

**MINUTES OF THE GROSSE POINTE CITY COUNCIL MEETING HELD IN THE COUNCIL CHAMBERS,  
17145 MAUMEE AVENUE, GROSSE POINTE, MICHIGAN ON  
MONDAY, JULY 20, 2015.**

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

ROLL CALL

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

In Attendance: City Manager Dame, Attorneys Fildew and Kennedy, City Clerk Arthurs, Finance Director Kleinow, Public Safety Director Poloni, Public Service Director Huvaere and City Planner Jackson.

CONSENT AGENDA

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

1. Minutes from the regular Council Meeting held on June 15, 2015.
2. Invoices
  - a) Anderson, Eckstein and Westrick, Inc.
    - Chalfonte Pavement & Water Main, 5.4.15 – 5.31.15, \$18,552.34
    - 2015 Resurfacing Program, 5.4.15 – 5.31.15, \$12,206.49
    - City Hall Roof, 5.4.15 – 5.31.15, \$9,175.09
    - Washington Watermain, 5.4.15 – 5.31.15, \$9,811.93
  - b) F.D.M. Contracting
    - Chalfonte Water Main & Pavement Reconstruction, Estimate #3, \$165,938.57
  - c) Pro-Line Asphalt - 2015 Resurfacing Program, Estimate #1, \$344,642.17
  - d) Rizzo
    - Recycling, June 2015, \$5,525
    - Recycling, July 2015, \$5,720
  - e) Grosse Pointes-Clinton Refuse Disposal - Refuse Disposal, May 2015, \$5,411.37
  - f) City of Detroit - Sewage Disposal, May 2015, \$69,500.00
  - g) Fontana Construction, Inc. - SRF Sewer Project, Estimate #7, \$27,705.34
  - h) Motorola - Prep Radios, June 2015, \$11,902.70
  - i) City of Grosse Pointe Park - Dispatch Services, 4/1/15 – 6/30/15, \$23,684.93
  - j) Apollo Fire Equipment - Air Tanks, June 2015, \$20,850
3. Approval of 2016 allocation of \$12,622 in Municipal and Community Credit funds to Pointe Area Assisted Transportation System (PAATS) and authorize the Assistant City Manager/Clerk to execute the agreement.
4. Approval of temporary liquor license application and adoption of resolution approving the street closure of Kercheval Avenue between Cadieux Road and Neff Road on September 12 and September 13, 2015 for the VillageFest sponsored by the City of Grosse Pointe Downtown Development Authority.
5. Approval of resolution authorizing assignment of Wastewater Disposal Service Contract from the City of Detroit to the Great Lakes Water Authority.
6. Approval of amendment to the employee manual incorporating updated Appendix A and eliminating longevity payment for new hires after July 30, 2015.

CONSENT AGENDA UNANIMOUSLY ADOPTED.

The City Council convened as the Planning Commission.

PUBLIC HEARING – SPECIAL USE REQUEST – FRESH FARMS MARKET – 355 FISHER ROAD

Mayor Scrace indicated that this was the time set for a public hearing for a special land use request from Fresh Farms Market for a proposed new structure that is over 5,000 square feet at 355 Fisher Road in the NC, Neighborhood Commercial District.

The City Clerk advised that notice of the special land use request had been provided in accordance with State law and City ordinance. The Mayor declared the public hearing open.

City Planner Jackson made the following report:

The applicant is proposing to develop a structure with a 19,400 square footprint. The project includes a two story market measuring 28,600 sq. ft. and a restaurant measuring 1,960 sq. ft. In addition, the applicant has provided details for a small outdoor seating area which includes four – three top tables to serve a small take-out window without table service.

