

**MINUTES OF THE REGULAR COUNCIL MEETING OF THE CITY OF GROSSE
POINTE WOODS HELD ON MONDAY, APRIL 18, 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 7:30 p.m.

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

Also Present: City Administrator Wollenweber
City Attorney Charles Berschback
City Clerk Warnke
Director of Public Works Ahee
Building Inspector Tutag
Recording Clerk Murphy

The following Commission members were in attendance:

Angelo DiClemente - Beautification Commission
Mark Kent - Local Officers' Compensation Commission

Motion by Reynolds, 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

Motion by Granger, seconded by Chylinski, regarding **Election Inspectors**, that the Council concur with the recommendation of the Election Commission (composed of Council member Vicki Granger, City Clerk Louise S. Warnke and City Attorney Don R. Berschback) and certify the appointment of the **Board of Election Inspectors**, including compensation as recommended, for the May 3, 2005 school election.

Motion carried by the following vote:

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

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Motion by Dickinson, seconded by Howle, regarding the **Beautification Commission**, that Council voice NO OBJECTION to the following mayoral appointment:

Name	Address	Term Expiration
Pamela Barnwell	2016 Country Club	12-31-07

Motion carried by the following vote:

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

Hearing no objections, the Chair directed Robusto's would be next on the agenda.

THE MEETING WAS THEREUPON OPENED AT 7:35 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 JACKIE & SCOTT BAUMGART, BUSINESS OWNERS OF **ROBUSTO'S MARTINI LOUNGE AND WINE BAR, 19271 MACK AVENUE**, WHO SEEK RENEWAL OF ITS OUTDOOR SERVICE PERMIT FOR THE 2005 SEASON. CITING ARTICLE VIII, C-2 HIGH INTENSITY CITY CENTER DISTRICT, SECTION 98-242, A TEMPORARY USE VARIANCE WAS GRANTED ON JULY 12, 2004, BY THE ZONING BOARD OF APPEALS FOR A TERM NOT TO EXCEED ONE YEAR WITH THE POSSIBILITY OF ANNUAL RENEWALS AND CONSEQUENTLY, ROBUSTO'S AND THE CITY ENTERED INTO AN OUTDOOR SERVICE PERMIT AGREEMENT FOR ONE YEAR, WHICH AGREEMENT HAS EXPIRED. RENEWAL OF IT IS THE PREROGATIVE OF THE ZONING BOARD OF APPEALS.

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

- i) Letter 04-05-05 - City Attorney
- ii) Council excerpt 07-12-04
- iii) Outdoor Service Permit Agreement (w/ Exhibit A/B)
- iv) Memo 04-12-05 - Building Inspector
- v) Memo 07-06-04 - Building Inspector
- vi) Memo 04-11-05 - Director of Public Safety
- vii) Sidewalk Cafes/Business Use - MML 02-99
- viii) Aerial View 04-08-05
- ix) Notice of Hearing 04-08-05
- x) Affidavit of Property Owners 04-08-05

Motion carried by the following vote:

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

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

Scott Baumgart
19271 Mack Avenue

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 Dickinson, seconded by Chylinski, that the public hearing BE CLOSED at 7:46 p.m. PASSED UNANIMOUSLY.

Motion by Howle, seconded by Spicher, regarding Zoning Board of Appeal regarding **Jackie & Scott Baumgart**, business owners of **Lazco, Inc., d/b/a Robusto's Martini Lounge and Wine Bar, 19271 Mack Avenue**, that the Zoning Board of Appeal grant a temporary use variance, not to exceed one year with the possibility of annual renewals, for an outdoor seating area which would allow seating and service on the public sidewalk outside of Robusto's, citing Article VIII, C-2 High Intensity City Center District, Section 98-242, contingent upon the execution of an Outdoor Service Permit Agreement.

Motion carried by the following vote:

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

Hearing no objections, the Chair recessed the Zoning Board of Appeals and convened the Council.

Motion by Howle, seconded by Dickinson, regarding **Jackie & Scott Baumgart**, business owners of **Lazco, Inc., d/b/a Robusto's Martini Lounge and Wine Bar, 19271 Mack Avenue**, that Council authorize the City Administrator to execute the Outdoor Service Permit Agreement contingent upon terms and conditions acceptable to Council for a one-year period to be renewed by Council on a minimum of five (5) affirmative votes.

