

MINUTES OF THE REGULAR CITY COUNCIL MEETING OF THE CITY OF GROSSE POINTE WOODS HELD ON MONDAY, JUNE 6, 2005, IN THE COUNCIL-COURT ROOM OF THE MUNICIPAL BUILDING, 20025 MACK PLAZA, GROSSE POINTE WOODS, MICHIGAN.

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
Building Inspector Tutag
Recording Clerk St. Peter

The following Commission members were in attendance:

Dr. Michael Skaff - Community Tree Commission
Nancy Hames - Planning Commission

Motion by Dickinson, seconded by Howle, 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

Motion by Granger, seconded by Dickinson, regarding **Election Inspectors**, that the Council concur with the recommendation of the Election Commission and certify the appointment of the Certification of Board of Election Inspectors dated June 1, 2005, including compensation as recommended for the special Election Wayne County Parks Millage to be held Tuesday, August 2, 2005.

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 **Pension Board** minutes of May 19, 2005, that Council authorize the following:

- i) Authorize payment for the Merrill Lynch invoices quarter ended 3/31/05 and quarter ended 6/30/05 to be paid by funds within the Retirement System;
- ii) Authorize payment for the Comerica invoice quarter ended 3/12/05 to be paid by the funds within the Retirement System;
- iii) Authorize payment of the final Invesco invoice dated 1/1/05 through 2/28/05 to be paid by the funds within the Retirement System.

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 **Community Tree Commission**, that the Council voices no objection to the following mayoral appointment:

Name	Address	Term to expire
Greening, Robert	693 Pear Tree Lane	12-31-05

Motion carried by the following vote:

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

COUNCIL
06-06-05 - 90

THE MEETING WAS THEREUPON OPENED AT 7:37 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 **STEVEN HAMILTON, 19766 IDA LANE EAST**, GROSSE POINTE WOODS, WHO IS REQUESTING A USE VARIANCE FOR PERMISSION TO **STORE A VEHICLE** IN VIOLATION OF SECITON 98-72(8) OF THE 1997 CITY CODE. A VARIANCE IS THEREFORE REQUIRED.

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

- i) Letter 05-11-05 - Steven Hamilton
- ii) Letter 06-05-00 - Steven Hamilton
- iii) Signature Petition 09-07-03
- iv) Van Illustration 06-02-05
- v) Letter 04-18-05 - City Attorney
 - a) Committee-of-the-Whole excerpts 10-25-04 & 01-10-05
 - b) Settlement Agreement 11/07/03
 - c) Amended Settlement Agreement
 - d) Miscellaneous supporting materials
- vi) Notice of Hearing 05-27-05
- vii) Aerial view 05-27-05
- viii) Affidavit of Property Owners 05-27-05
- ix) Letter 06-03-05 - City Attorney

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 individuals were heard:

Steve Hamilton - 19766 E. Ida Lane
Margaret Potter - 1767 Kenmore
Patsy F. Mogk - 19786 E. Ida Lane
Josephine M. Cusmano - 19776 E. Ida Lane
Ross Marr - 1463 Anita

COUNCIL
06-06-05 -91

John Kelly - 1869 Severn
Susan Coppa - 1553 Roslyn
Pat Kwiatkowski - 19756 E. Ida Lane
Anne Kondak - 740 Hawthorne
Nicholas Kondak - 740 Hawthorne

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 Howle, that the public hearing BE CLOSED at 7:55 p.m. PASSED UNANIMOUSLY.

Motion by Howle, seconded by Chylinski, regarding **Use Variance, 19766 Ida Lane East, Steven Hamilton, storage of vehicle**, that Council GRANT the variance of the City Code, Chapter 98, Zoning, Section 98-72(8), Permitted Uses, and allow Mr. Hamilton to park his conversion van described as

Year 1997;
Make: Dodge;
Model: Ram Van;
Vehicle I.D. # 2B6KB31Z1 VK 532207;
Body Style: Motor Home;
Title #: 156L1850535 F;

in the driveway at 19766 Ida Lane East, Grosse Pointe Woods, for the following reasons:

A. The adherence to the strict letter of the ordinance would unreasonably prevent Steven Hamilton from using his property for a permitted purpose. With a conversion van, one must voluntarily declare interior components; i.e., sink, bed or any other type of equipment. Moreover, strict conformance of the City Code, Section 98-72(8) is burdensome and Mr. Hamilton fought it; he also received permission to buy the van before he purchased it. His unnecessary hardship was not self-created.

B. The granting of this variance would do substantial justice to Steven Hamilton for the aforementioned reasons and other property owners would not be adversely affected since they signed the original petition to buy the vehicle and have supported Mr. Hamilton's efforts to keep it.

C. The granting of this variance is such that the spirit and intent of the ordinance will remain in tact; i.e., boats and trailers and vehicles regulated by this ordinance to be stored off-site are still covered. Furthermore, Steven Hamilton frequently uses his vehicle. The Department of Public Safety will not be affected by the variance to the ordinance and public welfare remains secured.

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 be convened at 8:02 p.m.

