

MINUTES OF THE REGULAR CITY COUNCIL MEETING OF THE CITY OF GROSSE POINTE WOODS HELD ON MONDAY, NOVEMBER 18, 2019, IN THE COUNCIL-COURT ROOM OF THE MUNICIPAL BUILDING, 20025 MACK PLAZA, GROSSE POINTE WOODS, MICHIGAN.

The meeting was called to order at 7:00 p.m. by Mayor Novitke.

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

Also Present: Acting City Administrator/City Clerk Hathaway
City Attorney Berschback
Director of Public Safety Kosanke
Director of Public Services Schulte

Motion by McConaghy, seconded by Granger, to excuse Council Member Koester from tonight's meeting as he is attending to a personal matter.

Motion carried by the following vote:

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

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

The following Commission members were in attendance:

Jim Profeta, Planning Commission

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

The Mayor made an announcement for people who may be in attendance regarding Kroger's request for an SDD liquor license, that the public hearing and Zoning Board of Appeals will not be heard this evening, but is being heard on November 25, 2019.

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

1. City Council Minutes dated October 21, 2019.

Motion carried by the following vote:

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

Motion by Granger, seconded by Bryant, regarding **purchase: Arbor Day Seedlings**, that the City Council concur with the recommendation of the Tree Commission at their meeting held on October 2, 2019, and approve the purchase of Arbor Day seedlings from Vans Pines Nursery in an amount not to exceed \$981.63, funds to be taken from Account No. 101-105-990.700.

Motion carried by the following vote:

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

THE MEETING WAS THEREUPON OPENED AT 7:05 P.M. FOR A PUBLIC HEARING IN ACCORDANCE WITH CHAPTER 8, BUILDINGS AND BUILDING REGULATIONS, ARTICLE IX, **FENCES**, TO HEAR THE APPLICATION OF **MARY NAZ, 20740 VIRGINIA LANE, GROSSE POINTE WOODS**, FOR PERMISSION TO REPLACE A 6' SHADOW BOX DOG EAR PRIVACY FENCE. A SIGNATURE WAS NOT OBTAINED FROM THE ADJACENT NEIGHBOR, WHICH IS REQUIRED IN ACCORDANCE WITH SECTION 8-284 OF THE CITY CODE. A VARIANCE IS THEREFORE REQUIRED.

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

1. Application for Fence 06/17/19
2. Letter 10/16/19 – Mary Naz
3. Fence Diagram
4. Certified Survey 07/18/19
5. Declaration 04/15/19
6. Memo 11/13/19 – Building Official
7. Photos (3)
8. Letter in opposition 10/03/19 – Karen Babcock w/attachments
9. City Code Sec. 8-279 and Sec. 8-282
10. Photos (2)
11. Affidavit of Property Owners Notified
12. Aerial Views

Motion carried by the following vote:

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

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

1. Letter 11/18/19, w/attachments – Karen and Mark Cueter

Motion carried by the following vote:

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

The Building Official provided an overview regarding his memo dated November 13, 2019.

The Mayor made a point that a determination of the ownership of the cyclone fencing needs to be made.

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

Bob Kirk, attorney for Petitioner

Mary Naz
20740 Virginia Lane

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

Karen Babcock
Michael Vallejo
20741 Virginia Lane

Motion by McMullen, seconded by Bryant, that the public hearing be closed at 7:33 p.m. PASSED UNANIMOUSLY.

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

1. Email 08/15/19 – Kemtec-Survey/Mary Naz (identifying owner of the cyclone fence resides at 20740 Virginia Lane)

Motion carried by the following vote:

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

Motion by Granger, seconded by Bryant, regarding Fence Public Hearing: Mary Naz, 20740 Virginia Lane, that the City Council approve a variance to permit the installation of a new 6' shadow box dog ear privacy fence along the side lot line of the property located at 20740 Virginia Lane, for the following reasons:

1. The adjoining neighbor to the west, 20741 Virginia Lane, and the Petitioner have been in numerous disputes over the years;
2. The neighbor at 20741 Virginia Lane has made a "declaration of war" against the Petitioner dated April 15, 2019;
3. The proposed fence will replace an existing fence in violation of the City's code;
4. The proposed fence may have a positive impact on the general health and safety of the neighborhood;
5. The proposed fence will have no impact on pedestrian or vehicular traffic;
6. The neighbor's friend, who also resides at 20741 Virginia Lane, currently has pending trespass charges in Municipal Court relating to the Petitioner's property;
7. Special circumstances exist between the neighbors;
8. Work commence in 30 days, complete in 90 days.

