

MINUTES OF THE REGULAR CITY COUNCIL MEETING OF THE CITY OF GROSSE
POINTE WOODS HELD ON MONDAY, OCTOBER 21, 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, Koester, McConaghy, McMullen, Shetler
Absent: Granger

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

Motion by McConaghy, seconded by Koester, that Council Member Granger be excused from tonight's meeting as she is out of the City.

Motion carried by the following vote:

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

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

The following Commission Member was in attendance:

George Bailey, Planning Commission

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

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

1. City Council Minutes dated October 7, 2019.

Motion carried by the following vote:

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

Motion by Bryant, seconded by Koester, regarding **Proposed Park Pass Changes**, that the following document be received and placed on file:

1. Memo dated August 23, 2019 – Director of Public Services/Recreation Supervisor.

Motion carried by the following vote:

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

Motion by Bryant, seconded by Koester, regarding Proposed Park Pass Changes, that the City Council adopt the Park Pass Changes as presented in the Director of Public Service's and Recreational Supervisor's memorandum dated August 23, 2019.

Motion carried by the following vote:

Yes: Bryant, Koester, McConaghy, McMullen, Novitke, Shetler
No: Shetler
Absent: Granger

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

1. Committee-of-the-Whole Minutes dated October 14, 2019.

Motion carried by the following vote:

Yes: Bryant, Koester, McConaghy, McMullen, Novitke
No: Shetler
Absent: Granger

Motion by McMullen, seconded by Shetler, regarding **Rates of Pay – Election Inspectors/Certification of Election Inspectors for November 5, 2019, General Election**, that the City Council approve the rates of pay as presented.

Motion carried by the following vote:

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

Motion by Shetler, seconded by Koester, regarding **Contract Modification/Budget Amendment: 2019 Road Program Modification**, that the City Council approve a contract modification to the 2019 Road Program and budget amendment to transfer from Prior Year Fund Balance Account No. 203-451-977.804 into Local Streets Construction Account No. 203-451-977.804 in the amount of \$15,000.00 and into Local Streets Engineering Construction Account No. 203-451-977.803 in the amount of \$3,000.00; the total amount is not to exceed \$18,000.00; and to authorize the City Administrator to sign a contract modification upon review and approval of the City Attorney (AEW Project Nos. 0160-0414 & 0160-0415).

Motion carried by the following vote:

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

Motion by Koester, seconded by McConaghy, regarding **Budget Amendment: DTE Street Light Project Funding**, that the City Council approve a budget amendment from the General Fund, Prior Year Fund Balance Account No. 101-000-699.000 in the amount of \$255,863.00 into the Equipment-Major Street Fund Account No. 401-901-977.202.

Motion carried by the following vote:

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

Motion by McConaghy, seconded by Koester, regarding **Pump #5 Repair at Torrey Road Pump Station**, that the City Council approve the repairs on Pump #5 at the Torrey Road Pump Station by Kennedy Industries Inc. in the amount of \$9,350.00, and to include a contingency in an amount not to exceed \$2,000.00; the total project not exceed \$11,350.00, funds to be taken from the Pump Station Contractual Services Account No. 592-542-818.000.

Motion carried by the following vote:

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

No action was taken regarding **unresolved fence code violation**.

Motion by Bryant, seconded by Shetler, regarding **Notary Services**, that the City Council approve hours of operation for notary services from 8:30 a.m. – 9:30 a.m. and 3:30 p.m. to 4:30 p.m. on Monday, Wednesday, and Friday.

Motion carried by the following vote:

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

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

Motion carried by the following vote:

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

The following individual was heard regarding **contract: Wayne County Appraisal (WCA) Services**:

Aaron Powers, Managing Partner
WCA Assessing

Motion by Koester, seconded by McConaghy, regarding Wayne County Appraisal (WCA) Services, that the City Council approve the contract with WCA Assessing to provide assessment and maintenance services for three-years effective October 1, 2019, to authorize the City Administrator to sign said contract, and to re-appoint Eric Dunlap, MMAO, as City Assessor in accordance with the contract.

