

MINUTES OF THE REGULAR CITY COUNCIL MEETING OF THE CITY OF GROSSE POINTE WOODS HELD ON MONDAY, AUGUST 7, 2006, IN THE COUNCIL-COURT ROOM OF THE MUNICIPAL BUILDING, 20025 MACK PLAZA, GROSSE POINTE WOODS, MICHIGAN.

The meeting was called to order at 7:31 p.m. by Mayor Novitke.

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

Also Present: City Administrator Wollenweber
City Attorney Charles Berschback
Building Inspector Tutag
Recording Clerk St. Peter

The following Commission members were in attendance:

Carol Evola, Planning, Beautification Commission
Art Bryant, Beautification Commission
Dan Curis, Mayor's Mack Avenue Business Study Committee/Local Officers' Compensation Commission

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

The Chair recessed the City Council Meeting and convened as a Zoning Board of Appeals.

THE MEETING WAS THEREUPON CONTINUED AT 7:34 P.M. FOR A ZONING 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 MICHIGAN FUELS INC., 20700 MACK AVENUE, WHICH IS SEEKING TO OPERATE A TEMPORARY MOBILE TRAILER FOR UP TO FIVE YEARS. THE REQUEST IS NONCOMPLIANT WITH SECTION 98-202. CITY CODE DOES NOT IDENTIFY A USE SUCH AS THIS AS AN ALLOWABLE USE IN C COMMERCIAL DISTRICT. A VARIANCE IS THEREFORE REQUIRED.

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

1. City Council Excerpt 07/17/06
2. City Council Excerpt 06/19/06
3. Site Plan w/proposed changes and photos 08/02/06
4. Email 08/02/06 – City Administrator
5. Email 08/02/06 w/attachments – Bridget Klueger
6. Email 07/27/06 w/photos of Livonia's Remediation Trailer
7. Letter 07/31/06 – City Attorney w/attachments
8. Letter 07/14/06 – Sunrise Senior Living
9. Letter 07/13/06 – Groundwater & Environmental Services, Inc.
10. Letter 07/11/06 – City Attorney
11. Letter 07/10/06 – Groundwater & Environmental Services, Inc.
12. Letter 07/11/06 – DTE
13. Letter 07/07/06 – City Attorney
14. Letter 06/29/06 – Groundwater & Environmental Services, Inc.
15. Letter 05/19/06 – Groundwater & Environmental Services, Inc.
16. Application to ZBA
17. Letter 03/22/06 – Groundwater & Environmental Services, Inc.
18. Site Map 02/01/06
19. Trailer Layout
20. Photo 03/22/06
21. Letter 06/14/06 – City Attorney
22. Memo 06/12/06, w/attachments – Building Official
23. Memo 06/12/06 – Director of Public Works
24. Memo 06/07/06 – Deputy Director of Public Safety
25. Public Notice 06/01/06
26. Aerial View 06/01/06
27. Affidavit of Property Owners Notified 06/01/06
28. Affidavit of Business Owners Notified 06/14/06

Motion carried by the following vote:

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

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

1. Letter 08/03/06 – Sunrise Senior Living

Motion carried by the following vote:

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

Derek Jelinek, Groundwater & Environmental Services, Inc.
10381 Citation Drive, Suite 500
Brighton, Michigan

Laura Hester, Sunrise Assisted Living
1850 Vernier Road
Grosse Pointe Woods

Dan Curis
20710 Mack Avenue

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

The Chair declared a recess at 8:12 p.m. and reconvened at 8:27 p.m.

Motion by Granger, seconded by Waldmeir, regarding **Zoning Board of Appeal** regarding Michigan Fuels, Inc., 20700 Mack Avenue, that the Council concur with the recommendation of the City Administrator, Building Inspector, Department of Public Safety, and Department of Public Works and APPROVE a permitted use variance to operate a temporary mobile trailer for up to five years for remediation purposes, based

upon the Petitioner demonstrating that an unnecessary hardship exists as follows:

1. Without a variance being granted, the Petitioner would not be able to remediate the site applicable to MDEQ standards;
2. The releases of product occurred during previous ownership, however, the current owners are the responsible party. The circumstances involving this variance are not self-created;
3. The placement of the trailer will have a minimal impact on this or surrounding properties;
4. The appeal is due to unique circumstances at the site and not from general neighborhood conditions.

