

MINUTES OF THE REGULAR CITY COUNCIL MEETING OF THE CITY OF GROSSE POINTE WOODS HELD ON MONDAY, MARCH 15, 1998, IN THE COUNCIL-COURT ROOM OF THE MUNICIPAL BUILDING, 20025 MACK PLAZA, GROSSE POINTE WOODS, MICHIGAN.

The meeting was called to order at 7:30 p.m. by Mayor Novitke.

Roll Call: Mayor Novitke  
Council members: Chylinski, Dansbury, Dickinson, Fahrner, Granger, Steiner  
Absent: None

Also Present: Acting City Administrator Thomas  
Acting City Attorney DesRosiers  
City Clerk Warnke  
City Comptroller-Treas. Maison  
Director of Public Safety Makowski  
Building Inspector Hissong  
Director of Public Works Witcher  
City Engineer Westrick  
Assistant to City Administrator Donnan  
Deputy City Clerk Hathaway

The following Commission members were in attendance:

Joe Sucher, Planning Commission  
Dan Curis, Local Officials Compensation Commission  
John Vitale, Planning Commission  
Lee Allcut, Board of Canvassers

Motion by Steiner, supported by Dansbury, that all items on tonight's agenda be received, placed on file, taken in order of appearance, and made a part of the minutes by attachment hereto and identified as Exhibit A.

Motion carried by the following vote:

Yes: Chylinski, Dansbury, Dickinson, Fahrner, Granger, Novitke, Steiner  
No: None  
Absent: None

Proclamations were presented to Brook Castile and Reed Minney for their accomplishments in figure skating.

Motion by Granger, supported by Steiner, regarding a Master Planner, that the City Council refer this item to a future Committee-of-the-Whole meeting.

Motion carried by the following vote:

Yes: Chylinski, Dansbury, Dickinson, Fahrner, Granger, Novitke, Steiner  
No: None  
Absent: None

Motion by Chylinski, supported by Steiner, regarding Matthew Fontana, 20861 Mack Avenue, Grosse Pointe Woods, proposed **VACATION OF ALLEY** lying easterly of Mack, Northerly of Brys to rear of lots 1-6 Brys Subdivision, that the City Council, at the request of the Petitioner, TABLE this item to the City Council meeting on April 19, 1999, and that the public hearing be re-noticed to property and business owners.

Motion carried by the following vote:

Yes: Chylinski, Dansbury, Dickinson, Fahrner, Granger, Novitke, Steiner  
No: None  
Absent: None

THE MEETING WAS THEREUPON OPENED AT 7:50 P.M. FOR A PUBLIC HEARING TO HEAR THE APPLICATION OF ROBERT RAHAIM, 15226 MACK AVENUE, GROSSE POINTE PARK, WHO IS REQUESTING TO BE HEARD UNDER THE PROVISIONS OF ARTICLE XVII, INTERPRETATION AND APPLICATION, SECTION 98-493(3), CONDITIONAL REZONING APPROVAL OF THE PROPOSED **WOODS POINTE OFFICE BUILDING, CORNER OF MACK AND COOK**, FROM R-1D RESIDENTIAL TO P-1 VEHICULAR PARKING, OF THE 1997 CITY CODE TO REZONE THE FOLLOWING DESCRIBED PROPERTY:

Lot 12, except the eley 44' thereof Hector M. Couvreurs Sub PC 6200 L 71, P53  
WCR and Lot 13 Hector M Couvreurs Sub PC 620 L 71 P 53 WCR.

