

CITY OF GROSSE POINTE WOODS
20025 Mack Plaza
Regular City Council Meeting Agenda
Monday, September 21, 2015
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 09/14/15
 - B. Compensation & Evaluation Committee 08/17/15
 - C. Beautification Advisory Commission 07/08/15

7. COMMUNICATIONS
 - A. Application for Vendor Permit – Refuse
 1. Application – Patrick Maher

 - B. Assumption Church and Cultural Center’s Annual Senior Expo – Request for Parking at Lake Front Park
 1. Letter 09/10/15 – J. DeRonne, Coordinator

 - C. Monthly Financial Report – August 2015

8. PROCLAMATION
 - A. Breast Cancer Awareness Month

9. ORDINANCE
 - A. Second Reading: An Ordinance to Amend Chapter 8 Buildings and Building Regulations, Article IX Fences To Allow Certain Methods of Proof of Ownership, Waiver of the 50% Opening Requirement for Corner Lots and Consents, and Providing for Standards Regarding Granting of Exceptions to the Ordinance
 1. Letter 08/18/15 – City Attorney
 2. Proposed ordinance
 3. Affidavit of Legal Publication

10. RESOLUTION
 - A. Milk River/Grosse Gratiot Drain Millage Request & Budget Amendment
 1. Memo 09/16/15 w/attachments – Treasurer/Comptroller
 2. Resolution

 - B. Resolution Regarding House Bills 4725 and 4726 to Repeal Public Act 256 of 2011

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 RESCHEDULED CITY COUNCIL MEETING OF THE CITY OF GROSSE POINTE WOODS HELD ON MONDAY, SEPTEMBER 14, 2015, IN THE COUNCIL-COURT ROOM OF THE MUNICIPAL BUILDING, 20025 MACK PLAZA, GROSSE POINTE WOODS, MICHIGAN.

The meeting was called to order at 7:34 p.m. by Mayor Novitke.

Roll Call: Mayor Novitke
Council members: Bryant, Granger, Ketels, McConaghy, Shetler
Absent: Koester

Also Present: Treasurer/Comptroller Irby
City Attorney Chip Berschback
City Clerk Hathaway
Director of Public Safety Smith
Director of Public Services Ahee
City Assessor Colombo
Public Safety Officer Waszak

Motion by McConaghy, seconded by, Shetler, that Council Member Koester be excused from tonight's meeting.

Motion carried by the following vote:

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

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

The following Commission members were in attendance:

Mike Fuller, Planning Commission
George McMullen, Board of Review/Local Officers Compensation Commission

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

The Mayor added to the agenda an acknowledgement and gave kudos on behalf of the City Council to the Lake Front Park Supervisors and Lifeguards who saved a woman's life this past week. The woman fell unconscious as she entered the pool and staff revived her, specifically Supervisors Emily Goltz and Peter Cherry.

The Mayor took the Proclamation in recognition of the Daughter's of the American Revolution out of order, and issued said proclamation.

Motion by McConaghy, seconded by Shetler, to voice no objection to the issuance of this proclamation.

Motion carried by the following vote:

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

The proclamation was then presented to the following individuals:

- Patti Theros, Vice Regent
- Carole Jennings, Treasurer
- Maryann Judge
- Shirley Hartert

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

1. City Council Minutes dated September 14, 2015;
2. Committee-of-the-Whole minutes dated September 14, 2015.

Motion carried by the following vote:

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

Motion by McConaghy, seconded by Granger, regarding **2016 Winterfest**, that the City Council concur with the recommendation of the Citizens Recreation Commission at their meeting on July 14, 2015, and approve an amount not to exceed \$3,000.00 to cover 2016 Winterfest expenses including tents, heat, and slide, funds to be taken from the Commission's Account No. 101-105-880.200.

Motion carried by the following vote:

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

Motion by Bryant, seconded by McConaghy, regarding **Application for Solicitor's Permit**, that the City Council approve the application of Adam Spencer of Everdry Waterproofing for a Permit/License to Solicit.

Motion carried by the following vote:

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

Motion by Granger, seconded by Shetler, regarding **Application for Refuse Vendor License: Seyfuden P. Livadich**, that the City Council deny this request.

Motion carried by the following vote:

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

The Mayor accepted the **resignation of Peter Gilezan from the Local Officers' Compensation Commission** with regret and directed that appropriate thanks and recognition be sent to Mr. Gilezan.

Motion by Granger, seconded by Bryant, regarding **Lease Agreement: color copier**, that the City Council approve entering into a four-year lease agreement with Prime Office Innovations LLC for a Sharp MX-5141 color multifunction device at a cost of \$257.73 per month or \$12,371.04 for the term of the lease, plus maintenance costs; funds to be taken from Account No. 101-855-818.000 for the lease and Account No. 101-855-850.000 for maintenance; and, that the City Council authorize the City Administrator to sign the Lease Agreement.

