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**MINUTES OF THE REGULAR CITY COUNCIL MEETING OF THE CITY OF GROSSE POINTE WOODS HELD ON MONDAY, JULY 11, 2005, IN THE COUNCIL-COURT ROOM OF THE MUNICIPAL BUILDING, 20025 MACK PLAZA, GROSSE POINTE WOODS, MICHIGAN.**

Mayor Novitke called the meeting to order at p.m.

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

Also Present: City Administrator Wollenweber  
City Attorney Berschback  
City Clerk Warnke  
Recording Clerk Murphy

The following Commission members were in attendance:  
Ross Richardson - Planning Commission  
Michael Skaff, PhD - Community Tree Commission  
Mary Beth Nicholson - Beautification Commission  
Angelo DiClemente - Beautification Commission  
Nancy Hames - Planning Commission (8:00 p.m.)

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

Hearing no objections, the Chair directed the Council minutes of June 20, 2005 be corrected as follows on page 7:

Motion by Granger, seconded by Chylinski, regarding Citizens Recreation Commission minutes of May 10, 2005, that Council authorize the following: administration to allow boat storage lessees at the Lake Front Park unlimited use of the boat launch without a fee for same.

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

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THE MEETING WAS THEREUPON OPENED 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 PETITIONERS **KELLY & MICHAEL ZILLI, 1875 HAWTHORNE**, GROSSE POINTE WOODS, WHO ARE APPEALING THE DENIAL OF THE BUILDING INSPECTOR TO ISSUE A BUILDING PERMIT FOR PERMISSION TO OPERATE A SMALL MEDICAL BILLING/RECORDS

BUSINESS AT 1875 HAWTHORNE. THE BUILDING PERMIT WAS DENIED BECAUSE A MEDICAL BILLING/RECORDS BUSINESS IS NOT DEFINED OR DESCRIBED IN THE FOLLOWING SECTION OF THE 1997 CITY CODE; NAMELY: PERMITTED USES SECTION 98-72(7). 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:

- i Letter 06-27-05 - Kelly & Michael Zilli
- ii Letter 07-06-05 - Kelly & Michael Zilli
- iii Notice of Hearing 07-01-05
- iv Aerial View
- v Affidavit of Property Owners 07-01-05

Motion carried by the following vote:

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

In accordance with the documentation presented at tonight's meeting, the City Administrator reiterated the Zilli's requested that the hearing be re-scheduled for Monday, July 18, 2005.

Motion by Chylinski, seconded by Granger, regarding **Permitted Use Variance - 1875 Hawthorne**, that Council postpone the public hearing on such matter until Monday, July 18, 2005.

Motion carried by the following vote:

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

Hearing no objections, the Zoning Board of Appeals was recessed and the Council re-convened.

**THE MEETING WAS THEREUPON OPENED AT 7:35 P.M. FOR A PUBLIC HEARING TO HEAR THE APPLICATIONS OF:**

- A. BUCCI RISTORANTE , 20217 MACK AVENUE**
- B. FERLITO'S RESTAURANT, 20745 MACK AVENUE**
- C. PIZZERIA VENTI, 19655 MACK AVENUE**

**WHICH RESTAURANTS ARE REQUESTING A CLASS C OR TAVERN LIQUOR LICENSE.**

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

**(1) Bucci Ristorante - 20217 Mack Avenue:**

- i Liquor Lic. Application Review Factors 07-06-05
- ii Memo 05-24-05 - Sergeant of Public Safety
  - a. Comprehensive Background Summaries (2)
- iii Memo 05-20-05 - Corporal of Public Safety
- iv Memo 05-23-05 - Building Inspector
- v Application 03-30-05 - Petitioner Bujar, Inc. d/b/a Bucci
- vi Letters (2) 06-22-05 - City Administrator
- vii Local Approval Notice 05-18-05 - MI Liquor Control Commission
  - a. Resolution
- viii Notice of Hearing 06-27-05
- ix Aerial View
- x Affidavit of Property Owners 06-27-05
- xi Affidavit of Legal Publication 06-30-05
- xii Agreement Regarding Liquor License Conditional Approval

