

**MINUTES OF THE GROSSE POINTE CITY COUNCIL MEETING HELD IN THE
CITY COUNCIL CHAMBERS, 17145 MAUMEE AVENUE, GROSSE POINTE, MICHIGAN
ON MONDAY, NOVEMBER 16, 2009.**

The meeting was called to order at 7:00 p.m.

OATH OF OFFICE

City Clerk Julie Arthurs administered the oath of office to Mayor Dale N. Scrace, Council Members Christopher Boettcher, Chris D. Walsh, and Jean M. Weipert.

ROLL CALL

Present: Mayor Scrace, Council Members Boettcher, Parthum, Stempfle, Stevens, Walsh, Weipert

In Attendance: City Manager Dame, Attorneys Fildew and Kennedy, City Clerk Arthurs, Finance Director Johnson, Public Safety Director Fox and City Planner Jackson.

CONSENT AGENDA

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

1. Minutes from the regular City Council meeting and the closed session of October 19, 2009.
2. Invoices
 - a) City of Detroit, Board of Water Commissioners
 - Sewage Disposal Services, September, 2009, \$121,197.50
 - b) City of Grosse Pointe Farms - Quarterly Water Service, \$123,423.23
 - c) Anderson, Eckstein & Westrick, Inc.
 - 2009 Resurfacing, \$5,532.70
 - 2009 Resurfacing, \$10,077.12
 - 2009 CDBG ADA Ramp Improvements, \$6,746.93
 - Cadieux Resurfacing, Jefferson to Kercheval, \$9,048.97
 - St. Clair Resurfacing, Waterloo to Mack, \$20,180.31
 - St. Clair Resurfacing, Waterloo to Mack, \$18,521.26
 - d) Plante & Moran, PLLC - Professional Services, \$18,560
 - e) Michigan Department of Transportation
 - Cadieux Resurfacing, \$7,861.63
 - Cadieux Resurfacing, \$8,807.51
 - f) Asphalt Specialists, Inc. - 2009 Resurfacing Program, \$87,980.76
 - g) AT&T Global Services, Inc. - Annual Maintenance Contract, \$6,064
 - h) Grosse Pointes-Clinton Refuse Disposal
 - September, 2009, \$7,001.05
 - i) Rizzo Services - Curbside Recycling, October, 2009, \$5,616
 - j) Rio Supply Michigan Meter, Inc. - Water Meter Reading System, \$84,000
3. Receive and File the Board of Canvassers certification of the November 3, 2009 City General Election.
4. Approval of Resolution to execute Annual Maintenance Permit with Wayne County.

CONSENT AGENDA UNANIMOUSLY ADOPTED.

The City Council convened as the Zoning Board of Appeals.

PUBLIC HEARING – ZONING BOARD OF APPEALS – 14 DONOVAN PLACE

Mayor Scrace indicated that this was the time set for a public hearing for a fence variance for 14 Donovan Place. It was noted that notice of public hearing had been given as required by PA 110 of the State of Michigan

and Grosse Pointe City Ordinance, proof of which is on file in the official records of the City Clerk of the City of Grosse Pointe.

City Planner Jackson made the following report:

The applicant is requesting that the ZBA grant variances from Section 90-405, Residential Fences. Specifically they are requesting the following variances:

Section 90-404(4) to allow the proposed fence to be attached to an existing fence.

Section 90-405(1) to allow a 6'-11" fence in the front yard exceeding 36 inch maximum, and a fence that does not meet the minimum 50% open space between pickets.

Section 90-405(4,i) to allow an 8'-0" fence in the rear yard exceeding the 6 foot maximum permitted.

The applicant is proposing two sections of fencing on their property. The first section will be along the east side property line from the rear property line to the front property line. It is proposed to be 6'-11" horizontal wood fence. From the rear property line forward approximately 70 feet, there is an existing wrought iron fence on the neighbors' property. The proposed fence would be adjacent to this existing fence. The second section will be along a portion of the rear property line and is proposed to be an 8 foot vertical wood fence to match the existing section of wood fence along the rear property line. There is also an existing 6 foot decorative masonry fence along the front property line of the subject property.

City Planner Jackson discussed his report. Mr. Jackson stated the architectural style of the house is unique relative to other houses in the City and on Donovan Place. The existing fence along the front property line is consistent with the architecture of the house which is mid-century modern. The living space of the house is oriented to the east side yard as opposed to the rear of the property. The existing masonry fence was intended to provide privacy for the side yard. The applicants use this side yard in the same way most residences use their rear yard. These features create a unique orientation of the house where the private part of the yard is directly adjacent to the house to the east where privacy fences are typically not permitted. There has historically been an 8 foot masonry wall along the rear property line that had to be removed because it had deteriorated and been impacted by large trees. The fence in the rear is an integral part of the neighbor's property to the rear and consistent with the unique architecture of these two houses. Discussion took place regarding details of the fence materials and location.

