

CITY OF GROSSE POINTE WOODS
20025 Mack Plaza
City Council Meeting Agenda
Monday, December 5, 2016
7:30 p.m.

1. CALL TO ORDER
2. ROLL CALL
3. PLEDGE OF ALLEGIANCE
4. RECOGNITION OF COMMISSION MEMBERS
5. ACCEPTANCE OF AGENDA
6. MINUTES
 - A. Council 11/21/16
 - B. Committee-of-the-Whole 11/21/16, 11/28/16
 - C. Planning Commission 10/25/16
 - D. Senior Citizens Commission 09/10/16, Excerpt 11/15/16, w/recommendation:
 1. Senior Holiday Party
7. COMMUNICATIONS
 - A. Applications for Permit/License – 2017 Refuse Vendors
 1. John A. Walls
 2. Ronald M. Hirth
 3. Vincent G. Agosta
 4. Mark Tibauda
 5. Seyfudin P. Livadich
8. ORDINANCE
 - A. First Reading: An Ordinance to Amend Chapter 8 Buildings and Building Regulations, Article IX Fences, Sec. 8-284(1) and (2) to Delete References Allowing Six Feet Fences in the Rear and Side Yards with the Adjacent Property Owner's Consent
 1. Letter 11/29/16 – City Attorney
 2. Proposed Ordinance
 3. Committee-of-the-Whole Excerpt 10/24/16
9. CLAIMS/ACCOUNTS
 - A. City Attorney
 1. Don R. Berschback
 2. Charles T. Berschback



COUNCIL
11-21-16 - 142

MINUTES OF THE REGULAR CITY COUNCIL MEETING OF THE CITY OF GROSSE POINTE WOODS HELD ON MONDAY, NOVEMBER 21, 2016, IN THE COUNCIL-COURT ROOM OF THE MUNICIPAL BUILDING, 20025 MACK PLAZA, GROSSE POINTE WOODS, MICHIGAN.

The meeting was called to order at 7:35 p.m. by Mayor Novitke.

Roll Call: Mayor Novitke
Council members: Bryant, Granger, Ketels, Koester, McConaghy, Shetler
Absent: None

Also Present: City Administrator Smith
City Attorney Chip Berschback
City Clerk Hathaway
Director of Public Safety Kosanke
Information Technology Manager Capps

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

The following Commission members were in attendance:

George McMullen, Board of Review/Local Officers Compensation Commission
Rochelle Koester, Beautification Advisory Commission
Eric Reiter, 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, Granger, Ketels, Koester, McConaghy, Novitke, Shetler
No: None
Absent: None

The City Council recognized PSO Brian Urban and PSO Joseph Provost for their promotions to the rank of Sergeant, and the City Clerk administered the Oath of Office to both Sergeants.

Motion by Granger, seconded by McConaghy, regarding **appointment – Acting City Administrator**, that the City Council appoint the City Clerk, Lisa Hathaway, as the Acting City Administrator during a period of vacancy in the office of the City Administrator or during his absence from the City.

Motion carried by the following vote:

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

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

1. City Council Minutes dated November 7, 2016.

Motion carried by the following vote:

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

Motion by Shetler, seconded by Bryant, regarding **Winterfest**, that the City Council concur with the Citizens Recreation Commission at their meeting held October 11, 2016, and allocate an amount not to exceed \$3,000.00 to be used for Winterfest scheduled for January 28, 2017, funds to be taken from the Commission's Account No. 101-105-880.200.

Motion carried by the following vote:

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

Motion by Koester, seconded by Shetler, regarding **Community Public Water Supply Annual Fee**, that the City Council approve an amount not to exceed \$5,594.20 payable to the State of Michigan Department of Environmental Quality for the community public

water supply annual fee, funds to be taken from the Water/Sewer Contractual Services Account No. 592-536-818.000.

Motion carried by the following vote:

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

Motion by McConaghy, seconded by Bryant, regarding **2017 Commission Appreciation Reception**, that the City Council authorize an amount not to exceed \$8,000.00 to hold the 2017 Commission Appreciation Reception, funds to be taken from Account No. 101-101-881.000, and to authorize the City Administrator to sign necessary contracts.

Motion carried by the following vote:

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

The Mayor accept the **resignation** of **Rebecca Palen** from the **Senior Citizens Commission** with regret, and directed that appropriate thanks and recognition be sent to Ms. Palen.

Motion by McConaghy, seconded by Koester, regarding **Monthly Financial Report – October 2016**, that the City Council refer this report to the Finance Committee.

Motion carried by the following vote:

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

Motion by Bryant, seconded by Shetler, regarding **purchase: Computer System Replacements**, that the City Council approve the purchase of eighteen (18) Dell Precisions Workstations and Monitors at a cost of \$1,265.00 per computer, for a total cost

not to exceed \$22,770.00, funds to be taken from the following Information Technology Accounts:

	Account No.	Quantity	Cost
General	101-855-977.299	6	7,590
Public Safety	101-855-970.349	4	5,060
Public Works	101-855-970.599	2	2,530
Parks & Rec.	101-855-970.799	4	5,060
I.T.-Minor Equip.	101-855-970.000	2	2,530

Motion by Ketels, seconded by Bryant, regarding **DPW Leased 2016 GMC Pick-Up Trucks**, that the City Council approve an interest rate of 2.59% to lease the two (2) previously purchased 2016 GMC Sierra 2500HD 4WD regular cab pick up trucks including Fisher HD 2 8' snow plow packages with the total interest not to exceed \$2,668.12; for a total cost including interest not to exceed \$71,654.12, which equates to a payment in the amount of \$17,913.53 annually for four years, and authorize the City Administrator to sign the Lease Agreement with Comerica.

