

MINUTES OF THE REGULAR CITY COUNCIL MEETING OF THE CITY OF GROSSE POINTE WOODS HELD ON MONDAY, FEBRUARY 4, 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, Granger, Koester, McConaghy, McMullen, Shetler
Absent: None

Also Present: City Administrator Smith
City Attorney Chip Berschback
Treasurer/Comptroller Behrens
City Clerk Hathaway
Director of Public Services Schulte
Building Inspector Tutag
Information Technology Manager Capps

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

The following Commission members were in attendance:

Jim Profeta, Planning Commission
Sean Murphy, Historical 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, Granger, Koester, McConaghy, McMullen, Novitke, Shetler
No: None
Absent: None

The Mayor appointed Maria Galbo to serve on the Tree Commission with a term to expire December 31, 2020.

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

1. City Council Minutes dated January 7, 2019.

Motion carried by the following vote:

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

Motion by Granger, seconded by Bryant, regarding the **FY 2017/18** Audits, that the City Council receive and place on file the Comprehensive Annual Financial Report for Fiscal Year end June 30, 2018, and the City of Grosse Pointe Woods Municipal Court Financial Report ending June 30, 2018.

Motion carried by the following vote:

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

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

1. Committee-of-the-Whole minutes dated January 14, 2019.

Motion carried by the following vote:

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

Motion by McMullen, seconded by Bryant, regarding **Historical Commission By-Law amendments**, that the City Council approve the revised By-Laws as presented by the Historical Commission at their meeting held November 8, 2018, with the following exceptions:

1. Article II, line 4, that "and City Council" be deleted;
2. Article III, No. 7 be deleted.

Motion carried by the following vote:

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

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 **MR. AND MRS. SAMUEL A. RANDAZZO, 20155 MORNINGSIDE DRIVE**, GROSSE POINTE WOODS, WHO ARE SEEKING A VARIANCE PERMITTING A 6' SOLID VINYL PRIVACY FENCE ALONG THE FRONT, SIDES, AND REAR LOT LINES. THIS REQUEST IS NONCOMPLIANT WITH SECTION 8-279(1) OF THE 2017 CITY CODE REQUIRING A MINIMUM OF TWO-INCH OPENINGS THROUGHOUT 50 PERCENT OF THE LENGTH OR HEIGHT OF THE FENCE. A VARIANCE IS THEREFORE REQUIRED.

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

1. Application for Fence 11/27/18
2. Certificate of Survey 05/12/83
3. Fence Drawing
4. Letter 12/04/18 – Building Official
5. Letter 12/14/18 – A. Urbani
6. Memo 01/17/19 – Building Official
 - a. Summary of Court/Code Enforcement
 - b. Register of Actions 10/17/18
 - c. Article IX. – Fences

- d. Ordinance #879
- e. BP – FenceEnforcement – E170292
- f. Application for Fence 07/28/17
- g. Fence Drawing Rec'd 07/28/17
- h. Letter 08/04/17 – A. Urbani
- i. Memo 08/10/17 – Building Official
- j. Photos (10)
- k. Email 12/15/18 – Building Official
- l. Letter 02/23/18 – Building Official
- m. Ticket No. 253896
- n. Email 10/26/18 – S. Stewart
- 7. Memo 01/16/19 – Director of Public Services
- 8. Affidavit of Property Owners Notified
- 9. Aerial Views (2)

Motion carried by the following vote:

Yes: Bryant, Granger, Ketels, Koester, McConaghy, Novitke, Shetler

No: None

Absent: None

The Building Official provided an overview of this request and his memo dated January 17, 2019.

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

Anthony Urbani
Attorney for the Petitioners

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 Bryant, seconded by McMullen, that the public hearing be closed at 7:16 p.m.
PASSED UNANIMOUSLY.