Motion by Steiner, supported by Chylinski, that, for purposes of the public hearing, the following items be received and placed on file:

- a. Planning Commission Excerpt - 3/9/99
- b. Ltr 3/10/99 – W. Radtke
- c. Memo 2/16/99 – Assistant to the City Administrator
- d. Memo 2/16/99 – Building/Code Official
- e. Memo 2/16/99 – Director of Public Safety
- f. Ltr 2/10/99 – City Engineer
- g. Memo 1/15/99 – Director of Public Services

- h. Proposed Ordinance
- i. Site Schematic dated 1/21/99

Motion carried by the following vote:

Yes: Chylinski, Dansbury, Dickinson, Fahrner, Granger, Novitke, Steiner  
No: None  
Absent: None

The following individuals were heard IN FAVOR of the proposed Conditional Re-Zoning of the land described in the preliminary site plan dated January 21, 1999:

John Vitale  
Stucky and Vitale Architects  
27172 Woodward  
Royal Oak, MI 48067

The following individuals were heard IN OPPOSITION to the proposed Conditional Re-Zoning of the land described in the preliminary site plan dated January 21, 1999:

Dr. Robert Nesom  
19722 Blossom Lane

Michael Cummins – Presented Petitions 187 signatures  
1493 Huntington

Greg Cosens  
19863 Holiday

William Radtke  
1598 Dorthen

Joseph A. Stark  
1616 Huntington Blvd.

Carol Cummins  
1493 Huntington

Denise Ryan  
1568 Dorthen

Richard Zenker  
19694 East Kings Court

Motion by Chylinski, supported by Steiner, to receive and place on file a revised Planning Commission Excerpt dated March 9, 1999.

Motion carried by the following vote:

Yes: Chylinski, Dansbury, Dickinson, Fahrner, Granger, Novitke, Steiner  
No: None  
Absent: None

The chair declared a recess at 7:57 p.m., reconvening at 8:05 p.m.

Motion by Fahrner, supported by Chylinski, that the public hearing BE CLOSED at 8:26 p.m. PASSED UNANIMOUSLY.

Hearing no objection, the Chair recognized receipt of the 187 signature petition in protest of the proposed rezoning.

Motion by Chylinski, supported by Granger, regarding Public Hearing regarding Robert Rahaim, 15226 Mack Avenue, Grosse Pointe Park, regarding his request to conditionally rezone Lot 12, except the eley 44' thereof Hector M. Couvreaux Sub PC 6200 L 71, P 53 WCR and Lot 13 Hector M Couvreaux Sub PC 620 L 71 P53 WCR from R-1D Residential to P-1 Vehicular Parking District, **be denied.**

Motion carried by the following vote:

Yes: Chylinski, Dansbury, Dickinson, Fahrner, Granger, Novitke, Steiner  
No: None  
Absent: None

No action was taken on Item 8d of tonight's agenda, Woods Pointe office Building – Corner of Mack and Cook, Board of Appeals #5-99, Variances, due to the denial of the conditional rezoning.

The Chair declared a recess at 8:51 p.m., reconvening at 9:11 p.m.

THE MEETING WAS THEREUPON OPENED AT 9:12 P.M. FOR A BOARD OF APPEAL HEARING TO HEAR THE APPEAL OF **KATHLEEN STEINER** WHO IS APPEALING THE DENIAL OF THE BUILDING INSPECTOR TO ISSUE A BUILDING PERMIT FOR 1161 PAGET CT, GROSSE POINTE WOODS. THE PERMIT WAS DENIED DUE TO A SIDE AND REAR YARD REQUIREMENTS OF THE 1997 CITY CODE. A VARIANCE IS THEREFORE REQUIRED (SECTION 98-73 OF 1997 CITY CODE.)

Motion by Chylinski, supported by Fahrner, the Council Member Steiner abstain from voting on this item due to a conflict of interest.

