



CITY OF GROSSE POINTE WOODS
20025 Mack Plaza Drive
Grosse Pointe Woods, Michigan 48236-2397

(313) 343-2440
Fax (313) 343-2785

**NOTICE OF MEETING
AND
AGENDA**

COMMITTEE-OF-THE-WHOLE

Mayor Robert E. Novitke has called a meeting of the City Council, meeting as a Committee-of-the-Whole, for **Monday, June 6, 2016, at 7:00 p.m.** The meeting will be held in the Conference Room of the Municipal Building, 20025 Mack Plaza, Grosse Pointe Woods, MI 48236 and is accessible through the Municipal Court doors. In accordance with Public Act 267, the meeting is open to the public and the agenda items are as follows:

1. Call to Order
2. Roll Call
3. Acceptance of Agenda
4. Drone Ordinance
 - A. Letter 05/26/16 – City Attorney
 - B. Draft Ordinance
 - C. Drone Permit Application – Commercial
5. Permitted C-2 Special Land Uses
 - A. Letter 05/26/16 – City Attorney
 - B. Draft Ordinance
6. Proposed Ordinances: Recycling Bins and Basement Wall Foundations
 - A. Letter 05/25/16 – City Attorney
 - B. Draft Ordinance (Recycling Bins)
 - C. Draft Ordinance (Basement Wall Foundations)
7. New Business/Public Comment
8. Adjournment

Tom Colombo
City Administrator/Assessor

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, Telecommunications Device for the Deaf (TDD) 313 343-9249, or e-mail the City Clerk at cityclk@gpwmichigan.org.

cc:
Council – 7
Berschback
Colombo

Hathaway
Rec. Secretary
Email Group

Media - Email
Post -8
File

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MAY 26 2016

CITY OF GROSSE PTE. WOODS

DON R. BERSCHBACK
OF COUNSEL

May 26, 2016

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

RE. Drone Ordinance Review
COW Agenda June 6, 2016

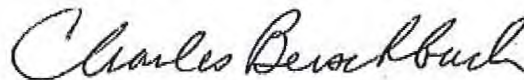
Dear Honorable Mayor and Council:

Although the FAA has not promulgated additional rules (see attached email), it is clear based on my review over the past several months that this is an area of the law that is still developing. I think it is important to have something in place and believe that the most recent attached draft will provide minimum safeguards without being viewed as too "draconian".

The "tier" approach we discussed at the last COW has essentially been implemented by only requiring a permit for use by commercial businesses or schools. I would propose that any permit fee be nominal. Essentially, the permit process will be utilized as an educational tool to make sure that users understand the various FAA and ordinance rules.

Please note that I have added a clause that would make violation of the FAA regulations a violation of the Municipal Code. This will allow for some added flexibility as the FAA promulgates new rules. It is important that we have the ability to issue a civil infraction ticket, which would provide us with local control and another chance to educate drone users as to the appropriate parameters. I have also enclosed a proposed permit form which is also a "working draft".

Very truly yours,



CHARLES T. BERSCHBACK

CTB:nmg

cc: Thomas Colombo
Bruce Smith
Lisa Hathaway
Gene Tutag

ORDINANCE # _____

**AN ORDINANCE TO AMEND CHAPTER 28 OFFENSES,
ARTICLE VI OFFENSES AGAINST PUBLIC PEACE,
BY ADDING SEC. 28-359 TO REGULATE DRONE USE.**

THE CITY OF GROSSE POINTE WOODS ORDAINS:

Sec. 28-359 Drone Regulations.

(a) Purpose.

As a result of the rapid implementation of drone technology, many issues arise from their use, mainly the invasion of privacy and concerns for public safety. Drones have the ability to carry wireless cameras that record data and/or transmit live streams of data. In addition, drones pose a public safety concern not only to other aircrafts or objects in the air, but to residents and their property. Some of these concerns include, but are not limited to, unexpected drone malfunctions, loss of control, and their ability to be used in the planning and execution of criminal activity.

(b) Definition.

“Drone” means a powered, aerial vehicle that:

- i. Does not carry a human;
- ii. Uses aerodynamic forces to provide vehicle lift;
- iii. Can fly autonomously or be controlled remotely;

(c) Prohibition.

No person, entity, governmental unit or law enforcement agency may operate a drone within the airspace of the City, except as allowed by this Ordinance.

(d) Permitted Uses.

Drones may be operated under the following circumstances:

- i. Use by Federal, State, and Local agencies, including, but not limited to, law enforcement and emergency services agencies, for lawful purposes and in a lawful manner.
- ii. Use by an owner of private property within the boundary lines of that property, and neighbors' property with consent.
- iii. Use by a commercial business or educational entity provided a permit is obtained from the Public Safety Director. Fees and forms for issuing a permit shall be adopted by and may be amended by City Council Resolution.

