

MINUTES OF THE REGULAR CITY COUNCIL MEETING OF THE CITY OF GROSSE POINTE WOODS HELD ON MONDAY, OCTOBER 7, 2013, IN THE COUNCIL-COURT ROOM OF THE MUNICIPAL BUILDING, 20025 MACK PLAZA, GROSSE POINTE WOODS, MICHIGAN.

The meeting was called to order at 7:33 p.m. by Mayor Novitke.

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

Also Present: Treasurer/Comptroller Irby
City Attorney Don Berschback
City Clerk Hathaway
Director of Public Works Ahee
Building Inspector Tutag

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

The following Commission members were in attendance:

Beautification Advisory Commission Members: Eric Reiter, Dennis Janowski, Christine Briggs, Debbie McCarthy, Dennis Hyduk, Kelly Rahaim, Joyce Cook, Angelo DiClemente

Rich Rozycki, Planning Commission

George McMullen, Board of Review/Local Officers Compensation Commission

Jeff Profeta, Tree 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, Koester, McConaghy, Novitke, Shetler
No: None
Absent: None

Hearing no objections, Item 12A – Proclamation was taken out of order. The Mayor issued and presented the proclamation to Angelo DiClemente in recognition of his years of service to the community.

The Chair declared a recess at 7:43 p.m., and reconvened at 7:58 p.m.

The Mayor appointed Jim Profeta to fill the vacancy on the **Planning Commission**.

Motion by Ketels, seconded by Bryant, regarding Appointment – Planning Commission, that the City Council concur with the Mayoral appointment of James R. Profeta to the Planning Commission with a term to expire December 31, 2014.

Motion carried by the following vote:

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

Motion by Granger, seconded by Ketels, that the City Council Minutes dated 09/16/13 be approved, as amended.

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 **Contract: Burgoyne Appraisal Company, LLC**, that the City Council concur with the recommendation of the Committee-of-the-Whole at their meeting on September 30, 2013, and employ David E. Burgoyne at a cost of \$15,000.00 for appraisal services to obtain values for 2012 and 2013 on the Rivers, to authorize the City Administrator to sign the Fee Agreement and Contract, and to authorize a budget amendment in the amount of \$15,000.00 from the General Fund Fund Balance into Account No. 101-210-801.301.

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 **Michigan Tax Tribunal Settlement Limits – City Assessor**, that the City Council concur with the recommendation of the Committee-of-the-Whole at their meeting on September 10, 2012, and authorize the City Assessor to compromise small claims up to \$500.00 per year of contention up to 3 years retroactive to September 10, 2012.

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 **Michigan Tax Tribunal Settlement Limits – City Attorney**, that the City Council concur with the recommendation of the Committee-of-the-Whole at their meeting on September 10, 2012, and give advanced authority to the City Attorney to settle MTT cases without any further Council approval in the amount of \$2,500.00 per year of contention for up to a maximum of 3 years retroactive to September 10, 2012.

Motion carried by the following vote:

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

Motion by Granger, seconded by Bryant, that the Committee-of-the-Whole minutes dated 09/16/13, 09/23/13, and 09/30/13 be approved as presented.

Motion carried by the following vote:

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

Motion by Granger, seconded by Bryant, regarding **Two (2) Renovation Awards**, that the City Council concur with the Beautification Commission at their meeting on August 14, 2013, and authorize the award of two distinct (commercial) awards as appropriate.

Motion carried by the following vote:

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

THE MEETING WAS THEREUPON OPENED AT 8:10 P.M. FOR A PUBLIC HEARING IN ACCORDANCE WITH CHAPTER 8, BUILDINGS AND BUILDING REGULATIONS, ARTICLE IX, FENCES, TO HEAR THE APPLICATION OF **TRI-COUNTY REAL ESTATE LLC, 21473 RIVER ROAD**, GROSSE POINTE WOODS, WHICH IS APPEALING THE DENIAL OF THE BUILDING OFFICIAL TO ISSUE A PERMIT DUE TO NONCOMPLIANCE WITH SECTION 8-279 GENERAL REQUIREMENTS AND MAINTENANCE.