The proposed retail and restaurant use will provide a compatible and complementary use to the neighboring residential and retail uses by bringing additional day-time customers to support surrounding retail and service uses and providing neighborhood retail and restaurant services. Due to the increase in loading, delivery, and garbage removal activity in close proximity to a stable residential neighborhood, the applicant shall extend the eight foot tall masonry screen wall to the end of the first drive aisle north of the proposed building (approximately an additional 40 feet from where they currently proposed to end the 8 foot section of wall). This will help screen the larger vehicles entering the site and also screen the majority of activity associated with servicing the compactor. The proposed use will promote the use of the land in a socially and economically desirable manner by increasing the number of day-time customers in the neighborhood shopping district while eliminating the detrimental impacts caused by commercial vacancies that have been persistent in the area.

The project has been designed as a mixed use development with retail and restaurant on the first floor and with office, training and event spaces on the second floor. This mix of uses provides an opportunity for multiple purposed trips – go pick up some groceries and pick up lunch or dinner and it will contribute to the convenient, safe and normal neighborhood vehicular and pedestrian traffic routes, flows, intersections, and general character and intensity of neighborhood development. While the proposal is a benefit in terms of the mix of uses, it presents a challenge with respect to the heavier deliveries associated with a market. In order to minimize the impact of truck traffic on adjacent residential neighborhoods, all delivery and service vehicles shall be directed to access the site from Fisher Road and exit the site via Maumee with a left turn only back to Fisher Road. The construction of a new larger market to replace a crowded existing market while increasing the number of parking spaces available will encourage appropriate development and use of adjacent land and buildings by bringing additional customers to the neighborhood commercial district. The all-brick design with significant fenestration and proper screening supports the appropriate development of adjacent parcels. While three sides of the building have significant detail, the wall facing the residents is relatively void of detail. In order to ensure that the building has adequate detail on all sides including the side facing the residential neighborhood, we recommend the applicant provide additional brick relief in the form of pilasters at 20-30 foot intervals along the rear façade.

The applicant is proposing an outdoor seating area and outdoor display area. Both of these uses are permitted and proposed to be located on private property. The outdoor display area shall be limited to the area designated on the site plan (approximately 320 sq. ft.) In addition the display fixtures shall be similar or better in quality and design to those indicated by the applicant. The display area must be maintained in a clean and orderly manner and shall maintain a minimum clearance of five feet for pedestrian access.

The proposed use will be located within new building that will screen any operations that would be noxious or objectionable to nearby dwellings by reason of noise, fumes, glare or flash of lights. The applicant shall provide details of all proposed site lighting for administrative review to ensure that the proposed lights do not adversely impact the adjacent residential area. In addition, the applicant may want to consider increasing the height of the proposed utility screening to ensure that the noise will not adversely impact the use of the proposed balcony.

The City Planner recommended approval of the use with the following conditions:

1. The applicant shall extend the eight foot tall masonry screen wall to the end of the first drive aisle north of the proposed building, including property owned by Jeffries, LLC.
2. All delivery and service vehicles shall be directed to access the site from Fisher Road and exit the site via Maumee with a left turn only back to Fisher Road. The applicant shall maintain the outdoor seating area clean and free of any litter and debris.
3. All tables and chairs will be stored during winter months.
4. The outdoor seating area will be limited to the hours of 7 am to 10 pm.
5. The outdoor display area shall be limited to the area designated on the site plan (approximately 320 sq. ft.)
6. The display fixtures shall be similar or better in quality and design to those indicated by the applicant.
7. The display area must be maintained in a clean and orderly manner and shall maintain a minimum clearance of five feet for pedestrian access.
8. Architectural design solution to provide visual relief to the western elevation must be approved by the City.
9. The applicant shall provide details of all proposed site lighting for administrative review to ensure that the proposed lights do not adversely impact the adjacent residential area.
10. The applicant should increase the height of the second floor utility screening wall.
11. Site plan approval.

Mayor Scrace opened the hearing for public comment. The following comment was made:

Donald Gray, 394 Lincoln asked that the 8 ft. wall be extended and constructed from Fisher Road to the end of the proposal parking area.

Jane McFeely, 380 Lincoln stated that the proposed 6 ft. wall would not be high enough to ensure privacy of adjacent residential properties. The wall needs to be taller and extended further.

David Fries, 453 Rivard stated that he feels that it is a good project as long as the neighbor concerns are addressed.