Motion by McMullen, seconded by Shetler, regarding Public Hearing: Mr. and Mrs. Samuel A. Randazzo, 20155 Morningside, Grosse Pointe Woods, that the City Council deny the

variance request for a solid fence along the rear and side yard lot lines as the plight of the owner was self-created when the fence was installed without a permit or approval of the City, and there are no special circumstances, relative hardship, or conditions that exist to justify granting this variance.

Motion carried by the following vote:

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

THE MEETING WAS THEREUPON OPENED AT 7:23 P.M. FOR A PUBLIC HEARING TO HEAR THE APPLICATION OF **CHEF MOWEN, LLC A/K/A FERLITO'S FAMILY DINING AND PIZZA, 20745 MACK AVENUE**, GROSSE POINTE WOODS, WHICH IS REQUESTING TO RECLASSIFY ITS CURRENT TAVERN LICENSE TO A CLASS C LIQUOR LICENSE.

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

1. Application 12/11/18
2. TIPS Alcohol Server Training Program Certification 2018
3. Site Plan
4. Letter 12/06/18 – K. Allen
5. Retailer License & Permit Application 12/06/18
6. Report of Stockholders, Members, or Partners 12/06/18
7. Michigan Department of Licensing and Regulatory Affairs Filing Endorsement, Articles of Organization for Chef Mowen, LLC 10/10/14
8. Agreement between Joshua Mowen and Chef Mowen, LLC 10/13/14
9. Extension of Lease 05/03/17
10. Agreement Regarding Issuance or Transfer of Class C Liquor License City of Grosse Pointe Woods, MI
11. Affidavit in Support of Application for Grosse Pointe Woods Liquor License Issuance or Transfer and Release

12. Authorization Form in Conjunction with Grosse Pointe Woods Liquor License Application 12/06/18
13. Letter 11/21/18 – K. Allen
14. Resolution – Local Government Approval
15. Chef Mowen, LLC Class C Application
16. Floor Plan
17. Menus (2)
18. Building Plan 12/12/90
19. Memo 01/11/19, w/review factors – City Administrator
20. Letter 01/23/19 – City Attorney
21. Memo 01/10/19 – Director of Public Safety
22. Memo 12/28/18 – Det. Anthony Chalut
23. Memo 01/04/19 – Sgt. Joseph Provost
24. Letter 01/01/19 – Sgt. Joseph Provost
25. State of Michigan License Exp. 04/30/19
26. Grosse Pointe Woods Business License Exp. 03/31/19
27. Sales Tax License Exp. 12/31/18
28. Police Report 01/04/19 – Fire Inspection
29. Memo 01/01/19 – Building Official
30. Affidavit of Legal Publication
31. Affidavit of Property Owners, Businesses, Occupants, and Current Liquor License Holders Notified
32. Aerial View
33. Letter in Support 01/26/19 – Woods Wholesale Wine

Motion carried by the following vote:

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

The Chair asked if anyone from the audience wished to speak in favor of the proposed request.

Kelly Allen
Attorney for the Petitioner

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 Granger, seconded by Shetler, that the public hearing be closed at 7:29 p.m.
PASSED UNANIMOUSLY.

Motion by McConaghy, seconded by Shetler, regarding Public Hearing: Chef Mowen, LLC a/k/a Ferlito's Family Dining and Pizza, 20745 Mack Avenue, which is requesting a reclassification to transfer its Tavern License to a Class C liquor license, that the City Council recommend approval of the requested transfer to the Michigan Liquor Control Commission.

Motion by McConaghy, seconded by Shetler, to amend the previous motion by adding, ", adopt the Resolution, and direct the City Clerk to certify the Resolution from the Michigan Liquor Control Commission."

Motion carried by the following vote:

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

Motion by Koester, seconded by McConaghy, regarding **budget transfer/Recreation Aquatics Assistant Position**, that the City Council approve hiring an additional permanent part-time Recreation and Aquatics Assistant, making a total of two, at \$15.00 per hour, and to approve a budget transfer into Parks and Recreation Salary & Wages Account No. 101-774-702.000 as follows:

1. Pool Management Account No 101-774-702.804 - \$3,000.00;
2. Lifeguards Account No. 101-774-702.805 - \$8,625.00;
3. Instructors Account No. 101-774-702.806 - \$8,625.00.

