

MINUTES OF THE RESCHEDULED CITY COUNCIL MEETING OF THE CITY OF GROSSE  
POINTE WOODS HELD ON MONDAY, FEBRUARY 24, 2020, IN THE COUNCIL-COURT  
ROOM OF THE MUNICIPAL BUILDING, 20025 MACK PLAZA, GROSSE POINTE WOODS,  
MICHIGAN.

The meeting was called to order at 7:05 p.m. by Mayor Novitke.

Roll Call: Mayor Novitke  
Council Members: Bryant, Gafa, Granger, Koester, McConaghy  
Absent: McMullen

Also Present: City Administrator Smith  
City Attorney Berschback  
Treasurer/Comptroller Behrens  
City Clerk Hathaway  
Director of Public Services Schulte  
Recreation Supervisor Gerhart

Motion by Bryant, seconded by Koester, that Council Member McMullen be excused due to attending to a personal matter.

Motion carried by the following vote:

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

Council, Administration, and the audience Pledged Allegiance to the Flag.

The following Commission Member was in attendance:  
John Vitale, Planning Commission

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, Novitke  
No: None  
Absent: McMullen

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

1. City Council Minutes dated February 3, 2020.

Motion carried by the following vote:

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

Motion by Granger, seconded by Gafa, regarding **contract: dispatch/lockup**, that the City Council concur with the recommendation of the Committee-of-the-Whole at their meeting held February 10, 2020, and approve the **Grosse Pointe Shores – Grosse Pointe Woods Consolidated Dispatch and Lockup Services contract**, and authorize the City Administrator to sign same.

Motion carried by the following vote:

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

Motion by Bryant, seconded by McConaghy, regarding **Election Inspector's Rates of Pay – Presidential Primary March 10, 2020**, that the City Council concur with the Election Commission at their meeting held February 14, 2020, and approve the rates of pay as presented on the Certification of Board of Election Inspectors dated February 14, 2020.

Motion carried by the following vote:

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

Motion by Koester, seconded by Bryant, regarding **2020 Awards Night – facility deposit**, that the City Council concur with the recommendation of the Beautification Commission at their

meeting held January 8, 2020, and approve a \$1,000.00 deposit to reserve Lochmoor Club for the 2020 Beautification Commission Awards Night Dinner to be held on November 11, 2020.

Motion carried by the following vote:

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

Motion by Koester, seconded by Gafa, regarding **2020 Awards Night – expenses**, that the City Council concur with the recommendation of the Beautification Commission at their meeting held January 8, 2020, and approve a budget in an amount not to exceed \$7,000.00 for the total expense of the 2020 Awards Night Ceremony to be held on November 11, 2020.

Motion carried by the following vote:

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

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

1. Committee-of-the-Whole Minutes dated February 10, 2020.

Motion carried by the following vote:

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

Motion by McConaghy, seconded by Koester, regarding **DTE LED Conversion/Budget Amendment**, that the City Council approve conversation of an additional 22 ornamental lights to be installed by DTE Energy at the Robert E. Novitke Municipal Center parking lot at a cost of \$12,940.00, authorize the City Administrator to sign the Purchase Agreement with DTE Energy; approve the conversion of 13 city-owned streetlights at Lake Front Park bathhouse parking lot to be performed by Department of Public Works staff at a cost of \$8,000.00; and, to approve a budget amendment in the amount of \$20,940.00 from Parking Prior Fund Balance Account No. 585-000-394.000 into Equipment-Parking Account No. 585-569-977.585.

Motion carried by the following vote:

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

Motion by Gafa, seconded by Granger, regarding **drinking water testing – EPA’s 4<sup>th</sup> Cycle Unregulated Contaminant Monitoring**, that the City Council approve the Proposal from Microbac Laboratories, Inc. in the amount of \$6,080.00, and to include an amount not to exceed \$1,500.00 for contingency; for a total program cost not to exceed \$7,580.00, funds to be taken from Water/Sewer Contractual Services Account No. 592-537-818.000; and, to authorize the City Administrator to sign the Proposal.

Motion carried by the following vote:

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

Motion by Koester, seconded by McConaghy, regarding **fee schedule revision**, that the City Council approve a Film Permit Fee in the amount of \$50.00 and authorize the City Clerk to amend the Fee Schedule by Department.

Motion carried by the following vote:

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

Motion by Bryant, seconded by McConaghy, regarding **purchase: Lake Front Park pool awning**, that the City Council approve the purchase of an A-Frame Awning from Belle Isle Awning in the amount of \$12,750.00, funds to be taken from Parks and Recreation Account No. 101-774-977.000, and, to authorize the City Administrator to sign the proposal.

