

# Southgate City Council Agenda

## Council Chambers

14400 Dix-Toledo Rd., Southgate, Michigan 48195

Wednesday July 20, 2022

6:30pm

### Work Study Session

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1. Officials Reports
2. Discussion of Agenda Items

7:00 pm

### Regular Meeting

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#### *Pledge of Allegiance*

#### Roll Call:

Colovos, Farrah, George, Graziani, Kuspa, Rauch, Zamecki

#### Minutes:

1. Work Study Session Minutes dated July 6, 2022
2. Regular City Council Meeting Minutes dated July 6, 2022

**Scheduled Persons in the Audience:** Houston James

**Consideration of Bids:**

**Scheduled Hearings:**

#### Communications "A" –

1. Letter from City Attorney; Re: John and Colleen O'Donnell v City of Southgate Wayne County Circuit Court Case No. 2022-0077854 Page 6
2. Memo from Building Dir.; Re: Conditional Rezoning – 16600 Fort St. Page 14
3. Letter from Mayor; Re: Purchase of Network Switches **(WAIVER OF BID)** Page 26
4. Memo from Administrator; Re: DUWA Resolution Page 31

#### Communications "B" – (Receive and File)

1. Memo from Administrator; Re: Librarian Contract

Page 34

#### Ordinances:

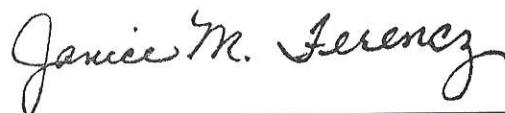
#### Old Business:

#### New Business:

#### Unscheduled Persons in the Audience:

**Claims & Accounts:** Warrant #1453 \$ See Warrant

#### Adjournment:



Janice M. Ferencz, City Clerk

City Council

## **Work Study Session**

July 6 2022

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An Informal Meeting of the Council of the City of Southgate was held on July 6, 2022 at 6:30 P.M. and called to order by Council President Zoey Kuspa.

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Present: Bill Colovos, Mark Farrah, Karen George, Christian Graziani, Zoey Kuspa, Phil Rauch, Dale Zamecki

Absent:

Also Present: Mayor Joseph G. Kuspa, City Attorney Ed Zelenak, City Administrator Dan Marsh, City Engineer John Hennessey, City Treasurer Chris Rollet, Public Safety Director Joseph Marsh, Police Chief Mark Mydlarz, Fire Chief Mark Hatfield, Building Inspections Director Tim Leach, Recreation Director Julie Goddard

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*Mayor Kuspa presented Henry Bryant with an Outstanding Citizenship Award Presentation.*

*Discussed the following agenda items:*

- Collective Bargaining Agreement – Firefighters 1307
- Collective Bargaining Agreement – AFSCME 1917
- Appointment to Plan Commission
- 28<sup>th</sup> District Court Flagpole Replacement Waiver of Bid
- 2<sup>nd</sup> Reading Ordinance 394 – Chapter 4680.01 Parking on Refuse Pick up days

This meeting ended at 6:49 pm.

# City of Southgate

## Regular City Council Meeting

### July 6, 2022

A Regular Meeting of the Council of the City of Southgate was held on Wednesday, July 6, 2022 in the Southgate City Hall Council Chambers and was called to order at 7:00 PM by Council President Zoey Kuspa.

**This meeting began with the Pledge of Allegiance, followed by roll call.**

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Present: Bill Colovos, Mark Farrah, Karen George, Christian Graziani, Zoey Kuspa, Phil Rauch, Dale Zamecki

Absent:

Also Present: Mayor Joseph G. Kuspa, City Attorney Ed Zelenak, City Administrator Dan Marsh, City Engineer John Hennessey, City Treasurer Chris Rollet, Public Safety Director Joe Marsh, Police Chief Mark Mydlarz, Fire Chief Mark Hatfield, Building Inspections Director Tim Leach, Recreation Director Julie Goddard

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#### **Minutes:**

Moved by Colovos, supported Zamecki, RESOLVED, that the minutes of the City Council Work Study Session dated June 15, 2022 be approved as presented. Carried unanimously.

Moved by Rauch, supported by Zamecki, RESOLVED, that the minutes of the Regular City Council Meeting dated June 15, 2022 be approved as presented. Carried unanimously.

*Executive Session re: Tentative Agreements for Firefighters Local 1307 and AFSCME 1917*

Moved by Rauch, supported by George, RESOLVED that the Southgate City Council hereby enters into an executive session at 7:01 p.m.

#### ROLL CALL

|          |     |
|----------|-----|
| Colovos  | yes |
| George   | yes |
| Zamecki  | yes |
| Rauch    | Yes |
| Farrah   | Yes |
| Graziani | Yes |
| Kuspa    | Yes |

Motion Passes 7-0

Moved by Rauch, supported by Zamecki, RESOLVED that the Southgate City Council hereby closed the executive session at 7:14 p.m.

#### ROLL CALL

|          |     |
|----------|-----|
| George   | yes |
| Zamecki  | yes |
| Kuspa    | yes |
| Rauch    | yes |
| Colovos  | yes |
| Graziani | yes |
| Farrah   | yes |

Motion Passes 7-0



## Regular City Council Meeting

### July 6, 2022

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#### **Communications "A":**

1. Memo from Administrator; Re: Collective Bargaining Agreement; Firefighters 1307 moved by Farrah, supported by George, RESOLVED that the Southgate City Council concurs with the Administration's recommendation to adopt the Collective Bargaining Agreement between the Firefighters Local 1307 and the City of Southgate. BE IT FURTHER RESOLVED that the Mayor and City Clerk are authorized to sign on behalf of the City.

Motion carried unanimously.

2. Memo from Administrator; Re: Collective Bargaining Agreement; AFSCME 1917 moved by Colovos, supported by Zamecki, RESOLVED that the Southgate City Council concurs with the Administration's recommendation to adopt the Collective Bargaining Agreement between the AFSCME 1917 and the City of Southgate. BE IT FURTHER RESOLVED that the Mayor and City Clerk are authorized to sign on behalf of the City.

Motion carried unanimously.

3. Letter from Mayor; Re: Appointment to Plan Commission moved by Rauch, supported by Zamecki, RESOLVED THAT the Southgate City Council concurs with the Mayor's appointment of Priscilla Ayres-Reiss, 15080 Cameron, Southgate, MI 48195 to the Plan Commission for a term expiring December 2022.

Motion carried unanimously.

4. Letter from Mayor; Re: 28<sup>th</sup> District Court Flagpole Replacement (Waiver of Bid) moved by Colovos, supported by Zamecki, RESOLVED THAT the Southgate City Council hereby waives the bid procedure and authorizes purchase of a Flagpole Replacement for the 28<sup>th</sup> District Court to Rocket Enterprise, Inc. (30660 Ryan Road, Warren, MI 48092) in the amount of \$5,673.

Motion carried unanimously.

#### **Ordinances:**

1. Memo from Administrator; Re: 2<sup>nd</sup> reading Ordinance 394 – Chapter 468.01 Parking on Refuse Pick up Days and Chapter 468.99 Penalties moved by Zamecki, supported by Rauch, RESOLVED THAT the Southgate City Council give the 2<sup>nd</sup> reading to adoption of an amendment to the City of Southgate Codified Ordinances to amend Ordinance 394, Chapter 468.01, Parking on Refuse Pick-Up Days. This amendment would include amending the current time of no parking from Noon to 4:00 pm to 8:00 am to 4:00 pm. Also amended is Chapter 468.99, Penalties. The fee for first time offense from \$10 to \$25 and second offence from \$25 to \$50. Third offense and any offenses over three will stay at the current rate of \$50. The Ordinance will be otherwise known as Ordinance no. 1027.

