

MINUTES OF THE REGULAR CITY COUNCIL MEETING OF THE CITY OF GROSSE POINTE WOODS HELD ON MONDAY, MAY 16, 2011, 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: Bryant, Granger, Howle, Ketels, McConaghy, Sucher
Absent: None

Also Present: City Administrator Fincham
City Attorney Chip Berschback
Treasurer/Comptroller Irby
City Clerk Hathaway
Director of Public Works Ahee
Director of Public Safety Pazuchowski
Building Inspector Tutag

Council, Administration, and the audience Pledged Allegiance to the Flag.

The following Commission members were in attendance:

Philip Hage, Beautification Advisory Commission
Richard Shetler Jr., Senior Citizens Commission
George McMullen, Board of Review

Motion by Ketels, seconded by Bryant, 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: Bryant, Granger, Howle, Ketels, McConaghy, Novitke, Sucher
No: None
Absent: None

Phil Paternoster, Michigan Government Finance Officers Association, presented the 2010 Certificate of Achievement for Excellence in Financial Reporting to Dee Ann Irby, Treasurer/Comptroller.

Motion by Bryant, seconded by Ketels, that the following minutes be approved as submitted:

1. City Council Minutes dated May 2, 2011.

Motion carried by the following vote:

Yes: Bryant, Granger, Howle, Ketels, McConaghy, Novitke, Sucher
No: None
Absent: None

Motion by Bryant, seconded by Sucher, that the following minutes be approved as submitted:

1. Committee-of-the-Whole minutes dated May 9, 2011.

Motion carried by the following vote:

Yes: Bryant, Granger, Howle, Ketels, McConaghy, Novitke, Sucher
No: None
Absent: None

Motion by Granger, seconded by Howle, regarding **Fireworks Display 2011 – Vendor Licenses**, that the Council concur with the recommendation of the Fireworks Committee at their meeting on April 21, 2011, and adopt the following resolution in accordance with Section 10.223(d) of the 2007 City Code:

Resolution

WHEREAS, the Council of the City of Grosse Pointe Woods, Michigan, is to establish the number, license fees, types of vendors and locations permitted for vendors for the 4th of July fireworks celebration to be held Sunday, June 26, 2011 (with a rain date of Monday, June 27, 2011);

NOW, THEREFORE, BE IT RESOLVED that there shall be for use at Parcels School Field (area bounded by east side of Mack Avenue to Sunningdale Park Drive, and Anita Road to Lochmoor Boulevard), vendor licenses limited to the following:

- Wally's Custard
- Good Times Catering

BE IT FURTHER RESOLVED that a license fee in the amount of \$250.00 shall be paid by all vendors, in addition to providing in-kind services prior to the fireworks event;

BE IT RESOLVED that there shall be for use at Parcels School Field (area bounded by east side of Mack Avenue to Sunningdale Park Drive, and Anita Road to Lochmoor Boulevard), and for use at Mason School Field (area bounded by the west side of Mack Avenue, and Charlevoix), vendor licenses limited to the following:

- GloWorks

BE IT FURTHER RESOLVED that a license fee in the amount of \$2,100.00 or 20% of net sales (whichever is greater), in addition to providing in-kind services prior to the fireworks event;

BE IT RESOLVED that there shall be for use at Mason School Field (area bounded by the west side of Mack Avenue, and Charlevoix), vendor licenses limited to the following:

- Treats-N-Treasures

BE IT FURTHER RESOLVED that a license fee in the amount of \$250.00 shall be paid by all vendors, in addition to providing in-kind services prior to the fireworks event;

BE IT FURTHER RESOLVED that Veterans be allowed to vend on Parcels School Field upon presentation of a valid license issued by the County Clerk (said license being personal to the licensee only), and presented annually to the City Clerk, identifying the Veteran as having been honorably discharged, that the veteran is required to display a sign printed in not less than 18-point boldfaced type displayed at the place of sale containing the name of the licensee, license number from the County, and a statement that "the profit from the sale of products is for the licensee's personal benefit", and that said statement printed in not less than 12-point boldfaced type also be attached to the goods being sold in accordance with Act 359 of 1921, *License to Sell Goods*, MCL 35.441-35.443.

