTs enable ground water to infiltrate tank sumps that contain the submersible pumps for fuel. This ground water infiltration causes excess condensation that corrodes the interior tank lining. The corrosive material is able to pass through filters and infiltrate the fuel being pumped into the City's fleet of vehicles. The suspended corrosive material has necessitated the removal and cleaning (or replacement in extreme cases) of the fuel tanks on the City's heavy-duty trucks. The Fleet Maintenance Division is also replacing fuel pumps at an accelerated rate. These issues have made it necessary to have the storage tanks pumped several times in an attempt to remove water and debris. Left untreated, damage to the fuel systems in City-owned vehicles will continue and the possibility of an underground leak will increase as the USTs age.

- The fuel line that supplies diesel fuel from the UST to the fuel dispensers is swollen and the interior lining is deteriorating, causing contamination in the fuel. Left untreated, this can cause the pipe to burst underground allowing diesel fuel to spill out.

- The fuel dispensers are obsolete and replacement parts are no longer available. In addition, the dispensers are badly rusted along the base and a drive off could separate the dispenser from its base instead of the designated safety break-aways on the hoses.

- The fuel management system is antiquated and is in continual need of repairs. It is plagued with hardware and software issues that are not easily identifiable and repaired.

City Project #15-275 entails the complete upgrade of the entire fuel system, including new USTs, dispensers, and fuel management software. Temporary above ground tanks will be deployed during construction.

This complete upgrade to the vehicle fueling system will alleviate the issues identified above and afford an opportunity to reconfigure the layout of the fuel dispensers. The anticipated useful life of the new fueling system is 20 years. However, it is expected that based on current preventative maintenance methods, a 25 year service life can be achieved.

## TECHNICAL INFORMATION:

On December 8, 2016, bids were received for the DPW Fuel Storage Facility Replacement, City Project #15-275. Three bids were received ranging from $671,783.00 to $984,007.00. These prices include unit pricing bid under an alternate for removal and replacement of poor concrete adjacent to the fuel islands. This additional concrete work is recommended to be included in the bid award based on favorable pricing from the low bidder, which was 70% lower than the average of the two other bidders. The low bid was submitted by Oscar W. Larson Company, 10100 Dixie Highway, Clarkston, MI 48348, in the amount of $671,783.00. The bid is greater than the Engineer's estimate of $575,000.00 by 16.8%.

The estimated total cost for this project including 20% for engineering, inspection, testing, and contract administration, is $806,139.60 ($671,783.00 x 1.20 = $806,139.60). Funding has been provided within the Fiscal Year 2015/2016 Capital Projects Fund Budget in the amount of $490,000.00. An additional $315,000.00 will be required from the Water and Sewer Fund Reserves to complete this project.

## STAFF ANALYSIS AND FINDINGS:

The low bid submitted by Oscar W. Larson conforms to the requirements of the bid specifications and reflects the value of the work. In addition, Oscar W. Larson has served as a leader in full service petroleum and fluid handling equipment contracting for over 68 years and is very capable of constructing the project per the requirements of the specifications.

## STAFF RECOMMENDATION:

Please see the Suggested Action included in the accompanying Agenda Statement.

Cc: Mike Moore, Public Works Director
Jason Castor, City Development Manager
Mike MacDonald, Hubbell, Roth & Clark Inc.

NOTIFICATION LIST

Oscar W. Larson Company
10100 Dixie Highway
Clarkston, MI 48348

HRC 100 YEARS
CONSULTING ENGINEERS SINCE 1915

**PRINCIPALS**
George E. Hubbell
Thomas E. Biehl
Walter H. Alix
Keith D. McCormack
Nancy M.D. Faught
Daniel W. Mitchell
Jesse B. VanDeCreek
Roland N. Alix
Michael C. MacDonald
James F. Burton

**SENIOR ASSOCIATES**
Gary J. Tressel
Kenneth A. Melchior
Randal L. Ford
William R. Davis
Dennis J. Benoit
Robert F. DeFrain
Thomas D. LaCross
Albert P. Mickalich
Timothy H. Sullivan

**ASSOCIATES**
Jonathan E. Booth
Marvin A. Olane
Marshall J. Grazioli
Donna M. Martin
Charles E. Hart
Colleen L. Hill-Stramsak
Bradley W. Shepler
Karyn M. Stickel
Jane M. Graham

**HUBBELL, ROTH & CLARK, INC.**
OFFICE: 555 Hulet Drive
Bloomfield Hills, MI 48302-0360
MAILING: PO Box 824
Bloomfield Hills, MI 48303-0824
PHONE: 248.454.6300
FAX: 248.454.6312
WEBSITE: www.hrc-engr.com
EMAIL: info@hrc-engr.com

December 15, 2015

City of Sterling Heights
40555 Utica Road
Sterling Heights, Michigan 48313

Attn: Mr. Brent Bashaw, P.E., City Engineer

Re: DPW Fuel Storage Facility Replacement — HRC Job No. 20150082
Bid Tab and Recommendation

Dear Mr. Bashaw:

Enclosed herewith is a Bid Tabulation of the three (3) bids received on Tuesday, December 8, 2015 for construction of the DPW Fuel Storage Facility Replacement.

The low bid for the project of $626,745.00 was submitted by Oscar W. Larson Company located at 10100 Dixie Highway, Clarkston, Michigan 48348.

In our opinion, the low bid submitted conforms to the requirements of the Specifications and reflects the value of the work. Therefore, we recommend award of the Contract to Oscar W. Larson Company, in the amount of $626,745.00, when the necessary financial arrangements have been made.

If you have any questions or require any additional information, please contact the undersigned.

Very truly yours,

HUBBELL, ROTH & CLARK, INC.

Michael MacDonald, P.E.
Vice-President

MM/mm
Attachment
Enclosure
pc: HRC; File

**BID TABULATION**
**DPW FUELING STORAGE FACILITY**

**CITY OF STERLING HEIGHTS**
**MACOMB COUNTY, MICHIGAN**

**Bids Due: 12/8/2015**
**HRC Job # 20150082**
**City Job No. 15-275**

| | | | **Oscar W. Larson Company**<br>10100 Dixie Highway<br>Clarkston, MI 48348<br>248-620-0070 | | **Matzak Inc.**<br>59187 North Ave.<br>Ray, MI 48096<br>586-749-5600 | | **RMD Holdings, Ltd.**<br>53861 Gratiot<br>Chesterfield, Michigan 48051<br>586-749-6900 |
|---|---|---|---|---|---|---|---|
| Item | | Quantity | Unit Price | Total Cost | Unit Price | Total Cost | Unit Price | Total Cost |
| **TOTAL AMOUNT OF LUMP SUM PRICE** | | | | **$626,745.00** | | **$665,000.00** | | **$845,735.00** |
| Itemized Unit Prices (Included in above Lump Sum Price Bid) | | | | | | | | |
| 1 | Earth Excavation | 1,000 cyd | $10.75 | $10,750.00 | $9.00 | $9,000.00 | $11.30 | $11,300.00 |
| 2. | Stone Backfill | 675 cyd | $28.60 | $19,305.00 | $48.00 | $32,400.00 | $40.00 | $27,000.00 |
| | Sand Backfill | 300 cyd | $19.00 | $5,700.00 | $30.00 | $9,000.00 | $20.00 | $6,000.00 |
| | Top Soil Backfill | 20 cyd | $33.00 | $660.00 | $40.00 | $800.00 | $100.00 | $2,000.00 |
| 3. | Contaminated Earth Disposal | 100 cyd | $26.70 | $2,670.00 | $40.00 | $4,000.00 | $50.00 | $5,000.00 |
| 4. | Excess Non-Contaminated Earth Disposal | 900 cyd | $15.50 | $13,950.00 | $20.00 | $18,000.00 | $20.00 | $18,000.00 |
| 5. | Breaking and Removal of Concrete | 15 cyd | $16.00 | $240.00 | $20.00 | $300.00 | $90.00 | $1,350.00 |
| 6. | Sawcutting of Concrete Slabs for Removal | 560 lft | $2.75 | $1,540.00 | $3.00 | $1,680.00 | $5.80 | $3,248.00 |
| 7. | Contaminated Groundwater Disposal | 400 gal | $0.50 | $200.00 | $2.00 | $800.00 | $2.25 | $900.00 |
| 8. | Concrete Pavement Removal Replacement | 845 syd | $6.00 | $5,070.00 | $83.00 | $70,135.00 | $70.00 | $59,150.00 |
| 9. | Concrete Sidewalk Removal Replacement | 82 syd | $6.00 | $492.00 | $83.00 | $6,806.00 | $50.00 | $4,100.00 |
| 10. | Temporary Fuel Tanks | 4 tanks | $22,000.00 | $22,000.00 | $1,200.00 | $1,200.00 | $10,000.00 | $10,000.00 |
| 11. | Programming Allowance for Coordinating Data Acquisition from Fueling System by City's Asset Management System | 1 LS | $5,000.00 | $5,000.00 | $5,000.00 | $5,000.00 | $5,000.00 | $5,000.00 |
| 12. | Permit Allowance | 1 LS | $500.00 | $500.00 | $500.00 | $500.00 | $500.00 | $500.00 |
| | Total Amount of Itemized Unit Prices | | | $88,077.00 | | $159,621.00 * | | $153,548.00 |

| | | | Oscar W. Larson Company<br>10100 Dixie Highway<br>Clarkston, MI 48348<br>248-620-0070 | | Matzak Inc.<br>59187 North Ave.<br>Ray, MI 48096<br>586-749-5600 | | RMD Holdings, Ltd.<br>53861 Gratiot<br>Chesterfield, Michigan 48051<br>586-749-6900 |
|---|---|---|---|---|---|---|---|
| | Item | Quantity | Unit Price | Total Cost | Unit Price | Total Cost | Unit Price | Total Cost |
| Alternate Work Items for Additional Pavement Removal and Replacement | | | | | | | | |
| 1. | Concrete Paving Removal and Replacement | 1,710 syd | $18.00 | $30,780.00 | $83.00 | $141,930.00 | $60.00 | $102,600.00 |
| 2. | Concrete Curb | 184 lft | $17.00 | $3,128.00 | $26.00 | $4,784.00 | $18.00 | $3,312.00 |
| 3. | Aggregate Base Grading | 1,710 syd | $3.00 | $5,130.00 | $2.00 | $3,420.00 | $16.00 | $27,360.00 |
| 4. | Restoration around Perimeter of Paving | 1 LS | $6,000.00 | $6,000.00 | $3,500.00 | $3,500.00 | $5,000.00 | $5,000.00 |
| | Total Amount of Alternate for Additional Paving | | | $45,038.00 | | $153,634.00 | | $138,272.00 |

∗ Corrected by Engineer

No Additional Bidders

ENGINEER:
Hubbell, Roth & Clark, Inc.
555 Hulet Drive
P.O. Box 824
Bloomfield Hills, MI 48083-0824

CITY OF Sterling Heights
InnovatingLiving

# Business of the City Council
# Sterling Heights, Michigan

DELIVERED JAN 14 2016
City Clerk's Use
Item No: 2-E
Meeting: 01/19/16

## AGENDA STATEMENT

OMB AS03 Rev. 11/04

**Item Title:** To accept a proposal by Plante & Moran, PLLC for audit services for a three-year period (First year expenditure of $98,700).

**Submitted By:** Office of Purchasing
Office of Financial Services

**Contact Person/Telephone:** Jim Buhlinger, Purchasing Manager, (586) 446-2741
Nick Makie, Controller, (586) 446-2322

**Administration (initial as applicable)**

| | | Attachments | | | |
|---|---|---|---|---|---|
| NC | City Clerk | ___ | Resolution | ___ | Minutes |
| HB | Finance & Budget Director | ___ | Ordinance | ___ | Plan/Map |
| JB | City Attorney (as to legal form) | ___ | Contract | ___ | Other |
| MM | City Manager | | | | |

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

**Executive Summary:**

For over 25 years, Plante & Moran, PLLC has provided independent audit services with respect to the City's Comprehensive Annual Financial Report (CAFR) and Federal Grant Awards. With the completion of the fiscal year 2014/2015 audit, the Purchasing Manager and Controller entered into negotiations with Plante & Moran for independent audit services commencing with the fiscal year 2015/2016 financial reporting period.

These negotiations produced a proposal by Plante & Moran for independent audit services for a three-year period, with two one-year options for the City to extend the engagement. The professional fees for services rendered by Plante & Moran are specified below and reflect a 2% inflationary adjustment:

| Fiscal Year | Proposed Fees: |
|---|---|
| 2015/2016 | $98,700 |
| 2016/2017 | $100,600 |
| 2017/2018 | $102,600 |
| 2018/2019* | $104,650 |
| 2019/2020* | $106,750 |

*Optional one year extension

A survey of similarly sized municipalities (Warren, Livonia, Clinton Township and Farmington Hills) audited by Plante & Moran indicates that the fee schedule proposed for the Sterling Heights engagement are less than these other clients pay.

The City also reviewed the results of recent competitive bids for independent audit services by the cities of Farmington Hills and Rochester Hills which selected Plante & Moran on the basis of best value and superior industry knowledge.

The City diligently monitors audit fees paid and has worked with Plante Moran in order to keep fees at reasonable levels. The City has been able to secure fee reductions in recent history that have resulted in 2015 fees being only $250 more than fees paid in 2008.

**Suggested Action:**

MOVED BY: SECONDED BY:

RESOLVED, to accept the proposal by Plante & Moran, PLLC for audit services for a three-year period, with an option to extend the terms and conditions for two one-year periods, and authorize the City Manager to sign all documents required in conjunction with this approval.

**CITY OF STERLING HEIGHTS**
**STAFF REPORT**
January 19, 2016

Prepared By: Nick Makie, Controller Ext. No. 2322

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## GENERAL INFORMATION:

Historically, the City has produced an award-winning Comprehensive Annual Financial Report (CAFR). The financial statements incorporated into the CAFR are subject to an independent audit in order to assure residents, financial institutions, and bond markets of their completeness, integrity, and accuracy. The City's is also required to have its accounting for federal grant funding audited.

The annual audit fee is regularly budgeted in account 802000 (Audit & Accounting Services).

## STAFF ANALYSIS AND FINDINGS:

As a professional service, financial auditing is exempt from the requirement of competitive bidding pursuant to City Code §2-217(A)(3).

However, in order to analyze the proposed fee schedule, the City surveyed other similarly sized municipal clients of Plante & Moran, PLLC. This survey yielded the following results:

| | |
|---|---|
| Farmington Hills – for fiscal year 2014/2015 audit | $111,675 |
| Warren – for fiscal year 2014/2015 audit | $101,000 |
| Livonia – for fiscal year 2014/2015 audit | $110,000 |
| Clinton Township – for fiscal year 2014/2015 audit | $106,000 |

The survey results evidence that the audit fees being proposed by Plante & Moran are reasonable and below what other comparable municipalities are paying. The City also reviewed the results of recent competitive bids for independent audit services by the cities of Farmington Hills and Rochester Hills which selected Plante & Moran on the basis of best value and superior industry knowledge.

Recommendation is being made to accept the proposal by Plante & Moran. This professional firm has performed audit services for the City for over 25 years and has always done an exemplary job. Plante Moran has an impressive roster of municipal and other governmental clients. The firm takes a proactive approach to municipal accounting and financial issues by being integrally involved in the Michigan Government Finance Officers Association and the Michigan Municipal Treasurers' Association. The annual fees are all inclusive fee and there is no additional fees charged for: (a) the annual presentation to City Council of the CAFR; (b) the management letter outlining their recommendations; (c) the Federal Awards audit report for all grants received by the City; (d) periodic current events letters, assistance with GASB pronouncements, and access to webinars on

relevant subject matter; and, (e), responses to routine questions and communications as needed by the City. In addition, by continuing with Plante Moran, the City avoids the time and expense of getting a new audit firm familiar with the City's accounting processes and policies, internal controls, and financial systems.

**STAFF RECOMMENDATION:**

Please see the suggested action on the accompanying agenda statement.

Plante & Moran, PLLC
Suite 300
19176 Hall Road
Clinton Township, MI 48038
Tel: 586.416.4900
Fax: 586.416.4901
plantemoran.com

December 10, 2015

To the Honorable Mayor and Members of
the City Council
City of Sterling Heights, Michigan

As the City's Auditor of Record, Plante Moran respectfully submits the following proposed fee schedule for the audit of the Comprehensive Annual Financial Report (CAFR) and related A-133 Federal Awards Program for the fiscal years ended June 30, 2016, 2017 and 2018, and 2 one year extensions for the fiscal years ended June 30, 2019 and 2020.

Plante Moran has taken great pride in our role as the independent external auditor to the City of Sterling Heights. It has been over two decades since the City submitted its first CAFR report (the same year Plante Moran was first named Auditor of Record) and received the National Award for Excellence in Financial Reporting. We continue to work together with the City's financial staff to both provide technical guidance to ensure the City receives their CAFR award on an annual basis and opine on an audit that heightens the level of financial transparency for the City.

In continuation with Plante Moran's position as Auditor of Record, we are proposing the following three-year rate structure for the annual audits of the Comprehensive Annual Financial Report along with the A-133 Federal Awards Audit:

<u>Proposed Fee:</u>

Fiscal year 2015: $96,750 (actual fee for current year)
Fiscal year 2016: $98,700
Fiscal year 2017: $100,600
Fiscal year 2018: $102,600
Fiscal year 2019: $104,650 (one year extension)
Fiscal year 2020: $106,750 (one year extension)

Each subsequent year indicated above contains an approximate 2% inflationary fee increase. Plante Moran's history with the City indicates that we honor these fees and do not present additional billing at the end of an audit period.

Over the years, the City of Sterling Heights Office of Financial Services financial team and Plante Moran have developed an independent partnership that has both improved audit quality and properly addressed the ever changing audit standards. Furthermore, access to our governmental industry specialists provides quick and meaningful insight into challenging decisions faced by Council and City Management.

It is our goal to continue to provide a high level of service to the City of Sterling Heights and assist in Sterling Heights in retaining its “Best-in-Class” financial reporting position.

