

CITY OF STERLING HEIGHTS
MINUTES OF REGULAR MEETING OF CITY COUNCIL
TUESDAY, JANUARY 19, 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

Councilwoman Ziarko removed Consent Agenda Item 2G and made it Consideration Item 6.

Councilman Shannon removed Consent Agenda Item 2H and made it Consideration Item 7.

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

Yes: All. The motion carried.

REPORT FROM CITY MANAGER

Mr. Vanderpool reported 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.

Mr. Vanderpool announced 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 our program alerts to our current and past participants. 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.

Mr. Vanderpool reminded everyone of the Strategic Planning Meeting scheduled for Tuesday, January 26, 2016 at 7:00 p.m.

PRESENTATION

Councilman Skrzyniarz presented the nice neighbor award to Joan Kajor and John Bingham, nominated by their neighbor, Joyce Tye.

ORDINANCE INTRODUCTION

1. Mr. Vanderpool made a presentation on the proposed ordinance amending Chapter 2, Article II, §§2-17, 2-18, and 2-19 of the City Code and the confirmation of the Administrative Code and Plan. He explained the Plan proposes two significant organizational changes. First, the Office of City Development is being changed to 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.

Mr. Vanderpool went on to state 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. 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.

Mr. Vanderpool pointed out 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. He indicated 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.

Mr. Vanderpool pointed out the Administrative officer changes: 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.

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.

Mr. Vanderpool stated 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 \$1.2 million, annually.

Mr. Vanderpool recommended introduction and adoption of an ordinance amendment to incorporate the above mentioned changes.

Mrs. Sanaa Elias discussed the increase in pay with the title changes and questioned the reasoning.

Moved by Romano, seconded by Taylor , **RESOLVED**, to confirm the City Manager's Administrative Code and Plan effective January 19, 2016.

Yes: All. The motion carried.

Moved by Romano, seconded by Ziarko, **BE IT 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.

Councilman Romano pointed out the savings to the City, even with the title changes. He stated all four of these employees deserve these titles and pay increases. He is in total support of the changes.

Councilwoman Ziarko stated she is in favor of the changes because even though the title was not there, the employees were doing the work of the elevated title.

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 January 5, 2016, as presented.
 - B. To approve payment of the bills as presented: General Fund - \$333,663.74, Water & Sewer Fund - \$2,659,627.28, Other Funds - \$1,397,560.13, Total Checks - \$4,390,851.15.
 - C. **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 rebid
 - D. **RESOLVED**, to:
 - 1) 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;

- 2) Authorize a budget amendment of \$315,000 from the Water and Sewer Fund Reserves; and,
- 3) Authorize the Mayor and City Clerk to sign all documents required in conjunction with this project on behalf of the City.

E. **RESOLVED**, to accept the proposal by Plante and Moran, LLC 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.

F. **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 \$118,119, respectfully, and authorize the City Manager to sign all documents required in conjunction with this approval.

G. Moved to Consideration Item 6.

H. Moved to Consideration Item 7.

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

Yes: All. The motion carried.

CONSIDERATION

3. Mr. Phil Ruggeri, 43231 Schoenherr Road, Sterling Heights, made a presentation on behalf of the petitioner, Lahib Shallal. He explained the prior use of the building, the \$30,000 paid by the petitioner to transfer the liquor license and the great opportunity for the City to make use of a building that was not usable. Mr. Ruggeri also pointed out the petitioner paid the delinquent property taxes and has entered into an 18-month lease of the licensed premises, with an option for a 5 year renewal.

Mr. Charles Jefferson questioned whether the petitioner has enough funding to complete the project and the timeframe for the business to be up and running. Moved by Schmidt, seconded by Romano, **RESOLVED**, that the request to transfer ownership of 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. Councilwoman Schmidt questioned whether the petitioner is planning to make any improvements to the building.

Mr. Shallal replied they are keeping it the way it is right now and just cleaning it up, since it is already being used as a hall.

Councilwoman Schmidt questioned whether their intent was just to use it for banquets and Mr. Shallal indicated yes.

Councilwoman Schmidt questioned whether the petitioner would be there all the time and he indicated yes.

Councilwoman Schmidt questioned whether Police Lt. Belmonte gives his blessing on this request.

Lt. Belmonte responded the police department did their traditional background check on this facility and the applicant. He stated they have a relationship with their liquor license holders in the City and this applicant has been awesome in dealing with the City. Lt. Belmonte pointed out there is nothing negative in the background check.

