

MINUTES OF THE MEETING OF THE COMMITTEE-OF-THE-WHOLE OF THE CITY OF GROSSE  
POINTE WOODS HELD REMOTELY ON MONDAY, JUNE 14, 2021.

Facilitator's statement was read.

PRESENT\*: Mayor Bryant  
Council Members Brown, Gafa, Granger, Koester, McConaghy (Southfield,  
MI), Vaughn (Detroit, MI)

ABSENT: None  
(\*Unless specifically identified otherwise, Council Members attended remotely from Grosse Pointe Woods, MI.)

ALSO PRESENT: City Administrator Smith  
City Attorney Anderson  
Treasurer/Comptroller Murphy  
City Clerk Hathaway  
Director of Public Services Schulte  
Building Official Tutag  
Facilitator/Deputy City Clerk Antolin  
Administrative Assistant Modrack

Mayor Bryant called the meeting to order at 7:02 p.m.

Motion by Granger, seconded by Vaughn, 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: Brown, Bryant, Gafa, Granger, Koester, McConaghy, Vaughn  
No: None  
Absent: None

The next item discussed was regarding the **fence ordinance** and discussing whether to establish a penalty to make continued non-compliance a misdemeanor following the issuance of a first civil infraction and non-compliance. The Building Official provided an overview and stated this was brought up during a court case in 2018. He recommended Council not take action and leave the ordinance as is. He also stated that most actions with the court are regarding the solid fence provision. He recommended further discussion regarding solid fences in the future. The City Clerk was asked to add solid fences to the Committee-of-the-Whole.

Motion by Gafa, seconded by Vaughn, that fence ordinance – establishing a penalty for non-compliance be removed from the Committee-of-the-Whole.

Motion carried by the following vote:

Yes: Brown, Bryant, Gafa, Granger, Koester, McConaghy, Vaughn  
No: None  
Absent: None

Next, the **solar ordinance was discussed – An Ordinance to Adopt Article XVII Solar Energy Systems, Chapter 8, Buildings and Building Regulations, Sec. 8-501 to eliminate the requirement that panes be located within 4’ of any peak, eve or valley, to provide that the installation of the solar energy system shall comply with the Michigan Residential Code, and to provide for appeals to the City Council.** The Building Official provided an overview regarding the solar ordinance. This ordinance has been discussed with the Planning Commission and City Council regarding panels, location, and setbacks on the roof. When the ordinance was drafted twelve years ago, the state building code did not have regulations regarding setbacks or placement of the panels. The 2018 building code established provisions and are in conflict with the current fire code. He recommended providing the Building Official and Director of Public Safety some latitude to make modifications and it will eliminate the need for variances. One concern from the past is 80% of homes are located on an east/west street. If a home is located on the south side, panels can be placed on the southern exposure/rear. If a home is located on the north side, the northern exposure does not get enough sun. The proposed ordinance indicates that you can have a solar installation if it is visible from the street if you use solar shingles or some product that is not clearly a solar installation visible from the street. One problem is the technology is lagging behind. It is expensive to install solar shingles making it a large cost difference dependent upon which side of the street the house is located. He recommended the ordinance move to a first reading, remove it from Chapter 50, and place it into Section 8 of the City Code.

Council Member Koester wants to see an ordinance that applies the same to all houses including cost and is therefore against this amendment. The Chair concurred. Council Member Granger concurred and stated the cost is a concern. Council Member Vaughn stated he has not given northern exposure enough study, believes he does not have enough information, and he would be interested in seeing what other surrounding communities are doing. Council Member McConaghy concurred.

The City Attorney stated the ordinance would be removed from Chapter 50 - Zoning and moved to Chapter 8 – Building, which is another component to discuss. The Committee might want to send this item back to the Planning Commission for additional study.

Motion by Granger, seconded by McConaghy, regarding solar ordinance amendment, that the Committee-of-the-Whole refer this item to the Planning Commission for further study, particularly in light of Mr. Vaughn’s comments, with recommendations to come back to City Council.

Motion carried by the following vote:

Yes:	Brown, Bryant, Gafa, Granger, Koester, McConaghy, Vaughn
No:	None
Absent:	None

Discussion ensued regarding **soundstage policy and rental fees.** The Director of Public Services stated the soundstage policy has not been updated in a long time. The soundstage is currently being rented for \$1,000.00, less than it costs to deliver and pick up, and it is time to update the fees to recover costs. Costs include employees and putting

money toward a future soundstage; the current one is a quality piece of equipment but it is seventeen years old. Discussion ensued regarding a fee and when to implement.

Motion by Granger, seconded by Gafa, regarding soundstage policy and rental fees, that the Committee-of-the-Whole recommend City Council establish a flat rate of \$2,000.00 to rent the City's soundstage effective September 1, 2021, and that this fee be added to the Fee Schedule.

Motion carried by the following vote:

Yes: Brown, Bryant, Gafa, Granger, Koester, McConaghy, Vaughn  
No: None  
Absent: None

Motion by Granger, seconded by Gafa, that soundstage policy and rental fee be removed from the Committee-of-the-Whole.

Motion carried by the following vote:

Yes: Brown, Bryant, Gafa, Granger, Koester, McConaghy, Vaughn  
No: None  
Absent: None

**City Bulletin Boards** were then discussed. Discussion ensued regarding costs for staff to post notices and maintenance of the bulletin boards, the Open Meetings Act, City Charter pertaining to posting ordinances, and digital signage in front of City Hall. As opposed to posting ordinances in five places on bulletin boards, they would alternatively have to be published in the newspaper. Following discussion, there was a consensus of the Committee to install one bulletin board outside of City Hall and remove the other bulletin boards on Mack Avenue.