Very truly yours,

**Plante & Moran, PLLC**

David H. Helisek
Partner

# Governmental Audit Clients

Our client roster includes over 370 governmental entities, 200 public school districts, 80 colleges and universities, and 560 not-for-profit entities across the country. Below is a sample of the governmental clients we serve. **Communities who have received a Certificate of Achievement for Excellence in Financial Reporting (CAFR) reporting are marked with an *.**

**CITIES, TOWNSHIPS, AND VILLAGES**

### Berrien County
Township of Benton
Village of Berrien Springs
City of Buchanan
City of Coloma

### Genesee County
City of Clio
City of Davison
Davison Township
Fenton Township
Flint Township
Flushing Township
Township of Grand Blanc *
Holly Village
City of Mt. Morris
Township of Mt. Morris
Township of Mundy
City of Swartz Creek
Thetford Township
Vienna Township

### Macomb County
Chesterfield Township
Township of Clinton
City of Eastpointe
Township of Macomb
City of Mt. Clemens
City of Richmond
City of Roseville
Township of Shelby
City of St. Clair Shores *
City of Sterling Heights *
City of Warren*
Township of Washington
City of Warren *

### Oakland County
City of Auburn Hills
City of Berkley
Village of Beverly Hills
City of Birmingham *
City of Bloomfield Hills
City of Farmington
City of Farmington Hills *
Township of Highland
City of Lathrup Village
City of Madison Heights
Township of Milford
Village of Milford
Oakland Township
Orion Township
City of Rochester Hills *
City of Southfield *
City of South Lyon
Township of Waterford *
Township of West Bloomfield
White Lake Township
City of Wixom *

### Washtenaw County
City of Chelsea
City of Saline
Township of Scio
Township of Sylvan

### Wayne County
Township of Brownstown
Township of Canton *
City of Dearborn *
City of Dearborn Heights
City of Garden City
City of Gibraltar
City of Grosse Pointe *
City of Grosse Pointe Woods *
City of Grosse Pointe Farms
City of Harper Woods
Township of Huron
City of Lincoln Park
City of Livonia
City of Melvindale
City of Northville
Township of Northville *
Township of Plymouth *
Township of Redford
City of Riverview
City of Rockwood
City of Romulus
City of Southgate
City of Taylor
City of Trenton
Township of Van Buren
City of Westland
City of Woodhaven
City of Wyandotte

**Awarded Certificate of Achievement for Excellence in Financial Reporting*

PLANTE & MORAN

# Governmental Audit Clients

**CITIES, TOWNSHIPS, AND VILLAGES**

## Other

City of Brighton *
Village of Cassopolis
City of Charlotte
City of Columbus, OH
City of East Lansing *
Village of Eau Claire
Franklin Park, IL
Township of Hamburg
City of Harbor Beach
Township of Keeler
Township of Marshall
City of Monroe *
City of Port Huron *
Village of Sebewaing
Tyrone Township

**Awarded Certificate of Achievement for Excellence in Financial Reporting*

Revision Date: 12/7/2015

PLANTE & MORAN

# Governmental Audit Clients

**MUNICIPALITIES**

City of Auburn Hills
Township of Benton
City of Berkley
Village of Berrien Springs
Village of Beverly Hills
City of Birmingham *
City of Bloomfield Hills
City of Brighton *
Township of Brownstown
City of Buchanan
Village of Cassopolis
Township of Canton *
City of Charlotte
City of Chelsea
Chesterfield Township
Township of Clinton
City of Clio
City of Coloma
City of Columbus, OH
City of Davison
Davison Township
City of Dearborn *
City of Dearborn Heights
City of East Lansing *
City of Eastpointe
Village of Eau Claire
City of Farmington
City of Farmington Hills *
Fenton Township
Flint Township
Flushing Township
Village of Franklin Park, IL
City of Garden City
City of Gibraltar
Township of Grand Blanc *
City of Grosse Pointe *
City of Grosse Pointe Farms
City of Grosse Pointe Woods*
Township of Hamburg
City of Harbor Beach
City of Harper Woods
Township of Highland
Village of Holly
Township of Huron
Township of Keeler
City of Lathrup Village
City of Lincoln Park
City of Livonia
Township of Macomb
City of Madison Heights
Township of Marshall
City of Melvindale
Township of Milford
Village of Milford
City of Monroe *
City of Mt. Clemens
City of Mt. Morris
Township of Mt. Morris
Township of Mundy
City of Northville
Township of Northville *
Oakland Township
Orion Township
City of Port Huron *
Township of Plymouth *
Township of Redford
City of Richmond
City of Riverview
City of Rochester Hills *
City of Rockwood City of Romulus
City of Roseville
City of Saline
City of St. Clair Shores *
Township of Scio
Village of Sebewaing
Township of Shelby
City of Southfield *
City of Southgate
City of South Lyon
City of Sterling Heights *
City of Swartz Creek
Township of Sylvan
City of Taylor
Thetford Township
City of Trenton
Township of Van Buren
Vienna Township
City of Warren *
Township of Washington
Township of Waterford *
Township of West Bloomfield
City of Westland
White Lake Township
City of Wixom *
City of Woodhaven
City of Wyandotte

**Awarded Certificate of Achievement for Excellence in Financial Reporting*

Revision Date: 12/7/2015

PLANTE & MORAN

# Governmental Audit Clients

COUNTIES AND OTHER GOVERNMENTAL UNITS

## Counties

Genesee County *
Ingham County
Livingston County
Macomb County *
Oakland County *

## Libraries

Auburn Hills Library
Baldwin Public Library
Canton Public Library
Clio-Vienna Library
Columbus Metropolitan Library
Farmington Community Library
Flint Public Library
Grosse Pointe Public Library
Kalamazoo Public Library
Northville District Library
Redford District Library
Romeo District Library
Salem-South Lyon Library
Saline District Library
West Bloomfield Library
Willard Library
Wixom Public Library

## County Road Commissions and Other Related Entities

Berrien County Road Commission
Kalamazoo County Road Commission
Oakland County Road Commission
Macomb County Road Commission
Washtenaw County Road Commission
Michigan County Road Commission Self-Insurance Pool *
County Road Association Self-Insurance Fund (CRASIF)

## State of Michigan

Michigan Bureau of Lottery
Michigan Legislature
Michigan Municipal League
Michigan State Housing Development Authority
Mackinac Bridge Authority

Municipal Employees Retirement System of Michigan

## Courts

16th District Court
17th District Court
18th District Court
19th District Court *
20th District Court
21st District Court
23rd District Court
25th District Court
26th District Court
27-1 District Court
27-2 District Court
28th District Court
32A District Court
33rd District Court
34th District Court
35th District Court
39th District Court
40th District Court
41A District Court
41B District Court
47th District Court
51st District Court

**Awarded Certificate of Achievement for Excellence in Financial Reporting*

Revision Date: 12/7/2015

# Governmental Audit Clients

**OTHER GOVERNMENTAL UNITS**

Aerotropolis Development Corporation
Ann Arbor Transportation Authority
Battle Creek Unlimited, Inc.
Benton Harbor-St. Joseph Joint Sewage Disposal Board
Birmingham Area Cable Board
Boulder Housing Partners, CO
Buchanan Dial-A-Ride
Capital Regional Airport Authority
Central Wayne County Sanitation Authority
Columbus-Franklin County Finance Authority
Columbus Metropolitan Housing Authority
Columbus Regional Airport Authority
Conference-Western Wayne
Davison Downtown Development Authority
Davison Local Development Finance Authority
Davison Richfield Area Fire Authority
Davison Richfield Senior Citizens Authority
Detroit Housing Commission
Detroit Retirement Systems
Downriver Community Conference
Downriver Mutual Aid
Downriver (Algonac) Recreation Commission
East Lansing-Meridian Water and Sewer Authority
Elderly Housing Corporation of Westland
Franklin County Municipal Clerk of Courts
Franklin Park Conservatory
Genesee County Drain Commission
Genesee County Land Bank
Genesee County 911 Consortium
Genesee County Self Insurance Pool Trust
Grosse Pointes-Clinton Refuse Disposal Authority
Henry McMorran Memorial Auditorium Authority
Lansing Board of Water and Light
Macomb County Art Authority
Macomb County COMET (Enforcement Team)
Macomb County Zoological Authority
Michigan Association of Public Employees Retirement Systems (MAPERS)
Michigan Public Power Agency
Nankin Transit Commission
Northville Community Recreation Commission
Oakland County Community Mental Health Authority
Oakland County Zoological Authority
Older Person's Commission (Rochester Hills)
Pontiac Retirement Systems
Port of Greater Cincinnati Development Authority
Resource Recovery and Recycling Authority of Southwest Oakland County
RiverSouth Authority
Rochester-Avon Recreation Authority
Saline Area Fire Department
Southeast Macomb Sanitary District
Southeast Michigan Community Alliance (SEMCA)
Southeast Michigan Council of Governments (SEMCOG)
Southeast Oakland County Resource Recovery Authority (SOCRRA)
Southeastern Oakland County Water Authority (SOCWA)
South Huron Valley Utility Authority
South Macomb Disposal Authority
Southwest Oakland Cable Commission
SW Barry County Sewer & Water Authority
Suburban Mobility Authority for Regional Transportation (SMART)
Taylor Community Development Corporation
Washington & Bruce Township Parks & Recreation
Washington & Bruce Township Star Transportation
Warren Police & Fire Retirement System
Wayne County Zoological Authority
Wayne County Airport Authority *
Wayne County Land Bank Corporation
West Bloomfield Parks and Recreation Commission
Western Townships Utilities Authority
Wyandotte Municipal Service Commission

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# Governmental Audit Clients

**DISTRICT COURT CLIENTS OF PLANTE & MORAN**

District Court Funds of District No. 35
Townships of Canton, Northville, Plymouth and Cities of Northville and Plymouth, Michigan

District Court Funds of District No. 41B
Charter Township of Clinton, Michigan

District Court Funds of District No. 20
City of Dearborn Heights, Michigan

District Court Funds of District No. 47
City of Farmington, Michigan

District Court Funds of District No. 21
City of Garden City, Michigan

District Court Funds of District No. 32A
City of Harper Woods, Michigan

District Court Funds of District No. 16
City of Livonia, Michigan

District Court Funds of District No. 17
Charter Township of Redford, Michigan

District Court Funds of District No. 25
City of Lincoln Park, Michigan

District Court Funds of District No. 19
City of Dearborn, Michigan

District Court Funds of District No. 34
City of Romulus, Michigan

District Court Funds of District No. 33
Cities of Flat Rock, Rockwood, Woodhaven, Gibraltar, Township of Brownstown, and Grosse Ile

District Court Funds of District No. 27, Division No. 2
City of Riverview, Michigan

District Court Funds of District No. 39
City of Roseville, Michigan

District Court Funds of District No. 40
City of St. Clair Shores, Michigan

District Court Funds of District No. 28
City of Southgate, Michigan

District Court Funds of District No. 41A
City of Sterling Heights, Michigan

District Court Funds of District No. 23
City of Taylor, Michigan

District Court Funds of District No. 18
City of Westland, Michigan

District Court Funds of District No. 27
Division No. 1
City of Wyandotte, Michigan

District Court Funds of District No. 51
Township of Waterford, Michigan

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CITY OF Sterling Heights
InnovatingLiving

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

DELIVERED JAN 14 2016
City Clerk's Use

Item No: 2-F
Meeting: 01/19/16

# AGENDA STATEMENT

OMB AS03 Rev. 11/04

**Item Title:** To approve the commitment of the City of Sterling Heights' allocation of 2014 and 2015 Federal HOME Program Funding.

**Submitted By:** Office of Neighborhood Services

Denice A. Gerstenberg

**Contact Person/Telephone:** Denice A. Gerstenberg, City Development Director, 446-2386 / Teresa Jarzab, HUD Program Coordinator, 446-2724

**Administration (initial as applicable)**

| | | Attachments | | | |
|---|---|---|---|---|---|
| MC | City Clerk | ___ | Resolution | ___ | Minutes |
| AB | Finance & Budget Director | ___ | Ordinance | ___ | Plan/Map |
| JB | City Attorney (as to legal form) | ___ | Contract | ___ | Other |
| | City Manager | | | | |

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

## Executive Summary

On November 17, 2004, the City Council authorized the City to make application to become a participating local jurisdiction in the Macomb HOME Consortium (MHC).

The HOME Investment Partnerships Program is authorized under Title II of the Cranston-Gonzalez National Affordable Housing Act, as amended. State and local governments that are participating jurisdictions may use HOME funds to carry out multi-year housing strategies through acquisition, housing rehabilitation, new housing construction, and tenant-based rental assistance.

Local jurisdictions must meet a minimum threshold to be eligible for use of HOME program funding. This threshold is $500,000 per program year. Because the allocation to the City is below this amount, it does not qualify independently as a participating jurisdiction. Through its membership in the MHC, the City ensures that its program funding stays local.

A Request for Proposals (RFP 59-15) for the MHC's 2014 and 2015 HOME funds was published on November 13, 2015. On November 25, 2015, the MHC received proposals from Community Housing Network and Habitat for Humanity Macomb in response to RFP 59-15. The MHC selection committee met on December 7, 2015 to review the two proposals.

Recommendation is being made to approve the commitment of the City's 2014 and 2015 allocation of HOME funding to Community Housing Network (CHN) in the amounts of $219,114 and $183,119, respectively, based upon its proposal to the MHC.

CHN is based in Troy, Michigan and specializes in acquiring, demolishing, restoring, rehabilitating, and selling homes to low to and moderate income families. The allocation of HOME funding to CHN will further these worthy activities.

If approved, this commitment will exhaust the City's allocation of 2014 and 2015 Federal HOME project funding. HOME funding must be obligated within two years of any given program year or be returned to the Department of Housing and Urban Development.

**Suggested Action:**

**MOVED BY:** **SECONDED BY:**

RESOLVED, to approve the commitment of the City of Sterling Heights' allocation of 2014 and 2015 Federal HOME program funding to Community Housing Network, 570 Kirts Boulevard, Suite 231, Troy MI 48084, in the amounts of $219,114 and $183,119, respectively, and authorize the City Manager to sign all documents required in conjunction with this approval.

**CITY OF STERLING HEIGHTS**
**STAFF REPORT**
**January 19, 2016**

RE: Allocation of the City's 2014 and 2015 HOME funding.

Prepared By: Denice Gerstenberg, Public Services Manager / Extension 2386
Teresa Jarzab, HUD Program Coordinator/ Extension 2724

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## GENERAL INFORMATION:

Community Housing Network (CHN) is requesting HOME funding to acquire, rehabilitate, and resell homes to income-eligible families. The use of these funds is proposed for housing projects within the jurisdiction of the HOME Consortium, with preference given to projects within the City of Sterling Heights.

It is projected that the HOME allocation will assist in the acquisition, rehabilitation, and sale of two residences.

CHN's solicits home buyers through an extensive marketing program. Applicants are evaluated and selected using Fair Housing guidelines and criteria: income eligibility; minimum income and acceptable credit. Selected families are also required to attend homeowner counseling through local certified housing counseling agencies.

This project will require a 25% match. HOME funds will be provided by residual match through previously funded projects. No general funds will be used for this project.

## STAFF ANALYSIS AND FINDINGS:

HOME is designed exclusively to create affordable housing for low-income households. Public service activities (short-term homeless shelters and services for seniors or the handicapped, etc.) are not eligible for HOME funding.

The HOME requirement that the participating jurisdiction match 25 cents of every dollar in program funds makes match potential a critical component of the project selection process. Previous projects have produced the required match. ***No local funds are required for these requests.***

The members of the MHC have determined that CHN's request meets the criteria for funding eligibility set by the Department of Housing and Urban Development.

All projects will address a serious housing need within the jurisdiction of the Macomb County HOME Consortium.

## STAFF RECOMMENDATION:

Please refer to the Suggested Action on the accompanying Agenda Statement.

DELIVERED JAN 14 2016

CITY OF Sterling Heights
InnovatingLiving

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

City Clerk's Use
Item No: 2-G
Meeting: 1/19/16

# AGENDA STATEMENT

OMB AS03 Rev. 11/04

**Item Title:** To approve an Interlocal Agreement between the City of Sterling Heights and Charter Township of Clinton for Reciprocal Lending of Municipal Fire Apparatus.

**Submitted By:** Sterling Heights Fire Department

**Contact Person/Telephone:** Chris Martin, Fire Chief (586) 446-2951 CM

**Administration (initial as applicable)**

| | | Attachments | | | |
|---|---|---|---|---|---|
| MC | City Clerk | ___ | Resolution | ___ | Minutes |
| AB | Finance & Budget Director | ___ | Ordinance | ___ | Plan/Map |
| JB | City Attorney (as to legal form) | X | Contract | ___ | Other |
| | City Manager | | | | |

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

## Executive Summary

**Background** - The fire departments serving the City of Sterling Heights (City) and Charter Township of Clinton (Clinton Township) are organized and function in a very similar manner. Both departments have five fire stations, which each station having a fire engine in service 24/7. Both departments also maintain reserve apparatus to rotate into service as needed when front line apparatus are out of service for routine maintenance or repairs.

In the City, for example, the fire department has five front line fire engines and three in reserve. It is not infrequent for the fire department to have three fire engines out of service at one time, leaving no buffer in the event another engine goes down. While the DPW mechanics do an exceptional job maintaining the fleet, issues can and do arise that cause lengthy down time. In the most extreme cases, the affected fire engine must be transported to a vendor outside of the City for specialized repairs. It is at these times that the delivery of emergency services can be compromised due to a lack of essential apparatus.

Another example is being played out in Clinton Township where its fire department awaits the production and delivery of five new fire engines in March, 2016. During the extended build out of these new fire engines, the Clinton Township fire department has faced the prospect of not having enough road worthy apparatus to provide essential emergency services from all five fire station locations.

**Solution** – The fire departments in Sterling Heights and Clinton Township have an excellent working relationship and rely upon one another for mutual aid when called upon. The real beneficiaries of this relationship are the residents and businesses of the respective communities who are assured that the necessary resources are available when needed to respond to an emergency, large or small.

In order to ensure that each fire department can maintain in-service fire apparatus to serve their communities at all times, the Fire Chiefs from the City and Clinton Township negotiated the proposed

Interlocal Agreement for Reciprocal Lending of Municipal Fire Apparatus (Agreement). The advantages of this Agreement include the following:

1. In a situation when a fire department in down a fire engine, it can *immediately* fill the void by borrowing an apparatus from the other department. This assures that each fire station has the necessary apparatus to provide emergency services when called upon.

2. The Agreement provides a "no cost" solution. The purchase of a new fire engine is a substantial financial commitment and to have an ability to fill a void when necessary without incurring such cost is very beneficial. This is yet another example where intergovernmental cooperation yields economic efficiencies.

3. The Agreement is reciprocal, meaning each community shares the identical rights and duties in the temporary exchange of fire apparatus. The Agreement further allows either fire department to deny the request in circumstances where lending an apparatus might jeopardize the department's own emergency response.

Legal representatives, risk managers, and insurance administrators from both communities had input into the development of the Agreement. The Agreement has the full support of the Sterling Heights Fire Chief and his command staff as it is seen as a way to be fully prepared to handle the rare circumstance where the fire department is without five fully-operational fire engines.

**Suggested Action:**

**MOVED BY:** **SECONDED BY:**

RESOLVED, to approve the Interlocal Agreement between the City of Sterling Heights and Charter Township of Clinton for Reciprocal Lending of Municipal Fire Apparatus and authorize the Mayor and City Clerk to sign the Agreement on behalf of the City.