Motion carried unanimously.



## Regular City Council Meeting

### July 6, 2022

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#### **Unscheduled Persons in the Audience:**

1. Robert Pawlowski, 12757 Chestnut, discussed school public transportation system.
2. John Byers, 13024 Leroy, inquired about the proposed Popeye's restaurant and enforcing the weeds ordinance at Meijer.
3. Priscilla Ayres-Reiss, 15080 Cameron, thanked the Mayor and Council for her appointment to Plan Commission.

#### **Claims and Accounts:**

Moved by Graziani, supported by Zamecki, RESOLVED, that Claims and Accounts be paid as outlined on Warrant #1452 for \$2,103,500.82.

Motion carried unanimously.

#### **Adjournment:**

Moved by George, supported by Rauch, RESOLVED THAT this Regular Meeting of the Southgate City Council be adjourned at 7:36 P.M. Carried unanimously.

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Zoey Kuspa  
Council President

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Janice M. Ferencz  
City Clerk

Howard L. Shifman  
Brandon Fournier  
Robert Nyovich- Of Counsel



31600 Telegraph Road, Suite 100  
Bingham Farms, MI 48025  
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(248) 594-8700  
Fax (248) 594-7080  
shifmanfournier.com

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**VIA E-MAIL**

**PRIVILEGED ATTORNEY – CLIENT COMMUNICATION**

July 13, 2022

Honorable Mayor Joseph Kuspa  
City of Southgate City Council  
14400 Dix-Toledo Road  
Southgate, MI 48195

Re: John and Colleen O'Donnell v City of Southgate  
Wayne County Circuit Court Case No. 2022-0077854

Dear Mayor Kuspa and Council Members:

On Monday, July 11, 2022, the City of Southgate received a Summons and Complaint on behalf of the above-captioned Plaintiffs alleging that the City is improperly applying the Act 345 tax levy to cover costs associated with post-retirement healthcare benefits for retired Police and Firefighters.

This lawsuit is one of a series of lawsuits that has been filed amongst Act 345 communities in the State of Michigan including locally the cities of Taylor, Dearborn Heights, Westland and St. Clair Shores among others. The City of Southgate like many other Act 345 communities has used levies from the Act 345 retirement system to provide costs associated with retirement healthcare since approximately the late 1980s.

The lawsuit contends that the costs associated with the retirement systems are not authorized pursuant to the Headley Amendment among other theories. This cause of action is not covered by the City of Southgate's Michigan Municipal League liability insurance pool. As a result of the lawsuit and potential risk to the City's fiscal systems, we are recommending that the City of Southgate City Council approve a retention with the MillerCanfield law firm who will assign Principal Soni Mithani to represent the City of Southgate in this litigation.

Ms. Mithani is a Partner in the law firm of MillerCanfield, and she was recommended by the Michigan Municipal League General Counsel Chris Johnson as an expert in dealing with Headley Amendment challenges as well as numerous rate cases involving Plaintiffs' law firm. Our office will assist Ms. Mithani in preparation of litigation to maintain an economical representation for the City of Southgate.

The Finance Director and I are recommending that the City Council engage the MillerCanfield law firm at a rate of \$325 per hour for Partner, \$225 for an Associate, and \$170 per hour for Legal Assistants to represent the City of Southgate in the above-captioned lawsuit. We are recommending an initial legal budgetary cap of \$35,000. In the event the case exceeds that amount, we will appear before the City Council to discuss.

Thank you for your attention in this matter. Should you have any questions, please do not hesitate to contact me.

Very truly yours,

SHIFMAN FOURNIER

  
Brandon Fournier



## ANN ARBOR

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## WASHINGTON, D.C.

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Washington, D.C. 20037  
O: +1.202.572.6150  
F: +1.202.572.6151

mithani@millercanfield.com

## Services

### Litigation and Dispute Resolution

- Class and Collective Actions
- Commercial and Corporate Litigation
- Governmental Litigation
- Professional Liability and Malpractice Litigation
- Real Estate and Construction Litigation
- Public Finance
- Related Government Services

## Industries

- Construction
- Health Care
- Higher Education

## Education

Harvard Law School, J.D., 1994  
University of Michigan, B.B.A.

## Bar Admissions

District of Columbia  
Michigan

## Court Admissions

U.S. Court of Appeals  
• Sixth Circuit



**Sonal Hope Mithani**

Principal  
Ann Arbor Resident Director  
General Counsel

Recognized by *Michigan Lawyers Weekly* as one of 2017's "Women in the Law" and named by *Crain's Detroit Business* as one of the "Notable Women in the Law" for 2019, Soni Mithani has more than 25 years of experience litigating complex commercial and governmental litigation matters, with an emphasis on non-compete and trade secret litigation, consumer class action litigation, construction litigation, real-estate litigation, and municipal litigation, including several class action matters challenging the constitutionality of municipal fees. She also serves as the firm's General Counsel.

## General Business and Complex Commercial Litigation

Soni maintains a broad general commercial litigation practice that encompasses cases ranging in value from seven-to-nine figures. Her cases include disputes over the enforcement of non-compete and confidentiality provisions, insurance coverage work, securities litigation and scores of business-to-business breach of contract and breach of warranty matters. Her commercial litigation practice covers matters not only in trial courts but appellate courts, as well, where she has frequently obtained favorable decisions either reversing or upholding trial court rulings. She also provides general legal advice to several clients including large corporations, governmental entities, mid-size businesses, private schools and non-profit organizations.

## Real Estate and Construction Litigation

Soni represents entities in disputes involving real estate, including lien enforcement actions, lease disputes, eminent domain actions and actions to quiet title. She also represents owners and contractors involved in construction disputes. Her construction practice involves trial and appellate litigation and larger-scale

Sonal Hope Mithani

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U.S. District Courts

- District of Columbia
- Eastern District of Michigan
- Western District of Michigan

arbitrations involving claims for liquidated damages, negligent design, recovery under the Spearin doctrine, delay, inefficiency, acceleration, schedule compression, changed conditions and contract abandonment.

**Municipal and Headlee Amendment Litigation and Counseling**

Soni has handled cases on behalf of a variety of municipal entities including bond-related disputes, actions to enforce consent judgments against municipalities, ballot challenges, and claims involving the Open Meetings Act. She is also well-versed in defending challenges to imposed utility fees based on the theory that the fees are impermissibly-assessed taxes under the Michigan Constitution, having handled in the last five years more than a dozen cases brought against municipalities under the Headlee Amendment. She has also handled several claims challenging the reasonableness and appropriateness of municipal rates and fees under state and federal law and has counseled communities regarding the legality of their ordinances and rate setting methodologies.

**False Claims Act/Qui Tam Litigation**

Soni represents various entities and individuals who have been sued for allegedly violating federal and state false claims acts. She has defended against these qui tam claims in federal district and appellate courts. In this capacity, she has successfully defended against several multi-million dollar claims for damages. She has also obtained dismissal of the complaints prior to protracted litigation. She has also counseled clients in connection with issues concerning the Anti-Kickback Law and the Stark Law, along with other fraud and abuse issues.