Motion by Council Member Weipert second by Council Member Stempfle that the variance is granted for 14 Donovan Place based on the following conditions:

1. A practical difficulty exists for the rear fence line due to the unique orientation of the home on the lot.
2. The unique character of the home and surrounding homes on Donovan Place.
3. The close proximity of neighbor's home.

UNANIMOUSLY ADOPTED.

The Zoning Board of Appeals convened as the Planning Commission.

PUBLIC HEARING – SPECIAL USE REQUEST – VILLAGE GRILLE – 16930 KERCHEVAL

Mayor Scrace indicated that this was the time set for a public hearing on the request of Dan Lemanske, for a proposed expansion of the Village Grille restaurant in the C-2 Central Business District.

City Clerk Arthurs noted that notice of public hearing had been given as required by PA 110 of the State of Michigan and Grosse Pointe City Ordinance, proof of which is on file in the official records of the City Clerk of the City of Grosse Pointe.

City Planner Jackson made the following report:

The Village Grille is proposing to expand the restaurant into the vacant store on the corner of Kercheval and Notre Dame. The existing restaurant will have a pub-style atmosphere while the expansion area will be called the Great Room, and will have a relaxed dining room atmosphere. The existing restaurant is approximately 3,300 square feet and the proposed expansion is approximately 2,200 square feet. The applicant is requesting special use approval for a use that exceeds 5,000 square feet. The proposed expansion will fill a vacant storefront and provide additional dining options and evening activities within the Village. Restaurants are permitted in the C-2 district and encouraged in the Master Plan to provide a balance of activities in the Village. Reoccupying one of the most visible sites in the Village with an attractive restaurant will protect and enhance the welfare of the community by reinforcing the vitality of the Village as the commercial core of the community. The Village Grille and the Great Room are well suited for, and will be a harmonious part of the Village. They will use the existing dumpsters in the parking lot and they will store other byproducts on-site prior to collection.

Mayor Scrace asked for public comment with regard to the special use request. The following comment was made by the public:

- Jim Bellanca stated he thought the restaurant/pub expansion was an excellent idea and is happy that Mr. Lemanske is proposing the project. He urged the Commission to approve the request.

Hearing no further comment, Mayor Scrace closed the public hearing.

Dan Lemanske described his project and answered various Commission questions regarding the set up of the Great Room, the expanded restaurant portion. It was noted that additional restroom facilities may be needed and it was requested that the Building Inspector review the issue so that code requirements for restroom facilities are met. It was further noted that the proposed special use permit will be drafted by the City Attorney.

Motion by Council Member Weipert second by Council Member Parthum to approve the special use request for the Village Grille, 16930 Kercheval Avenue to occupy over 5,000 sq. ft. in the C-2 Central Business District, subject to conditions set forth in the Planner's reports and permit/license requirements of the City Attorney.

UNANIMOUSLY ADOPTED.

The Planning Commission reconvened as the City Council.

SITE PLAN REVIEW – VILLAGE GRILLE – 16930 KERCHEVAL AVENUE

City Planner Jackson made the following report:

The Village Grille is planning an expansion that will offer new and exciting restaurant and entertainment options in the Village. The owner is proposing to expand the existing restaurant by approximately 2,200 square feet occupying the front part of the vacant building at the southwest corner of Kercheval and Notre Dame. The owner is also proposing two extensive outdoor seating areas and façade improvements to the existing building.

The applicant is proposing to recess the front of the existing Kercheval façade by approximately 5'-0". In addition there will be a 5'-0" fenced in area in front of the building. The sidewalk in this area is over 13 feet wide allowing more than 5'-0" clear area for pedestrian circulation. As indicated on Sheet D1.0, the façade facing Kercheval will consist of a series of French door/windows opening onto the outdoor cafe. They are also proposing a renovation to the entrance all of which are in keeping with the design guidelines for the Village. The applicant is proposing to add an awning on the Kercheval façade with minimal signage on the apron of the awning. Additional signage on Notre Dame will be submitted in the near future. 9 tables with two chairs each are proposed for the Notre Dame frontage (located under the existing arcade) and 8 tables with two chairs each are proposed for the Kercheval frontage with black wrought-iron type fencing to enclose the area. The applicant is proposing a removable fencing system similar to the one at Starbuck's and the applicant has stated that all furniture will be stored off-site during the off-season. Mr. Jackson discussed the remaining items pertaining to outdoor seating as outlined in his report.

