

**MINUTES OF THE GROSSE POINTE CITY COUNCIL MEETING HELD IN THE CITY COUNCIL  
CHAMBERS, 17145 MAUMEE AVENUE, GROSSE POINTE, MICHIGAN ON  
MONDAY, JANUARY 26, 2009.**

The meeting was called to order at 7:05 p.m.

ROLL CALL

Present: Mayor Scrace, Council Members Parthum, Pfaehler, Stempfle, Walsh and Weipert

In Attendance: City Manager Dame, Attorneys Fildew and Kennedy, City Clerk Arthurs, Public Service Director Weitzel, Assistant City Manager Fincham, Finance Director Johnson, Public Safety Director Fox, Parks and Recreation Director Hardenbrook, Public Service Supervisor Schulte and City Planner Jackson.

Motion by Council Member Weipert second by Council Member Parthum that Council Member Stevens be excused from the meeting for personal reasons.

UNANIMOUSLY ADOPTED.

CONSENT AGENDA

Motion by Council Member Weipert second by Council Member Stempfle to approve the Consent Agenda consisting of the following:

- a. Minutes from the regular City Council meeting held December 15, 2008.
- b. Invoices
  - 1. Arbor Pro Tree Service – Tree Trimming - \$10,680
  - 2. City of Detroit Water Commissioners – Sewage Disp. Service, Oct. 2008, \$59,119.69
  - 3. Grosse Pointes-Clinton Refuse Disposal – Refuse Disp., Oct. 2008, \$7,143 and Refuse Disp., Nov. 2008, \$7,839.24
  - 4. North American Salt Company – Rock Salt - \$8,158.95, Rock Salt - \$6,351.59
  - 5. Tringali Sanitation – Curbside recycling collection, Nov. 2008 - \$5,088  
Curbside recycling collection, Dec. 2008, \$6,360
  - 6. Midwest Golf & Turf – Cushman Refuse Vehicle - \$19,908
- c. Approval of Virginia Sabo as Democrat member of the Board of Canvassers to fill vacancy with a term ending December 31, 2011.
- d. Approval and adoption of Identity Theft Prevention Policy to comply with federal law.

CONSENT AGENDA UNANIMOUSLY ADOPTED.

PRESENTATION OF CERTIFICATE OF APPRECIATION – CLINTON RIVER WATERSHED COUNCIL

Mayor Scrace introduced Lev Wood, board member of the Clinton River Watershed Council who presented a Certificate of Appreciation to the City for their continued participation with and support of the Clinton River Watershed Council organization whose members are dedicated to protecting and improving the Clinton River, its watershed and Lake St. Clair. Mr. Wood gave an overview of the Watershed Council's mission, its 2008 educational efforts and discussed budgetary issues for 2009. The Council thanked Mr. Wood for the certificate and presentation.

The City Council now convened as the Planning Commission.

PUBLIC HEARING – SPECIAL USE REQUEST – STARBUCK'S COFFEE CO. – 17001 KERCHEVAL

Mayor Scrace indicated that a public hearing had been set to consider the special use application for a proposed special land use for outdoor seating in the C-2 district at 17001 Kercheval. The hearing was requested by Starbuck's Coffee Company. Outdoor seating use is proposed and ordinance allows a restaurant with outdoor seating in the central business district subject to special use approval.

John Jackson, City Planner made the following report:

The proposed outdoor café is located in the Village district and helps to promote pedestrian oriented activity. The proposed use is compatible with the goals and objectives of the Master Plan and City zoning ordinances and is well suited for and harmonious with the uses and activities associated with the Village district. The proposed outdoor seating area will be contained within a five foot five inch area adjacent to the building and will have a seven foot five inch clear path between the removable railings and existing sidewalk brick infill. The infill area is six feet in width and will provide additional area for pedestrian circulation.