**INTERLOCAL AGREEMENT FOR RECIPROCAL LENDING OF MUNICIPAL FIRE APPARATUS**

This Interlocal Agreement for Reciprocal Lending of Municipal Fire Apparatus ("Interlocal Agreement") is made on _____, 2016 between the Charter Township of Clinton, a Michigan municipal corporation, whose address is 40700 Romeo Plank Rd, Clinton Township, MI 48038 ("Clinton Township") and the City of Sterling Heights, a Michigan municipal corporation, whose address is P.O. Box 8009, 40555 Utica Road, Sterling Heights, Michigan 48311-8009 ("Sterling Heights"). Since either Clinton Township or Sterling Heights may be the Lending Municipality or Requesting Municipality at a particular time during the term of this Interlocal Agreement, Clinton Township or Sterling Heights may be referred to as the "Municipality" from time to time in this Interlocal Agreement, and both together may be referred to as the "Municipalities". When Clinton Township is the Municipality requesting use of Fire Apparatus owned by Sterling Heights, the term "Requesting Municipality" shall mean Clinton Township and the term "Lending Municipality" shall mean Sterling Heights; when Sterling Heights is the Municipality requesting use of Fire Apparatus owned by Clinton Township, the term "Requesting Municipality" as used in this Interlocal Agreement shall mean Sterling Heights and the term "Lending Municipality" shall mean Clinton Township.

RECITALS

A. Clinton Township is a charter township located in Macomb County, Michigan created under the Michigan Charter Township Act (the "Charter Township Act").

B. Sterling Heights is a home rule city created under the Michigan Home Rule Act located adjacent to Clinton Township in Macomb County, Michigan.

C. Pursuant to authority granted in the Charter Township Act, Clinton Township created and operates a township fire department.

D. Pursuant to authority granted in the Charter of the City of Sterling Heights ("Sterling Heights Charter"), Sterling Heights created and operates a city fire department.

E. The Michigan Constitution of 1963, Article 7, § 28 ("Constitution"), and the Urban Cooperation Act of 1967, MCL 124.501 et seq. ("Act") authorize a political subdivision to exercise jointly with another political subdivision any power, privilege, or authority which such political subdivisions share in common and which each might exercise separately.

F. The Act provides that an interlocal agreement may, among other things, provide for the acquisition, ownership, custody, operation, and maintenance of personal property, which includes various fire apparatus ("Fire Apparatus").

G. Clinton Township and Sterling Heights have entered into mutual aid agreements by which their respective fire departments have agreed to come to the mutual aid of the other department in the event of need.

H. From time to time, Clinton Township or Sterling Heights may have one or more Fire Apparatus out of service due to needed Maintenance ("Maintenance"), causing a shortage of available Fire Apparatus to provide customary emergency fire department response within the Municipality.

I. Clinton Township and Sterling Heights are interested in entering into an agreement under which a particular Municipality which is in need of an additional Fire Apparatus while one of its existing Fire Apparatus is out of service for Maintenance (the "Requesting Municipality") may borrow an available Fire Apparatus from the other Municipality (the "Lending Municipality) while the Requesting Municipality's Fire Apparatus is out of service under the terms and conditions of this Interlocal Agreement.

J. Clinton Township and Sterling Heights wish to set forth their agreement with respect to the reciprocal lending and use of backup Fire Apparatus by the Lending Municipality and the Requesting Municipality respectively.

NOW, THEREFORE, Clinton Township and Sterling Heights agree as follows:

1. *Lending of Available Backup Fire Apparatus*. Clinton Township and Sterling Heights agree to loan backup Fire Apparatus deemed by the Lending Municipality to be available at the time of the request in the Lending Municipality's sole discretion to the Requesting Municipality while the Requesting Municipality's Fire Apparatus is out of service for Maintenance, subject to the terms and conditions of this Interlocal Agreement. The Requesting Municipality may make a request for use of the Lending Municipality's backup Fire Apparatus only if the Requesting Municipality (i) has a shortage of available Fire Apparatus to provide customary coverage within the boundaries of the Requesting Municipality to enable the Requesting Municipality to adequately respond to fire and other emergencies while its Fire Apparatus is being maintained and/or repaired, and (ii) needs the use of the requested Fire Apparatus for a period of more than one day. A Lending Municipality may refuse the request of the Requesting Municipality for any reason or for no reason.

2. *Term of Interlocal Agreement; Termination by Lending Municipality; Recall of Fire Apparatus by Lending Municipality*. The term of this Interlocal Agreement shall be for an initial one year term beginning on the date that this Interlocal Agreement is executed by the last Municipality executing it. The term shall be automatically renewed for a one year period unless either Municipality terminates this Interlocal Agreement in accordance with the termination provisions of this Section.

Either Municipality may terminate this Interlocal Agreement for any reason or for no reason by providing thirty (30) days written notice to the other Municipality. In addition, the Lending Municipality may terminate this Interlocal Agreement immediately upon written notice if Lending Municipality needs the use of the Fire Apparatus for its operations, if the Requesting Municipality breaches a material term of this Interlocal Agreement (such as, but not limited to, allowing an unauthorized person to operate the Fire Apparatus, or using the Fire Apparatus for purposes beyond the scope of this Interlocal Agreement). In such cases, the Requesting Municipality shall return the Fire Apparatus in the required condition as soon as reasonably possible following completion of the incident for which it is currently being used.

Notwithstanding any other provision of this Interlocal Agreement, the Lending Municipality may recall Fire Apparatus that has been loaned to the Requesting Municipality due to the then current needs of the Lending Municipality by notifying the Fire Chief of the Requesting Municipality verbally or in writing. If the Lending Municipality makes such a recall request, the Requesting Municipality shall return the Fire Apparatus as soon as reasonably possible, following completion of the incident for which it is currently being used.

3. *Required Approvals*. The Requesting Municipality shall be responsible for obtaining and maintaining throughout the term of this Interlocal Agreement all licenses, permits, certificates, and governmental authorizations for its employees and agents necessary to perform all of its obligations under this Interlocal Agreement, including, but not limited to, obtaining any licenses required from the Michigan Secretary of State.

4. *Delivery of the Lending Municipality's Fire Apparatus by Lending Municipality; Acceptance in "As Is Where Is" Condition.* The Lending Municipality agrees to make the backup Fire Apparatus deemed available for use by the Requesting Municipality available for pickup by the Requesting Municipality upon the request of the Requesting Municipality, unless the Lending Municipality declines the request. The Fire Apparatus shall be equipped with a full complement of hose, nozzles and various adapters, RIT equipment (if so equipped and labeled), and other items determined prior to execution of this Interlocal Agreement and itemized on an attachment to this Interlocal Agreement. The Lending Municipality shall furnish to the Requesting Municipality the service records regarding the Fire Apparatus and shall disclose to the Requesting Municipality any known latent issues relating to the functionality of the Fire Apparatus on or before making the Fire Apparatus available for pickup ("Lending Municipality Disclosure"). In all instances, the Lending Municipality delivers the backup Fire Apparatus for pickup in "as is where is" condition, and the Lending Municipality makes no representations or warranties to the Requesting Municipality as to the condition or operability of the backup Fire Apparatus except as disclosed in the Lending Municipality Disclosure. The Municipalities shall do an inspection of the Fire Apparatus in the presence of Fire Department personnel of both Municipalities before possession of the Fire Apparatus is delivered and immediately after it is returned to document the condition of the Fire Apparatus. By taking possession of the backup Fire Apparatus, the Requesting Municipality acknowledges that it has had an opportunity to inspect the backup Fire Apparatus prior to taking possession, finds it in acceptable condition, and accepts it in "as is where is" condition. The Municipalities may mutually agree to forego these pre-delivery conditions in the case of emergency circumstances where both Municipalities acknowledge that immediate public safety needs warrant delivery of the Fire Apparatus without satisfying these pre-delivery conditions.

5. *Operation of the Lending Municipality's Fire Apparatus by the Requesting Municipality's Employees*. The Requesting Municipality agrees that it will allow operation of the Lending Municipality's backup Fire Apparatus only by currently licensed employees of the Requesting Municipality's Fire Department with good driving records, properly trained to operate similar Fire Apparatus. "Good Driving Record" shall mean a driving record which contains no convictions for offenses within the past five (5) years for (a) any driving offense which constitutes a felony, (b) operating under the influence of liquor or drugs, or impaired driving as a result of alcohol or drugs, (c) reckless driving or careless driving, (d) driving on a revoked or suspended license arising from excessive points or conviction for an offense with a mandatory revocation or suspension, or (e) having an accumulation of more than four (4) points in the past two years on his/her driving record. "Proper Training" shall mean either (a) having a current valid Michigan

Commercial Driver's License (CDL) with Group A endorsement or (b) completing and maintaining compliance with the driver's training standards of the Michigan Firefighters Training Counsel currently furnished in a program offered by VFIS. The Requesting Municipality shall not permit any volunteers, firefighter or EMS employees-in-training, or members of the public who are not qualified personnel of the Requesting Municipality's Fire Department to operate, get on, or ride on or in the Lending Municipality's Fire Apparatus. The Requesting Municipality shall be permitted to use the Lending Municipality's Fire Apparatus only for functions related directly to Fire Department runs, and not for any emergency medical service, advance life support transports, or for any public display or events.

6. *Payment of Employee Compensation for the Requesting Municipality's Employees Operating the Lending Municipality's Fire Apparatus*. The Requesting Municipality shall be responsible for all costs of its own personnel while operating or riding on or in the Lending Municipality's Fire Apparatus, including, but not limited to, salaries, wages, state and federal payroll taxes, workers disability compensation insurance, unemployment insurance, other fringe benefits, and any other costs associated with such individuals' employment. Because this is a reciprocal agreement, neither Municipality shall bill the other Municipality for use of the Lending Municipality's Fire Apparatus except as otherwise provided in this Interlocal Agreement.

7. *Operating Costs of Lending Municipality's Fire Apparatus; Maintenance and Repair of Lending Municipality's Fire Apparatus; Risk of Loss*.

a. The Requesting Municipality shall be responsible for all costs associated with or relating to operation of the Lending Municipality's Fire Apparatus while in the possession of the Requesting Municipality, including fuel, oil, lubrication, apparatus washing, and other maintenance and repair expenses related to the Lending Municipality's Fire Apparatus. The Lending Municipality shall deliver the Fire Apparatus with a full tank of fuel and the Requesting Municipality shall return the Fire Apparatus at the end of the term (or when it is recalled) with the same amount of fuel as when possession of the Fire Apparatus was delivered. The requirement of delivery and return of the Fire Apparatus with a full tank of fuel may be waived by the Municipalities in the case of emergency circumstances referred to in Section 4.

b. The Requesting Municipality agrees to maintain and repair the Lending Municipality's Fire Apparatus during the term of this Interlocal Agreement in as good as condition as it was when delivered, mileage and reasonable wear and tear expected. Excess wear includes cracked or damaged glass, damaged body, trim, frame suspension, engine, powertrain, or other mechanical parts, damaged paint, missing equipment or parts that were in or on the Lending Municipality's Fire Apparatus at the time it was delivered, a tire which is unsafe or which does not meet the manufacturer's recommended specifications (or equivalent) as compared with the tires on the Lending Municipality's Fire Apparatus at the time of delivery, a damaged or worn brake, oil leaks, a malfunctioning electrical system, battery, lights, or siren, any malfunctioning specialized equipment associated with the Lending Municipality's Fire Apparatus, or any other condition which makes the Lending Municipality's Fire Apparatus run in a rough, improper, unsafe condition, or any other damage, whether or not insurance covers it. The Municipalities shall do an inspection of the Fire Apparatus in the presence of Fire Department personnel of both Municipalities immediately after it is returned to document the condition of the Fire Apparatus upon its return.

c. When the Requesting Municipality takes possession of the Lending Municipality's Fire Apparatus, the Requesting Municipality assumes all risks of loss of the Fire Apparatus and of damage to it.

8. *Return of Lending Municipality's Fire Apparatus*. At the time this Interlocal Agreement terminates as a result of expiration or earlier termination, whichever occurs first, or at the end of any extension term as provided in this Interlocal Agreement, the Requesting Municipality shall deliver the Lending Municipality's Fire Apparatus to the Lending Municipality in clean condition and in as good as condition as when it took possession, mileage and reasonable wear and tear excepted. Excessive wear and tear is defined in Section 7b. The Requesting Municipality and Lending Municipality shall jointly inspect the Lending Municipality's Fire Apparatus when the Lending Municipality's Fire Apparatus is returned to determine whether there are any defects or damages to the Lending Municipality's Fire Apparatus that occurred during the time the Requesting Municipality had use of the Fire Apparatus for which it is responsible, and prepare written documentation regarding any damages or defects which occurred during the time period that the Requesting Municipality had custody of the Lending Municipality's Fire Apparatus. The Municipalities may make a video recording of the exterior condition of the Lending Municipality's Fire Apparatus at the time it is returned to document whether there are any exterior defects or damages to the Lending Municipality's Fire Apparatus that occurred during the time the Requesting Municipality has had possession of it. The Lending Municipality shall obtain a written estimate of the cost to have the noted defects or damages repaired and forward it to the Requesting Municipality for payment. The Requesting Municipality shall remit payment within thirty (30) days of the date of delivery of the estimate.

9. *Attorney Fees; No Need for Signed Agreement Upon Each Lending of Fire Apparatus*. After this initial master Interlocal Agreement has been negotiated and prepared, the Requesting Municipality shall remit to the Lending Municipality reimbursement for attorney fees incurred by the Lending Municipality in the preparation of any written modification, or for any enforcement action taken by the Lending Municipality within thirty (30) days of receipt of an invoice requesting such reimbursement. The Municipalities shall document each lending of the Lending Municipality's Fire Apparatus to the Requesting Municipality, but such transaction shall not require the execution of a new Interlocal Agreement provided this master Interlocal Agreement is still in effect.

10. *Insurance of Lending Municipality's Fire Apparatus*. The Requesting Municipality shall not take possession of the Lending Municipality's Fire Apparatus under this Interlocal Agreement until it has provided the insurance required under this Section. All coverages shall be with insurance companies licensed and admitted to do business in the State of Michigan. All coverage shall be with insurance carriers and in a form acceptable to the Lending Municipality. If any coverage is written with deductibles or self-insured retention, the Requesting Municipality shall be solely responsible for payment of such deductibles or self-insured retention.

The Requesting Municipality shall procure and shall maintain during the term of this Interlocal Agreement, Worker's Compensation Insurance for all of its employees operating or riding on or in the Lending Municipality's Fire Apparatus pursuant to this Interlocal Agreement. The Requesting Municipality shall have all of Lending Municipality's Fire Apparatus loaned pursuant to this Agreement added as primary vehicles under the Requesting Municipality's insurance coverage or coverage obtained by the Requesting Municipality through participation in a public entity self-

insurance pool program, as the case may be, depending on how such liability and property damage protection is obtained by the Requesting Municipality for its own fire apparatus and vehicles. The intention of the parties is that during the time that the Requesting Municipality has possession and use of any of the Lending Municipality's Fire Apparatus, the Lending Municipality's Fire Apparatus shall have the same insurance coverage on them as the Requesting Municipality has on its own fire apparatus and vehicles, which shall not be less than the minimum coverage limitations set forth below. The insurance carrier or public entity self-insurance pool providing coverage to the Requesting Municipality for the Lending Municipality's Fire Apparatus while in the possession of the Requesting Municipality shall provide the Lending Municipality with a certificate evidencing such liability and property damage protection as required by this Agreement in accordance with the other provisions of this Agreement.

The Requesting Municipality shall procure and maintain during the term of this Interlocal Agreement, Commercial General Liability Insurance on an "Occurrence Basis" with limits of liability not less than $10,000,000 per occurrence and/or aggregate combined single limit, Personal Injury, Bodily Injury and Property Damage. Coverage shall include the following extensions: (a) Contractual Liability; (b) Products and Completed Operations; (c) Independent Contractors Coverage; and (d) Broad Form General Liability Extensions or equivalent.

The Requesting Municipality and all subcontractors shall procure and maintain during the term of this Interlocal Agreement, Motor Vehicle Bodily Injury Insurance (Comprehensive Form) in an amount not less than $10,000,000 for personal and bodily injuries including accidental death to each person; and in an amount of not less than $10,000,000 for each occurrence and/or aggregate combined single limit and property damage in an amount not less than $10,000,000 for each occurrence and/or aggregate combined single limit.

The Requesting Municipality shall procure and shall maintain during the term of this Interlocal Agreement, HIRED AND NON-OWNERSHIP MOTOR VEHICLE BODILY INJURY AND PROPERTY DAMAGE INSURANCE in an amount not less than $10,000,000 for personal and bodily injuries, including accidental death to each person, and in an amount not less than $10,000,000 for each occurrence and/or aggregate combined single limit; and property damage in an amount not less than $10,000,000 for each occurrence and/or aggregate combined single limit. All coverage provided by the Requesting Municipality shall be primary.

The Requesting Municipality shall be solely responsible for any and all Michigan No-Fault claims arising out of the operation, maintenance or use for the Lending Municipality's Fire Apparatus while in the care, custody or control of the Requesting Municipality. Such claims shall include, but not be limited to, personal protection insurance, personal injury protection benefits, property protection insurance, property benefits, residual liability insurance, and mini-tort.

The Contractual Liability Exclusion in both the General and Automobile Comprehensive Liability Insurance must be waived.

The Lending Municipality shall be named as Additional Insured on all insurance policies (or applicable public entity self-insurance pool coverage) of the Requesting Municipality required under this Interlocal Agreement, with the exception of Worker's Compensation. The following wording shall be used within the Insurance Contract:

"It is understood and agreed that the following shall be insureds: The [Charter Township of Clinton or City of Sterling Heights, as the case may be], including all elected and appointed officials, all employees and volunteers, all Boards, Commissions and/or Authorities and their board members, employees and volunteers."

"This coverage shall be primary to the Additional Insureds, and not contributing with other insurance or similar protection available to the Additional Insureds, or that said other available coverage be primary, contributing or excess."

The Lending Municipality shall also receive thirty (30) day prior written notice by receipt for certified mail of cancellation of any of the insurance policies required under this Interlocal Agreement. The following language shall be used in each insurance contract:

"It is understood and agreed that thirty (30) days written notice of cancellation, reduction and/or material change and coverage will be made, by certified mail, to:

If to Clinton Township:

Township Supervisor
Charter Township of Clinton
40700 Romeo Plank Road
Clinton Township, Michigan 48038

If to Sterling Heights:

Risk Manager
City of Sterling Heights
P.O. Box 8009
40555 Utica Road
Sterling Heights, Michigan 48311-8009."

