

MINUTES OF THE RESCHEDULED CITY COUNCIL MEETING OF THE CITY OF GROSSE  
POINTE WOODS HELD REMOTELY ON MONDAY, NOVEMBER 9, 2020.

The Facilitator's statement was provided.

The meeting was called to order at 7:06 p.m. by Mayor Novitke.

Roll Call\*: Mayor Novitke  
Council Members: Bryant, Gafa, Granger, Koester, McConaghy (Southfield, MI), McMullen  
(Grosse Pointe Farms, MI)  
Absent: None

(\*Unless specifically identified otherwise, Council Members attended remotely from Grosse Pointe Woods, MI.)

Also Present: City Administrator Smith  
City Attorney Berschback  
Treasurer/Comptroller Behrens  
City Clerk Hathaway  
Director of Public Safety Kosanke  
Director of Public Services Schulte  
City Engineer Lockwood  
Deputy City Clerk/Facilitator Antolin

Motion by Bryant, seconded by Gafa, 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, Gafa, Granger, Koester, McConaghy, McMullen, Novitke  
No: None  
Absent: None

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

1. City Council Minutes dated October 19, 2020.

Motion carried by the following vote:

Yes: Bryant, Gafa, Granger, Koester, McConaghy, McMullen, Novitke  
No: None  
Absent: None

Motion by Granger, seconded by Gafa, that the following minutes be approved as submitted:

1. Committee-of-the-Whole Minutes dated October 26, 2020.

Motion carried by the following vote:

Yes: Bryant, Gafa, Granger, Koester, McConaghy, McMullen, Novitke  
No: None  
Absent: None

Motion by Bryant, seconded by McConaghy, regarding **emergency expenditure budget amendment: fire truck generator**, that the City Council approve a budget amendment in a total cost not to exceed \$8,500.00 to cover the cost of installing an emergency replacement of the generator in Engine 5, including warranty and anticipated shipping charges, by Apollo Fire Equipment Company, funds to be taken in a total amount not to exceed \$8,500.00 from Prior Year Reserve Account No. 101-000-699.000 into Equipment Maintenance Repair Account No. 101-339-850.000.

Motion carried by the following vote:

Yes: Bryant, Gafa, Granger, Koester, McConaghy, McMullen, Novitke  
No: None  
Absent: None

Motion by Koester, seconded by Gafa, regarding **purchase: parking meter housing replacement**, that the City Council approve refurbishing of the City's 925 parking meter housings by Take A Powder Inc. at a cost of \$36,478.75 including shipping, funds to be taken from the Parking Contractual Services Account No. 585-561-818.000.

Motion carried by the following vote:

Yes: Bryant, Gafa, Granger, Koester, McConaghy, McMullen, Novitke  
No: None  
Absent: None

The Mayor accepted the resignation of Stephen Chan from the Tree Commission with regret and directed that appropriate thanks and recognition be sent to Mr. Chan.

Motion by Gafa, seconded by Bryant, regarding **contract/budget amendment: Lake Front Park Vehicular Bridge Replacement**, that the City Council approve a contract with E. C. Korneffel Co. to replace the Lake Front Park vehicular bridge in the amount of \$678,444.88, and also to include a contingency in an amount not to exceed \$50,000.00 and construction engineering fees in an amount not to exceed \$70,000.00; a total project cost not to exceed \$798,444.88; funds in the amount of \$612,000.00 are to be taken from the Municipal Improvement Lake Front Park Bridge Account No. 401-903-977.109; and that Council approve a budget amendment in the amount of \$186,444.88 with funds taken from the General Fund Fund Balance Account No. 101-000-699.000 into the Municipal Improvement Lake Front Park Bridge Account No. 401-903-977.109.

Motion carried by the following vote:

Yes: Bryant, Gafa, Granger, Koester, McConaghy, McMullen, Novitke  
No: None  
Absent: None

Motion by Granger, seconded by Bryant, regarding **contract: 2020 Sewer Open Cut Repair Program**, that the City Council award a contract to Fontana Construction to perform the 2020 Sewer Open Cut Repair Program at a cost of \$750,000.00, and to include construction engineering fees in an amount not to exceed \$123,000.00, for a total project cost not to exceed \$873,000.00; funds in the amount of \$750,000.00 are to be taken from Water/Sewer Repair Construction Account No. 592-537-976.002, and \$123,000.00 to be taken from Water/Sewer Repair Engineering Account No. 592-537-976.001.

