

**MINUTES OF THE REGULAR CITY COUNCIL MEETING OF THE CITY OF GROSSE
POINTE WOODS HELD ON MONDAY, DECEMBER 19, 2005, 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: Dickinson, Granger, Howle, Reynolds, Spicher, Waldmeir
Absent: None

Also Present: City Administrator Wollenweber
City Attorney Berschback
City Clerk Warnke
Director of Public Safety Makowski
Exec. To the City Administrator/Deputy City Clerk Hathaway

The following Commission members were in attendance:

Mike Zolik, Planning Commission
Lee Allcut, Board of Canvassers
Nancy Hames, Planning Commission
Michael Skaff, Tree Commission
Marge Kingsley, Beautification Commission
Ross Richardson, Planning Commission
Angelo DiClemente, Beautification 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: Dickinson, Granger, Howle, Novitke, Reynolds, Spicher, Waldmeir
No: None
Absent: None

Motion by Spicher, seconded by Granger, regarding **Planning Commission Appointments**, that Council voice no objection to the following appointments:

Council Representative	Address	Term Expiration
Ross C. Richardson	791 N. Oxford	12/31/08
Thomas S. Vaughn	1294 Lochmoor	12/31/08
John A. Vitale	20771 Wedgewood	12/31/08

Motion carried by the following vote:

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

Motion by Waldmeir, supported by Granger, regarding **Pension Board appointment**, that Council that Council voice no objection to the following Mayoral appointment:

Member	Address	Term Expiration
Donald Brown	495 Hidden Lane	12/31/08

Motion carried by the following vote:

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

Motion by Granger, seconded by Howle, regarding the **Citizens Recreation Commission**, that Council appointment:

Name	Address	Term Expiration
Gib Heim	1219 Brys Drive	12/31/08

Motion carried by the following vote:

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

Motion by Granger, seconded by Dickinson, **regarding the** Citizens Recreation Commission, that Council re-appointment:

Name	Address	Term Expiration
Susan Morkut	2065 Lancaster	12/31/08
Barbara Janutol	1708 Aline	12/31/08

Motion carried by the following vote:

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

No: None

Absent: None

At the request of Council Member Howle, the Chair directed the Clerk to make the following changes to the City Council minutes dated December 5, 2005:

- Nancy Hames, Planning Commissioner, arrived at the meeting at 7:40 p.m.
- Under New Business, add the names and addresses of the people who spoke on the following topics:
 - Denial of tavern license
 - City Clerk position

Motion by Spicher, seconded by Granger, regarding **Employee Gift Certificates**, that the City Council concur with the recommendation of the Committee-of-the-Whole at their meeting on December 5, 2005, that employee gift certificates for full-time employees be increased from \$25 to \$50, and authorize the purchase of the employee gift certificates from Farmer Jack Food Emporium, Grosse Pointe Woods, MI, in the following denominations:

144 Full-Time @ \$50.00 each, total \$7,200.00

41 Part-Time @ \$25.00 each, total \$1,025.00

for a total cost not to exceed \$7,813.75 (including a 5% discount), to be taken from the 2005-06 budget.

Motion carried by the following vote:

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

Motion by Dickinson, seconded by Waldmeir, that the City Council concur with the recommendation of the Committee-of-the-Whole at their meeting on December 12, 2005, regarding **City Clerk interviews**, that the City Council appoint Lisa Hathaway as City Clerk, subject to negotiation of a suitable contract.

The following transcript was entered into the official record as requested by Council Member Lisa Pinkos Howle:

"Thank you. Um, if I may. I appreciate that you have taken the time to listen to me and make the following statements for the official record (non-transcribable), and I hope that you'll bear with me. This meeting is being taped and my comments are being recorded. This will be my last statement on this issue and I hope to move forward along with my colleagues on Council for the benefit of our City. However, I would ask that my comments be entered into the official record.

Since November 2005, our way of conducting business in Grosse Pointe Woods is to make decisions in the Committee-of-the-Whole. For those of you who don't know what the Committee-of-the-Whole is, it takes place on Mondays when there is no official Council Meeting. There is no official tape recording and rarely any members of the public present because it is held in the small Conference Room across the hall. Very recently, important decisions are being made in that room. The following votes occurred in the last three weeks:

First, in a 4-3 vote, Dona Reynolds, Darryl Spicher, and I (Lisa Pinkos Howle) agreed with the City Manager's assessment that the City Clerk's position need not be filled. He had recommended that we not appoint anyone as City Clerk at this time. This would result in a cost savings to the City, and after all we did hire a City Manager to give us that advice and to do his job. We should let him do it. That's what we pay him for. His appointment was unanimous, by the way. The City Manager understood, as I did, that he should attempt to distribute the functions of the City Clerk and he did. There is no need to spend the additional money to elevate someone to this position. The majority disagreed. In fact, the motion I made at the Committee-of-the-Whole Meeting, which is not on tape, on December 12th, 2005, was to concur, or agree, with the recommendation

of the City Manager and make no appointment at this time. The vote was Howle, Spicher, Reynolds yes; Dickinson, Waldmeir, Granger, Novitke no.

