

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

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

ROLL CALL

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

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

CONSENT AGENDA

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

1. Minutes from the regular Council Meeting held on August 15, 2016.
2. Invoices
 - a) Michigan Municipal League - Workers Compensation, Installment #2, \$31,674
 - b) Rizzo - Recycling, August 2016, \$5,768
 - c) Bricco Excavating Company - Fisher Road Water Main, Estimate #1, \$145,092.57
 - d) Pro-Line - 2016 Resurfacing Project, Estimate #4, \$354,108.52
 - e) Grosse Pointe Farms - Radio, 1/1/16 – 6/30/16, \$9,058.69
3. Approval of re-appointment of Michael Kramer to the Downtown Development Authority Board for a four-year term ending September 8, 2020, based on continuing qualification.
4. Authorize contract with M.J. White for cleaning of the pump station in the amount of \$6,936.
5. Approval to allow the Public Safety Department to trade-in two vehicles to Gorno Ford for \$11,500.

CONSENT AGENDA UNANIMOUSLY ADOPTED.

The City Council convened as the Zoning Board of Appeals.

PUBLIC HEARING – ZONING BOARD OF APPEALS – 420 RIVARD – SCHMUHL

Mayor Scrace indicated that this was the time set for a public hearing for the Zoning Board of Appeals for a variance at 420 Rivard.

City Clerk Arthurs informed the Board 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 of Grosse Pointe.

Brian Keesey, Senior Planner with the City's Planning firm, McKenna Associates, The applicant, Ms. Jillian Schmuhl, is requesting that the ZBA grant a variance from Section 90-405, Residential Fences, to permit a fence that is 48 inches (4 feet) in height in the front yard. Section 90-405(1) permits fences that are a minimum of 24 inches in height and a maximum of 36 inches in height from the finished grade at the property line. Section 90-406 of the Ordinance states that the Board of Zoning Appeals may, "in its sound discretion and in the interest of the public health, safety, and welfare of the inhabitants of the community, reduce or remit the requirements of this article in individual cases coming before such board."

The applicant owns the property at 420 Rivard Boulevard, between Maumee Avenue to the south and Saint Paul Street to the north. The residential structures are attached in nature, and share a common entry to the parking area off of Rivard. The home is set back slightly from the adjoining homes, providing a very small rear yard and a very large front yard for the owner. The rear yard is fenced in. The property is in the R-T Terrace

District, where units are often attached to one another while still providing the character and aesthetic appeal of the City of Grosse Pointe. The applicant is proposing to install a picket fence in the front yard to match the height of her northern neighbor's existing nonconforming fence. The purpose of the proposed fence is to enclose the front yard to provide a place for recreation with a child and a dog. The fence is proposed to be 48 inches in height, made out of wood, and designed to have approximately 50% opacity when constructed. The finished side of the fence is proposed to be facing out.

The plans show a fence location that is consistent with the requirements of the Zoning Ordinance. The fence along the sidewalk is to be set back two (2) feet from the sidewalk in accordance with Section 90.405(1). Along the side property line, within the front yard, the fence is proposed at the lot line. The proposed fence is four (4) feet in height, which exceeds the height permitted of a front yard fence by one (1) foot. The taller height is a match for the fence on the property that is adjacent to the north, which is also four (4) feet and made out of 50% opacity wooden fencing. The small size of the rear yard necessitates the use of the front yard for recreation for the family's young son and dog. The proposed fence does not cause any additional traffic concerns, and may minimize the potential for dog/vehicle and child/vehicle incidents by keeping the dog and child within the fenced area. There are no potential corner-visibility conflicts presented as a result of this proposal, as the home is midblock. Buildings in the Terrace District are filled with character, using unique textures, forms, and styles to create coveted housing stock. As a result of this, lots can vary in configuration. This particular lot, set back to the point where the rear yard is unusually small, is best suited for recreation in the front yard. A 1-foot variance to the height restrictions would provide substantial justice to the owner; a lesser variance would not be sufficient in this case. The City Planner stated that the taller fence would fit in with the surrounding neighborhood in terms of character and appeal. It would not be intrusive or burdensome to surrounding property owners. Further, the fence appears to conform to all other regulations in the Ordinance pertaining to fences; this will be confirmed upon the issuance of a fence permit. Based on the analysis above, we recommend that the ZBA approve the requested variance for the height of one (1) foot, for a total fence height not to exceed four (4) feet.