Councilman Romano pointed out the location of the banquet hall and stated this request is a good idea and there is a lot of money involved with the back taxes. This petitioner has been a resident of the City for over 20 years and Councilman Romano is 100% in favor of the request.

Mayor Taylor echoed the sentiments of the other Council members. He thanked the petitioner for investing in our City and wishes them the best of luck moving forward.

Yes: All. The motion carried.

4. Moved by Romano, seconded by Schmidt, **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.

Councilman Romano pointed out Mr. Deming served on the board for a long time before his illness and is excited about returning to serve again.

Yes: All. The motion carried.

5. Moved by Shannon, seconded by Taylor, **RESOLVED**, to appoint Judi Dent 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. Councilman Shannon stated he spoke to Ms. Dent today and she is very excited to be appointed to the Arts Commission.

Yes: All. The motion carried.

6. Item G from the Consent Agenda:

Fire Chief Chris Martin made a presentation on his request for approval of an Interlocal Agreement between the City of Sterling Heights and Charter Township of Clinton for Reciprocal Lending of Municipal Fire Apparatus.

Mrs. Sanaa Elias questioned how this was handled before we had an agreement. She inquired the necessity at this time.

Moved by Ziarko, seconded by Schmidt, **RESOLVED**, to approve the Interlocal Agreement between the City of Sterling Heights and the 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.

Councilwoman Schmidt thanked Chief Martin for his presentation and clarifying that this agreement has nothing to do with the consolidation study. She inquired whether the Charter Township of Clinton has approved this agreement.

Chief Martin responded yes, it was on their agenda last Monday.

Councilwoman Schmidt inquired whether there was any money exchanged and the Chief responded no, they would return the vehicle with the same amount of fuel it had when

they borrowed it and they would be liable for the piece of equipment while it is being used by their department.

Councilwoman Ziarko asked Chief Martin to explain to the residents the difference between this agreement and mutual aid.

Chief Martin responded the Fire Department has never exchanged apparatus, but now there is a need for it. As far as mutual aid, they send an officer with an engine to any municipality that requests help.

Councilwoman Schmidt questioned what would happen if we lent a fire engine to Clinton Township and then needed it back.

Chief Martin responded we would ask them to bring it back and if we anticipated the need for our apparatus, we have the option not to lend it out.

Councilwoman Schmidt pointed out in March, the Township of Clinton is getting 5 new trucks and this agreement would be more beneficial to the Sterling Heights Fire Department than Clinton Township, since our equipment is older.

Councilwoman Schmidt questioned the Knox boxes that are on our fire trucks and what would happen to them when we lend out our trucks.

Chief Martin responded they are not installed in the engines yet, but when the Fire Department switches vehicles, they would take the key out.

Councilman Romano questioned whether there was any discussion about a daily rate to borrow the apparatus.

Chief Martin responded the engines are just sitting there and they might need to use them sometime; also they don't charge for mutual aid. He stated exchanging money between departments is not something they do.

Councilman Romano stated the City of Sterling Heights has three reserve trucks and inquired whether Clinton Township has any. He also questioned the number of fire stations they have.

Chief Martin responded they also have five fire stations and they have one reserve truck now, but will have three once they put all five of the new trucks in service.

Councilman Romano questioned whether Chief Martin was approached by any other department and he responded yes, in 2006, the City of Warren. The Chief pointed out the City of Warren did not like the agreement that was drawn up. No other city was asked.

Councilwoman Koski questioned whether this only applies to the fire engines.

Chief Martin responded it is apparatus, so that would include ladder trucks and fire rescue trucks. He pointed out the City has a new fire rescue truck coming in June, so we have no reserve rescue truck right now.

Yes: All. The motion carried.

7. Item H from the Consent Agenda:

Moved by Shannon, seconded by Taylor, **RESOLVED**, to adopt the resolution calling for the immediate repeal of §57(3) of the Michigan Campaign Finance Act.

Councilman Shannon pulled this item off the Consent Agenda so he could make a few comments on it. He pointed out this new law upsets him and it should upset the residents of Sterling Heights also. He believes this is a complete over-reach of Lansing authority

and he is not sure how they have the right to tell the local municipalities how to run their cities. This act puts a gag order on the Council and Administration from discussing a millage proposal. He stated any violation of this law could cost the City a \$20,000 fine. Councilman Shannon believes the motivation for his law is unclear and a solution looking for a problem.