Removable aluminum railings are proposed for the outdoor seating area. Based on the proposed use, there will be no outdoor service and no alcohol. The seating will only be used for patrons who are served within the building. The proposed railings do not fully enclose the area but rather provide separation from the pedestrian area of the sidewalk. Based on the high visibility and traffic at this location, the outdoor seating area should be secured after the normal hours of operation or 11:00 p.m. whichever is earlier. The applicant should rope off the open areas between the fixed fence sections as a way to prevent the unintended use of the seating area after hours. A statement will need to be added to the site plan on the method of storage utilized during the off-season. The site plan must note the area will be kept clean and free of debris by the owner and a daily maintenance schedule must be identified by the applicant to include a final cleaning after the area is closed. Mr. Jackson continued to discuss specific standards 1-11 of the City Planner's report dated January 23, 2009.

Representatives from Starbuck's, including the construction manager, were present and answered Commission questions regarding the proposed furniture, proposed railings, after hours usage, and the proposed daily maintenance of the outdoor area. Details regarding the proposed interior renovations tentatively set to begin sometime in March were also discussed. The Commission noted the importance of the furniture to be neat, clean and consistent in style. Commission discussion took place regarding the proposed outdoor seating area.

Mayor Scrace convened the public hearing and asked for comments from those persons in attendance. It was noted that a written letter from Posterity: A Gallery in the Village was received for the record. Hearing no public comment, the Mayor declared the public hearing closed.

Motion by Council Member Weipert second by Council Member Parthum to approve the special use request for outdoor seating in the central business district for Starbuck's, 17001 Kercheval, subject to compliance with the following conditions:

1. Site Plan approval.
2. The seating area is secured after normal business hours or 11:00 p.m. whichever is earlier to prevent unintended use of the proposed seating area.
3. The applicant provides a minimum of two outdoor trash receptacles that are compatible with the outdoor furniture being proposed. The location of these receptacles must be shown on a revised site plan. The applicant must also provide a maintenance schedule on the site plan.
4. A statement is added to the site plan on the method of storage of chairs, tables, and the removable barriers during the off-season.
5. The hours of operation must be noted on the site plan.
6. The site plan must note that no outdoor music is proposed.
7. The liability issues for use of the public sidewalk are addressed to the satisfaction of the City Attorney.
8. The proposed street furniture to be used in the area be compatible with an outdoor setting, consistent in style and compliment the architectural character of the building. The proposed street furniture plan must be submitted to City staff for approval prior to placement.

UNANIMOUSLY ADOPTED.

The Planning Commission now convened as the City Council.

## SITE PLAN REVIEW – STARBUCK’S – 17001 KERCHEVAL AVENUE

City Planner Jackson made the following report:

The applicant is proposing seven tables (one for barrier free use) and thirteen chairs adjacent to the building along the Notre Dame frontage. The tables and chairs will be separated from the pedestrian walkway by removable aluminum railings that are three feet in height. The site is zoned C-2 and the proposed outdoor seating in the district received special use approval by the Planning Commission.

Motion by Council Member Weipert second by Council Member Walsh that the site plan and license for outdoor seating at Starbuck’s, 17001 Kercheval be approved, subject to compliance with the special land use conditions.

UNANIMOUSLY ADOPTED.

## SITE PLAN REVIEW – BURGER POINTE – 17045 KERCHEVAL AVENUE

City Planner Jackson made the following report:

A site plan was submitted detailing the proposed new awnings with the company name “Burger Pointe” for the front and rear of the store. The new awning will be located over the front windows and rear entrance. The new awning covering will be Sunbrella fern green with white and gold lettering. The front façade awning sign exceeds the maximum permitted 10 sq. ft.; however it is within the allowable 20% of the total awning area. Based on the drawing provided by the applicant, the size and scale of the Burger Pointe lettering is consistent with the adjacent awning sign. Therefore, per Section 58-5(d), the City Council would permit the increased sign area. No lighting is proposed for the awning sign. Mark Seeley, owner of Burger Pointe answered Council questions.

Motion by Council Member Stempfle second by Council Member Parthum that the site plan for signage for Burger Pointe, 17045 Kercheval Avenue, be approved and permitted consistent with Section 58-5(d) of the Zoning Ordinance.

UNANIMOUSLY ADOPTED.