Motion carried by the following vote:

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

Motion by McConaghy, seconded by Bryant, regarding **Legal Counsel – McGraw Morris**, that the City Council approve the Agreement for FOIA Legal Services with McGraw Morris.

Motion by McConaghy, seconded by Bryant, to amend the previous motion by inserting, "... and authorize the City Administrator to sign said agreement."

Motion carried by the following vote:

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

Motion by Bryant, seconded by Shetler, regarding **State of Michigan – Transportation**, that the City Council approve the following:

1. MDOT Vernier Road: Fairway Lane to Morningside Drive 10/06/19 - \$56,147.42; Account No. 202-451-974.300.

Motion carried by the following vote:

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

Motion by Shetler, seconded by Bryant, regarding **2017 SAW Grant Sewer Cleaning/CCTV Investigation**, that the City Council approve the following invoice dated October 2, 2019:

1. Doetsch Industrial Services, Inc. Estimate No. 12 - \$49,125.91; Acct. No. 592-537-975.005.

Motion carried by the following vote:

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

Motion by McMullen, seconded by Bryant, regarding **2018 Road Program**, that the City Council approve the following invoice dated October 10, 2019:

1. Florence Cement Co. Pay Estimate No. 9 - \$23,425.51:
 - a. Account No. 203-451-977.804 - \$16,343.32;
 - b. Account No. 592-537-975.400 - \$7,082.19.

Motion carried by the following vote:

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

Motion by Koester, seconded by Shetler, regarding **2019 Road Program – Beaufait Reconstruction and Oxford**, that the City Council approve the following invoice dated October 10, 2019:

1. Florence Cement Co. Pay Estimate No. 1 - \$135,252.32:
 - a. Account No. 202-451-974.200 - \$6,623.37;
 - b. Account No. 203-451-977.804 - \$108,758.84;
 - c. Account No. 592-537-975.400 - \$14,129.86;
 - d. Account No. 203-451-974.200 - \$5,740.25.

Motion carried by the following vote:

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

Motion by McConaghy, seconded by Bryant, regarding **2019 Sewer Structure Rehabilitation**, that the City Council approve the following invoice dated October 9, 2019:

1. L. Anthony Construction Inc. Pay Estimate No. 1 - \$86,445.69:
 - a. Account No. 202-451-974.200 - \$569.88;
 - b. Account No. 203-451-974.200 - \$11,967.36;
 - c. Account No. 592-537-975.400 - \$14,641.50;
 - d. Account No. 592-537-976.002 - \$59,266.95.

Motion carried by the following vote:

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

Motion by Bryant, seconded by Shetler, regarding **City Engineers – Anderson, Eckstein & Westrick**, that the City Council approve the following invoice dated September 11, 2019:

1. 2018 Water Main Capital Improvement Invoice No. 0123399 - \$780.50;
Account No. 592-537-977.410.

Motion carried by the following vote:

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

Motion by Shetler, seconded by Koester, regarding **Professional Services**, that the City Council approve the following invoice dated September 29, 2019:

1. Plante Moran Invoice No. 1738424 - \$27,300.00;
 - a. Account No. 101-223-818.000 - \$17,300.00;
 - b. Account No. 101-136-818.000 - \$2,000.00;
 - c. Account No. 202-482-818.000 - \$1,000.00;
 - d. Account No. 203-482-818.000 - \$1,000.00;
 - e. Account No. 226-528-818.000 - \$1,000.00;
 - f. Account No. 365-993-818.000 - \$1,000.00;
 - g. Account No. 592-536-818.000 - \$2,000.00;
 - h. Account No. 632-854-818.000 - \$1,000.00;
 - i. Account No. 640-851-818.000 - \$1,000.00.

