

MINUTES OF THE REGULAR CITY COUNCIL MEETING OF THE CITY OF GROSSE POINTE WOODS HELD ON MONDAY, APRIL 19, 2004, IN THE COUNCIL-COURT ROOM OF THE MUNICIPAL BUILDING, 20025 MACK PLAZA, GROSSE POINTE WOODS, MICHIGAN.

Mayor Novitke called the meeting to order at 7:30 p.m.

Roll Call: Mayor Novitke  
Council members: Chylinski, Dickinson, Granger, Howle, Reynolds, Spicher  
Absent: None

Also Present: Acting City Administrator Maison  
City Attorney Don Berschback  
City Clerk Warnke  
Director of Public Works Ahee  
Building Inspector Tutag

The following Commission members were in attendance:

Dr. Michael Skaff – Community Tree Commission  
Lisa Gaglio – Beautification Advisory Commission  
Wilson Rogers – Community Tree Commission  
Ross Richardson – Planning Commission  
James Kedich – Beautification Advisory Commission

Motion by Dickinson, seconded by Granger, that all items on tonight's agenda be received, placed on file, and taken in order of appearance.

Motion carried by the following vote:

Yes: Chylinski, Dickinson, Granger, Howle, Novitke, Reynolds, Spicher  
No: None  
Absent: None

Representative Dr. Michael Skaff, a member of the Community Tree Commission, regarding the Tree City USA Flag for 2004, made a presentation to the City Council.

Hearing no objections, the Chair directed the Council minutes of March 11, 2004, be re-submitted to Council on May 3, 2004. Any amendments to same by Council members shall be submitted in writing to the City Clerk for review by such office against the actual tape. City Clerk to recommend what amendments are consistent with the tape.

Motion by Chylinski, seconded by Granger, that the City Council concur with the recommendation of the Committee-of-the-Whole in their Minutes dated April 5, 2004, that the Acting City Administrator Maison be authorized to execute the **Executive Search Proposal** dated March 25, 2004, engaging the services of the **Michigan Municipal League** to conduct a search for the position of City Administrator for an estimated fee of \$9,000, and any additional costs for project tasks and miscellaneous charges as outlined in the proposal and that the proposed be reviewed by the City Attorney prior to execution.

Motion carried by the following vote:

Yes: Chylinski, Dickinson, Granger, Howle, Novitke, Reynolds, Spicher

No: None

Absent: None

Motion by Chylinski, seconded by Spicer, that the City Council concur with the recommendation of the Committee-of-the-Whole in their minutes dated April 5, 2004, regarding the weekly **salary increase** of \$750.00 to the following individual:

**Acting City Administrator Clifford J. Maison**  
(Also City Comptroller-Treasurer)

for a term from March 11, 2004, to the date of hire of the new City Administrator.

The following individual was heard: Kevin Hendrick, 1035 Roslyn

Council member Chylinski called for the question.

Motion carried by the following vote:

Yes: Chylinski, Howle, Reynolds, Spicher

No: Dickinson, Granger, Novitke

Absent: None

Hearing no objections, the matter of a recommendation of the Citizens Recreation Commission in their minutes of January 13, 2004, was made a part of tonight's meeting.

Motion by Granger, seconded by Howle, that the City Council concurs with the recommendation of the Citizens Recreation Commission in their minutes of January 13,

2004, in that the name of the Family Perch Derby is changed to the "Jack Boni Family Perch Derby".