The Requesting Municipality shall provide the Lending Municipality at the time this Interlocal Agreement in executed form is delivered, a Certification of Insurance, in the form reasonably requested by the Lending Municipality in an original form and two copies, properly completed and signed by an authorized insurance company representative certifying that the Requesting Municipality is in compliance with the insurance coverage and notice requirements as outlined above. The Requesting Municipality shall provide to the Lending Municipality upon written request a certified copy of any insurance policy required under this Interlocal Agreement. The purchase of insurance and the furnishing of a certificate of insurance (or the purchase of coverage through a public entity self-insurance pool) shall not be a satisfaction of the Requesting Municipality's indemnification of the Lending Municipality.

A Requesting Municipality may satisfy the insurance requirements of Sections 10, 11, and 12 of this Agreement by providing proof of its participation in a public entity self-insurance pool satisfactory to the Lending Municipality, its city or township attorney, and its insurance consultants. In such instances, all requirements of this Agreement which pertain to insurance for the Requesting Municipality shall be deemed to apply to the public entity self-insurance pool providing coverage to

the Requesting Municipality if the Requesting Municipality obtains its liability and property damage protection from a public entity self-insurance pool.

11. *Physical Damage Coverage to Fire Apparatus*. The Requesting Municipality shall furnish insurance coverage to the Lending Municipality covering physical damage (including, but not limited to physical damages to the Fire Apparatus caused by collision, vandalism, malicious destruction, theft or any other cause) to the Fire Apparatus in an amount not less than the actual cash value of the Fire Apparatus.

12. *Indemnity*. To the fullest extent permitted by law, the Requesting Municipality expressly agrees to indemnify and hold the Lending Municipality harmless against all losses and liabilities arising out of bodily injury or property damages based upon any act or omission, negligent or otherwise, of the Requesting Municipality or anyone acting on the Requesting Municipality's behalf in connection with or incident to this Interlocal Agreement or operation of the Lending Municipality's Fire Apparatus that are not covered for any reason by the Requesting Municipality's insurance coverage or its coverage under a public entity self-insurance pool (if the Requesting Municipality obtains its property damage and liability protection under a public entity self-insurance pool program) (including, but not limited to deductibles, self-insured retention, excess claims over available insurance from either Municipality, etc.) pursuant to this Interlocal Agreement. The Municipalities intend that the coverage of the Requesting Municipality's insurance or self-insurance coverage be first, then the coverage of the Lending Municipality, with any excess liability to the Requesting Municipality.

For the purposes of the indemnity, insurance, and self-insurance pool provisions herein, the Requesting Municipality shall mean the Township (or City as the case may be), its elected and appointed officials, employees, and volunteers working on behalf of the Township (or City); "losses and liabilities" shall mean loss, cost, expense, damage, liability or claims, whether groundless or not; "personal injury" shall mean false arrest, false imprisonment, malicious prosecution, assault and battery, libel, slander, defamation of character, discrimination, mental anguish, wrongful entry or eviction, violation of property or deprivation of any rights, privileges or immunities secured by the constitution and laws of the United States of America or the State of Michigan; "bodily injury" shall mean bodily injury, sickness or disease (including death resulting at any time therefrom), mental anguish, and mental injury; and "property damage" shall mean the damage or destruction of any property, including the loss of use thereof.

The Requesting Municipality's obligation to indemnify and hold the Lending Municipality harmless shall include, but not be limited to (a) the obligation to defend the Lending Municipality from any such suit, action or proceeding, and (b) the obligation to pay any and all judgments which may be recovered in any such suit, action or proceeding, and/or any and all expenses, including, but not limited to, costs, attorney fees and settlement expenses which may be incurred.

13. *Reporting of Injuries or Damages Relating to Operation of Lending Municipality's Fire Apparatus*. The Requesting Municipality shall report to the Lending Municipality's Fire Chief or his designate, any injuries or damages to persons or property arising from the operation of the Lending Municipality's Fire Apparatus by the Requesting Municipality or any of its employees, agents or any other person operating the Fire Apparatus verbally within twenty-four (24) hours of the time of the incident which gave rise to the injury or damages, including a description of the injury or damages, how the injury or damages occurred, the date and time of the incident giving rise to the injuries or damages, and the names and addresses of any individuals with any knowledge of

the facts or circumstances which gave rise to the injury or damages, including any independent witnesses. This notice shall be given verbally within 24 hours of the time that the injury or damage took place or is known, and shall be confirmed in writing within 48 hours of that time.

14. *Notices*. Notice to this Interlocal Agreement shall be in writing and shall be personally delivered, sent by express delivery service, certified mail, or U.S. mail, postage prepaid and addressed to the persons below. Notice will be deemed given on the date when one of the following first occurs: (a) the date of actual receipt; (b) the next business day when notice is sent express delivery service or a personal delivery, or (c) three days after mailing by first class or certified U.S. mail.

If to Clinton Township:

Charter Township of Clinton
40700 Romeo Plank Road
Clinton Township, MI 48093
Attention: Township Supervisor

If to City:

City of Sterling Heights
P.O. Box 8009
40555 Utica Road
Sterling Heights, MI 48311-8009
Attention: Risk Manager

15. *Governing Law*. This Interlocal Agreement shall be governed, interpreted and enforced by the laws of the State of Michigan.

16. *Authority to Enter Interlocal Agreement; Binding Effect*. Each Municipality signing this Interlocal Agreement represents and warrants to the other Municipality that it has authority to execute this Interlocal Agreement on behalf of the Municipality for which it is signing and it is a binding obligation of the Municipality.

17. *Entire Interlocal Agreement; Modification or Amendment*. This Interlocal Agreement represents the entire agreement and understanding between the parties, and supersedes all other oral or written agreements between the parties with respect to this subject matter. Any modifications, amendments, rescissions, waivers or releases to this Interlocal Agreement must be in writing and agreed to by all parties. Unless otherwise agreed, the modification, amendment, rescission, waiver or release shall be signed by the same individuals (or their successor) who signed the Interlocal Agreement or by other individuals designated by the Municipality's chief administrative official.

CHARTER TOWNSHIP OF CLINTON, a Michigan municipal corporation

By: _____
Robert J. Cannon
Its: Township Supervisor

CITY OF STERLING HEIGHTS,
a Michigan municipal corporation

By: _____
Michael C. Taylor
Its: Mayor

and

By: _____
Mark Carufel
Its: City Clerk

CITY OF Sterling Heights
InnovatingLiving

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

DELIVERED JAN 14 2016
City Clerk's Use
Item No: 2-H
Meeting: 01/19/16

# AGENDA STATEMENT

OMB AS03 Rev. 11/04

**Item Title**: To adopt a resolution calling for the immediate repeal of §57(3) of the Michigan Campaign Finance Act.

**Submitted By:** Office of the City Management

**Contact Person/Telephone:** Mark Vanderpool, City Manager, 586/446-2301

**Administration (initial as applicable)**

| | | Attachments | | | |
|---|---|---|---|---|---|
| MC | City Clerk | ___ | Resolution | ___ | Minutes |
| MB | Finance & Budget Director | ___ | Ordinance | ___ | Plan/Map |
| JB | City Attorney (as to legal form) | ___ | Contract | ___ | Other |
| MV | City Manager | | | | |

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

## Executive Summary

**Background** – On January 6, 2016, Michigan Governor Rick Snyder signed into law PA 269 of 2015. This legislation added §57(3) to the Michigan Campaign Finance Act. §57(3) provides as follows:

> *Except for an election official in the performance of his or her duties under the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992, a public body, or a person acting for a public body, shall not, during the period 60 days before an election in which a local ballot question appears on a ballot, use public funds or resources for a communication by means of radio, television, mass mailing, or prerecorded telephone message if that communication references a local ballot question and is targeted to the relevant electorate where the local ballot question appears on the ballot.*

§57(3) was part of many last minute amendments made to Senate Bill 571 on December 17, 2015 as Michigan Legislators were scrambling to finish their session before a Christmas break. Unfortunately, these amendments transformed what had been a twelve page senate bill with bi-partisan support into a sixty-three page document that the Legislators now admit was not fully vetted or debated. Importantly, governing bodies of local government and school districts who are directly impacted by §57(3) were never granted an opportunity to have input into this new section of the Campaign Finance Act.

As Michigan Legislators began to realize the impact of §57(3), some lobbied Governor Snyder to veto the bill that was sent to him for signature due to the deficiencies associated with §57(3).

These deficiencies include, but are not limited to the following:

A. §57(3) imposes a virtual gag order that prohibits a county, municipality, and school district and their respective officials from disseminating factual information that would inform the electorate on a local ballot question for the sixty day period prior to an election.

B. This prohibition deprives local government of an ability to fulfill its duty to keep residents fully-informed on an election question that directly affects them.

C. The text of §57 of the Campaign Finance Act already prohibited the improper use of public funds by local governments to advocate for or against a ballot question. §57(3) creates an absurd result where conduct deemed permissible under the Campaign Finance Act if performed outside of sixty days before a local election becomes illegal within sixty days of the election. Free speech should never be restrained in the manner that it is under §57(3), regardless of artificial time periods.

D. The Michigan Legislature's new ban on communication is limited to local ballot questions. This selective application creates disparate treatment between local versus statewide ballot questions.

E. It is simply poor governance to allow §57(3)to remain the law in this state when the Governor and Michigan Legislators who enacted it acknowledge it was not fully vetted, debated, or understood and has unintended consequences for local governments who are subjected to its reach.

F. There are material legal and constitutional defects associated with §57(3). The fact that a law subjecting elected officials to criminal penalties for exercising their right to free speech was enacted is troubling.

Unfortunately, Governor Snyder signed the amending legislation while at the same time asking for a legislative fix. With, this in mind a broad based coalition has been established to seek repeal of 57(3), consisting of the following entities.

- ✓ Michigan Municipal League,
- ✓ Michigan Association of Counties,
- ✓ Michigan Townships Association,
- ✓ Michigan Infrastructure & Transportation Association,
- ✓ Michigan Association of School Administrators,
- ✓ Michigan Association of School Boards,
- ✓ Michigan Association of Intermediate School Administrators
- ✓ Southeastern Michigan Council of Governments, and,
- ✓ Macomb Area Communities for Regional Opportunities.

**Recommendation** – In support of the coalition's effort, City Administration is recommending that the City Council adopt the attached resolution calling for the immediate repeal of §57(3). The City should add its voice to the multitude of local governments who oppose §57(3) of the Campaign Finance Act.

**Suggested Action:**

**MOVED BY:** **SECONDED BY:**

Resolved, to adopt the resolution calling for the immediate repeal of §57(3) of the Michigan Campaign Finance Act.

**~ Resolution ~**

**Sterling Heights City Council**

**A resolution of the Sterling Heights City Council calling for the immediate repeal of §57(3) of the Michigan Campaign Finance Act.**

On January 6, 2016, Michigan Governor Rick Snyder signed Public Act 269 into law. In doing so, Governor Snyder gave immediate legal effect to §57(3), a new section being added to the Michigan Campaign Finance Act.

The addition of §57(3) came as a late night, last minute amendment to Senate Bill 571 that ballooned the proposed legislation from 12 pages to 63 pages and deprived many Michigan legislators of an opportunity to fully comprehend the constitutionality and adverse impact of the amendment. Importantly, the Michigan legislators did not receive critical input from those most adversely impacted by §57(3), being Michigan's counties, cities, townships, villages, and school districts.

§57(3) prohibits a public body, or a person acting on its behalf, from using public funds or resources for the purpose of communicating any information to the electorate regarding a local ballot question on a ballot within sixty days of an election.

§57(3) imposes a broad gag order on county and local governments and school districts and their respective officials that prohibits the dissemination of factual information intended to inform the electorate on a local ballot proposal.

Municipal governments and their elected officials have a duty to inform the electorate in their respective jurisdictions regarding ballot questions placed before them for a vote. Existing laws, including the former version of §57, already prohibit the improper use of public funds to advocate for or against a ballot question. §57(3) creates an absurd result where permissible conduct under the Michigan Campaign Finance Act performed outside of sixty days before a local election becomes illegal within sixty days of the election.

Because the new ban on communication is limited to local ballot questions, it creates disparate treatment between local versus statewide ballot questions. In addition, there are material legal and constitutional deficiencies associated with §57(3).

It is simply poor governance to allow §57(3) to remain the law in this state when the Governor and Michigan Legislators who enacted it acknowledge that it was poorly considered and has unintended consequences for local governments who are subjected to its reach.

**NOW, THEREFORE,**

BE IT RESOLVED, that the City Council of the City of Sterling Heights, County of Macomb, and State of Michigan, does hereby call for the immediate repeal of §57(3) of the Michigan Campaign Finance Act.

BE IT FURTHER RESOLVED, that the City Clerk is hereby directed to deliver a copy of this resolution to Governor Rick Snyder and the members of the Michigan Legislature representing the electorate of the City of Sterling Heights.

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of Sterling Heights, County of Macomb, Michigan, at a regular meeting held on January 19th, 2016.

_____

Mark Carufel, City Clerk

## Press Release

**Contact:**

Kathy Barks Hoffman
517-485-6600

Matt Bach
Director of Media Relations
Michigan Municipal League
(734) 669-6317
mbach@mml.org; www.mml.org

**FOR IMMEDIATE RELEASE: Jan. 7, 2016**

# Civic and Education Leaders Call for Repeal of Gag Provision in PA 269/SB 571

### 60-day Gag Order Officially Starts Friday for March 8 Election

**LANSING, Mich.** – A coalition of organizations representing local government and schools is calling for a repeal of a gag order provision included in a campaign finance bill signed into law by Gov. Rick Snyder on Wednesday, Jan. 6.

The Michigan Municipal League, Michigan Association of Counties, Michigan Townships Association, Michigan Infrastructure & Transportation Association, Michigan Association of School Administrators, Michigan Association of School Boards and Michigan Association of Intermediate School Administrators today are jointly seeking removal of language added to Section 57 in PA 269/SB 571. The organizations also are responding to Gov. Rick Snyder's letter to lawmakers asking them to fix a section in the new law that drastically limits the ways local officials can inform voters about local ballot measures:

"Public Act 269 essentially gags local officials from giving voters important information on local ballot issues, and the only way to fix that is to repeal that new addition to the law," said Dan Gilmartin, executive director and CEO of the Michigan Municipal League. "City, township, county, school and other officials agree that constituents need to have the facts to become informed voters on key matters that come before them, including charter changes, land transfers, millage questions and other issues required by state law to go to local elections. Repealing the provision is the only way to guarantee officials will be able to continue to give voters the facts."

The provisions causing such concern ban local officials or employees of local governments from using public resources for a communication 60 days before an election "by means of radio, television, mass mailing or prerecorded telephone message if that communication references a local ballot question."

The coalition points out that Gov. Snyder, in signing Senate Bill 571 into law Wednesday, called on the Legislature to enact new legislation to address local government and school officials' concerns. The governor stated in his letter to lawmakers that local governments and schools "should still be allowed to distribute basic information about an election including the proposed or final ballot language and the date of the election."

The groups behind today's statement agree that local governments should be able to communicate basic information that's factual and does not sway the voting public. However, the language in Section 57 does not allow for that – therefore a repeal is necessary.

"Voters are entitled to, and expect, their local officials to fully explain the ramifications of local ballot issues," said Larry Merrill, executive director of the Michigan Townships Association. "Local public bodies are regularly required by law to defer to the wisdom of voters on many complex issues of public policy. It is imperative that voters be well-informed on the purpose, intent and consequences of the decisions they make when they vote on local ballot issues.

“This is a matter of extreme importance to the principle of local democracy,” Merrill added. “Contrary to the characterization of interest groups supporting these restrictions, local elected officials are neither ‘bureaucrats’ nor ‘lobbyists,’ but are persons who have been elected by these same voters to serve as trustees and fiduciaries of the public interest."

State law already prohibits electioneering using public resources, making that section of the new law unnecessary and possibly unconstitutional. In recent days a number of legislators who voted for the bill admitted they were not aware of its scope and some have expressed regret at the limitations created by the local ballot measure section.

Michigan Association of Counties Executive Director Timothy K. McGuire said, “This is about effective, transparent government. The law in its current form harms counties’ ability to be transparent with their residents.”

The groups issuing today’s statement want the provision removed from PA 269 immediately because the law took effect Wednesday, Jan. 6, and will impact nearly 50 school districts and local governments in communities from Benton Harbor to Iron County in the Upper Peninsula that have local ballot questions in the upcoming election. Entities with ballot items heading to voters on March 8 include Clare County, East Grand Rapids Public Schools, Goodrich Schools, Lansing School District, Ottawa County, Pontiac School District, Tuscola County, Iron County, and the cities of Birmingham, Fremont, Marine City, Romulus and Roseville.

“Those entities with items on the March 8 ballot will be within that 60-day window on Jan. 8 and under the gag order called for in the current law,” said Don Wotruba, executive director of the Michigan Association of School Boards.

“Voters need access to accurate information on how the money would be spent and what the consequences will be for area children – including their own – if school districts win or lose those elections,” he added. “School and local officials already are banned from advocating for a tax increase or bond renewal. They shouldn’t be banned from giving voters the facts.”

CITY OF Sterling Heights
InnovatingLiving

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

DELIVERED JAN 14 2016

City Clerk's Use

Item No: 2-I
Meeting: 01/19/16

# AGENDA STATEMENT

OMB AS03 Rev. 11/04

**Item Title:** To receive the lawsuit, *Patric Jon Hickman v. City of Sterling Heights*, 41A District Court Case No. S-15-4356-GZ.

**Submitted By:** Office of the City Clerk

MC

**Contact Person/Telephone:** Mark Carufel, City Clerk / Risk Manager, 586/446-2421

**Administration (initial as applicable)**

| | | Attachments | | | |
|---|---|---|---|---|---|
| MC | City Clerk | ___ | Resolution | ___ | Minutes |
| AB | Finance & Budget Director | ___ | Ordinance | ___ | Plan/Map |
| JE | City Attorney (as to legal form) | ___ | Contract | ___ | Other |
| MM | City Manager | | | | |

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

**Executive Summary**

The City Attorney will be reviewing the lawsuit and preparing a response. Please see the attached Privileged and Confidential Attorney-Client Communication prepared by the City Attorney for further details.

**Suggested Action:**

**MOVED BY:** **SECONDED BY:**

RESOLVED, to receive the lawsuit, *Patric Jon Hickman v. City of Sterling Heights*, 41A District Court Case No. S-15-4356-GZ.

CITY OF Sterling Heights
InnovatingLiving

# Business of the City Council
# Sterling Heights, Michigan

DELIVERED JAN 14 2016
City Clerk's Use
Item No: 3
Meeting: 01/19/16

## AGENDA STATEMENT
OMB AS03 Rev. 11/04

**Item Title:** To consider a request to transfer ownership of escrowed 2015 Class C liquor license, with Sunday Sales Permit (P.M.), specific purpose permit (food), new dance-entertainment permit, located at 31531 Gratiot Avenue, Roseville, MI, from Alia's Restaurants, Inc. to Diana Mary, Inc., and transfer location to 38435 Mound Road, Sterling Heights MI 48310.