The permitted use variance is contingent upon the following:

1. A 8' fence be installed around the entire perimeter of the trailer with suitable plantings, both to be approved by the Building Department;
2. Fence material and installation are compliant with City Code;
3. Placement of trailer meet the Department of Safety's recommendation;
4. Sound discharge from the trailer and process be monitored for compliance with Section 54-211 Maximum Noise Levels, and Petitioner shall install sound blankets and maximize muffler capability consistent with the equipment;
5. An Annual Progress Report be sent to the Building Department outlining cleanup;
6. Variance be granted for a five-year period beginning the day of approval;
7. The trailer and operations comply with the 2000 International Fire Code and any applicable National Fire Protection Agency Standards;
8. The trailer is available for routine inspection with proper notification;
9. The trailer be placed close to the building, on the south side of the building parallel to the building and Vernier Road in front of the existing dumpster enclosure;
10. The dumpster be moved south and properly screened;
11. The trailer is fenced with an approved wooden fence;
12. The handicapped ramp and parking spot moved;
13. The Petitioner providing/installing a meter to monitor the amount of remediated water discharged into the City's storm sewer, which will be read for billing purposes;
14. If noise and odor become a problem, Petitioner shall discuss these issues with adjoining property owners and City Administration;
15. Petitioner to restore site to original condition upon completion of remediation.

Motion carried by the following vote:

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

The Chair recessed the Zoning Board of Appeals and reconvened the City Council Meeting.

Motion by Howle, seconded by Granger, regarding **Conference: Michigan Municipal League Annual Convention and Delegates**, that the Council APPROVE the attendance of interested Council Members, Mayor, and City Administrator to attend the Michigan Municipal League's Annual Meeting, being held in Marquette, MI, from September 27-29, 2006, and to reimburse 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: Dickinson, Granger, Howle, Novitke, Reynolds, Spicher, Waldmeir
No: None
Absent: None

Motion by Howle, seconded by Granger, regarding **Conference: Michigan Municipal League Annual Convention and Delegates**, that Council Member Dickinson be appointed Voting Delegate at the Michigan Municipal League's Annual Meeting.

Motion carried by the following vote:

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

Motion by Howle, seconded by Granger, regarding **Conference: Annual International Association of Chiefs of Police (IACP) Conference**, that the Council AUTHORIZE the Director of Public Safety to attend the IACP Conference being held in Boston, MA, from October 14-18, 2006, in an amount not to exceed \$2,100.00.

Motion carried by the following vote:

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

Motion by Waldmeir, support by Reynolds, regarding **Application for Permit to Hold a Parade**, that the Council APPROVE the application of the Grosse Pointe Animal Adoption Society to hold a walk on Sunday, October 1, 2006, from 12:00 – 2:30 p.m., subject to approval of the route by the Director of Public Safety.

Motion carried by the following vote:

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

Motion by Howle, seconded by Spicher, regarding **Purchase: Vehicle Communication Diagnostic System – DPW**, that the Council authorize the purchase of a 6.2 Modis Elite IND heavy-duty vehicle communication diagnostic system from:

Dan Bizzocchi
Snap-On Tools
16325 Millar Rd.
Clinton Twp., MI 48036

in the amount of \$7,695, to be paid from Account No. 640-850-977.640.

Motion carried by the following vote:

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

Motion by Spicher, seconded by Dickinson, regarding **Purchase: ADA Detectable Warning Paver Tiles**, that the Council AUTHORIZE the purchase of ADA detectable warning paver tiles from ADA Solutions, Inc. at a cost not to exceed \$16,200, to be taken from Community Development Block Grant Funds.

Motion carried by the following vote:

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

Motion by Dickinson, seconded by Howle, regarding **Lakeshore Energy Services Natural Gas Purchase Agreement**, that this agenda item be placed on the Committee-of-the-Whole agenda.

Motion carried by the following vote:

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

Motion by Dickson, seconded by Waldmeir, regarding **Community Development Block Grant (CDBG) Subrecipient Agreement PY 2006/07**, that the Council APPROVE the 2006/07 CDBG Subrecipient Agreement and authorize the Mayor to sign said agreement.

Motion carried by the following vote:

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

Motion by Granger, seconded by Spicher, that the Proposed Ordinance to Amend Chapter 98 Zoning, Article XV Administration, by Adding Sections 98-442 through 98-451 to Establish New Standards and Procedures for Site Plan Review and by Amending Section 98-204, 98-244, 98-245, 98-303, and 98-403(B)(1) to Conform Those Sections to the New Site Plan Review Ordinance, 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, effective 20 days after its enactment.

Motion carried by the following vote:

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

No: None

Absent: None

Motion by Granger, seconded by Spicher, that the Proposed Ordinance to Repeal Chapter 78, Subdivisions, Article II, Site Plan Review, Section 78-51 through 78-58, 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, effective 20 days after its enactment.

Motion carried by the following vote:

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

No: None

Absent: None

Motion by Spicher, seconded by Granger, that the City Attorney statements dated July 31, 2006, from the City Attorneys BE APPROVED for payment:

- City Attorney Don Berschback in the amount of \$9,196.00
- City Attorney Charles Berschback in the amount of \$7,280.00

Motion carried by the following vote:

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

No: None

Absent: None

Under New Business and hearing no objections, the following items were discussed:

- Lolly Gerhardstein regarding removal of security bars at Mens Wearhouse.
- Mary Trivus regarding hours of pool and renovations to ladies bath house.

Upon proper motion, meeting was adjourned at 9:17 p.m. PASSED UNANIMOUSLY.