

CITY OF STERLING HEIGHTS
MINUTES OF REGULAR MEETING OF CITY COUNCIL
TUESDAY, AUGUST 16, 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: Jeffrey Bahorski, Assistant City Manager; Marc D. Kaszubski, City Attorney; Mark Carufel, City Clerk; Carol Sobosky, Recording Secretary.

APPROVAL OF AGENDA

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

Yes: All. The motion carried.

REPORT FROM CITY MANAGER

Mr. Vanderpool reported that the City Offices will be closed for the entire Labor Day weekend, including Friday, September 2, and refuse pick-up will be delayed by one day through the end of that week and going into Saturday.

Mr. Vanderpool informed that tomorrow is National Night Out from 6:30 p.m. to 9 p.m. at the Sterling Heights Police Department. He explained the event will include demonstrations of public safety equipment, and emergency service

personnel will speak to residents about established volunteer programs such as Citizens' Emergency Response Team (CERT), Neighborhood Watch and Citizens on Patrol (COPS). There will also be raffles, prizes and refreshments, and all Sterling Heights families are invited to attend.

Mr. Vanderpool reported that, due to the ongoing extensive restoration efforts along the Clinton River corridor as part of a \$4 million grant received to clean out the river, the bike path will be closed from Edison Court to the Dodge Park Bridge for the next three weeks. He stated this closure is in the best interest of the safety of the trail and path users due to the heavy machinery and equipment being used. He informed that updates on the progress of these restoration efforts will be available at the "Cone Zone" link on the city's website.

Mr. Vanderpool reported that the library began a new early literacy campaign entitled "1000 Books Before Kindergarten". The program is another way to encourage young readers, and parents can keep track of their child's reading progress with a structured booklet. There are small prizes offered for every 100 books read, with a larger prize awarded when the child reaches the 1,000-book goal. He added that there is more information about this interesting program on the library's website.

Mr. Vanderpool requested that at the end of tonight's City Council meeting, the Council convene in closed session to consider three attorney-client privileged and confidential communications from legal counsel and to discuss strategy in

connection with pending litigation. He stated that concludes his report for this evening.

PRESENTATION

Mayor Taylor introduced a video prepared by Sterling Heights TV to showcase the “Nice Neighbor” being honored this evening.

Councilwoman Koski presented the “Nice Neighbor” award to Mr. Brian Brooks, aka “Spaghetti Man”, nominated by Mr. Jeff Norgrove.

ORDINANCE ADOPTION

1. Mayor Taylor inquired as to whether there were any citizen comments.

There were no citizen comments.

Moved by Romano, seconded by Schmidt, **RESOLVED**, TO ADOPT THE ORDINANCE AMENDING Chapter 8, Sections 8-28 and 8-28A of the City Code, to update the City’s requirements relating to dangerous and potentially dangerous dogs.

Mayor Pro-Tem Romano stated he felt this was covered at the last meeting and he is satisfied with the proposed ordinance.

Yes: All. The motion carried.

CITY OF STERLING HEIGHTS

MACOMB COUNTY, MICHIGAN

ORDINANCE NO. 449

AN ORDINANCE TO UPDATE CHAPTER 8 OF THE CITY CODE GOVERNING DANGEROUS DOGS

THE CITY OF STERLING HEIGHTS ORDAINS:

SECTION 1. Section 8-28 of Chapter 8 of the City Code shall be amended to read as follows:

8-28. POTENTIALLY DANGEROUS DOGS.

The purpose of this section is to establish a procedure for identifying dogs that pose a potential or significant threat to the safety of people, animals, or property, to impose precautionary restrictions on such dogs in an effort to prevent a serious injury from occurring, and to promote responsible ownership of all dogs within the city.

(A) Determination of a potentially dangerous dog. The determination that a dog is potentially dangerous shall be based on the following specific behaviors exhibited by the dog:

(1) Menaces, chases, displays threatening or aggressive behavior toward, or otherwise threatens or endangers the safety of a person or domestic animal.

(2) Causes injury to a person or domestic animal that is less than a severe injury. For purposes of this section, the term "severe" injury means permanent, serious disfigurement, serious impairment of health, or serious impairment of a bodily function.

