

**MINUTES OF THE GROSSE POINTE CITY COUNCIL MEETING HELD IN THE COUNCIL
CHAMBERS, 17145 MAUMEE AVENUE, GROSSE POINTE, MICHIGAN ON
MONDAY, DECEMBER 19, 2016.**

The meeting was called to order at 7:06 p.m.

ROLL CALL

Present: Mayor Scrace, Council Members Boettcher, Parthum, Stempfle, Tomkowiak, Turnbull

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

Motion by Council Member Parthum second by Council Member Stempfle to excuse Council Member Walsh from the meeting for personal reasons.

UNANIMOUSLY ADOPTED.

CONSENT AGENDA

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

1. Minutes from the regular Council Meeting held on November 14, 2016.
2. Invoices
 - a) Great Lakes Water Authority - Sewage, November 2016, \$78,500
 - b) Rely-On Construction - Court Ordered Repairs, December 2016, \$9,250
 - c) State of Michigan - Marina Bottom Lands Rental, 2017, \$15,213
 - d) Berns Landscaping Services, Inc.
 - Parking Structure Snow Removal, December 2016, \$8,400.00
 - Village Snow Removal, December 2016, \$8,800.00
 - e) Rizzo - Recycling, November 2016, \$5,768
 - f) Apollo Fire Equipment - 4 set of Turnout Gear, November 2016, \$8,080
 - g) McKenna - Planning Services, October 2016, \$10,296.26
 - h) Arbor Pro - Tree Removal, November 2016, \$5,303
3. Adoption of Resolution authorizing Mayor Scrace to sign an agreement for IT Services between Oakland County and the Grosse Pointe Municipal Court.
4. Adoption of Resolution authorizing the City of Grosse Pointe participate in the Fire Insurance Withholding Program.

CONSENT AGENDA UNANIMOUSLY ADOPTED.

PUBLIC HEARING – TRANSFER AND RECLASSIFICATION OF TAVERN LICENSE FOR THIRD SPACE, LLC

Mayor Scrace recused himself from this agenda item. Acting Chair Stempfle indicated that this was the time set for a public hearing regarding an application filed by Third Space, LLC for a transfer of an existing Tavern License granted by the State of Michigan. The application has been filed for the proposed Old Pony Martini Pub to be located at 17008 Kercheval Avenue. The application requests the ownership transfer of the license from licensee M. Wiederkehr Recycling, LLC, known as Green Zone Pizza, to Third Space, LLC. The applicant is also requesting the City's approval to reclassify the license from a Tavern to a Class C license, allowing for consumption of beer, wine, and spirits. The transfer/reclassification does include a SDM License (beer/wine to go), full Sunday Sales Permit for both AM and PM and an Entertainment permit.

City Planner Jackson reviewed his report. The applicant, the Old Pony Martini Pub, is proposed to reoccupy the former Green Zone Pizza location of approximately 1,500 sq. ft., for a martini bar and restaurant. The applicant is requesting a transfer of the existing Tavern License and reclassification of that license to a Class C license which would also permit the on-premises consumption of spirits, in addition to an SDM license (beer and wine to

go), Sunday AM and PM sales and an entertainment permit. Various standards were reviewed by the Planner including the location, hours of operation, noise levels, construction or renovation, signage and entertainment. No outdoor seating is proposed and the proposed use should not have a significant impact on surrounding parking facilities. The City Planner recommended approval of the Tavern license transfer and reclassification to a Class C, with permits contingent upon hours of operation and noise levels addressed to the satisfaction of Council.

Kelly Allen, attorney for the applicant, stated that the proposed business will bring vitality to the Village area and the reclassification to a Class C with the addition of entertainment will expand the night time venue options. Mr. Hisam El-Awad stated he wants to enhance the community and feels the proposed Old Pony Martini Pub will be a great addition to the Village. Ms. Allen asked for an exception to the ordinance requirement regarding hours of operation allowing the Old Pony Martini Pub to be open until 2:00 a.m. She stated other restaurants and bars in the Village are open past 12:00 p.m. Discussion took place regarding the hours of operation of the proposed business. It was noted that the proposed business would close earlier if business was slow, and also close at 12:00 midnight on Sunday and Monday.