Motion carried by the following vote:

Yes: Chylinski, Dansbury, Dickinson, Fahrner, Granger, Novitke, Steiner  
No: None  
Absent: None

Motion by Granger, supported by Dansbury, that, for purposes of the Board of Appeal hearing, the following items be received and placed on file:

1. Ltr 2/26/99 – Kathleen Steiner
2. Ltr 3/6/99 – Mel & Mary Lenhardt
3. Ltr 3/6/99 – Ed & Bonnie Brink
4. Ltr 3/6/99 – Gary & Jacki Rump
5. Memo 2/26/99 – Assistant to the City Administrator
6. Ltr 3/4/99 – AEW, City Engineer
7. Memo 3/5/99 – Director of Public Services
8. Memo 3/8/99 – Director of Public Safety
9. Affidavit of Property Owners Notified
10. Notice of Hearing
11. Site Plan dated 2/25/99

And that the following be made a part of the minutes by attachment hereto and identified as Exhibits B and C:

Exhibit B - Affidavit of Legal Publication;  
Exhibit C - Affidavit of Property Owners Notified.

Motion carried by the following vote:

Yes: Chylinski, Dansbury, Dickinson, Fahrner, Granger, Novitke,  
No: None  
Absent: None  
Abstain: Steiner

The Chair asked if anyone from the audience wished to speak **in favor** of the proposed request. The following individuals were heard:

Kathleen Steiner  
1161 Paget Court

Salvatore Testa  
1180 Paget Court

John Vitale  
Stucky Vitale Architects  
27172 Woodward Avenue  
Royal Oak, MI

The Chair asked if anyone from the audience wished to speak **in opposition** to the proposed request. No one wished to be heard.

Motion by Dansbury, supported by Granger, that the public hearing BE CLOSED at 9:10 p.m.

Motion carried by the following vote:

Yes: Chylinski, Dansbury, Dickinson, Fahrner, Granger, Novitke,  
No: None  
Absent: None  
Abstain: Steiner

The Chair declared a recess at 9:22 p.m., reconvening at 9:30 p.m.

Motion by Granger, supported by Dickinson, regarding Board of Appeal #4-99 regarding Kathleen Steiner, 1161 Paget Ct., side and rear yard variance, in accordance with the site plan dated February 25, 1999, that the City Council grant the variances for rear yard and side yard setbacks based upon the practical difficulty the petitioner faces in meeting the rear and side yard setback requirements, contingent upon construction commencing within 90 days, City Engineer approval of a site plan showing a minimum grade of 12" clearance under the fireplace on the east side of the proposed additon, the downspouts drain away from the adjoining properties and towards the rear of the lot, and that no construction be built over any easements.

Motion carried by the following vote:

Yes: Chylinski, Dansbury, Dickinson, Fahrner, Granger, Novitke  
No: None  
Absent: None  
Abstain: Steiner

THE MEETING WAS THEREUPON OPENED AT 9:35 P.M. FOR A BOARD OF APPEAL HEARING TO HEAR THE APPEAL OF **DAVID LINDER AND PENNI PALAZZOLO OF TRENT DAVID SALON** WHO ARE APPEALING THE DENIAL OF THE BUILDING INSPECTOR TO ISSUE A BUILDING PERMIT FOR 19870 MACK AVENUE, GROSSE POINTE WOODS. THE PERMIT WAS DENIED DUE TO THE OFF-STREET PARKING REQUIREMENTS OF THE 1997 CITY CODE. A VARIANCE IS THEREFORE REQUIRED (SECTION 98-17(d) OF 1997 CITY CODE.)

Motion by Dansbury, supported by Steiner, that, for purposes of the Board of Appeal hearing, the following items be received and placed on file:

1. Ltr 2/24/99 – David Linder & Penni Palazzolo
2. Drawing Dated 2/26/99
3. Memo 2/26/99 – Assistant to the City Administrator
4. Memo 3/5/99 – Director of Public Services
5. Memo 3/8/99 – Director of Public Safety
6. Affidavit of Property Owners Notified
7. Notice of Hearing
8. Ltr 3/10/99 – G. Koueiter

And that the following be made a part of the minutes by attachment hereto and identified as Exhibits D and E:

- Exhibit D - Affidavit of Legal Publication;
- Exhibit E - Affidavit of Property Owners Notified.