Motion carried by the following vote:

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

Motion by Shetler, seconded by McConaghy, regarding **lease/purchase: Public Safety patrol vehicles and equipment (3)**, that the City Council approve leasing of three (3) 2016 Ford Interceptor Utility patrol cars, equipment, and related services as identified at a total cost not to exceed \$154,017.60, including interest; approve an amount not to exceed \$19,252.20 semi-annually for four years, funds to be taken from Account No. 640-852-977.349; and, to authorize the City Administrator to sign the four-year lease agreement with Comerica Leasing:

Signature Ford	3-2016 Utility Police Interceptors	\$ 83,031.00
Canfield Equipment Service	3- Equipment build out	\$30,252.01
L3 Communications Mobile Vision	3-In-Car video systems	\$16,124.88
Majik Graphics	3-Lettering	\$1,950.00
Motorola Solutions, Inc.	3-In Car mobile radios	\$12,076.13
Premier Safety & Service	3-In-Car SCBA Mounts	\$228.06
Stop Stick LTD	3-SUV Kits	1,627.00
TOTAL		\$ 145,289.08

Motion carried by the following vote:

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

Motion by Bryant, seconded by Granger, regarding **lease/purchase: Public Works vehicles (4)**, that the City Council approve leasing of four (4) 2016 dump trucks as identified at a total cost not to exceed \$311,738.88 including interest; approve an amount not to exceed \$38,967.36 semi-annually for four years, funds to be taken from Account No. 640-852-977.599; and, to authorize the City Administrator to sign the four-year lease agreement with Comerica Leasing:

Red Holman Pontiac	1 - 2016 GMC Sierra 3500 4WD Dump Truck w/9' plow	\$52,493.00
Signature Ford	1 - 2016 Ford F550 Dump Truck w/9' plow	\$52,579.00
Jorgensen Ford Sales, Inc.	2 - 2016 Ford F750 Diesel Single Axle 5-Yard Dump Trucks w/hoists/tarp systems	\$189,000.00
TOTAL		\$294,072.00

Motion carried by the following vote:

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

Motion by Ketels, seconded by Shetler, regarding **purchase: 2015 fall tree planting**, that the City Council approve a contract with Landscape Source Corp to provide 2015 fall tree planting (including 44 trees) in a total amount not to exceed \$10,000.00, funds to be taken from Account No. 401-902-977.401.

Motion carried by the following vote:

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

Motion by Granger, seconded by Shetler, regarding **First Reading: An Ordinance to Amend Chapter 8 Buildings and Building Regulations, Article IX Fences To Allow Certain Methods of Proof of Ownership, Waiver of the 50% Opening Requirement for Corner Lots and Consents, and Providing for Standards Regarding Granting of Exceptions to the Ordinance**, that the City Council concur with the amendment of this ordinance, to set a date of September 21, 2015, 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, Ketels, McConaghy, Novitke, Shetler
No: None
Absent: Koester

Motion by McConaghy, seconded by Granger, regarding **Labor Attorney**, that the City Council approve the following statement dated September 1, 2015:

1. Labor Attorney Keller Thoma - \$14,089.90.

Motion carried by the following vote:

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

Motion by McConaghy, seconded by Shetler, regarding **City Attorney**, that the City Council approve the following statements dated August 31, 2015:

1. City Attorney Don R. Berschback - \$3,487.85;
2. City Attorney Charles T. Berschback - \$3,955.00.

Motion carried by the following vote:

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

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

- The Treasurer/Comptroller requested to attend a pension conference sponsored by Opal Financial being held in New Orleans on February 3-5, 2016, where she will serve as a speaker with housing and conference costs to be paid by Opal. There was a concurrence of the Council to authorize her absence from the City to attend the pension conference.

Motion by McConaghy, seconded by Shetler, to approve the Treasurer/Comptroller's request to attend and present at the pension conference sponsored by Opal Financial in New Orleans on February 3-5, 2016.

Motion carried by the following vote:

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

No: None

Absent: Koester

- The Mayor discussed a Resolution that will reinstate local control pertaining to fireworks. The City Attorney and City Clerk were asked to review House Bills 4725 and 4726 and prepare a resolution for a future Council agenda that will reinstate the ban on aerial and explosive fireworks.

Motion by Granger, seconded by Bryant, to adjourn tonight's meeting at 8:07 p.m.
PASSED UNANIMOUSLY.

Respectfully submitted,

Lisa Kay Hathaway
City Clerk

Approved by Committee 09/14/15

6B

COMPENSATION AND EVALUATION COMMITTEE
AUGUST 17, 2015

MINUTES OF THE MEETING OF THE COMPENSATION AND EVALUATION COMMITTEE OF THE CITY OF GROSSE POINTE WOODS HELD ON MONDAY, AUGUST 17, 2015 IN THE CONFERENCE ROOM OF THE MUNICIPAL BUILDING, 20025 MACK AVENUE, GROSSE POINTE WOODS, MICHIGAN.