(e) Drone Limitations.

Any drone allowed as a permitted use must comply with the following:

- 1. Must weigh less than 55 lbs;
- 2. Must remain within the visual sight of the operator at all times;
- 3. Daylight operations only (sunrise to sunset);

4. Maximum airspeed of 35 mph
5. Maximum altitude of 400 feet above ground level;
6. Minimum weather visibility of 3 miles;
7. No careless or reckless operations;
8. The operator must be at least 17 years old.
9. Must not result in a purposeful and unreasonable invasion of a person's privacy.

(f) Additional Specific Prohibitions.

Use of drones is also prohibited in the following specific areas, but a permit may be obtained from the Director of Public Safety:

- i. Ghesquiere Park.
- ii. Lakefront Park.
- iii. All other City parks and recreation areas.

(g) FAA Regulations.

Violation of FAA regulations regarding drone use as amended are hereby adopted by reference and may be prosecuted as Municipal Civil Infractions under this Code.

(h) Severability.

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

(i) Penalties.

Any person or entity using a drone in violation of this Ordinance shall be subject to the penalties for municipal infractions found in Sec. 2-813, plus court costs and costs of prosecution including attorney fees.

[GPW LETTERHEAD HERE]

DRONE PERMIT APPLICATION – COMMERCIAL

A permit to fly a drone is required by City Ordinance. You must show proof of adequate liability insurance in the form of a current Academy of Model Aeronautics (AMA) membership card or a current business liability insurance policy specifically covering drone operation with a minimum limit of \$250,000.

Application must include **ALL** of the following:

- Permit Application (filled out and signed).
- Copy of the AMA Membership card (showing the required year) or business liability insurance with a minimum limit of \$250,000.
- Permit Fee.

Name _____

Business Name _____

Address _____

Cell Number _____

Email Address _____

Drone FAA Registration Number _____

Days and location of operation _____

Declaration

I declare under penalty of perjury that the information provided in this application is true and correct and that I have reviewed the Grosse Pointe Woods Ordinance No. ____ and I agree to comply with all the requirements and regulations of that Ordinance.

Applicant's Signature: _____ Date: _____

Print Name/Title: _____

For Office Use Only:

Application Reviewed by: _____ Date: _____

Comments: _____

Application Approved by: _____ Date: _____

Permit Number Issued: _____.

After received, permits are valid for one year and should be renewed thirty days prior to the permit expiration date.

General Requirements

Using your drone's camera to record over private property where there is a reasonable expectation of privacy may be prohibited. Do not fly over people.

Permittees shall observe all FAA Regulations and Grosse Pointe Woods Drone Ordinance (copy attached)

Permittees shall not drop or discharge any item or substance from the drone.

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MAY 26 2016

CITY OF GROSSE POINTE WOODS

DON R. BERSCHBACK

OF COUNSEL

May 26, 2016

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

RE. Additional Permitted C-2 Special Land Uses
June 6, 2016 COW Meeting

Dear Honorable Mayor and Council:

Approximately a year ago, the City of Grosse Pointe enacted an ordinance requiring special land use approval for certain types of businesses. I think that it is important that we enact a similar ordinance and provide permitted uses for these businesses only in the C-2 High Intensity district.

The enclosed proposed ordinance would regulate these businesses as a special land use pursuant to existing special land use procedural requirements found in Sec. 50-32 and Sec. 50-34. Additional approval standards for these special land uses are also incorporated into this new ordinance.

Under existing special land use ordinances, both the Planning Commission and the City Council would need to review and approve these uses. I would like to discuss this at a Committee of the Whole meeting before the proposed ordinance is sent to the Planning Commission for its initial review and comment. Thank you.

Very truly yours,



CHARLES T. BERSCHBACK

CTB:gm

Cc: Thomas Colombo
Bruce Smith
Lisa Hathaway
Gene Tutag

ORDINANCE NO. _____

**AN ORDINANCE TO AMEND CHAPTER 50 ZONING,
DIVISION 8, C-2 HIGH INTENSITY CITY CENTER DISTRICT
BY ADDING SEC. 50-425 THROUGH SEC. 50-427
TO PROVIDE FOR ADDITIONAL PERMITTED SPECIAL LAND USES**

ADDITIONAL PERMITTED C-2 SPECIAL LAND USES

Sec. 50-425. - Intent.