Councilwoman Ziarko agrees with Councilman Shannon. She believes the City Council has to take action and this law needs to be repealed. She stated it is one more time that the City is losing municipal control.

Councilwoman Schmidt stated she would be supporting this resolution as well. She stated to deny or gag the mouths of any elected body is really doing a disservice to our residents. Councilwoman Schmidt stated everyone has a right to get the education they need in order to be an informed voter. She believes if the municipalities are not allowed to speak on the issues, the residents will receive totally biased information from people either in favor or against the proposal.

Councilman Skrzyaniarz supports his colleagues. He stated this is very disturbing and he doesn't understand why the local governments are being attacked. He hopes at some point our state legislators and governor would recognize all that goes on in the local communities. He supports the resolution.

Councilman Romano explained that this law states 60 days before any election, there can be no discussion or any information provided to allow the public to have knowledge of what we are trying to do. The City Council wants to repeal this law and give authority back to the local government.

Councilwoman Koski agrees with her colleagues. She stated they have a duty as City Council members to inform our residents about what is going on the ballot. She is in full support of repealing the law.

Mayor Taylor stated the State Legislators and the Governor have no idea how things are run at the local level and they need to come down and spend some time with the local communities. He pointed out this is the first line of communication with our residents. Mayor Taylor doesn't see any harm in telling people 60 days before an election that this millage proposal will affect the Police Department, the Fire Department, the Parks and Recreation Department or the Library. This would be factual, unbiased information. He urges someone from Lansing, that voted in favor of this bill, to come into our City and explain to our residents why this is the wrong thing to do. Mayor Taylor also believes this law needs to be repealed.

Councilwoman Ziarko questioned whether the fine would be \$20,000 per incident.

Mr. Bahorski responded when a resident comes up to the podium with a question on a ballot proposal, the City Council would not be able to answer their question. The fine could be \$20,000 every time a reply was made by the city or City Council.

Councilman Skrzyniarz discussed the fact that the meetings are televised and if someone comes up to the City Council to speak about anything related to the millage, we would have to stop the broadcast.

Mr. Bahorski responded if a resident came up to speak on an issue at a televised meeting, City Council would not be allowed to respond.

~ 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

Yes: All. The motion carried.

COMMUNICATIONS FROM CITIZENS

Mr. Charles Jefferson - Hall Road repairs, Flint water problems/effect on Sterling Heights, Safety of City employees.

REPORTS FROM CITY ADMINISTRATION AND CITY COUNCIL

Mr. Vanderpool pointed out Hall Road is a state road and the City has no jurisdiction.

Moravian Road is a county road and again the City has no jurisdiction. The complaints received have been passed along to the appropriate departments.

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

Councilwoman Ziarko reported that St. Blaise wants to be a drop off center for donations of water for the City of Flint.

Councilwoman Ziarko reported the warming center is ready and opening on Sunday night.

Councilwoman Ziarko agrees with Mr. Jefferson that some issues need to be discussed and the City Council is very aware of this and trying to do all they can to protect the City employees.

Councilwoman Ziarko requested a letter be drafted to the County regarding the roads that residents have complained about in the hopes that we can expedite repairs on the roads: Mound around 18 Mile Road, Schoenherr from south of 15 Mile Road to Clinton River. Councilman Skrzyniarz invited all concerned residents to attend the Strategic Planning Meeting next Tuesday and voice their suggestions on how to move the City forward in the coming year.

Councilman Romano questioned the status of his request for a used vehicle for the Citizens on Patrol.

Councilman Romano stated in regard to safety in the Council chambers, there are two police officers in the Council chambers and he hopes if a resident is asked to open their backpack, they would comply. He doesn't believe metal detectors would be the solution.

Councilman Shannon discussed the possibility of Sterling Heights becoming a partner in the United States of America Vietnam Veterans Commemoration. He asked in the meantime if anyone has any suggestions as to how to honor our veterans, he would like to hear from them.

Mayor Taylor stated there is a Strategic Planning meeting on Tuesday, January 26th and he urged all residents to attend the meeting. He thanked Councilwoman Ziarko and St. Blaise for the work they are doing.

ADJOURN

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

Yes: All. The motion carried.

The meeting was adjourned at 8:43 p.m.

MARK CARUFEL, City Clerk