

**MINUTES OF THE GROSSE POINTE CITY COUNCIL MEETING HELD IN THE
CITY COUNCIL CHAMBERS, 17145 MAUMEE AVENUE, GROSSE POINTE, MICHIGAN ON
MONDAY, OCTOBER 19, 2009.**

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

ROLL CALL

Present: Mayor Scrace, Council Members Parthum, Pfaehler, Stempfle, Stevens, 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 and City Planner Jackson.

Mayor Scrace indicated that this was the last meeting for Council Member Kris Pfaehler. Mayor Scrace thanked Council Member Pfaehler for his dedicated service to the Finance Committee and City Council over the past four years and wished Mr. Pfaehler continued success.

CONSENT AGENDA

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

1. Minutes from the regular City Council meeting and the closed session of September 21, 2009.
2. Invoices
 - a) Arbor Pro Tree Service, Inc. - Tree Removal, \$5,160
 - b) City of Detroit, Board of Water Commissioners
 - Sewage Disposal Services, August, 2009, \$86,848.65
 - c) City of Grosse Pointe Farms - Radio Maintenance, \$7,691.31
 - d) Grosse Pointes-Clinton Refuse Disposal
 - Refuse Disposal, July, 2009, \$6,890.24
 - Refuse Disposal, August, 2009, \$6,675.90
 - e) Anderson, Eckstein & Westrick, Inc.
 - 2009 Resurfacing, \$5,280
 - 2009 CDBG ADA Ramp Improvements, \$6,363.57
 - Cadieux Resurfacing, Jefferson to Kercheval, \$6,668.87
 - SRF Open Cut Repairs, \$6,448
 - f) Rizzo Services - Curbside Recycling, September, 2009, \$5,616
 - g) Miller, Canfield, Paddock and Stone, PLC - Professional Services, \$15,500
 - h) Michigan Municipal League Liability and Property Pool
 - Annual Liability Insurance Premium, \$110,972

CONSENT AGENDA UNANIMOUSLY ADOPTED.

The City Council convened as the Zoning Board of Appeals.

ZONING BOARD OF APPEALS – 502 NOTRE DAME

APPEAL OF DENIAL OF APPLICATION FOR CERTIFICATE OF OCCUPANCY FOR NONCONFORMING USE

Mayor Scrace indicated that this was the time set for a public hearing on an appeal of a denial of an application for a certificate of occupancy for nonconforming use for 502 Notre Dame. Mr. Rudolph Stonisch wishes to use 502 Notre Dame as a two family rental property without building a four car garage as required per Section 90-157(14). 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:

Mr. Jackson stated that the applicant's request to appeal the denial of a Certificate of Occupancy for Nonconforming use is inaccurate because the subject property does not contain a nonconforming use. Section 90-238, Permitted Uses after special land use review states that two family homes are permitted subject to compliance with ordinance requirements, special use procedures, and three other specific conditions contained in this section. The property does not meet the current code requirement of Section 90-157, Table of off-street parking requirements. This section requires two enclosed parking spaces per dwelling unit. This issue was addressed at the previous ZBA meeting on January 14, 2008. Mr. Jackson recommended that the Zoning Board of Appeals deny the applicant's request based on the finding that the use is not non-conforming as stated in the applicant's appeal.

The City Council received the following documents as part of the administrative record:

1. Letter from City Planner.
2. Memorandum from City Attorney.
3. September 9, 2009 letter with enclosures from City Attorney.
4. August 14, 2009 appeal letter with attachments from Patrick Kruse of Flood, Lanctot, Connor Stablein, PLLC to Zoning Board of Appeals.
5. August 4, 2009 letter from Patrick Kruse of Flood, Lanctot, Connor, Stablein, PLLC to City Attorney.
6. July 16, 2009 letter with enclosure from City Attorney to Patrick Kruse.
7. June 26, 2009 letter with Exhibits 1-4 from Patrick Kruse of Flood, Lanctot, Connor, Stablein, PLLC to Paul G. Weitzel, Public Service Director.
8. January 8, 2008 letter from Brandon Rogers, City Planner to Paul G. Weitzel, Public Service Director.
9. Excerpt from January 14, 2008 City Council minutes.

Patrick Kruse, attorney representing the appellant Rudolph Stonisch, presented his appeal. Mr. Kruse stated that it is requested that the City Public Services Department comply with 90-127 of the Zoning Ordinance by either recognizing the August 31, 1994 Certificate of Occupancy as issued to indefinitely authorize a nonconforming use and issue a current Certificate of Occupancy, or issue notice of a nonconforming use and allow Mr. Stonisch an opportunity to apply for a Certificate of Occupancy for a Nonconforming Use under Section 90-127. Mr. Kruse provided additional background information regarding the initial appeal in January 2008 as well as various exhibits submitted to the board as part of this appeal.

