

**MINUTES OF THE GROSSE POINTE CITY COUNCIL MEETING HELD IN THE COUNCIL CHAMBERS,
17145 MAUMEE AVENUE, GROSSE POINTE, MICHIGAN ON MONDAY, JULY 17, 2017.**

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

ROLL CALL

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

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

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

UNANIMOUSLY ADOPTED.

CONSENT AGENDA

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

1. Minutes from the regular Council Meeting held on June 19, 2017.
2. Invoices
 - a) Anderson, Eckstein, and Westrick, Inc.
 - 2017/18 Watermain Replacement, 5/1/17 – 5/28/17, \$14,296.55
 - 2017 Resurfacing Program, 5/1/17 – 5/28/17, \$15,834.00
 - b) Great Lakes Water Authority - Sewage Disposal, June 2017, \$78,500
 - c) EMP Industries - Fast Attack, June 2017, \$10,156
 - d) Independent Floor Covering - Carpet, Deposit, \$8,400
 - e) KDH Defense Systems - Public Safety Vests, June 2017, \$5,695
 - f) Rich & Associates - Hotel Parking Study, June 2017, \$13,300
 - g) Apollo Fire Equipment - Turnout Gear, June 2017, \$9,260
 - h) City of Grosse Pointe Park - Dispatch Services, April - June 2017, \$24,727.77
 - i) GFL - Recycling, June 2017, \$5,816
3. Approval of special event application for the annual Sidewalk Sale in The Village.
4. Set public hearing date of August 21, 2017 regarding the vacation of the Goethe dead end at University Place.

CONSENT AGENDA UNANIMOUSLY ADOPTED.

PUBLIC HEARING – LIQUOR LICENSE APPLICATION – KOI NU ASIAN, 17043 KERCHEVAL AVENUE

The Mayor indicated this was the time set for a public hearing for an application for a liquor license from Tony Dao, Koi Nu Asian, LLC for an Economic Redevelopment Class C liquor license for a proposed restaurant at 17043 Kercheval Avenue.

City Planner Jackson reviewed his report. The applicant, Mr. Tony Dao, is proposing to occupy the former Caribou Coffee building, which is approximately 2,600 sq. ft., for a sushi restaurant. There is not a liquor license attached to this address currently. The applicant is pursuing an Economic Redevelopment (ER) Class C liquor license. Like a traditional Class C license in the State of Michigan, this license would permit the on-premises sale of beer, wine, mixed spirit drinks, and spirits. Unlike traditional liquor licenses, ER licenses are only issued by the Liquor Control Commission for businesses in defined business districts, such as a Downtown Development Authority (DDA) district. These licenses are intended to promote and encourage uses that are characteristic of vibrant districts and corridors. These permits may not be transferred; if the business moves to another location, a new business at this location would be required to apply for a new license or transfer in an existing license.

In addition to the Class C license, the applicant is applying for an SDM license, full Sunday sales, and a catering permit. An SDM license would permit the sale of beer and wine in its original package for consumption off the premises, such as a sealed bottle of wine to take home. Each of these 'add-ons' are directly related to the Economic Redevelopment license and cannot be transferred.

City Planner Jackson discussed various standards that apply to liquor license applications relating to hours of operation, capacity, construction and renovation plans and other considerations explained in his report dated July 14, 2017. It was noted that no live entertainment was planned. Mr. Jackson further discussed the Economic Redevelopment License and required criterion to be met.

Mayor Scrace opened public comment. Hearing no comments, Mayor Scrace closed public comment.

Motion by Council Member Walsh, second by Council Member Boettcher, to adopt a Resolution approving and granting an Economic Redevelopment Class C liquor license, with a SDM license, full Sunday Sales and a catering permit, to be issued to Tony Dao, Koi Nu Asian, LLC, at 17043 Kercheval Avenue, with the following conditions:

1. Satisfactory findings resulting from the Michigan Liquor Control Commission investigation regarding the buffer distance between the restaurant and Maire Elementary School.