Motion carried by the following vote:

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

Motion by Granger, seconded by Koester, regarding **Special License Application – 2020 Grosse Pointe Woods Special Events**, that the City Council adopt the Resolution recommending the application be submitted for four Special Event Licenses serving beer and wine for the City’s 2020 Music on the Lawn and Fall Fest events, authorize the Mayor and City Clerk to sign said application, and authorize payment in the amount of \$200.00 to the MLCC for the Special License application fee, funds to be taken from Community Events Account No. 205-870-820.130.

Motion carried by the following vote:

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

Motion by McConaghy, seconded by Gafa, regarding **Parade/Procession Permit Application-5K**, that the City Council approve the Parade or Procession Permit Application from Grosse Pointe North Student Association to hold a 5K Run on May 3, 2020, from 10:30 a.m. to noon, contingent upon approval also being received from the Grosse Pointe Shores Public Safety Department.

Motion carried by the following vote:

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

Motion by Gafa, seconded by McConaghy, regarding **replacement Drainage Pump #4**, that the City Council approve the replacement of Lake Front Park’s drainage pump #4 by Kennedy Industries, Inc. in the amount of \$9,005.00, and to include a contingency in the amount of \$2,000.00, for a total project cost not to exceed \$11,005.00, funds to be taken from Water/Sewer Contractual Services Account No. 592-537-818.000; and, to authorize the City Administrator to sign the quote.

Motion carried by the following vote:

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

Motion by Gafa, seconded by McConaghy, regarding **purchase: Lakefront Swimming Association Timing System**, that the City Council authorize Daktronics to replace broken components in the current Daktronics touchpad timing system at a cost of \$10,347.00, funds to be taken from Parks and Recreation Account No. 101-774-970.000 with funds to be reimbursed to

Grosse Pointe Woods by the cities of Grosse Pointe, Grosse Pointe Park, Grosse Pointe Shores, Grosse Pointe Farms, and St. Clair Shores in the amount of \$1,724.50 each.

Motion carried by the following vote:

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

Motion by McConaghy, seconded by Gafa, regarding **Administrative Clerk II – Finance Dept.**, that the City Council authorize the Treasurer/Comptroller to post for a full-time Administrative Clerk II position in the Finance Department, and vacate the Administrative Clerk I position.

Motion carried by the following vote:

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

Motion by Granger, seconded by Bryant, regarding **Payment Agreement Policy (Utilities)**, that the City Council adopt the Payment Agreement Policy – Issuance, Collection and Payment Agreements of Utility Bills as presented, and authorize the Treasurer/Comptroller to sign the policy.

Motion carried by the following vote:

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

Motion by Granger, seconded by McConaghy, regarding **2019 Annual Report – Department of Public Works**, that the City Council to receive this report.

Motion carried by the following vote:

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

The Treasurer/Comptroller provided an overview regarding **Agreement: Business Associate/Data Use Agreement – Remedy Partners**.

Motion by Granger, seconded by Bryant, regarding Agreement: Business Associate/Data Use Agreement – Remedy Partners, that the City Council authorize the City Administrator to sign the Business Associate Agreement and Remedy Partners, LLC Data Use Agreement.

The City Attorney was asked to discuss this item with the Labor Attorney.

Substitute Motion by McConaghy, seconded by Koester, that this item be referred to the Committee-of-the-Whole.

Mark Manquin is to be present at the Committee-of-the-Whole meeting.

SUBSTITUTE Motion carried by the following vote:

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

Motion by Bryant, seconded by Granger, regarding **contract: Michigan Indigent Defense Council (MIDC) FY 2019/20**, that the City Council approve the contract, Grant between the State of Michigan - Michigan Indigent Defense Commission (MIDC) - Department of Licensing and Regulatory Affairs (LARA) and City of Grosse Pointe Woods, approve payment in the amount of \$3,151.00 for the City's local share contribution, funds to be taken from MIDC Grant Fund Account No. 275-006-699.101; and, to authorize the Court Administrator to sign the contract.

Motion carried by the following vote:

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

Motion by Koester, seconded by McConaghy, regarding **claims/accounts**, that the City Council approve payment of Items 9A - 9I as listed on the Council agenda and as identified in the pink sheet in the respective amounts and accounts listed, as follows:

- Item 9A     DTE – STREET LIGHTING
  - 1. Invoice 90302931 07/18/19 - \$113,384.00: Account No. 585-569-977.585;
  - 2. Invoice 90303094 07/19/19 - \$459,317.00: Account No. 401-901-977.202.
- Item 9B     MML MEMBERSHIP
  - 1. Invoice 2019-2020 02/01/20 - \$6,608.00: Account No. 101-101-958.000.
- Item 9C     MILK RIVER DRAINAGE DISTRICT

1. County of Wayne Invoice 301655 01/24/20 - \$99,590.50: Account No. 365-445-992.200.

Item 9D 2019 SEWER STRUCTURE REHABILITATION

1. L. Anthony Construction Inc. Pay Estimate No. 6 02/02/20 - \$50,372.19:
  - a. Account No. 202-451-974.200 - \$332.07;
  - b. Account No. 203-451-974.200 - \$6,973.42;
  - c. Account No. 592-537-975.400 - \$8,531.65;
  - d. Account No. 592-537-976.200 - \$34,535.05.

