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**MINUTES OF THE REGULAR CITY COUNCIL MEETING OF THE CITY OF GROSSE
POINTE WOODS HELD ON MONDAY, OCTOBER 4, 2004, AT 20025 MACK PLAZA
DRIVE, IN THE COUNCIL-COURT ROOM OF THE MUNICIPAL BUILDING, 20025
MACK PLAZA, GROSSE POINTE WOODS, MICHIGAN.**

The meeting was called to order at 7:32 p.m. by Mayor Novitke.

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

Also Present: Acting City Administrator Maison
City Attorney Berschback
City Clerk Warnke
Building Inspector Tutag
Recording Clerk Murphy

The following Commission members were in attendance:

Mary Mitts - Planning Commission

Motion by Howle, seconded by Dickinson, 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

Hearing no objections, the Chair presented a check in the amount of \$1742.00 to the **McCarty Cancer Foundation**, which was raised by the Grosse Pointe Woods lifeguards. Members of the McCarty Family were in attendance on behalf of the Foundation to accept the charitable donation. Recreation Supervisor Melissa Sharp extended recognition to the efforts of the Grosse Pointe Woods lifeguards in raising the funds for the charity.

Motion by Granger, seconded by Chylinski, **regarding Election Inspectors**, that the Council concur with the recommendation of the Election Commission (composed of Council member Vicki Granger, City Clerk Louise S. Warnke and City Attorney Don R.

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Berschback) and certify the appointment of the **Board of Election Inspectors**, including compensation as recommended.

Motion carried by the following vote:

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

No: None

Absent: None

Hearing no objections, the Chair approved the minutes with the following amendments:

Special City Council Meeting 9-25-04:

Page 3 "City Attorney Berschback reported background checks on all three candidates ~~were positive~~ revealed nothing adverse found."

Page 3 City Attorney Berschback to ~~prepare~~ review a contract.

Council Meeting 9-20-04:

Page 8 Motion by Howle, seconded by Granger..... and reconvene in closed executive session for the purpose of discussing ~~various topics~~ pending litigations, labor negotiations and applications of city administrators.

THE MEETING WAS THEREUPON OPENED AT 7:47 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 **ALZORA OUELETTE, 1799 NORWOOD DRIVE, GROSSE POINTE WOODS**, FOR PERMISSION TO ERECT A SIX- FOOT HIGH SOLID POLY-VINYL **PRIVACY FENCE** ALONG THE EAST SIDE PROPERTY LINES OF THE PROPERTY AT 1799 NORWOOD.

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

- 1) Letter 09-01-04 – Alzora Ouellette
- 2) Application For Fence Permit 07-20-04
- 3) Fence Diagram 07-15-04
- 4) Property Survey 09-15-04
- 5) GIS Aerial View 09-22-04
- 6) Memo 09-20-04 – Building Inspector

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- 7) Photographs 09-21-04
- 8) Notice of Hearing
- 9) Affidavit of Mailing Abutting Property Owners

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 individual was heard:

Tom Berg – Reliable Fence, 35375 Groesbeck Highway, Clinton Township, 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 Granger, seconded by Reynolds, that the public hearing BE CLOSED at 7:50 p.m. PASSED UNANIMOUSLY.

Motion by Reynolds, seconded by Spicher, regarding the public hearing: **FENCE VARIANCE** – Alzora Ouelette, 1799 Norwood Avenue, that Council approve the fence application dated July 20, 2004, and grant a variance of Section 10-326 for the fence to be constructed of a solid style without openings and a variance of Section 10-327 to allow the defined "front yard" fence to be a height of six feet and to install a six foot high solid poly-vinyl fence along the east side property lines of the property at 1799 Norwood, contingent upon special circumstances that exist to justify the granting of the variance, such as:

1. The petitioner's side yard abuts the parking lot of the Boston Market.
2. The solid fence and proposed location into the defined front yard is necessary to provide a barrier from traffic and noise from the restaurant.
3. The proposed fence will have no effect on pedestrians or traffic in the area.

And that construction will commence within a six-month period and that the existing chain link fence will be removed.

Motion carried by the following vote:

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

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THE MEETING WAS THEREUPON OPENED AT 8:16 P.M. FOR A PUBLIC HEARING TO HEAR THE APPLICATION OF **FIFTH THIRD BANK, 20065 MACK AVENUE, GROSSE POINTE WOODS**, WHICH SEEKS AUTHORITY TO ERECT AN ILLUMINATED WALL SIGN WHICH SIGN APPLICATION WOULD REQUIRE A VARIANCE FROM THE CITY CODE; NAMELY, GRANTING A VARIANCE OF SECTION 62-10(A)(1) FOR FIVE ADDITIONAL MESSAGE UNITS (SINCE 15 ARE PROPOSED AND ONLY TEN ARE PERMITTED IN THE CITY CODE).

