



**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, August 17, 2015, 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. Medicare Advantage Renewal
  - A. Standard Group Benefit and Rate Summary/Grosse Pointe Municipalities (01/01/16 – 12/31/16)
  - B. Medicare PLUS Blue Group PPO – Schedule B 07/15/15
5. Proposed Amended Fence Ordinance
  - A. Letter 07/23/15 – City Attorney
  - B. An Ordinance to Amend Chapter 8 Building and Building Regulations, Article IX Fences
6. New Business/Public Comment
7. Adjournment

Alfred Fincham  
City Administrator

IN ACCORDANCE WITH PUBLIC ACT 267 (OPEN MEETINGS ACT)  
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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@gpwmi.us](mailto:cityclk@gpwmi.us).

cc:  
Council – 7  
Berschback  
Fincham  
Hathaway

Rec. Secretary  
Email Group  
Media - Email  
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File

## Medicare PLUS Blue Group PPO<sup>SM</sup>



**Blue Cross  
Blue Shield**  
of Michigan

Blue Cross Blue Shield of Michigan is a nonprofit corporation and independent licensee of the Blue Cross and Blue Shield Association. Medicare Plus Blue Group PPO is a health plan with a Medicare contract.

# STANDARD GROUP BENEFIT and RATE SUMMARY

## Grosse Pointe Municipalities

### City of Grosse Pointe Woods

January 1, 2016 To December 31, 2016

12 Months

Option1  
Passive



**Medicare PLUS Blue Group PPO<sup>SM</sup>**

**Blue Cross  
Blue Shield  
of Michigan**

Blue Cross Blue Shield of Michigan is a nonprofit corporation and independent licensee of the Blue Cross and Blue Shield Association. Medicare Plus Blue Group PPO is a health plan with a Medicare contract.

**Grosse Pointe Municipalities**

July 15, 2015

	<b>2016 MAPD PPO</b>
<b>Effective Date of Coverage:</b>	January 1, 2016
<b>Month's of Coverage:</b>	12
<b>Plan Type:</b>	MA
<b>Estimated Membership:</b>	85
<b>Option:</b>	1
<b>Option Description :</b>	City of Grosse Pointe Woods

**MEDICARE ADVANTAGE GROUP RATE:****Medical Rate:**

<b>2015 MA Rate PMPM:</b>	<b>\$281.31</b>
<b>2016 MA Rate PMPM:</b>	<b>\$292.55</b>
<b>Change Percentage:</b>	<b>4.00%</b>

**Notes and Conditions:**

- 1) The quoted rates are effective from January 1, 2016 through December 31, 2016, for 12-months.
- 2) Beginning with this renewal package, estimates for certain taxes and fees have been included in your renewal year premium rates. BCBSM will not reconcile or settle any amounts collected with actual amounts owed for such Federal and State taxes, fees, and assessments.
- 3) The premiums shown here include MA (medical services) and PDP (pharmacy services). Other lines of coverage such as dental and vision are not included.
- 4) BCBSM reserves the right to modify this quote if there are changes to the:
  - benefit design included in the proposal,
  - effective date,
  - covered population (+/- 10%),
  - subsequent changes in CMS funding levels, or
  - regulatory changes or if the above conditions are not met.
- 5) Rate calculations were made based upon CMS funding projections known at this time. If significant changes are made to funding levels, BCBSM reserves the right to alter the rates appropriately.
- 6) To meet the expected implementation date of January 1, 2015, this benefit rate schedule must be signed by the group and returned to BCBSM by August 14, 2015.

CHARLES T. BERSCHBACK

ATTORNEY AT LAW

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CHARLES T. BERSCHBACK

DON R. BERSCHBACK  
OF COUNSEL

July 23, 2015

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

RE. Fence Ordinance Amendments / COW

Dear Mayor and Council:

The COW reviewed my initial proposed changes to the fence ordinance on May 11, 2015.

The proposed changes were reviewed and the minutes from the COW meeting reflect the following:

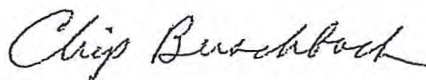
Section 8-278 Fence Ownership is to be modified regarding fence ownership to add (4) to give the Building Official the ability to make ownership determination by other means if (1), (2), or (3) do not determine ownership; and, to modify Sec. 8.284 to provide for the allowance of the exceptions versus such being discretionary.

The City Attorney was asked to amend the proposed ordinance. This item is to remain on the Committee-of-the-Whole agenda.

I have enclosed a fresh copy of the proposed amendments showing an additional section (4) in Sec. 8-278 and also changes to Sec. 8-284(4) providing for mandatory versus discretionary approval for those exceptions listed in 8-284.

If this meets with the Council's approval, I would suggest a motion by the Committee of the Whole to recommend to the City Council that the proposed changes to the fence ordinance be approved by the City Council and scheduled for a final reading and adoption by the City Council.

Very truly yours,



CHIP BERSCHBACK

CTB:gmr

Enclosure

cc: Alfred Fincham  
Lisa Hathaway  
Gene Tutag



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.
- (4) The Building Official may determine ownership by other means if subsections (1), (2), or (3) are inconclusive.

(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 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:

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

(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:

(a) balancing the relative hardships between the property owner and adjacent property owners;

(b) whether special circumstances or conditions exist;

(c) whether pedestrian or vehicular vision will be affected;

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(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 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.**