Motion carried by the following vote:

Yes: Chylinski, Dickinson, Granger, Howle, Novitke, Reynolds, Spicher

No: None

Absent: None

THE MEETING WAS THEREUPON OPENED AT 8:15 P.M. FOR A BOARD OF APPEAL HEARING UNDER THE PROVISIONS OF CHAPTER 98, ZONING, ARTICLE XIV, SECTION 98-401 OF THE 1997 CITY CODE TO HEAR THE APPEAL OF STEVE **NAVARRE, 868 HAWTHORNE ROAD, GROSSE POINTE WOODS**, WHO IS APPEALING THE DENIAL OF THE BUILDING INSPECTOR TO ISSUE A BUILDING PERMIT FOR PERMISSION TO CONSTRUCT A 15' DETACHED GARAGE WITH STORAGE ABOVE AT 868 HAWTHORNE ROAD, GROSSE POINTE WOODS. THE PERMIT WAS DENIED BASED ON SECTION 98-13(B) OF THE 1997 CITY CODE; NAMELY, DETACHED ACCESSORY BUILDINGS EXCEEDING ONE STORY, OR TEN FEET IN HEIGHT TO THE EAVES, MAY OCCUPY NOT MORE THAN 50 PERCENT OF THE REQUIRED REAR YARD SPACE. A VARIANCE IS THEREFORE REQUIRED.

Motion by Chylinski, seconded by Howle, that, for purposes of the Board of Appeal hearing, the following items be received and placed on file:

1. Letter – 4/05/04 – J. Brady, General Contractor
2. Application for Permit – 4/01/04
3. Mortgage Survey – 4/06/04
4. Site Plans – 4/07/04
5. Memo – 4/12/04 – Building Inspector
6. Photos – 4/12/04 – Code Enforcement
7. Letter – 4/13/04 – John & Rosemary Young
8. Aerial View – 4/06/04
9. Notice of Public Hearing – 4/07/04
10. Affidavit of Property Owners Notified – 4/07/04

Motion carried by the following vote:

Yes: Chylinski, Dickinson, Granger, Howle, Novitke, Reynolds, Spicher

No: None

Absent: None

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

James Brady, Contractor for Dr. Navarre  
14669 Barber  
Warren, MI 480088

Dr. Steve Navarre  
868 Hawthorne Road

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

Cynthia Jevons  
884 Hawthorne

Motion by Granger, seconded by Howle, that the public hearing BE CLOSED at 8:20 p.m. PASSED UNANIMOUSLY.

As required by state law, the City Attorney reiterated the petitioner must show a practical difficulty or hardship.

Motion by Granger, seconded by Chylinski, regarding Board of Appeal regarding **STEVE NAVARRE, 868 HAWTHORNE ROAD**, for permission to construct a 15' detached garage with storage above at such address in accordance with the site plan dated April 7, 2004, that the City Council POSTPONE the matter until the next City Council meeting scheduled for Monday, May 3, 2004.

Motion carried by the following vote:

Yes: Chylinski, Dickinson, Granger, Howle, Novitke, Reynolds, Spicher  
No: None  
Absent: None

THE MEETING WAS THEREUPON OPENED AT 9:03 P.M. FOR A BOARD OF APPEAL HEARING UNDER THE PROVISIONS OF CHAPTER 98, ZONING, ARTICLE XIV, SECTION 98-401 OF THE 1997 CITY CODE TO HEAR THE APPEAL OF **BUSINESS OWNERS**

**SUSAN FERRETTI AND JUDITH ALLEN, 19615 MACK AVENUE, DOING BUSINESS AS "DEJA VU BOUTIQUE"**, WHO ARE APPEALING THE DENIAL OF THE BUILDING INSPECTOR TO ISSUE A BUSINESS LICENSE AT 19615 MACK AVENUE, GROSSE POINTE WOODS. THE BUSINESS LICENSE WAS DENIED DUE TO SECTION 98-202(2) OF THE 1997 CITY CODE (PERMITTED USES: THE SALE OR EXCHANGE OF USED OR SECONDHAND CLOTHING IS NOT PERMITTED IN A COMMERCIAL DISTRICT). A VARIANCE IS THEREFORE REQUIRED.

