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**MINUTES OF THE REGULAR COUNCIL MEETING OF THE CITY OF GROSSE
POINTE WOODS HELD ON MONDAY, JULY 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 7:35 p.m.

Roll Call: Mayor Novitke
Council members: Chylinski, Granger, Howle, Spicher
Absent: Dickinson, Reynolds

Also Present: Acting City Administrator Maison
City Attorney D. Berschback
Assistant City Attorney C. Berschback
City Clerk Warnke
City Engineer Lockwood
Director of Public Safety Makowski
Director of Public Works Ahee
Building Inspector Tutag

Motion by Granger, seconded by Chylinski, that Council Members Dickinson and Reynolds are excused from tonight's meeting.

Motion carried by the following vote:

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

The following Commission members were in attendance:

Dr. Michael Skaff – Community Tree Commission
Marge Kingsley – Beautification Advisory Commission
Doug Hamborsky – Planning Commission

Motion by Granger, seconded by Howle, 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, Granger, Howle, Novitke, Spicher
No: None
Absent: Dickinson, Reynolds

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Motion by Chylinski, seconded by Howle, that the Council AUTHORIZES the following appointment:

BOARD: **Board of Canvassers**
NAME: **Gustave Rener**
TERM TO EXPIRE: **December 31, 2006**

Motion carried by the following vote:

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

Hearing no objections, the Chair directed the following correction to the Committee-of-the-Whole Meeting minutes dated July 12, 2004:

"Also present: City Attorney ~~Chip~~ Don Berschback"

Motion by Granger, seconded by Spicher, that the excerpt of Council minutes of the meeting held on July 12, 2004, regarding **Sunrise Development, Inc., 1850 Vernier Road**, Grosse Pointe Woods, be immediately certified.

Substitute Motion was made by Howle, seconded by Chylinski to move certifying the excerpt of **Sunrise Development, Inc.** to "New Business".

Substitute Motion FAILED by the following vote:

Yes: Chylinski, Howle
No: Granger, Novitke, Spicher
Absent: Dickinson, Reynolds

Original Motion carried by the following vote:

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

The City Attorney reiterated to Council five affirmative votes are required for approval of the Zoning Board of Appeal matters.

THE FOLLOWING IS A CONTINUATION OF THE TOPIC OF THE ZONING BOARD OF APPEAL (ORIGINALLY HEARD ON JULY 12, 2004 UNDER THE PROVISIONS OF

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CHAPTER 98, ZONING, ARTICLE XIV, SECTION 98-401 OF THE 1997 CITY CODE) REGARDING THE APPEAL OF **JACKIE & SCOTT BAUMGART, DOING BUSINESS AS "ROBUSTO'S, 19271 MACK AVENUE, GROSSE POINTE WOODS,** WHO APPEALED THE DENIAL OF THE BUILDING INSPECTOR TO ISSUE A BUILDING PERMIT FOR CONSTRUCTION OF AN OUTDOOR SEATING AREA WHICH WOULD ALLOW SEATING AND SERVICE ON THE PUBLIC SIDEWALK OUTSIDE OF ROBUSTO'S, 19271 MACK AVENUE, GROSSE POINTE WOODS. COUNCIL ACTION OF JULY 12, 2004 GRANTED A TEMPORARY USE VARIANCE (NOT TO EXCEED ONE YEAR) OF SECTION 98-242 OF THE CITY CODE.

Motion by Chylinski, seconded by Howle, that the following items be received and placed on file:

- 1) Excerpt Council 07-12-04
- 2) Outdoor Service Permit Agreement w/ Exhibit A, B 1-6

Motion carried by the following vote:

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

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

Scott Baumgart – Robusto's, 19271 Mack Avenue

Motion by Chylinski, seconded by Howle, regarding Outdoor Seating on Public Sidewalk, Permitted Use Variance, requested by Jackie and Scott Baumgart d/b/a Robusto's, 19271 Mack Avenue, to approve the request based upon the provisions of the proposed Outdoor Service Permit Agreement.

And that the motion be AMENDED to include a change to the Outdoor Service Permit Agreement, Paragraph #3, Letter "q", as follows:

- q. The maximum hours of operation shall be as follows:
Monday, Tuesday and Wednesday - 5 p.m. to midnight
Thursday and Friday - 5 p.m. to 2:00 a.m.

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Motion carried by the following vote:

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

Motion by Granger, seconded by Howle, regarding the letter of support received by Scott Baumgart, d/b/a Robusto's, 19271 Mack Avenue, from the Rainbow Child Development Center, 19251 Mack Avenue, stating that they had no objections in the change of the opening time for outdoor seating of Robusto's, and this would not affect their business of operation, that such letter be received and placed on file.