(3) Aggressively bites a person or domestic animal. For purposes of this section, the term "aggressively bites" means the dog physically bit the person or animal in a manner not normally associated with playfulness or accidental behavior while exhibiting objective signs of aggression, attack behavior, or intent to harm. The damage inflicted by a bite, or lack thereof, may also be used by animal control officials as a factor in determining whether a bite was aggressive.

(4) Any of the behaviors listed above exhibited in another community and documented in an official report of any law enforcement or animal control agency.

(B) Notice of determination and right of appeal. An animal control officer shall have the authority to make a determination that a dog is potentially dangerous if the animal control officer concludes the dog has exhibited the behaviors specified in this section. The owner or keeper of a dog determined to be potentially dangerous shall be provided with a notice containing the following information:

(1) A summary of the findings that form the basis for the determination that the dog is potentially dangerous.

(2) Notice of requirements necessary to possess a potentially dangerous dog in the city.

(3) Notice of the right to submit a written appeal of the determination that the dog is potentially dangerous to the Board of Ordinance Appeals within 10 calendar days from the date of the notice. The notice shall:

- (a) Provide instructions for taking an appeal;
- (b) Indicate that the appeal will be considered at the next regular meeting of the Board of Ordinance Appeals to be held at least 3 calendar days from the date of the notice, unless an earlier meeting is scheduled and the owner requests in writing for the appeal to be heard at that meeting;
- (c) Indicate that the determination that the dog is potentially dangerous is final and conclusive if an appeal is not taken; and
- (d) Indicate that ownership of the dog will be deemed forfeited to the city if any of the following occur:
 - a. An appeal is not taken and the owner has not secured permanent relocation of the dog or satisfied all of the requirements set forth below for possession of a potentially dangerous dog within 14 calendar days from the date of the notice.
 - b. The Board of Ordinance Appeals upholds the determination that the dog is potentially dangerous and the owner or keeper has not secured permanent relocation of the dog or satisfied all of the conditions set forth in this section, and any other conditions established by the Board, for possessing the potentially dangerous dog within 14 days of the appeal hearing.
 - c. Animal control and the Board of Ordinance Appeals shall have the authority, but no obligation, to extend any of the deadlines set forth in this subsection for demonstrable good faith progress toward relocation of the dog or toward satisfaction of the possession requirements.

(4) Notice of the right to request removal of the potentially dangerous classification after the dog has resided and been licensed within the city for a minimum of 3 full years following the date the dog is licensed with the City as a potentially dangerous dog without any violations of the conditions required for keeping the potentially dangerous dog and without any new incidents involving behavior by the dog that would qualify for a potentially dangerous determination pursuant to this section. The removal request shall be sent in writing to animal control. The decision to remove the potentially dangerous classification shall be made in the first instance by animal control upon a review of the history of the dog and its residence for the 3 years preceding the date of the removal request, including a premises inspection and an inspection of the dog to ensure that the conditions set forth in this section have been followed. If the request is denied, the owner may appeal the denial to the Board of Ordinance Appeals within 10 calendar days. Owners shall only be permitted one request and one appeal during any 12-month period.

(C) Mitigating circumstances. An animal control officer shall have discretion to refrain from making a potentially dangerous determination if the animal control officer determines that the

behavior was the result of the victim abusing or tormenting the dog, was directed toward a trespasser or person committing or attempting to commit a crime, involved accidental or instinctive behavior while playing, did not involve a significant injury, or other similar mitigating or extenuating circumstances.

(D) Impoundment. A dog that is determined to be potentially dangerous shall be removed from the City and placed with the Macomb County Animal Shelter or, in the discretion of Animal Control, the owner may authorize placement of the dog at a residential home outside of the City, or with a qualified rescue organization or qualified dog lodging business, during any quarantine period and until the owner has either confirmed a new place of residence for the dog outside of the City or has exhausted any appeals permitted by this section. If the dog is not being housed at the Shelter, it must first be microchipped with all information required by Animal Control. All impoundment, lodging, and microchipping costs are the sole responsibility of the dog's owner.