Acting Chair Stempfle opened public comment. The following comments were made:

Dave Fries, 453 Rivard, expressed concern about allowing businesses to be open past midnight.

Hearing no further comments, Acting Chair Stempfle closed public comment.

Council discussion took place regarding the business hours of operation in the ordinance. It was requested that an evaluation of the ordinance and the operational hours of other similar businesses in the Village be conducted. A summary will then be presented at a future meeting for Council consideration.

Motion by Council Member Parthum second by Council Member Turnbull to approve the transfer of the Tavern license with SDM from M. Wiederkehr Recycling, LLC and adopt a Resolution recommending the reclassification of the Tavern license to a Class C license, with permits as noted. No action was taken with regard to business hours.

UNANIMOUSLY ADOPTED.

PRESENTATION OF 2015-2016 FISCAL YEAR AUDIT

Pam Hill, Partner at Plante Moran, presented the 2015-16 audit report. Plante Moran has given the City an unqualified favorable opinion as to the City's financial accounting.

Spencer Tawa at Plante Moran highlighted revenue and expense trends over a four-year period. There was a discussion of the balances in various dedicated reserve and capital funds. Water, sewer and auto parking operations were reviewed. Daniel Block discussed new rules governing management of federal programs and new pension standards and financial reporting. Discussion took place regarding the significant water loss noted in the audit. Staff will be monitoring the loss situation and report findings to Council in an update. Plante Moran commented that new reporting standards will take effect in the next several years for postemployment benefits other than pensions.

RECEIVE AND FILE.

RESOLUTION – URBAN FORESTRY COMMISSION

City Manager Dame made the following report:

The City has engaged with Rick Whitney, a resident with a horticultural background, about ways to improve its urban forestry program. Mr. Whitney introduced himself and discussed his background. Mr. Dame discussed a two-pronged approach. First, hiring a certified arborist on staff to oversee the City's tree maintenance and replacement and other urban forestry functions and second, create a new citizen advisory commission to guide and enhance the City's current efforts. A resolution has been drafted to outline the duties of the commission which was submitted to the Council as part of the record. If the commission was approved, the City would solicit

volunteers to serve in the upcoming January newsletter for consideration of appointment at the January 2017 Council meeting. One of the first tasks would be to complete a tree inventory of City owned trees on the public right of way, and to develop a master plan for the City's street trees.

Discussion took place regarding the commission and its duties. It was noted that the Forestry commission would work in conjunction with the Grosse Pointe Foundation similar to the way the Beautification Commission works with City staff and the Foundation on its Project Bloom program for flower gardens to attract donations and grant funds to supplement the master plan, supplementing the City's current tree replacement efforts.

Motion by Council Member Boettcher second by Council Member Stempfle to adopt the following resolution:

BE IT RESOLVED, that the Grosse Pointe Urban Forestry Commission is hereby established on the following basis:

COMMISSION MEMBERS

The Commission shall consist of 5 members nominated by the Mayor and approved by the City Council. Members shall serve indefinite terms subject to resignation, or to removal at the pleasure of the City Council.

LIASONS

The City Council, the City Beautification Commission, the City Parks and Recreation Commission and the City Manager, may each appoint one liaison to attend the meetings of the Urban Forestry Commission.

OBJECTIVE

Generally, the Commission shall be responsible for making recommendations regarding City policies related to urban forestry and arboriculture. It shall be the responsibility of the Commission to study, investigate, counsel, and develop and/or update a written urban forestry master plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas. The Commission, when requested by the City Council, shall consider, investigate, make findings, report and make recommendations upon any matter coming within its scope of work.

