

MINUTES OF THE REGULAR CITY COUNCIL MEETING OF THE CITY OF GROSSE POINTE WOODS HELD ON MONDAY, MAY 20, 2013, IN THE COUNCIL-COURT ROOM OF THE MUNICIPAL BUILDING, 20025 MACK PLAZA, GROSSE POINTE WOODS, MICHIGAN.

The meeting was called to order at 7:31 p.m. by Mayor Novitke.

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

Also Present: City Administrator Fincham  
City Attorney Berschback  
City Clerk Hathaway  
City Assessor Vandemergel  
Director of Public Safety Pazuchowski  
Director of Public Works Ahee

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

Motion carried by the following vote:

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

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

The following Commission members were in attendance:

Debra McCarthy, Beautification Commission  
Carroll Evola, 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, Ketels, Koester, McConaghy, Novitke, Shetler  
No: None  
Absent: Granger

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

1. City Council Minutes dated May 6, 2013.

Motion carried by the following vote:

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

Motion by Ketels, seconded by Shetler, regarding **Lochmoor Club – Letter of Agreement**, that the City Council concur with the Beautification Commission at their meeting on March 12, 2013, and approve the Lochmoor Club as the venue to hold the 40<sup>th</sup> BAC Awards scheduled for November 13, 2013, in an amount not to exceed \$3,500.00, and to authorize the City Administrator to sign said Agreement, funds to be taken from Parkway Beautification Fund Account No. 205-870-820.310, contingent upon approval of the FY 2013/14 Budget.

Motion carried by the following vote:

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

THE MEETING WAS THEREUPON OPENED AT 7:35 P.M. FOR A PUBLIC HEARING ON THE 2013/14 PROPOSED BUDGET.

Motion by McConaghy, seconded by Bryant, that the following items be received, placed on file:

1. Proposed Budget and Appropriation Resolution
2. Memo 05/15/13, w/attachments – City Administrator & Treasurer/Comptroller
3. Affidavit of Legal Publication

Motion carried by the following vote:

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

No: None

Absent: Granger

The City Administrator presented the budget and summarized the proposed budget for the benefit of those citizens attending.

The Chair asked if anyone from the audience wished to speak in favor of the proposed budget. The City Administrator spoke in favor of the proposed budget.

The Chair asked if anyone from the audience wished to speak in opposition to the proposed budget. No one wished to be heard.

Motion by Bryant, seconded by Ketels, that the public hearing be closed at 7:41 p.m. PASSED UNANIMOUSLY.

Motion by McConaghy, seconded by Koester, that the Council adopt the following resolution:

CITY OF GROSSE POINTE WOODS

CERTIFIED RESOLUTION

Motion by xxxx, seconded by xxxx, that the Council adopts the following resolution:

CITY OF GROSSE POINTE WOODS  
BUDGET AND APPROPRIATION RESOLUTION

WHEREAS, a public notice has been previously given, as required by City Charter and State of Michigan Public Act 5 of 1982, that a public hearing would be held at 7:30 p.m. on Monday, May 20, 2013, for the purpose of receiving comments on the proposed 2013-14 City Budget and the intent to levy Property Tax Revenues within the said City of Grosse Pointe Woods; and;

WHEREAS, a full and final public hearing has been held on proposed 2013-14 City Budget, and the proposed Increase in Property Taxes, it is therefore the opinion and judgment of Council that the aforesaid proposed 2013-14 City Budget is in all things appropriate, correct and should be approved and that the property Tax Levy to finance the 2013-14 City Budget should be approved accordingly.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Grosse Pointe Woods, Michigan, that the proposed 2013-14 City Budget and the proposed property Tax Levy for the fiscal year 2013-14 as finally reviewed (and/or changed by) the Council at this public hearing be adopted and the amounts as contained in the aforesaid budget should be appropriated as designated and property tax levied accordingly.

BE IT RESOLVED that there are those sums of revenue which are deemed necessary to be raised by ad valorem tax levies on all real and personal property within the City of Grosse Pointe Woods, and that the City Clerk be and is hereby directed to certify such amounts to the City Assessor for the spread on the 2013 City Tax Roll at the rate of 13.4986 mills per thousand of the current City of Grosse Pointe Woods taxable valuation for general operations; at the rate of 0.0810 per thousand of the current City of Grosse Pointe Woods taxable valuation for Act 359 Public Relations; at the rate of 0.5280 mills per thousand of the current City of Grosse Pointe Woods taxable valuation for Advanced Emergency Medical Services; at the rate of 2.0251 mills per thousand of the current City of Grosse Pointe Woods taxable valuation for Solid Waste.