Motion carried by the following vote:

Yes: Bryant, Granger, Ketels, Koester, McConaghy, 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.Keller Thoma amended Invoice 110906 dated 10/01/16 - \$1,432.80;
- 2.Keller Thoma Invoice 110851 dated 11/01/16 - \$760.10.

Motion carried by the following vote:

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

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

- Greg Smith, 1709 Stanhope. Discussed the leaves in front of his home that have not been picked up due to cars parking on the street. He requested signs be posted for no parking on Thursday or permission to rake leaves across the street.

The City Administrator stated he would speak with the Director of Public Services regarding possible signage including raking the leaves across the street. The City Administrator to follow-up with Mr. Smith and Council.

Motion by Bryant, seconded by Shetler, that the Council recess the regularly scheduled Council meeting at p.m. and convene in Closed Executive Session for the purpose of discussing pending litigation at which time the City Council may or may not reconvene in regular session to address additional items as necessary, in accordance with the Open Meetings Act 1976 PA 267.

Motion carried by the following ROLL CALL vote:

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

The City Council reconvened in regular session at 8:41 p.m.

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

Respectfully submitted,

Lisa Kay Hathaway
City Clerk

Robert E. Novitke
Mayor

10. NEW BUSINESS/PUBLIC COMMENT
11. NEW BUSINESS/PUBLIC COMMENT
12. ADJOURNMENT

Lisa Kay Hathaway, CMMC/MMC
City Clerk

IN ACCORDANCE WITH PUBLIC ACT 267 (OPEN MEETINGS ACT)
POSTED AND COPIES GIVEN TO NEWSPAPERS

The City of Grosse Pointe Woods will provide necessary, reasonable auxiliary aids and services, such as signers for the hearing impaired, or audio tapes of printed materials being considered at the meeting to individuals with disabilities. All such requests must be made at least five days prior to a meeting. Individuals with disabilities requiring auxiliary aids or services should contact the City of Grosse Pointe Woods by writing or call the City Clerk's office, 20025 Mack Plaza, Grosse Pointe Woods, MI 48236 (313) 343-2440 or Telecommunications Device for the Deaf (TDD) 313 343-9249.



MINUTES OF THE MEETING OF THE COMMITTEE-OF-THE-WHOLE OF THE CITY OF GROSSE POINTE WOODS HELD ON MONDAY, NOVEMBER 21, 2016, IN THE CONFERENCE ROOM OF THE MUNICIPAL BUILDING, 20025 MACK AVENUE, GROSSE POINTE WOODS, MICHIGAN.

PRESENT: Mayor Novitke
Council Members Bryant, Granger, Ketels, Koester, McConaghy, Shetler

ABSENT: None

ALSO PRESENT: City Administrator Smith
City Clerk Hathaway

Mayor Novitke called the meeting to order at 7:04 p.m.

Motion by Granger, 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, Ketels, Koester, McConaghy, Novitke, Shetler

No: None

Absent: None

The Committee commenced discussion regarding the **Treasurer/Comptroller vacancy**. The Mayor provided an overview and stated that the candidate to which the City made an offer notified the City that she would be remaining in her current employment. The Mayor queried the Committee regarding the options to fill the vacancy. Following discussion, there was a consensus of the Committee to authorize the Mayor to contact the discussed candidate to discuss an offer of employment regarding salary and when to commence employment, and then the City Attorney to follow-up if a tentative offer is accepted. If that does not work out, the Committee will meet again to discuss further options.

A brief discussion ensued regarding additional compensation for the Deputy Treasurer and Deputy Comptroller.

Motion by Granger, seconded by Bryant, that the meeting of the Committee-of-the-Whole be adjourned at 7:30 p.m. PASSED UNANIMOUSLY.

Respectfully submitted,

Lisa Kay Hathaway
City Clerk

Robert E. Novitke
Mayor

MINUTES OF THE MEETING OF THE COMMITTEE-OF-THE-WHOLE OF THE CITY OF GROSSE POINTE WOODS HELD ON MONDAY, NOVEMBER 28, 2016, IN THE CONFERENCE ROOM OF THE MUNICIPAL BUILDING, 20025 MACK AVENUE, GROSSE POINTE WOODS, MICHIGAN.

PRESENT: Mayor Novitke
Council Members Bryant, Granger, Ketels, Koester, McConaghy, Shetler

ABSENT: None

ALSO PRESENT: City Administrator Smith
City Clerk Hathaway
Deputy Comptroller Murphy

Also in attendance were Plante Moran representatives Bill Brickey and Kari Shea

Mayor Novitke called the meeting to order at 7:40 p.m.

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, Ketels, Koester, McConaghy, Novitke, Shetler
No: None
Absent: None

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

1. Letter 11/15/16 – Plante Moran

Motion carried by the following vote:

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

The purpose of tonight's meeting was to receive the audit report from Plante Moran on the City's Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 2016. Mr. Brickey provided a general overview of the auditor's letter dated November 15, 2016. The CAFR has been presented to Government Finance Officer's Association to receive the Excellence in Financial Award for last 47 years, and Plante Moran expects the City will receive it again this year. He stated that the City did \$1.4 Million better than budgeted, revenues came in higher, and expenditures came in lower resulting in \$900,000 less than budgeted in unrestricted reserves. Unfunded retiree health care needs to be addressed. The Deputy Comptroller was asked to provide the carryover from the FY 2014/15 Budget.