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

1. Letter – 3/29/04 – Susan Ferretti and Judith Allen
2. Excerpt – Code; Sec. 98-202 Permitted Uses
3. Memo –4/13/04 – Building Inspector
  - a. w/attachment (3)
4. Photos – 4/12/04 – Code Enforcement
5. Aerial View – 4/06/04
6. Notice of Public Hearing – 4/06/04
7. Affidavit of Property Owners Notified – 04/07/04
8. Affidavit of Business Owners Notified – 04/07/04

Motion carried by the following vote:

Yes: Chylinski, Dickinson, Granger, Howle, Novitke, Reynolds, Spicher  
No: None  
Absent: None

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

Judith Allen	Susan Ferretti
22605 Raven	No address given
Eastpointe, MI 48021	

A discussion ensued wherein the petitioners stated they had lost the opportunity to lease 19615 Mack, however, were examining other commercial locations in the city. 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 Reynolds, seconded by Howle, that the public hearing BE CLOSED at 9:08 p.m. PASSED UNANIMOUSLY.

Motion by Chylinski, seconded by Granger, regarding Board of Appeal petitioners **SUSAN FERRETTI AND JUDITH ALLEN, D/B/A "DEJA VU BOUTIQUE"**, that the City Council concur with the recommendation of the City Attorney and Building Inspector and waive the Board of Appeal \$75.00 hearing fee for any future appeal by the petitioners of the "Permitted Uses"; namely, Section 98-202(2) for another proposed commercial location in the City of Grosse Pointe Woods, and that the matter be removed from the agenda.

Motion carried by the following vote:

Yes: Chylinski, Dickinson, Granger, Howle, Novitke, Reynolds, Spicher

No: None

Absent: None

THE MEETING WAS THEREUPON OPENED AT 9:10 P.M. FOR A PUBLIC HEARING IN ACCORDANCE WITH CHAPTER 10, BUILDINGS AND BUILDING REGULATIONS, ARTICLE IX, FENCES, SECTION 10-321, ET AL, TO HEAR THE APPLICATION OF **MARIE VANDEN BOOM, 1680 OXFORD**, GROSSE POINTE WOODS, FOR PERMISSION TO ERECT A SIX (6') FOOT SOLID BOARD CEDAR **PRIVACY FENCE** ALONG THE NORTH AND WEST SIDE LOT LINES OF THE SUBJECT PROPERTY LINES OF THE PROPERTY AT 1680 OXFORD. A VARIANCE IS REQUIRED SINCE SECTION 10-326 OF THE CITY CODE REQUIRES A MINIMUM OF TWO-INCH OPENINGS THROUGHOUT 50% OF THE LENGTH OR HEIGHT OF THE PROPOSED FENCE.

Motion by Howle, seconded by Granger, that for purposes of the public hearing the following items be received and placed on file:

1. Letter – 3/24/04 – Marie VandenBoom
2. Application for Fence Permit – 3/26/04
3. Drawings – 3/26/04, 3/29/04
4. Photos - Petitioner – 3/29/04
5. Memo – 4/08/04 - Building Inspector
6. Photos – 4/12/04 – Code Enforcement
7. Aerial View – 4/06/04
8. Notice of Public Hearing – 4/07/04
9. Affidavit of Property Owners Notified – 4/07/04

Motion carried by the following vote:

Yes: Chylinski, Dickinson, Granger, Howle, Novitke, Reynolds, Spicher

No: None

Absent: None

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Hearing no objections, the following letters (in support of the project) were submitted by the petitioner and the Chair directed they be made a part of tonight's meeting:

1. Letter 4-19-04 – Mr. & Mrs. James Francis, 1670 Oxford
2. Letter 4-16-04 – Mr. & Mrs. Sal Ciaravino, 1681 Oxford
3. Letter 4-19-04 Patricia Coe, 1665 S. Renaud

The Chair asked if anyone from the audience wished to speak IN FAVOR of the proposed request. The following individual(s) were heard:

Marie Vanden Boom 1680 Oxford	Joseph Leonard (Brother-in-law) No address given
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Bonnie Rozycki  
1623 N. Renaud

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 Dickinson, seconded by Granger, that the public hearing BE CLOSED at 9:18 p.m. PASSED UNANIMOUSLY.