Motion carried by the following vote:

Yes:

No:

Absent:

CERTIFICATION

I, Lisa Kay Hathaway, 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 May 20, 2013, 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, MMC  
City Clerk

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Motion carried by the following vote:

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

Motion by McConaghy, seconded by Koester, regarding **budget amendment and bill payment approval**, that the City Council authorize a payment in the amount of \$201,329.50 to the Wayne County Treasurer's Office for the City's portion of Michigan Tax Tribunal refunds; and, to authorize a budget amendment in the amount of \$201,329.50 from the General Fund Fund Balance into Account No. 101-210-801.300.

Motion carried by the following vote:

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

The next item discussed was regarding **budget transfer – City Bus Repair**. The Chair provided an overview with a focus on the City Attorney's Legal Opinion dated May 15, 2013. Hearing no objections from the City Council, the City Clerk was directed to insert the following language, verbatim, into the meeting minutes:

Mayor: If the Council recalls at our last meeting we delayed this because we wanted a formal legal opinion. We now have it before us. It's authored by both Don Berschback and Charles Berschback and this is us being able to use SMART Credits to take care of bus

repairs for our two buses and in part we use to transport residents to Lake Front Park. The issue that we had is we were all very intimately concerned could that have any impact on our status as resident-only park. We are not satisfied with the prior statement, and not no criticism of the City Attorney, but wanted it to be much more detailed. This ends up, Mr. Berschback,

*"It is my opinion that the use of SMART funds to repair our local buses is within the statutory scheme, not discriminatory, well supported by past practices of the SMART bus authority, a proper utilization of public funds, and will not adversely affect the status of Lake Front Park."*

Now, I . . . not blindsiding you I said, do we read that to mean that it will not affect the status of Lake Front Park or any other other park with the status of resident's-only park?

Chip Berschback: Yes Sir.

Mayor: And with the concurrence of the Council I would like that to be recorded in the minutes. Do I have the concurrence?

Council: (All nods – yes.)

Mayor: Madam Clerk, will you make sure that is recorded in there.

Clerk: Yes Sir.

Motion by McConaghy, seconded by Koester, regarding budget transfer – City Bus Repair, that the City Council authorize a transfer from the General Fund Fund Balance in the amount of \$4,604.31 into the Parks & Recreation Vehicle Maintenance Account No. 640-851-939.300; and, to authorize a total amount not to exceed \$10,619.60 for the cost of repairs to the two City buses, to be paid from Account No. 640-851-939.300, said account to be reimbursed upon receipt of SMART-Community Credit funds.

Motion carried by the following vote:

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

Motion by Koester, seconded by Bryant, regarding **Monthly Financial Report – April 2013**, that the City Council refer this report to the Finance Committee.

Motion carried by the following vote:

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

Motion by Shetler, seconded by Bryant, regarding **contract – trucking services**, that the City Council approve a contract with Hernden Trucking Co., to provide trucking and hauling services from July 1, 2013, through June 30, 2014, at a cost not to exceed \$84,000.00, funds to be taken from Account No. 226-528-818.000, contingent upon final adoption of the FY 2013/14 budget.

Motion carried by the following vote:

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

Motion by Bryant, seconded by Shetler, regarding **contract – gas fired heater**, that the City Council approve a contract with K&S Ventures, Inc. to furnish and install one direct gas-fired blow-thru space heater in DPW's Garage 2 in an amount not to exceed \$17,750.00, funds to be taken from the FY 2012/13 budget, Municipal Improvement Account No. 401-901-970.103.

Motion carried by the following vote:

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

Motion by Ketels, seconded by Shetler, regarding **purchase – two 10' snow plows**, that the City Council authorize the purchase of two Root Model RXT52-PR-10' snow plows from Shults Equipment Inc. in a total amount not to exceed \$13,490.00, funds to be taken from the FY 2012/13 Motor Vehicle Capital Equipment Account No. 640-852-977.200.

Motion carried by the following vote:

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

Motion by McConaghy, seconded by Bryant, regarding **Labor Attorney**, that the City Council approve the following statement dated May 1, 2013:

1. Labor Attorney Keller Thoma, Invoice #101528 - \$1,565.97.

Motion carried by the following vote:

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

Motion by Bryant, seconded by Ketels, to adjourn tonight's meeting at 7:56 p.m.  
PASSED UNANIMOUSLY.

Respectfully submitted,

Lisa Kay Hathaway  
City Clerk