Mr. Brickey stated \$6 million was invested in infrastructure; \$4.6 million in bond proceeds were used, with \$2 million remaining to be used in 2017. Challenges going forward include a maxed out millage rate and legacy costs – funding of pension and retiree health care (OPEB.)

Mr. Brickey reported that Plante Moran will need to make no adjustments. The referenced material weakness relates to closing the books, not to the day to day operations. There were no difficulties encountered or disagreements with management, nor were there any corrected or uncorrected misstatements. He then provided an overview regarding the Actuary Report. He stated that in the next two years, unfunded liabilities will need to be reported. Revenue sharing is projected to remain the same, \$1.4 million.

Mr. Brickey suggested the City look at the amount being charged for administrative charges across multiple funds. The City Administrator was asked to look at Administrative Charges in various funds including Pension, Water/Sewer, and Boat Dock Enterprise.

Ms. Shea provided an overview of the CAFR. The Finance Committee will need to review Fiscal Policies/Major Initiatives relating to cash reserve. Mr. Brickey suggested the Pension Board review the GASB 68 Actuary Valuation at the next Pension Board Meeting so that all members are familiar. The increase in fund balance is due to almost \$1 million in expenditures less than budgeted, \$200,000 in license fees (building permits), state shared revenue, grants, and personal property. Revenue that cannot be counted on next year is state revenue sharing and permits, which totals approximately \$400,000.

The Deputy Comptroller stated in accordance with the Pension Ordinance, the City Attorney shall be legal advisor to the Pension Board. Such will be addressed with the City Attorney and the Pension Attorney to determine whether the Pension Ordinance needs to be amended.

A brief discussion ensued regarding an audit being conducted on the municipal court. Mr. Brickey stated that the State Court Administrator's Office conducts audits every few years. Plante Moran was asked to provide a cost to audit the court.

The following items were discussed under New Business:

- The Mayor stated a Special Council Meeting is being called for this Wednesday at 6 p.m. to address the SAW Grant Agreement pertaining to water/sewer and wastewater, which is due to the State by December 2. The City Engineer was asked to provide projects that the money is to be used for that would already be required to be done at some point in time. The City Engineer was also asked to determine if the Agreement is signed, can we say we don't want the grant up until the time of disbursement, and also is there a requirement to have to pay back the grant if the City does not do the projects that were listed. The City Administrator was asked to check with the City Engineer to determine whether engineering fees are included in the grant money and the matched funds, and what is the amount. Some projects mentioned included Torrey Road Pump Station power source, man hole/catch basin inspections, sewer investigations, and major trunk lines.

COMMITTEE-OF-THE-WHOLE
11-28-16 – 66


- The Mayor briefly discussed the Trolley and the need for a full inspection. The City Administrator stated a full inspection will be made of the trolley.
- A Presidential recount was briefly discussed.

Motion by Granger, seconded by Bryant, that the meeting of the Committee-of-the-Whole be adjourned at 9:23 p.m. PASSED UNANIMOUSLY.

Respectfully submitted,

Lisa Kay Hathaway
City Clerk

Robert E. Novitke
Mayor

Approved by Commission 11/22/16 

PLANNING COMMISSION
10/25/16 – 8

MINUTES OF THE PLANNING COMMISSION OF THE CITY OF GROSSE POINTE WOODS HELD ON TUESDAY, OCTOBER 25, 2016, IN THE COUNCIL-COURT ROOM OF THE MUNICIPAL BUILDING, 20025 MACK AVENUE, GROSSE POINTE WOODS, MICHIGAN.

The meeting was called to order at 7:33 p.m. by Chair Stapleton.

Roll Call: Chair Stapleton
Gilezan, Hamborsky, Profeta, Reiter, Vitale

Absent: Fuller, Rozycki, Vaughn

Also Present: Building Official Tutag
Deputy City Clerk Gerhart

Motion by Gilezan, seconded by Vitale, that Commission Members Fuller, Rozycki, and Vaughn be excused from tonight's meeting.

MOTION CARRIED by the following vote:

YES: Gilezan, Hamborsky, Profeta, Reiter, Stapleton, Vitale
NO: None
ABSENT: Fuller, Rozycki, Vaughn

Motion by Vitale, seconded by Profeta, 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: Gilezan, Hamborsky, Profeta, Reiter, Stapleton, Vitale
NO: None
ABSENT: Fuller, Rozycki, Vaughn

The Chair recognized Council Member Bryant who was in attendance at tonight's meeting.

Motion by Hamborsky, seconded by Reiter, regarding **Approval of Minutes**, that the Planning Commission minutes dated April 26, 2016, be approved as submitted.

MOTION CARRIED by the following vote:

YES: Gilezan, Hamborsky, Profeta, Reiter, Stapleton, Vitale
NO: None
ABSENT: Fuller, Rozycki, Vaughn

PLANNING COMMISSION
10/25/16 – 9

The next item on the agenda was the **Building Official's Monthly Report**. Mr. Tutag reported the following:

- He reported the Fontana properties on Mack at Hollywood and Aline are not on the market yet and the currently have no plans to market property;
- Progress on Legacy Oakes is moving along nicely and the work accomplished to date has been high quality;
- The screening on Churchill's is now complete, and they are looking at opening the first week of November;
- A new veterinary clinic will be going in where Bellismo Boutique was located;
- The vacancy rate along Mack is holding steady around 5-6%;
- He has meet with representatives from the Hunt Club regarding the potential to sell lots, the plan is currently on hold;
- A new house is being build at 1853 Kenmore;
- Fibertech is looking to install new cellular antennas in the City, the City Council tabled the manner for a month to allow additional discussion on how to reduce the visual clutter associated with the installation;
- MedPost is now open;
- He recommended the Planning Commission invite new Public Service Director Frank Schulte into the discussion regarding the 2020 Plan;
- There will be a sign variance for Licavoli's on the next Planning Commission, as they seek to install an additional three signs on the building;
- There has been some interest in the Caribou Coffee building but nothing has come to fruition;
- The City recently received a grant to help pay the overtime cost of Police Officers in an effort to reduce distracted driving.