In the development and enactment of these sections, it is recognized that there are some uses which, because of their nature, are recognized as having serious objectionable operation, thereby having a deleterious effect upon the adjacent areas. The operations tends to detract from the aesthetics of the neighborhood; cause annoyance or disturbance to the citizens and residents who live, work in, or pass through the neighborhood; attract an undesirable quantity of transients; adversely affect property values; cause an increase in crime; and encourage residents and other businesses to move elsewhere. Special regulation of these uses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. Uses subject to these controls shall be permitted only upon special land use approval as provided in Section 50-427. The special land uses subject to these controls, are as follows.

Sec. 50-426. - Definitions.

The following definitions shall have the meanings respectively ascribed to them in this text, except where the context clearly indicates a different meaning:

Adult bookstore means an establishment having as a substantial or significant portion of its stock in trade for sale, or rental, books,

magazines, other periodicals, films, posters, video tapes, or other materials or means for the recording or reproduction of a visual display on a video screen or other display device which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" (as defined below), or an establishment with a segment or section devoted to the sale or display of such material.

Check cashing/personal loan establishment means a person or business that for compensation engages, in whole or in part, in the business of cashing checks, warrants, drafts, money orders, or other commercial paper serving the same purpose. "Check cashing/personal loan establishment" does not include a state or federally chartered bank, savings association, or credit union. "Check cashing/personal loan establishment" also does not include a retail seller engaged primarily in the business of selling consumer goods, including consumables, to retail buyers that cashes checks or issues money orders for a minimum flat fee as a service that is incidental to its main purpose or business.

Hookah lounge means an establishment where patrons partake in the use of flavored tobacco and/or cigars, packaged tobacco, e-cigarettes, from a hookah, similar type water

pipe, and/or smoking device, while seated at a table or bar.

Partially nude means a person having any or all of the following body parts exposed: buttocks, genitals, pubic area or female breasts.

Pawn shop/pawn broker means any business that loans money on the security of pledges of personal property, or deposits or conditionally sells personal property, or purchases or sells personal property.

Special land use for purposes of these sections means any or all of the following uses: adult bookstores, check cashing/personal loan establishments, hookah lounges, pawn shops/pawn brokers or collateral loan or exchange establishments, smoke shops, e-cigarette shops, cigar lounges, e-cigarette lounges, and tattoo/body piercing parlors.

Smoke/e-cigarette shop means a retail establishment where 50 percent or more of the retail area, defined as wall to wall, is used for the display, promotion, sale or use of products listed below; or an establishment where the sale of products listed below constitutes greater than 50 percent of the establishment's merchandise:

- (1) Cigarettes, e-cigarettes, cigars and packaged tobacco;
- (2) Tobacco smoking and e-cigarette paraphernalia products including, but not limited to: pipes for smoking tobacco, cigarette holders and cigarette rolling papers; and
- (3) Promotional merchandise including, but not limited to the following: posters, shirts, jackets, and hats advertising tobacco and e-cigarette products.

Specified Anatomical Areas means:

- (1) Less than completely and opaquely covered human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; and

Specified Sexual Activities means:

- (1) Human genitals in a state of sexual stimulations; and
- (2) Acts of human masturbation, sexual intercourse, or sodomy; and
- (3) Fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

Tattoo/body piercing parlor means any business having as its principal activity:

- (1) The application or placing, by any method permanent or semi-permanent, designs, letters, scrolls, figures, symbols, or any other marks upon or under the human skin within or any substance resulting in the coloration of the skin by the aid of needles or any other instrument designed to touch or puncture the skin; or
- (2) Providing external body modifications through the application of a tattoo, body-piercing, or branding.

Sec. 50-427. - Permitted C-2 Special Land Procedure.

Uses subject to the controls contained herein shall be referred to as special land uses. These uses shall include the following:

It shall be unlawful to establish any special land use except as hereinafter provided:

- (1) Special Land Use approval for the uses enumerated in Section 50-426 shall follow the general procedures found in Sec. 50-32 (Special Land Use Approval) and Sec. 50-34 (Site Plan Review).

(2) Approval standards.