It was noted that the sidewalk adjacent to the building is over 13 feet wide and an 8 foot wide clear path is provided between the proposed eating area and the curb. An 8 foot wide clear path is provided between the proposed eating area and the curb, which meets the minimum 5 foot ADA requirement. Details of the proposed

street furniture were provided to Council and are consistent with the traditional style and character of the building and the Village.

Council discussion took place regarding the proposed site plan. It was noted that the restaurant/pub would not be open past 11:00 pm and that a maintenance schedule for the outdoor seating section be noted on the plans to keep the area free of debris.

A resident in attendance commented regarding the narrowness of the seating area under the archway and concerns about birds nesting above the seating area. Concern about the Kercheval seating area was expressed regarding the ability of strollers to pass the seating area. It was noted that the 9 ft. sidewalk proposed under the plan meets ADA requirements.

Motion by Council Member Parthum second by Council Member Stevens that the site plan for the Village Grille expansion including an outdoor cafe, 16930 Kercheval, be approved with the following conditions:

1. Special use approval for a business over 5,000 sq. ft. is granted.
2. The applicant enters into an agreement for the use of the public sidewalk to the satisfaction of the City Attorney.
3. The hours of operation are limited to 7:00 am to 11:00 pm.
4. The outdoor eating area shall be kept clean and void of litter at all times.
5. Compliance with all other applicable codes and ordinances.

UNANIMOUSLY ADOPTED.

SITE PLAN REVIEW – CLAIRPOINTE RESTAURANT – 630 ST. CLAIR

City Planner Jackson made the following report:

The applicant is proposing to install the following:

- Two – 8 square foot hanging signs with green and red lettering on a white board with a green outline located on the St. Clair façade and on the façade facing the parking lot.

The proposed hanging signs exceed the maximum sign area permitted of 2 square feet. The façade of the building is recessed beneath an arcade with a mansard roof. The ordinance does not permit signage on the mansard roof leaving the only other option for wall signage on the building which would have very poor visibility. It should be noted that the Ash trees in the picture have been or will be removed providing greater visibility. Section 58-5(d), allows the City Council to modify the development standards for signage based on individual circumstances such as building design, etc. Due to the fact that the applicant is proposing the 8 square foot hanging signs in lieu of the permitted wall signage (up to 24 square feet per façade) and the applicant has proposed a sign design that is in keeping with the architectural character of the building, we believe the proposed signage is appropriate for the building.

Motion by Council Member Weipert second by Council Member Parthum to approve the site plan for signage for Clairpointe Restaurant, 630 St. Clair, as submitted.

UNANIMOUSLY ADOPTED.

REQUEST FOR PERMIT PARKING ON ST. CLAIR

Public Safety Director Fox made the following report:

The residents on St. Clair between St. Paul and Kercheval have requested permit parking for residents only on their block. Residents have submitted a petition to the City with 100% of the residents of that block. Currently, parking is allowed on the east side of St. Clair with the restriction of one hour parking between 8 am and 6 pm. Parking is not allowed on the west side of St. Clair, adjacent to the homes. There have been numerous complaints from residents about the congested parking, litter and traffic in their block. Several complaints concern employees, shoppers and patrons in the Village who park there and prevent residents and their guests from being able to park in front of their homes along the Sunrise owned property on St. Clair.

It was noted that parking is congested at certain times of the day, along the Sunrise property, but there is sufficient off street parking available to Village patrons. It was further requested that approval be conditional upon the right of the City to review whether the "Permit Parking Only" should be retained when the Sunrise property is sold and a new development begins. Discussion took place regarding the request and Director Fox answered various Council questions.

Motion by Council Member Weipert second by Council Member Parthum to approve the permit only parking petition and create "Permit Parking Only" on the east side of St. Clair between St. Paul and Kercheval with the condition that the City has the right to review whether the "Permit Parking Only" should be retained when development of the Sunrise property begins.

UNANIMOUSLY ADOPTED.

ANNUAL FINANCIAL REPORT – YEAR ENDED 6/30/09

Finance Director Johnson introduced David Herrington, Pamela Hill, and Manju Patnaik from Plante Moran who reviewed the audit for the City of Grosse Pointe. Ms. Hill stated that the City received an "unqualified opinion" which is the highest opinion issued. Ms. Patnaik presented an overview of the audit discussing general fund revenue and expenditure trend, graphs showing a comparison of general and budget stabilization fund balances, water and sewer activity, and parking system activity. Mr. Herrington answered various Council questions regarding the challenging real estate market, property tax developments and if there are any legislative bills proposed to help municipal governments deal with the budgetary crisis. Council discussion took place regarding the audit report and findings. The Council thanked Finance Director Johnson and Plante Moran for an excellent audit report.