Hearing no further comments, the public comment was closed.

The Planning Commission discussed the delivery operations, turning radius clearance for delivery trucks, existing fences, extension of the 8 ft. wall, the rear façade details and HVAC unit screening, possible special events on the second floor, hours of operation, shopping cart storage, and size and site layout of the proposed use. It was noted that specifics regarding the exact use of the second floor space has yet to be determined but examples of a cooking school, café, nutritional store were cited. Further, it was noted that deliveries for the proposed new building would not occur before 7:00 am and not after 7:00 pm, Monday through Saturday.

Motion by Council Weipert second by Council Member Stempfle to approve the special land use for Fresh Farms market, 355 Fisher Road, to occupy over 5,000 square feet in the Neighborhood Commercial District, with conditions 1-11 in the City Planner's report and in addition 12) No deliveries prior to 7:00 am and no deliveries after 7:00 pm, and 13) The 8 foot wall shall be extended to the end of the parking lot to the north, including property owned by Jeffries, LLC; and the proposed special use permit must be drafted by and approved in final form by the City Attorney.

UNANIMOUSLY ADOPTED.

The Planning Commission reconvened as the City Council.

#### SITE PLAN REVIEW – FRESH FARMS MARKET – 355 FISHER ROAD

City Planner Jackson made the following report:

The applicant is proposing a full-service grocery store and restaurant with a small outdoor seating area without full table service. The proposed uses are permitted within a NC – Neighborhood Commercial district.

The building meets all of the dimensional requirements for the NC district. The applicant is proposing to construct a new two story building in a manner that will be a significant enhancement to the area and this block. It will replace three existing one story buildings. The proposed two story building will be entirely clad in brick with significant glazing elements on the façade and north and south elevations. The façade is broken up into twenty foot bays with window elements inserted between brick faced piers with a two story entrance element located at the northeast corner of building. A gallery covered by a terrace is a main element on the façade. The south elevation has significant glazing on the lower level as a part of the restaurant use. The building includes rooftop equipment located on the roof of the subway portion of the building. The applicant proposes to screen it with a five foot high decorative screen on two sides and permanent building elements on the other two sides. Due to the noise generated from this equipment and the potential impact on the proposed outdoor terrace, the applicant may want to consider a more substantial screening on the other two sides of the equipment area. The western elevation of the building has relatively little architectural relief. We suggest that this wall be broken up with a series of brick pilasters every 20-30 feet. A determination regarding the intensity of the site lighting, height of fixtures, type of fixtures, and shielding of the adjacent properties and street right-of-ways cannot be made with the drawings as provided. It was requested that additional lighting details be provided.

The site plan includes an extensive outdoor seating area located in front of the building on Fisher Road. The outdoor seating area is on private property. The proposed outdoor seating area will be located primarily under the gallery but in no case will it be within 5 feet of the public right of way. The patio will have an area of less than 500 square feet. There will not be alcohol served here so an enclosure is not required. The applicant is proposing to store all of the outdoor seating elements in the basement of the building during the off-season. The applicant is proposing 12 seats on the sidewalk and 44 seats on the balcony facing Fisher Road. The building official will review this during the permitting process to ensure that it does not exceed the capacity of the restaurant.

Parking and pedestrian access was discussed. Patrons will access the building via two entrances along the Fisher Road façade, one at the southeast corner to the restaurant use and one at the northeast corner to the grocery market use. As the use is within a NC district, parking is required onsite. Parking requirement calculations were discussed. The development requires 108 off-street parking spaces while the site plan only illustrates 85 off-street parking spaces. With on-street parking available, the parking requirement may be reduced by 10%, reducing the required number of spaces to 97 spaces. The applicant illustrates an additional 20 spaces in a shared parking lot immediately to the north of the site resulting in an additional reduction of ten percent of the required parking. This reduction lowers the number of parking spaces required to 86 spaces. To the immediate north of the market entrance, the applicant has provided a landscaped area measuring 210 sq. ft. within the first ten feet of the predominate front building setback. This design element credits the applicant with one additional parking space. Through the provision of on-street, shared, and additional streetscape landscaping, the applicant complies with the parking requirement.