Motion carried by the following vote:

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

THE MEETING WAS THEREUPON OPENED AT 8:05 P.M. FOR A PUBLIC HEARING TO HEAR THE APPLICATION OF **RITZ CAMERA, 19391 MACK AVENUE, GROSSE POINTE WOODS, REGARDING A SIGN VARIANCE.**

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

- 1) Letter 07-13-04 - Intercity Neon
- 2) Letter 06-24-04 - Ritz Camera Centers
- 3) Sign Permit Application 07-13-04
- 4) Memo 07-15-04 - Building Inspector
- 5) Letter 06-14-04 - City Attorney
- 6) Drawing (2-pg) 07-13-04

Motion carried by the following vote:

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

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

Walter Schafer – Intercity Neon Sign Co., 23920 Amber, Warren, MI

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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 Howle, supported by Granger, that the public hearing BE CLOSED at 8:07 p.m. PASSED UNANIMOUSLY.

Motion by Howle, supported by Chylinski, regarding public hearing regarding a sign variance, Ritz Camera, 19391 Mack Avenue, Grosse Pointe Woods, that the Council approve the Sign Permit Application dated July 13, 2004, and grant a variance of Section 62-30(1) for the sign's corporate font.

Motion carried by the following vote:

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

Acting City Administrator notified the Council Acting City Assessor Kathleen Paul requested her verbal report be removed from tonight's agenda.

The Chair declared a recess at 8:07 p.m. and reconvened at 8:15 p.m.

A general discussion then ensued regarding the **PROPERTY MAINTENANCE REGULATIONS**.

The following individuals were heard:

Assistant City Attorney Berschback
Mr. John Kelly – 1869 Severn
Mr. Rob Brown – 1901 Broadstone
Mr. Steve Schrieder – 1811 Littlestone
Ms. Vanessa Slein – 1886 Severn
Mr. & Mrs. Thomas Gerhardstein – 1846 Severn
Mr. Brad Blaine – 1623 Severn

The Chair declared a recess at 9:30 p.m. and reconvened at 9:44 p.m. The discussion continued. The Chair declared a recess at 9:47 p.m. and reconvened at 10:00 p.m.

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Motion by Chylinski, seconded by Howle, regarding the **Property Maintenance Regulations**, that Council direct administration to bring a proposed first reading of a rental ordinance to the special Council meeting scheduled for Wednesday, July 21, 2004, incorporating issues of concerned citizens who have appeared at previous Council meetings, and that written comparables of rental ordinances in surrounding cities and others for review including inspections, registration of property, data sheets of who lives there, property maintenance code and other pertinent issues are required.

Motion carried by the following vote:
Yes: Howle, Spicher, Chylinski
No: Granger, Novitke
Absent: Dickinson, Reynolds

Motion by Howle, seconded by Chylinski, that the **Financial Report** of the City Administrator for the month of **June 2004**, be referred to the Finance Committee for review.

Motion carried by the following vote:
Yes: Chylinski, Granger, Howle, Novitke, Spicher
No: None
Absent: Dickinson, Reynolds

Motion by Granger, seconded by Howle, regarding **Fun-Run Permit**, that the Council approve the Fun Run proposed by the **Assumption Greek Orthodox Church**, 21800 Marter Road, St. Clair Shores, scheduled for Saturday, July 31, 2004, from 10 a.m. to 11:30 a.m. for approximately 75-100 participants which will involve the 1-mile route and the 3-mile route, contingent upon receipt of the proper insurance indemnifying the city and that all Public Safety regulations be observed during such event.

Motion carried by the following vote:
Yes: Chylinski, Granger, Howle, Novitke, Spicher
No: None
Absent: Dickinson, Reynolds

Motion by Chylinski, seconded by Spicher, regarding **National League of Cities – 2004 81st Congress of Cities & Exposition**, that the Council authorize the Acting City Administrator and interested Council members to attend such conference to be

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held in Indianapolis, Indiana, on November 30 through December 4, 2004, and that proper registration be fulfilled for those who wish to attend and to reimburse any such officials for any personal expenses incurred upon presentation and verification by the Finance Committee of an itemized expense report.

Motion carried by the following vote:

Yes: Chylinski, Granger, Novitke, Spicher

No: Howle

Absent: Dickinson, Reynolds

Motion by Howle, seconded by Chylinski, regarding **Lake Front Park Lifeguard Charity Event**, that Council approve the request of the Grosse Pointe Woods lifeguards to hold a charitable event at the Lake Front Park on Sunday, August 8, 2004, from 8:00 a.m. to noon on such day to benefit the McCarty Cancer Foundation.