Motion carried by the following vote:

Yes: Bryant, Gafa, Granger, Koester, McConaghy, McMullen, Novitke  
No: None  
Absent: None

Motion by McMullen, seconded by Bryant, regarding **contract: 2020 Sewer Rehabilitation – Full Cured In Place Pipe (CIPP) Lining**, that the City Council award a contract to Corby Energy Services Inc. to perform the 2020 Sewer Rehabilitation CIPP Lining project at a cost of \$377,392.00, to include contingency in an amount not to exceed \$75,000.00 and engineering in an amount not to exceed \$60,000.00, for a total project cost not to exceed \$512,392.00; funds to be taken from the

Water/Sewer Repair Construction Account No. 592-537-976.002 in the amount of \$377,392.00 and the Water/Sewer Repair Engineering Account No. 592-537-976.001 in the amount of \$60,000.00.

Motion carried by the following vote:

Yes: Bryant, Gafa, Granger, Koester, McConaghy, McMullen, Novitke  
No: None  
Absent: None

Motion by McConaghy, seconded by Granger, regarding **Ordinance: Second Reading – An Ordinance to Amend Chapter 8 Building and Building Regulations, Article IX – Fences, to Provide Definition for Different Types of Allowable Fences and to Clarify Allowable Materials**, that the City Council to approve this proposed ordinance as presented and make it effective 20 days after its enactment.

Motion carried by the following vote:

Yes: Bryant, Granger, Koester, McConaghy, McMullen, Novitke  
No: Gafa  
Absent: None

Motion by McConaghy, seconded by Gafa, regarding **claims/accounts**, that the City Council approve payment of Items 8A – 8J as listed on the Council agenda and as identified in the pink sheet in the respective amounts and accounts listed, as follows:

A. Auditing Services

1. Plante Moran (Final) Invoice No. 1918305 10/29/20 - \$21,350.00;  
Account Nos.:

- a. 101-223-818.000 - \$13,350.00;
- b. 101-136-818.000 - \$1,000.00;
- c. 202-482-818.000 - \$1,000.00;
- d. 203-482-818.000 - \$1,000.00;
- e. 226-528-818.000 - \$1,000.00;
- f. 365-993-818.000 - \$1,000.00;
- g. 592-536-818.000 - \$1,000.00;
- h. 632-854-818.000 - \$1,000.00;
- i. 640-851-818.000 - \$1,000.00.

B. Assessing Services

1. WCA Assessing Invoice No. 10262020 10/26/20 - \$6,258.25; Account No. 101-224-818.000.

- C. Actuarial Services – Rodwan Consulting Co.
  - 1. Invoice No. 2826 09/22/20 - \$6,150.00; Account No. 101-299-818.000;
  - 2. Invoice No. 2827 09/22/20 - \$6,400.00; Account No. 101-299-818.000.
- D. 2020 Concrete Pavement and Parking Repair Program
  - 1. L. Anthony Construction Inc. Pay Estimate No. 2 10/18/20 - \$195,364.09; Account Nos.:
    - a. 202-451-974.200 - \$36,944.80;
    - b. 203-451-974.200 - \$24,531.35;
    - c. 585-561-977.000 - \$98,420.94;
    - d. 592-537-975.400 - \$35,467.00.
- E. 2019 Sewer Open Cut Repair Program
  - 1. Fontana Construction Services Pay Estimate No. 5 10/18/20 - \$13,737.20; Account No. 592-537-976.002.
- F. Bournemouth Water Main Replacement
  - 1. Fontana Construction Services Pay Estimate No. 3 10/18/20 - \$19,924.88; Account No. 592-537-977.300.
- G. City Engineers – Anderson, Eckstein & Westrick
  - 1. Invoice No. 0127747 09/08/20 - \$1,081.50; Account Nos:
    - a. 101-441-818.000 - \$360.50;
    - b. 101-444-818.000 - \$360.50;
    - c. 592-537-818.000 - \$360.50.
  - 2. Invoice No. 0128191 10/20/20 - \$371.00; Account No. 202-451-974.803.
  - 3. Invoice No. 0128192 10/20/20 - \$999.70; Account Nos.:
    - a. 202-451-974.201 - \$9.01;
    - b. 203-451-974.201 - \$189.13;
    - c. 592-537-975.401 - \$128.25;
    - d. 592-537-976.001 - \$673.31.
  - 4. Invoice No. 0128193 10/20/20 - \$1,319.25; Account No. 592-537-976.001.
  - 5. Invoice No. 0128194 10/20/20 - \$886.50; Account Nos.:
    - a. 202-451-974.201 - \$73.88;
    - b. 203-451-977.803 - \$591.00;
    - c. 203-451-974.201 - \$64.02;
    - d. 592-537-975.401 - \$157.60.
  - 6. Invoice No. 0128195 10/20/20 - \$29,860.20; Account No. 592-537-977.310.
  - 7. Invoice No. 0128196 10/20/20 - \$771.00; Account Nos.:
    - a. 101-441-818.000 - \$257.00;
    - b. 101-444-818.000 - \$257.00;
    - c. 592-537-818.000 - \$257.00.
  - 8. Invoice No. 0128197 10/20/20 - \$22,438.80; Account No. 401-903-977.109.