Motion carried by the following vote:

Yes: Chylinski, Dansbury, Dickinson, Fahrner, Granger, Novitke, Steiner  
No: None  
Absent: None

Motion by Chylinski, supported by Granger, to also receive and place on file a letter dated March 12, 1999, from Sherryl Mocny, New Visions of You Inc, 21028 Mack Avenue.

Motion carried by the following vote:

Yes: Chylinski, Dansbury, Dickinson, Fahrner, Granger, Novitke, Steiner  
No: None  
Absent: None

The Chair asked if anyone from the audience wished to speak **in favor** of the proposed request. The following individual was heard:

Thomas Coughlin  
1571 Yorktown

The Chair asked if anyone from the audience wished to speak **in opposition** to the proposed request. No one wished to be heard.

Motion by Dansbury, supported by Granger, that the public hearing BE CLOSED at 9:40 p.m. PASSED UNANIMOUSLY.

Motion by Granger, supported by Dickinson, regarding Board of Appeal #3-99 regarding David Linder and Penni Palazzolo of Trent David Salon, 19870 Mack Avenue for off-street parking variance in accordance with the site plan dated February 26, 1999, that the City Council refer this item to the Mack Avenue Business Study Committee and be re-addressed at the first Council Meeting in May 1999 with renotification.

Motion carried by the following vote:

Yes: Chylinski, Dansbury, Dickinson, Fahrner, Granger, Novitke, Steiner  
No: None  
Absent: None

Motion by Steiner, supported by Dansbury, regarding **Pricewaterhouse Coopers (formerly known as Coopers & Lybrand L.L.P.)**, that the City Council concur with the recommendation from City Comptroller Maison and APPROVE an Agreement to perform the June 30, 1999, audit for a base fee of \$30,000 plus expenses for printing, postage, and etc., contingent upon review by the City Attorney and that such be made a part of the minutes by attachment hereto and identified as Exhibit F.

Motion carried by the following vote:

Yes: Chylinski, Dansbury, Dickinson, Fahrner, Granger, Novitke, Steiner  
No: None  
Absent: None

The following individual wished to be heard regarding former employee Melissa Spranger's request for a hearing:

Dennis Vatsis, Attorney  
1966 Penobscot Bldg  
Detroit, MI 48226

No action was taken.

Motion by Steiner, supported by Dansbury, regarding request for Solicitor's License by Paul S. Leonard, that the City Council APPROVE the application of Paul S. Leonard, 39127 Marne, Sterling Heights, MI 48313, for a 1999 **Solicitor's License** to solicit house-to-house.

Substitute Motion No. 1 by Fahrner, supported by Granger, regarding request for Solicitor's License by Paul S. Leonard, that the City Council DENY the application of Paul S. Leonard, 39127 Marne, Sterling Heights, MI 48313, for a 1999 **Solicitor's License** to solicit house-to-house.

Substitute Motion No. 2 by Granger, supported by Steiner, regarding request for Solicitor's License by Paul S. Leonard, that the City Council REFER the application of Paul S. Leonard, 39127 Marne, Sterling Heights, MI 48313, for a 1999 **Solicitor's License** to solicit house-to-house to the first Committee-of-the-Whole Meeting in May 1999, and that the 1999 Solicitor's application of Paul S. Leonard **be tabled**.

Motion carried by the following vote:

Yes: Chylinski, Dansbury, Dickinson, Fahrner, Granger, Novitke, Steiner  
No: None  
Absent: None

Motion by Steiner, supported by Chylinski, regarding **Legal Proceeding: Harold H. Fisher Vs. the City of Grosse Pointe Woods**, that the City Council REFER the following items to the City Attorney, City Comptroller, and Insurance Carrier:

1. Summons and Return of Service

Motion carried by the following vote:

Yes: Chylinski, Dansbury, Dickinson, Fahrner, Granger, Novitke, Steiner  
No: None  
Absent: None

Motion by Fahrner, supported by Chylinski, regarding **1999 BAC Flower Sale** – Indian Summer Composting request to distribute compost at the flower sale at no cost and to ask for donations to the Beautification Commission, that such request be approved.