**Health Care Litigation**

Soni represents health care entities (including nursing homes, diagnostic groups, hospitals and DME suppliers) and health care practitioners (including physicians, pharmacists and nurses) in a variety of matters ranging from licensing investigations, contract disputes, peer review hearings, challenges to medical staff decisions, government investigations, claims for reimbursement and responses to subpoenas requesting information or testimony. She has worked with physician groups and other health care entities to ensure that they are properly reimbursed by payors for work performed. She has also successfully defended hospitals against claims brought by physicians alleging wrongful termination of privileges.

**Representative Matters**

**Headlee Class Action Litigation**

Defended a municipality in a class action lawsuit requesting water and sewer fee refunds in excess of \$30 million, obtaining summary judgment in favor of the



Sonal Hope Mithani

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municipality.

**Headlee Class Action Litigation**

Defended the City of Detroit against purported class action claims seeking more than \$150 million in drainage charge refunds by obtaining a ruling that the City's drainage charge is a valid user fee and not an unlawful tax under the Headlee Amendment.

**Headlee Class Action Litigation**

Successfully defended a municipality against \$70 million in claims challenging sewer rates under the Headlee Amendment by obtaining summary judgment dismissing the claim and reaching a successful settlement of the lawsuit prior to rehearing/appeal for approximately \$2 million.

**Headlee Class Action Litigation**

Successfully defended a municipality against claims asserting more than \$20 million in refunds based on the alleged unlawful assessment of taxes without voter approval under the Headlee Amendment, prevailing both at the lower court and on appeal before the Michigan Supreme Court.

**Banking Class Action Litigation**

Successfully defended a publicly traded savings bank in federal class action litigation challenging the bank's overdraft and payment ordering processes and alleging millions of dollars in damages. Obtained dismissal and/or summary judgment of all tort, contract and statutory claims filed against the bank and upheld summary judgment ruling on appeal.

**Municipal Class Action Litigation**

Successfully tried and defended the City of Detroit against a potential class action lawsuit that drew international attention regarding the City's program of shutting off water to non-paying customers.

**Large Physician Group Non-compete Litigation**

Successfully defended the non-competition provision of a multi-million dollar physician group's shareholder agreements, obtaining a favorable settlement for the client prior to a trial on damages.

**Construction Management Company Multi-party Arbitration**

Served as lead trial counsel defending a billion-dollar construction management company against a \$20 million construction claim brought in a multi-party arbitration.

**Federal Contractor False Claims Act/Qui Tam Defense Litigation**

Successfully defended a client sued by a "whistleblower" under the False Claims Act for damages and penalties totaling more than \$10 million. Based on an early and vigorous defense of the claims, Soni was able to convince the federal government to decline intervention. Ultimately, the case was immediately dismissed after it was unsealed.

**Food and Industrial Starch Supplier Litigation**

Represented a major North American supplier of food and industrial starches against breach of warranty claims and successfully obtained summary judgment on all counts – a decision that was affirmed on appeal in the United States Court of Appeals for the Sixth Circuit.



Sonal Hope Mithani

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**Class Action Defendant Fair Credit Reporting Act Litigation**

Defended a Michigan-based company against a putative class action lawsuit brought by consumers under the Fair Credit Reporting Act. Prior to class certification, she was able to resolve the dispute on favorable terms that were significantly less than the anticipated exposure from a trial on the merits.

**Honors**

State Bar of Michigan Pro Bono Honor Roll, 2020-present

Crain's Detroit Business, Notable Women in the Law, 2019

Best Lawyers in America, Ann Arbor Real Estate Litigation Lawyer of the Year, 2019 & 2021; Ann Arbor Construction Litigation Lawyer of the Year, 2019; Recognized for Commercial Litigation, 2009-present; Real Estate Litigation and Construction Litigation, 2012-present

Michigan Super Lawyers, Civil Litigation Defense, 2011-present; Top 50 Women Michigan Super Lawyers, 2012; Rising Star, 2008

DBusiness Magazine, Top Lawyers, Construction Law & Construction Litigation, 2020-present

Leading Lawyers, Law Bulletin Media, 2018-2019

Michigan Lawyers Weekly, Women in the Law, Class of 2017

American Bar Foundation, Fellow

Michigan State Bar Foundation, Fellow

Litigation Counsel of America, Fellow

Harvard Law School, J.D., cum laude

University of Michigan, B.B.A., with high distinction, Phi Beta Kappa

**Professional Activities**

American Bar Association, 1995-present, Forum on the Construction Industry, 2011

State Bar of Michigan, 1994-present; District G Character and Fitness Committee, 2004-2009; Standing Committee on Character & Fitness, Advisor Member, 2011-2020, Regular Member, 2020-present; Government Law Section Council, Member, 2017-present, Secretary-Treasurer, 2020-2021; Vice Chair, 2021-present

District of Columbia Bar Association, 1996-present

Washtenaw County Bar Association, 1999-present, Board of Directors, 2004-2006; Judiciary Committee, 2001-2004; Co-Chair, 2003-2004

Sonal Hope Mithani

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### **Civic, Cultural & Social Activities**

Ozone House, Board of Directors, 2013-present; President of the Board of Directors, 2017-2019, 2020-2021

Washtenaw Community College Foundation, Board of Directors, 2007-2013

2004 Democratic National Convention, At-Large Delegate

Neighborhood Senior Services, Ann Arbor, MI, Board of Directors, February 2001-April 2006; Secretary, January 2003-December 2004; Chair, January 2004-April 2006; Marketing Committee, 2006

Ann Arbor Hands-On Museum, Ann Arbor, MI, Board of Trustees, October 2002-September 2008

Ann Arbor City Housing and Human Services, Advisory Board, 2008-2013

Leadership Ann Arbor, 2001 Graduate

Ann Arbor Summer Festival, Board of Trustees 2014-2016

### **Speeches**

"Refresher Course on Ethics for In-House Counsel," Sponsored by Miller Canfield, Findlay, Ohio (November 29, 2017)

"Do You Have a Bolt Problem?," Michigan Association of Municipal Attorneys/Public Corporation Law Section of the Michigan State Bar Summer Education Conference (June 24, 2016)

"Do You have a Bolt Problem?," Michigan Municipal League Annual Convention (September 15, 2016)

"False Claims Act Liability: The Basics," Association of General Contractors 95<sup>th</sup> Annual Convention (March 4, 2014)

"Legal Issues Surrounding Stormwater Utilities in Michigan," Gray Skies No More: New Opportunities for Funding Your Aging Sanitary & Stormwater Systems, OHM Advisors Lunch & Learn (September 25, 2012)

"Preserving + Enforcing Non Competition Provisions in Michigan," Sponsored by Miller Canfield, Troy, Michigan (March 7, 2012)

### **Publications**

"Litigation Issues for the Prime Contractor," Green Building and the Construction Lawyers: A Practical Guide to Transactional and Litigation Issues, American Bar Association Forum on the Construction Law (2014)

"What to Expect From Michigan's Revised Uniform Arbitration Act" (co-author Caroline B. Giordano), *State Bar of Michigan Litigation Newsletter* (Summer 2013)

Sonal Hope Mithani

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**Articles**

Miller Canfield Coronavirus Response Team

Healthcare Litigation News Winter 2008





# City of Southgate

DEPARTMENT OF BUILDING AND SAFETY ENGINEERING  
14400 DIX-TOLEDO ROAD, SOUTHGATE MICHIGAN 48195  
PHONE: (734) 258-3027  
FAX: (734) 281-6670  
[www.southgatemi.org](http://www.southgatemi.org)

## MEMORANDUM

To: City Council

From: Timothy L Leach, Building Inspections Director

Re: Conditional Re-zoning @ 16600 Fort St

Date: July 20, 2022

Southgate Planning Commission recommends the City Council approve a Conditional Re-zoning from C-2 General Business to M-1 Light Industrial @ 16600 Fort St. Currently Michigan Vehicle Solutions will be "Dent Wizard".