Regarding the **Council Reports**:

- Member Profeta had nothing to report regarding the October Council Meetings.
- Council Member Bryant updated the Commission that the Council has spent a lot of time regarding the current fence ordinance, and more discussion will take place concerning the potential for amending the fence ordinance.

Commission Member Reiter will attend the Council Meetings in November.

Under **New Business**, the following **Subcommittee Report** was provided:

2020 Plan – Commission Members Hanborsky, Gilezan, and Vitale the subcommittee will have something to present at a workshop prior to the November Planning Commission meeting.

Under public comment, the following individual was heard:

- Margaret Potter asked for clarification regarding if the poles that Fibertech was looking to add equipment to was on City Property or in the Right-of-Way.

PLANNING COMMISSION
10/25/16 – 10

Motion by Gilezan, seconded by Vitale, that the Planning Commission Meeting be adjourned at 8:16 p.m. PASSED UNANIMOUSLY.

Respectfully submitted,

Steve Gerhart
Deputy City Clerk

Approved By Commission 11-15-2016

6D

MINUTES OF THE REGULAR SENIOR CITIZENS COMMISSION MEETING OF THE CITY OF GROSE
POINTE WOODS HELD ON SATURDAY, SEPTEMBER 10, 2016 AT THE GPW LAKE FRONT PARK,
23000 JEFFERSON AVENUE, ST. CLAIR SHORES, MI 48080

RECEIVED

SEP 26 2016

CALL TO ORDER:

Chairperson Streck called the meeting to order at 2:00pm.

ROLL CALL:

CITY OF GROSE PTE. WOODS

Commission Members:
Also in Attendance:
Absent:

Beeby, Motschall, Streck, Uhlig, Wehrmann, Witt
Todd McConnaghy
Gattari, Hyduk, Maier, Palen, Thorton

**APPROVAL OF
MINUTES:**

Motion by Uhlig, seconded by Wehrmann, to approve the minutes of the Senior Citizens' Commission meeting held May 18, 2016. Said motion passed unanimously by those Commission members in attendance.

**CHAIRPERSON'S
REPORT:**

There is still a vacancy on this council and no bios have been forwarded. Question was raised whether R. Palen sent a note to the Mayor's office concerning her resignation. Streck commented on the success of today's Senior Citizens Day event. Question was asked on whether to move the event to another venue to accommodate more seniors, as they had to cut off RSVP's at 64.

**COUNCIL
REPRESENTATIVE'S
REPORT:**

McConnaghy said that the new Chief of Police, John Kosanke, is now in place. He also gave a brief update on Fall tree planting efforts and that sealing of pavement joints have begun.

**TREASURER'S
REPORT:**

No report

S.O.C. REPORT:

Uhlig reported that Medicare enrollment starts in October at S.O.C. She also announced that their Annual Auction will take place on October 13 at the Grosse Pointe War Memorial and the Senior Expo will be October 6.

NEW BUSINESS:

A suggestion was made to send thank you letters out to the Senior Day sponsors; M. Hyduk will complete this request.

OLD BUSINESS:

Leisure Interest Survey Committee met last week. Gattari will develop a flyer for future distribution. Suggestion was made to send the flyer to the Mayor's office/Commission for approval.

ADJOURNMENT:

Motion by Motschall, seconded by Witt, to adjourn the meeting at 2:21pm. Said motion passed unanimously by those Commission members in attendance.

Respectfully submitted,
Sharon Beeby

Senior Citizens Commission Excerpt
11-15-16

The Senior Holiday Party will be held in the Community Center on Friday, December 2nd. The Senior Citizens' Commission in the past has donated Kroger gift cards as raffle prizes as well as underwritten the cost of dessert. There are currently 76 guests signed up. Volunteers are welcome and encouraged to assist at the event.

Motion by Wehrmann, seconded by Maier, that this portion of these Minutes be immediately certified to reflect the Senior Citizens' Commission request of City Council to approve an allotment of an amount up to \$350.00 from the Council-Approved General Fund (\$300 for cost of dessert and \$50 for gift cards) to cover these expenses related to the Senior Holiday Party to be held on Friday, December 2, 2016. Said motion passed unanimously.

RECEIVED

NOV 01 2016

CITY OF GROSSE PTE. WOODS

CITY OF GROSSE POINTE WOODS
20025 MACK AVENUE
GROSSE POINTE WOODS, MI 48236
(313) 343-2440

APPLICATION FOR PERMIT/LICENSE – VENDOR/SOLICITOR/PEDDLER, ET AL

Chapter 10 Businesses. Section 10-220
Permit Fees: Annual \$75; Month \$20; Day \$10

✓ Applicant: Vincent G Agosta Birth Date: [REDACTED]
Home address: 19389 Elkhart
Telephone: 313-918-8293 Driver's License No. [REDACTED]
Business Name: Vincent Agosta Telephone: 313-918-8293
Business Address: 19389 Elkhart
Description of Business: Refuse Vendor
✓ Assistants: Dominic Agost 19389 Elkhart [REDACTED]
Name Address Date of Birth
Name Address Date of Birth
Name Address Date of Birth
If vehicle used, describe: 2000 Chevrolet pickup Dht 5597
Year Make Model License Plate #
Other cities served: Stellar shores
Years previously licensed in Grosse Pointe Woods: 13-14-15-16

VENDOR: Valid for use from 9 a.m. to dusk or 7 p.m., local time, whichever occurs first, Sec. 10.224(e).