Motion carried by the following vote:

Yes: Bryant, Granger, Howle, Ketels, McConaghy, Novitke, Sucher

No: None

Absent: None

THE MEETING WAS THEREUPON OPENED AT 7:39 P.M. FOR A PUBLIC HEARING IN ACCORDANCE WITH CHAPTER 8, BUILDINGS AND BUILDING REGULATIONS, ARTICLE IX, FENCES, TO HEAR THE APPLICATION OF THOMAS AND JANICE BREYER, 1780 BROADSTONE, GROSSE POINTE WOODS, REQUESTING PERMISSION TO ERECT A 4' SOLID PRIVACY FENCE, WHICH HAS BEEN DENIED DUE TO NONCOMPLIANCE WITH SECTION 8-279(1) WITH RESPECT TO A LACK OF OPENINGS THROUGH THE LENGTH AND HEIGHT OF THE FENCE.

Building Official Tutag provided an overview of the application and recommended approval with conditions.

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

1. Letter 05/05/11 – Tom and Janice Breyer, w/attachment
2. Application for Fence Permit 04/20/11
3. Homeowner's Affidavit for Permit 04/20/11
4. Fence Rendering – Goodison Fence Company
5. Brochure
6. Memo 05/10/11 – Building Official, w/attachments
7. Memo 05/09/11 – Director of Public Services
8. Affidavit of Property Owners Notified 05/06/11
9. Aerial View

Motion carried by the following vote:

Yes: Bryant, Granger, Howle, Ketels, McConaghy, Novitke, Sucher

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:

Christine and Terry Kramer
1788 Broadstone

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 Bryant, seconded by Howle, that the public hearing be closed at 7:43 p.m.
PASSED UNANIMOUSLY.

Motion by Granger, seconded by Bryant, that the following document be received and placed on file as presented by the Petitioner at tonight's meeting:

1. Letter of consent to Install Fence 05/16/11 – Christine and Terry Kramer, 1788 Broadstone

Motion carried by the following vote:

Yes: Bryant, Granger, Howle, Ketels, McConaghy, Novitke, Sucher
No: None
Absent: None

Motion by Granger, seconded by Bryant, regarding Public Hearing: Thomas and Janice Breyer, who are requesting to install a 4' solid privacy fence on the west, east, and south property lines at 1780 Broadstone, that the Council approve this variance contingent upon the following:

1. Subject property is a corner lot;
2. The neighbors to the west submitted a letter stating their approval of the variance;
3. Several variances have been granted in the past for solid fences on corner lots;
4. The fence is only 4' in height;
5. Construction commence within 30 days and completed within 6 months.

Motion by Granger, seconded by Bryant, to amend previous motion by adding, "6. The east fence be installed at least 18" from the sidewalk."

Motion carried by the following vote:

Yes: Bryant, Granger, Howle, Ketels, McConaghy, Novitke, Sucher
No: None
Absent: None

THE MEETING WAS THEREUPON OPENED AT 7:46 P.M. FOR A PUBLIC HEARING ON THE FY 2011/12 PROPOSED BUDGET WITH ALL COUNCIL MEMBERS PRESENT.

Motion by Granger, seconded by Bryant, that for purposes of public hearing, the items be received, placed on file, and listed as follows:

1. Proposed Budget and Appropriation Resolution
2. Memo 05/10/11 – City Administrator & Treasurer/Comptroller, w/attachments
3. Affidavit of Legal Publication

Motion carried by the following vote:

Yes: Bryant, Granger, Howle, Ketels, McConaghy, Novitke, Sucher

No: None

Absent: None

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

George McMullen
1382 Hollywood

Richard Shetler Jr.
2000 Lennon Ave.

City Administrator Fincham presented, summarized, and recommended adoption of the proposed budget.

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

Stephanie Mann
2050 Brys Dr.

Motion by Bryant, seconded by Kettles, that the public hearing be closed at 8:04 p.m.
PASSED UNANIMOUSLY.