Motion carried by the following vote:

Yes: Chylinski, Dansbury, Dickinson, Fahrner, Granger, Novitke, Steiner  
No: None  
Absent: None

Motion by Granger, supported by Dansbury, regarding Bids for **TORREY ROAD PAVEMENT REPLACEMENT**, that the City Council concur with the recommendation of the Acting City Administrator, the City Engineer, and the Director of Public Services and AWARD a contract to:

G. V. Cement Contracting Co.  
2000 Dix-Toledo  
Brownstown, MI 48183

in the amount of \$642,544.60, and to include engineering, inspection, construction stake-out, and contingencies at a cost not to exceed \$836,000, their bid being in the best interest of the City; and to charge such to the following accounts: (1998/99 – 202-312-000.000, 1999/00 – 202-524-000.000.)

Motion carried by the following vote:

Yes: Chylinski, Dansbury, Dickinson, Fahrner, Granger, Novitke, Steiner  
No: None  
Absent: None

Motion by Steiner, supported by Chylinski, that the City Council voice NO OBJECTION to the adoption of a **proclamation** regarding the **Holocaust, Days of Remembrance**, and that such be made a part of the minutes by attachment hereto and identified as Exhibit G.

Motion carried by the following vote:

Yes: Chylinski, Dansbury, Dickinson, Fahrner, Granger, Novitke, Steiner  
No: None  
Absent: None

Motion by Steiner, supported by Granger, that the Proposed **Ordinance** to add Article XII to Chapter 14 of the City Code of the City of Grosse Pointe Woods of 1997 defining **massage establishments and massage parlors**, be considered as a "**second reading**";

And that such ordinance BE ADOPTED and that the same be posted in five places in accordance with the provisions of the City Charter, and made a part of the minutes by attachment hereto and identified as Exhibit H.

Motion carried by the following vote:

Yes: Chylinski, Dansbury, Dickinson, Fahrner, Granger, Novitke, Steiner  
No: None  
Absent: None

Motion by Steiner, supported by Granger, that the Proposed **Ordinance** to Amend Article VIII, Section 14-361, of the City Code of the City of Grosse Pointe Woods of 1997, **defining cosmetology and/or branches thereof**, be considered as a **"second reading"**;

And that such ordinance BE ADOPTED and that the same be posted in five places in accordance with the provisions of the City Charter, and made a part of the minutes by attachment hereto and identified as Exhibit I.

Motion carried by the following vote:

Yes: Chylinski, Dansbury, Dickinson, Fahrner, Granger, Novitke, Steiner  
No: None  
Absent: None

Motion by Steiner, supported by Granger, that the Proposed **Ordinance** to Amend Chapter 98, Article VII, Section 98-202 of the City Code of the City of Grosse Pointe Woods of 1998 (the zoning ordinance) by adding thereto **massage therapy establishments** as a permitted use in a commercial district, be considered as a **"second reading"**;

And that such ordinance BE ADOPTED and that the same be posted in five places in accordance with the provisions of the City Charter, and made a part of the minutes by attachment hereto and identified as Exhibit J.

Motion carried by the following vote:

Yes: Chylinski, Dansbury, Dickinson, Fahrner, Granger, Novitke, Steiner  
No: None  
Absent: None

Motion by Chylinski, supported by Dansbury, that the Proposed **Ordinance** to Amend Chapter 10, Article II, of the City Code of the City of Grosse Pointe Woods of 1997 to adopt the **1996 BOCA National Building Code** with amendments, to refer this item to the Committee-of-the-Whole to obtain recommendations from City Administrator, City Attorney, and Director of Public Safety.