**Submitted By:** Office of the City Clerk

MC

**Contact Person/Telephone:** Mark Carufel, City Clerk 586/446-2421

**Administration (initial as applicable)**

| | | Attachments | | | |
|---|---|---|---|---|---|
| MC | City Clerk | ___ | Resolution | ___ | Minutes |
| BB | Finance & Budget Director | ___ | Ordinance | ___ | Plan/Map |
| JB | City Attorney (as to legal form) | ___ | Contract | ___ | Other |
| TW | City Manager | | | | |

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

**Executive Summary**

**Background** – Diana Mary, Inc., a Michigan corporation (Applicant), has made application to the Michigan Liquor Control Commission (MLCC) for the transfer of ownership of an escrowed Class C liquor license from Alia's Restaurants, Inc. and a change in location from 31531 Gratiot Ave., Roseville, MI 48066 to 38435 Mound Road, Sterling Heights, MI 48310. Abro Holdings, LLC, the owner of the proposed licensed premises at 38435 Mound Road, acquired the liquor license from Alia's Restaurants, Inc., and assigned its purchaser's interest to Diana Mary, Inc., subject to Michigan Liquor Control Commission approval. The location of the licensed premises previously held a "club" liquor license issued to the St. Joseph Chaldean Knights of Columbus.

Applicant's owner, Lahib S. Shallal, will manage the proposed Class C liquor licensed premises as a banquet hall. Applicant intends to focus on bookings of the banquet hall for weddings and corporate functions. For these functions, Applicant will offer full food, dance entertainment, and liquor service from 12:00 noon to 1:00 a.m., daily. The 1:00 a.m. restriction was included in the Zoning Board of Appeals Use Variance approved on March 26, 2015. Applicant reports a seating capacity of between 250 to 300 patrons. Applicant is also requesting a new dance – entertainment permit to offer patrons dancing and musical entertainment, consistent with banquet hall operations. Applicant has entered into an 18-month lease of the licensed premises, with an option for a 5 year renewal.

Mr. Shallal has been a resident of Sterling Heights for 20 years. Since 2009, he has been employed as a manager of the White Star Café, a Class C liquor licensed night club in Hamtramck, Michigan. He also is owner of Ali Baba Shish Kabob, f/k/a Caniff Coney, also in Hamtramck.

The Police Department, Fire Department, Office of Planning, Office of Building Services, Office of Code Enforcement and Office of Treasury have completed their respective reviews and report no objections to the application.

Since this is a request for a *transfer* of the license from within Sterling Heights, it will have **no effect** on the City's quota licenses.

City Administration is recommending that City Council recommend approval of the transfer utilizing the one-step process. The following criteria from §5-34(G) of the City Code support this recommendation:

(1) The Applicant's management experience in operating a liquor licensed business;
As previously noted, Applicant's owner has since 2009 managed a night club with a Class C liquor license.

(2) The Applicant's general business management experience;
Applicant owner has general business management experience from owning and operating a restaurant.

(5) The Applicant's financial status and its ability to build and/or operate the proposed facility on which the proposed liquor license is to be located;
Applicant has provided evidence of the financial ability to acquire the liquor license and operate a liquor licensed establishment.

(10) The recommendations of the local law enforcement agency, Building Department, Zoning Department and Fire Department with regard to the proposed facility;
Please see the attached reports from City Departments and Offices indicating no negative information regarding Applicant's application.

**Suggested Action:**

**MOVED BY:** **SECONDED BY:**

Resolved, that the request to transfer ownership of an escrowed 2015 Class C liquor license, with Sunday Sales Permit (P.M.), specific purpose permit (food), new dance-entertainment permit, located at 31531 Gratiot Avenue, Roseville, MI from Alia's Restaurants, Inc. to Diana Mary, Inc. and transfer location to 38435 Mound Road, Sterling Heights MI 48310, be considered for approval.

**CITY OF STERLING HEIGHTS**

**LIQUOR LICENSE APPLICATION**

**SUBMIT TO:** CITY CLERK
CITY OF STERLING HEIGHTS
40555 UTICA ROAD
P.O. BOX 8009
STERLING HEIGHTS, MI 48311-8009

(Please print or type - a separate application is required for each applicant)

1. Applicant Diana Mary, Inc.

   Address 38435 mound Road, sterling heights MI 48310

   Type of License Class C license

   Type of Permit sunday Sales, Entertainment, Dance, specific Purpose (Food) and extended hours

   **Include all permits to be issued with this license.**

   Business Name TBD

   Business Address 38435 mound Road, sterling heights MI 48310

   Telephone 248918-9933

   Legal Description West 216 feet of lots 6 and 7, New Era Victory Gardens-farms Subdivision, according to the plat thereof as recorded in Liber 22 Page 46 of Plats Macomb County Records

   If this is a transfer, date application was filed with the Michigan Liquor Control Commission Transfer of ownership and location filed on 10/9/15

2. Give the following information for the business proprietor, partners and persons with an interest in the business to be licensed. If incorporated, give same information for officers, directors and managerial employees:

| Name | Address | Nature of interest in business or official position | Citizen of U.S. Answer Yes or No |
|---|---|---|---|
| Lahib S. Shallal | | | |
| president | / | U.S. citizen | |
| | | | |
| | | | |

3. Have any of the persons named above had a license issued under any alcoholic control law suspended or revoked at any time? NO

   If so, attach a statement giving a full explanation of each such suspension or revocation, including the date thereof. N/A

4. Has there been a suspension or denial to the applicant or applicants of a liquor license within the past two years? N/A

5. Is the applicant the owner of the premises to be licensed? NO
   If not, do you have a lease covering the full license period for the premises to be licensed? 18 months Give date lease expires April 7th 2017
   (Include a copy of the lease with the application.)

   If the applicant is not the owner of the premises to be licensed, give name of owner and address:

   Name: Abro holdings, LLC
   Complete Address: 38435 Mound Road, Sterling Heights, MI 48310

6. Do you or any member of your family hold a license for sale of alcoholic beverages at the present time, either as an individual, a member of a partnership or stockholder in a licensed corporation? NO If so, give type of license: N/A

   Name in which license is issued and relationship: _____

   Address: _____

7. Have you or any member of your family previously held a license or any interest in a license for sale of alcoholic beverages in the State of Michigan? NO

   If so, give type of license or licenses, names in which licenses were issued, stating relationship and location:

   N/A

8. Have you or any member of your family ever held a license for sale of alcoholic beverages anywhere in the United States? No If so, give address, city, state and name in which license was issued: _____

State whether or not you will be active in the management of this business if the license is granted: yes If so, in what capacity? owner
If a partnership, number of shares owned: N/A

9. Does applicant propose to operate a restaurant, an SDM or SDD business, or conduct any form of entertainment in connection with his business or operate a jukebox or offer music of any type? applicant will own and manage the class C as a Banquet hall.
If yes, furnish all details: _____

10. PERSONAL INFORMATION:

Applicant

Full Name Lahib S. Shallal Age ___ Date of Birth ___

Address _____

Telephone number _____

Sex M Height ___ Weight ___ Color of Hair ___ Color of Eyes ___

Driver's License No. ___

U.S. Citizen? yes Naturalized? (number and place) N/A

Marital Status Not married Michigan Resident? yes How Long? 23 years

Spouse

Full name (including maiden name) N/A

Address _____

Telephone number _____ Date of Birth _____

10. Personal Information (Cont'd)

Dependents and/or children N/A - NONE

| Name | Address | Telephone No. | Date of Birth |
|---|---|---|---|
| | | | |
| | | | |
| | | | |
| | | | |

Employment (past 10 years)

| Occupation | Name & Address of Employer | Supervisor | From | To |
|---|---|---|---|---|
| 124 Cani'FF St Hamtramck | Ali babba shish Kabob | | 2015 | May - Current |
| | White Star 9819 Conat St Hamtramck | | 2008 | 2009/ Present TO |
| | Canif Coney (now ali Baba) | | 2013 | |
| | | | | |

Residence (past 10 years)

| Address | City and State | From | To |
|---|---|---|---|
| | | | |
| | | | |
| | | | |
| | | | |

Have you ever had your name legally changed?_____ Have you ever used a name other than the one you now use?_____ If so, give former name(s)_____

10. Personal Information (Cont'd)

Have you ever been arrested? (This means any arrest regardless of whether or not you were convicted)____ Have you ever been convicted?_____

Give a complete record of all arrests and convictions, including dates and places:

_____

_____

_____

_____

11. Do you agree to obtain local approval for all permits to be issued with the requested license, at this time or in the future. (I.e. dance, entertainment, dance-entertainment)

Yes X No _____

I, Lahib S. Shallal, do hereby solemnly swear or affirm that all statements contained in this application are true and correct to the best of my knowledge, information and belief.

Signature of Applicant [signature]

Sworn to and subscribed before me this 20th day of October, 2015

[signature]

Notary Public Christina Abro

Oakland County, Michigan

My commission expires: May 22 2019

CITY OF STERLING HEIGHTS
MACOMB COUNTY, MICHIGAN

TO ANY PERSON PRESENTED WITH THIS AUTHORIZATION BY AN AGENT OF THE CITY OF STERLING HEIGHTS.

YOU, AND ANY PERSON ASSOCIATED WITH YOU, ARE HEREBY AUTHORIZED TO GIVE TO THE CITY OF STERLING HEIGHTS, OR ANY REPRESENTATIVE THEREOF, ANY AND ALL INFORMATION WHICH MAY BE REQUESTED REGARDING MY EMPLOYMENT, BANK ACCOUNTS, STOCK AND BOND ACCOUNTS, OTHER FINANCIAL MATTERS, MY PHYSICAL CONDITION AND TREATMENT RENDERED BY YOU THEREFOR, AND, IF NECESSARY TO ALLOW THEM TO EXAMINE ANY RECORDS WHICH YOU MAY HAVE CONCERNING MYSELF OR MY HEALTH.

SIGNATURE

Lahib Shallal
TYPE OR PRINT NAME

WITNESS:

10-22-15
Date

Sworn to and subscribed before me this 22nd day of October, 2015

Notary Public Christina Abro

Oakland County, Michigan

My commission expires: May 22 2019

**AUTHORIZATION TO INSPECT PREMISES**

I AUTHORIZE THE CITY OF STERLING HEIGHTS TO CONDUCT ANY INSPECTIONS IT CONSIDERS NECESSARY TO DETERMINE COMPLIANCE WITH CODES, ORDINANCES AND LAWS APPLICABLE TO:

38435 Mound Road, Sterling heights, MI 48310
(ADDRESS OF BUSINESS)

SIGNATURE

Lahib S. Shallal
TYPE OR PRINT NAME

WITNESS:

10-22-15
Date

Sworn to and subscribed before me this 22th day of October, 20 15

Notary Public Christina Abro

Oakland County, Michigan

My commission expires: May 22, 2019

# DIANA MARY, INC.

## 1.1 Explanation of Operation

This business will be conducted as a banquet hall used to host professional seminars, ceremonies, weddings, family reunions, church benefits, association fund-raisers and an assortment of other events.

The business will only host one event per day, which will allow clients privacy while they celebrate their wedding or event

## 1.2 Mission Statement

Management is committed to providing the highest quality venue for wedding and events planning within the Sterling Heights area.

## 1.3 Management Team

The banquet hall will be owned and operated by Lahib Shallal who has had many years of experience in managing a restaurant type business. Through his expertise, he will be able to bring the operations of the business to profitability within its first year of operations.

## 1.4 Expansion Plan

In the future, Management will begin to develop ancillary and complimentary services such as bar, catering, and complete events planning services that will provide clients with a complete wedding or event hosting packages. the business has started its transfer application process for an onsite alcohol license that will allow the business to offer beer, wine, and liquor on the venue's premises to be sold at the bars.

## 1.5 Customer Profile

Banquet Hall anticipates that its average client will be a couple seeking to get married or a local business (or corporation) seeking to host a large scale event.

## 1.6 Occupancy

The banquet hall occupancy is approximately 255 people and will not exceed the fire departments standards and regulations.

## 1.7 Hours of Operation

Hours will depend on special events that are booked. In general hours of operation will be from 12pm until 2am.

## 1.8 Food and Menu description

Food will consist of a Mediterranean cuisine, including appetizers and main course dishes.

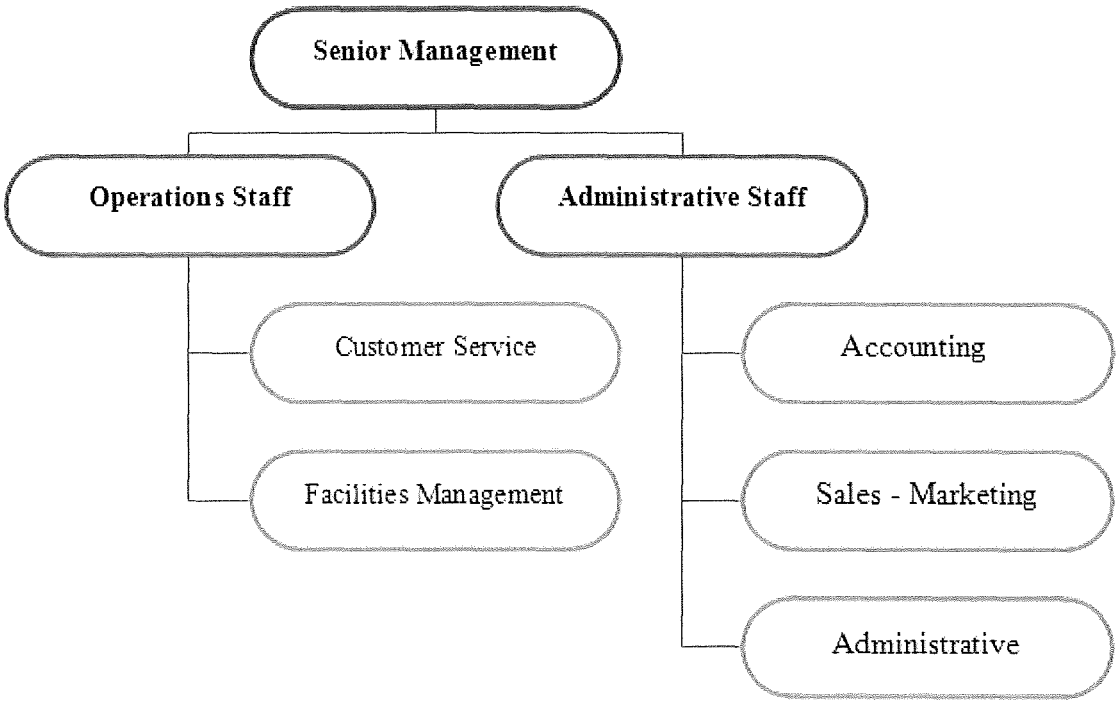
## 1.9 Marketing Plan

The Banquet Hall intends to maintain an extensive marketing campaign that will ensure maximum visibility for the business in its targeted market. Below is an overview of the marketing strategies and objectives of the Banquet Hall.

### 1.10 Marketing Objectives

- • Develop relationships with local businesses for their event planning and corporate event needs.
- • Establish connections with local event and wedding planners.
- • Develop an online presence by developing a website and placing the Company's name and contact information with online directories.

### 1.11 Corporate Organization



**MICHIGAN LIQUOR CONTROL COMMISSION**

---

**RE:** **Request For Class-C License**
**Applicant:** **Diana Mary, Inc.**

---

AFFIDAVIT OF LIHIB SALEM SHALLAL

I, Lihib Salem Shallal, being first duly sworn, deposes and says:

1. I have accumulated, by working and saving, an adequate amout to be financially able to meet the obligations and business undertakings for a class-c liquor license.
2. I will maintain a professional business educate at all times
3. I will use all of the business experience I have gained over the years to insure the growth of this new business.

FURTHER AFFIANT SAITH NOT.

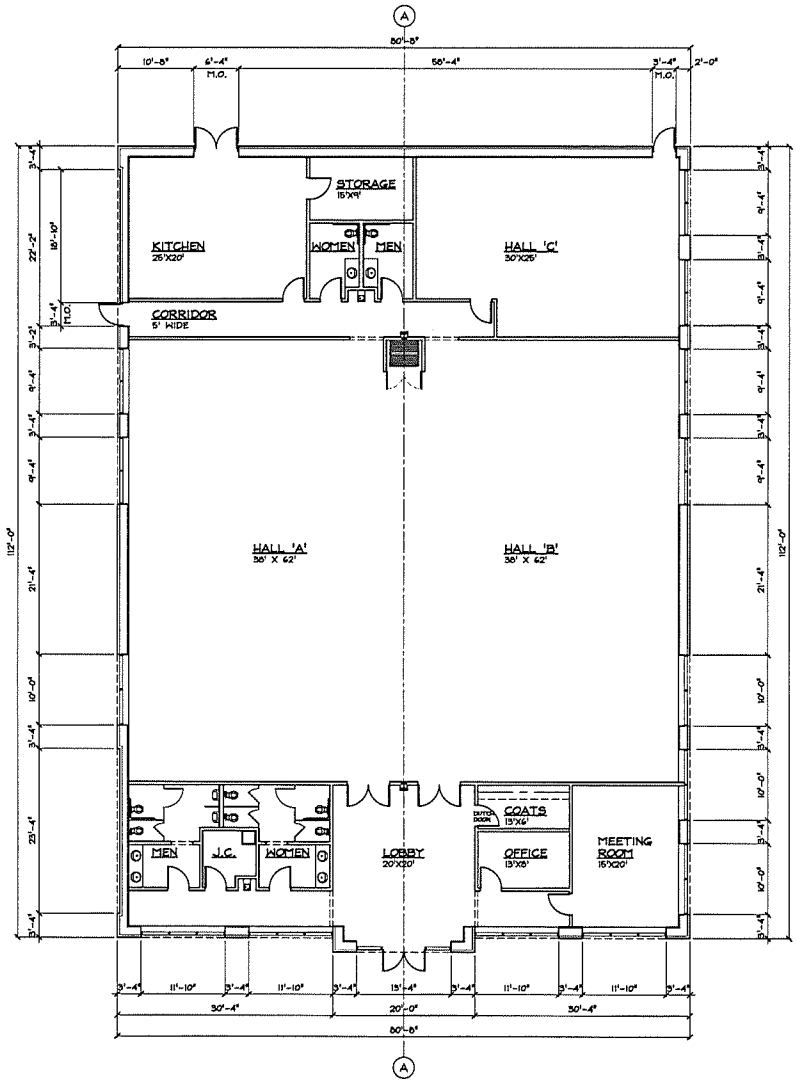
_____ Lihib Salem Shallal

Dated: 10/20/15

## Mark Carufel

**From:** Philip Ruggeri [pruggeri@ruggerilegal.com]
**Sent:** January 13, 2016 6:13 PM
**To:** Mark Carufel; Randy Abro; larrywhitestar@yahoo.com; Randal Toma
**Subject:** RE: Abro Holdings - Banquet Hall