(E) Requirements for possession of a potentially dangerous dog. If the owner of the dog requests that the dog be permitted to return to the City, its return shall not be permitted until the following requirements have been satisfied:

(1) Animal control shall confirm the following:

- a. The owner or keeper shall install secure fencing at the property where the dog will reside which is maintained in good repair with self-locking ingress or egress gates. The fencing may be any combination of chain link fencing and/or privacy fencing, shall only be installed upon obtaining all required fence permits from the City, and shall pass all required inspections prior to the dog's return to the property,
- b. When removed from the property of the owner or keeper, a potentially dangerous dog shall always be restrained by a secure leash of no more than four feet in length and under the control of a capable person.
- c. A potentially dangerous dog shall have a microchip implanted by a licensed veterinarian. The microchip shall contain the name and approximate age of the dog, its classification as potentially dangerous, and the name, address, and telephone number of the registered owner.
- d. The owner shall obtain and maintain public liability insurance with policy coverage in the minimum amount of \$250,000.
- e. Two recent color photographs of the dog, which clearly show the color and approximate size of the animal, shall be provided to animal control.

- f. The potentially dangerous dog shall meet the requirements of the AKC's Canine Good Citizen Program, or its equivalent, to the satisfaction of animal control. Dogs that are under one year of age are ineligible for the AKC Canine Good Citizen Program, so such dogs must be enrolled in or have completed the AKC START Program or an equivalent approved by animal control. The dog may not return to its City residence until these requirements have been met, but it may be kept at a qualified rescue or dog housing business until proof of successful completion of the program is submitted to, and acknowledged by, animal control and the city clerk. For every future violation of this chapter for which a dog may be determined to be potentially dangerous which occurs after the dog has completed the requirements of this subsection and been properly registered under this section, additional training or testing, including but not limited to renewing the dog's compliance with this subsection, may be imposed by animal control as a condition of continuing to keep the dog within the city unless the dog's status is changed to dangerous due to the nature or frequency of the new violation(s).
- g. The potentially dangerous dog, if over 12 weeks old, has been spayed or neutered.
- h. All impoundment and lodging costs have been paid by the owner.

(2) Before the dog returns to any property within the city other than a qualified rescue organization or a boarding business, the owner of a potentially dangerous dog shall ensure that the dog's license is current and shall register the dog with the city clerk as a potentially dangerous dog with all information required by the city clerk's potentially dangerous dog registration form, as well as the following:

- a. Proof of animal control's certification that the required fence, self-locking gate, and leash have all been procured for the dog.
- b. Proof of microchipping and the information contained on the microchip. The owner shall ensure that the microchip information provided to the city is kept up to date.
- c. Proof of the required insurance policy.
- d. Proof of the successful completion of the required training and temperament testing.
- e. Two recent color photographs of the dog, which clearly show the color and approximate size of the animal.

(3) The owner or keeper of a potentially dangerous dog must, within 10 business days, report to the city clerk if the dog has been permanently removed from the city, has died, or has

relocated within the city. The new address of a relocated potentially dangerous dog shall be provided as part of the report to the city clerk.

(4) After its initial registration, a potentially dangerous dog shall be registered with the city clerk annually and its owner or keeper shall pay a registration fee established by the city's annual appropriations ordinance. This registration and fee shall be in addition to any other requirements for annual licensing of an animal.

(E) Visiting Dogs. Any dog that does not reside within the city and is licensed by another community but which is determined to be a potentially dangerous dog pursuant to this section shall not be subject to the conditions for possessing a potentially dangerous dog within the city, except that the dog shall be microchipped before its release, all impound and microchipping costs shall be paid by the owner, and its owner and keeper shall be advised by animal control that the dog is not to return unless all of the conditions for possessing a potentially dangerous dog are first satisfied. In the event the dog is subsequently in the city without full compliance with the requirements for possessing a potentially dangerous dog, the person harboring or possessing the dog shall be subject to the penalties set forth in subsection (F).

(F) Penalties.

(1) Except as provided in division (F)(2), any person who owns, harbors, keeps, or possesses a potentially dangerous dog in violation of any of the requirements of this section for possessing a potentially dangerous dog, or who in any way aids or abets such ownership, harboring, keeping, or possession, shall be responsible for a municipal civil infraction. The fine for a first violation shall be \$500; for a second violation, \$750; and for all subsequent violations, \$1,000 per violation. The court may only waive or reduce these fines in cases of financial hardship, upon good cause shown, if the offender forfeits all ownership and possessory rights to the offending dog and forfeits future dog ownership and possessory rights until the offender has successfully completed animal ownership educational training satisfactory to the city's animal control officers and for a period of time determined appropriate by the court.