Motion carried by the following vote:

Yes: Chylinski, Dansbury, Dickinson, Fahrner, Granger, Novitke, Steiner  
No: None  
Absent: None

Motion by Chylinski, supported by Dansbury, that the Proposed **Ordinance** to Amend Chapter 10, Article III, of the City Code of the City of Grosse Pointe Woods of 1997 to adopt the **International Mechanical Code/1998**, to refer this item to the Committee-of-the-Whole to obtain recommendations from City Administrator, City Attorney, and Director of Public Safety.

Motion carried by the following vote:

Yes: Chylinski, Dansbury, Dickinson, Fahrner, Granger, Novitke, Steiner  
No: None  
Absent: None

Motion by Chylinski, supported by Dansbury, that the Proposed **Ordinance** to Amend Chapter 10, Article IV, of the City Code of the City of Grosse Pointe Woods of 1997 to adopt the **National Electrical Code of 1996** with amendments, to refer this item to the Committee-of-the-Whole to obtain recommendations from City Administrator, City Attorney, and Director of Public Safety.

Motion carried by the following vote:

Yes: Chylinski, Dansbury, Dickinson, Fahrner, Granger, Novitke, Steiner  
No: None  
Absent: None

Motion by Chylinski, supported by Dansbury, that the Proposed **Ordinance** to Amend Chapter 10, Article VI, of the City Code of the City of Grosse Pointe Woods of 1997 to adopt the **CABO One and Two Family Dwelling Code**, to refer this item to the Committee-of-the-Whole to obtain recommendations from City Administrator, City Attorney, and Director of Public Safety.

Motion carried by the following vote:

Yes: Chylinski, Dansbury, Dickinson, Fahrner, Granger, Novitke, Steiner  
No: None  
Absent: None

Motion by Chylinski, supported by Dansbury, that the Proposed **Ordinance** to Amend Chapter 10, Article V, of the City Code of the City of Grosse Pointe Woods of 1997 to adopt the **International Plumbing Code, 1997 Edition**, to refer this item to the Committee-of-the-Whole to obtain recommendations from City Administrator, City Attorney, and Director of Public Safety.

Motion carried by the following vote:

Yes: Chylinski, Dansbury, Dickinson, Fahrner, Granger, Novitke, Steiner  
No: None  
Absent: None

Motion by Chylinski, supported by Dansbury, that the Proposed **Ordinance** to Amend Chapter 38, Article II, of the City Code of the City of Grosse Pointe Woods of 1997 to adopt the **1999 BOCA National Fire Prevention Code**, to refer this item to the Committee-of-the-Whole to obtain recommendations from City Administrator, City Attorney, and Director of Public Safety.

Motion carried by the following vote:

Yes: Chylinski, Dansbury, Dickinson, Fahrner, Granger, Novitke, Steiner  
No: None  
Absent: None

Motion by Chylinski, supported by Dansbury, that the Proposed **Ordinance** to Amend Chapter 10, Article VII, of the City Code of the City of Grosse Pointe Woods of 1997 to adopt the **BOCA National Property Maintenance Code of 1996**, to refer this item to the Committee-of-the-Whole to obtain recommendations from City Administrator, City Attorney, and Director of Public Safety.

Motion carried by the following vote:

Yes: Chylinski, Dansbury, Dickinson, Fahrner, Granger, Novitke, Steiner  
No: None  
Absent: None

Under new business, and hearing no objection, Acting City Administrator Thomas introduced the new Building Inspector, Brad Hissong, to the City Council.

Upon proper motion, meeting was adjourned at 10:26 p.m.

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Robert E. Novitke  
Mayor

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Lisa Kay Hathaway  
Deputy City Clerk

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Louise S. Warnke  
City Clerk

EXHIBIT A

EXHIBIT A

EXHIBIT A

EXHIBIT A

EXHIBIT B

EXHIBIT C

EXHIBIT C

EXHIBIT C

EXHIBIT D

EXHIBIT E

EXHIBIT E

EXHIBIT E

EXHIBIT F

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EXHIBIT G

EXHIBIT H

EXHIBIT I

EXHIBIT J