- a. No special land use for the uses enumerated in Sec. 50-426 shall be established in any zoning district other than a C-2 zoning district.
- b. No special land use shall be established within 1,000 feet of any other special land use. Measurement shall be made from front door to front door along the street line.
- c. No special land use shall be established within 1,000 feet of a pre-existing school or place of worship, whether or not that school or place of worship is located in the City of Grosse Pointe Woods. Measurement shall be made from the front door of the proposed permitted with approval use to any door of the preexisting school or place of worship along the street line.
- d. No special land use shall be approved by the planning commission unless all of the following findings are made:
 - i. That the establishment, maintenance, location and operation will not be detrimental to or endanger the public health, safety or general welfare;
 - ii. That the special land use will not be injurious to the use and enjoyment of other property in

the immediate vicinity for the purpose permitted nor substantially diminish or impair property values within the neighborhood;

- iii. That the establishment of the special land use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in that district;
- iv. That the special land use will not be conducted in any manner that permits the observation of any materials depicting or describing "specified sexual activities" or "specified anatomical areas," from any public way or from any other property. This provision shall apply to any display, decoration, sign show window, or other opening;
- v. That adequate utilities, access roads, drainage, and other necessary facilities have been or will be provided;
- vi. That adequate measures have been or will be taken to provide ingress and egress designed so as to minimize traffic congestion in the public streets; and
- vii. That the special land use will in all other aspects conform to the applicable requirements of the zoning district in which it is located.

- e. Prior to granting any special land use, the planning commission may modify any existing requirements or may impose any additional conditions or limitations upon the establishment, location, construction, maintenance or operation of the special land use as may in its judgment be necessary for the protection of the public interest and to secure compliance with the standards specified above. The planning commission may require such evidence and guarantees as it deems necessary as proof that the conditions stipulated in connection therewith are being, and will be, fulfilled.
 - f. In any case where a special land use has not been established and operating within six months after the granting of a license therefore, then without further action by the City Council, the special land use license shall be null and void.
- (3) Revocation of license. The City Council shall revoke a license or permit for any of the following reasons:
- a. Discovery that false or misleading information or data was given on any application or material facts were omitted from any application.
 - b. The operator or any employee of the operator, violates any provision of this article or any rule or regulation adopted by the council pursuant to this article; provided, however, that in the case of a first offense by an operator where the conduct was solely that of an employee, the penalty shall not exceed a suspension of 30 days if the City Council finds that the operator had no actual or constructive knowledge of such violation and could not by the exercise of due diligence have had such actual or constructive knowledge.
 - c. The operator becomes ineligible to obtain a license or permit or the operator is convicted of any felony or any crime involving moral turpitude, prostitution, obscenity or other crime of a sexual nature.
 - d. Any cost or fee required to be paid under the City Code or council resolution is not paid.
- (4) Transfer of license. The transfer of a license or any interest in a license shall automatically and immediately revoke the license.
- (5) Eligibility of license. Any operator whose license is revoked shall not be liable to receive a license for one year from the date of revocation. No location or premises for which a license has been issued shall be used as permitted with approval establishment for six months from the date of revocation of the license.

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6
RECEIVED
MAY 26 2016
CITY OF GROSSE PTE. WOODS

DON R. BERSCHBACK
OF COUNSEL

May 25, 2016

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

RE: Proposed Ordinances Regarding Recycling Bins and
Basement Wall Foundations

Dear Mayor and Council:

Mr. Tutag has requested some minor additions to two specific ordinances.

The first would require recycling bins and other trash containers to be enclosed in a garage or otherwise stored in the back of a yard so that they are not visible from the street.

The second ordinance would clean up an inspection standard which currently indicates that repairs are not required if there is evidence of foundation failure.

I will be discussing these at an upcoming COW meeting. Thank you.