Motion by Granger, seconded by Reynolds, regarding the public hearing: **FENCE VARIANCE OF MARIE VANDEN BOOM, 1680 OXFORD**, that the City Council GRANT the request to install a six (6') foot solid board cedar fence along the north and west side lot lines of the subject property in accordance with Application for Fence permit dated March 26, 2004, and two drawings dated March 26 and 29, 2004, respectively, with the following stipulations:

- a. The proposed fence shall be located entirely on the petitioner's property;
- b. The existing fence shall be removed.
- c. Construction shall begin within six months and be completed within one year;
- d. No fill shall be allowed on the property;
- e. Supporting framework is installed facing petitioner's property.

Motion carried by the following vote:

Yes: Chylinski, Dickinson, Granger, Howle, Novitke, Reynolds, Spicher  
No: None  
Absent: None

Motion by Granger, seconded by Reynolds, regarding a request to use **Ghesquiere Park Tennis Courts**, that the City Council concur with the recommendation of the Acting City Administrator and Parks & Recreation Supervisor and grant **Our Lady Star of the Sea** permission to use the tennis courts at Ghesquiere Park five days a week for their tennis classes from May 10, 2004, through May 21, 2004, (Monday thru Friday, from 1:30 p.m. to 2:50 p.m. contingent upon providing appropriate insurance, relinquishing the court if a resident would like to use it, and to clean debris from the area after using the courts.

Motion carried by the following vote:

Yes: Chylinski, Dickinson, Granger, Howle, Novitke, Reynolds, Spicher  
No: None  
Absent: None

Motion by Dickinson, seconded by Howle that the Financial Report of the City Administrator for the month of March 2004 BE REFERRED to the Finance Committee for review.

Motion carried by the following vote:

Yes: Chylinski, Dickinson, Granger, Howle, Novitke, Reynolds, Spicher  
No: None  
Absent: None

Motion by Chylinski, seconded by Granger, regarding Bids for **2004 MISCELLANEOUS SIDEWALK AND DRIVEWAY APPROACH REPLACEMENT PROGRAM – DISTRICT #3**, that the City Council concur with the recommendation of the Acting City Administrator, the City Engineer, and the Director of Public Works and AWARD a contract to:

**CORE CONCRETE CONSTRUCTION, INC.  
31088 GRENNADA  
LIVONIA, MICHIGAN 48154**

in the amount of \$219,475.00, their bid being in the best interest of the City, and to include engineering, testing and contingency in an additional amount of \$55,025.00,

for a total project cost not to exceed \$274,500.00, contingent upon approval of the 2004/05 Major and Local Street Fund budget.

Motion carried by the following vote:

Yes: Chylinski, Dickinson, Granger, Howle, Novitke, Reynolds, Spicer

No: None

Absent: None

Regarding the current Agreement for Services for Kathleen Paul for the time period April 6, 2004, to April 30, 2004, the City Attorney confirmed to the City Council the Agreement for Services had been properly executed to reflect the extension.

Motion by Chylinski, seconded by Spicer, regarding **ASSESSING SERVICE CONTRACT – ACTNG CITY ASSESSOR KATHLEEN PAUL**, that the City Council authorize the City Attorney to revise the proposed Agreement for Services effective April 30, 2004, for a term to expire December 31, 2004, as follows:

- a. Paragraph #1: amend text to reflect "report to City Council" in accordance with the City Charter;
- b. Paragraph #3: add "except as provided herein";
- c. Paragraph #6: delete it and refer same to the Pension Board for their review and recommendation back to Council;

And that after the amendments are finalized, the Mayor and Acting City Administrator be authorized to execute the Agreement for Service contract.

Motion carried by the following vote:

Yes: Chylinski, Dickinson, Granger, Howle, Novitke, Reynolds, Spicer

No: None

Absent: None

Motion by Chylinski, seconded by Granger, regarding **ASSESSING SERVICE CONTRACT – ASSESSOR CONSULTANT WILLIAM B. KNAPP**, that the City Council authorize the Mayor and Acting City Administrator to execute said Agreement for Services effective May 1, 2004, for an "at-will" term and that total compensation shall not exceed 500 hours at \$20.00 per hour in any given fiscal year (July 1 through June 30).