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

- 1) Letter 09-03-04 - Valley City Sign
- 2) Sign Permit Applications:
 - a. Wall Sign (front – Mack) 09-07-04
 - b. Wall Sign (side – Kenmore) 09-07-04
 - c. Ground Sign 09-07-04
- 3) Memo 09-22-04 – Building Inspector
- 4) Photographs 09-21-04
- 5) Excerpt Planning Commission 09-28-04

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 individual was heard:

Melanie Gray – Valley City Sign, 5009 West River Dr., Comstock, MI

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

Margaret Potter – 1767 Kenmore Drive

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

Motion by Granger, seconded by Dickinson, regarding Public Hearing of **Fifth Third Bank, 20065 Mack Avenue, Grosse Pointe Woods** which seeks authority to erect

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an internally illuminated ground sign, which sign application requires a variance from the City Code; namely 62-10(5d)(5) that Council accept the recommendation of the Planning Commission and approve the Sign Application dated September 7, 2004, and grant the variance of Section 62-10(a)(1) for a total of 15 message units.

Motion carried by the following vote:

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

No: None

Absent: None

THE MEETING WAS THEREUPON OPENED AT 8:25 P.M. FOR A PUBLIC HEARING TO HEAR THE APPLICATION OF **SCHUMMER'S SKI SHOP, 20778 MACK AVENUE, GROSSE POINTE WOODS**, WHICH SEEKS AUTHORITY TO ERECT A NON-ILLUMINATED GROUND SIGN, SINGLE SIDED WALL SIGN (INSTALLED ONTO EXISTING ANGLE BRACKETS MOUNTED ON THE ROOF OF THE BUILDING) WHICH SIGN APPLICATION REQUIRES A VARIANCE FROM THE CITY CODE; NAMELY: CHAPTER 62, SIGNS, SECTION 62-13(D), SECTION 62-13(A), SECTION 62-12 AND SECTION 62-30 - 62-13(A).

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

- 1) Letter 09-03-04 – Embree Sign Co.
- 2) Sign Permit Application 09-03-04
- 3) Drawing 09-22-04
- 4) Photograph 09-03-04
- 5) Memo 09-20-04 – Building Inspector
- 6) Photographs 09-21-04
- 7) Excerpt Planning Commission 09-28-04

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 individual was heard:

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Dave Embree – Embree Sign Co., 15120 Charlevoix, Grosse Pointe Park, 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 Howle, seconded by Dickinson, that the public hearing BE CLOSED at 8:27 p.m. PASSED UNANIMOUSLY.

Motion by Howle, supported by Spicher, regarding Public Hearing regarding **Schummer’s Ski Shop, 20778 Mack Avenue, Grosse Pointe Woods**, which seeks authority to erect a non-illuminated wall sign, which sign application would require a variance from the City Code; namely: Chapter 62, Signs, Section 62-13(a) and that Council accept the recommendation of the Planning Commission and grant the signage variance of Section 612-13(a), as evidenced by the Sign application dated September 3, 2004, to allow the sign to be installed onto existing angle brackets.

Motion carried by the following vote:

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

THE MEETING WAS THEREUPON OPENED AT 8:28 P.M. FOR A PUBLIC HEARING TO HEAR THE APPLICATION REGARDING **KEY BANK, 20100 MACK AVENUE, GROSSE POINTE WOODS**, WHICH SEEKS AUTHORITY TO ERECT TWO NEW WALL SIGNS AND REPLACE AN EXISTING POLE SIGN WHICH SIGN APPLICATIONS REQUIRE VARIANCES FROM THE CITY CODE; NAMELY: CHAPTER 62, SIGNS, SECTION 62-30(1), AND SECTION 62-30(2).

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

- 1) Letter 09-29-04 – Allied Signs, Inc.
- 2) Sign Permit Applications:
 - a. Wall Sign 09-10-04
 - b. Wall Sign 08-04-04
 - c. Ground Sign 09-10-04
- 3) Memo 09-22-04 – Building Inspector

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- 4) Letter 08-17-04 – City Attorney
- 5) Excerpt Planning Commission 09-28-04

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 individual was heard:

Patrick Stieber - Allied Signs Inc., 33650 Giftos Dr., Clinton Twp., 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 Reynolds, seconded by Dickinson, that the public hearing BE CLOSED at 8:30 p.m. PASSED UNANIMOUSLY.

Motion by Howle, seconded by Dickinson, regarding Public Hearing regarding **Key Bank, 20100 Mack Avenue, Grosse Pointe Woods**, which seeks authority to erect two new wall signs and replace an existing pole sign which sign applications would require variances from the City Code; namely: Chapter 62, Signs, Section 62-30(1), and Section 62-30(2), that the Council accept the recommendation of the Planning Commission and grant the following variances:

Section 62-30(1) for the non-conforming letters font;
Section 62-30(2) for the ground sign's white background not being opaque or nearly opaque;
And that the transformer of the West Mack Avenue wall sign not exceed 30 MA (mille-amps)

Motion carried by the following vote:

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

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Motion by Granger, seconded by Howle, regarding **2004 Tax Levy - The Grosse Pointe Public School System Tax Levy**, that Council accept the resolution adopted by the Board of Education of The Grosse Pointe Public School District on September 13, 2004, authorizing and directing monies to be raised by taxation for the purpose of said school district in the year 2004/2005 and authorize the spreading of 8.8384 mills for homestead and 19.1152 mills for non-homestead properties raised by The Grosse Pointe Public School District be accepted and that the resolution be certified to the Wayne County Bureau of Taxation, the Wayne County Clerk, the City Comptroller and the City Assessor, as required by law.