## SITE PLAN REVIEW – KERCHEVAL CO., LLC – 17114 KERCHEVAL AVENUE

City Planner Jackson made the following report:

A site plan was submitted detailing the proposed store directional plaque signs which are to be placed at the following locations: one on Kercheval Ave., one on St. Clair, and one at the rear alleyway for Kercheval Co. properties in the Village. All three signs would be installed next to the newly constructed hallways on the exterior of the building. The primary purpose for allowing plaques is for address display. However, the proposed plaques are of high quality and consistent with design guidelines in colors and materials and the City has allowed similar type of signs on other uses in the Village. The purpose of the signs would be to direct pedestrian traffic to the appropriate businesses using the new pedestrian corridor. No sign lighting is proposed. Jim Bellanca, Manager/Trustee of Kercheval Co. LLC answered Council questions regarding the three proposed signs.

Motion by Council Member Weipert second by Council Member Pfaehler to approve the installation and locations of three plaque directional signs for Kercheval Co. LLC, as submitted.

UNANIMOUSLY ADOPTED.

## PRESENTATION – PROPOSED AMBULANCE SERVICES

City Manager Dame explained the historical background of ambulance service to the City of Grosse Pointe. It was noted that Grosse Pointe Park has provided ambulance service to the City since 1978. He indicated that in October, Grosse Pointe Park submitted a proposal for revising the financial arrangement in place since 1994 when the Park resumed providing ambulance service with City employees instead of Taylor Ambulance.

The City requested and received three proposals to provide ambulance service to residents of the City:

Beaumont Medical Transportation	No Cost to City
City of Grosse Pointe Park	\$30,000 annually
MedStar	\$63,907 annually

Based on the proposals received, the City requested Beaumont Medical Transportation provide a presentation outlining their proposal to the City for providing ambulance service. It was noted that Beaumont Medical Transportation, affiliated with Beaumont Hospital, is a joint venture with Community EMS, another long established private ambulance service in southeast Michigan.

Doug Gruenwald, Operations Manager of Beaumont Medical Transportation, made a PowerPoint presentation describing the history of the organization, its affiliates, emergency services provided, technology used in the ambulance and at the dispatch center, quality assurance and improvement, communication routes and training, staff, licenses, equipment used, response times and vehicle maintenance schedules. After the presentation, Mr. Gruenwald answered various Council questions regarding their references, Basic Life Support, Advance Life Support, and response times and dispatch protocols. It was noted that response times are very important as well as the ability to evaluate and monitor any complaints pertaining to ambulance services through reports and the need for an option to terminate any negotiated contract if the services do not meet expectations. Council discussion took place regarding the presentation and proposals.

Motion by Council Member Weipert second by Council Member Pfaehler to approve the Beaumont proposal and direct staff to negotiate a contract to include expectations with the ability to terminate, for future Council adoption, with Beaumont Medical Transportation to provide 911 emergency ambulance services for the City.

UNANIMOUSLY ADOPTED.

AMENDMENT TO PARKS AND RECREATION FEE STRUCTURE

Parks and Recreation Director Hardenbrook made the following report:

Anticipating budgetary constraints, the Parks and Recreation Department has conducted a mid year review of its fee structure. This mid-year review will allow the proposed changes to be implemented in time for the summer recreation season and published in the recreational newsletter. Changes to various registrations, permits, classes and regulations are recommended to help recoup the cost of administering these specialized programs. Even with the proposed increases, the fees remain reasonable and a significant number of general recreation events and programs are available at no cost. It is anticipated that all of the Parks and Recreation fees will be reviewed again as part of the annual budget process comprehensive fee review. The Council reviewed a proposed list of fees, the proposed increase and revenue generated. Discussion took place regarding the proposed fee for non-resident park group permits. It was suggested that this fee be reviewed further and other fee options considered.

Motion by Council Member Pfaehler second by Council Member Parthum that the proposed fee structure for the Parks and Recreation Department, with the exception of the Park Group Permits, be adopted and effective upon enactment.

UNANIMOUSLY ADOPTED.

RESOLUTION – EXECUTE MDOT CONTRACT – CADIEUX ROAD REPAVING

Public Service Director Weitzel made the following report:

The proposed resolution, if approved, authorizes the Mayor and City Manager to sign MDOT's contract #08-5414, Control Section STU 82457, Job No. 104195. The Council authorized the City Manager to apply for federal funding for the repaving of Cadieux Road from E. Jefferson to Kercheval Avenue in spring of 2009. The project is scheduled for the February 6 bid letting by the State of Michigan and should be ready for construction as soon as the weather clears in the spring, depending on the contractor's schedule.

