

MINUTES OF THE REGULAR CITY COUNCIL MEETING OF THE CITY OF GROSSE POINTE WOODS HELD ON MONDAY, JUNE 20, 2016, IN THE COUNCIL-COURT ROOM OF THE MUNICIPAL BUILDING, 20025 MACK PLAZA, GROSSE POINTE WOODS, MICHIGAN.

The meeting was called to order at 7:40 p.m. by Mayor Novitke.

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

Also Present: City Administrator/Assessor Colombo
City Attorney Chip Berschback
City Clerk Hathaway
Director of Public Works Ahee
Building Inspector Tutag

Also in attendance was Retired City Administrator, Skip Fincham.

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

The following Commission members were in attendance:

George McMullen, Local Officers Compensation Commission/Board of Review
John Parthum, Historical Commission
Jennifer Hess, Beautification 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 Director of Public Safety presented a commendation to Officer Gerald Genna in recognition of his alertness and prompt action in the apprehension of a suspect sought in multiple cities within Wayne County on March 29, 2016.

The Mayor presented a retirement Proclamation to Joe Ahee, Director of Public Services, for 36 years of service to the City of Grosse Pointe Woods.

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

1. City Council Minutes dated June 6, 2016, as corrected.

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 minutes be approved as submitted:

1. Committee-of-the-Whole minutes dated June 6, 2016.

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 **2016/17 Contract: Treasurer/Comptroller**, that the City Council concur with the recommendation of the Compensation & Evaluation Committee at their meeting on April 25, 2016, and extend the contract of the City Treasurer/Comptroller, Dee Ann Irby, from July 1, 2016, through June 30, 2017, with no increase in compensation or benefits, and authorize the Mayor to sign said contract as attached.

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 **2016/17 Contract: City Clerk**, that the City Council concur with the recommendation of the Compensation & Evaluation Committee at their meeting on April 25, 2016, and extend the contract of the City Clerk, Lisa Hathaway, from July 1, 2016, through June 30, 2017, with no increase in compensation or benefits, and authorize the Mayor to sign said contract, with the addition of the following:

"It is agreed and understood that these benefits may be changed by the City Council or the Board of Trustees of the Pension Plan."

Motion carried by the following vote:

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

Motion by Bryant, seconded by Granger, regarding **2016/17 Contract: City Attorney**, that the City Council concur with the recommendation of the Compensation & Evaluation Committee at their meeting on April 25, 2016, and extend the contract of the City Attorney, Don Berschback, from July 1, 2016, through June 30, 2017, with no increase in compensation or benefits, with continuation of medical and prescription coverage as presently exists with the City Attorney, with City Attorney being responsible for the hard cap cost and/or any other charges associated with providing medical and prescription coverage to city employees, and that the City Attorney is responsible for payment of dental coverage if he elects such coverage, and authorize the Mayor to sign said contract.

Motion by Bryant, seconded by Granger, to amend the previous motion by adding, "as amended."

Motion carried by the following vote:

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

Motion by Ketels, seconded by Shetler, regarding **Flower Sale**, that the City Council concur with the recommendation of the Beautification Advisory Commission at their meeting on June 8, 2016, and approve payment to Wild Birds Unlimited in an amount not to exceed \$850.09, for additional expenses related to the Flower Sale, funds to be taken from Account No. 205-000-675.200.

Motion carried by the following vote:

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

THE MEETING WAS THEREUPON OPENED AT 8:04 P.M. FOR A PUBLIC HEARING IN ACCORDANCE WITH CHAPTER 8, BUILDINGS AND BUILDING REGULATIONS, ARTICLE IX, FENCES, TO HEAR THE APPLICATION OF **CRAIG DEROSIER, 1823 MANCHESTER**, GROSSE POINTE WOODS, FOR PERMISSION TO ERECT A 6' SOLID FENCE ALONG THE NORTH PROPERTY LINE.