**(2) Ferlito's Restaurant - 20745 Mack Avenue:**

- i Liquor Lic. Application Review Factors 07-06-05
- ii Memo 05-24-05 - Sergeant of Public Safety
  - a. Comprehensive Background Summary
- iii Memo 05-20-05 - Corporal of Public Safety
- iv Memo 05-23-05 - Building Inspector
- v Application 03-24-05 - Petitioner Ferlito's Restaurant LLC
- vi Letter 06-21-05 - Antonina Ferlito
- vii Letters (2) 06-22-05 - City Administrator
- viii Local Approval Notice 05-23-05 - MI Liquor Control Commission
  - a. Resolution
- ix Notice of Hearing 06-27-05
- x Aerial Vie
- xi Affidavit of Property Owners 06-27-05
- xii Affidavit of Legal Publication 06-30-05

xiii Agreement Regarding Liquor License Conditional A

**(3) Pizzeria Venti - 19655 Mack Avenue**

i Liquor Lic. Application Review Factors 07-06-05

ii Memo 05-24-05 - Sergeant of Public Safety

iii a. Comprehensive Background Summary  
Memo 05-20-05 - Corporal of Public Safety  
iv Memo 05-23-05 - Building Inspector  
v Application 03-28-05 - Petitioner Pizzeria Venti  
vi Letters (2) 06-22-05 - City Administrator  
vii Local Approval Notice 05-03-05 - MI Liquor Control  
Commission

viii a. Resolution  
Notice of Hearing 06-27-05  
ix Aerial View  
x Affidavit of Property Owners 06-27-05  
xi Affidavit of Legal Publication 06-30-05  
xii Agreement Regarding Liquor License Conditional Approval

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 requests. The following individuals were heard:

**For Bucci Restaurant:**

Arnold J. Shifman, Attorney, 1026 W. 11 Mile Road, Royal Oak  
Resident, 1984 Fleetwood

**For Ferlito's Restaurant:**

Antoinette Ferlito, 20745 Mack Avenue  
Paul Zabo, 1525 Aline  
David Draper, Attorney for petitioner

**For Pizzeria Venti:**

James Manisealco, 19655 Mack Avenue  
Dr. David Cameron, 1826 Hunt Club

Frank Collidy, President, Franchise Pizzeria Venti  
Joseph Gallina, Regional agent, Franchise Pizzeria Venti  
Robert Brown, 1901 Broadstone

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

Dr. David Cameron, 1826 Hunt Club

Motion by Reynolds, seconded by Spicher, that the public hearing be closed at 7:55 p.m. PASSED UNANIMOUSLY.

Motion by Howle, seconded by Granger, regarding **Tavern License**, that the request from **Bujar, Inc., d/b/a Bucci Ristorante**, for a New Full Year Tavern License with Sunday Sales to be located at **20217 Mack Avenue**, Grosse Pointe Woods, 48236, in Wayne County, Michigan, be considered for **APPROVAL ABOVE ALL OTHERS** and that it is the consensus of the Council that the application be **RECOMMENDED** for issuance in the State of Michigan by the Michigan Liquor Control Commission;

And that Bujar, Inc., d/b/a Bucci Ristorante, 20217 Mack Avenue, executes the following documents:

- a. Agreement regarding Liquor License Conditional Approval;
- b. Agreement regarding Issuance or Transfer of Liquor License.

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 **Tavern License**, that the request from **Ferlito's Restaurant, LLC**, for a New Full Year Tavern License with Sunday Sales to be located at **20745 Mack Avenue**, Grosse Pointe Woods, 48236, in Wayne County, Michigan, be considered for **APPROVAL ABOVE ALL OTHERS** and that it is the consensus of the Council that the application be **RECOMMENDED** for issuance in the State of Michigan by the Michigan Liquor Control Commission;

And that Ferlito's Restaurant, LLC, 20745 Mack Avenue, execute the following documents:

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- a. Agreement regarding Liquor License Conditional Approval;
- b. Agreement regarding Issuance or Transfer of Liquor License.

And that Ferlito's Restaurant, LLC, 20745 Mack Avenue, comply with local building, plumbing, zoning, fire, sanitation and Public Safety requirements of the City of Grosse Pointe Woods within ninety (90) days of the issuance by the State of Michigan of the Tavern License.

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 **Tavern License**, that the request from **James Manisealco, d/b/a Pizzeria Venti**, for a new full year Tavern License at **19655 Mack Avenue**, Grosse Pointe Woods, Wayne County, Michigan, be considered for **DISAPPROVAL** and that it is the consensus of the Council that the application be **NOT RECOMMENDED** for issuance in the State of Michigan by the Michigan Liquor Control Commission; for the following reasons:

Liquor License Application Review Factors:

- #13: Overall benefit of the plan to the city = no effect;
- #15: Financial status/ability to build/operate the proposed facility = OK
- #18: Uniqueness of the proposed facility when contrasted against other existing or proposed facilities = no sure it has any effect.
- #19: The permanence of the establishment in the community as evidenced by the proposed/actual commitments made by the applicant = fairly new facility;

Motion carried by the following vote:

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

**THE MEETING WAS THEREUPON OPENED AT 9:07 P.M. FOR A PUBLIC HEARING TO HEAR THE APPLICATION OF ANTONIO'S RESTAURANT, 20311 MACK AVENUE, WHICH CURRENTLY HOLDS A TAVERN LICENSE AND IS**

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**REQUESTING A TRANSFER OF SUCH LICENSE TO A CLASS C LIQUOR LICENSE.**