DUTIES - Specifically, the Commission should:

- Coordinate the City's Arbor Day program
- Coordinate the application for Tree City U.S.A. designation
- Review annually a list of tree species that are allowed for planting as street trees in the City, taking account of the durability and suitability of the various species that will be compatible with conditions present in the City. In addition, trees on this list should be selected for adaptability to location, climate and soil conditions, resistance to disease and insect pests, for healthy foliage that will withstand dust and smoke, and for root systems that will not damage or interfere with nearby sewers, drains, utility lines, sidewalks, or paved areas.
- Make recommendations to City Council that certain trees be regulated or prohibited within the City or specific areas of the city
- Review and make recommendations for spacing of planting street trees including distance from other trees, from curb and sidewalks, from street corners and fireplugs, from utilities, and any other obstructions.
- Review and make recommendations for the standards for street tree maintenance and upkeep in accordance with best practices for urban forestry management.
- Establish, maintain, and update a tree inventory for street trees and trees on public property. Identify particular trees of significance for the purpose of preservation.
- Establish and promote educational programs whereby the public may be informed matters pertaining to urban forestry.
- Seek out grant funding, donations and other sources of outside funding to enhance the City of Grosse Pointe's urban forest and to further the objectives of the City's urban forestry master plan
- Develop an annual proposed work plan and submit an annual report of activities to the City Council.

- Work closely with and with the advice and counsel of the City's staff liaison to the Commission and with the Department charged with carrying out the master plan. The City of Grosse Pointe staff shall provide administrative support to the Commission.

UNANIMOUSLY ADOPTED.

INTERGOVERNMENTAL AGREEMENT WITH GROSSE POINTE PARK – FORESTRY SUPERVISORY SERVICES

City Manager Dame made the following report:

The City does not have a certified arborist on staff to oversee its tree replacement and maintenance and other urban forestry programs. The City of Grosse Pointe Park does have a full-time Forestry Supervisor with 20 years of experience, education, training and certifications. It is proposed that the agreement will allow the City to utilize the services of the Grosse Pointe Park Forester on an hourly basis for up to 15 hours a week. During the initial period of 2017, the Forester would help complete a tree inventory and work with the newly formed Urban Forestry Commission to develop a master plan for the City's street trees. The Forester would oversee day to day urban forestry activities and oversight of contracted tree maintenance and pruning conducted by staff. The cost per hour is \$54 at a maximum of 15 hours per week and actual cost will be less, depending on the number of hours actually worked.

Discussion took place regarding the yearly cost of this position. Additional discussion also took place regarding what is currently being done with the forestry program and its contractors.

Motion by Council Member Parthum second by Council Member Tomkowiak to approve the intergovernmental agreement with the City of Grosse Pointe Park for urban forestry supervisory services.

UNANIMOUSLY ADOPTED.

INTERGOVERNMENTAL AGREEMENT WITH GROSSE POINTE PARK – PUBLIC WORKS SUPERVISORY SERVICES

City Manager Dame made the following report:

The City of Grosse Pointe is hiring the City of Grosse Pointe Park's retiring Public Works Supervisor effective January 1, 2017. To help the Grosse Pointe Park transition from losing a highly skilled and long-term supervisor, the City has agreed to share its new employee's services with the City of Grosse Pointe Park. For the first year, the City of Grosse Pointe Park can utilize up to 20 hours a week of public works supervisory services from the City of Grosse Pointe. The agreement for sharing of services limits the hours to no more than 10 hours per week in a potential second year. During this transition period, the supervisory duties of the City's new employee will be limited solely to water and sewer functions to ensure a manageable workload. It was noted that this position is classified as at-will.

Motion by Council Member Turnbull second by Council Member Stempfle to approve the intergovernmental agreement with the City of Grosse Pointe Park for public works supervisory services.

UNANIMOUSLY ADOPTED.