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

1. Letter 06/02/16 – Craig DeRosier
2. Application for Fence Zoning Compliance Permit 05/23/16
3. Homeowner's Affidavit for Permit 05/26/16
4. Letter 05/24/16 – Petitioner
5. Photo
6. Property Survey
7. Memo 06/14/16 – Building Official w/attachments
 - a. Photos (10)
 - b. Building Permit 10/30/03
 - c. Council Excerpt 10/06/03
8. Memo 06/08/16 – Director of Public Services

- 9. Notice of hearing
- 10. Affidavit of Property Owners Notified
- 11. Aerial Views

Motion carried by the following vote:

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

The Building Official provided an overview.

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

Craig DeRosier
1823 Manchester

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 8:10 p.m.
PASSED UNANIMOUSLY.

Motion by Shetler, seconded by Bryant, regarding Public Hearing: Craig DeRosier, 1823 Manchester, who is requesting to install a solid 6' fence along the north property line, that the Council grant a fence variance for the following reasons:

1. The proposed fence balances the relative hardship with the adjacent property owners as they have signed the application indicating their satisfaction with the proposed fence;
2. Special circumstances exist as the subject property owner has two dogs and desires to maintain consistency with the style of fence in the yard;
3. The proposed fence will not affect vehicle or pedestrian traffic. The general health, safety and welfare of the neighborhood will not be affected with this fence.

Following discussion, administration was asked to look at the criteria contained in the fence ordinance to determine whether an amendment may be needed.

Motion carried by the following vote:

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

Motion by Ketels, seconded by Shetler, that as agreed to by Craig DeRosier, the petitioner commence construction in 90 days and complete construction within six months.

Motion carried by the following vote:

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

THE MEETING WAS THEREUPON OPENED AT 8:28 P.M. FOR A PUBLIC HEARING IN ACCORDANCE WITH CHAPTER 8, BUILDINGS AND BUILDING REGULATIONS, ARTICLE IX, FENCES, TO HEAR THE APPLICATION OF ANGELO RECCHIA, 1777 HAWTHORNE, GROSSE POINTE WOODS, FOR PERMISSION TO ERECT A 6' SHADOWBOX CEDAR FENCE ALONG THE SOUTH LOT LINE.

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

1. Letter 06/01/16 – Angelo Recchia
2. Application for Fence Zoning Compliance 03/29/16
3. Photos (16)
4. Letter 10/05/15 – Angelo Recchia
5. Email 03/28/16 – Angelo Recchia
6. Letter 06/14/16 – Geraldine Rock
7. Proposal/Contract – Kimberly Fence 06/13/16
8. Fence Illustration
9. Certificate of Survey 09/28/15
10. Memo 06/14/16 - Building Official w/attachment
 - a. Photos (11)
11. Memo 06/08/16 – Director of Public Services
12. Notice of Hearing

- 13. Affidavit of Property Owners Notified
- 14. Aerial Views

Motion carried by the following vote:

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

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

- 1. Letter 06/17/16 – Marianne Costakis, 1772 Anita

Motion carried by the following vote:

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

The Building Official provided an overview.

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

Angelo Recchia
1777 Hawthorne

Sandra Bergmann
1866 Lancaster

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

Susan Costakis Marowske
Spokesperson for Marianne Costakis
1772 Anita

Motion by Granger, seconded by Bryant, that the public hearing BE CLOSED at 8:38 p.m. PASSED UNANIMOUSLY.

Motion by Granger, seconded by Shetler, regarding Public Hearing: Angelo Recchia, 1777 Hawthorne, who is requesting a variance to install a 6' shadowbox cedar fence along the south lot line, and is unable to obtain consent from an adjoining property owner, that the Council deny this variance request as no special circumstances exist to approve the variance.

Motion carried by the following vote:

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

THE MEETING WAS THEREUPON OPENED AT 8:43 P.M. FOR A PUBLIC HEARING IN ACCORDANCE WITH CHAPTER 8, BUILDINGS AND BUILDING REGULATIONS, ARTICLE IX, FENCES, TO HEAR THE APPLICATION OF STEVE ZAPPACOSTA, 1961 LOCHMOOR, GROSSE POINTE WOODS, FOR PERMISSION TO ERECT A 6' SOLID WOOD PRIVACY FENCE.