Mark—On behalf of the petitioner is this matter, I am advising the City of Sterling Heights that the hours of operation will be limited to 1:00 am as per the ZBA approval on March, 2015. Please disregard the extended hours request. Thank you for your consideration in this matter. Yours truly, Philip P. Ruggeri




FLOOR PLAN

0 4' 8' 16'

SCALE: 1/8" = 1'-0"

smith + schurman associates, inc.
architects • planners • interior designers
43232 woodward avenue, suite 200, bloomfield hills, mi 48302
telephone: 248/335-3140 facsimile: 248/335-3277

# FLOOR PLAN

STERLING DEVELOPERS
Proposed facility for: KNIGHTS OF COLUMBUS
38435 MOUND ROAD
STERLING HEIGHTS, MICHIGAN

| ISSUE | DATE |
|---|---|
| PRELIMINARY | 05-16-05 |
| SPA | 01-20-06 |

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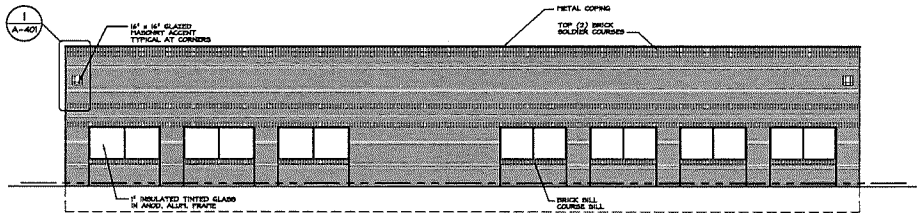
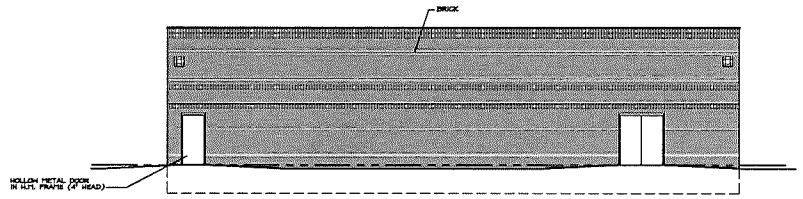
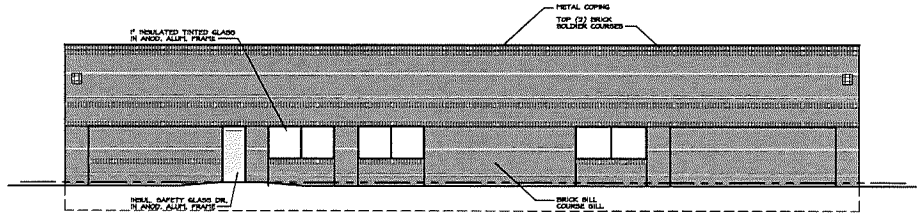
DRAWN BY: SS
CHECKED BY:
JOB NO: 04-7023
SHEET NUMBER:
A-201



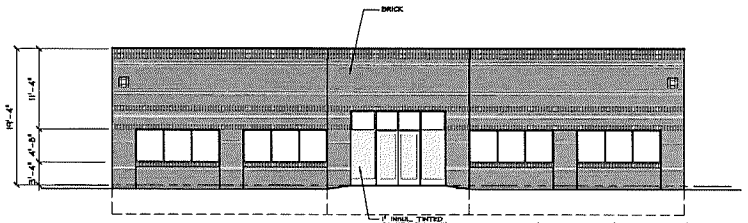

EAST ELEVATION
SCALE: 1/8" = 1'-0"



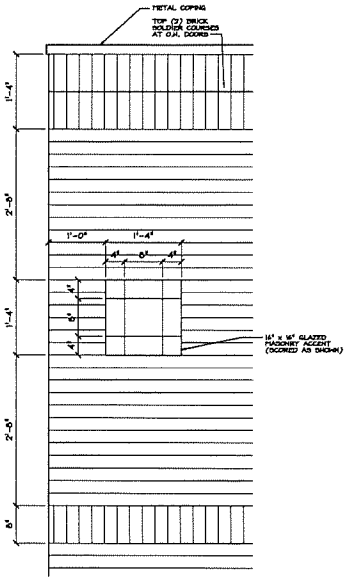

NORTH ELEVATION
SCALE: 1/8" = 1'-0"




WEST ELEVATION
SCALE: 1/8" = 1'-0"




SOUTH ELEVATION
SCALE: 1/8" = 1'-0"




1 A-401 ELEVATION DETAIL
SCALE: 1" = 1'-0"

smith+schurman associates, inc.
architects ▪ planners ▪ interior designers
43233 woodward avenue, suite 200, bloomfield hills, mi 48302
telephone: 248/333-3140 facsimile: 248/333-3277

# BUILDING ELEVATIONS

STERLING DEVELOPERS
Proposed facility for: KNIGHTS OF COLUMBUS
38435 MOUND ROAD
STERLING HEIGHTS, MICHIGAN

| ISSUE | DATE |
|---|---|
| ZBA | 04-20-05 |
| SPA | 01-20-06 |

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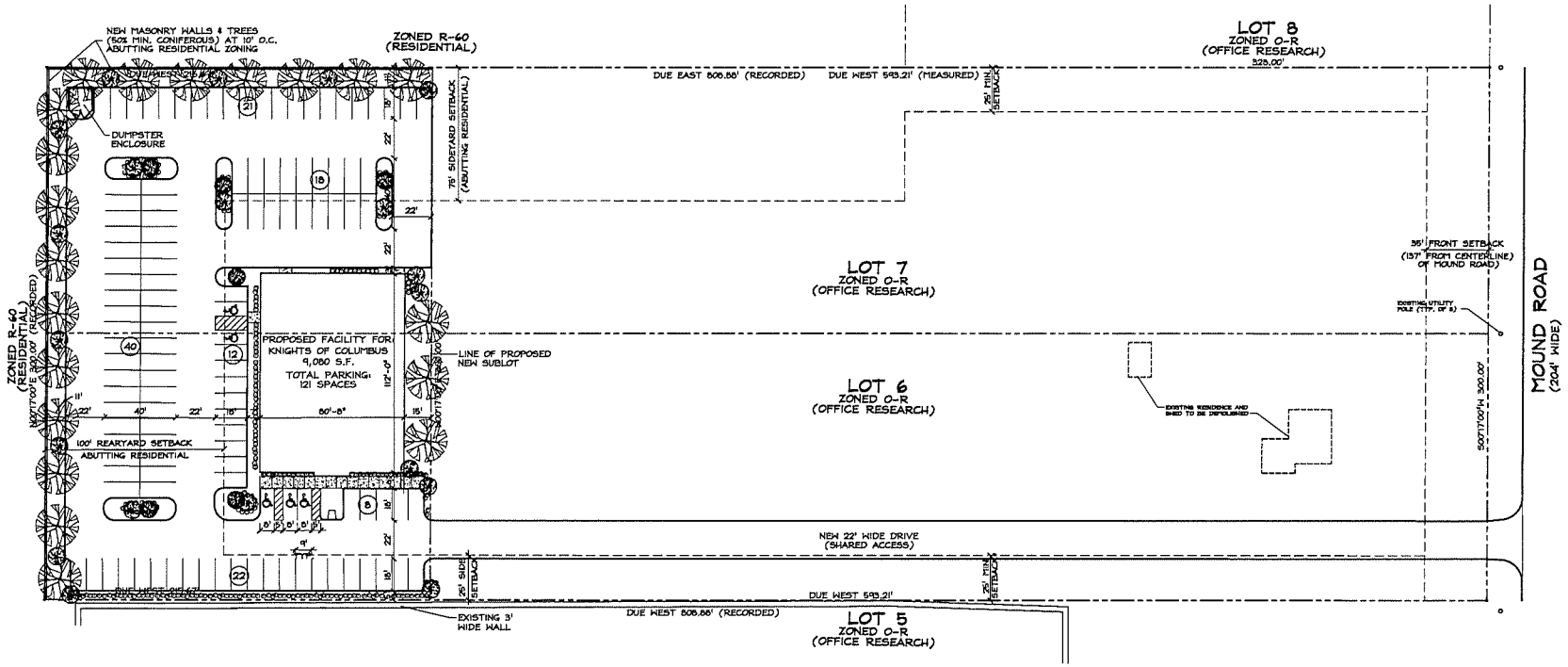
DRAWN BY:
CHECKED BY:
JOB NO: 04-7023
SHEET NUMBER: A-401




## PROPOSED SITE PLAN

SCALE: 1" = 30'-0"

0 6' 30' 60' 120'

## SITE AND BUILDING DATA:

| | K of C | FUTURE |
|---|---|---|
| SITE AREA: | 64,701 S.F. (1.486 ACRES) | 177,914 S.F. (4.085 ACRES) |
| ZONING CLASSIFICATION: | O-R (OFFICE/ RESEARCH) | O-R (OFFICE/ RESEARCH) |
| PROPOSED BUILDING: | 9,050 S.F. | NA |
| LOT COVERAGE: | 14% | NA |
| PROPOSED PARKING: | 124 SPACES | NA |

## PARKING CALCULATIONS

| | | PARKING REQUIRED |
|---|---|---|
| MAXIMUM OCCUPANCY: | 315 PERSONS | 105 (1/3 OCCUPANTS) |
| MAX. # OF EMPLOYEES: | 15 PERSONS | 15 (1/EMPLOYEE) |
| TOTAL PARKING REQUIRED: | | 120 |
| PARKING PROVIDED: | | 121 (5 BARRIER FREE) |

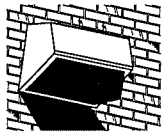
## LEGAL DESCRIPTION

LOTS 6 AND 7 OF "NEW ERA VICTORY GARDENS FARMS SUBDIVISION" IN THE CITY OF STERLING HEIGHTS, MACOMB COUNTY, MICHIGAN. (Liber 22 of Plats, Page 46 of Macomb County Records)

* STERLING HEIGHTS ORDINANCE STATES THAT A MINIMUM SIDE YARD SETBACK OF 25' BE MAINTAINED, BUT THAT TOTAL OF SIDE YARD SETBACKS BE AT LEAST 100'. ANY SIDE ABUTTING RESIDENTIAL ZONED PROPERTIES MUST MAINTAIN A MINIMUM 75' SIDE YARD SETBACK. 50' ON EITHER SIDE (EQUAL SIDE YARD SETBACKS EQUALING 100') IS USED HERE IN AREAS NOT ABUTTING RESIDENTIAL PROPERTIES.

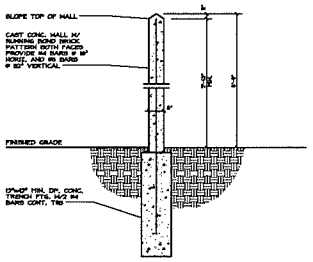
## GENERAL NOTES

1. SITE INFORMATION TAKEN FROM OWNER PROVIDED SURVEY BY:
   NOWAK & FRAUS
   1310 N. STEPHENSON HIGHWAY
   ROYAL OAK, MICHIGAN 48067-1506
   248-589-0066
   JOB NO. D4491-01
2. CURRENT PROPERTY ZONED O-R OFFICE RESEARCH.
3. A VARIANCE BY THE CITY OF STERLING HEIGHTS PLANNING COMMISSION WILL BE REQUIRED TO DEVELOP THE PROPOSED BUILDING ON THIS SITE.
4. ALL SIGHT LIGHTING WILL BE DIRECTED DOWNWARD AND SHIELDED FROM ADJACENT PROPERTIES.
5. ALL DRIVES TO BE POSTED FIRE LANES.
6. SIGNS FOR BARRIER FREE PARKING WILL BE PROVIDED (MINIMUM 6'-0" ABOVE FINISH GRADE)
7. NO PROPANE TANK IS TO BE LOCATED ON SITE.
8. ROOFTOP MECHANICAL EQUIPMENT WILL BE SET BACK AS FAR AS POSSIBLE SO AS TO BE SCREENED FROM VIEW BY BUILDING PARAPET WALL.
9. NO OUTDOOR STORAGE, LOADING AREAS, OR EQUIPMENT IS INTENDED AS PART OF THIS SITE PLAN PROPOSAL.
10. EXTERIOR MATERIALS SHALL BE DECORATIVE BRICK, STONE, OR OTHER MATERIAL(S) AS APPROVED BY THE PLANNING DEPARTMENT.
11. THIS PLAN IS PRELIMINARY IN NATURE AND DOES NOT INFER ANY PLANS STATED OR IMPLIED, UNTIL APPROVED BY ALL REQUIRED AGENCIES.



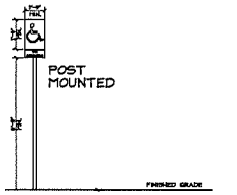

## LIGHT FIXTURE

NO SCALE 18" MOUNTING HT.




## 2 SCREENWALL SECTION

A5-201 SCALE: 3/4" = 1'-0"

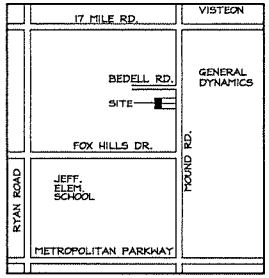



EACH ACCESSIBLE PARKING SPACE IS REQUIRED TO HAVE A SIGN. THE SIGN SHALL BE CENTERED IN THE PARKING SPACE.

VAN ACCESSIBLE PARKING SPACES SHALL BE DESIGNATED. *VAN ACCESSIBLE ON THE FACE OF THE SIGN OR SHALL HAVE AN ADDITIONAL SIGN VAN ACCESSIBLE MOUNTED BELOW THE REQUIRED SIGN.

## 1 ACCESSIBLE PARKING SIGNAGE

A5-201 NO SCALE




## LOCATION MAP

NOT TO SCALE

smith+schumon associates, inc.
architects • planners • interior designers
43233 woodward avenue, suite 208, bloomfield hills, mi 48302
telephone: 248/333-3140 facsimile: 248/333-3277

# ARCHITECTURAL SITE PLAN

STERLING DEVELOPERS
Proposed facility for: KNIGHTS OF COLUMBUS
38435 MOUND ROAD
STERLING HEIGHTS, MICHIGAN

| ISSUE | DATE |
|---|---|
| ZBA | 04/20/04 |
| SPA | 01/20/06 |

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DRAWN BY: JN
CHECKED BY: SS
JOB NO: 04-7023
SHEET NUMBER: A-101

City of

# Sterling Heights

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**AGREEMENT REGARDING LIQUOR LICENSE REQUEST**

This Agreement, made this _ _ day of _____, 20 15, by and between the CITY OF STERLING HEIGHTS, MICHIGAN, a municipal corporation, with offices located at 40555 Utica Road, Sterling Heights, Michigan, 48313, hereinafter known as "THE CITY", and

Name of Business: Diana Mary INC.

a (State) MI Corporation, whose address is:

(Street Address): 38435 Mound RD

(City, State, Zip): Sterling heights MI 48310

Short Name of Business: TBD,

the Applicant, hereinafter known as "APPLICANT".

1. The City Council of THE CITY, for and in consideration of the following covenants and conditions, agrees to recommend to the Michigan Liquor Control Commission Approval of the Request for Class C liquor control license by the APPLICANT.

2. In consideration of THE CITY'S recommendation for approval of the request for a Class C liquor license, APPLICANT hereby agrees that:
   a. It has read and is aware of the provisions of the Sterling Heights Code of Ordinances, including but not limited to Chapter 5, Chapter 7, Chapter 12, and Chapter 29, and agrees that it shall be deemed to have knowledge of any subsequent amendments to the Code and said Chapters which may become effective during the term of this agreement.
   b. It has read and is in receipt of copies of the provisions of the City of Sterling Heights City Council Resolution Adopting Guidelines for Revocation of Licenses and Permits, and agrees that it shall be deemed to have knowledge of any subsequent amendments to the Resolution which may become effective during the term of this Agreement.
   c. It agrees to observe and comply with all laws, statutes, ordinances, rules, regulations or resolutions of the United States, State of Michigan, and the City of Sterling Heights, or

any department or agency of the governmental entities, as well as the rules and regulations of the Michigan Liquor Control Commission as they pertain to the operation of a Class C or Class B liquor licensed business in the City of Sterling Heights.

d. It agrees to implement procedures to prevent alcohol abuse on its premises or related to its premises by instituting a program such as Training for Intervention Procedures by Servers of Alcohol (T.I.P.S.), Techniques of Alcohol Management (T.A.M.), or the Management/Server Alcohol Awareness Program.

3. APPLICANT agrees that the recommendation for Approval agreed upon by the City Council is not a property right and is approved upon the express and continuing condition that no violation of this Agreement, or of the provisions referenced in paragraph 2 of this Agreement, shall occur.

4. APPLICANT agrees that the recommendation of Approval agreed upon by the City Council is contingent upon the express and continuing condition that the physical characteristics (including but not limited to the inside layout, building design and engineering, seating capacity, parking space allocations, fire exits, and other physical attributes), and also the nature and type of business and entertainment intended to be conducted, remain virtually the same.

5. APPLICANT agrees that upon a violation, a full investigation shall be conducted by the City Manager, affording an opportunity for APPLICANT to be heard and/or to take corrective action, which might render a recommendation of revocation or non-renewal unnecessary.

6. APLLICANT agrees that the City Manager shall have the discretion to forward the results of the investigation to the City Council with a recommendation for revocation or non-renewal proceedings.

7. APPLICANT agrees that, upon review of the City Manager's recommendations by the City Council and upon a finding that a violation of this Agreement, or of any of the provisions referenced in paragraph 2 of this Agreement, has occurred, the City Council shall have just cause for revocation of said recommendation of Approval.

8. The City and APPLICANT agree that this Agreement shall remain in effect for the duration of the liquor license in question, including all consecutive renewals.

9. The City and APPLICANT agree that this Agreement becomes null and void in the event that state law or administrative rules are revised to prohibit or effectively prevent its use or purpose.

Diana mary INC.
(NAME OF APPLICANT BUSINESS)

By: 11-4-2015
(Dated)

By:_____
(Dated)

CITY OF STERLING HEIGHTS

By:_____
Michael C. Taylor, Mayor (Dated)

By:_____
Mark Carufel, City Clerk (Dated)

Subscribed and sworn to before me
this 4 day of November, 2015

Meghan E Ahearn
Notary Public, Macomb County, MI
Meghan E. Ahearn
My commission expires: 8-24-2020

Subscribed and sworn to before me
this _____ day of _____, _____

_____
Notary Public, Macomb County, MI

My commission expires:

MEGHAN E. AHEARN
NOTARY PUBLIC, STATE OF MI
COUNTY OF MACOMB
MY COMMISSION EXPIRES Aug 24, 2020
ACTING IN COUNTY OF Macomb

**AGREEMENT REGARDING ENTERTAINMENT PERMIT REQUEST**

This Agreement, made this _____ day of _____, 20 15, by and between the CITY OF STERLING HEIGHTS, MICHIGAN, a municipal corporation, with offices located at 40555 Utica Road, Sterling Heights, Michigan, 48313, hereinafter known as "THE CITY", and

Name of Business: Diana Mary, INC.

a (State) MI Corporation, whose address is:

(Street Address): 38435 mound Rd.