9. Invoice No. 0128198 10/20/20 - \$463.50; Account No. 420-451-974.201.
  10. Invoice No. 0128199 10/20/20 - \$11,475.70; Account Nos.:
    - a. 202-451-974.201 - \$2,140.99;
    - b. 203-451-974.201 - \$1,455.87;
    - c. 585-561-978.300 - \$5,737.85;
    - d. 592-537-975.401 - \$2,140.99.
  11. Invoice No. 0128200 10/20/20 - \$7,500.00; Account No. 592-537-976.001.
  12. Invoice No. 0128201 10/20/20 - \$206.00; Account Nos.:
    - a. 101-441-818.000 - \$68.67;
    - b. 101-444-818.000 - \$68.67;
    - c. 592-537-818.000 - \$68.66.
  13. Invoice No. 0128204 10/20/20 - \$103.00; Account Nos.:
    - a. 101-441-818.000 - \$34.33;
    - b. 101-444-818.000 - \$34.33;
    - c. 592-537-818.000 - \$34.34.
  14. Invoice No. 0128337 10/23/20 - \$2,861.75; Account No. 592-537-977.000.
- H. Professional Legal Services – Hallahan & Associates Inc.
1. Invoice No. 17826 11/02/20 - \$83.57; Account No. 101-210-810.300.
- I. Professional Services – Rosati, Schultz, Joppich & Amtsbuechler PC
1. Invoice No. 1074539 10/12/20 - \$1,925.75; Account No. 101-210-801.300.
- J. City Attorney
1. Charles T. Berschback 10/30/20 - \$8,447.50; Account Nos.:
    - a. 101-210-801.000 - \$6,045.00;
    - b. 101-210-801.100 - \$2,286.25;
    - c. 101-210-801.300 - \$116.25.

Motion carried by the following vote:

Yes: Bryant, Gafa, Granger, Koester, McConaghy, McMullen, Novitke  
No: None  
Absent: None

Hearing no objections, the following items were heard under New Business:

- The City Administrator recommended to Council that City Hall close due to reporting of COVID-19 cases rising. There was a consensus of the Council to close City Hall to the public.
- The status of the City Attorney applicants was briefly discussed. There was a consensus that Mr. Dinen be allowed to make a presentation to City Council on November 23, 2020, at 7 p.m. for approximately 15 minutes, followed by the scheduled attendance of Mr. Schultz and Mr. Tomlinson who were previously interviewed.

Nobody wished to be heard under Public Comment.

Motion by Gafa, seconded by Granger, that the City Council recess the City Council Meeting at 7:56 p.m. and convene in Closed Executive Session, at which time this body may or may not reconvene in regular session to address additional items as necessary, in accordance with the Open Meetings Act 1976 PA 267. This closed meeting is being held:

- A. To consider attorney/client privilege communication and settlement strategy in a pending grievance.
- B. To consider attorney/client privilege communications and to consider certain actions and hear complaints brought against a public officer, employee, staff member, or individual agent (as requested by the Treasurer/Comptroller.)

Motion carried by the following roll call vote:

Granger	Yes
Koester	Yes
McConaghy	Yes
McMullen	Yes
Novitke	Yes
Bryant	Yes
Gafa	Yes

City Council reconvened in regular session at 9:02 p.m.

Based upon two written complaints having been received regarding the Treasurer/Comptroller the City Administrator requested Mr. Fleury to conduct an independent investigation on behalf of the City of Grosse Pointe Woods. The Labor Attorney provided an overview of his report, said report having been provided to the Council and to Ms. Behrens.

Under discussion, the City Council then expressed their comments and opinions.

Motion by Bryant, seconded by Granger, that the City Council place Treasurer/Comptroller Cathrene Behrens on Administrative Leave with pay effective immediately, and to terminate Ms. Behrens as Treasurer/Comptroller subject to the possibility of discussion with the City Administrator and City Attorney regarding a resignation in lieu of termination; and, to discuss the possibility of health care and possible pay as part of the resignation in lieu of termination.

Motion carried by the following vote:

Yes:	Bryant, Gafa, Granger, Koester, McConaghy, McMullen, Novitke
No:	None
Absent:	None

Motion by Bryant, seconded by Granger, to adjourn tonight's meeting at 9:18 p.m. PASSED UNANIMOUSLY.

Respectfully submitted,

---

Lisa Kay Hathaway  
City Clerk

---

Robert E. Novitke  
Mayor