Discussion took place regarding the non-conforming use of the property. It was noted that the issue that prevents a Certificate of Occupancy from being issued is that the building is a non-conforming building or structure and the property is required to have a four car garage and does not have a four car garage. The use of the property as a two family dwelling is permitted under the Code and is not disputed.

Mayor Scrace asked for any public comment regarding this appeal. After hearing no public comment, Mayor Scrace closed the public hearing.

Motion by Council Member Weipert second by Council Member Parthum to deny the appeal of Rudolph Stonisch, 502 Notre Dame for an application for Certificate of Occupancy for a Non-Conforming Use because the historic and proposed use of the property is not non-conforming.

ROLL CALL

Ayes: Parthum, Pfaehler, Stempfle, Stevens, Walsh, Weipert, Mayor Scrace
Nays: None.

MOTION CARRIES.

The Zoning Board of Appeals reconvened as the City Council.

SITE PLAN REVIEW – VALENTE’S MENS FORMAL WEAR – 17860 MACK AVENUE

City Planner Jackson made the following report:

The applicant is proposing to install an awning sign with new reinforced fabric awning on the front façade of the store. The awning color is black with white lettering. The proposed awning sign meets the maximum sign area permitted of 20% however it exceeds the maximum amount of signage permitted of ten square feet. It was noted that based on the architecture of the building, the awning will provide highly visible accent and allow for signage. Wall signs are not proposed. 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 not proposing any wall signage and the proposed signage is within the maximum permitted area of 20%, the proposed signage is appropriate for the building. Further, the applicant has indicated that they would like to illuminate the awning. The ordinance allows signs to be externally illuminated only. The applicant is encouraged to consider externally illuminating the awning with gooseneck or similar light fixtures. The City Planner recommends permitting the proposed awning sign subject to approval of the increase in sign area consistent with Section 58-5(d) and that any sign lighting be external in the form of gooseneck or similar fixtures.

Mark Valente, owner of 17860 Mack Avenue, was present and discussed his sign plan. He noted that the awning sign design was simple and that lighting the awning from underneath would have aesthetic appeal and would be needed to distinguish the building along Mack Avenue. The City Planner noted City Code does not permit internally illuminated signs. Discussion took place regarding external lighting and various lighting options available. It was suggested that Mr. Valente work with the City Planner to discuss and develop lighting for the proposed awning.

Motion by Council Member Stevens second by Council Member Stempfle that the awning sign for Valente's Mens Formal Wear, 17860 Mack Avenue, is approved.

UNANIMOUSLY ADOPTED.

SITE PLAN REVIEW – WINK BOUTIQUE – 377 FISHER ROAD

City Planner Jackson made the following report:

The applicant is proposing a wall sign for a tenant space at 377 Fisher Road. The new wall sign will have individual black letters on the front façade of the store. The proposed wall sign meets the maximum sign area permitted and will coordinate well with the wall sign proposed for the adjacent alteration shop in size, color and design. It is further recommended that any sign lighting be external in the form of gooseneck or similar fixtures. The applicant indicated that no lighting is proposed.

Motion by Council Member Weipert second by Council Member Parthum to approve the site plan for signage for Wink Boutique, 377 Fisher Road, as submitted.

UNANIMOUSLY ADOPTED.

SITE PLAN REVIEW – THE ALTERATION SHOPPE – 377 FISHER ROAD

City Planner Jackson made the following report:

The applicant is proposing to install a new wall sign with individual black letters on the front façade of the store for a tenant space at 377 Fisher Road. The proposed wall sign meets the maximum sign area permitted and will coordinate well with the wall sign proposed for the adjacent boutique in size, color and design. It is further recommended that any sign lighting be external in the form of gooseneck or similar fixtures. The applicant indicated that no lighting is proposed.

Motion by Council Member Weipert second by Council Member Parthum to approve the site plan for signage for Wink Boutique, 377 Fisher Road, as submitted.

UNANIMOUSLY ADOPTED.

PUBLIC HEARING – PROPOSED CHANGES TO THE VILLAGE ZONING ORDINANCE

Mayor Scrace indicated that this was the time set for a public hearing on proposed changes to the Village Zoning district. City Clerk Arthurs noted that public notices were published and mailed in accordance with PA 110 and a public viewing copy was made available at City Hall.

City Planner Jackson gave an overview of the proposed changes. He also reviewed the proposed changes shown on a zoning map.