Motion carried by the following vote:

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

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

1. Keller Thoma Invoice No. 117328 10/01/19 - \$5,132.15; Account No. 101-210-810.000.

Motion carried by the following vote:

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

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

1. McKenna Invoice No. 21849-18 10/11/19 - \$1,500.00; Account No. 101-180-818.000.

Motion carried by the following vote:

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

Motion by Koester, seconded by McConaghy, regarding **DTE Electric Company: 2019 MV Conversion Streetlights**, that the City Council approve the following invoices:

1. Invoice No. 90302931 07/18/19 - \$113,384.00; Account No. 585-569-977.585;
2. Invoice No. 90303094 07/19/19 - \$459,317.00; Account No. 401-901-977.202.

Motion carried by the following vote:

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

There was no new business to be addressed by administration.

The following individuals were heard under Public Comment:

- Ghassan Elian, 568 Coventry Lane
- Margaret Potter
- Seth Winterholler

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

- Council Member McMullen discussed preparation of a **formal Grosse Pointe Woods City email response to the residents on the Freedom of Information Act** requesting water bill and City Parks lists legitimately requested and approved, and utilized by City Council Member Shetler on August 29, 2019.

Motion by McConaghy, seconded by Bryant, regarding emailing a letter to residents, that the City issue an email as soon as possible this week containing the City Attorney Berschback's timeline and an apology to the residents for the misuse of the emails provided to Council Member Shetler.

Motion by McConaghy, seconded by Bryant, to amend the previous motion by inserting, ". . . and that it will not happen again."

Motion by McConaghy, seconded by Bryant, to amend the previous motion by inserting, ". . . and that it was an erroneous providing of emails and subsequent use."

Motion failed by the following Roll Call Vote:

| | |
|------------|--------|
| Bryant: | Yes |
| Granger: | Absent |
| Koester: | No |
| McConaghy: | Yes |
| McMullen: | Yes |
| Novitke: | No |
| Shetler: | No |

Motion by McMullen, seconded by Bryant, regarding emailing a letter to residents, that the City Council approve sending a letter to the residents via email that were contained on the water bill and city park list that would include an apology of the action taken and that it will not happen again.

The Chair asked the City Attorney to write out the letter to the residents for Council approval, and the Chair declared a recess at 7:51 p.m. The meeting reconvened at 8:00 p.m.

At the request of the Chair, the City Attorney provided the following proposed wording for a letter to be printed on City letterhead to be sent to resident's email addresses provided to Mr. Shetler from the water billing and the parks and recreation email lists and used by the political candidate:

RE: Message from the City of Grosse Pointe Woods regarding release of email addresses

In late August 2019, the City of Grosse Pointe Woods, pursuant to a Freedom of Information Act request, provided a list of email addresses contained in the City Parks and Recreation and Water Bill databases erroneously. The addresses were provided to a political candidate who used them for a political mailing. The City apologizes for the erroneous dissemination of these email addresses.

The City has taken the following steps to assure that this erroneous release of email addresses will not happen again. Specifically, Administration has begun a comprehensive review of its FOIA policies and procedures. It has also retained outside counsel for the purpose of: (1) reviewing those policies and procedures; (2) providing staff with in-house training; and (3) reviewing specific FOIA requests on an as needed basis as determined by Administration.

Motion by McMullen, seconded by Bryant, to amend the previous motion by deleting the prior motion and inserting, "that the letter be sent to the email lists of the water billing and city parks lists as read to the City Council by City Attorney Berschback."

Motion carried by the following vote:

| | |
|---------|--|
| Yes: | Bryant, Koester, McConaghy, McMullen, Novitke, Shetler |
| No: | None |
| Absent: | Granger |

COUNCIL
10-21-19 – 168

Motion by Bryant, seconded by Koester, to adjourn tonight's meeting at 8:08 p.m. PASSED UNANIMOUSLY.

Respectfully submitted,

Lisa Kay Hathaway
City Clerk

Robert E. Novitke
Mayor