(2) In addition to the civil penalties set forth in division (F)(1), a potentially dangerous dog shall be subject to immediate impoundment by an animal control officer if it is determined that the dog is owned, possessed, harbored or maintained in violation of this section. The animal control officer shall issue a notice to the owner or keeper of the potentially dangerous dog which indicates the hearing date at which the city's Board of Ordinance Appeals will address the violations. The city shall provide notice of the hearing to any victim and/or any owner of an animal victimized by the potentially dangerous dog.

(3) Any hearing scheduled for consideration by the Board of Ordinance Appeals shall be administratively canceled if the owner or keeper withdraws the requested appeal, corrects all correctable violations to the satisfaction of animal control, satisfies the conditions for possessing a potentially dangerous dog, permanently relocates the dog to the satisfaction of animal control, or forfeits ownership rights to the potentially dangerous dog prior to the scheduled Board

hearing,. The owner or keeper shall be responsible for all impound fees and costs, regardless of whether the hearing is held or canceled. If a hearing is held, the Board shall:

(a) Determine whether the status of the dog as potentially dangerous shall be upheld and, if so, the conditions applicable for return of the potentially dangerous dog to the owner or keeper, including but not limited to deadlines for correcting any uncorrected violations and random inspections of the premises and the potentially dangerous dog by an animal control officer, with the owner or keeper responsible for payment of inspection fees established by the city's annual appropriations ordinance. In the event of noncompliance, the Board may impose conditions on removal from the city that are rationally related to the public interest in protecting others from any potential future harm that could be caused by the potentially dangerous dog. Failure to comply or remove the dog in accordance with the decision of the Board within the timeframe established by the Board shall result in forfeiture of ownership rights to the dog in favor of the city, in which event animal control shall determine the final placement or disposition of the dog.

Statutory reference:

Dangerous animals, see M.C.L. § 287.321 et seq.

SECTION 2. Section 8-28A of Chapter 8 of the City Code shall be amended to read as follows:

8-28A. DANGEROUS DOG.

(A) Determination of a dangerous dog. The determination that a dog is dangerous shall be based on the following specific behaviors exhibited by the dog:

(1) Exhibits aggressive behaviors that result in further incidents or complaints after having been determined to be a potentially dangerous dog.

(2) Causes severe injury to a person or domestic animal. For purposes of this section, the term “severe” injury means permanent, serious disfigurement, serious impairment of health, or serious impairment of a bodily function.

(3) Kills a person or domestic animal.

(4) Its use in the commission of a crime, including but not limited to dog fighting and guarding of illegal operations.

(B) Notice of determination. The definition of “dangerous animal” in § [8-3](#) shall continue for purposes of issuing violations for harboring a dangerous or vicious animal pursuant to § [8-8](#). An animal control officer shall have the additional authority to make a determination that a dog is to be classified as dangerous under this article if the animal control officer concludes the dog has exhibited the behaviors specified in this section. The owner or keeper of a dog determined to be dangerous shall be provided with a notice containing the following information:

(1) A summary of the findings that form the basis for the determination that the dog is dangerous.

(2) Notice of the prohibition of dangerous dogs within the city.

(3) Notice of the right to appeal, as set forth below.

(C) Mitigating circumstances. An animal control officer shall have discretion to refrain from making a determination of a dangerous dog if the animal control officer determines that the behavior was the result of the victim abusing or tormenting the dog, was directed toward a trespasser or person committing or attempting to commit a crime, or other similar mitigating or extenuating circumstances. The animal control officer retains discretion, however, to classify the dog as potentially dangerous if the mitigating circumstances do not completely dispel concern about the dog's future behaviors.

(D) Impoundment and euthanization. A dangerous dog is not permitted within the city, shall be immediately impounded, and shall be euthanized not less than 10 calendar days after a determination is made by an animal control officer.