UNANIMOUSLY ADOPTED.

The Council convened as the Zoning Board of Appeals.

PUBLIC HEARING – ZONING BOARD OF APPEALS – 380 RIVARD

Mayor Scrace indicated that this was the time set for a public hearing by the Zoning Board of Appeals to consider the variance request of Randall Cain, 380 Neff Road, for a variance from Sections 90-405(1) and (2), front yard fences and exterior side yard fences.

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.

City Planner Jackson made the following report:

The applicant, Mr. Randall Cain, is requesting that the ZBA grant a variance from Section 90-405, Residential Fences, to permit an ornamental fence that is 48 inches (4 feet) in height on the Rivard side and parts of the side yards, and a privacy fence of six (6) feet in height along the Maumee side. The unique placement of the home on this otherwise traditionally-sized lot, coupled with the presence of a man-made pond in the yard, requires special consideration. At the southeast corner of Maumee Avenue and Rivard, the home at 380 Rivard is situated in the southeast corner of the lot, with the front door facing Maumee. It is the only single-family residence on Rivard between Maumee and Jefferson that is not built to the traditional front lot line along Rivard. With this configuration, the outdoor yard space is along Maumee and Rivard. This layout is unique to the property; usually, corner lot homes in the R-1B District are located in closer proximity to at least one road (in this case, Rivard) to allow for traditional "rear yard" space. In practical application, what is defined as a front yard and side yard by the ordinance for this property functions as a rear yard would on more traditional lots. A previously standing 6-foot tall hedge along Maumee has been removed, and the remaining 4-foot tall picket fence is set back from the curb more than the two feet that is permitted. The owner intends to replace it with the proposed fence, placed two (2) feet from the sidewalk in accordance with the Ordinance, to provide a more suitable and visually appealing barrier. There is also a man-made pond in the yard. The applicant has expressed the need for a fence to ensure the safety of passersby who may be tempted to enter the pond. While the depth of the pond is not specified in the variance application, the Michigan Residential Code requires a fence of 48-inches in height as a barrier for any pool deeper than 24 inches. Regardless of the depth of the pond, the owner's desire to minimize risk to others and enhance the safety of this property through the use of a fence is recognized. Ornamental fences of varying heights are common along Rivard and in the R-1B district, and privacy fences are common in rear yards to protect recreational space.

City Planner Jackson discussed the unique conditions relating to the property and the variance request. Mr. Jackson discussed various standards and State statute requirements noted in his report dated July 11, 2017 pertaining to the request.

Randall Cain, owner and applicant, answered various board questions regarding the property and the proposed fences.

Mayor Scrace open public comment. After hearing no comments, public comment was closed.

Motion by Council Member Boettcher, second by Council Member Walsh to approve a variance to permit the location of a 6-foot privacy fence along Maumee and to increase the fence height to 4 feet, for a fence on the Rivard side and parts of the side yards, at 380 Rivard based on the practical difficulty that strict conformance with the ordinance would limit the homeowner's private outdoor leisure area similar to those in the district and the position of the house on the lot is unique in the district.

UNANIMOUSLY ADOPTED.

The Zoning Board of Appeals reconvened as the City Council.

SITE PLAN REVIEW – MARAIS – 17051 KERCHEVAL AVENUE

City Planner Jackson made the following report:

David Gilbert, applicant and proprietor of Marais, has submitted the attached application detailing the proposed outdoor seating area and proposed installation of a sliding door and seasonal vestibule to enclose the sliding door, on the St. Clair side of the Marais Restaurant. The outdoor seating area and the seasonal vestibule will be placed in the public right-of-way and approval will be contingent upon a right-of-way agreement.