(City, State, Zip): Sterling heights MI 48310

Short Name of Business: TBD,

the Applicant, hereinafter known as "APPLICANT".

1. The City Council of THE CITY, for and in consideration of the following covenants and conditions, agrees to recommend to the Michigan Liquor Control Commission Approval of the Request for an entertainment permit by APPLICANT.

2. In consideration of THE CITY's recommendation for approval of the request for an entertainment permit, APPLICANT hereby agrees that:
   a. It has read and is aware of the provisions of the Sterling Heights Code of Ordinances, including but not limited to Chapter 5, Chapter 7, Chapter 12, and Chapter 29, and agrees that it shall be deemed to have knowledge of any subsequent amendments to the Code and said Chapters which may become effective during the term of this agreement.
   b. It has read and is in receipt of copies of the provisions of the City of Sterling Heights City Council Resolution Adopting Guidelines for revocation of Licenses and Permits, and agrees that it shall be deemed to have knowledge of any subsequent amendments to the Resolution which may become effective during the term of this Agreement.

c. It agrees to observe and comply with all laws, statutes, ordinances, rules, regulations or resolutions of the United States, State of Michigan, and the City of Sterling Heights, or any department or agency of the governmental entities, as well as the rules and regulations of the Michigan Liquor Control Commission as they pertain to the operation of a Class C liquor licensed business in the City of Sterling Heights.

d. It agrees that the only form of entertainment to be conducted pursuant to the entertainment permit shall be as follows:

| | |
|---|---|
| X Dancing | _____ Still Slides |
| _____ Monologues | _____ Closed Circuit Television |
| _____ Dialogues | _____ Contests |
| _____ Motion Pictures | _____ Other Performances (Specify): |

Custumer Dancing

3. APPLICANT agrees that the recommendation for Approval agreed upon by the City Council is not a property right and is approved upon the express and continuing condition that no violation of this Agreement, or of the provisions referenced in paragraph 2 of this Agreement, shall occur.

4. APPLICANT agrees that the recommendation of Approval agreed upon by the City Council is contingent upon the express and continuing condition that the physical characteristics (including but not limited to the inside layout, building design and engineering, seating capacity, parking space allocations, fire exits, and other physical attributes), and also the nature and type of business and entertainment intended to be conducted, remain virtually the same.

5. APPLICANT agrees that upon a violation, a full investigation shall be conducted by the City Manager, affording an opportunity for APPLICANT to be heard and/or to take corrective action, which might render a recommendation of revocation or non-renewal unnecessary.

6. APPLICANT agrees that the City Manager shall have the discretion to forward the results of the investigation to the City Council with a recommendation for revocation or non-renewal proceedings.

7. APPLICANT agrees that, upon review of the City Manager's recommendations by the City Council and upon a finding that a violation of this Agreement, or of any of the provisions referenced in paragraph 2 of this Agreement, has occurred, the City Council shall have just cause for revocation of said recommendation of Approval.

8. THE CITY and APPLICANT agree that this Agreement shall remain in effect for the duration of the entertainment permit in question, including all consecutive renewals.

9. The City and APPLICANT agree that this Agreement becomes null and void in the event that state law or administrative rules are revised to prohibit or effectively prevent its use or purpose.

Diana Mary INC.
(NAME OF APPLICANT BUSINESS)

By: [signature] 11-4-2015
(Dated)

By:_____
(Dated)

CITY OF STERLING HEIGHTS

By:_____
Michael C. Taylor, Mayor (Dated)

By:_____
Mark Carufel, City Clerk (Dated)

Subscribed and sworn to before me
this 4 day of November, 2015

Meghan E Ahearn
Notary Public, Macomb County, MI
Meghan E. Ahearn
My commission expires:
8-24-2020

MEGHAN E. AHEARN
NOTARY PUBLIC, STATE OF MI
COUNTY OF MACOMB
MY COMMISSION EXPIRES Aug 24, 2020
ACTING IN Macomb County, MI

Subscribed and sworn to before me
this _____ day of _____, _____

_____
Notary Public, Macomb County, MI

My commission expires:

# Class C Permit | PCLC150007

## Property Information

| | | | |
|---|---|---|---|
| 10-20-276-032-000 | 38435 Mound Road | Subdivision: | |
| | Sterling Heights MI, 48310 | Lot: | Block: |

## Name Information

| | | | |
|---|---|---|---|
| Owner: | ST JOSEPH CHALDEAN COMMUNITY CENTER | Phone: | |
| Occupant: | | Phone: | |
| Applicant: | ST JOSEPH CHALDEAN COMMUNITY CENTER | Phone: | |
| Contractor: | | Phone: | |
| Licensee: | | Phone: | |
| License Issued: | | | |
| License Expires: | | | |

## Permit Information

Date Issued: Date Expires: Status: FINALED

Work Description:

The following are included in the request:

Class C Liquor License
Sunday Sales (PM)
New Dance - Entertainment Permit
New Specific Purpose Permit - Food
New Extended Hours Permit (Dance - Entertainment)

Stipulations:

Planning Approval sent to City Clerk 11/25/15.

Comment:

## Approval - Planning Inspection | Chris McLeod

| | | | |
|---|---|---|---|
| Status: | Completed | Result: | Approved |
| Scheduled: | 11/26/2015 12:00 AM | Completed: | 11/25/2015 11:43 AM |

# Class C Permit | PCLC150007

## Property Information

| | | | |
|---|---|---|---|
| 10-20-276-032-000 | 38435 Mound Road | Subdivision: | |
| | Sterling Heights MI, 48310 | Lot: | Block: |

## Name Information

| | | | |
|---|---|---|---|
| Owner: | ST JOSEPH CHALDEAN COMMUNITY CENTER | Phone: | |
| Occupant: | | Phone: | |
| Applicant: | ST JOSEPH CHALDEAN COMMUNITY CENTER | Phone: | |
| Contractor: | | Phone: | |
| Licensee: | | Phone: | |
| License Issued: | | | |
| License Expires: | | | |

## Permit Information

Date Issued: Date Expires: Status: FINALED

Work Description:

The following are included in the request:

Class C Liquor License
Sunday Sales (PM)
New Dance - Entertainment Permit
New Specific Purpose Permit - Food
New Extended Hours Permit (Dance - Entertainment)

Stipulations:

Planning Approval sent to City Clerk 11/25/15.

Comment:

## Approval - Building Inspection | Robert Earley

| | | | |
|---|---|---|---|
| Status: | Completed | Result: | Approved |
| Scheduled: | 12/21/2015 12:00 AM | Completed: | 12/21/2015 03:35 PM |

# Proactive - Liquor LicenseEnforcement | E15-9561

## Property Information

| | | | |
|---|---|---|---|
| 10-20-276-032-000 | 38435 Mound Road | Subdivision: | |
| | Sterling Heights MI, 48310 | Lot: | Block: |

## Name Information

| | | | |
|---|---|---|---|
| Owner: | ST JOSEPH CHALDEAN COMMUNITY CENTER | Phone: | |
| Occupant: | | Phone: | |
| Filer: | | Phone: | |

## Enforcement Information

| | | | | | |
|---|---|---|---|---|---|
| Date Filed: | 11/30/2015 | Date Closed: | 01/06/2016 | Status: | CLOSED |

Complaint:

Last Action Date: Last Inspection: 01/06/2016

Last Action:

### 3rd Reinspection Inspection | John Jacob

| | | | |
|---|---|---|---|
| Status: | Completed | Result: | Complied |
| Scheduled: | 01/06/2016 | Completed: | 01/06/2016 |

**Comments:**

Corrected — Trash & debris was cleaned up. Items around the building were cleaned up.

### 2nd Reinspection Inspection | John Jacob

| | | | |
|---|---|---|---|
| Status: | Completed | Result: | Not Complied |
| Scheduled: | 12/28/2015 | Completed: | 12/28/2015 |

**Comments:**

Not Corrected — Still a lot of papers and trash around the property, along the brick wall in back and in corners around fence. Also, trash & debris around the building. Buckets, boxes, etc. Final VN letter sent.

### 1st Reinspection Inspection | John Jacob

| | | | |
|---|---|---|---|
| Status: | Completed | Result: | Not Complied |
| Scheduled: | 12/14/2015 | Completed: | 12/14/2015 |

**Comments:**

COMPLAINT - VIOLATION ISSUED 12-11-15 FOR SUNKEN CATCH BASIN IN DRIVEWAY. SEE E15-9870.
NO CONTACT/NO ACTION TAKEN TO CORRECT--ISSUED FINAL NOTICE ON 12/28/15. paulg.

Not Corrected — Nothing done or started. Second VN letter sent.

### Ordinance Inspection | John Jacob

| | | | |
|---|---|---|---|
| Status: | Completed | Result: | Violation(s) |
| Scheduled: | 12/01/2015 | Completed: | 12/01/2015 |

**Violations:**

Corrected — CITY CODE - 33-5 (3)-Trash & Debris on the Premises. (Residential). Please remove within 7 days.

INSPECTOR COMMENTS: Papers, trash, buckets, and debris littered and accumulated around the property, in parking lot, around the building and along the rear wall. ALL need to be removed and property to be cleaned up.

## Mark Carufel

**From:** Michael Bauss
**Sent:** January 13, 2016 7:04 AM
**To:** Mark Carufel
**Cc:** Patrick Ranes; Donald Adsit
**Subject:** Liquor License for 38435 Mound
**Attachments:** Fire Inspection Report.pdf

Mark

At the request of City Clerk's office, Fire Prevention has performed an inspection of the business: Knights of Columbus at 38435 Mound.

Thirty one code violations were discovered, see inspection report #41536.

All violations have been corrected.

Fire Prevention has no objection to issuance of a Class C Liquor License for this location.

Mike Bauss

# Fire Inspection Report

## Detail

| | | | | | |
|---|---|---|---|---|---|
| **Printed At:** | 01/13/2016 06:47 | **Inspection Type:** | All | Sterling Heights Fire Department | |
| **Login ID:** | mbauss | **Inspected By:** | All | **FDID Number:** | 05019 |
| **From Date:** | | **Inspection Status:** | All | **Inspection Number:** | 41536 |
| **To Date:** | | **Business/Building:** | All | | |

| Inspection # | Inspection Type | Name | Address | Owner | Primary Contact |
|---|---|---|---|---|---|
| 41536 | License-Liquor | Knights of Columbus (Al Mashriq) | 38435 MOUND RD STERLING HEIGHTS, MI 48310 | () 939-5600 | Randy Abro (248)515-9593 |

| # of 2 | Inspection # | Scheduled Date | Inspection Date | Inspector | Disposition | Date | Status | Date | Remarks |
|---|---|---|---|---|---|---|---|---|---|
| 1 | 41536 | 12/23/2015 | 12/23/2015 | 0829 - Ranes | Liquor License | 12/23/2015 | Approved | 12/23/2015 | Liquor license transfer |
| 2 | 41536 | 12/02/2015 | 12/02/2015 | 0829 - Ranes | Liquor License | 12/02/2015 | Not Approved at this time | 12/02/2015 | |

| # of 31 | Inspection # | Violation Date | Counts | Violation | Codebook | Description | Status | Date | Remarks |
|---|---|---|---|---|---|---|---|---|---|
| 1 | 41536 | 12/02/2015 | 1 | 01. Access Drives/ Fire Lanes Clear/Posted | 01: Exterior | | Compliant | 12/23/2015 | @ sided "No Parking Fire Lane" signs needed on access drive every 50' on North side |
| 2 | 41536 | 12/02/2015 | 1 | 02. Address Posted | 01: Exterior | | Compliant | 12/23/2015 | Address on Mound is incomplete |
| 3 | 41536 | 12/02/2015 | 1 | 06. Exit Discharges Clear | 01: Exterior | | Compliant | 12/23/2015 | Re stripe in yellow, the area at the back exit and FDC area |
| 4 | 41536 | 12/02/2015 | 1 | 12. Doors-Locked, Blocked, Inoperative | 02: Interior/Exits/Passages | | Compliant | 12/23/2015 | All exit doors must operate per code and automatically close and self latch |
| 5 | 41536 | 12/02/2015 | 1 | 13. Corridors/Passageways - Obstructed | 02: Interior/Exits/Passages | | Compliant | 12/23/2015 | No storage in access corridors or egress pathways |
| 6 | 41536 | 12/02/2015 | 1 | 17. Exit Signage | 02: Interior/Exits/Passages | | Compliant | 12/23/2015 | All Exit lights shall operate per code<br><br>Was serviced by a contractor but found 1 light with dead battery, will be addressed today per owner |
| 7 | 41536 | 12/02/2015 | 1 | 19. Emergency Lighting | 02: Interior/Exits/Passages | | Compliant | 12/23/2015 | All emergency lights shall operate to code<br><br>Was serviced by a contractor but found one light with battery issue, will be corrected today per owner |

# Fire Inspection Report

## Detail

**Printed At:** 01/13/2016 06:47
**Login ID:** mbauss
**From Date:**
**To Date:**

**Inspection Type:** All
**Inspected By:** All
**Inspection Status:** All
**Business/Building:** All

Sterling Heights Fire Department
**FDID Number:** 05019
**Inspection Number:** 41536

| # of 31 | Inspection # | Violation Date | Counts | Violation | Codebook | Description | Status | Date | Remarks |
|---|---|---|---|---|---|---|---|---|---|
| 8 | 41536 | 12/02/2015 | 1 | 26. Heat Producing Device Clearance 36" | 03: General Hazards | | Compliant | 12/23/2015 | No storage within 36" of heat producing device-water heater-furnace |
| 9 | 41536 | 12/02/2015 | 1 | 31. Proper Clearance Maintained 36". | 04: Electrical Systems | | Compliant | 12/23/2015 | No storage within 36" of electrical panels |
| 10 | 41536 | 12/02/2015 | 1 | 35. Ceiling Tiles | 05: Fire Rated Construction | | Compliant | 12/23/2015 | All ceiling tiles shall be in their proper place |
| 11 | 41536 | 12/02/2015 | 1 | 44. Location/Mounting | 06: Fire Extinguishers | | Compliant | 12/23/2015 | Allappropriate extinguishers shall be mounted per code and serviced and tagged yearly by a licensed contractor. |
| 12 | 41536 | 12/02/2015 | 1 | 45. Identification/Labeling/Visibility | 06: Fire Extinguishers | | Compliant | 12/23/2015 | All appropriate extinguishers shall be mounted per code and serviced and tagged yearly by a licensed contractor. |
| 13 | 41536 | 12/02/2015 | 1 | 46. Appropriate for Hazard - Size/Type | 06: Fire Extinguishers | | Compliant | 12/23/2015 | All appropriate extinguishers shall be mounted per code and serviced and tagged yearly by a licensed contractor. |
| 14 | 41536 | 12/02/2015 | 1 | 47. Service Company | 06: Fire Extinguishers | | Compliant | 12/23/2015 | All appropriate extinguishers shall be mounted per code and serviced and tagged yearly by a licensed contractor. |
| 15 | 41536 | 12/02/2015 | 1 | 48. Service Date | 06: Fire Extinguishers | | Compliant | 12/23/2015 | All appropriate extinguishers shall be mounted per code and serviced and tagged yearly by a licensed contractor. |
| 16 | 41536 | 12/02/2015 | 1 | 50. Full/Partial System - Type | 07: Fire Sprinkler Systems | | Compliant | 12/23/2015 | The sprinkler system shall be serviced by a licensed contractor with the report being submitted through IROL |
| 17 | 41536 | 12/02/2015 | 1 | 53. Valve Security | 07: Fire Sprinkler Systems | | Compliant | 12/23/2015 | Secure valves with a chain in addition to the electronic monitoring |

# Fire Inspection Report

## Detail

**Printed At:** 01/13/2016 06:47
**Login ID:** mbauss
**From Date:**
**To Date:**

**Inspection Type:** All
**Inspected By:** All
**Inspection Status:** All
**Business/Building:** All

Sterling Heights Fire Department
**FDID Number:** 05019
**Inspection Number:** 41536

| # of 31 | Inspection # | Violation Date | Counts | Violation | Codebook | Description | Status | Date | Remarks |
|---|---|---|---|---|---|---|---|---|---|
| 18 | 41536 | 12/02/2015 | 1 | 54. Monitoring | 07: Fire Sprinkler Systems | | N/A | 12/23/2015 | The sprinkler system shall be serviced by a licensed contractor with the report being submitted through IROL |
| 19 | 41536 | 12/02/2015 | 1 | 55. AV's - Interior/Exterior | 07: Fire Sprinkler Systems | | Compliant | 12/23/2015 | The sprinkler system shall be serviced by a licensed contractor with the report being submitted through IROL |
| 20 | 41536 | 12/02/2015 | 1 | 57. Inspection/Testing/Maintenance | 07: Fire Sprinkler Systems | | Compliant | 12/23/2015 | The sprinkler system shall be serviced by a licensed contractor with the report being submitted through IROL |
| 21 | 41536 | 12/02/2015 | 1 | 58. Service Company | 07: Fire Sprinkler Systems | | Compliant | 12/23/2015 | The sprinkler system shall be serviced by a licensed contractor with the report being submitted through IROL |
| 22 | 41536 | 12/02/2015 | 1 | 59. Service Date | 07: Fire Sprinkler Systems | | Compliant | 12/23/2015 | The sprinkler system shall be serviced by a licensed contractor with the report being submitted through IROL |
| 23 | 41536 | 12/02/2015 | 1 | 61. Hood/Duct/Equipment - Clean to Bare Metal | 08: Commercial Cooking Systems | | Compliant | 12/23/2015 | Hood must be cleaned to bare metal, clean vent with service tag applied to hood. |
| 24 | 41536 | 12/02/2015 | 1 | 62. Maintenance Records | 08: Commercial Cooking Systems | | Compliant | 12/23/2015 | Hood must be cleaned to bare metal, clean vent with service tag applied to hood. |
| 25 | 41536 | 12/02/2015 | 1 | 63. Service Company | 08: Commercial Cooking Systems | | Compliant | 12/23/2015 | Hood must be cleaned to bare metal, clean vent with service tag applied to hood. |
| 26 | 41536 | 12/02/2015 | 1 | 65. Signage | 08: Commercial Cooking Systems | | Compliant | 12/23/2015 | UL 300 system shall be serviced every 6 months with service tag applied |
| 27 | 41536 | 12/02/2015 | 1 | 66. AV | 08: Commercial Cooking Systems | | Compliant | 12/23/2015 | UL 300 system shall be serviced every 6 months with service tag applied |

# Fire Inspection Report

## Detail

**Printed At:** 01/13/2016 06:47
**Login ID:** mbauss
**From Date:**
**To Date:**

**Inspection Type:** All
**Inspected By:** All
**Inspection Status:** All
**Business/Building:** All

Sterling Heights Fire Department
**FDID Number:** 05019
**Inspection Number:** 41536

| # of 31 | Inspection # | Violation Date | Counts | Violation | Codebook | Description | Status | Date | Remarks |
|---|---|---|---|---|---|---|---|---|---|
| 28 | 41536 | 12/02/2015 | 1 | 67. K-Class Extinguisher within 30 FT | 08: Commercial Cooking Systems | | Compliant | 12/23/2015 | UL 300 system shall be serviced every 6 months with service tag applied |
| 29 | 41536 | 12/02/2015 | 1 | 68. Suppression - UL 300 Compliant | 08: Commercial Cooking Systems | | Compliant | 12/23/2015 | UL 300 system shall be serviced every 6 months with service tag applied and report submitted through IROL |
| 30 | 41536 | 12/02/2015 | 1 | 72. Alarm System | 09: Fire Alarm Systems | | Compliant | 12/23/2015 | Fire Alarm system shall be serviced by a licensed contractor with the report being submitted through IROL |
| 31 | 41536 | 12/02/2015 | 1 | 81. Cylinder Storage - Restrained | 10: Welding/Compressed Gas | | Provisional Approval | 12/02/2015 | All compressed gas cylinders shall be restrained per code<br><br>Cylinders are being removed or restrained today per owner. |

CITY OF Sterling Heights

Interoffice Memorandum

Date: January 14, 2016

To: Mark Carufel, City Clerk/Risk Manager

From: Jennifer L. Varney, City Treasurer

**Subject: Diana Mary, Inc./ABRO Holdings, LLC – 38435 Mound Road**

Please accept this memo as confirmation that the Sterling Heights Treasury Office is not objecting to the liquor license transfer request for the above address.