(E) Right of appeal. The animal control officer shall issue a notice to the owner or keeper of the right to appeal the determination that a dog is dangerous to the Board of Ordinance Appeals within 10 calendar days from the date of the notice. The notice shall provide instructions for taking an appeal and indicate that the determination is final and conclusive if an appeal is not taken. The city shall provide notice of the hearing to any victim and/or any owner of an animal victimized by the dangerous dog. If the owner forfeits ownership rights to the dangerous dog or obtains written permission to relocate the dog to another municipality from that municipality's chief administrative officer or chief animal control official prior to the scheduled Board hearing, the matter shall be administratively withdrawn from the agenda. If relocation permission is obtained, the dog shall first be microchipped at the owner's expense with all information required by animal control, including the dog's designation as dangerous in Sterling Heights and information referencing the city's incident report(s). The owner or keeper shall be responsible for all impound fees and costs, regardless of whether the dog is forfeited, removed from the city, or a hearing is held. If a hearing is held, the Board shall determine whether the dog is dangerous and subject to forfeiture and euthanization.

SECTION 3. All other provisions of the Code of Ordinances not specifically amended shall remain in full force and effect.

SECTION 4. 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 3rd day of August, 2016, and was duly adopted at a regular meeting of the City Council of the City of Sterling Heights on the 16th day of August, 2016.

MICHAEL C. TAYLOR, Mayor

MARK CARUFEL, City Clerk

INTRODUCED: 08-03-16
ADOPTED: 08-16-16
PUBLISHED: 08-24-16
EFFECTIVE: 08-24-16

CONSENT AGENDA

2. Moved by Koski, seconded by Romano, **RESOLVED**, to approve the Consent

Agenda:

- A. To approve the minutes of the Regular Meeting of August 3, 2016, as presented.
- B. To approve payment of the bills as presented: General Fund - \$1,683,387.26, Water & Sewer Fund - \$1,792,890.32, Other Funds - \$3,769,487.88, Total Checks - \$7,245,765.46.
- C. **RESOLVED**, to award the bid for Schoenherr Road Sidewalk – 17 Mile Road to Clinton River Road, City Project #16-288, to Z Contractors, Inc., 50500 Design Lane, Shelby Township, Michigan 48315 in the amount of \$299,999.00, and authorize the Mayor and City Clerk to sign all required documents on behalf of the City.
- D. **RESOLVED**, to award a bid for 15 Mile Road Resurfacing, Schoenherr Road to Morningdale, Drive, City Project #14-259, to Pro-Line Asphalt

Paving Corp., 11797 29 Mile Road, Washington, MI 48095, in the amount of \$997,861.37 and authorize the Mayor and City Clerk to sign the contract on behalf of the City.

- E. **RESOLVED**, to approve final payment to Z Contractors, Inc., 50500 Design Lane, Shelby Township, MI 48315, in the amount of \$57,578.00, plus interest on retainage, for the Richard J. Notte City Center Improvements – Phase I, City Project #14-251.
- F. **RESOLVED**, to approve final payment to Pro-Line Asphalt Paving Corp., 11797 29 Mile Road, Washington, MI 48095, in the amount of \$55,298.45, plus interest on retainage, for the 19 ½ Mile Road Reconstruction, Merrill Drive to Utica Road, City Project #14-255.
- G. **RESOLVED**, to designate Mark D. Vanderpool as the voting delegate for the City of Sterling Heights at the Annual Business Meeting of the Michigan Municipal League to be held on September 14, 2016.
- H. **RESOLVED**, to adopt the resolution designating September 17th – 23rd, 2016 as *Constitution Week* in the City of Sterling Heights.

~ Resolution ~
Sterling Heights City Council

A resolution of the Sterling Heights City Council designating September 17th through September 23rd, 2016 as *Constitution Week* in the City of Sterling Heights

Whereas, the Constitution of the United States of America sets forth this Nation's fundamental laws, providing the framework for its governance and the principles under which it must operate; and,

Whereas, signed on September 17, 1787 by 55 delegates to the Constitutional Convention in Philadelphia's Independence Hall, the Constitution and its amendments were written to

define and protect the rights and liberties of all American citizens, and were intended to endure for ages to come; and,

Whereas, through the years, the Constitution has been amended to meet the changing needs of the American people, but continues to protect our rights as citizens by exercising the principle “to rule by law, not by men;” and,

Whereas, it is of great importance that all citizens fully understand the provisions and principles of the Constitution in order to support, preserve, and defend it against all encroachments; and,

Whereas, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17th through 23rd as *Constitution Week*.