REFUSE VENDOR: Shall not collect, remove or cart away any materials between the hours of 10 p.m. and 6 a.m. the following morning, Sec. 10.221(a).

SOLICITOR: Shall not walk on residential or commercial lawns; must use sidewalk.

NO PERSON: Shall deliver or deposit residential handbills at any residential home or apartment where a sign or notice has been posted in a conspicuous location, which sign or notice states "no handbills" or "no vendors or solicitors." Sec. 10.295

LICENSE: The license issued shall expire on December 31 of the year issued. The license fee is to be paid at the time of issuance.

Signed: [Signature] Date: 11-1-16

State of Michigan)
County of Wayne) ss.

Subscribed and sworn to by
before me on the 08 day of October, 2016

[Signature]
Signature of Notary Public
My Commission expires: 08-24-18

	Approve	Deny
Public Safety:	<u>[Signature]</u>	
City Clerk:	<u>[Signature]</u>	
Council Action:		
Plate No.:		
Date Issued:		
By:		

RECEIVED

OCT 06 2016

CITY OF GROSSE PTE. WOODS

CITY OF GROSSE POINTE WOODS
20025 MACK AVENUE
GROSSE POINTE WOODS, MI 48236
(313) 343-2440

APPLICATION FOR PERMIT/LICENSE - ~~VENDOR~~/SOLICITOR/PEDDLER, ET AL

Chapter 10 Businesses. Section 10-220

Permit Fees: Annual \$75; Month \$20; Day \$10

✓ Applicant: Ronald M. HIRTH Birth Date: [REDACTED]
Home address: 19380 ELKHART
Telephone: 586-298-4737 Driver's License No. [REDACTED]
Business Name: Ronald M HIRTH Telephone: 58-6-298-4737
Business Address: 19380 ELKHART
Description of Business: VENDOR
Assistants: NONE

Name	Address	Date of Birth
Name	Address	Date of Birth
Name	Address	Date of Birth

If vehicle used, describe: 2000 GM-C-Pickup Sierra CDG8823
Year Make Model License Plate #

Other cities served: Harper Woods

Years previously licensed in Grosse Pointe Woods: 15 YRS

VENDOR: Valid for use from 9 a.m. to dusk or 7 p.m., local time, whichever occurs first, Sec. 10.224(e).

REFUSE VENDOR: Shall not collect, remove or cart away any materials between the hours of 10 p.m. and 6 a.m. the following morning, Sec. 10.221(a).

SOLICITOR: Shall not walk on residential or commercial lawns; must use sidewalk.

NO PERSON: Shall deliver or deposit residential handbills at any residential home or apartment where a sign or notice has been posted in a conspicuous location, which sign or notice states "no handbills" or "no vendors or solicitors." Sec. 10.295

LICENSE: The license issued shall expire on December 31 of the year issued. The license fee is to be paid at the time of issuance.

Signed: Ronald Hirth Date: 10-6-16

State of Michigan)
County of Wayne) ss.

Subscribed and sworn to by Ronald Hirth
before me on the 6 day of October, 2016

Aimee M. Maren
Signature of Notary Public
My Commission expires: 4-17-2022

	Approve	Deny
Public Safety:	<u>[Signature]</u>	
City Clerk:	<u>[Signature]</u>	
Council Action:		
Plate No.:		
Date Issued:		
By:		

RECEIVED

NOV 21 2016

CITY OF GROSSE POINTE WOODS

CITY OF GROSSE POINTE WOODS
20025 MACK AVENUE
GROSSE POINTE WOODS, MI 48236
(313) 343-2440

APPLICATION FOR PERMIT/LICENSE : VENDOR/SOLICITOR/PEDDLER, ET AL

Chapter 10 Businesses. Section 10-220

Permit Fees: Annual \$75; Month \$20; Day \$10

Applicant: Pete S. LIVADICH Birth Date: [REDACTED]

Home address: 23167 GLADHILL ST CLARE SHORES MI 48080

Telephone: 586 779 7619 Driver's License No. [REDACTED]

Business Name: NONE Telephone: CELL 586 876 8190

Business Address: NONE

Description of Business: NONE

Assistants: HAKIJA LIVADICH SAME AS ABOVE [REDACTED]

Name	Address	Date of Birth
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Name	Address	Date of Birth
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Name	Address	Date of Birth
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If vehicle used, describe: 2002 SAVANA WHITE SHAVY 2HD198

Year	Make	Model	License Plate #
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Other cities served: ST CLARE SHORES

Years previously licensed in Grosse Pointe Woods: 3 YEARS - 2012, 2013, 2014

VENDOR: Valid for use from 9 a.m. to dusk or 7 p.m., local time, whichever occurs first, Sec. 10.224(e).

REFUSE VENDOR: Shall not collect, remove or cart away any materials between the hours of 10 p.m. and 6 a.m. the following morning, Sec. 10.221(a).

SOLICITOR: Shall not walk on residential or commercial lawns; must use sidewalk.

NO PERSON: Shall deliver or deposit residential handbills at any residential home or apartment where a sign or notice has been posted in a conspicuous location, which sign or notice states "no handbills" or "no vendors or solicitors." Sec. 10.295

LICENSE: The license issued shall expire on December 31 of the year issued. The license fee is to be paid at the time of issuance.

Signed: S. PETE Livadich Date: 11/21/16

State of Michigan)
County of Wayne -) ss.