The resolution commits the City to funding the Cadieux Road project. State/Federal grant funds obtained through Wayne County will fund 80% of construction costs. This is only the second street for which the City has received outside grant funds to resurface. The City of Grosse Pointe Park has signed a written agreement to pay the share of the local costs proportionate to its responsibility for maintaining of the road of approximately 16% of the project limits reflecting the 500 feet south of Kercheval.

Total construction costs are expected to total \$450,000 of which \$350,000 will be covered by the grant. Grosse Pointe Park's share is estimated at \$30,600 and the City's share is estimated at about \$160,400 which has been budgeted in the FY 2008-09 Highway Fund capital projects account.

Motion by Council Member Weipert second by Council Member Walsh to approve and adopt the MDOT Resolution, referenced in City Clerk's File, dated January 26, 2009, and adopt the resolution authorizing the Mayor and City Manager to sign the project contract for Job. No. 104195.

UNANIMOUSLY ADOPTED.

#### NEFF ROAD PUMP STATION RENOVATION ENGINEERING

Public Service Director Schulte made the following report:

As required under the S2 grant awarded to the City, Grosse Pointe applied for the State of Michigan Revolving Fund (SRF) loan to actually conduct rehabilitation work identified in the amount of \$770,000 on the Neff Road pumping station. The current SRF loans are provided at 2.5% over a 20 year period. The City has been notified by the State that the pump station project is on the list for funding in the fourth quarter of 2009. This notification requires that the City meet certain steps to obtain funding over the course of this year, including submission of actual plans for bidding out and construction. As a result, the City sent out requests for proposals for the Pump Station (Wastewater System Improvements Project Plan) for engineering services (design, bid, award and construction oversight) for the pump station project. All monies spent on design, bidding, and contractor oversight, can be included in the State of Michigan Revolving Fund loan, or paid for by the Water and Sewer budget for this project. The proposals received are as follows:

Tetra Tech	\$144,000
Fishbeck, Tompson, Carr & Huber	\$135,000
Anderson, Eckstein & Westrick	\$104,790

Council discussion took place regarding the proposals. It was noted that AEW has served as the City's Engineer for projects other than the pump station and has sewer engineering background, including personnel very familiar with the City's pump station. Further discussion took place.

Motion by Council Member Stempfle second by Council Member Pfaehler to approve and authorize execution of the contract for the Neff Pump Station improvements with Anderson, Eckstein and Westrick for design, bid and contractor oversight services.

UNANIMOUSLY ADOPTED.

#### STAFF REPORTS

Chief Fox advised Council on the Live Scan fingerprint machine acquired through grants which is now in operation. He reported on recent larcenies from the Village and investigations regarding the incidents are ongoing. Finance Director Johnson reported on preliminary budget preparations and Assistant City Manager Fincham reported on the status of the St. Clair homes owned by Sunrise which are slated for demolition sometime in February.

City Manager Dame reported on the significant decrease in landfill costs due to increased recycling participation brought about by the large recycling toter and the expanded recycling program. He discussed various percentages and comparable figures over various years. Mr. Dame indicated that the public hearing for Kroger

has been officially noticed for a hearing on February 9. Mr. Dame reported that the Wayne County Assessor has reported final levels of residential and commercial assessments for the City will be reduced by 20.85% for the coming year. He further discussed the impact the reduction will have on residential property tax revenue and the City's budget. Mr. Dame also discussed the 2009 City Council goals.

#### COUNCIL COMMENT

The Council commented on the following topics:

- Obtaining input from residents regarding their priorities regarding City services.
- The window photos at CVS on Kercheval look good and are creating positive responses.
- Discussion of generator to power City Hall based on recent power outage causing City Hall to close.
- Grosse Pointe Artists Association's grand opening at site in Village was well received.
- Discussion of upcoming legislative conference in Lansing.

On Motion, the meeting was adjourned at 9:26 p.m.

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Julie E. Arthurs, City Clerk  
City of Grosse Pointe