Whereas, to commemorate the 229th anniversary of the Constitution of the United States of America and to encourage patriotism and reaffirmation of the ideals set forth by our Founding Fathers, the General Josiah Harmar Chapter of the Daughters of the American Revolution, Sterling Heights, MI, encourages all citizens to observe *Constitution Week*.

NOW, THEREFORE,

BE IT RESOLVED, that the City Council of the City of Sterling Heights, County of Macomb, and State of Michigan, hereby designates September 17th through September 23rd, 2016 as *Constitution Week* in the City of Sterling Heights and encourages residents to proudly fly the flag of the United States, celebrate the freedoms guaranteed by the Constitution, and reaffirm their commitment as citizens of this great nation to uphold the duties and responsibilities that good citizenship requires.

IN WITNESS WHEREOF, I have set my hand and caused the Official Seal of the City of Sterling Heights to be affixed hereto on August 16, 2016.

Mark Carufel, City Clerk

Yes: All. The motion carried.

CONSIDERATION

3. Ms. Katie Juneau, Vice-President of KUKACARES, a Michigan non-profit corporation, explained that they held a Wild Game dinner last year, but were not

able to hold any raffles or other fundraising activities. She stated that their non-profit corporation serves Macomb, Oakland and Wayne Counties through Kuka Systems and ten of their suppliers.

Moved by Ziarko, seconded by Schmidt, **RESOLVED**, that the request from KUKACARES of Sterling Heights, County of Macomb, asking that they be recognized as a nonprofit organization operating in the community for the purpose of obtaining a charitable gaming license, be considered for approval; provided, however, that this action is not an endorsement of the organization and the City of Sterling Heights should not be listed on any promotional materials associated with their charitable gaming activities.

Councilwoman Ziarko stated this is routine and this particular recognition is needed in order to obtain a gaming license, and she added the City asks that they use good judgment in their fundraising. She wished them good luck in their endeavors.

Mayor Taylor wished the applicant well, felt they have a good mission and he hoped they will be able to raise a lot of money for the organizations they support.

Yes: All. The motion carried.

4. Mr. Anthony Hanna, applicant, explained his background in insurance and stated he is a college student studying economics, a realtor, a medical distributor, and he now owns a restaurant in Sterling Heights. He stated he has taken all certifications related to food safety, adding that although he did not have any bar managers or restaurant managers at the time of his application, he has since met

and employed a 32-year veteran bartender who will be his bar manager. He also has a restaurant manager who has experience serving liquor. He felt confident that, with the bar manager and restaurant manager in place, he is prepared to operate the restaurant/bar.

There were no citizen comments.

Moved by Romano, seconded by Skrzyniarz, **RESOLVED**, to deny the request to transfer ownership of an escrowed 2016 Class C liquor license located at 7750 Metropolitan Parkway, Sterling Heights, MI 48312 from Z & A Holdings, Inc. to Mona Lisa Restaurant and Banquets, Inc., with Sunday sales (a.m. and p.m.), new dance-entertainment permit, catering permit and outdoor service, be considered for disapproval based on the following reasons:

- A. Applicant's owner has no management experience whatsoever in the operation of a liquor licensed business. There is no evidence that a manager with requisite experience will be available to mitigate the owner's inexperience.
- B. The owner's limited managerial experience, no restaurant management experience, no liquor license experience, combined with no immediate plans to hire an experienced manager, will put the health, safety and welfare of the general public at risk.
- C. The Applicant's proposal lacks a coherent, well-conceived business plan that increases the likelihood that the proposed liquor licensed establishment will

succeed. There is potential for the sale of liquor becoming the primary source of revenue for Applicant.

Mayor Pro-Tem Romano commended the applicant for being an entrepreneur and having worked hard. He emphasized this is not a “vault-closed door” but the City needs to see some items resolved. If at some time in the future the City Council, the Police Department and Liquor Control Commission are satisfied, he invited the petitioner to come back at that time for consideration.

Councilman Skrzyniarz agreed with Mayor Pro-Tem Romano and advised the applicant that he has the opportunity to run the business well over the next weeks and months, and to operate the restaurant well as far as the food, and the fact that he is running a successful business will help him if he chooses to pursue the liquor license in the future.

Councilwoman Schmidt questioned Mr. Kaszubski as to whether this liquor license can still be transferred through the State of Michigan even if City Council denies the request.