Subscribed and sworn to by Pete S. Livadich
before me on the 21 day of November, 2016

Shirley M. Maen
Signature of Notary Public
My Commission expires: 4-17-2027

	Approve	Deny
Public Safety:	<u>[Signature]</u>	_____
City Clerk:	<u>[Signature]</u>	_____
Council Action:	_____	_____
Plate No.:	_____	_____
Date Issued:	_____	_____
By:	_____	_____

RECEIVED

OCT 03 2016

CITY OF GROSSE PTE. WOODS
CITY OF GROSSE PTE. WOODS

CITY OF GROSSE POINTE WOODS
20025 MACK AVENUE
GROSSE POINTE WOODS, MI 48236
(313) 343-2440

APPLICATION FOR PERMIT/LICENSE – VENDOR/SOLICITOR/PEDDLER, ET AL

Chapter 10 Businesses. Section 10-220

Permit Fees: Annual \$75; Month \$20; Day \$10

✓ Applicant: Mark Tibaudo Birth Date: [REDACTED]
Home address: 1110. S. RENAUD G.P.W.S. MICH 48236
Telephone: 313-433-1959 Driver's License No. [REDACTED]
Business Name: MRT'S RESALE Telephone: 313-499-1925
Business Address: 17157 Harper Det MICH
Description of Business: RESALE

✓ Assistants: Darrelly Williams 22087 Brittany E Point [REDACTED]

Name	Address	Date of Birth

If vehicle used, describe: 1999 GMC SAVANA G 1500 BYG 2390

Year	Make	Model	License Plate #

Other cities served: _____
Years previously licensed in Grosse Pointe Woods: 2 year 2014-2015-2016

VENDOR: Valid for use from 9 a.m. to dusk or 7 p.m., local time, whichever occurs first, Sec. 10.224(e).
REFUSE VENDOR: Shall not collect, remove or cart away any materials between the hours of 10 p.m. and 6 a.m. the following morning, Sec. 10.221(a).
SOLICITOR: Shall not walk on residential or commercial lawns; must use sidewalk.
NO PERSON: Shall deliver or deposit residential handbills at any residential home or apartment where a sign or notice has been posted in a conspicuous location, which sign or notice states "no handbills" or "no vendors or solicitors." Sec. 10.295
LICENSE: The license issued shall expire on December 31 of the year issued. The license fee is to be paid at the time of issuance.

Signed: Mark Tibaudo Date: 10-3-16

State of Michigan)
County of Wayne) ss.

Subscribed and sworn to by Mark Tibaudo
before me on the 3 day of October, 2016

Linda M. Mawen
Signature of Notary Public
My Commission expires: 4-17-2022

	Approve	Deny
Public Safety:	<u>[Signature]</u>	_____
City Clerk:	<u>[Signature]</u>	_____
Council Action:	_____	_____
Plate No.:	_____	_____
Date Issued:	_____	_____
By:	_____	_____

RECEIVED

OCT 12 2016

CITY OF GROSSE PTE. WOODS

CITY OF GROSSE POINTE WOODS
20025 MACK AVENUE
GROSSE POINTE WOODS, MI 48236
(313) 343-2440

APPLICATION FOR PERMIT/LICENSE – VENDOR/SOLICITOR/PEDDLER, ET AL

Chapter 10 Businesses. Section 10-220

Permit Fees: Annual \$75; Month \$20; Day \$10

✓ Applicant: JOHN A WALLS Birth Date: [REDACTED]

Home address: 21900 AVALON

Telephone: (586) 774-0989 Driver's License No: [REDACTED]

Business Name: _____ Telephone: _____

Business Address: _____

Description of Business: REFUSE VENDOR

* Assistants: JOHN L WALLS [REDACTED]

Name	Address	Date of Birth
------	---------	---------------

Name	Address	Date of Birth
------	---------	---------------

Name	Address	Date of Birth
------	---------	---------------

If vehicle used, describe: 1997 FORD RANGER CDQ 7151

Year	Make	Model	License Plate #
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Other cities served: ST. CLAIR SHRS

Years previously licensed in Grosse Pointe Woods: 2013-2014-2015-2016

VENDOR: Valid for use from 9 a.m. to dusk or 7 p.m., local time, whichever occurs first, Sec. 10.224(e).

REFUSE VENDOR: Shall not collect, remove or cart away any materials between the hours of 10 p.m. and 6 a.m. the following morning, Sec. 10.221(a).

SOLICITOR: Shall not walk on residential or commercial lawns; must use sidewalk.

NO PERSON: Shall deliver or deposit residential handbills at any residential home or apartment where a sign or notice has been posted in a conspicuous location, which sign or notice states "no handbills" or "no vendors or solicitors." Sec. 10.295

LICENSE: The license issued shall expire on December 31 of the year issued. The license fee is to be paid at the time of issuance.

Signed: John A Walls Date: 10/12/16

State of Michigan)
County of Wayne) ss.

Subscribed and sworn to by John Walls
before me on the 12 day of October, 2016

Glinda M. Mawen
Signature of Notary Public
My Commission expires: 4-17-2022

	Approve	Deny
Public Safety:	<u>[Signature]</u>	<u>[Signature]</u>
City Clerk:	<u>[Signature]</u>	<u>[Signature]</u>
Council Action:	_____	_____
Plate No.:	_____	_____
Date Issued:	_____	_____
By:	_____	_____

* John L. Walls did not pass background check.