Second, since the three of us lost on that issue, we argued that the Council should allow all qualified candidates to apply for this position. The majority wanted to limit the process to current employees only. We were again out voted in a 4-3 decision. The application process was very unusual in that the applicants had only four days to submit their resumes and only current employees were allowed to apply.

Third, because we lost on the vote to allow the process to be done in a more professional manner, only two candidates from the City were realistically qualified to apply. Therefore, the three of us, Howle, Reynolds, and Spicher agreed with the written recommendation of the current City Clerk, Louise Warnke, to appoint Jane Brown because of her election experience. Since elections are the bedrock of the function of the City Clerk, we thought our current City Clerk might know what she's talking about after 32 years with the City. We were outvoted 4-3.

Fourth, we were again outvoted on the actual appointment, none of our reasons were recorded, which brings me to today.

Fifth, one more vote that I'd like to place on the record is the 6-0 vote in the Committee-of-the-Whole. My understanding at that time of the vote was that the Council wished to preserve its right to appoint someone in the future, should that be necessary, a proposition which theoretically makes sense. What I didn't expect and what I didn't know, was that the other two proposals would follow. This is why I changed my vote on the Council floor.

In the end, I believe that decisions need to be made in a much more public-friendly forum and not in the small conference room at the Committee-of-the-Whole. Our credibility depends on an open and honest discussion with members of the community in attendance and with your input. Thank you."

UPON ROLL CALL VOTE, MOTION carried by the following vote:

Dickinson:	Yes
Granger:	Yes
Howle:	No
Novitke:	Yes
Reynolds:	No
Spicher:	No
Waldmeir:	Yes

Motion by Granger, seconded by Dickinson, regarding **City Clerk Employment Agreement**, that the City Council concur with the recommendation of the City Attorney and authorize the City Administrator and Mayor Novitke to sign said Agreement.

UPON ROLL CALL VOTE, MOTION carried by the following vote:

Granger: Yes
Howle: No
Novitke: Yes
Reynolds: No
Spicher: Yes
Waldmeir: Yes
Dickinson: Yes

City Administrator Wollenweber and Mayor Novitke signed the Employment Agreement appointing Lisa Hathaway as City Clerk of the City of Grosse Pointe Woods effective January 3, 2006. City Clerk Warnke then administered the Oath of Office to newly appointed City Clerk Hathaway.

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Motion by Waldmeir, seconded by Granger, regarding **payment of invoices**, that the City Council concur with the recommendation of the Pension Board at their meeting on December 8, 2005, and authorize payment for the following invoices to be paid from the Retirement System:

MAPERS Membership	\$ 50.00
Milliman, 09/30/05	\$ 1,250.00
VanOverbeke, Michaud & Timmony, P.C. 11/22/05	\$ 2,338.00

Motion carried by the following vote:

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

Motion by Dickinson, seconded by Granger, regarding the **Financial Report** of the City Administrator for the month of November 2005 BE REFERRED to the Finance Committee for review.

Motion carried by the following vote:

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

No: None
Absent: None

Motion by Howle, seconded by Spicher, that the City Council concur with the recommendation of the City Administrator and the Director of Public Works and AUTHORIZE the **purchase** from:

Company Name: Atlas Oil Company
Address: 24501 Ecorse Rd.
City/State/Zip: Taylor, MI 48180

of **unleaded and diesel fuel**, from February 1, 2006, through January 31, 2008, their bid being in the best interest of the City; and to charge the expenditure of such to 640-851-939.000.

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Motion carried by the following vote:

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

Motion by Granger, seconded by Howle, regarding **Social Security Number Privacy Policy Resolution**, that Council ADOPT the following resolution:

SOCIAL SECURITY NUMBER PRIVACY POLICY
Public Act 454 of 2004 MCL 445.81

WHEREAS, the City of Grosse Pointe Woods ("Grosse Pointe Woods") is required by the Michigan Social Security Number Privacy Act, Public Act 454 of 2004, MCL 445.81 *et seq.*, (the "Act") to create a privacy policy concerning the Social Security numbers that it possesses or obtains.