Mr. Kaszubski replied that is correct.

Councilwoman Schmidt agreed with the comments of her colleagues, and commended the applicant for cleaning up the property. She wished him well and hoped he will come back at a later date.

Mayor Taylor commended the applicant for what he is doing, and felt he will be a successful business owner for many years; however, he would have a difficult time approving this tonight because the applicant does not have any liquor

experience that they are looking for with applicants. He acknowledged that there has been a change in the last few years with the Liquor Control Commission no longer requiring the approval of the municipality for transfers. He hoped Mr. Hanna will take to heart what the City Council is requesting of him and take the safety of the community seriously. He stated that the 16 Mile/Van Dyke area should be good for business, although the last restaurant at that location was not able to stay open. He recommended the applicant go through the TIPS training, and if he gets the license transfer, he recommended Mr. Hanna hire experienced bar managers and waitresses who are also TIPS-trained.

Mr. Hanna stated his bar manager has had TIPS training.

Mayor Taylor wished the applicant well and encouraged him to come back in the future.

Councilwoman Ziarko understood that in the past, if a liquor license was being transferred to a new owner at the same location, they were able to continue to serve alcohol and the transfer would come later. She inquired as to whether that could happen in this situation.

Mr. Kaszubski replied that, to his knowledge, the liquor license is in escrow so until the Liquor Control Commission gives him permission to use the license or it is transferred into the new name of the new ownership, it cannot be used.

Yes: All. The motion carried.

COMMUNICATIONS FROM CITIZENS

Ms. Jazmine Early – National Night Out, ReCreating Recreation Initiative.

Mr. Charles Jefferson – National Night Out, Dooley’s Bar and Grill leaving Sterling Heights, social media policy, look into new ways of voting to make it easier for residents, road projects for next year.

Mr. George Parker – Parks and Recreation ballot language, *ReCreating Recreation Initiative*.

Mr. John Spica – Closed Session subject matter.

REPORTS FROM CITY ADMINISTRATION AND CITY COUNCIL

Mr. Vanderpool responded to questions from residents. With regard to the proposed work on M-59 next year, there will be three lanes of traffic remaining open in both directions. MDOT will be going into the median and installing temporary lanes so there will be no need for road closures during the construction. He stated that they are delaying some of their other road work, specifically on Canal Road, until after the work on M-59 is completed.

Mr. Vanderpool clarified that, in regard to the *ReCreating Recreation Initiative*, the Community Center is proposed to cost \$22 million, and there is a complete breakdown of all of the project costs on the *ReCreating Recreation Initiative* link on the city’s website. He summarized what is included in the total project cost of \$45 million.

Mr. Kaszubski stated he has nothing further to report other than to confirm the Council will be going into Closed Session this evening.

Mayor Taylor clarified a resident’s earlier comment that he has office hours at the City Hall on Thursday at 1 p.m. but will not be here tomorrow. He addressed a

resident's earlier comment about the campaigning taking place for the *ReCreating* Recreation Initiative, and stated that is what people do when they want to provide information about an issue. He clarified that his wife has the right to campaign for the plan, regardless of whether or not she is married to him. He urged everyone to go on the website to look at the total breakdown of costs associated with the *ReCreating* Recreation Initiative, noting it will be more than the \$45 million. He explained the \$45 million includes the infrastructure improvements but there is also an operational component so that the yearly operational costs can be covered. He clarified that, with regard to the parade, the Council each year either contributes their own money or uses their campaign money to purchase candy to throw out, and this year they used it for t-shirts. He assured the City did not sponsor it and there is no public money being used.

UNFINISHED BUSINESS

There was no Unfinished Business discussed.

NEW BUSINESS

There was no New Business.

CLOSED SESSION PERMITTED UNDER ACT 267 OF 1976

Moved by Ziarko, seconded by Schmidt, to recess to closed session to discuss privileged and confidential communications from legal counsel and to discuss pending litigation.

Roll call vote:

Yes: Ziarko, Schmidt, Koski, Romano, Shannon, Skrzyniarz, Taylor.

The motion carried.

The meeting was recessed at 8:12 p.m.

ADJOURN

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

Yes: All. The motion carried.

The meeting was adjourned at 9:51 p.m.

MARK CARUFEL, City Clerk