Motion by Granger, seconded by Bryant, to amend the previous motion by inserting, ". . . to replace the two fences that currently exist."

Motion carried by the following vote:

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

Motion by Bryant, seconded by McConaghy, regarding **Request for Free Parking-Small Business Saturday**, that the City Council approve the bagging of the parking meters from November 27 through December 2nd, with exceptions being made for fire hydrants, handicapped spaces, yellow curbs, and business objecting to bagging of the meter."

Motion by Bryant, seconded by McConaghy, to amend the previous motion by inserting, ". . . and the Avenue in the Woods is responsible for placing and removing the bags from the meters."

Motion carried by the following vote:

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

Motion by Bryant, seconded by McMullen, regarding **Budget Amendment – Grosse Pointe Farms Radio Maintenance Invoice Approval**, that the City Council approve the budget amendment in the amount of \$18,063.76 from General Fund Account No. 101-000-699.000 into the accounts identified, and in the amounts identified, in the Director of Public Safety's memo dated November 7, 2019; and, to approve payment of City of Grosse Pointe Farms Invoice No. 3437 dated October 2, 2019, in the amount of \$18,063.76 for radio maintenance provided from January 1, 2019, through June 30, 2019.

Motion carried by the following vote:

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

Motion by Gafa, seconded by Granger, regarding **Legal Proceedings/Summons: Michael Lavonne Fox vs Grosse Pointe Woods**, that the City Council refer this item to the City Attorney and City's insurance carrier for further processing.

Motion carried by the following vote:

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

Motion by McConaghy, seconded by Granger, regarding **Monthly Financial Report – October 2019**, that the City Council refer this item to the Finance Committee.

Motion carried by the following vote:

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

Motion by Granger, seconded by Bryant, regarding **Contracts/Budget Transfer: Reconstruction of Administrative Offices and Architectural Services-Final Phase**, that the City Council approve a contract with APCOR Construction and Development in a total amount not to exceed \$503,432.00 including the installation of a fire alarm system; and to approve Stucky Vitale Final Phase III Construction Administration in the amount of \$3,400.00; with a grand total for both contracts not to exceed \$506,832.00; to approve a budget transfer from the prior year Reserve Fund Balance Account No. 101-000-699.000 into the Improvements-City Hall Account No. 401-902-977.105, and to authorize the City Administrator to sign the contracts following review and approval of the City Attorney, and upon receipt and approval of appropriate insurance.

The Mayor declared a recess at 8:15 p.m., and reconvened the meeting at 8:23 p.m.

Motion by Granger, seconded by Bryant, to amend the previous motion by inserting, “. . . . certificate, contingent upon approval from the carrier of the insurance funds (settlement letter), and approval of the reconstruction contractor by the insurance carrier.”

Motion carried by the following vote:

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

Motion by Granger, seconded by McMullen, regarding **2019 Sewer Structure Rehabilitation**, that the City Council approve the following invoice:

1. L. Anthony Construction Inc. Pay Estimate No. 2 through 11/03/19 - \$25,041.45:
 - a. Account No. 202-451-924.200 - \$250.41;
 - b. Account No. 203-451-974.200 - \$3,505.80;
 - c. Account No. 592-537-975.400 - \$4,257.05;
 - d. Account No. 592-537-976.002 - \$17,028.19.

Motion carried by the following vote:

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

Motion by Bryant, seconded by McConaghy, regarding **Architecture and Engineering Services Phase II**, that the City Council approve the following invoice:

1. Stucky Vitale Architects Invoice 201-4227 10/31/19 - \$8,000.00; Account No. 101-299-815.000.

Motion carried by the following vote:

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

Motion by Gafa, seconded by McConaghy, regarding **Building Services**, that the City Council approve the following invoice:

1. McKenna Invoice No. 21849-19 11/04/19 - \$1,500.00; Account No. 101-180-818.000.

Motion carried by the following vote:

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

Motion by McConaghy, seconded by Bryant, regarding **Legal Services-FCC**, that the City Council approve the following invoice:

1. Kitch Drutchas Wagner Valitutti & Sherbrook Invoice No. 458087 10/31/19 - \$90.00; Account No. 101-210-812.000.

Motion carried by the following vote:

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

Motion by McConaghy, seconded by Bryant, regarding **Legal Services-Tax Tribunal**, that the City Council approve the following invoice:

1. Hallahan & Associates, P.C. Invoice No. 16757 11/04/19 - \$1,373.91; Account No. 101-210-801.300.

Motion carried by the following vote:

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

Motion by Gafa, seconded by McConaghy, regarding **Audit Services**, that the City Council approve the following invoice:

1. Plante Moran Invoice No. 1748525 10/24/19 - \$24,950.00; paid from various account numbers ending in 818.000 as identified in the spreadsheet.

Motion carried by the following vote:

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

Motion by Bryant, seconded by Granger, regarding **City Engineer-AEW**, that the following invoices be approved:

1. General Engineering - Invoice No. 0123525 10/08/19 - \$3,877.85:
 - a. Account No. 101-441-818.000 - \$1,292.62;
 - b. Account No. 101-444-818.000 - \$1,292.62;
 - c. Account No. 592-539-818.000 - \$1,292.61.
2. SAW Grant-Wastewater Asset Mgt Plan – Invoice No. 0123526 10/08/19 \$6,759.10; 592-537-975.004.
3. 2018 Road Program – Invoice No. 0123527 10/08/19 - \$15,179.75:
 - a. Account No. 203-451-977.803 - \$10,625.83;
 - b. Account No. 592-537-975.401 – \$ 4,553.92.
4. Vernier Rd Resurfacing (Fairway to ECL) – Invoice No. 0123528 - \$33,231.50; Account No. 202-451-974.803.
5. 2019 Sewer Structure Rehabilitation – Invoice No. 0123529 10/08/19 - \$9,558.40:
 - a. Account No. 202-451-974.201 - \$95.58;
 - b. Account No. 203-451-974.201 - \$1,816.10;
 - c. Account No. 592-539-975.401 - \$1,242.60;
 - d. Account No. 592-532-976.001 - \$6,404.12.
6. Beaufait Road Reconstruction (Mack to WCL) – Invoice No. 0123530 10/08/19 - \$9,334.30; Account No. 203-451-977.803.
7. Bournemouth WM Replacement – Invoice No. 0123531 10/08/19 - \$27,136.00; Account No. 592-537-977.310.
8. 2019/20 GIS Maintenance – Invoice No. 0123532 10/08/19 - \$425.50; Account No. 592-537-977.000.

Motion carried by the following vote:

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

Motion by McMullen, seconded by McConaghy, regarding **Assessing Services**, that the City Council approve the following invoice:

1. WCA Assessing Invoice No. 102119 10/21/19 - \$6,017.58; Account No. 101-224-818.000.

Motion carried by the following vote:

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

Motion by McConaghy, seconded by Gafa, regarding **Labor Attorney – Keller Thoma**, that the City Council approve the following invoices:

1. General Matters Invoice No. 117511 11/01/19 - \$2,301.00; Account No. 101-210-810.000.
2. General Labor Matters Invoice No. 117498 11/01/19 - \$4,060.00; Account No. 101-210-810.000.

Motion carried by the following vote:

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

Motion by McConaghy, seconded by Granger, regarding **City Attorney**, that the City Council approve the following invoice:

1. Charles T. Berschback October Billing 10/31/19 - \$14,143.75:
 - a. Legal Fees-General Account No. 101-210-801.000 - \$10,423.75;
 - b. Legal Fees-Court Account No. 101-210-801.100 - \$3,177.50;
 - c. Legal Fees-Bldg/Planning Account No. 101-210-801.200 - \$503.75;
 - d. Legal Fees-MTT Account No. 101-210-801.300 - \$38.75.

Motion carried by the following vote:

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

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

- Leaf pick up is being extended due to early snow, weather permitting. The community will be notified.

The following individuals were heard under Public Comment:

- Jim Profeta
- Robert Musiel
- Karen Cueter
- Mary Naz
- Margaret Potter

Motion by Gafa, seconded by Granger, to adjourn tonight's meeting at 8:41 p.m. PASSED UNANIMOUSLY.

Respectfully submitted,

Lisa Kay Hathaway
City Clerk

Robert E. Novitke
Mayor