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

1. Letter 06/06/16 – Steve and Laura Zappacosta
2. Application for Fence Permit 05/25/16
3. Property Diagrams (2)
4. Fence Illustration
5. Homeowner's Affidavit for Permit 05/25/16
6. Photos (3)
7. Memo 06/08/16 – Building Official w/attachment
 - a. Photos (4)
8. Memo 06/10/16 – Director of Public Services
9. Notice of Hearing
10. Affidavit of Property Owners Notified
11. Aerial Views

Motion carried by the following vote:

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

The Building Official provided an overview.

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

Steve Zappacosta
1961 Lochmoor

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 8:48 p.m. PASSED UNANIMOUSLY.

Motion by Shetler, seconded by Ketels, regarding Public Hearing: Steve Zappacosta, 1961 Lochmoor, who is requesting to install a 6' solid privacy fence, that the Council grant a fence variance for the following reasons:

1. The proposed fence balances the relative hardship with the adjacent property owner as they have signed the application indicating their satisfaction with the proposed fence;
2. The granting of this variance on this interior lot is not to be considered to be setting precedence as it is replacing an existing fence which is being considered a special circumstance or condition existing on the property;
3. The proposed fence will not affect vehicle or pedestrian traffic. The general health, safety and welfare of the neighborhood will not be affected with this fence.

Motion carried by the following vote:

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

THE MEETING WAS THEREUPON OPENED AT 8:55 P.M. FOR A PUBLIC HEARING IN ACCORDANCE WITH CHAPTER 8, BUILDINGS AND BUILDING REGULATIONS, ARTICLE IX, FENCES, TO HEAR THE APPLICATION OF CHRIS CAHILL, 1560 TORREY, GROSSE POINTE WOODS, FOR PERMISSION TO ERECT A 4' SOLID PRIVACY FENCE ALONG THE

SOUTH LOT LINE AND A 6' SOLID PRIVACY FENCE ALONG THE EAST, NORTH, AND WEST LOT LINES.

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

1. Letter 05/12/16 – Chris and Julie Cahill
2. Application for Fence Permit 05/01/16
3. Fence Illustration
4. Proposal/Contract – Kimberly Fence 04/22/16
5. Memo 06/14/16 – Building Official w/attachment
 - a. Photos (10)
6. Memo 06/08/16 – Director of Public Services
7. Notice of Hearing
8. Affidavit of Property Owners Notified
9. Aerial Views

Motion carried by the following vote:

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

The Building Official provided an overview.

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

Chris Cahill
1560 Torrey

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 Shetler, that the public hearing BE CLOSED at 9:00 p.m. PASSED UNANIMOUSLY.

Motion by Bryant, seconded by Shetler, regarding Public Hearing regarding Chris Cahill, 1560 Torrey, who is requesting to install a 4' solid privacy fence along the south lot line

and a 6' solid privacy fence along the east, north and west lot lines, that the Council grant a fence variance to Chris and Julie Cahill, 1560 Torrey Road, for the following reasons:

1. The proposed fence balances the relative hardship with the adjacent property owners as they have signed the application indicating their satisfaction with the proposed fence;
2. Special circumstances exist as the subject property is a corner lot with a relatively small rear yard (48' x 28') and the owners desire to maintain consistency with the fences and have a degree of privacy;
3. The proposed fence will not affect vehicle or pedestrian traffic. The general health, safety and welfare of the neighborhood will not be affected with this fence;
4. An existing solid fence on the west lot line is being replaced as part of the request.

Motion by Bryant, seconded by, Shetler, that as agreed by Chris Cahill, the previous motion be amended by adding, "5. The petitioner commence construction in 90 days and complete construction within six months."

Motion carried by the following vote:

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

Motion by Ketels, seconded by Bryant, regarding **Application for Permit/License – Solicitor**, that the City Council approve the application of John Case from Edward Jones for a Permit/License to Solicit.

Motion carried by the following vote:

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

Motion by Granger, seconded by Shetler, regarding **Detroit Area Agency on Aging (DAAA) FY 2017 – FY 2019 Multi-Year Plan**, that the City Council concur with the

recommendation of the City Administrator and approve the Detroit Area Agency on Aging (DAAA) 2017-2019 Multi-Year Plan as submitted and authorize the City Administrator to sign the approval form.