Item 9E 2018 ROAD PROGRAM

1. Florence Cement Co. Final Pay Estimate 01/29/20 - \$20,000.00:
  - a. Account No. 203-451-977.804 - \$14,600.00;
  - b. Account No. 592-537-975.400 - \$5,400.00.

Item 9F CITY ENGINEER – ANDERSON, ECKSTEIN & WESTRICK

1. Invoice No. 0125062 02/10/20 - \$382.25:
  - a. Account No. 203-451-977.803 - \$271.40;
  - b. Account No. 592-537-975.401 - \$110.85.
2. Invoice No. 0125063 02/10/20 - \$2,035.60: Account No. 202-451-974.803.
3. Invoice No. 0125064 02/10/20 - \$7,239.25:
  - a. Account No. 202-451-974.201 - \$65.22;
  - b. Account No. 203-451-974.201 - \$1,369.59;
  - c. Account No. 592-537-975.401 - \$928.71;
  - d. Account No. 592-537-975.001 - \$4,875.73.
4. Invoice No. 0125065 02/10/20 - \$1,629.65: Account No. 592-537-976.001.
5. Invoice No. 0125066 02/10/20 - \$1,598.55:
  - a. Account No. 202-451-974.201 - \$131.03;
  - b. Account No. 203-451-977.803 - \$1,074.44;
  - c. Account No. 203-451-974.201 - \$113.56;
  - d. Account No. 592-537-975.401 - \$279.52.
6. Invoice No. 0125067 02/10/20 - \$5,597.32: Account No. 592-537-977.310.
7. Invoice No. 0125068 02/10/20 - \$10,444.50: Account No. 592-537-977.000.

Item 9G LABOR ATTORNEY

1. Keller Thoma Invoice No. 117861 02/01/20 - \$1,449.30: Account No. 101-210-810.000.

Item 9H LEGAL SERVICES – FCC

1. Kitch Drutchas Wagner Valitutti & Sherbrook Invoice No. 463603 01/31/20 - \$750.00: Account No. 101-210-812.000.

Item 9I LEGAL SERVICES – TAX TRIBUNAL

1. Hallahan & Associates, P.C. Invoice No. 16978 02/03/20 - \$1,333.88: Account No. 101-210-801.301.

Motion carried by the following vote:

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

Hearing no objections, the following item was heard under New Business:

- The City Attorney advised a **lawsuit** has been filed by **Stephen Thiel** against all Grosse Pointe Cities and Grosse Pointe courts, as well as others.

Motion by McConaghy, seconded by Bryant, that the lawsuit regarding Stephen Thiel be referred to the City Attorney and City's insurance carrier for further processing upon receipt.

Motion carried by the following vote:

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

- The Director of Public Services provided an overview regarding additional engineering fees incurred for the **2017 SAW Grant, Sewer Cleaning, and CCTV Investigation projects**.

Motion by Granger, seconded by Bryant, that the following item be received and placed on file:

1. Email 02/21/20, w/attachments – Director of Public Services.

Motion carried by the following vote:

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

Motion by Granger, seconded by Bryant, regarding additional funding: 2017 SAW Grant, Sewer Cleaning, and CCTV Investigation projects, that the City Council approve additional funds for engineering oversight on the 2017 SAW Grant, Sewer Cleaning, and CCTV Investigation project provided by AEW in the amount of \$9,184.05, with 90% of these costs to be reimbursed to the City from the SAW Grant, for an end cost to the City in the amount of \$918.41; funds to be taken from FY 2019/20 SAW Grant Engineering Account No. 592-537-975.004.

Motion carried by the following vote:

Yes: Bryant, Gafa, Granger, Koester, McConaghy, Novitke

No: None

Absent: McMullen

Nobody wished to be heard under Public Comment.

Motion by Bryant, seconded by Koester, to adjourn tonight's meeting at 7:45 p.m. PASSED UNANIMOUSLY.

Respectfully submitted,

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Lisa Kay Hathaway  
City Clerk

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Robert E. Novitke  
Mayor