The plans indicate three loading stalls along the western elevation. The proposed fully enclosed trash compactor located in the northwest corner of the building complies with the City's requirements for screening of the trash enclosure. Though a truck-turning diagram has not been included on the site plan, it appears that adequate truck access has been provided for emptying of the trash compactor.

The applicant has proposed a master sign plan that consists of wall signage for Fresh Farms Market and Subway as well as two projecting signs – one for each business. The proposed wall signs will be 12 inch individual metal letters illuminated with gooseneck fixtures for both businesses. The projecting signs will be dark with white letters. We suggest the applicant consider a larger and more decorative projecting sign subject to administrative approval provided the signs comply with the City sign ordinance.

1. The execution of a special use permit satisfactory to the City and City Attorney.
2. The applicant shall extend the eight foot tall masonry screen wall to the end of the first drive aisle north of the proposed building, including property owned by Jeffries, LLC.
3. All delivery and service vehicles shall be directed to access the site from Fisher Road and exit the site via Maumee with a left turn only back to Fisher Road.
4. The applicant shall maintain the outdoor seating area clean and free of any litter and debris.
5. All tables and chairs will be stored during winter months.

6. The operation will be limited to the hours of 7:00 am and 10:00 pm.
7. The outdoor display area shall be limited to the area designated on the site plan (approximately 320 square feet).
8. The display fixtures shall be similar or better in quality and design to those indicated by the applicant.
9. The display area must be maintained in a clean and orderly manner and shall maintain a minimum clearance of five feet for pedestrian access.
10. Architectural design solution to provide visual relief to the western elevation must be approved by the City.
11. All signage shall comply with the master sign plan including any projecting signage that shall comply with the City sign ordinance.
12. The applicant shall provide details of all proposed site lighting for administrative review to ensure that the proposed lights do not adversely impact the adjacent residential area.
13. The applicant shall increase the height of the second floor utility screening wall.

Motion by Council Member Weipert second by Council Member Parthum to approve the site plan for Fresh Farms Market, 355 Fisher Road, with conditions 1-13 in the City Planner's report, and including 14) No deliveries prior to 7:00 am and no deliveries after 7:00 pm, and 15) The 8 foot wall be extended to the end of the parking lot to the north, including property owned by Jeffries, LLC; and any agreements deemed necessary, drafted by and approved in final form by the City Attorney.

UNANIMOUSLY ADOPTED.

PUBLIC HEARING – RE-STATED DOWNTOWN DEVELOPMENT AUTHORITY DEVELOPMENT PLAN AND TAX INCREMENT FINANCING PLAN

City Manager Dame made the following report:

In June 2015, the Downtown Development Authority Board approved and recommended Council adoption of a restated DDA Development Plan and Tax Increment Financing Plan. Before the City Council can take action on the proposed restatement, it must hold a public hearing and consider comments. Notice of the public hearing has been published in accordance with the law.

The DDA plan restatements make changes that are consistent with the recently amended agreement with Wayne County. The TIF plan and other budgetary numbers in the DDA plan are proposed to be restated in light of the current assessed values in The Village. The economic recession has caused the taxable value of properties in The Village to be more than a million dollars under their value in 2008 when the DDA was created. Major projects that were in the works when the DDA was initiated disappeared in the economic upheaval. The primary goal of the DDA is to create new, higher tax producing developments using potential assistance of the DDA's development financing tools. Then upon the expiration of the DDA, all the governmental taxing bodies benefit from the additional taxes on a bigger tax base than would have existed otherwise. However, with such a huge disparity between the original and current taxable values, the DDA does not have the capacity to generate funds which could provide the financing for development projects. No tax increment was generated by the DDA in 2014 and 2015. By restating the tax increment plan with this current year's taxable values, the DDA would again be positioned to promote economic development as originally intended.