Motion carried by the following vote:

Yes: Chylinski, Granger, Howle, Novitke, Spicher

No: None

Absent: Dickinson, Reynolds

Motion by Granger, seconded by Howle, regarding **Tennis Courts - Municipal Parks**, that the Council grant permission to the **Grosse Pointe North High School's Girls/Boys Tennis and Baseball Teams** to use the municipal parks contingent upon providing appropriate insurance, relinquishing the court or baseball field if a resident would like to use it and to clear debris from the area after using the recreational facilities and permission be granted on the following dates:

- Lake Front Park tennis courts:
 - Girls' tennis: Practice from August 9 through August 30 between 8 a.m. and 5:00p.m. and games from August 31 through October 22 between 3:30 p.m. and 5:30 p.m.
 - Boys' tennis: Practice from March 15, 2005 through May 27, 2005 from 3:30 p.m. to 6:30 p.m.
- Ghesquiere Park Marsteller Baseball Diamond:
 - Boys' baseball: March 14, 2005 thru May 27, 2005 from 3:30 p.m. to 6:00 p.m.

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Motion carried by the following vote:

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

Motion by Chylinski, seconded by Howle, regarding the **Outdoor Service Permit Agreement - Robusto's, 19271 Mack Avenue**, Grosse Pointe Woods, that upon a review and approval of the proposed Agreement by the City Attorney and affixing his approval thereon, the Council authorizes the Acting City Administrator to execute the Outdoor Service Permit Agreement; and noting the change to Paragraph 3, Letter "q" as follows:

The maximum hours of operation shall be as follows:
Monday, Tuesday and Wednesday - 5 p.m. to midnight
Thursday and Friday - 5 p.m. to 2:00 a.m.

And that a copy of the fully-executed Agreement be routed to Lazco, Inc., d/b/a Robusto's of Grosse Pointe Woods, the Michigan Liquor Control Commission, the Wayne County Department of Public Services, as well as the city's Departments of Public Safety, Public Works, and Building Inspector for processing.

Motion carried by the following vote:

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

Motion by Granger, seconded by Chylinski, regarding **Water Main Replacement North Renaud** (AEW #160-261), that the Council awards a contract for the project to:

SOS Service Group, Inc.
6947 East Michigan Avenue
Saline, Michigan 48176

in the not-to-exceed amount of \$630,000.00, which amount includes \$46,580.00 for engineering fees, inspection, contract administration and contingencies, their bid being in the best interest of the City (\$583,420.00), and to charge such to the following accounts: #592.537.976.019 and #592.537.977.200.

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Motion carried by the following vote:

Yes: Chylinski, Granger, Howle, Novitke, Spicher

No: None

Absent: Dickinson, Reynolds

Motion by Granger, seconded by Spicher, regarding **Relocation - Precinct 3 (First English Evangelical Lutheran Church)**, that upon the review and approval of the proposed Agreement by the City Attorney and affixing his approval thereon, the Council authorizes the Acting City Administrator to execute the Agreement and to forward same to the Church for full execution.

Motion carried by the following vote:

Yes: Chylinski, Granger, Howle, Novitke, Spicher

No: None

Absent: Dickinson, Reynolds

Motion by Granger, seconded by Spicher, regarding **Dock Boxes - Lake Front Park**, that the Council AWARD a contract for the purchase of 101 dock boxes (Model 8000) to low bidder:

Trionic Corporation
425 Wheeler Avenue
P.O. Box 134
Fredonia, Wisconsin 53021

in the amount of \$12,743.00, their bid being in the best interest of the City, and to charge such to the following account: #594-785-977.000.

Motion carried by the following vote:

Yes: Chylinski, Granger, Howle, Novitke, Spicher

No: None

Absent: Dickinson, Reynolds

New Business: Hearing no objections, the Chair directed the following matters be made a part of the agenda:

Nicholas Kondak – 740 Hawthorne; Storage of Travel Trailer

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Motion by Howle, seconded by Spicher, that the excerpt of Council minutes of the meeting held on July 12, 2004, regarding the appointment of **Nancy Hames** to the **Planning Commission**, be immediately certified.

Motion carried by the following vote:

Yes: Chylinski, Granger, Howle, Novitke, Spicher

No: None

Absent: Dickinson, Reynolds

Upon proper motion, meeting was adjourned at 11:00 p.m. PASSED UNANIMOUSLY.