If you have any questions, feel free to call me.

Sincerely,

Timothy L. Leach  
Building Inspections Director

TLL/mg

# CITY OF SOUTHGATE

## PLANNING COMMISSION RESOLUTION

At a meeting of the Southgate Planning Commission called to order by Ed Gawlik on July 11, 2022 at 7:34 p.m. the following resolution was offered:

**Moved by Anderson, supported by Crawford, to recommend City Council approve a Conditional Re-zoning from C-2 General Business to M-1 Light Industrial @ 16600 Fort St. Currently Michigan Vehicle Solutions will be “Dent Wizard”. (PC 05-2022). MOTION APPROVED UNANIMOUSLY.**

I, Ed Gawlik, Chairperson of the Southgate Planning Commission, do hereby certify that the foregoing is a true, correct, and complete copy of a resolution adopted by the Southgate Planning Commission at a meeting held on July 11, 2022.

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Chairperson

cc: Plan Consultant, City Administrator, Building Department, City Council, Clerk, File, Attorneys

# CITY OF SOUTHGATE

## PLANNING COMMISSION RESOLUTION

At a meeting of the Southgate Planning Commission called to order by Ed Gawlik on July 11, 2022 at 7:34 p.m. the following resolution was offered:

**Moved by Yoos, supported by Orman, to approve the Conditional Use request for a Children's Activity Center @ 13300 Reeck Rd. Mills Gymnastics. (PC 04-2022) MOTION APPROVED UNANIMOUSLY.**

I, Ed Gawlik, Chairperson of the Southgate Planning Commission, do hereby certify that the foregoing is a true, correct, and complete copy of a resolution adopted by the Southgate Planning Commission at a meeting held on July 11, 2022.

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Chairperson

cc: Plan Consultant, City Administrator, Building Department, City Council, Clerk, File, Attorneys



# **City of Southgate**

## ***Planning Commission Informal Meeting***

July 11, 2022

This meeting of the Planning Commission was held in the Municipal Caucus Room, 14400 Dix-Toledo Highway, Southgate, Michigan on Monday, July 11, 2022 and called to order by Chairperson Ed Gawlik, at 7:00 p.m.

PRESENT: Patricia Anderson, Ed Gawlik, Linda Clark, Chad Godbout, Leticia Crawford  
Barbara Biskner, James Yoos, Jerry Orman, Priscilla Ayers-Reiss

ALSO PRESENT: Plan Consultant John Enos, City Attorney Ed Zelenek, Building Official Tim Leach, City Administrator Dan Marsh, Council Member Colovos

There will be (2) public hearings at the Regular Meeting tonight.

The first one will be the applicant requesting Conditional Use Approval for a Children's Activity Center @ **13300 Reeck Rd.** Mills Gymnastics.

The applicant Mills Gymnastics has begun constructing a large playscape on their property in order to provide activities as a licensed State of Michigan Summer Camp. The playscape is in the northeast corner of the site and is a conditional use within the C-1 Community Business District. We are supportive of the use at this location and recommend approval.

Mr. Mills, stated they have been approved by the State for a Summer Camp. They will follow the recommendation of the City in regards to the fencing. This project will provide our campers with a fun and safe physical play environment.

The second one will be the applicant is requesting for Conditional Re-zoning from C-2 General Business to M-1 Light Industrial @ 16600 Fort St. Currently Michigan Vehicle Solutions will be "Dent Wizard".

The applicant requests to amend a conditionally rezoned parcel located at 16600 Fort Street from C-2, General Business to M-1, Light Industrial-Research. The rezoning is requested to allow for a new use, "Dent Wizard" which is a custom automobile cosmetic repair facility. The highly technical nature of operations and the low intensity of the use differentiates it from typical automobile fabrication and body shop.

Mr. Pennybacker, from Dent Wizard, discussed details of the business and is very excited about this project.

The Board will send this to City Council for final approval.

The meeting ended at 7:33 p.m.

**City of Southgate**  
***Planning Commission Meeting***  
**July 11, 2022**

This meeting of the Planning Commission was held in the Municipal Caucus Room, 14400 Dix-Toledo Highway, Southgate, Michigan on Monday, July 11, 2022 and called to order by Chairperson Ed Gawlik, at 7:34 p.m.

PRESENT: Patricia Anderson, Ed Gawlik, Linda Clark, Chad Godbout, Leticia Crawford  
Barbara Biskner, James Yoos, Jerry Orman, Priscilla Ayers-Reiss

ALSO PRESENT: Plan Consultant John Enos, City Attorney Ed Zelenek, Building Official Tim  
Leach, City Administrator Dan Marsh, Council Member Colovos

**Minutes:**

The first order of business is approval of the minutes from the June 13, 2022 Planning Commission meeting.

**Moved by Orman, supported by Anderson, that the minutes of the Planning Commission Meeting dated June 13, 2022 be approved. MOTION APPROVED UNANIMOUSLY.**

**Public Hearings:**

1. Applicant is requesting Conditional Use Approval for a Children's Activity Center @ 13300 Reeck Rd. Mills Gymnastics.(PC 04-2022)

Public notices were sent out.

**Moved by Anderson, supported by Clark, to open this Public Hearing. MOTION APPROVED UNANIMOUSLY.**

City Planner Enos stated the applicant Mills Gymnastics has begun constructing a large playscape on their property in order to provide activities as a licensed State of Michigan Summer Camp. The playscape is in the northeast corner of the site and is a conditional use within the C-1 Community Business District. The applicant is proposing a chain link fence that is not permitted. A decorative ornamental metal fencing material is recommended. We are supportive of the use at this location and recommend approval.

Mr. Mills, stated they have been approved by the State for a Summer Camp. They will follow the recommendation of the City in regards to the fencing. This project will provide our campers with a fun and safe physical play environment.

**Moved by Yoos, supported by Anderson, to close this Public Hearing. MOTION APPROVED UNANIMOUSLY.**

**Moved by Yoos, supported by Orman, to approve the Conditional Use request for a Children's Activity Center @ 13300 Reeck Rd. Mills Gymnastics. (PC 04-2022) MOTION APPROVED UNANIMOUSLY.**

2. Applicant is requesting for Conditional Re-zoning from C-2 General Business to M-1 Light Industrial @ 16600 Fort St. Currently Michigan Vehicle Solutions will be "Dent Wizard". (PC 05-2022)



Public notices were sent out.

**Moved by Anderson, supported by Yoos, to open this Public Hearing. MOTION APPROVED UNANIMOUSLY.**

The applicant requests to amend a conditionally rezoned parcel located at 16600 Fort Street from C-2, General Business to M-1, Light Industrial-Research. The rezoning is requested to allow for a new use, "Dent Wizard" which is a custom automobile cosmetic repair facility. The highly technical nature of operations and the low intensity of the use differentiates it from typical automobile fabrication and body shop.

The site is approximately 4.15 acres site and was formerly conditionally rezoned to allow Michigan Vehicle Solutions, a custom automobile and truck fabrication, vehicle up-fitting, and vehicle research and development testing use. The applicant is proposing no building expansions; only interior modifications to the buildings. After reviewing the current land use, adjacent zoning districts, and future plans for the subject properties and vicinity, we would recommend that the Planning Commission approve the amendment to the M-1 conditional rezoning.

Mr. Pennybacker, from Dent Wizard, discussed details of the business and is very excited about this project.