Motion carried by the following vote:

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

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THE MEETING WAS THEREUPON OPENED AT 8:00 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 **PETITIONER POWER BARRE STUDIOS, LLC, 20250 MACK AVENUE**, WHICH IS APPEALING THE DENIAL OF THE BUILDING INSPECTOR TO ISSUE A BUILDING PERMIT FOR PERMISSION TO OPERATE A FITNESS CENTER AT SUCH LOCATION. THE PERMIT WAS DENIED BECAUSE THE PROPOSED USE OF THE PROPERTY AS A FITNESS CENTER IS NOT A "PERMITTED USE" AS DESCRIBED IN THE FOLLOWING SECTION OF THE 1997 CITY CODE; NAMELY, SECTION 98, ZONING, ARTICLE X, RO-1, RESTRICTED OFFICE DISTRICT, SECTION 98-302, PERMITTED USES. A VARIANCE IS THEREFORE REQUIRED

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

- i) Letter 04-04-05 & 02-24-05 - Dickinson Wright, PLLC
- ii) Application - Business License 02-22-05
- iii) Letter 03-07-05 - Building Inspector
- iv) Letter 03-11-05 - Dickinson Wright, PLLC
- v) Proposed Floor Plans 03-14-05
- vi) Letter 03-15-05 - Building Inspector
- vii) Letter 03-26-05 - John Murphy
- viii) Letter 04-09-05 - Mary N. Ghanem
- ix) Memorandum 03-28-05 - Building Inspector
- x) Letter 03-31-05 - City Attorney
- xi) Findings of Fact 04-12-05
- xii) Notice of Hearing 03-22-05
- xiii) Aerial View 03-22-05
- xiv) Affidavit of Property Owners 03-22-05

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 individual was heard:

Timothy Stoepker, Attorney for petitioner
Dickinson Wright
500 Woodward Avenue
Detroit, MI 48226

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

James Nicholson
1672 North Renaud

John Murphy
1681 Lochmoor

Mark Kent
1619 Lochmoor

Dr. Kenneth Lock
1699 Lochmoor

Mark Alan
20276 Mack Avenue

Motion by Chylinski, seconded by Dickinson, that the public hearing be closed at 8:45 p.m. PASSED UNANIMOUSLY.

Hearing no objections, the following individual was also heard:

Dr. George Ghanem, owner of 20250 Mack
11 Woodland Shore
Grosse Pointe Shores

The Chair declared a recess at 9:00 p.m. and reconvened at 9:15 p.m.

Motion by Granger, seconded by Dickinson, regarding Zoning Board of Appeal **Power Barre Studios, LLC, 20250 Mack Avenue**, that Zoning Board of Appeal **deny** the request for permission to operate a fitness center at such location because the proposed use of the property as a fitness center is not a "permitted use" as described in the 1997 City Code; namely, Section 98, Zoning, Article X, RO-1 Restricted Office District, Section 98-302, Permitted Uses.

Substitute motion by Howle, seconded by Reynolds, regarding Zoning Board of Appeal **Power Barre Studios, LLC, 20250 Mack Avenue**, that Zoning Board of Appeal **table** the request for permission to operate a fitness center at such location.

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Substitute motion carried by the following vote:

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

Hearing no objections, the Chair recessed the Zoning Board of Appeals and convened the Council.

Motion by Dickinson, seconded by Spicher, regarding **2005 Annual Flower Sale, Beautification Commission**, that Council concur with the recommendation of the Beautification Advisory Commission and authorize the conducting of the 2005 BAC Flower Sale on the front lawn of the City Hall on the following dates and times:

Friday, May 6, 2004, 10 a.m. to 7 p.m.
Saturday, May 7, 2004, 8:00 a.m. to 3 p.m.

And that the Beautification Advisory Commission coordinate the event with the Department of Public Works in accordance with the detailed instructions in the letter dated April 6, 2005, from the Flower Sale Chair Kingsley.

Motion carried by the following vote:

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

Motion by Chylinski, seconded by Reynolds, regarding **Ghesquiere Park Tennis Courts - Our Lady Star of Sea School**, Council grant permission to Our Lady Star of Sea School to use the tennis courts at Ghesquiere Park from Monday, May 9, 2005, thru Friday, May 20, 2005 (excluding weekends) from 1:30 p.m. to 2:50 p.m., contingent upon providing appropriate insurance indemnifying the city, relinquishing courts if residents would like to use a tennis court and to clean debris from the area after using the courts.