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

1. Application for Fence Zoning Compliance Permit
2. Letter 06/25/13 – Tri-County Real Estate Holdings & Mgmt. LLC
3. Site Plan 06/23/13
4. Drawing 07/01/13
5. Photos (3)
6. Memo 09/10/13 – Building Official
7. Ticket No. 212923
8. Photos (6)
9. Affidavit of Property Owners Notified
10. Aerial View

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:

Tim Koczara
21473 River Road

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 Bryant, that the public hearing be closed at 8:17 p.m.
PASSED UNANIMOUSLY.

Motion by Bryant, supported by Granger, regarding Public Hearing regarding Fence Variance: Tim Koczara, Tri-County Real Estate LLC, for the property located at 21473 River Road, that the Council grant an exception for the solid wood privacy fence installed along the north side yard of 21473 River Road, and that the fence be allowed to remain due to special circumstances that warrant the granting of the variance, including:

1. The subject property's side yard is abutting Parkway Drive, the City's DPW Yard and the Milk River Lift Station property;
2. Most existing fencing along the south side of Parkway Drive is of a similar type of fencing, the installation of the required fence would look out of place in this instance.

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 **2014 Relay for Life**, that the City Council approve the request of the American Cancer Society to hold the 2014 Relay for Life at Lake Front Park from May 17-18, 2014, contingent upon receipt of appropriate insurance naming the City as an additional insured.

Motion carried by the following vote:

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

Motion by Koester, seconded by McConaghy, regarding **Open Purchase Order – Sam’s Club Discover Card**, that the City Council approve an open purchase order for Sam’s Club Discover Card in an amount not to exceed \$18,000.00.

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 **Congestion Mitigation and Air Quality Improvement (CMAQ) Grant**, that the City Council authorize accepting the CMAQ Grant to purchase a 2014 International Model 7400 10-Yard Dump Truck for a total project cost in the amount of \$145,455.00, and to authorize payment of the required City match (20%) in an amount not to exceed \$29,091.00 to be paid from Account No. 640-852-977.599, and to authorize administration to seek bids.

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 **Building Department Budget Amendment**, that the City Council authorize a budget amendment in the amount of \$14,800.00 from the General Fund Fund Balance into Account No. 101-180-702.000 to cover the Building Department’s Clerk I salary; and \$14,635.00 from the General Fund Fund Balance into Account No. 101-855-977.299 to purchase BS&A computer software.

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 **Permanent Easement/Temporary Construction Easement with Wayne County at DPW**, that the City Council approve the Permanent Easement and Temporary Construction Easement for electrical power line purposes at the City's DPW yard and direct the City Administrator to sign the easements.

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 FY 2014**, that the City Council authorize the Mayor to sign the Municipal and Community Credit Contract for FY 2014 with Suburban Mobility Authority for Regional Transportation (SMART) authorizing the City to receive \$15,884.00 in Municipal Credits and \$19,550.00 in Community Credits, for a total of \$35,434.00.

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 **Employment Agreement – Court Administrator**, that the City Council authorize the City Administrator to sign the Employment Agreement for Julie Moore, Court Administrator.

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 **Employment Agreement – Deputy Court Administrator**, that the City Council authorize the City Administrator to sign the Employment Agreement for Beth Miro, Deputy Court Administrator.

Motion carried by the following vote:

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

Motion by McConaghy, seconded by Granger, that the following Labor Attorney invoice dated September 1, 2013, be approved for payment:

1. Keller Thoma Invoice No. 10258 - \$621.30.

Motion carried by the following vote:

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

Motion by McConaghy, seconded by Granger, that the City Attorney statements dated September 30, 2013, from the City Attorneys be approved for payment:

1. City Attorney Don Berschback in the amount of \$6,665.00;
2. City Attorney Charles Berschback in the amount of \$3,570.00.

Motion by McConaghy, seconded by Ketels, that Council Member Koester abstain from voting on this matter due to a conflict of interest.

Motion carried by the following vote:

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

Motion carried by the following vote:

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

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

Council Member Koester requested an expenditure approval on behalf of the Tree Commission in an amount of \$774.35 to cover the cost of Arbor Day events, a budgeted item.

Motion by Koester, seconded by Granger, regarding Arbor Day expenses, that the City Council approve an amount not to exceed \$774.35 to cover Arbor Day costs, a budgeted item, to be paid from Account No. 101-105-880.700.

Motion carried by the following vote:

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

Motion by Koester, seconded by McConaghy, to adjourn tonight's meeting at 8:30 p.m. PASSED UNANIMOUSLY.

Respectfully submitted,

Lisa Kay Hathaway
City Clerk