GROSSE POINTE MUNICIPAL COURT REORGANIZATION

A recent departure in the City's court staff has given City and Court officials the opportunity to evaluate the manner in which staffing is being provided. As part of this review, the regional administrator of the court system on behalf of the State of Michigan also provided input. The fundamental conclusion by all was to hire a full-time employee to serve the court. This will encourage stability and ensure the most professional service at all times. The recommendation is to return to the previous staffing structure of the Municipal Court: a full-time court administrator with two permanent part-time employees.

Russell Ethridge, Municipal Judge addressed the Council regarding this proposed reorganization. Judge Ethridge further discussed various functions, upgrades, revenue increases and impending changes that are ongoing in the Municipal Court.

Motion by Council Member Turnbull second by Council Member Parthum to approve the hiring of a full-time Court Administrator and a permanent part-time court employee with court recording certification utilizing higher than budgeted Court revenues.

UNANIMOUSLY ADOPTED.

REPAIR OF PUMP #4 AT NEFF PUMP STATION

Public Service Director Huvaere made the following report:

Pump 4 located at the Neff Road pumping station, is a 4,500 gpm, 45 HP Flygt sanitary pump that was installed in 1992. It is one of several small pumps that handle sanitary flows. For approximately two months, it has not been operable. Upon review and assessment of the issue, the problem is caused by the ports that allow the sewage being pumped to circulate around the cooling jacket to become plugged by debris. This has occurred previously on occasion and has typically been able to be addressed with a service call. Kennedy Industries, who is the Flygt manufacturer's representative in Michigan, attempted to service the pump by cleaning out the cooling jacket ports. However, the pump continued to have problems overheating even after the cleaning. Consequently, Anderson, Eckstein & Westrick, the City's engineer, was asked to assist in the review of this pump's issues. AEW has provided a recommendation to rebuild the pump at a cost of \$19,415. Kennedy is the only company authorized in Michigan to service this pump. The City will also implement through separate contracts the City Engineer's recommendation to install a fresh water cooling line to Pump 4 in an effort to more permanently address the overheating problem.

Motion by Council Member Stempfle second by Council Member Parthum to approve the contract with Kennedy Industries to rebuild Pump 4 in an amount of \$19,415.

UNANIMOUSLY ADOPTED.

RESOLUTION – 2017 COUNCIL MEETING DATES

City Clerk Arthurs presented a schedule of designated meeting dates for the calendar year 2017. The Council reviewed and discussed the proposed dates.

Motion by Council Parthum second by Council Member Tomkowiak to adopt the following resolution:

RESOLVED, that in accordance with Public Act 267 of 1976, public meetings of the City Council of the City of Grosse Pointe are held each month at 7:00 p.m. in the Council Chambers and the following schedule denotes regular meeting dates for 2017:

January 23 (4 th Mon.)	May 8 (Budget Hearing)	August 21
February 27 (4 th Mon.)	May 15	September 18
March 20	June 19	October 16
April 10 (2 nd Mon)	July 17	November 13 (2 nd Mon.)
		December 18

UNANIMOUSLY ADOPTED.

LIABILITY UPDATE

John Gillooly, the City's legal representative in the matter of the August 16, 2016 storm event, updated Council on claims, liability, and the recent filing of a class action suit. An extension to file an answer to the lawsuit was granted until January 15, 2017. Mr. Gillooly discussed the next steps in the case. Council thanked Mr. Gillooly for the update.

PUBLIC COMMENT

Dave Fries, 453 Rivard discussed replacement trees between the sidewalk and curb.

STAFF REPORTS

City Manager Dame stated that the Public Works employees did an excellent job with snow removal during the recent storm. Parks and Recreation Director reported on a public hearing on January 18 for the proposed additional building at Elworthy Field and that Winter Fest will take place January 28. City Clerk Arthurs reported on the recent Michigan election recount.

COUNCIL COMMENT

The City Council commented on the following topics:

- Appreciation was expressed to Kimberly Kleinow, Finance Director and Peter Dame, City Manager for the excellent job on the audit.

On Motion, the meeting was adjourned at 8:53 p.m.

Julie E. Arthurs, City Clerk
City of Grosse Pointe