Motion carried by the following vote:

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

No: None

Absent: None

Motion by Howle, seconded by Granger, regarding the **2004 Tax Levy Wayne County Transit Authority**, that Council accept the resolution adopted by the Wayne County Transit Authority on September 13, 2004, authorizing and directing monies to be raised by taxation in the year 2004/2005 and authorize the spreading of .5980 mills raised by the Wayne County Transit Authority are accepted and that the resolution be certified to the Wayne County Bureau of Taxation, the Wayne County Clerk, the City Comptroller and the City Assessor, as required by law.

Motion carried by the following vote:

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

No: None

Absent: None

A discussion ensued regarding **Storage of recreational vehicles - Nicholas & Anna Kondak, 740 Hawthorne**. The following individuals were heard:

Anna Kondak – 740 Hawthorne
Nicholas Kondak – 740 Hawthorne
Susan Coppa – 1553 Roslyn
Calvin Kennedy - 578 Kenmore
Steve Hamilton – 19766 E. Ida Lane
Fred Gowen – 988 Woods Lane
Donn Glander – 20728 Wicks Lane
Margaret Potter – 1767 Kenmore Drive

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Motion by Howle, seconded by Chylinski, regarding **storage of recreational vehicles**, more specifically, Section 98-72, Permitted Uses, (10) Non-conforming uses; namely:

Non-conforming uses. storage of property as listed in section 98-72(8) and 98-72(9), which existed prior to the effective date of this section, is rendered non-conforming by the provisions of this chapter, and any storage, which is rendered non-conforming as a result of subsequent amendments to this chapter, shall be subject to the regulations set forth in this chapter. However, any resident holding a current and valid license or permit for the storage of property covered under section 98-72(8), which was issued prior to the effective date of this ordinance and which relates to the specific property listed on the license shall have until one year from the date this ordinance takes effect to comply with the terms of this chapter.

And that the \$75.00 appeal fee be waived for any current permit holder under the above section who may, or may not, seek a variance of Section 98-72(10) .

Motion carried by the following vote:

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

Motion by Howle, seconded by Granger, regarding Bids for the **JCB 3360Q Hydraulic Breaker**, a budgeted item for the Department of Public Works, that the Council award a contract to:

**AIS Construction Equipment
65809 Gratiot Avenue
Lenox, Michigan 48050**

in the amount of \$10,447.00 for such equipment, they're bid being in the best interest of the City, and to charge such to the following account: 401-901-977.202.

Motion carried by the following vote:

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

Motion by Dickinson, seconded by Granger, regarding **Parking Bay Construction on the Northeast corner of Mack & Brys Drive**, that Council adopt the following resolution:

Whereas, Sunrise Assisted Living is currently constructing a facility located at Mack Avenue in the City of Grosse Pointe Woods ("City"), and

Whereas, the Wayne County Department of Public Services requires a resolution before allowing the proposed parking bay (or "curb cut") construction to proceed along Mack Avenue, and the construction relates to Wayne County Department of Public Services Plan Review No. R-02-277;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. In the event that the proposed parking bay is constructed within the right-of-way of Mack Avenue, then the City hereby agrees to maintain the permitted parking bay at no expense to Wayne County;
2. In the event that the proposed parking bay or bay curb cut is constructed within the right-of-way of Mack Avenue, then the City of Grosse Pointe Woods shall indemnify, hold harmless, and defend Wayne County and its officials and employees against any claims, suits, and judgments arising out of the design, construction, operation, maintenance or existence of the permitted parking bay. Such responsibility of the City shall not be construed as a liability for damage caused by or resulting from the sole negligence of the County, its agents or its employees.
3. This resolution hereby designates and authorizes the Acting City Administrator to sign any permit issued by Wayne County in conjunction with the parking bay construction.

Motion carried by the following vote:

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

Motion by Chylinski, seconded by Granger, that the Proposed **Ordinance to Amend Chapter 2, Administration, by amending Section 2-131, Voluntary Retirement,**

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of the City Code of the City of Grosse Pointe Woods of 1997 be considered as a "**First Reading**";

And that such Ordinance be published by title in the Grosse Pointe News, the official newspaper of the City of Grosse Pointe Woods, and placed on the agenda of the Council meeting scheduled for October 18, 2004, as a "Second Reading" and for final adoption.

Motion carried by the following vote:

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

Motion by Granger, seconded by Dickinson, regarding **City Attorney**, that the following statements from the City Attorneys be approved for payment:

Statement dated 9-28-04 - City Attorney Don Berschback in the amount of \$8,040.00 for services rendered in September, 2004;

Statement dated 9-28-04 – Assistant City Attorney Charles Berschback in the amount of \$7,020.00 for services rendered in September, 2004.

Motion carried by the following vote:

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

New Business:

Council Member Howle – Grosse Pte News (accuracy of article)

Upon proper motion, the meeting was adjourned at 9:45 p.m. PASSED UNANIMOUSLY.

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