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

- i Memo 05-17-05 - Sergeant of Public Safety
  - a. Comprehensive Background Summaries (2)
- ii Memo 02-11-05 - Corporal of Public Safety
- iii Memo 03-30-05 - Building Inspector
- iv Letter 10-28-05 - MI Liquor Control Commission
- v Letter 03-17-05 - City Attorney C. Berschback
- vi Letter 06-22-05 - City Administrator
- vii Local Approval Notice 04-07-05 - MI Liquor Control Commission
  - a. Resolution
- viii Notice of Hearing 06-27-05
- ix Aerial View
- x Affidavit of Property Owners 06-27-05
- xi Affidavit of Legal Publication 06-30-05
- xii Agreement Regarding Liquor License Conditional Approval

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:

Anthony Scerri, 20311 Mack Avenue

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

Dr. David Cameron, 1826 Hunt Club

Motion by Reynolds, seconded by Spicher, that the public hearing BE CLOSED at 9:12 p.m. PASSED UNANIMOUSLY.

Motion by Chylinski, seconded by Reynolds, regarding **Transfer of Liquor License**, that the request from **Scerri & Misuraca Enterprises, Inc., d/b/a Antonio's Restaurant, 20311 Mack Avenue**, to transfer classification of 2004 Tavern Licensed business located at 20311 Mack Avenue, Grosse Pointe Woods, MI 48236, Wayne County, to a Class C License, be considered for **APPROVAL** and that it is the consensus

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of the Council that the application be **RECOMMENDED** for issuance in the State of Michigan by the Michigan Liquor Control Commission;

And that Scerri & Misuraca Enterprises, Inc., d/b/a Antonio's Restaurant, 20311 Mack Avenue, execute the following documents:

- a. Agreement regarding Liquor License Conditional Approval;
- b. Agreement regarding Issuance or Transfer of Liquor License.

Motion carried by the following vote:

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

No: Howle

Absent: None

Motion by Reynolds, seconded by Chylinski, regarding **Lake Front Park Pool - Childrens' Home of Detroit**, that Council grant permission to Children's Home of Detroit to use the Lake Front Park pool beginning the week of June 20 through September 3, 2005 from 10 a.m. to noon and 6:30 p.m. to 8:30 p.m. ,Monday through Saturday, excluding Grosse Pointe Woods swim team dates, noting that the certificate of insurance (as corrected deleting the "liquor liability" statement) has been provided indemnifying the city.

Motion carried by the following vote:

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

No: None

Absent: None

Motion by Dickinson, seconded by Chylinski, regarding **Sidewalk Sale - The Dried Flower, 20455 Mack Avenue**, that Council approve the request of Angelo DiClemente, doing business as The Dried Flower, for a sidewalk sale on July 13 thru July 16, 2005, with rain dates for the following week.

Motion carried by the following vote:

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

No: None

Absent: None

Hearing no objections, the Chair directed the City Attorney draft a new ordinance to allow administration the authority to grant individual and/or group requests for sidewalk



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sales, special events and/or sale of merchandise in front of the building setback line for a maximum of three (3) days only and that such proposed new ordinance be submitted to the Committee-of-the-Whole for review and evaluation.

Motion by Howle, seconded by Spicher, regarding **71st Annual Conference - International Association of Assessing Officers - City Assessor**, that Council authorize the City Assessor to attend such conference to be held in Anchorage, Alaska from September 19 through September 21, 2005, for an amount not to exceed \$2500.00 which is a 2005-06 budgeted item and to reimburse the City Assessor for any business expenses incurred upon presentation and verification by the Finance Committee of an itemized expense report, noting the conference had been previously approved by the Compensation & Evaluation Committee.

Motion carried by the following vote:

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

Motion by Chylinski, seconded by Howle, regarding **Workers' Compensation fund - Re-Insurance Coverage**, that Council authorize the City Administrator to execute the contracts and approve the following self-insured insurance package broken down as follows, and that the contracts be made effective as of July 1, 2005 through June 30, 2006:

<b>Willis Corporation</b>	\$ 4,777.00
<b>Alternative Services Concepts</b>	10,000.00
<b>Safety National Casualty Corp</b>	<u>18,972.00</u>
Total	\$33,749.00

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, June 2005**, that the following statements BE APPROVED for payment:

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Statement dated 06/30/05 - City Attorney Don Berschback in the amount of \$6,195.00 for services rendered in June;

Statement dated 06/30/05 – City Attorney Charles Berschback in the amount of \$3,906.25 for services rendered in June.

Motion carried by the following vote:

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

No: None

Absent: None

**New Business:**

Council member Chylinski - Public Safety bicycle patrol & Childrens' Helmet Award

Upon proper motion, the meeting was adjourned at 10:15 p.m. PASSED UNANIMOUSLY.

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