The next item on the agenda was regarding **solar photovoltaic (PV) Feasibility Study**. The City Attorney stated Scott Garrison, from Peter Basso Associates Inc, was in attendance. He performed the study and provided an overview of the Solar Photovoltaic Feasibility Study dated May 24, 2021. He examined output from the PV system and the amount of power that could be produced. He stated the bottom line is the simple payback period is about 15 to 18 years. A system will operate for about 25 years if properly maintained. Taking into account energy costs escalation, general inflation, the discount rate system degradation, you end up with a net present value of a negative figure for the system. A municipality cannot take advantage of tax incentives. It will not provide an immediate financial benefit for the City.

Council Member Koester stated that municipality vs resident does not reflect this is an investment in the City's energy resources. The City can borrow money at a low rate, 2% over 20 years for example, making it more reasonable and economically feasible. The Chair stated he would like to move ahead with other projects and wait until costs are more beneficial.

Council Member Vaughn stated there are proposals from Washington that provide incentives. Mr. Garrison was not aware of any. Council Member Vaughn asked whether there are any developers interested in installing on our rooftops. Mr. Garrison stated other states do but he has not seen them in Michigan. He suggested green energy as an alternative but it is costly. Council Member Granger suggested doing one building at a time over a number of years and would not want to

dismiss the idea totally. Council Member McConaghy stated technology is improving significantly but not sure we are there yet. He does not want to push it aside.

The Chair suggested asking the Planning Commission to look at it again in two years. Council Member Koester suggested the Finance Committee review it again or keep at the Committee-of-the-Whole as this is a financial decision. The Chair directed this item be readdressed by the Finance Committee in the future. Council Member Vaughn suggested Planning Commissioner Hamborsky is a valuable resource on this subject. The Chair directed the City Clerk to notify Mr. Hamborsky when the Finance Committee discusses this topic in the future.

Discussion regarding City **charter amendments** then ensued. The City Attorney provided an overview regarding the proposed Resolution authorizing the charter amendments to go to the voters. Both the Clerk – Proposal 1 and Treasurer – Proposal 2 charter amendments are tie barred together; if one is defeated both are defeated. The Resolution identifies two separate charter amendments, one for the Treasurer and one for the City Clerk to report to the City Administrator upon Council passing an ordinance. The Resolution would have to be adopted by a 3/5 vote of the City Council. Then wording is submitted to the Governor's office and the Attorney General's office for approval. The deadline to present the proposals to the City Clerk is July 27, 2021. The City Attorney stated the proposal language includes having to adopt an ordinance and it provides City Council flexibility.

Motion by Gafa, seconded by McConaghy, regarding charter amendments, that the Committee-of-the-Whole recommend City Council adopt the Resolution Authorizing Submission of Charter Amendment Ballot Proposals to Electors as presented.

Under discussion when asked, the City Attorney stated that this is the proper procedure and it is her recommendation to follow it, or that Council does not need to follow it and could follow the Labor Attorney's opinion.

Upon request from Council Member Brown, the Chair explained the reason for the Charter Amendments. He stated there has been turmoil within city hall for a lot of years because of three smoke stacks. The City needs one person in charge because Council is not there. The other Grosse Pointes do it this way. Need to identify who is running the office. Council Member McConaghy asked the City Administrator to email Labor Attorney Fleury's opinion letter to Council Members Brown and Vaughn as requested.

Motion carried by the following vote:

Yes:	Brown, Bryant, Gafa, Granger, McConaghy, Vaughn
No:	Koester
Absent:	None

Motion by Granger, seconded by McConaghy, that the following items be removed from the Committee-of-the-Whole:

- A. Saw Grant – Wastewater Asset Management Plan
- B. COVID-19 – Strategies to Employ Upon Reopening of City Hall
- C. Agreement – City of Grosse Pointe Farms

- D. Open Meetings Act – City Attorney to provide an overview.
- E. LED Signage – City Hall
- F. Vaping Ordinance
- G. Actuarial Pension
- H. Milk River Intercounty Drain Drainage District
- I. H.R. Contracted Services
- J. Workers Compensation Excess Coverage

Motion carried by the following vote:

Yes: Brown, Bryant, Gafa, Granger, Koester, McConaghy, Vaughn  
No: None  
Absent: None

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

- The City Attorney provided a brief overview regarding The Rivers 2016-2020 Michigan Tax Tribunals, and the new tax petition appealing 2021. She recommended City Council authorize the engagement of Hallahan & Associates to also handle The Rivers 2021 petition due to Hallahan's familiarity of the prior year cases.

Motion by McConaghy, seconded by Vaughn, regarding The Rivers 2021 MTT, that the Committee-of-the-Whole recommend that City Council authorize Hallahan & Associates to handle the tax appeal.

Motion carried by the following vote:

Yes: Brown, Bryant, Gafa, Granger, Koester, McConaghy, Vaughn  
No: None  
Absent: None

The following individuals were heard under Public Comment:

- Catherine Dumke
- Melinda Billingsley

Motion by McConaghy, seconded by Gafa, that the meeting of the Committee-of-the-Whole be adjourned at 8:30 p.m. PASSED UNANIMOUSLY.

Respectfully submitted,

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Lisa Kay Hathaway  
City Clerk

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Arthur W. Bryant  
Mayor