The City would also like to Thank Mr. Richard Oliver for his commitment and dedication on all his projects in the City of Southgate.

**Moved by Clark, supported by Yoos, to close this Public Hearing. MOTION APPROVED UNANIMOUSLY.**

**Moved by Anderson, supported by Crawford, to recommend City Council approve a Conditional Re-zoning from C-2 General Business to M-1 Light Industrial @ 16600 Fort St. Currently Michigan Vehicle Solutions will be "Dent Wizard". (PC 05-2022). MOTION APPROVED UNANIMOUSLY.**

**Officials' Reports:**

Will continue to work on the Sign Ordinance.

**Correspondence:** None.

**Old Business:** None.

**New Business:** None.

**Adjournment:**

**Moved by Anderson, supported by Orman, that this meeting of the Planning Commission be adjourned at 7:49 p.m. MOTION APPROVED UNANIMOUSLY.**

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Ed Gawlik  
Chairperson, Planning Commission  
as



## Carlisle | Wortman

ASSOCIATES, INC.

117 NORTH FIRST STREET SUITE 70 ANN ARBOR, MI 48104 734.662.2200 734.662.1935 FAX

Date: June 22, 2022

### REZONING ANALYSIS

#### City of Southgate

**Applicant:** Michigan Vehicle Solutions, LLC

**Property Address:** 16600 Fort Street

**Property I.D. #:** 53-02-0990-0037-00

**Current Zoning:** M-1, Light Industrial- Research

**Requested Zoning:** M-1, Light Industrial-Research

**Action Requested:** Amendment to Conditional Rezoning Request to:  
M-1, Light Industrial-Research

**Required Information:** The required information for a rezoning has been provided.

#### DESCRIPTION

The applicant requests to amend a conditionally rezoned parcel located at 16600 Fort Street from C-2, General Business to M-1, Light Industrial-Research. The rezoning is requested to allow for a new use, "Dent Wizard" which is a custom automobile cosmetic repair facility. The highly technical nature of operations and the low intensity of the use differentiates it from typical automobile fabrication and body shop.

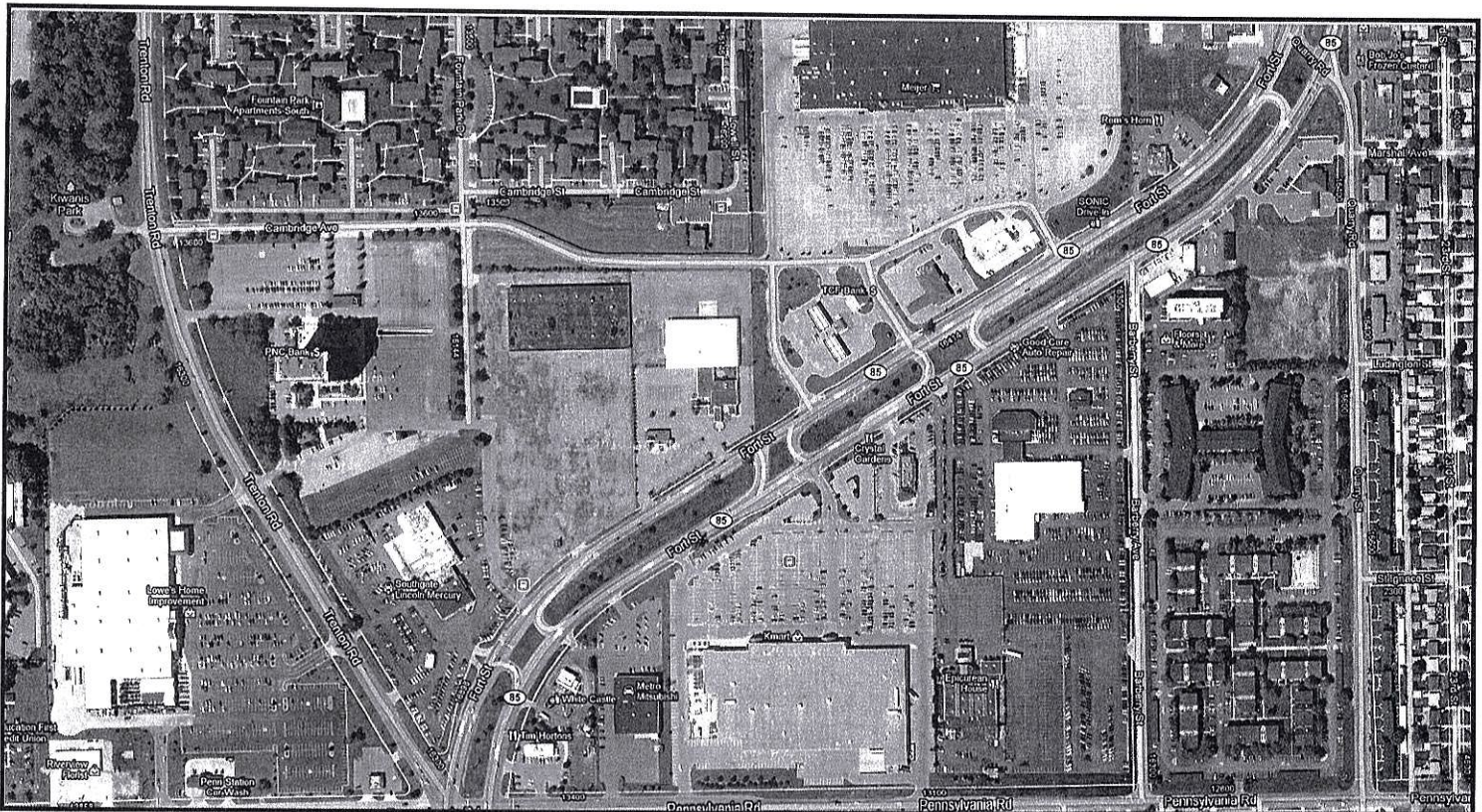
The site is approximately 4.15 acres site and was formerly conditionally rezoned to allow Michigan Vehicle Solutions, a custom automobile and truck fabrication, vehicle up-fitting, and vehicle research and development testing use. The applicant is proposing no building expansions; only interior modifications to the buildings.



## PROPERTY BACKGROUND

The applicant requests to amend the conditionally rezoned M-1 parcel of approximately 4.15 acres (180,000 s.f.) to allow for a Dent Wizard facility that is similar in nature to the former use.

| Subject Site                |                    |
|-----------------------------|--------------------|
| Approximate Site Area       | 4.15 acres         |
| Current Use                 | MVS Solutions      |
| Master Plan Recommended Use | General Commercial |





## ADJACENT PROPERTIES

The existing zoning along Fort Street is a mixture of C-2 and C-3. Adjacent zoning and land uses to the subject property is listed below:

| Adjacent Properties |  |                                 |
|---------------------|--|---------------------------------|
|                     | Existing Use                             | Zoning                          |
| North               | Multiple family residential              | RM, Multiple Family Residential |
| South               | Commercial                               | C-3, Thoroughfare Service       |
| East                | (Commercial) Meijer + Meijer gas station | C-2 General Business            |
| West                | Vacant                                   | C-2 General Business            |

## CONDITIONAL REZONING PROCEDURE

Conditional rezonings such as the current proposal are enabled under Section 405 of the Michigan Zoning Enabling Act (PA 110 of 2006). The procedure for processing conditional rezoning requests is similar to the normal rezoning request. Under this type of rezoning, conditions may be imposed on the rezoning request if voluntarily offered by the applicant. The Planning Commission is not authorized to offer or place any additional conditions upon the rezoning.