Motion by Bryant, seconded by McConaghy, regarding **2011/12 Fiscal Year Budget and Millage Rate**, that the City Council adopt the following Resolution:

CITY OF GROSSE POINTE WOODS

CERTIFIED RESOLUTION

Motion by _____, seconded by _____, that the Council adopts the following resolution:

CITY OF GROSSE POINTE WOODS
BUDGET AND APPROPRIATION RESOLUTION

WHEREAS, a public notice has been previously given, as required by City Charter and State of Michigan Public Act 5 of 1982, that a public hearing would be held at 7:30 p.m. on Monday, May 16, 2011, for the purpose of receiving comments on the proposed 2011-12 City Budget and the intent to levy Property Tax Revenues within the said City of Grosse Pointe Woods; and;

WHEREAS, a full and final public hearing has been held on proposed 2011-12 City Budget, and the proposed Increase in Property Taxes, it is therefore the opinion and judgment of Council that the aforesaid proposed 2011-12 City Budget is in all things appropriate, correct and should be approved and that the property Tax Levy to finance the 2011-12 City Budget should be approved accordingly.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Grosse Pointe Woods, Michigan, that the proposed 2011-12 City Budget and the proposed property Tax Levy for the fiscal year 2011-12 as finally reviewed (and/or changed by) the Council at this public hearing be adopted and the amounts as contained in the aforesaid budget should be appropriated as designated and property tax levied accordingly.

BE IT RESOLVED that there are those sums of revenue which are deemed necessary to be raised by ad valorem tax levies on all real and personal property within the City of Grosse Pointe Woods, and that the City Clerk be and is hereby directed to certify such amounts to the City Assessor for the spread on the 2011 City Tax Roll at the rate of 12.0060 mills per thousand of the current City of Grosse Pointe Woods taxable valuation for general operations; at the rate of .0590 per thousand of the current City of Grosse Pointe Woods taxable valuation for Act 359 Public Relations; at the rate of .3578 mills per thousand of the current City of Grosse Pointe Woods taxable valuation for Advanced Emergency Medical Services; at the rate of .9362 per thousand of the current City of Grosse Pointe Woods taxable value for Public Safety Retirement purposes; at the rate of 1.8807 mills per thousand of the current City of Grosse Pointe Woods taxable valuation for Solid Waste.

CERTIFICATION

I, Lisa Kay Hathaway, Clerk of the City of Grosse Pointe Woods, do hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the Council on Monday, May 16, 2011, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be, or have been, made available as required by said Act.

Lisa Kay Hathaway, MMC
City Clerk

Motion carried by the following vote:

Yes: Bryant, Granger, Ketels, McConaghy, Novitke, Sucher
No: Howle
Absent: None

Motion by Howle, seconded by Granger, regarding **contract: DPW trucking services**, that the City Council approve a contract with Hernden Trucking for the period July 1, 2011, through June 30, 2013, for trucking services in an amount not to exceed \$84,000 per fiscal year, contingent upon annual budget approvals.

Motion carried by the following vote:

Yes: Bryant, Granger, Howle, Ketels, McConaghy, Novitke, Sucher
No: None
Absent: None

Motion by Granger, seconded by Howle, regarding **Fireworks Display 2011 – Vendor Licenses**, that the Council adopt the following resolution in accordance with Section 10.223(d) of the 2007 City Code:

Resolution

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Motion carried by the following vote:

Yes: Bryant, Granger, Howle, Ketels, McConaghy, Novitke, Sucher
No: None
Absent: None

Hearing no objections New Business was taken out of order, but there was no New Business to discuss.

Motion by Bryant, seconded by Granger, that the Council recess the regularly scheduled Council meeting at 8:26 p.m. and convene in Closed Executive Session for the purpose of discussing a pending litigation 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:

Ketels	Yes
McConaghy	Yes
Novitke	Yes
Sucher	Yes
Bryant	Yes
Granger	Yes
Howle	Yes

The Council reconvened in regular session at 8:57 p.m.

Motion by Bryant, seconded by Granger, to adjourn tonight's meeting at 8:58 p.m.
PASSED UNANIMOUSLY.

Respectfully submitted,

Lisa Kay Hathaway
City Clerk