Jillian Schmuhl, applicant, stated that she would like to be able to utilize her property safely and securely with her family so a 48-inch front fence is requested. She stated that the fence will not obstruct her home, yard views or light. Ms. Schmuhl has contacted her direct neighbors which are in support of fence. Ms. Schmuhl answered various board questions.

Mayor Scrace opened public comment. The following statements were made:

Dave Fries, 453 Rivard expressed concern regarding the continuity of the street and that he felt a 4 ft. wooden fence would be awkward.

Jim Black, 441 Rivard stated he felt the wood fence should be inside of a hedge.

Three written letters expressing concerns regarding the variance were submitted for the record.

Hearing no further comment, Mayor Scrace closed public comment.

Board discussion took place regarding the variance request. It was noted that the variance is for the fence height only and not the location in front yard. The setback meets ordinance requirements and it was noted that the property has an unusually small backyard area.

Motion by Council Member Walsh second by Council Member Stempfle to approve the variance to permit the height of one (1) foot, for a total fence height not to exceed four (4) feet at 420 Rivard based on the practical difficulty of minimal rear yard area for open space recreation.

UNANIMOUSLY ADOPTED.

The Board reconvened as the City Council.

FUND BALANCE TRANSFER

Finance Director Kleinow made the following report:

Approximately eight years ago, after policy discussion with the City Council, the City established a policy goal of maintaining an unrestricted General Fund fund balance of 20 percent of the succeeding year's expenditures. Until four years ago, the amount that exceeded the 20 percent unrestricted fund balance goal had been transferred to the Capital Projects Fund. Four years ago, in response to the unfunded nature of the retiree healthcare liability, the City Council directed staff to transfer the excess to the retiree healthcare fund in the previous year. City Council asked to be advised each year prior to staff making the transfer in future years.

In August 2016, City Council officially approved a fund balance policy requiring maintaining a General Fund unrestricted fund balance of 25% of the succeeding year's expenditures. After preliminary year end calculations of the year just completed June 30, 2016, it is expected that there will be a surplus of approximately \$400,000 in excess of the 25 percent unrestricted fund balance requirement. This year, the City budgeted the entire annual cost of the current retiree health care payouts and the City expects to do the same next year. Therefore, staff recommends transferring \$400,000 into the Capital Projects Fund.

Motion by Council Member Parthum second by Council Member Turnbull to authorize the transfer of \$400,000 of the June 30, 2016 year end surplus to the Capital Projects Fund.

UNANIMOUSLY ADOPTED.

LIABILITY INSURANCE BIDS

City Manager Dame made the following report:

The City's liability and property insurance with the Michigan Municipal League Liability and Property Pool expires on September 30 annually. The City has been a pool member since October 1, 1985. This policy covers all City owned property including vehicles, contractor equipment, and electronic data processing equipment, buildings and liability coverage.

The City solicited proposals from dozens of insurance carriers with an RFP issued on July 14 utilizing the MITN service. After inquiries from about half a dozen companies, three proposals were received. Additional comparisons were submitted for the record and the proposals are as follows:

	PREMIUM COST
US Specialties/HCC (Stevenson Company)	\$74,380
Michigan Municipal League Pool	\$94,874 (net incl. dividend)
MI Municipal Risk Management Authority	\$143,734 (dividend not specified)

All three entities have a long history of providing insurance services to government agencies in Michigan. Grosse Pointe Park and Grosse Pointe Woods are with US Specialties/HCC and are happy with the services provided. US Specialties/HCC has a lower premium, with higher deductibles than proposed by MML. Even with the dividend offered by the MML, an analysis of the types of claims the City has had over the last five years indicates that US Specialties will likely have a lower overall cost to the City's risk management program.

Motion by Council Member Turnbull second by Council Member Stempfle to award the City's property and liability insurance program for 2016-17 to U.S. Specialties/HCC in the amount of \$74,380.

UNANIMOUSLY ADOPTED.

BID AWARD – FLAP GATE REPAIR

Public Service Director Huvaere made the following report:

The City received a quote from Z Contractors for the installation of a new 48" diameter backflow gate on the discharge pipe from pump #7. The City Engineer recommends that this work be completed.