The meeting was called to order by Chair Bryant at 9:30 p.m.

ROLL CALL:

PRESENT: Chair: Council Member Arthur Bryant
Members: Mayor Robert E. Novitke, Council Member Todd A. McConaghy

ABSENT: None

ALSO IN ATTENDANCE:

City Clerk Lisa Hathaway

Motion by McConaghy, seconded by Novitke, that all items on tonight's agenda be received, placed on file and taken in order of their appearance.

Motion carried by the following vote:

Yes: Novitke, Bryant, McConaghy

No: None

Absent: None

Motion by Novitke, second by McConaghy, to approve the minutes as of the meeting of 04/13/15.

Motion carried by the following vote:

Yes: Novitke, Bryant, McConaghy

No: None

Absent: None

City Clerk Lisa Hathaway discussed her revised proposal of additional 2015/16 monetary and/or fringe benefits and reasons for requesting same by comparison to other city clerks:

1. Exemption from Section 4.08 of the Employee Handbook permitting a buyout of any number of accrued vacation days payable at any time.
2. Continued tuition reimbursement.

COMPENSATION AND EVALUATION COMMITTEE
AUGUST 17, 2015

3. Pension benefit to include an annual \$2500 Stipend check to maintain a universal life policy through age 100 effective immediately, renewable July 1 annually.
4. Salary: \$83,500 retroactive to July 1.
5. Additional 30 days severance – 90 days.

Additionally, she requested a confirmation of pension calculation after reviewing payroll sheets from March 1995 through December 1997.

Motion by McConaghy, second by Novitke, that the meeting of the Compensation and Evaluation Committee be adjourned at 10:30 p. m. Passed unanimously.

Respectfully submitted,

Arthur W. Bryant

Approved by Commission 7/9/15
**Beautification Advisory Commission
GPW City Hall – (Lake Room)
Meeting – July 8, 2015**

6C

Present: Arslanian, Hage, Hagen, Hilton, Hyduk, Koester, Martin-Rahaim, McCarthy, Medura, Muccioli, Reiter, Sauter, Stephens

Also Present: Granger, Matthews

Excused: Rozycki

Other Attendees: None

Guests: None

RECEIVED

JUL 16 2015

CITY OF GROSSE PTE. WOODS

Call to Order: The meeting was called to order by Chairperson D. McCarthy at 7:32 p.m.

Minutes: May and June minutes were distributed and reviewed. *P. Hage made a motion to approve the May 13, 2015 minutes and J. Hagen seconded the motion, which was unanimously affirmed by the BAC. D. Hyduk made a motion to approve the June 10, 2015 minutes and B. Medura seconded the motion, which was unanimously affirmed by the BAC.*

Treasurer's Report: J. Hilton distributed and reviewed the Flower Sale financial summary. *A motion to approve the summary as presented was made by R. Muccioli, seconded by J. Hagen, and unanimously affirmed by the BAC.*

Chairperson's Report: BAC received a request to join the Southeast Michigan Beautification Committee. We have been invited to their meeting in the past and declined. D. McCarthy stated that Lisa Hathaway volunteered to hold an informational meeting for new council members.

Council Report: B. Medura reported on the June 15, 2015 City Council meeting. V. Granger shared other council news with the BAC.

DPW: D. Matthews gave an update on the Grosse Pointe Woods road project.

Flower Sale: K. Martin-Rahaim reported that Lexington Gardens has agreed to provide all the flowers for the 2016 Flower Sale.

Tile/Mug Programs: Members of BAC attended the June 14, 2015 Farmers Market to sell Tiles and Mugs. There was some discussion on adding new tiles. Members also signed up to attend the July 12, 2015 Farmers Market.

Awards Program: BAC members confirmed their residential selections and business nominations to receive beautification awards for 2015. BAC discussed the business nominations and selected 8 winners. BAC members will review the residential renovation nominations and finalize the award-winners at the next meeting. Residential descriptions are due July 31st.

Old Business: None.

New Business: None.

A motion to adjourn the meeting was made by E. Reiter, seconded by D. Hyduk and unanimously affirmed by the BAC at 8:53 p.m.

Respectfully submitted,
E. Rozycki

7A

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

RECEIVED
SEP 10 2015
CITY OF GROSSE PTE. WOODS

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

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

Applicant: PATRICK MAHER Birth Date: _____

Home address: 1576 Brys Telephone: 313 729-0477
G.P. Woods Driver's License No. _____

Business Name: _____ Telephone: _____

Business Address: _____

Description of Business: Recycle

Assistants: _____

Name	Address	Date of Birth

If vehicle used, describe: 03 Chevy Pick-up DGB 3070
Year Make Type License #

Other cities served: _____

Years previously licensed in Grosse Pointe Woods: None X 20____ 20____ 20____ 20____

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

Signed: [Signature] Date: 9/10/15

State of Michigan)
County of Wayne) ss.