**Items to be addressed:** None

## VOLUNTARILY IMPOSED CONDITIONS

Uses as proposed by the applicant is for a "Dent Wizard" facility this is for minor cosmetic repairs of dealership vehicles.

Comments: The applicant should submit a "use plan", providing more detail regarding uses and operation.

1. **Enclosed Operations.** All cosmetic repair and operations shall be conducted within the enclosed building located on the property. All lighting and signage shall comply with City ordinance requirements.

Comments: The applicant notes that these conditions are placed to reduce the impact upon adjacent properties, including noise, odor, and light.

2. **No Vehicle Sales.** Applicant will not sell, lease, or rent any new or used vehicle sales of any kind on the property, unless the State of Michigan issues a "Class A Dealer's License" to the applicant.

Comments: Vehicle sales are not permitted in the requested M-1, Industrial and Research Zoning District. If the applicant does receive a "Class A Dealer's License" and wishes to sell

vehicles, the applicant will need to submit an application with the City to seek a rezoning back to the C-2 District.

- 3. Discontinuation of Use:** If at any time the proposed use defined herein is discontinued by the Applicant, the property will revert to the current C-2 zoning classification

Comments: Reversion of zoning is not permitted by the Zoning Enabling Legislation. If the Conditional Rezoning to M-1 is granted and if the proposed use should be discontinued, any future use would be required to comply with the M-1 District or seek a rezoning through the rezoning process. Under state statute, once a property is rezoned it is not legal to revert or rezone property without due process.

- 4. Use of Front Building.** The smaller building located near Fort Street will be used for office and ancillary operations. The building will be maintained as required by the City of Southgate Building Codes

Comments: Limitation of the smaller building near Fort Street to office and ancillary operations is appropriate due to the limited size of the building. All developments in Southgate are required to comply with all City of Southgate Ordinances unless allowable relief is granted by the legislative body.

- 5. Rear Property Screening.** The rear of the property along Cambridge Avenue will be screened at or near the property line from the adjacent properties. The screening will be a solid weave to the existing fencing.

Comments: The applicant notes that though the operation is fully self-contained, screening of the property along Cambridge Street is appropriate due to the adjacent residential properties. We would suggest as required for a new operation that a masonry wall be constructed.

- 6. Adherence to all applicable Ordinances.** All other City of Southgate Ordinances shall apply.

Comments: All developments in Southgate are required to comply with all City of Southgate Ordinances unless allowable relief is granted by the legislative body.

- 7. Adherence to Public Act 120 of 2006.** The applicant shall further comply with all requirements of Public Act 120 of 2006 which permits conditional rezoning of the property.

Comments: All developments in Southgate are required to comply with all State Statutes.

- 8. Adherence to all Applicable Building Codes.** All construction shall be in compliance with the conditions set forth herein and the applicable building codes for the City of Southgate unless otherwise modified by the Conditional Rezoning approval.

Comments: All developments in Southgate are required to comply with all City of Southgate Ordinances unless allowable relief is granted by the legislative body.



**Items to be addressed:** 1. The applicant should submit a "use plan", providing more detail regarding uses and operation; 2. If the applicant receives a "Class A Dealer's License", they shall submit an application to the City to seek a rezoning back to the C-2 Zoning District; and 3. Resubmit the "Voluntary Imposed Conditions" memo removing the reference to revert back to the C-2 Zoning District if the use is discontinued.

## MASTER PLAN RECOMMENDATION

The future land use plan of the Southgate Master Plan has designated the subject property for General Commercial. This land use category focuses on properties that have frontage along Southgate's primary transportation routes; including Fort Street. This classification is based on the character of the area and the surrounding properties. This future land use category includes "land area occupied by retail users offering commodities which are normally purchased at infrequent intervals, and for which the consumer may shop around."

As reported in the Master Plan, commercial development is an essential element of a city's economic base. Commercial establishments provide goods and services to consumers, promote economic stability, and generally enhance the quality of life for area residents. Several goals and objectives in the Master Plan encourage non-traditional economic development initiatives in order to encourage commercial development that provides a positive contribution to the local tax base. The Master Plan encourages the provision of reasonable opportunities for the establishment of commercial uses that meet the demonstrated market needs of City residents. In addition, the Master Plan recognizes the tool of conditional rezoning and encourages its use in appropriate circumstances.

While not in conformance with the future land use map we are of the opinion the proposed use is compatible and in conformance with the General Commercial designation, as well as the general and specific economic development policies of the Master Plan. Furthermore, the tenancing and of the site, should spur additional commercial development along Fort Street, which should positively impact surrounding properties.

## CONDITIONAL REZONING FINDINGS

### Section 1298.037 (3)

The Zoning Ordinance identifies four (4) findings that the Plan Commission should evaluate when considering a Conditional Rezoning petition ((Section 1298.037(3)):

- A. Whether the rezoning is consistent with the policies and uses proposed in the City of Southgate Master Plan.

*Finding: The proposed use consistent with the stated objective of developing non-traditional economic development incentives and the provision of reasonable opportunities for the establishment of commercial uses. The tenancing the current site, should spur additional commercial development along Fort Street.*

- B. Whether all of the uses offered as part of the conditions to the rezoning, or if no specific uses are indicated, all of the uses allowed under the proposed zoning district would be compatible with other zones and uses in the surrounding area;

*Finding: Fort Street is a highly traveled, commercially oriented boulevard. The nature of the surrounding area is predominantly auto-oriented, large retail uses and outlots. The proposed use of this site for cosmetic repair of dealership vehicles is compatible with the auto-oriented uses in the surrounding area and those found along the Fort Street corridor.*

- C. Whether any public services and facilities would be adversely impacted by a development or use allowed under the requested rezoning; and

*Finding: All necessary public services, utilities, and facilities already adequately serve this site. Outside of police and fire services, which would be required for any new use that occupies a vacant building, no additional public services or facilities are needed.*

- D. Whether the uses allowed under the proposed rezoning or offered under the conditional rezoning would be equally or better suited to the area than uses allowed under the current zoning of the land.

*Finding: The proposed use is not currently allowed under the existing C-2 zoning. As stated, the proposed use, which include some sales, is consistent with the stated objective of developing non-traditional economic development incentives and the provision of reasonable opportunities for the establishment of commercial uses. This site prior to MVS solutions was vacant for approximately 4 years, with no indication of a proposed use that is allowable under the C-2 Zoning District designation.*

## SUMMARY OF FINDINGS

After reviewing the current land use, adjacent zoning districts, and future plans for the subject properties and vicinity, we would recommend that the Planning Commission approve the amendment to the M-1 conditional rezoning.

1. The rezoning is supported by the Master Plan and advances the general and specific economic development policies of the Master Plan
2. The proposed land use is permitted subject to any conditions within the M-1 Light Industrial District in accordance with Section 1282.
3. The proposed rezoning would be consistent and non-disruptive to the surrounding land use pattern along Fort Street.
4. The proposed rezoning meets the findings as outlined in Section 1298.037(3).
5. The tenanting of the site, should spur additional commercial development along Fort Street.