Mayor Scrace opened the hearing for public comment. The following comment was made:

Anneliese Bajer, Tire Systems Engineering requested clarification on the proposed changes. City staff provided an overview of the proposed changes to the DDA Plan. Hearing no further comments, the public comment was closed.

ORDINANCE ADOPTION

MOTION by Council Member Parthum second by Council Member Turnbull, that the following ordinance be adopted:

ORDINANCE NO. 421

An Ordinance to repeal City Ordinance No. 380 and restate Sections 28-20 through 28-29 of the Code of Ordinances of the City of Grosse Pointe, Development Plan and Tax Increment Financing Plan

(For complete text of Ordinance No. 421 - see Ordinance Book of the City of Grosse Pointe)

UNANIMOUSLY ADOPTED.

Motion by Council Member Parthum second by Council Member Weipert to approve the Re-Styled Downtown Development Authority Development Plan and Tax Increment Financing Plan for the City of Grosse Pointe.

UNANIMOUSLY ADOPTED.

INTERGOVERNMENTAL AGREEMENT – BUILDING INSPECTION SERVICES

City Manager Dame made the following report:

The City's building inspector has been working on a contractual basis since 2012. Paul Weitzel has indicated that he will not seek to renew his professional licensing required to continue to serve as the City's Building Inspector and will fully retire. The City of Grosse Pointe Farms has agreed to provide this service by sharing its full time Building Inspector Terry Brennan. Mr. Brennan has provided backup to the City in the absence of the City's Building Inspector for many years. Given Mr. Brennan's known expertise and familiarity with the City's inspection processes, it is recommended that the City contract with the City of Grosse Pointe Farms for these services. An amount of \$17,000 has been budgeted in FY 2015-16 for this service.

Motion by Council Member Parthum second by Council Member Stempfle to authorize the execution of the intergovernmental agreement for building inspection services with the City of Grosse Pointe Farms and Terry Brennan; and the Grosse Pointe Farms Building Official and Building Inspector shall be the City Building Official and Building Inspector for all purposes under State law and City Ordinance.

UNANIMOUSLY ADOPTED.

STAFF REPORTS

Public Safety Director Poloni reported on the recent retirement of Anthony Railling, promotion of Sergeant Christopher Lee and upcoming interviews for Public Safety Officer. Public Service Director Huvaere reported on the completion of the Kercheval Avenue Resurfacing Project and discussed other ongoing construction projects. City Clerk Arthurs reported on a new electronic death record system through the State of Michigan which the City will participate in the near future.

COUNCIL COMMENT

The City Council commented on the following topics:

- Investment in community by the Fresh Farms Market and the Beaumont Medical Office building is encouraging and appreciated.
- Appreciation was expressed to City employees for their hard work.
- City is host of the Lakefront Swimming Association finals.
- Grosse Pointe Foundation hosted a welcome party for new residents. It was a success and may be a recurring event.

CLOSED SESSION

Motion by Council Member Parthum second by Council Member Turnbull to go into closed session as requested by a public official for a performance evaluation.

ROLL CALL

Ayes: Boettcher, Parthum, Stempfle, Turnbull, Walsh, Weipert, Scrace  
Nays: None

Motion Carries.

The Council met in closed session from 8:16 p.m. to 9:04 p.m. The City Council reconvened in open session at 9:05 p.m.

CITY MANAGER CONTRACT

Motion by Council Member Turnbull second by Council Member Parthum that beginning with the economic downturn in 2008, the City Manager voluntarily reduced his pay and benefits on two occasions. In recognition of the Manager's financial sacrifices and in appreciation for his continued fine performance, the Council is restoring the Manager to be commensurate with other City employees with an annual salary of \$112,000, a bonus of \$5,000 and a 2% increase in deferred compensation effective July 1, 2015. The City Attorney is directed to prepare the appropriate Agreement for the Mayor's signature.

UNANIMOUSLY ADOPTED.

On Motion, the meeting was adjourned at 9:07 p.m.

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Julie E. Arthurs, City Clerk  
City of Grosse Pointe