Subscribed & sworn to before me this
10 day of Sept, 2015

Pamela Angelotti
Signature of Notary Public
My Commission expires: 10-26-2019



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

Senior Expo Committee
Assumption Cultural Center
21800 Marter Rd.
St. Clair Shores, MI 48081
(586) 779-6111

7B
RECEIVED

SEP 14 2015

CITY OF GROSSE PTE. WOODS

September 10, 2015

Mayor Robert Novitke
City Council Members
City of Grosse Pointe Woods
20025 Mack Plaza
Grosse Pointe Woods, MI 48236

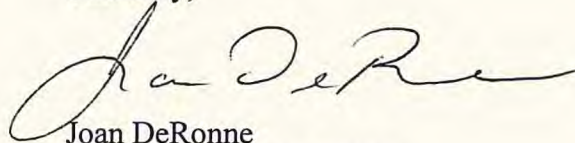
Dear Mayor Novitke and City Council members,

Assumption Cultural Center's Senior Expo has become a community event where more than 1,500 senior citizens, their families and caregivers are provided with health, wellness, recreation and resource information. We have always appreciated your generous support of our various programs and events, especially in allowing us the use of your Lakefront Park for additional parking. We are hoping once again to be allowed to use your park for our 22nd Annual Senior Expo, which takes place on Thursday, October 8th, 8:00 a.m. – 1:00 p.m.

Please kindly respond at your earliest convenience at (586) 779-6111, ext. 3. We look forward to hearing from you.

On behalf of the Senior Expo Committee, I remain,

Sincerely,



Joan DeRonne
Senior Expo Coordinator

CITY OF GROSSE POINTE WOODS

PROCLAMATION

WHEREAS, October 2015 is National Breast Cancer Awareness Month; and

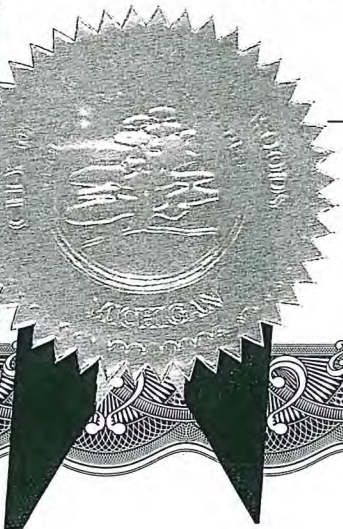
WHEREAS, this year, more than 230,000 women and over 2,300 men will be diagnosed with breast cancer; and

WHEREAS, the pain of this disease will touch too many of our family and friends; and

WHEREAS, over the past two decades, our Nation has made strides in the fight against breast cancer with more than 2.8 million Americans surviving this disease; and

WHEREAS, because early detection can decrease the risk of death from breast cancer, women are encouraged to speak with their doctors about recommended mammograms and clinical breast exams.

NOW, THEREFORE, I, ROBERT E. NOVITKE, Mayor of the City of Grosse Pointe Woods, Michigan, do hereby proclaim the month of October 2015 as **NATIONAL BREAST CANCER AWARENESS MONTH** in the City of Grosse Pointe Woods.



Mayor Robert E. Novitke
September 24, 2015

9A

CHARLES T. BERSCHBACK
ATTORNEY AT LAW
24053 EAST JEFFERSON AVENUE
ST. CLAIR SHORES, MICHIGAN 48080-1530

(586) 777-0400
FAX (586) 777-0430
blbwlaw@yahoo.com

CHARLES T. BERSCHBACK

DON R. BERSCHBACK
OF COUNSEL

August 18, 2015

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

RE. Fence Ordinance

Dear Mayor and Council:

I have enclosed the final changes to the fence ordinance consistent with the discussions at the COW on August 17, 2015. It would be the prerogative of Council to schedule this for a first and final reading and adopt the ordinance, along with a resolution setting a hearing notice fee relating to special circumstances under Sec. 8-284 (a)(4).

If you have any questions please call.

Very truly yours,


CHIP BERSCHBACK

CTB:gmr
Enclosure

cc: Alfred Fincham
Lisa Hathaway
Gene Tutag

RECEIVED
AUG 19 2015
CITY OF GROSSE PTE. WOODS

ORDINANCE # _____

**AN ORDINANCE TO AMEND
CHAPTER 8 BUILDINGS AND BUILDING REGULATIONS,
ARTICLE IX FENCES
TO ALLOW CERTAIN METHODS OF PROOF OF OWNERSHIP,
WAIVER OF THE 50% OPENING REQUIREMENT FOR
CORNER LOTS AND CONSENTS, AND
PROVIDING FOR STANDARDS REGARDING
GRANTING OF EXCEPTIONS TO THE ORDINANCE**

The City of Grosse Pointe Woods ordains:

Sec. 8-274. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Adjacent property means a property having a common boundary line.