8A

CHARLES T. BERSCHBACK

ATTORNEY AT LAW

24053 EAST JEFFERSON AVENUE

ST. CLAIR SHORES, MICHIGAN 48080-1530

(588) 777-0400

FAX (588) 777-0430

blbwlaw@yahoo.com

CHARLES T. BERSCHBACK

DON R. BERSCHBACK

OF COUNSEL

November 29, 2016

Honorable Mayor and Council
City of Grosse Pointe Woods
20025 Mack Plaza
Grosse Pointe Woods, MI 48236

RE. Amendment to Fence Ordinance / First Reading

Dear Mayor and Council:

I have enclosed the amendment discussed at a recent COW meeting. The amendment would delete any reference to allowing six foot fences on either the rear yard or side yard with the adjacent property owner's consent. In effect, any request for a six foot fence would require a variance request.

It would be the prerogative of Council to schedule this ordinance for a second reading. Should you have any questions please call.

Very truly yours,



CHIP BERSCHBACK

CTB:gmr

Enclosure

cc: Bruce Smith
Lisa Hathaway
Gene Tutag

ORDINANCE # _____

**ORDINANCE TO AMEND CHAPTER 8
BUILDINGS AND BUILDING REGULATIONS,
ARTICLE IX FENCES, SEC. 8-284(1) AND (2)
TO DELETE REFERENCES ALLOWING SIX FEET
FENCES IN THE REAR AND SIDE YARDS WITH THE
ADJACENT PROPERTY OWNER'S CONSENT**

THE CITY OF GROSSE POINTE WOODS ORDAINS:

Sec. 8-284. - Exceptions to this article.

(a) Exceptions. Notwithstanding anything to the contrary provided in this article, exceptions from the provisions of this article shall be made under the following circumstances:

~~(1) Rear fences. Rear yard fences may be constructed to a maximum height of six feet from the property grade line with the adjacent property owners' consent. Consent from the adjacent property owners must be submitted to the building department in writing with the permit application. If a rear yard is directly parallel to a public street and not a residential lot, property owners are then the city, and consent from the city administrator is required.~~

~~(2) Side yard fences. Side yard fences may be constructed to a maximum height of six feet from the property grade line with the adjacent property owners' consent. Consent from the adjacent property owners must be submitted to the building department in writing with the permit application. If a side yard is directly parallel to a public street and not a residential lot, property owners are then the city, and consent from the city administrator is required.~~

~~(3)~~(1) Solid fences. Notwithstanding the general requirements found in subsection 8-279(1), solid fences are permitted under the following circumstances:

- a. For that portion of a fence that faces a street on a corner lot;
- b. When a fence faces an alley.

~~(4)~~(2) Special circumstances. Applications meeting the requirements of this article and subsections (a)(1), (2) or (3) above do not require a public hearing, and shall be approved by the building inspector if the application otherwise meets the requirements of this chapter. All other exceptions from the provisions of this article require a public hearing and approval from the city council. The council may consider any or all of the following, along with other information:

- a. Balancing the relative hardships between the property owner and adjacent property owners;
- b. Whether special circumstances or conditions exist;

- c. Whether pedestrian or vehicular vision will be affected;
- d. The general health, safety and welfare of the neighborhood.

(b) Public hearing. Any applicant seeking a hearing under the provisions of this article shall pay to the city a hearing notice fee set by council resolution for the scheduling of such hearing. Payment shall be made at the time the application is made for a hearing. The public hearing fee may be modified by a resolution of the city council as adopted from time to time. The city shall mail notice of the hearing to adjacent property owners at least seven days prior to the hearing date.

(Code 1997, § 10-331; Ord. No. 748, § 1, 6-19-2000; Ord. No. 865, 9-21-2015)

Fences were discussed next. The Mayor stated that according to the current ordinance regarding fences, an applicant must obtain adjoining property owner's signature(s) (identifying approval of a request) before a permit can be issued for a 6' fence. If an adjoining neighbor does not sign off, identifying opposition to the request, a rear yard fence cannot be installed and a variance is required. The Mayor stated he is opposed to this. Various styles of fences, including solid fences, were also discussed.

There was a majority consensus of the Committee to:

- Not allow approval of solid 6' fences in the rear yard even when adjoining neighbors consent with a signature(s); a variance will be required;
- Allow a 6' solid fence, or something less, on an alley or corner property only.

The City Attorney will make the above stated changes, and at a later date to provide stylistic changes.

9A

DON R. BERSCHBACK
ATTORNEY AND COUNSELOR AT LAW
24053 JEFFERSON AVENUE
ST. CLAIR SHORES, MICHIGAN 48080-1530

(586) 777-0400
FAX (586) 777-0430
E-MAIL donberschback@yahoo.com

November 30, 2016

OF COUNSEL
CHARLES T. BERSCHBACK

Bruce Smith, City Administrator
City of Grosse Pointe Woods
20025 Mack Plaza
Grosse Pointe Woods, MI 48236