Motion carried by the following vote:

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

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Motion by Granger, seconded by Reynolds, regarding **Application to Hold Parade - Grosse Pointe Woods/Shores Little League**, that Council approve such parade request to take place on Sunday, May 1, 2005, with the procession starting at the Comerica Bank parking lot (Mack & Renaud), proceeding across Mack Avenue heading south to Ghesquiere Park for opening ceremonies of the 2005 Little League baseball season (commencing at 1 p.m. and ending at 2 p.m.), contingent upon receipt of the proper insurance indemnifying the city.

Motion carried by the following vote:

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

Motion by Reynolds, seconded by Granger, regarding **2005 Refuse Vendor License**, that the Council approves the application of

Charles John Brewart
22117 Karam
Warren, MI 48091

for a refuse vendor license in the City of Grosse Pointe Woods.

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 2005 **Door-to-Door Solicitor License**, that the Council **denies** the application of

Paul W. Bandy
17140 Toepher Drive
Eastpointe, MI 48021

for a door-to-door solicitor license in the City of Grosse Pointe Woods because such solicitation is detrimental to the public safety and welfare.

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The following individual was heard:

Lolly Gerhardstein
1846 Severn

Substitute motion by Granger, seconded by Dickinson, regarding 2005 **Door-to-Door Solicitor License**, that the Council **approves** the application of

Paul W. Bandy
17140 Toepfer Drive
Eastpointe, MI 48021

for a door-to-door solicitor license in the City of Grosse Pointe Woods because such solicitation is bneeficial to the public safety and welfare.

Substitute motion **failed** by the following vote:

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

Original Motion carried by the following vote:

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

Motion by Dickinson, seconded by Howle, regarding the **March 2005 Financial Report** of the City Administrator, that Council refer it to the Finance Committee for review.

Motion carried by the following vote:

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

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Motion by Howle, seconded by Spicher, regarding **2004-05 Auditing Agreement**, that Council approve such Agreement and authorize the City Comptroller-Treasurer to execute same (contingent upon the City Attorney's review and approval for execution) for auditing services for Fiscal Year 2004-05 with

**Pricewaterhouse/Coopers LLP
400 Renaissance Center
Detroit, MI 48243**

in an amount of \$45,000.00, not including out-of-pocket costs not to exceed \$2,000.00.

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 **trailer-mounted Brush Chipper - Department of Public Works**, that Council authorize the Department of Public Works to purchase the trailer-mounted Brush Chipper from

**Mobark, Inc.
P.O. Box 1000
Winn, Michigan, 48896**

in the net amount of \$29,800.00, contingent upon the trade-in of an 1991 Eager Beaver brush chipper for \$4,000.00 and that the expenditure be debited from the 2004-05 budget account #401.901.977.202.

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 **Proclamation**, that Council voice no objection to the adoption of the following mayoral proclamations regarding:

a. **National Public Works Week**

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Motion carried by the following vote:

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

NEW BUSINESS:

- Hearing no objections, the following topics were made a part of tonight's meeting:
 - * Arbor Day Proclamation
 - * Power Door Operators.

Motion by Howle, seconded by Granger, regarding **Proclamation**, that Council voice no objection to the adoption of the following mayoral proclamation regarding:

a. **Arbor Day**

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 **Power Door Operators**, that Council receive and place on file the following materials:

- i) Memo 04-18-05 - City Administrator
- ii) Memo 04-12-05 - Lisa Hathaway
- iii) Purchase Order 28664 04-11-05
- iv) Proposal 04-11-05 - Gamalski
- v) Invoice 04-11-05 - City Engineer

And that Council concur with the recommendation of the City Administrator (who provided a written statement that no benefit will accrue to the city by seeking further competitive bids) and authorize purchase of six power door operators with hardware kits and activating door switches from Gamalski Building Specialties, 3851 Auburn Road, Auburn Hills, MI 48326, in an amount not to exceed \$12,578, funds to be taken from the general fund and reimbursed upon payment from Wayne County.

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Motion carried by the following vote:

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

- Lolly Gerhardstein - Bicycle patrols of Department of Public Safety
- Thomas Gerhardstein - Paper bags for garden waste
- City Administrator - Lake Front Park pool hours - City Calendar

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

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