Motion carried by the following vote:

Yes: Chylinski, Dickinson, Granger, Howle, Novitke, Reynolds, Spicer

No: None

Absent: None

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Motion by Granger, seconded by Dickinson, regarding Bids for **BARK MULCH**, that the City Council concur with the recommendation of the Acting City Administrator, and the Director of Public Works and AWARD a contract mulching services for the landscaped beds of the City of Grosse Pointe Woods to:

**GROUND EFX**  
**50857 Card Road**  
**Macomb, MI 48044**

in the amount of \$15,782.50, their bid being in the best interest of the City, and to charge such to the following accounts; i.e., 101.774.818.00 (General Fund - Lake Front Park) and 202.463.818.000 (Master Street Fund – Routine Maintenance).

Motion carried by the following vote:

Yes: Chylinski, Dickinson, Granger, Howle, Novitke, Reynolds, Spicher  
No: None  
Absent: None

Motion by Howle, seconded by Dickinson, regarding Bids for **DOCK BOXES – LAKE FRONT PARK**, that the City Council concur with the recommendation of the Acting City Administrator, and the Parks & Recreation Supervisor and AWARD a contract for the purchase of 135 dock boxes (Model 8011) to:

**TRIONIC CORPORATION**  
**425 WHEELER AVENUE**  
**P.O. BOX 134**  
**FREDONIA, WISCONSIN 53021**

in the amount of \$19,710.00 their bid being in the best interest of the City, and to charge such to the following account; i.e., 594.785.977.000 from the 2003-04 Boat Dock Fund in which \$20,000.00 was budgeted.

Motion carried by the following vote:

Yes: Chylinski, Dickinson, Granger, Howle, Novitke, Reynolds, Spicher  
No: None  
Absent: None

Motion by Granger, seconded by Chylinski, regarding **2004 Sidewalk System Billing Roll for District #2** dated April 12, 2004, and in concurrence with the

recommendations of the Acting City Administrator and Director of Public Works, the City Council hereby resolves the assessments for the cost of the construction or maintenance of sidewalks be placed on the city's 2005 Tax Rolls as a special assessment, the amount of any such assessment shall become a debt due to the city and a lien upon such property, subject to the collection fees (all in accordance with City Charter, Chapter 11, Special Assessments, Section 11.1 thru 11.9, and Chapter 2, Municipal Powers, Section 2.2 u and v.).

Motion carried by the following vote:

Yes: Chylinski, Dickinson, Granger, Howle, Novitke, Reynolds, Spicher  
No: None  
Absent: None

Motion by Howle, seconded by Dickinson, that the City Council voice NO OBJECTION to the adoption of Mayoral **Proclamations** regarding

- a. **GIRL SCOUT GOLD AWARD – MEREDITH SCHWEIWE;**
- b. **NATIONAL PUBLIC WORKS WEEK (May 16-22, 2004);**
- c. **BEAUTIFICATION COUNCIL OF SE MICHIGAN (40<sup>TH</sup> ANNIVERSARY);**
- d. **WOODS/SHORES LITTLE LEAGUE;**
- e. **ARBOR DAY (APRIL 30, 2004)**

Motion carried by the following vote:

Yes: Chylinski, Dickinson, Granger, Howle, Novitke, Reynolds, Spicher  
No: None  
Absent: None

Motion by Chylinski, seconded by Reynolds, that the City Council recess the regularly scheduled Council meeting at 9:48 p.m. and reconvene in CLOSED EXECUTIVE SESSION for the purpose of discussing a **LABOR NEGOTIATION MATTER** at which time the City Council may, or may not, reconvene in regular session to address additional items as necessary, in accordance with the Open Meetings Act 1976 PA 267.

Motion carried by the following ROLL CALL vote:

	YES	NO
Council member Chylinski	x	
Council member Dickinson	x	
Council member Granger	x	