Pursuant to the Act, the privacy policy must at least:

- a. Ensure to the extent practicable the confidentiality of the Social Security numbers.
- b. Prohibit unlawful disclosure of the Social Security numbers.
- c. Limit who has access to information or documents that contain the Social Security numbers.
- d. Describe how to properly dispose of documents that contain the Social Security numbers.
- e. Establish penalties for violation of the privacy policy.

This Privacy Policy sets forth Grosse Pointe Woods' policies and procedures regarding how Social Security numbers are obtained, stored, transferred, used, disclosed and disposed.

WHEREAS, it is the policy of Grosse Pointe Woods to protect the confidentiality of Social Security numbers obtained in the ordinary course of Grosse Pointe Woods's business from employees, vendors, contractors, customers or others. No person shall knowingly obtain, store, transfer, use, disclose, or dispose of a Social Security number that Grosse Pointe Woods obtains or possesses except in accordance with the Act and this Privacy Policy.

WHEREAS, the procedure for obtaining Social Security Numbers is that Social Security numbers should be collected only where required by federal and state law or as otherwise permitted by federal and state law for legitimate reasons consistent with this Privacy Policy.

Legitimate reasons for collecting a Social Security number include, but are not limited to:

- Applicants may be required to provide a Social Security number for purposes of a pre-employment background check.
- Copies of Social Security cards may be obtained for purposes of verifying employee eligibility for employment.

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- Social Security numbers may be obtained from employees for tax reporting purposes, for new hire reporting or for purposes of enrollment in any Grosse Pointe Woods employee benefit plans.
- Social Security numbers may be obtained from creditors or vendors for tax reporting purposes.

WHEREAS, the Public Display of all or more than four sequential digits of a Social Security number shall not be placed on identification cards, badges, time cards, employee rosters, bulletin boards, permits, licenses or any other materials or documents designed for public display. Documents, materials or computer screens that display all or more than four sequential digits of a Social Security number shall be kept out of public view at all times.

- **Account Numbers.** All or more than four sequential digits of a Social Security number shall not be used as a primary account number for an individual.
- **Computer Transmission.** All or more than four sequential digits of a Social Security number shall not be used or transmitted on the Internet or on a computer system or network unless the connection is secure or the transmission is encrypted.
- **Mailed Documents.** Grosse Pointe Woods documents containing all or more than four sequential digits of a Social Security number shall only be sent in cases where state or federal law, rule, regulation, or court order or rule authorizes, permits or requires that a Social Security number appear in the document. Documents containing all or more than four sequential digits of a Social Security number, that are sent through the mail, shall not reveal the number through the envelope window or otherwise be visible from outside the envelope or package.

- **Freedom of Information Act.** Where all or more than four sequential digits of a Social Security number are contained within a document subject to release under the Freedom of Information Act, the Social Security number shall be redacted or otherwise rendered unreadable before the document or copy of a document is disclosed.
- **Storage.** All documents containing Social Security numbers shall be stored in a physically secure manner. Social Security numbers shall not be stored on computers or other electronic devices that are not secured against unauthorized access.

WHEREAS, access to Social Security Numbers by only personnel who have legitimate business reasons to know will have access to records containing Social Security numbers. The department heads having access to records containing Social Security numbers shall determine which other personnel within their departments have a legitimate reason in Grosse Pointe Wood's ordinary course of business to have access to such Social Security numbers. Personnel using records containing Social Security numbers must take appropriate steps to secure such records when not in immediate use.

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WHEREAS, the disposal of documents containing Social Security numbers will be retained in accordance with the requirements of state and federal laws. At such time as documents containing Social Security numbers may be disposed of, such disposal shall be accomplished in a manner that protects the confidentiality of the Social Security numbers, such as shredding.

NOW, THEREFORE BE IT RESOLVED THAT: Grosse Pointe Woods shall take reasonable measures to enforce this Privacy Policy and to correct and prevent the reoccurrence of any known violations. Any employee, who knowingly obtains, uses or discloses Social Security numbers for unlawful purposes or contrary to the requirements of this privacy policy shall be subject to discipline up to and including discharge. Additionally, certain violations of the Act carry criminal and/or civil sanctions. Grosse Pointe Woods will cooperate with appropriate law enforcement or administrative agencies in the apprehension and prosecution of any person who knowingly obtains, uses or discloses Social Security numbers through Grosse Pointe Woods for unlawful purposes.

Motion carried by the following vote:

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

Motion by Spicher, seconded by Waldmeir, that tonight's meeting adjourn at 8:17 p.m.
PASSED UNANIMOUSLY.

Respectfully submitted,

Lisa Kay Hathaway, CMC
Deputy City Clerk