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 **Monthly Financial Report – May 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 McConaghy, regarding Appointment/Employment Agreement: City Administrator, that the City Council concur with the Compensation & Evaluation Committee's recommendation to appoint Bruce Smith as the City Administrator effective July 2, 2016, to approve the Employment Agreement commencing July 2, 2016, through June 30, 2017, and to authorize the Mayor to sign the attached Agreement, as amended.

Motion by Bryant, seconded by McConaghy, to amend the previous motion by adding, "that suitable language be inserted to comport with the pension ordinance as provided in tonight's agenda, Item 11A, to allow for opting out of the pension system."

Motion by Bryant, seconded by McConaghy, to amend the previous motion by deleting "earlier" and inserting "by".

Motion carried by the following vote:

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

Motion by Bryant, seconded by McConaghy, regarding **Employment Agreement: Director of Public Services**, that the City Council amend the appointment of Frank Schulte as Director of Public Services to commence July 2, 2016, to approve his Agreement, and authorize the City Administrator to sign said Agreement including suitable language being inserted to comport with the pension ordinance as provided in tonight's agenda, Item 11A, to allow for opting out of the pension system.

Motion carried by the following vote:

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

Motion by Granger, seconded by Shetler, regarding **Smart Municipal and Community Credits Contract for FY 2017**, that the City Council authorize the Mayor to sign the Municipal and Community Credit Contract for FY 2017 with Suburban Mobility Authority for Regional Transportation (SMART) authorizing the City to receive \$15,884.00 in Municipal Credits and \$22,492.00 in Community Credits, for a total of \$38,376.00.

Motion carried by the following vote:

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

Motion by, seconded by, regarding **Second Reading: An Ordinance to Amend Chapter 2, Article IV, Employee Benefits, Division 2. Retirement System, of the Code of Ordinances of the City of Grosse Pointe Woods, Michigan, by Amending Section 2-294 to Reflect the Current Membership of the Retirement System and To Allow Appointed Officials and Department Directors to Opt Out of Membership in the Retirement System and To Exclude Re-Employed Retirees of the Retirement System from Membership in the Retirement System**, that the City Council approve this proposed ordinance as presented and make it effective June 20, 2016.

Motion carried by the following vote:

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

Motion by Ketels, seconded by Shetler, regarding **First Reading: An Ordinance Amending Chapter 34, Solid Waste, Sec. 34-48 Curbside Recycling, To Add Requirements Regarding Storage of Recycling and Other Trash Containers**, that the City Council concur with the amendment of this ordinance, to set a date of July 11, 2016, for a second reading and final adoption, and to authorize the City Clerk to publish same by title in the Grosse Pointe News.

Motion carried by the following vote:

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

Motion by Koester, seconded by Granger, regarding **First Reading: An Ordinance to Amend Chapter 8 Buildings and Building Regulations, by Amending Sec. 8-69(1)(n) To Require Repairs for Basement Walls Showing Evidence of Foundation Failure**, that the City Council concur with the amendment of this ordinance, to set a date of July 11, 2016, for a second reading and final adoption, and to authorize the City Clerk to publish same by title in the Grosse Pointe News.

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 **Designation of Street Administrator**, that the City Council adopt the Resolution for Designation of Street Administrator naming Bruce Smith as the single Street Administrator for the City.

Motion carried by the following vote:

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

Motion by Shetler, seconded by Granger, regarding **Resolution for Land Use Moratorium**, that the City Council adopt the Resolution for Land Use Moratorium.

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**, that the City Council approve the following statement dated June 1, 2016:

1. Labor Attorney Keller Thoma - \$5,936.55.

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:

- There was a consensus of the City Council to direct the City Attorney and Building Official to review the fence ordinance in order to determine suitable criteria for solid fences. This item is to be addressed at a future Committee-of-the-Whole.
- The Mayor, on behalf of City Council, thanked Tom Colombo for his services as City Administrator while also serving as City Assessor.
- William Broman introduced himself as running for State Representative in the August primary. He represents Northville Stands with Detroit, and is asking Council to consider organizing a group for Grosse Pointe Stands with Detroit.

COUNCIL
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Motion by Granger, seconded by Ketels, to adjourn tonight's meeting at 9:47 p.m.
PASSED UNANIMOUSLY.

Respectfully submitted,

Lisa Kay Hathaway
City Clerk

Robert E. Novitke
Mayor