Fence means any structure erected or placed along or within four feet of the property line to act as a boundary marker or erected for the purpose of restricting access to or from a lot or parcel of land, whether enclosing all or a part of said lot or parcel in all zoning districts. **A fence requires a building permit.**

Front yard means that portion of the front yard established between the sidewalk and ten feet behind the front most main building line. If a sidewalk does not exist, the front yard shall mean that portion of the front yard established between the end of the city right-of-way and ten feet behind the front most main building line.

Ornamental tops means wood, vinyl or metal decorative caps placed on the tops of fence posts, corners, ends or gateposts.

Property grade line, for determining the height of a fence or landscaping used in place of fencing, means the level of the ground or pavement adjacent to the fence or landscaping.

Rear yard means that portion of the yard between the rearmost corner of the main building line and the rear property line.

Side yard means that portion of the yard between the residential home and side property line, beginning at ten feet back from the front

most main building line to the rearmost corner of the main building line.

(Code 1997, § 10-321; Ord. No. 748, § 1, 6-19-2000)

Sec. 8-275. - Compliance required.

It shall be unlawful for the owner or occupant of premises to erect, place or install any fence in violation of the provisions of this article. No resident may plant or permit the planting of any shrubs, bushes or hedges that will be used as fences in a front yard in violation of the provisions of this article.

(Code 1997, § 10-322; Ord. No. 748, § 1, 6-19-2000)

Sec. 8-276. - Permit.

Before any fence shall be erected, placed or installed, a permit therefor shall be obtained from the ~~division of safety inspection~~ Building Inspector, upon application in writing. Such application shall set forth a description of the fence proposed to be erected, placed or installed and the location thereof, together with such additional information as shall be required to evidence compliance with the provisions of this article. Upon the issuance of a permit for the erection, placing or installing of a fence, a permit fee as currently established or as hereafter adopted by resolution of the city council from time to time shall be paid.

(Code 1997, § 10-323; Ord. No. 748, § 1, 6-19-2000)

Sec. 8-277. - Landscape screening—Front yard.

Shrubs, bushes or hedges, to be used in the place of front yard fencing, shall be limited to a height of 30 inches from the property grade line. Such shrubs, bushes or hedges shall be kept trimmed by the owner or occupant of the property so as not to extend over the property lot line.

(Code 1997, § 10-324; Ord. No. 748, § 1, 6-19-2000)

Sec. 8-278. - Fence ownership.

Ownership of a fence shall be determined by the fence permit applicant as follows:

- (1) By a search of building permits issued to the property in question and adjacent properties; or
- (2) By mutual agreement of the adjacent property owners. If a fence is located upon a lot line and ownership cannot be determined, then each party owning property adjacent to the fence shall be responsible for the care, upkeep and maintenance of the fence facing their property; or.
- (3) By proof showing that a current or former property owner built the fence;
or
- (4) The Building Official may determine ownership by other means if subsections (1), (2), or (3) are insufficient.

(Code 1997, § 10-325; Ord. No. 748, § 1, 6-19-2000)

Sec. 8-279. - General requirements and maintenance.

The following are general requirements for fences:

- (1) All fences shall be constructed of open latticework of metal, wood, vinyl or of woven wire in such a manner so that there shall be a minimum of two-inch openings throughout 50 percent of the length or height of the fence.
- (2) Fences shall not be constructed with sharp points at the uppermost portion of the fence.

- (3) The supporting framework of any fence shall not face adjacent properties or streets.
- (4) Fences shall not be attached to existing fences, i.e., cyclone fence attached to wooden fence.
- (5) No fence shall be erected adjacent to another fence.
- (6) No fence shall have barbed wire, razor wire, electrical current, concertina wire or other similar material.
- (7) The owner of any fence shall maintain their fences in accordance with the provisions of this Code.
- (8) All fences shall be maintained plumb and true with adequate support in a safe manner. The owner of a fence shall remove and/or repair a fence that is dangerous, dilapidated or otherwise in violation of this Code.
- (9) Any person who erects, builds and/or constructs any fence upon property which such person owns and/or leases shall be responsible for the repair, upkeep and maintenance of the fence.
- (10) Any person who owns property upon which a fence has been constructed by a previous owner shall be responsible for the care, upkeep and maintenance of the fence.
- (11) It shall be the responsibility of the person installing the fence to ensure such fence is placed on or within their own property line.