RE: November 2016 Billing/DRB

<u>DATE</u>	<u>DESCRIPTION OF SERVICES</u>	<u>TIME</u>
11.1.16	Election commission work and attendance at meeting (.75)	0.75
11.3.16	Meeting with BS; Ordinance work (1.25)	1.25
11.3.16	Review of court cases (1.00)	1.00
11.7.16	Review of weekend packet, miscellaneous emails and TCs (1.00); preparation for and attendance at CC meeting (1.00)	2.00
11.8.16	Attendance at Municipal Court (2.00); Personnel and ordinance issues (1.00)	3.00
11.11.16	Emails and TCs on Treasurer Comptroller position (.50)	0.50
11.14.16	Work on personnel issues, TCs, emails and follow up (1.25)	1.25
11.16.16	Municipal Court (.75); meeting with LKH and TCs (.50); audit meeting (.25)	1.50
11.22.16	TCs with Mayor on appointed official contracts (.25)	0.25
11.23.16	TCs with Comptroller for appointment and procedure (.50); beginning draft of new contract (1.00)	1.50
11.25.16	Review of Court cases (1.00)	1.00
11.28.16	Work on contract and meeting with Comptroller/Treasurer (1.75); review of SAW Grant contract and follow up telephone calls (1.00)	2.75
11.29.16	Additional work on Comptroller agreement, TCs, dictation of second draft and follow up thereto (1.00); FOIA work (.25); TCs with LKH on personnel issues (.50); work on CC and COW issues (1.00)	2.75
11.30.16	Municipal Court appearance and follow up (2.50); finalization of CC issues (.75); letter correspondence to Comptroller / Treasurer (.50); work on CC and COW issues (1.25)	5.00

DRB = 24.50 hours x \$160.00

BALANCE DUE:

\$ 3,920.00

Breakdown

General
Municipal Court
Bldg/Planning Comm.
MTT

17.25 hours

7.25 hours

TC - Telephone

CTB - Charles T. Berschback

DRB - Don R. Berschback

DAI - DeeAnn Irby

GPCRDA - Grosse Pointe Clinton Refuse Disposal Authority

LKH - Lisa K. Hathaway

CC - City Council

PC - Planning Commission

C&E - Comp and Eval

GT - Gene Tutag

CEW-Conference of Eastern Wayne

BJS - Bruce Smith

LFP - Lakefront Park

MTT - Michigan Tax Tribunal

CHARLES T. BERSCHBACK

ATTORNEY AT LAW

24053 EAST JEFFERSON AVENUE

ST. CLAIR SHORES, MICHIGAN 48080-1530

(588) 777-0400

FAX (588) 777-0430

blbwlaw@yahoo.com

CHARLES T. BERSCHBACK

DON R. BERSCHBACK

OF COUNSEL

November 30, 2016

Bruce Smith
City Administrator
City of Grosse Pointe Woods
20025 Mack Plaza
Grosse Pointe Woods, MI 48236

RE: November Billing/ CTB Only

<u>DATE</u>	<u>DESCRIPTION OF SERVICES</u>	<u>TIME</u>
11.1.16	TT calls, emails and file review on Sunrise (.50); work on RL Summary Disposition motion response and research (2.50); calls on Fibertech (.25)	3.25
11.2.16	Review of RL case evaluation summaries (.50)	0.50
11.3.16	TCs Kroger issues (.25); RL calls, preparation of Order (.25); TCs criminal complaint status, calls, file review (.25)	0.75
11.4.16	TT Rivers and Brownell (.25); calls on agenda items (.25)	0.50
11.5.16	Research, RL work on response brief; work on amended complaint (1.00); review of Secura dec action Summary Disposition motion (.50)	1.50
11.7.16	Review of flooding notice of claim issue, attendance at RL motion on insurance coverage (under advisement) (2.00); Municipal Court, motion to dismiss review and calls (1.00); TCs re. flood claim notice (.25); continued work on RL response to SD motion (1.00)	4.25
11.8.16	Municipal Court, review of DVD for evidentiary hearing (.50); RL new Summary Disposition motion from Russell Jr, research and initial draft (2.75); TCs and review of bond issue (.50)	3.75
11.9.16	Municipal Court, meetings with staff and follow up (3.75); continued RL motion work (1.25)	5.00
11.14.16	RL - prep for and attendance at case evaluation (2.50)	2.50
11.15.16	TC GT signage, TC LH (.25); RL continued work on discovery and amended complaint, work	

	on responses to two S.D. motions (4.00)	4.25
11.16.16	Municipal Court a.m. docket (1.25); follow up meetings and calls (.50); work on RL motions (3.00)	4.75
11.17.16	Municipal Court, 2 appeals in GP City (1.00); finalized motion to amend RL complaint (.50); work on RL response to SD motions (2.00); miscellaneous calls on Municipal Court cases and Sue C (.25)	3.75
11.18.16	RL finalized response briefs to both SD motions (2.50)	2.50
11.21.16	Prep for closed session, review of Council agenda, review of Comerica Leasing item (.75); attendance at Council meeting (1.25)	2.00
11.22.16	Municipal Court - calls on docket, review of warrants, email on Fibertech (.25); work on RL (.25)	0.50
11.23.16	Prep for RL motion hearings (.50)	0.50
11.26.16	RL review of all reply briefs re: SD motions, further prep for trial argument (1.00)	1.00
11.28.16	RL - SD motion hearing (2.50); review of SAW grant; TT calls on Brownell appraisal (.25)	2.75
11.29.16	TCs Sue C; GT (.25); TT work on Brownell pretrial statement (.75)	1.00
11.30.16	Municipal Court a.m. docket (3.00)	3.00

CTB = 48.00 hours at \$145.00 per hour	\$ 6,960.00
Plus Costs: Efilling RL Motion	\$ 30.00
Efilling RL Responses	\$ 5.00
RL Case Evaluation Fee	\$ 75.00
TOTAL DUE:	\$ 7,070.00

TC - Telephone	GT - Gene Tutag
BJS - Bruce Smith	LH - Lisa Hathaway
M/C - Mayor and Council	Det. Bur. - Detective Bureau
RL - Rumph Litigation	PC - Planning Commission
	TT - Tax Tribunal

Breakdown

General	34.50 hours
Municipal Court	11.75 hours
Building/Planning Commission	00 hours
Tax Tribunal	1.75 hours