Very truly yours,

Chip Berschback

CHIP BERSCHBACK

CTB:gmr
Enclosures

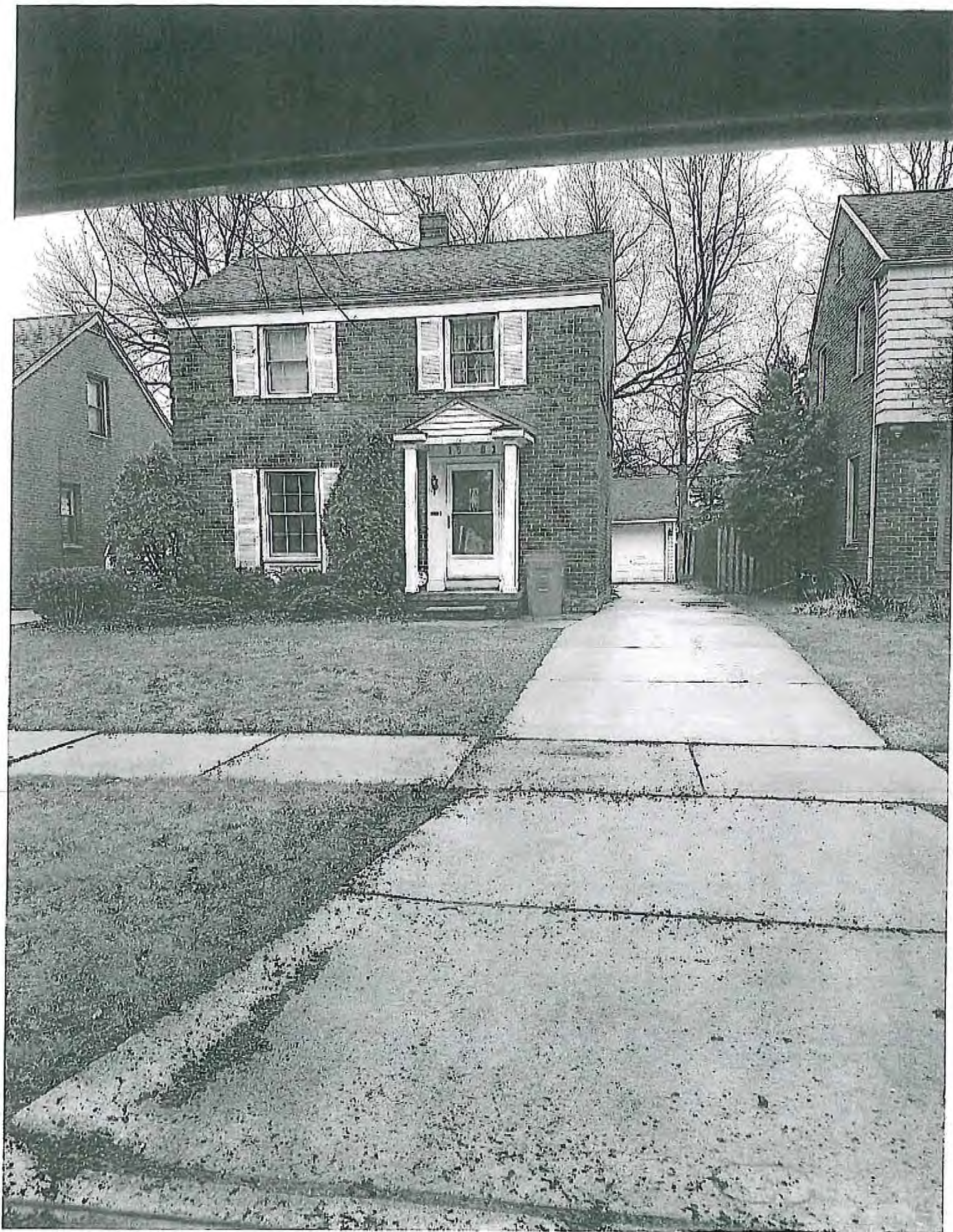
ORDINANCE NO. _____

**AN ORDINANCE AMENDING CHAPTER 34, SOLID WASTE, SEC. 34-48
CURBSIDE RECYCLING, TO ADD REQUIREMENTS REGARDING
STORAGE OF RECYCLING AND OTHER TRASH CONTAINERS**

Sec. 34-48. - Curbside recycling.

(a) All curbside recyclables shall be placed into the recycling containers supplied by the city's contractor for collection on the regularly scheduled pickup day. If a container is lost, stolen, etc., the resident will be responsible for purchasing a new one from the public works division. All curbside recyclables shall be rinsed clean. Labels shall be removed from metal cans and the cans flattened. Items shall be placed separately in the recycling container. Newspapers are to be tied or placed in paper bags not to exceed 50 pounds. **All recycling containers and other trash containers (including plastic bags), when not placed curbside for pickup, shall be stored in an enclosed structure or otherwise stored in an area that is not visible from the street. All recycling and trash containers shall be removed from the street by midnight of trash pick up day.**

(b) It is the duty of the city's contractor to remove all curbside recyclables from the street. No other vendors shall be permitted to collect any paper, glass, plastic or tin cans on the regularly scheduled collection days.
(Code 1975, § 3-2-28; Code 1997, § 66-88)







ORDINANCE NO. _____

**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.**

Sec. 8-69. - Inspection standards.

The division of safety inspection shall use the following standards as the minimum acceptable conditions for the maintenance of all buildings, structures and property within the city. All buildings, structures and property inspected under the provisions of this article shall be required to be repaired or refurbished to the extent that same shall meet the minimum conditions as hereinafter set forth:

(1) Structural—Interior and exterior.

- (n) Structure and basement. All basement walls shall be inspected for evidence of foundation failure. The condition thereof shall be noted on the inspection report, ~~but repairs shall not be required.~~ **and repairs shall be required if the building inspector indicates in writing that the foundation failure is significant enough to require repairs for the safety of any owners or occupants.**