Mayor Scrace convened the public hearing and asked for public comment regarding the proposed zoning text changes. The following comments were made:

- Sean Bruce, Finance Director for the Neighborhood Club supports the proposed changes and thanked the Council for their efforts in facilitating recent changes to allow for future development of the Neighborhood Club site.
- Joan Phillips, Beaumont Hospital supports the proposed zoning changes.
- Anneliese Bajer, owner of Tire Systems Engineering commented on the proposed changes to the Village Parking District and expressed concern regarding parking space charges for new developments in the district.

Hearing no further comment, Mayor Scrace closed public comment.

RECEIVED AND FILED.

ORDINANCE ADOPTION

MOTION by Councilmember Parthum supported by Councilmember Pfaehler, that the following ordinance be adopted, the revised City zoning map be adopted, and technical corrections to the ordinance by the City Attorney be authorized:

ORDINANCE NO. 389

An Ordinance to amend and restate various sections of the Code of Ordinances of the City of Grosse Pointe pertaining to the Village Zoning District

(For complete text of Ordinance No. 389 - see Ordinance Book of the City of Grosse Pointe)

UNANIMOUSLY ADOPTED.

SURPLUS EQUIPMENT DISPOSAL BID – WATER METERS

City Manager Dame made the following report:

The Water Division began replacing water meters on an ongoing basis as part of the Water Meter and Reading System replacement program. In the proposal that was accepted by Council in September, the meter manufacturer offered trade in values based on meter size, at the City’s option. The meter trade in values are listed below for your review. Prior to the project starting, Water Dept. personnel has verified the values for scrap and determined it would be better to scrap the meters instead of trading them in. As of October 8, the market value for dirty brass water meters per pound was \$1.08 from GLE and \$1.00 from GLR Recycling. The price is established daily based on the market price for the materials.

	<u>Trade In Value</u>	<u>GLE scrap metal</u>	<u>Great Lakes Recycling</u>
5/8" x 3/4" water meter	\$ 2.00	Approx. \$10.80	Approx. \$10.00
1" water meter	\$ 3.00	Approx. \$19.44	Approx. \$18.00
1.5" water meter	\$ 8.00	Approx. \$42.12	Approx. \$39.00
2" water meter	\$10.00	Approx. \$51.84	Approx. \$48.00

The City will have at least 1,000 surplus water meters that are predominately ¾" meters. At the highest bid price from GLE, an estimated \$10,800 would be returned to the water/sewer fund.

Motion by Council Member Stempfle second by Council Member Weipert to declare surplus and approve the sale of excess water meters to GLE Scrap Metal in Warren, MI, for the daily quote price.

UNANIMOUSLY ADOPTED.

PRELIMINARY 5 YEAR FINANCIAL PROJECTION

City Manager Dame presented Council with five year budget projection and assumptions. Mr. Dame discussed revenues and expenses currently and how fund balances will be affected by revenues and expenses over the next five years. Council discussion took place regarding the City Manager's written report and graphs. It was further suggested the information be made available to the citizenry to keep them apprised on the budget situation.

City Manager Dame suggested that a citizen committee be created to evaluate fiscal options for the City prior to the next budget preparation cycle. The committee's goal would be to develop ideas, options and service priorities for a presentation to Council in January or February 2010.

PUBLIC COMMENT

Herman Mozer, 17330 Maumee Avenue, suggested the school board be involved with the budget review process.

Anneliese Bajer, of Tire Systems Engineering asked for an explanation of how the public comment portion of the agenda is handled.

STAFF REPORTS

Public Service Director Weitzel updated Council on the status of the various street resurfacing projects in the City. He further noted that leaf pickup season began today. City Clerk Arthurs stated absentee ballots are available for the upcoming election and that a sample ballot is posted on the City website.

COUNCIL COMMENT

The Council commented on the following issues:

- Paul Weitzel, Public Service Director was welcomed back to work.
- The new leaf collection flyer looked good and the information was clear and concise.
- Positive comments were expressed about the new Village zoning ordinance.
- The Council wished Kris Pfaehler farewell and thanked him for all his contributions to the City Council and the City of Grosse Pointe
- Council Member Pfaehler stated that it was a privilege to serve the City and thanked the Council for their support and that he was fortunate to have great working relationships with the entire Council. He thanked the City staff for their hard work and dedication to keeping Grosse Pointe a successful City.

CLOSED SESSION

Motion by Council Member Stempfle second by Council Member Parthum that the Council goes into closed session for discussion of collective bargaining issues.

ROLL CALL

Aye: Parthum, Pfaehler, Stempfle, Stevens, Walsh, Weipert, Mayor Scrace
Nay: None.

UNANIMOUSLY ADOPTED.

The Council met in closed session from 8:48 p.m. to 9:30 p.m.

There being no further business conducted, the meeting was adjourned on Motion at 9:31 p.m.

Julie E. Arthurs, City Clerk
City of Grosse Pointe