Motion carried by the following vote:

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

Motion by Granger, seconded by Shetler, regarding **budget amendment: water/sewer budget**, that the City Council approve a budget amendment in the amount \$25,000.00 from Water/Sewer Fund Balance Account No. 592-000-697.000 into Operating Supplies Account No. 592-537-757.000, and approve the purchase of an additional 50 meters at a cost not to exceed \$12,598.71, funds to be taken from Operating Supplies Account No. 592-537-757.000.

Motion carried by the following vote:

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

Motion by McConaghy, seconded by Koester, regarding **Monthly Financial Report – December 2018**, that the City Council refer this item to the Finance Committee.

Motion carried by the following vote:

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

Motion by Bryant, seconded by Shetler, regarding **Lease Agreements: Copier Systems for Public Safety and Public Works**, that the City Council approve leasing two Kyocera copier systems from Marco Technologies, one for each the Public Works and Public Safety offices, at a total cost of \$493.75 per month, or \$5,925.00 yearly, for both leases for four-year terms.

Motion carried by the following vote:

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

Motion by Shetler, seconded by Bryant, regarding **2019 Grosse Pointe Woods Special Events License Application**, 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 2019 Music on the Lawn and Fall Fest events, authorize the Mayor and City Clerk to sign said application, authorize payment in the amount of \$200.00 to the MLCC for the Special License application fee, authorize the City Clerk to obtain appropriate Bonds, and authorize payment in the amount of \$200.00 to Stevenson Co. for the Bonds, for a total amount of \$400.00 for said application fees, funds to be taken from Community Events Account No. 205-870-820.130.

Motion carried by the following vote:

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

Motion by McMullen, seconded by Granger, regarding **Charitable Gaming: Kirk H. and JoAnn P. Gibson Family Foundation for Parkinson's Research**, that the City Council adopt the Resolution recognizing the Foundation as a non-profit organization operating in the community, for the purpose of obtaining charitable gaming licenses, and be considered for approval.

Motion carried by the following vote:

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

Motion by Shetler, seconded by Bryant, regarding **First Reading: An Ordinance to Amend Chapter 50, Zoning Article III District Regulations, by adding new Section 50-186, "Prohibited Uses – Marijuana Establishments", to Prohibit Marijuana Establishments under the Michigan Regulation and Taxation of Marihuana Act (MRTMA)**, that the City Council concur with the amendment of this ordinance, to set a date of February 25, 2019, for a second reading and final adoption, and to direct the City Clerk to publish same by title in the Grosse Pointe News.

Motion carried by the following vote:

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

Motion by Granger, seconded by Shetler, regarding **First Reading: An Ordinance to Amend Chapter 28 Offenses, by Amending Sec. 28-316, Marijuana, to Update the Ordinance in Accordance with State Law, Adopting State Law Definitions, Prohibitions and Penalties**, that the City Council concur with the amendment of this ordinance, to set a date of February 25, 2019, for a second reading and final adoption, and to direct the City Clerk to publish same by title in the Grosse Pointe News.

Motion carried by the following vote:

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

Motion by Granger, seconded by Bryant, regarding **2018 Road Program**, that the City Council approve the following invoice:

1. Florence Cement Pay Estimate No. 3 01/06/19 - \$28,830.72; Acct. No. 203-451-977.804.

Motion carried by the following vote:

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

Motion by Koester, seconded by Shetler, regarding **Bond Improvements, Roofs and HVAC – Cross Renovation**, that the City Council approve the following invoices:

1. Invoice No. 6 01/03/19 - \$197,957.99:
 - a. Acct. No. 420-902-977.101 - \$138,306.60;
 - b. Acct. No. 420-902-977.103 - \$19,154.69;

- c. Acct. No. 420-902-977.104 - \$40,496.74.
- 2. Invoice No. 7 01/24/19 - \$124,923.98:
 - a. Acct. No. 420-902-977.101 - \$87,446.78;
 - b. Acct. No. 420-902-977.103 - \$12,492.40;
 - c. Acct. No. 420-902-977.104 - \$24,984.80.