THE MEETING WAS THEREUPON OPENED AT 8:03 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 **TAMBRE & YUSEF TEDESCO, 1665 FORD COURT**, GROSSE POINTE WOODS, FOR PERMISSION TO ERECT A SIX FOOT HIGH DECORATIVE **PRIVACY FENCE** FOR 85 FEET ALONG THE SOUTHWEST CORNER OF MACK AVENUE & FORD COURT; I.E., THE SIDE YARD OF THE PROPERTY AT 1665 FORD COURT, WITH OPENINGS FOR WALKWAY AND DRIVEWAY. THE APPLICATION FOR A FENCE WAS DENIED BY THE BUILDING DEPARTMENT BECAUSE THE PROPOSED FENCE WOULD BE IN VIOLATION OF SECTION 10-326 & SECTION 10-327 OF THE CITY CODE.

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

- i) Letter 05-25-05 - Yusef & Tambre Tedesco
- ii) Application for Fence Permit 05-25-05
- iii) Site Drawing 06-02-05
- iv) Photograph 06-02-05
- v) Memo 05-31-05 - Building Inspector
- vi) E-mail 05-31-05 - Traffic Safety Officer
- vii) Notice of Hearing 05-27-05
- viii) Aerial View 05-27-05
- ix) Affidavit of Property Owners - 05-27-05

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 individuals were heard:

Tambre Tedesco - 1665 Ford Court
Margaret Potter - 1767 Kenmore

COUNCIL
06-06-05 - 93

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 Chylinski, that the public hearing BE CLOSED at 8:11 p.m. PASSED UNANIMOUSLY.

Motion by Granger, seconded by Spicher, regarding **Fence Variance, 1665 Ford Court, Tambre & Yusef Tedesco**, that Council TABLE the matter to the next regularly scheduled Council meeting of June 20, 2005.

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 **2005 International City Management Association 91st Annual Conference** (a 2005-06 budgeted item), that Council authorize the City Administrator to attend such conference to be held in Minneapolis, Minnesota, at the Millennium Hotel Minneapolis and to reimburse such official for any personal expenses (not to exceed \$2,500) incurred upon presentation and verification by the Finance Committee of an itemized expense report.

Motion carried by the following vote:

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

Motion by Dickinson, seconded by Howle, regarding **2005 Summer City Tax Bills - Unpaid Water**, that Council, in accordance with Section 86-176 of the City Code; i.e., "entry of delinquent charges on general tax roll; enforcement of lien", approve the placement of unpaid water invoices on the 2005 City Summer Tax Roll thereby assessing unpaid water invoices to the property owners of the described property as shown in Water Bills on 2005 Taxes, Section I and II dated June 2, 2005.

COUNCIL
06-06-05 - 94

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 **Beautification Commission - Resignation**, that the Council accept the resignation of Robert A. Padalino with regret and direct that an appropriate Certificate of Appreciation be issued to such person for his civic service.

Motion carried by the following vote:

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

Motion by Granger, seconded by Howle, regarding **2005 Asphalt Maintenance Program (AEW #160-275)** - Department of Public Works, that the Council awards the contract to the lowest qualified bidder,

Asphalt Control Corporation
17938 East Warren Avenue
Detroit, MI 48224

in the amount of \$45,000.00, their bid being in the best interest of the City, and to include project costs of construction, engineering, contract administration and contingencies estimated at \$5,000.00, for a grand total project cost of \$50,000.00, which amount has been accounted for in the fiscal year budget 2005-06.

Motion carried by the following vote:

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

COUNCIL
06-06-05 - 95

Motion by Dickinson, seconded by Spicher, regarding **2005 North Renaud/Elford Court Pavement Replacement Project (AEW #160-264)** - Department of Public Works, that the Council award the contract to the lowest qualified bidder,

Tiseo Brothers, Inc.
68660 Hillside
Washington Township, MI 48095

in the amount of \$828,223.75, their bid being in the best interest of the City, and to include project costs of construction, engineering, contract administration and contingencies estimated at \$81,776.25, for a grand total project cost of \$910,000.00, which amount has been accounted for in the fiscal year budget 2005-06.

Motion carried by the following vote:

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

Motion by Howle, seconded by Spicher, regarding **2005 Fireworks Display**, that Council adopt the following 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, 2005 (with a rain date of Monday, June 27, 2005);

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 Frozen Custard
- National Coney Island
- William Rosolino, Veteran, 13500 Charlotte, Warren

Motion carried by the following vote:

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

COUNCIL
06-06-05 - 96

Motion by Reynolds, seconded by Chylinski, regarding **Second Reading, An Ordinance to Provide for the Recovery and Collection of Fees for Providing Emergency Medical & Related Services**, that the proposed ordinance to add a Chapter 68, Section 68-1 thru 68-9 to the City Code of the City of Grosse Pointe Woods of 1997, be considered as a **"Second Reading"**; and that such ordinance BE ADOPTED and effective 20 days after adoption.

Motion carried by the following vote:

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

Motion by Spicher, seconded by Dickinson, regarding **City Attorney - May 2005**, that the following statements from the City Attorneys BE APPROVED for payment:

- i) Statement 05-26-05 \$8,645.00 - Don R. Berschback
- ii) Statement 05-26-05 \$5,625.00 - Charles T. Berschback

Motion carried by the following vote:

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

NEW BUSINESS:

City Administrator Wollenweber - Juried Art Show
Robert Stackpoole - Lake Front Park bird regulations
Councilwoman Reynolds - Geese control/information
Councilwoman Chylinski - Residency requirements for School District
Councilman Dickinson - Beautification Commission - municipal flowers
Councilwoman Granger - "Memorial Day" & Annual Perch Derby

Upon proper motion, the meeting was adjourned at 9:50 p.m. PASSED UNANIMOUSLY.

* * *