RECEIVED AND FILED.

MEMORANDUM OF AGREEMENT – GROSSE POINTE WAR MEMORIAL – CABLE ACCESS SUPPORT

City Manager Dame made the following report:

The Grosse Pointe War Memorial has provided a cable access studio, equipment, programming and transmission of government, community based and educational channels on the cable system of the Grosse Pointes and Harper Woods for many years. Under the new uniform franchise agreement law, the previous arrangement Comcast has had with the War Memorial to cover the cost of their services has changed. The new uniform franchises with Comcast and AT&T, call for the funds to pay for cable access activities, also know as PEG operations, will come directly to the cities, not to the War Memorial directly from Comcast. Therefore, to continue the public service the War Memorial provides in operating community based programming on WMTV5 and supporting governmental channels, an agreement between all the Grosse Pointes and Harper Woods (members of the Conference of Eastern Wayne) with the War Memorial is necessary. The memorandum of agreement has been worked out by City Attorney John Fildew on behalf of the Conference of Eastern Wayne and the War Memorial.

Motion by Council Member Weipert second by Council Member Parthum to approve the memorandum of agreement, allowing for modifications as acceptable to the City Manager and City Attorney, authorize the Mayor and City Clerk to execute the memorandum and further authorize the release of back AT&T PEG payments that have been held as designated reserved to the War Memorial, which through the second quarter of 2009 total approximately \$5,557.

UNANIMOUSLY ADOPTED.

WAIVER OF PARKING FEES – 2009 HOLIDAY SEASON

City Manager Dame made the following report:

In an effort to attract holiday shoppers to the City, a partnership with the business community has developed at the initiation of the Grosse Pointe Chamber of Commerce. As a result, it is proposed that parking fees in all City off-street lots will be waived each weekend between Thanksgiving and Christmas. This includes free parking

on the following Saturdays and Sundays: November 28 & 29, December 5 & 6, December 12 & 13 and December 19 & 20.

The City has estimated that each weekend will cost the City's parking fund a reduction of budgeted revenue of approximately \$2,300. The business community has agreed to reimburse the City for half of this program's cost as the partner in offering this program to holiday shoppers. The Edward P. Frohlich Family Trust will sponsor the first two weekends of parking and The Village Association, the Chamber of Commerce and Trader Joe's will sponsor the second two weekends of parking. Promotional materials will be provided by the Village Association and the City will post the lots with free parking signs at the entrances.

Motion by Council Member Stempfle second by Council Member Stevens to approve the waiver of parking fees for all City off-street parking lots on the four weekends (all day Saturday and Sunday) between Thanksgiving and Christmas.

UNANIMOUSLY ADOPTED.

REVIEW OF FOURTH AMENDED EMPLOYMENT AGREEMENT

Mayor Scrace indicated that a fourth amendment is proposed to the City Manager's contract. City Manager Dame proposed the contract amendment that will reduce the City Manager's salary by 5% and eliminate cost of living allowance. Council discussion took place regarding the proposed amendment. City Manager Dame agreed that the reduction in salary would not constitute an option to consider himself terminated without cause under the Agreement.

Motion by Council Member Parthum second by Council Member Stevens to approve the fourth amendment to the Employment Agreement for Manager of the City of Grosse Pointe as drafted and authorize the Mayor and City Clerk to execute the agreement.

UNANIMOUSLY ADOPTED.

PUBLIC COMMENT

Anneliese Bajer, of Tire Systems Engineering expressed concern about and asked for an explanation of the public comment portion of the agenda.

STAFF REPORTS

Public Safety Director Fox updated Council on the recent power outage at Mack and Rivard.

COUNCIL COMMENTS

The Council commented on the following issues:

- The expansion of Village Grille and other business investments is a result of recent zoning ordinance amendments approved by Council.
- Appreciation was expressed to City Manager Dame for his fiscal leadership of the City and for his proposing an amended employment agreement.
- Discussion of landfill surcharge bill in the State House of Representatives.
- Upcoming presentations and updates from the City's library board representative and the Grosse Pointe Foundation.

On Motion, the meeting was adjourned at 8:45 p.m.

Julie E. Arthurs, City Clerk
City of Grosse Pointe