Z Contracting was asked to quote the installation of this gate because they are currently working at the pump station for the Great Lakes Water Authority (GLWA) to install a meter on the discharge piping from the

Sanitary sewer pumps at the Neff Pump Station. The contractor is very familiar with the pump station and the work that is necessary to install the back flow gate. As noted in the City Engineer's recommendation letter, the quote from Z Contractors in the amount of \$36,700 is reasonable and the City Engineer recommends that the proposal be accepted by the City. Council discussion took place regarding the proposed work and concern was expressed about completing this project without taking formal bids. It was noted that this repair was previously bid out and only one bid was received which was twice the engineering cost at the time. Additional discussion took place regarding the proposed repair and quote received.

Motion by Council Member Walsh second by Council Member Parthum to waive the formal bid process and award Z Contractors Inc. the contract for \$36,700 to install a flap gate for pump #7.

ROLL CALL

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

Motion Carries 5 votes Aye to 1 vote Nay.

BID AWARD – PARKING SOFTWARE AND SERVER HARDWARE UPDATE

Public Service Director Huvaere made the following report:

The parking system software and servers that operate the structure and gated lots is out of date. Due to changes in the rules governing the system, it is necessary to upgrade the existing software and server hardware known as "IParc". Details regarding the system upgrade were discussed. The Parking Division received price quotes for updating the existing parking software and equipment from Traffic and Safety, the current supplier. It was noted that Traffic and Safety is the only company authorized to supply this type of parking software in the area. The quote is for Parking Software, Installation, Equipment for \$10,900.

Motion by Council Member Stempfle second by Council Member Parthum to approve the purchase of parking software upgrades and the necessary related equipment from Traffic and Safety, not to exceed \$10,900.

UNANIMOUSLY ADOPTED.

DISCUSSION – VILLAGE DEVELOPMENT OPPORTUNITY

City Manager Dame indicated that the City has received inquiries from developers expressing an interest in building a hotel in The Village. Mr. Dame provided Council background on previously submitted proposals regarding the construction of a hotel and other mixed use development projects proposed for Lots 2 and 3. Mr. Dame discussed the process of creating a Request for Proposal and how the process involved the City's Downtown Development Authority. After discussion, it was the consensus of the City Council that Mr. Dame develop an RFP for a hotel in The Village subject to City Council consideration and approval at a future date.

PUBLIC COMMENT

Dave Fries, Lakeshore Optimist Club reported on a signature donation which will be present to the City at a future Optimist Club meeting.

Dan Lehman, 588 Lakeland asked why it is taking so long for a report and/or engineer report on the August flooding event. He asked what a flap gate is.

Paul Rau, 584 Lakeland is concerned about flooding happening again and asked what the timeframe would be to hear details about what and why flooding occurred.

Michael Marks, 8 Stratford stated he is frustrated about not receiving more specific and clear information about the August flooding. He requested to see the master flood plan on the City website and asked if the Great Lakes Water Authority was involved in what happened.

Seven candidates for the vacant Council position, namely David Vago, John Doerer, Kevin Hinman, Kim Oros, Sheila Tomkowiak, Rebecca O'Reilly and Dan Williams, introduced themselves.

STAFF REPORTS

Public Safety Director Poloni reported on officers in the fire academy and fire inspectors school. Director Huvaere reported on the St. Paul and University road projects. Finance Director Kleinow reported that the annual audit begins Monday. Parks and Recreation Director Hardenbrook reported that the Fall Harvest event takes place September 17 at 3:00 pm at Neff Park. City Clerk Arthurs stated that the Beautification Commission have announced the Beautification Award winners for 2016, the presentation ceremony will be October 5 at 7:00 pm.

COUNCIL COMMENT

The City Council commented on the following topics:

- It was noted that an information meeting for residents affected by the August 16, 2016 flooding event will be scheduled once the event report is completed. It was estimated to be completed within approximately three weeks. Residents who contacted the City regarding the flood will be sent a meeting notice and it will be posted on the City website.
- Discussion took place regarding the process of appointing a candidate to fill the City Council vacancy.

On Motion, the meeting was adjourned at 8:46 p.m.

Julie E. Arthurs, City Clerk
City of Grosse Pointe