Motion carried by the following vote:

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

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

1. **Cross Renovation** – Partial Conditional Waiver 02/04/19 supporting Item 13C Invoice for Public Safety Renovations.

Motion carried by the following vote:

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

Motion by Granger, seconded by Shetler, regarding **Public Safety Renovations – Cross Renovation**, that the City Council approve the following invoices:

1. Invoice No. 6 10/25/18 - \$58,235.12; Acct. No. 401-902-977.102;
2. Invoice No. 7 11/26/18 - \$33,106.38; Acct. No. 401-902-977.102.

Motion carried by the following vote:

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

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

1. Plante Moran Invoice No. 1619789 01/02/19 - \$19,350:
 - a. Acct. No. 101-223-818.000 - \$11,425.00;
 - b. Acct. No. 101-136-818.000 - \$100.00;
 - c. Acct. No. 202-482-818.000 - \$675.00;
 - d. Acct. No. 203-482-818.000 - \$675.00;
 - e. Acct. No. 226-528-818.000 - \$675.00;
 - f. Acct. No. 365-993-818.000 - \$2,000.00;
 - g. Acct. No. 592-536-818.000 - \$1,500.00;
 - h. Acct. No. 632-854-818.000 - \$1,675.00;
 - i. Acct. No. 640-851-818.000 - \$625.00.

Motion carried by the following vote:

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

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

1. Invoice No. 115581 12/01/18 - \$641.10; Acct. No. 101-210-810.000;
2. Invoice No. 115651 01/01/19 - \$1,006.30; Acct. No. 101-210-810.000;
3. Invoice No. 115680 01/07/19 - \$43.75; Acct. No. 101-210-810.000.

Motion carried by the following vote:

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

Motion by McConaghy, seconded by Granger, regarding **Plumbing and Mechanical Inspections**, that the City Council approve the following invoice:

1. McKenna Invoice No. 21849-7 01/06/19 - \$1,500.00; Acct. No. 101-180-818.000.

Motion carried by the following vote:

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

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

1. WCA Assessing Invoice No. 010819 01/08/19 \$21,993.54; Acct. No. 101-210-801.301.

Motion carried by the following vote:

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

Motion by Bryant, seconded by Shetler, regarding **Demolition Contract/Budget Amendment**, that the City Council approve the following invoice:

1. Holsbeke Construction Invoice No. 20304 11/27/18 - \$17,867.00; Acct. No. 101-180-818.000;

And, to approve an additional budget amendment in the amount of \$3,070.00 from Prior Year Fund Balance Account No. 101-000-699.000 into Contractual Services Account No. 101-180-818.000.

Motion carried by the following vote:

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

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

1. Don R. Berschback 01/30/19 - \$1,870.00:
 - a. Acct. No. 101-210-801.000 - \$1,360.00;

- b. Acct. No. 101-210-801.100 - \$510.00.
- 2. Charles T. Berschback 01/30/19 - \$5,587.50:
 - a. Acct. No. 101-210-801.000 - \$3,450.00;
 - b. Acct. No. 101-210-801.100 - \$1,837.50;
 - c. Acct. No. 101-210-801.300 - \$300.00.

Motion carried by the following vote:

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

Motion by Granger, seconded by Shetler, to adjourn tonight's meeting at 7:55 p.m.
PASSED UNANIMOUSLY.

Respectfully submitted,

Lisa Kay Hathaway
City Clerk

Robert E. Novitke
Mayor