(Code 1997, § 10-326; Ord. No. 748, § 1, 6-19-2000)

Sec. 8-280. - Front yard fences.

Front yard fences shall have a minimum height of 24 inches and a maximum height of 30 inches from the property grade line. Front yard fences shall be placed a minimum of 18 inches from the sidewalk. If a sidewalk does not exist, front yard fences shall be placed a minimum of 18 inches from the edge of the established public right-of-way.

(Code 1997, § 10-327; Ord. No. 748, § 1, 6-19-2000)

Sec. 8-281. - Rear yard fences.

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Rear yard fences shall be constructed to a maximum height of four feet from the property grade line.

(Code 1997, § 10-328; Ord. No. 748, § 1, 6-19-2000)

Sec. 8-282. - Side yard fences.

The following are requirements for side yard fences:

- (1) Side yard fences shall be constructed to a maximum height of four feet from the property grade line.
- (2) Side yard fences on the street side of corner lots may be constructed to a maximum height of six feet from the property grade line.
- (3) Side yard fences on corner lots shall be placed a minimum of 18 inches from the sidewalk. If a sidewalk does not exist, side yard fences shall be placed a minimum of 18 inches from the edge of the established public right-of-way.

(Code 1997, § 10-329; Ord. No. 748, § 1, 6-19-2000)

Sec. 8-283. - Ornamental fence tops.

Ornamental tops shall not be considered as a part of the allowable fence height and are limited to a maximum height of eight inches.

(Code 1997, § 10-330; Ord. No. 748, § 1, 6-19-2000)

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

- (a) Deviations Exceptions. Notwithstanding anything to the contrary provided in this article, deviations—exceptions from the provisions of this article may—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) Solid Fences: Notwithstanding the general requirements found in Sec. 8-279 (1), solid fences are permitted under the following circumstances:

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(a) for that portion of a fence that faces a street on a corner lot;

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(b) when a fence faces an alley;

(c) on all lots when written consent of all the adjacent owners are submitted along with an application.

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- (4) Special circumstances. Applications meeting the requirements of this Article and subsections (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;

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(b) whether special circumstances or conditions exist;

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(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 publication 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 forward-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)

Secs. 8-285—8-301. - Reserved.

AFFIDAVIT OF LEGAL PUBLICATION

Grosse Pointe News

21316 Mack Ave
Grosse Pointe Woods, Michigan 48236
(313) 887-2500

COUNTY OF WAYNE
STATE OF MICHIGAN, SS.

Scott Chambers

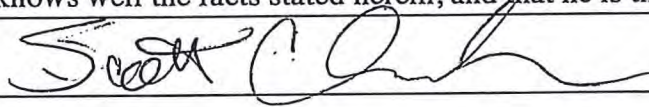
being duly sworn deposes and says:

City of Grosse Pointe Woods
was duly published in accordance with
the following date:

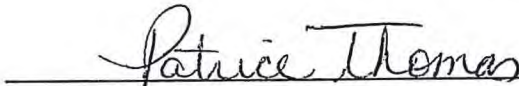
September 17, 2015

#1 GPW 9-17 2nd READING FENCES

and knows well the facts stated herein, and that he is the Publisher of said newspaper.



Subscribed and sworn to before me this 17TH day of September A.D., 2015



PATRICEA THOMAS
NOTARY PUBLIC, STATE OF MI
COUNTY OF WAYNE
MY COMMISSION EXPIRES Jun 21, 2020
ACTING IN COUNTY OF Wayne

Notary Public

City of **Grosse Pointe Woods**, Michigan

NOTICE IS HEREBY GIVEN that the Council will be considering the following proposed ordinance for a second reading at its meeting scheduled for Monday, September 21, 2015, at 7:30 p.m. in the Council Room of the Municipal Building. The proposed ordinance is available for public inspection at the Municipal Building, 20025 Mack Plaza, between 8:30 a.m. and 5:00 p.m., Monday through Friday. The Council meeting is open to the public. All interested persons are invited to attend.

AN ORDINANCE AMENDING CHAPTER 8, BUILDINGS AND BUILDING REGULATIONS, ARTICLE IX FENCES TO ALLOW CERTAIN METHODS OF PROOF OF OWNERSHIP, WAIVER OF THE 50% OPENING REQUIREMENT FOR CORNER LOTS AND CONSENTS AND PROVIDING FOR STANDARDS REGARDING GRANTING OF EXCEPTION TO THE ORDINANCE.

Lisa Kay Hathaway
City Clerk

Published GPN, September 17, 2015



CITY OF GROSSE POINTE WOODS
MEMORANDUM

10A

RECEIVED
SEP 16 2015
CITY OF GROSSE PTE. WOODS

To: Mayor and City Council

From: Dee Ann Irby, Treasurer/Comptroller

Date: September 16, 2015

Subject: Milk River/Grosse Gratiot Drain Millage Request & Budget Amendment

In May, City Council approved the Milk River/Grosse Gratiot Drain budget based upon the information available at that time. Today, the Wayne County Drain Commission Office provided additional information regarding their fiscal year 2015-16 operations and maintenance budget as well as infrastructure improvements.