JOSEPH G. KUSPA  
*Mayor*

JANICE M. FERENCZ  
*City Clerk*

CHRISTOPHER P. ROLLET  
*Treasurer*



## City of Southgate

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*Council President*

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DALE W. ZAMECKI

July 13, 2022

To the Honorable  
City Council  
Southgate, Michigan 48195

Re: Recommendation for Purchase of Network Switches **(WAIVER OF BID)**

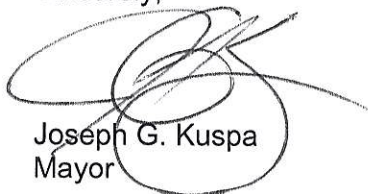
Ladies and Gentlemen:

It is recommended by the Public Safety Director and I concur, with his recommendation to award this purchase to CDW-G, Vernon Hills, IL, in the amount of \$5,775.70. Three quotes were received to purchase Unifi 48 Switch Pro/PoE network switches, CDW-G was the lowest bidder and therefore in the best interest of the City.

Adequate funds are available in the Federal Forfeiture Account for this contract.

Your favorable consideration of this matter is greatly appreciated.

Sincerely,

  
Joseph G. Kuspa  
Mayor



JOSEPH G. KUSPA  
*Mayor*

JANICE M. FERENCZ  
*City Clerk*

CHRISTOPHER P. ROLLET  
*Treasurer*



## City of Southgate

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DALE W. ZAMECKI

### MEMORANDUM

TO: The Honorable Mayor and City Council

FROM: David Angileri, Assistant City Administrator/Finance Director *DA*

DATE: July 13, 2022

RE: Recommendation for an Network Switches for the Police Department  
(WAIVER OF BID)

I have reviewed the above with the Director of Public Safety and concur with his recommendation to award this purchase to CDW-G, Vernon Hills, IL. In the amount of \$5,775.70.

Adequate funds are available in the Federal Forfeiture Account for this purchase.



## SOUTHGATE POLICE DEPARTMENT MEMO

To: Honorable Mayor Kuspa  
From: Office of the Director of Public Safety  
Re: Purchase approval  
Date: July 13<sup>th</sup>, 2022

Dear Mayor Kuspa,

The police department is requesting to purchase five new Unifi 48 Port PoE Network switches for the Public Safety computer system. IT Director Jason Rucker has indicated to me that the current Network switches are nearing the end of their lifespan and these switches are a necessary upgrade to keep our Public Safety computer system running efficiently.

IT Director Jason Rucker has collected three quotes to purchase the Unifi 48 Switch Pro/PoE network switches. Mr. Rucker has secured a quote from CDW-G, Expert Technology Systems, and Lawrence Technology Services. CDW-G had the lowest quote at \$5,755.70 for five new Unifi 48 Port PoE network switches. It is my recommendation that we purchase the switches as outlined in the attached quote received from CDW-Government located at 75 Remittance Drive, Suite 1515, Chicago, IL 60675, in the total amount of \$5,755.70.

With your concurrence, I respectfully request this item be placed on the City Council's agenda for the meeting scheduled on July 20<sup>th</sup>, 2022, for purpose of purchase approval.

Adequate funding is available in the Federal Forfeiture Account, this purchase falls under the guidelines that governs the use of these funds.

Sincerely,

A handwritten signature in black ink, appearing to read "Joseph L. Marsh".

Joseph L. Marsh

Director of Public Safety

cc: City Administrator, Finance Director, Chief Mydlarz, Public Safety Commission (7), file



Lawrence Technology Services  
<https://www.lawrencesystems.com/>  
sales@lawrencesystems.com  
313-299-1503

14140 Pennsylvania Rd  
Southgate, MI 48195  
United States

Quote Issued To  
City of Southgate  
Client ID: 1048  
734-284-3800 x6805  
14710 Reaume Parkway  
Southgate, MI 48195

|              |             |
|--------------|-------------|
| Quote Number | 27709       |
| Quote Date   | Jun 9, 2022 |
| Total        | \$6,875.00  |
| Deposit Due  | \$4,800.00  |

| Item                                     | Description  | Unit Cost  | Qty | Line Total |
|--|--|------------|-----|------------|
| Hardware -<br>Unifi 48 Switch<br>Pro/POE | Unifi Switch Pro 48 PoE - USW-Pro-48-PoE<br>-Includes Shipping, Tax and delivery to your<br>location | \$1,375.00 | 5   | \$6,875.00 |
| 4 New Unifi 48 Port PoE Switches         |  |            |     |            |
| Subtotal                                 |  |            |     | \$6,875.00 |
| Total                                    |  |            |     | \$6,875.00 |

**Terms**

\*\*Quotes are only valid 14 days from original quote date.

\*\*This is only a Quote, actual cost may vary depending on  
changes in Scope or unforeseen circumstances

|             |            |
|-------------|------------|
| Deposit Due | \$4,800.00 |
|-------------|------------|





# Quotation

P.O. Box 1347  
Southgate MI 48195  
Phone 734.258.6800

DATE July 13, 2022  
Quotation # 202202  
Customer ID SGATE

**Bill To:**  
City of Southgate  
Jason Rucker  
14710 Reaume Pkwy  
Southgate Michigan 48195

Quotation valid until: July 23, 2022  
Prepared by: Tyler Burda  
E-mail: [tburda@ets-tech.net](mailto:tburda@ets-tech.net)

Comments or special instructions:

| Description          | AMOUNT             |
|----------------------|--------------------|
| Unifi USW-Pro-48-PoE | \$ 1,250.00        |
| Unifi USW-Pro-48-PoE | \$ 1,250.00        |
| Unifi USW-Pro-48-PoE | \$ 1,250.00        |
| Unifi USW-Pro-48-PoE | \$ 1,250.00        |
| Unifi USW-Pro-48-PoE | \$ 1,250.00        |
| <b>TOTAL</b>         | <b>\$ 6,250.00</b> |

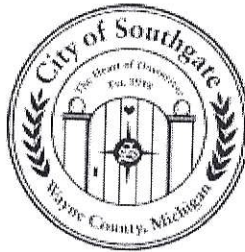
This quotation is an estimate and subject to change  
If you have any questions concerning this quotation, contact Tyler Burda, at [tburda@ets-tech.net](mailto:tburda@ets-tech.net)

THANK YOU FOR YOUR BUSINESS!

JOSEPH G. KUSPA  
*Mayor*

JANICE M. FERENCZ  
*City Clerk*

CHRISTOPHER P. ROLLET  
*Treasurer*



## City of Southgate

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DALE W. ZAMECKI

## Memorandum

To: Honorable Mayor and City Council Members  
From: Dan Marsh, City Administrator  
Date: July 14, 2022  
Re: DUWA Resolution

---

Attached is a resolution that DUWA has circulated among the 13 communities to take to their respective councils. This is a resolution requesting that Wayne County contribute some of their ARPA funding to DUWA specifically for the replacement of the outdated UV system. DUWA is asking that all 13 communities' councils deliver approved resolutions as part of our request to Wayne County.

**RESOLUTION CALLING FOR THE STATE OF MICHIGAN AND COUNTY OF WAYNE  
TO ALLOCATE AMERICAN RESCUE ACT PLAN FUNDS IN SUPPORT OF DOWNRIVER  
UTILITY WASTEWATER AUTHORITY**

The City of Southgate is a member of the Downriver Utility Wastewater Authority (DUWA) which is a public body corporate organized pursuant to Act 233. Representatives from DUWA's 13 Communities act as Board Members. DUWA's Board Members exercise all powers of DUWA. The Authority provides a regional wastewater collection and treatment system vital to the health and safety of the residents of the region. The Authority purchased the treatment plan and collection system from Wayne County in September 2018.