The recent payment to the City of Sterling Heights is sufficient to relieve all outstanding amounts due on the above property for 2013, 2014, 2015 personal property tax, current and past due water bills, past due false alarm invoices and a nuisance abatement lien.

The only amounts outstanding on this property will be real property taxes from 2014 and 2015. The City has already been reimbursed by the County for the unpaid 2014 real property taxes. If the 2015 taxes are not paid by the due date, the City will be reimbursed by the County sometime in May of 2016. ABRO Holdings has agreed to bring these taxes current over the next 12 months; however Macomb County has the ability to recover these amounts through a tax foreclosure sale, if necessary.

Please contact me if there are further questions.

DELIVERED JAN 14 2016

City Clerk's Use

Item No: 4

Meeting: 01/19/16

CITY OF Sterling Heights

InnovatingLiving

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

# AGENDA STATEMENT

OMB AS03 Rev. 11/04

**Item Title:** To consider the appointment of Dale R. Deming to the City of Sterling Heights Zoning Board of Appeals.

**Submitted By:** Office of the City Clerk

MC

**Contact Person/Telephone:** Mark Carufel, City Clerk / Risk Manager, 586/446-2421

**Administration (initial as applicable)**

| | | Attachments | | | |
|---|---|---|---|---|---|
| MC | City Clerk | | | | |
| AB | Finance & Budget Director | ___ | Resolution | ___ | Minutes |
| JB | City Attorney (as to legal form) | ___ | Ordinance | ___ | Plan/Map |
| MW | City Manager | ___ | Contract | ___ | Other |

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

**Executive Summary:**

For a select few boards and commissions, the Mayor or City Council have the power of appointment only after nominations are made and approved by City Council at a prior regular meeting. Governing Body Rule of Procedure 23, as amended on August 21, 2012, provides in relevant part as follows:

> Prior to an appointment to the Planning Commission, Zoning Board of Appeals, Board of Ordinance Appeals, Board of Review, Police and Fire Pension Board, and General Employees Retirement System Board, an appointee shall be nominated, as applicable, by the Mayor or City Council at a prior regular meeting.

There is a vacancy on the seven-member Zoning Board of Appeals (ZBA). The City Council has the power of appointment to the ZBA. In accordance with Governing Body Rule of Procedure 23, the City Council nominated Dale R. Deming for appointment to the ZBA at the January 5, 2016 regular meeting.

City Council has been provided with information on Mr. Deming's qualifications for appointment and afforded time to contact the nominee for additional information.

**Suggested Action:**

**MOVED BY:** **SECONDED BY:**

RESOLVED, to appoint Dale R. Deming to the Zoning Board of Appeals to a term ending June 30, 2017, subject to the appointee meeting the qualifications set forth in Charter §4.03 and taking the oath of office within two weeks.

# Zoning Board of Appeals

( 7 Members )

( One Vacancy )

| Name | Request Re-Appt. (Yes/No) | Expiration Date of New Term | Action |
|---|---|---|---|
| 1. Unexpired Term | | 06/30/17 | |
| | | | |
| | | | |
| | | | |
| | | | |

## *Applications on File:*

| | |
|---|---|
| Mohammed Alomari | ( Ethnic Community Committee-exp. 06/30/17 ) |
| Brian Cole | |
| Dale R. Deming | ( Elected Officials Compensation Commission-exp. 06/30/18 ) |
| Jazmine M. Early | |
| Kozeta Elzhenni | ( Citizens Advisory Committee-Community Development Bl Grant-exp. 06/30/16 ) |
| Robert Ervin | ( Board of Ordinance Appeals-exp. 06/30/18 ) |
| Lisa J. Hamameh | |
| Laurel Johnson | ( Board of Code Appeals-exp. 06/30/17 ) |
| | ( Local Development Finance Authority-exp. 06/30/19 ) |
| Robert Lulgjuraj | ( Ethnic Community Committee-exp. 06/30/16 ) |
| Benjamin D. McMartin | |
| Jeffrey I. Norgrove | ( Planning Commission-exp. 06/30/17 ) |
| Louis Ottolini | |
| Joanne L. Paraventi | ( Citizens Advisory Committee-Community Development Bl Grant-exp. 06/30/16 ) |
| Leonard Reinowski | ( Planning Commission-exp. 06/30/17 ) |
| Juli Sala | ( Board of Ordinance Appeals-exp. 06/30/18 ) |
| Michael Sauger | ( Board of Ordinance Appeals II-exp. 06/30/16 ) |
| | ( Board of Ordinance Appeals-exp. 06/30/16 ) |
| Howard Sizemore II | |
| Thomas Szatkowski | ( Board of Code Appeals-exp. 06/30/20 ) |
| | ( Housing Commission-exp. 12/31/19 ) |
| Shawn Taylor | ( Arts Commission-exp. 06/30/16 ) |
| | ( Ethnic Community Committee-exp. 06/30/16 ) |
| Joyce Tye | ( Beautification Commission-exp. 06/30/17 ) |
| Matthew Zarna | |

The Zoning Board of Appeals shall consist of seven regular members, each to be appointed for a term of three years, expiring on June 30 in the year of expiration. All vacancies for unexpired terms shall be filled for the remainder of the term. The Zoning Board of Appeals shall consist of seven regular members, each to be appointed by a majority of the City Council members serving. All members of the Zoning Board of Appeals shall be selected from the electors of the City and shall be representative of the population distribution and of the various interests in the City. One member of the Board may be a member of the Planning Commission, with the remaining members selected from the electors of the City. Appointments shall be for a three year term expiring on June 30 in the year of expiration, except for appointments to fill vacancies or appointments of the member of the Board who is also a member of the Planning Commission. The term of the member of the Board who is also a member of the Planning Commission shall be limited to the time he or she is a member of the Planning Commission.

"A" means the individual is **already appointed** to Board or Commission denoted

"E" means the individual **has been elected** to Board or Commission denoted

shaded area means Board or Commission that is appointed by the Mayor with confirmation of City Council

the number is the ranking given by the applicant to that Board or Commission they are interested in

| | | Total Board and Comm. Assign | Arts Commission | Beautification Commission | Board of Code Appeals | Board of Ordinance Appeals | Board of Ordinance Appeals II | Board of Review | Building Authority | Citizens Advisory Committee | Civil Service Commission Act 78 | Corridor Improvement Authority | Civil Service Comm - Charter | Econ Dev Corp\Brownfield Authority | Elected Officials Comp Comm | Election Commission | Ethnic Community Committee | Historical Commission | Housing Commission | Library Board of Trustees | Local Development Finance Authority | Pension Board Gen Emp | Pension Board Police & Fire | Planning Commission | Solid Waste Mgt Comm | Telecommunication Comm | Transportation Advisory Comm | Zoning Board of Appeals | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| ALOMARI | MOHAMMED | 1 | 17 | | | 4 | | 6 | 7 | | 8 | | 9 | | 2 | 1 | A | | 10 | 13 | 11 | | | 12 | | 14 | 15 | 3 | 16 |
| COLE | BRIAN | 0 | | | | | 1 | | | | | | | 2 | | | | | | | | | | | | | | 3 | 1 |
| DEMING | DALE | 1 | | | | | | | | | | | | | A | | | | | | | | | | | | | 1 | 2 |
| EARLY | JAZMINE | 0 | 8 | 20 | 25 | 2 | 2 | 12 | 21 | 5 | 19 | 18 | 24 | 23 | 17 | 16 | 3 | 15 | 4 | 14 | 13 | 22 | 11 | 6 | 1 | 10 | 9 | 7 | 25 |
| ELZHENNI | KOZETA | 1 | 17 | 2 | 21 | 22 | | 20 | 19 | A | 23 | 25 | 18 | 24 | 16 | 4 | 1 | 6 | 5 | 7 | 8 | 9 | 10 | 11 | 12 | 14 | 13 | 15 | 25 |
| ERVIN | ROBERT | 1 | | | | A | | | | | | | | | | | | | | | | | | 2 | | | | 1 | 3 |
| HAMAMEH | LISA | 0 | | | | 3 | | | | | | | | | | | | | | | | | | 1 | | | | 2 | 3 |
| JOHNSON | LAUREL | 2 | | | A | | | | 2 | | | | | 1 | | | | | 3 | | A | | | 5 | | | 6 | 7 | 8 |
| LULGJURAJ | ROBERT | 1 | 22 | 24 | 15 | 9 | | 11 | 14 | 1 | 13 | 4 | 20 | 2 | 5 | 12 | A | 19 | 8 | 23 | 3 | 17 | 18 | 21 | 16 | 10 | 6 | 20 | 24 |
| MCMARTIN | BENJAMIN | 0 | | | | 1 | | | | 3 | | | | 4 | | | | | 2 | 6 | | | | | | | | 5 | 6 |
| NORGROVE | JEFFREY | 1 | | | | | | | | | | | | | | | | | | | | | | A | | | 2 | 1 | 3 |
| OTTOLINI | LOUIS | 0 | | | | | 1 | | | | | | | | | | | | | | | | | 2 | | | | 3 | 3 |
| PARAVENTI | JOANNE | 1 | | | | 8 | | | 6 | A | | 10 | | 5 | | 1 | | | 2 | 3 | | | | 7 | | | 4 | 9 | 11 |
| REINOWSKI | LEONARD | 1 | | | | 1 | | | | | | | | | | | | | | | | | | A | | | | 2 | 3 |
| ROMANO | DOMINIC | 0 | | | | | | | | | | | | | | | | | | | | | | 1 | | | | 2 | 2 |
| SALA | JULI | 1 | | | | A | | | | | | | | | | | | | | | | | | 2 | | | | 1 | 3 |
| SAUGER | MICHAEL | 1 | | | | Alt | A | | | | | | | | 5 | 4 | | | | | | 3 | 2 | | | | | 1 | 7 |
| SIZEMORE II | HOWARD | 0 | 14 | 5 | 10 | 9 | | 6 | 18 | 7 | 13 | 21 | 19 | 2 | 11 | 4 | 22 | 25 | 20 | 24 | 3 | 17 | 16 | 1 | 8 | 23 | 12 | 15 | 25 |
| SZATKOWSKI | THOMAS | 2 | | | A | | | | | | | | | | | | | | A | | | | | 1 | | | | 3 | 4 |
| TAYLOR | SHAWN | 2 | A | | | 5 | | | 8 | 6 | 4 | | 7 | | | | A | | 1 | | | | | 2 | | | | 3 | 10 |
| TYE | JOYCE | 1 | 4 | A | | | | 2 | | | | | | | | 5 | | | 1 | | | | | 6 | | | | 7 | 7 |
| ZARNA | MATTHEW | 0 | 9 | 25 | | 1 | | 2 | | 5 | 6 | 7 | 8 | 3 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 22 | 21 | 23 | 24 |

DELIVERED JAN 14 2016

City Clerk's Use

Item No: 5

Meeting: 01/19/16

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

# AGENDA STATEMENT

OMB AS03 Rev. 11/04

**Item Title:** To consider an appointment 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 | | | |
|---|---|---|---|---|---|
| MC | City Clerk | | | | |
| | Finance & Budget Director | ___ | Resolution | ___ | Minutes |
| | City Attorney (as to legal form) | ___ | Ordinance | ___ | Plan/Map |
| | City Manager | ___ | Contract | ___ | Other |

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

**Executive Summary:**

At the January 5, 2016 regular meeting, the City Council postponed consideration of an appointment to the Arts Commission to the January 19, 2016 regular meeting. There is one vacancy on the Arts Commission and the City Council has the power of appointment.

Applications of residents interested in serving on the Arts Commission have been provided to City Council and a spreadsheet indicating the applicants' preferences for appointment as reflected by their ranking of the respective boards and commissions are also included in the attached materials.

**MOVED BY:** **SECONDED BY:**

RESOLVED, to appoint _____ to the Arts Commission to a term ending June 30, 2017, subject to the appointee meeting the qualifications set forth in Charter §4.03 and taking the oath of office within two weeks.

# Arts Commission

( 12 Members )

( One Vacancy )

| Name | Request Re-Appt. (Yes/No) | Expiration Date of New Term | Action |
|---|---|---|---|
| 1. Unexpired Term | | 06/30/17 | |
| | | | |
| | | | |
| | | | |
| | | | |

## *Applications on File:*

| | |
|---|---|
| Janis Adams | ( Beautification Commission-exp. 06/30/16 ) |
| Mohammed Alomari | ( Ethnic Community Committee-exp. 06/30/17 ) |
| Judi Dent | |
| Jasmine Dolfus | ( Ethnic Community Committee-exp. 06/30/17 ) |
| Jazmine M. Early | |
| Kozeta Elzhenni | ( Citizens Advisory Committee-Community Development Bl Grant-exp. 06/30/16 ) |
| Charles W. Jefferson | |
| Robert Lulgjuraj | ( Ethnic Community Committee-exp. 06/30/16 ) |
| Howard Sizemore II | |
| Alvin Thomas | |
| Joyce Tye | ( Beautification Commission-exp. 06/30/17 ) |
| Matthew Zarna | |
| Stacy Ziarko | |

The Commission shall consist of 12 members who shall be appointed by the City Council. All appointments to the Commission shall be for a four year term, with the term of office for three members of the Commission expiring on June 30 of each year. Members of the Commission shall be registered electors of the city upon appointment and shall remain so during their term of office.

"A" means the individual is **already appointed** to Board or Commission denoted

"E" means the individual **has been elected** to Board or Commission denoted

shaded area means Board or Commission that is appointed by the Mayor with confirmation of City Council

the number is the ranking given by the applicant to that Board or Commission they are interested in

| | | Total Board and Comm. Assign | Arts Commission | Beautification Commission | Board of Code Appeals | Board of Ordinance Appeals | Board of Ordinance Appeals II | Board of Review | Building Authority | Citizens Advisory Committee | Civil Service Commission Act 78 | Corridor Improvement Authority | Civil Service Comm - Charter | Econ Dev Corp\Brownfield Authority | Elected Officials Comp Comm | Election Commission | Ethnic Community Committee | Historical Commission | Housing Commission | Library Board of Trustees | Local Development Finance Authority | Pension Board Gen Emp | Pension Board Police & Fire | Planning Commission | Solid Waste Mgt Comm | Telecommunication Comm | Transportation Advisory Comm | Zoning Board of Appeals | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| ADAMS | JANIS | 1 | 2 | A | | | | | | | | | | | | | | 3 | 4 | 5 | | | | | | 6 | | | 6 |
| ALOMARI | MOHAMMED | 1 | 17 | | | 4 | | 6 | 7 | | 8 | | 9 | | 2 | 1 | A | | 10 | 13 | 11 | | | 12 | | 14 | 15 | 3 | 16 |
| DENT | JUDI | 0 | 4 | | | | | | | 5 | | | | | | | | 2 | 3 | 1 | | | | | | | | | 5 |
| DOLFUS | JASMINE | 1 | 1 | | | | | | | | | | | | | | A | | | | | | | | | | | | 2 |
| EARLY | JAZMINE | 0 | 8 | 20 | 25 | 2 | 2 | 12 | 21 | 5 | 19 | 18 | 24 | 23 | 17 | 16 | 3 | 15 | 4 | 14 | 13 | 22 | 11 | 6 | 1 | 10 | 9 | 7 | 25 |
| ELZHENNI | KOZETA | 1 | 17 | 2 | 21 | 22 | | 20 | 19 | A | 23 | 25 | 18 | 24 | 16 | 4 | 1 | 6 | 5 | 7 | 8 | 9 | 10 | 11 | 12 | 14 | 13 | 15 | 25 |
| JEFFERSON | CHARLES | 0 | 2 | | | | | | | 1 | | 5 | | | | | | 3 | | | | | | | | 4 | 5 | | 6 |
| LULGJURAJ | ROBERT | 1 | 22 | 24 | 15 | 9 | | 11 | 14 | 1 | 13 | 4 | 20 | 2 | 5 | 12 | A | 19 | 8 | 23 | 3 | 17 | 18 | 21 | 16 | 10 | 6 | 20 | 24 |
| SIZEMORE II | HOWARD | 0 | 14 | 5 | 10 | 9 | | 6 | 18 | 7 | 13 | 21 | 19 | 2 | 11 | 4 | 22 | 25 | 20 | 24 | 3 | 17 | 16 | 1 | 8 | 23 | 12 | 15 | 25 |
| THOMAS | ALVIN | 0 | 2 | | | | | | | | | | | | | | 1 | 4 | 5 | 3 | | | | | | | | | 5 |
| TYE | JOYCE | 1 | 4 | A | | | | 2 | | | | | | | | 5 | | | 1 | | | | | 6 | | | | 7 | 7 |
| ZARNA | MATTHEW | 0 | 9 | 25 | | 1 | | 2 | | 5 | 6 | 7 | 8 | 3 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 22 | 21 | 23 | 24 |
| ZIARKO | LYNNE | 0 | 2 | | | | | | | | | | | | | | | | | 1 | | | | | | | | | 2 |