The proposed Milk River/Grosse Gratiot Drain Millage of 4.1509 mills is 1.469 mills *higher* than last year. The increased millage is attributable to infrastructure improvements financed with a loan from the State of Michigan Sewer Revolving Fund (SRF). It is important to note that the two prior year budgets did not include any debt payments, therefore resulted in a reduced millage rate. The attached spreadsheet details revenue and expenses for FY 2015-16.

I respectfully request City Council to authorize the Milk River/Grosse Gratiot Drain millage of 4.1509 mills be placed on the 2015 winter tax bill and approve a budget amendment to increase the Milk River/Grosse Gratiot Drain budget by \$807,852. All expenditures will be funded by the aforementioned millage.

Please contact me with questions or concerns.

CITY OF GROSSE POINTE WOODS
BUDGET WORKSHEET - GROSSE GRATIOT DRAIN

FY 2015-16

<i>Revised 9-16-15</i>												
ACCOUNT NO.	ACCOUNT NAME	FY 06-07 ACTUAL AMOUNT	FY 07-08 ACTUAL AMOUNT	FY 08-09 ACTUAL AMOUNT	FY 09-10 ACTUAL AMOUNT	FY 10-11 ACTUAL AMOUNT	FY 11-12 ACTUAL AMOUNT	FY 12-13 ACTUAL AMOUNT	FY 13-14 ACTUAL AMOUNT	FY 14-15 ACTUAL AMOUNT	FY 15-16 DEPT REQUESTED	CITY ADMIN RECOMM
GENERAL EXPENDITURES												
365445818000	CONTR-O&M MILK RIVER	-	-	990,971	1,027,996	1,165,717	1,327,802	1,367,905	1,408,037	1,439,036	1,551,722	1,551,722
365445991000	MILK RIVER - PRINCIPAL	-	-	1,092,022	1,119,247	1,152,522	1,185,797	1,173,754	-	-	-	-
365445992000	MILK RIVER - INTEREST	-	-	132,873	102,219	72,597	43,949	14,676	-	-	975,000	975,000
365445992200	SRF Pre-Funding	-	-	-	-	-	-	-	828,847	226,874	-	-
	DEPARTMENT TOTAL	-	-	2,215,866	2,249,461	2,390,836	2,557,547	2,556,335	2,236,885	1,665,910	2,526,722	2,526,722
TRANSFERS & OVERHEAD												
365482999101	TRF TO GENERAL	83,000	93,000	125,000	295,000	305,000	120,000	120,000	-	-	-	-
365482999203	TRF TO LOCAL STREET	-	-	550,000	550,000	550,000	200,000	-	-	-	-	-
365482999592	TRF TO WATER/SEWER	100,000	100,000	250,000	250,000	-	-	-	-	-	-	-
365482999650	TRF TO MIS	20,000	20,000	10,000	10,000	-	-	-	-	-	-	-
	DEPARTMENT TOTAL	203,000	213,000	935,000	1,105,000	855,000	320,000	120,000	-	-	-	-
DEBT SERVICE - OTHER												
365993757000	OPERATING SUPPLIES	-	-	-	-	-	-	-	-	-	-	-
365993818000	CONTRACTUAL SERVICES	-	-	12,450	2,976	5,000	5,236	5,000	5,000	5,000	5,000	5,000
365993914000	INSURANCE	-	-	12,153	12,153	8,666	8,747	8,732	8,701	8,596	8,595	8,595
	DEPARTMENT TOTAL	-	-	24,603	15,129	13,666	13,983	13,732	13,701	13,596	13,595	13,595
GRAND TOTAL MILK RIVER DRAIN EXPENSE												
		203,000	213,000	3,175,469	3,369,590	3,259,503	2,891,530	2,690,067	2,250,586	1,679,506	2,540,317	2,540,317