DUWA provides service to approximately 350,000 people in the Downriver area which includes Ecorse, River Rouge, Allen Park, Lincoln Park, Dearborn Heights, Taylor, Romulus, Riverview, Southgate, Wyandotte, Belleville, Van Buren, and Brownstown. The DUWA system processes 60 million gallons per day on an annual average at its wastewater treatment plant, with the ability to handle 225 million gallons per day during wet weather events. It also has a 15-million-gallon wet weather storage tunnel that is used to retain excess wastewater during wet weather events. It is the second largest wastewater plant in the State of Michigan.

**WHEREAS**, based on 2020 SEMCOG data 16% of DUWA residents live below the poverty level, 62% of residents are non-working and 37% are non-white. These residents experienced health and economic injury by COVID-19;

**WHEREAS**, this same subset of residents is feeling the impact of inflation that has caused increases in the cost of basic services including food, gasoline, water and wastewater;

**WHEREAS**, The American Rescue Plan Act (ARPA) is a federal response to financial damage caused by the pandemic since 2020. Included in ARPA is the Coronavirus State and Local Fiscal Relief Fund which allocated \$350 billion to states and local governments. Municipalities with greater than 50,000 residents receive funding directly from the US Treasury. For communities smaller than 50,000 residents, which is most of DUWA's 13 communities, the fund flows through Wayne County. The funds must be



obligated by December 31, 2024 and the period of performance ends December 31, 2026. The funds can be used for public health and economic impacts, premium pay, revenue loss and infrastructure defined as including investments in Water and Sewer Infrastructure, including:

**WHEREAS**, Water and Sewer Infrastructure is defined as primarily projects that align with EPAs initiatives:

- A. Remediating failing or inadequate infrastructure, much of which is publicly owned;
- B. Projects to ensure compliance with applicable water health and quality standards and provide safe drinking and usable water.

**WHEREAS**, DUWA needs to replace its nearly 25 year old ultraviolet disinfection system. The manufacturer has stopped supplying replacement parts to the system decreasing the final disinfection system's utility. The estimated cost of the replacement system is \$8,000,000. DUWA also has a final payment due to Wayne County of \$3,500,000 in September 2023. Both payments will put pressure on sewer rate charges on our most vulnerable residents.

**THEREFORE**, The City of Southgate encourages the State of Michigan and County of Wayne to allocate a portion of the ARPA funds it received to support the replacement of the ultraviolet disinfection system for DUWA.

This resolution was passed by the Southgate City Council on July 20, 2022

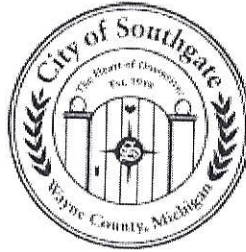
Attested to by:

---

JOSEPH G. KUSPA  
*Mayor*

JANICE M. FERENCZ  
*City Clerk*

CHRISTOPHER P. ROLLET  
*Treasurer*



## City of Southgate

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PHILLIP J. RAUCH  
DALE W. ZAMECKI

# Memorandum

To: Honorable City Council Members  
From: Dan Marsh, City Administrator  
Date: July 14, 2022  
Re: Librarian Contract

---

The City of Southgate has entered into a new contract with Don Priest, Librarian. Attached is the contract for your review.

Please contact me at 734-258-3021 if you have any questions.

## EMPLOYMENT AGREEMENT

This Employment Agreement (the "Agreement") is made this \_\_\_ day of July, 2022 between the City of Southgate (the "City") and Donald Priest (the "Employee").

The City hereby desires to retain the services of Donald Priest as its Head Librarian, and he hereby accepts such at-will employment in accordance with the terms and conditions of this Agreement.

1. **Term.** Employee's at-will employment under this Agreement shall commence on \_\_\_\_\_ (the "Effective Date") and shall continue up and until such time that either party exercise Section 6 of this Agreement

2. **Duties of the Head Librarian.** The Employee agrees to devote his full time, attention and best efforts to the performance of such duties as required by the City as its Head Librarian.

3. **Salary.** Commencing with the Effective Date hereof, the City agrees to pay the Employee a salary of \$60,695.26 dollars beginning on July 1, 2022. Annual percentage increases to salary will be in accordance to Teamsters Local 214 contract which expires on June 30, 2026.

4. **Fringe Benefits.** Commencing with the Effective Date hereof, the City agrees to provide the Employee benefits as set forth in collective bargaining agreement between the City of Southgate and Teamsters Local 214. This shall include health care, paid time off (sick, vacation and personal time), defined contribution retirement, sick and accident insurance and all other fringe benefits as provided therein.

5. **Exempt.** The position involved is an exempt position.

6. **At-Will Employee and Termination Without Cause.** Employee shall serve at the pleasure of the Mayor of Southgate. During his employment with the City, the Employee acknowledges that this is an at-will appointment, and either the City or Employee may terminate employment, with or without cause, at any time during the duration of this Agreement.

Upon termination of employment, the Employee shall return all documents, correspondence, files, papers or property of any kind, of all types of nature pertaining to the City, which the Employee may have in his possession or control and a signed statement verifying return of all such property.

7. **Performance Evaluation.** The City may conduct an evaluation of Employee's performance at its discretion. The evaluation shall be as determined by the Mayor of Southgate.

8. **Arbitration.** If a dispute arises concerning this Agreement or Employee's employment with the Employer, such dispute can be resolved only through binding arbitration pursuant to the terms of this arbitration provision. Within one hundred eighty (180) days of the event or occurrence which gives rise to the dispute, either Employee or the Employer may file a



demand for arbitration with the American Arbitration Association ("AAA"). Such arbitration shall be conducted in accordance with AAA's commercial arbitration rules (except as modified herein). Such arbitration shall be heard by a single Michigan arbitrator. The determination of the arbitrator shall be binding upon both the Employer and Employee. All expenses, costs, administrative filing fees and arbitrator's fees shall be shared equally by the Employer and Employee. The parties further agree that they will comply with the terms of this arbitration provision and any award rendered by the arbitrator, and that a judgment of a court having jurisdiction may be entered upon the award as long as the arbitrator does not exceed their authority or jurisdiction. This arbitration agreement specifically includes, but is not limited to, statutory claims of employment discrimination.

9. **Notices.** All notices under this Agreement shall be given in writing.

10. **Entire Agreement.** This Agreement is the entire agreement of the parties and supersedes any prior written or oral understandings. No extrinsic or oral evidence may be used to modify, vary or construe its terms. No modification or waiver of any provision of this Agreement shall be valid unless in writing and signed by the Employee, Mayor and City Clerk, upon prior authorization of the City Council. Oral statements made by any representative or employee of the City cannot alter the terms of this Agreement.

11. **Reservation of Rights.** This Agreement in no way limits, modifies or restricts the rights of the City of Southgate all rights are specifically retained. No arbitrator has authority or jurisdiction to limit or alter in any way those rights.

12. **Assignment.** The Employee may not assign any of his rights or delegate any of his duties under this Agreement.

13. **Severability.** The provisions of this Agreement are severable, and if any provision of this Agreement shall be, for any reason, invalid or unenforceable, the remaining provisions shall nevertheless be valid, enforceable, and carried into effect.

14. **Governing Law.** This Agreement shall be governed by and interpreted under the laws of the State of Michigan.

15. **Binding Effect.** The rights and obligations of the parties shall accrue to the benefit of, and be binding upon, the parties and their respective heirs, executors, personal representatives and successors.

IN WITNESS WHEREOF, the undersigned have executed this Agreement on the day and date first above written.

City of Southgate

\_\_\_\_\_  
Donald Priest

\_\_\_\_\_  
Mayor

WITNESS

\_\_\_\_\_  
City Clerk

\_\_\_\_\_

\_\_\_\_\_