City of Grosse Pointe Woods												
Budget Revenue Analysis - GROSSE GRATIOT DRAIN												
FY 15-16												
Revised 9-16-15												633,674,000
						782,426,719	699,266,846	617,175,882	604,800,000	601,100,000	601,100,000	Taxable Val
acct	Account Name	FY 05-06 Audited	FY 06-07 Audited	FY 07-08 Audited	FY 08-09 Audited	FY 09-10 Audited	FY 10-11 Audited	FY 11-12 Audited	FY 12-13 Audited	FY 13-14 Audited	FY 14-15 Actual	FY 15-16 Proposed
						3.8020	3.8020	4.4685	4.5281		2.7340	4.1509
												Revised 9-16-15
365.000	GG Drain Fund											
365000402000	Operating Levy	-	-	174,018	-	2,962,782	2,651,129	2,753,485	2,720,733	2,706,194	1,685,314	2,630,317
365000402001	MTT Tax Refund	-	-	-	(32,550)	(2,473)	10,988	(17,661)	28,174	(1,898)	-	(90,000)
365000402100	DELQ TAX						7,433		-			
365000665000	Interest Earnings	660	1,400	-	-	-	-				-	-
365000697000	Trf Prior Yr Reserve	-	-	-	-	409,282	589,954	155,705			-	
365000703000	Trf Wayne CntyTxFund	2,496,742	3,559,797	3,479,741	3,220,893		-				-	-
	Total GG Drain Fund	2,497,402	3,561,197	3,653,759	3,188,344	3,369,591	3,259,503	2,891,530	2,748,907	2,704,296	1,685,314	2,540,317

CERTIFIED RESOLUTION

Motion by _____, seconded by _____, regarding **2015 Milk River Drain Levy**, that the Council adopt the following resolution:

Whereas: the Mayor and City Council directs that the millage levy consisting of 4.1509 mills be established for the operational and maintenance costs related to the Milk River Drain pumping facility for administration, replacement and maintenance of the City of Grosse Pointe Woods sanitary sewer/drain system, and SRF debt payments, and

Whereas: that the Drain/Milk River Debt millage be levied upon such assessments as certified by the Assessor of the City of Grosse Pointe Woods, and

Whereas: that the following amounts be collected from the assessments levied as follows:

	Millage	Amount (rounded)
Milk River Drain Operations	2.6000	\$1,647,552
Milk River Drain Bonded Debt	1.5280	968,254
Transfers	0.0000	0
Administration	0.0229	14,511
Total	4.1509	\$2,630,317

It is further resolved that the City Clerk certify the Milk River Drain Debt Levy to the Wayne County Board of Supervisors for spreading the 4.1509 mills as Milk River Drain Debt Levy upon the 2015-16 Grosse Pointe Woods tax roll.

Motion carried by the following vote:

Yes:

No:

Absent:

CERTIFICATION

I, Lisa Kay Hathaway, City Clerk of the City of Grosse Pointe Woods, do hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the Council on September 21, 2015, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be, or have been, made available as required by said Act.

Lisa Kay Hathaway
City Clerk
September 21, 2015

103

CITY OF GROSSE POINTE WOODS
CERTIFIED RESOLUTION

A RESOLUTION URGING THE SWIFT PASSAGE OF HOUSE BILLS 4725 AND 4726 TO
REPEAL PUBLIC ACT 256 OF 2011

Motion by _____, supported by _____ that the
City Council adopts the following resolution:

WHEREAS, the State of Michigan adopted into law Public Act 256 of 2011 (Michigan Fireworks Safety Act) that took effect on January 1, 2012; and

WHEREAS, Public Act 256 of 2011 now provides for the sale of consumer fireworks, including aerial and explosive, in various retail locations and severely restricts the authority of a local unit of government to regulate sales, possession and use; and

WHEREAS, Public Act 256 of 2011, which liberalized the law on selling fireworks to unlicensed citizens and prohibited local governments from totally banning their use, has resulted in far more fireworks-related noise, litter and potential safety issues; and

WHEREAS, the additional business and revenue generated by Public Act 256 of 2011 has not been sufficient to compensate residents for the threat of their health, safety and quality of life; and

WHEREAS, the aforementioned consequences of the widespread availability and use of aerial and explosive fireworks have prompted citizens to express their discontent with Michigan Fireworks Safety Act, demonstrating that current state law poses a threat to the welfare of our citizens; and

WHEREAS, previous efforts to amend Public Act 256 of 2011 have failed to resolve these problems; and

WHEREAS, aerial and explosive fireworks continue to be offered for sale in Michigan, local law enforcement does not have the resources to enforce regulatory local ordinances;

NOW, THEREFORE BE IT RESOLVED, that the Grosse Pointe Woods Mayor and City Council urge the Michigan Legislature to promptly pass House Bills 4725 and 4726 to repeal Public Act 256 of 2011 and reinstate the ban on aerial and explosive fireworks to restore the quality of life and safety that our citizens expect; and

BE IT FURTHER RESOLVED, that the Grosse Pointe Woods Mayor and City Council hereby direct the City Clerk to forward this resolution to Governor Rick Snyder, State Senator Bert Johnson, and State Representative Brian Banks.

Passed unanimously.

I HEREBY CERTIFY the foregoing constitutes a true and complete copy of a resolution adopted by the City Council of the City of Grosse Pointe Woods at their regular meeting held on Monday, _____ and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be, or have been, made available as required by said Act.

Lisa Kay Hathaway, City Clerk