Marais Restaurant is a permitted use in the C-2 District, and the retail sales portion of the business for groceries, meats, etc. is permitted in the district as well. The addition of outdoor seating on the St. Clair side of the building, is an encouraged element, subject to criteria listed later in this review. The seating area will not be serviced by the restaurant; rather, it is intended to be utilized by the public. The building footprint is not proposed to change with the proposed installation of a sliding door on the St. Clair facade. However, the outdoor seating and the seasonal vestibule will be placed in the public right-of-way, so consideration of site plan approval will need to be contingent upon an agreement for the improvements and use of the City's right-of-way, and should contain terms of liability. The location of these elements will still permit safe pedestrian travel on the St. Clair sidewalk. There is a proposed seasonal vestibule to be installed over the sliding door during the cold season as an air-lock. This temporary structure will be constructed of solid materials, rather than the canvas-and-plastic structures that are common for these types of elements. The approximately 6'x10' vestibule will not protrude into the sidewalk any further than the existing planter curb, and will therefore not take up space that is regularly utilized by pedestrians.

The vestibule will be stored inside or off-site when it is not in use. This type of temporary vestibule structure has not been proposed in the Village before, but other unique design elements, from overhangs to arcades, are found along the side streets in the Village. Given the high-quality aesthetic of this building, the solid-material design of the proposed structure, its seasonal nature, and the fact that the proposed location is on a side of the building that doesn't face Kercheval, we believe that this proposal can complement the character of the district.

The applicant proposes four (4) outdoor tables, 20 chairs, and four (4) 9-foot umbrellas placed in the public right-of-way on St. Clair adjacent to the existing planters where the wooden benches are currently. Use of the City's property will require a use agreement with the City. The patio furniture will be set out and taken down daily during the warm months, only for use during business hours. This furniture will be available for public use, rather than for the exclusive use of Marais customers. The furniture will be stored inside overnight, and during the winter months.

City Planner Jackson discussed outdoor seating requirements, various outdoor architectural features, parking, pedestrian access, loading and signage as referenced in his report dated July 14, 2017. Any signage on the

new awning above the sliding door will be reviewed administratively for conformance with the Ordinance standards. It was noted that Mr. Gilbert is also proposing a mural for the alley side of the building. As noted in the introduction, murals are not specifically regulated in the City's Code. Murals are often regulated in a municipality's sign ordinance. Section 58-5(d) of the City's Sign Ordinance permits Council to modify the standards of the ordinance if the sign achieves the stated purposes. The proposed mural, located on the blank alley façade of the building, will not require additional structures or structural modification to the building. The mural will utilize much of the existing gray alley wall, and utilizes imagery and text. The mural would provide the owner the opportunity to identify the business from the alley and public parking in a unique manner, allowing expression along the alley that would not be permitted along street frontage.

Mr. David Gilbert reviewed his proposal and answered various Council questions. Mr. Gilbert discussed the proposed seasonal vestibule, outdoor furniture and sliding door. He updated Council that the outdoor market has been well received and continues to be a draw to his restaurant. He further described details and intentions of the proposed mural.

Council discussion took place regarding the sliding door, seasonal vestibule and use of shopping baskets and storage. Concern was expressed regarding the mural being artwork and its compliance with the City's sign ordinance. It was requested that further review and consideration be made on the mural content and scope by both the City staff and the applicant.

Motion by Council Member Turnbull, second by Council Member Tomkowiak to approve the site plan and special use for an outdoor seating area and seasonal vestibule for Marais, 17051 Kercheval Avenue, subject to the applicant obtaining a license for use of the public right-of-way drafted by and approved in final form by the City Attorney.

UNANIMOUSLY ADOPTED.

Motion by Council Member Walsh, second by Council Member Stempfle to approve the location and scope of a mural for Marais, 17051 Kercheval Avenue, subject to the applicant submitting a revised mural concept plan with graphic design being approved in final form administratively.

UNANIMOUSLY ADOPTED.

SITE PLAN REVIEW – SAROS BUILDING DEVELOPMENT – 17108 MACK AVENUE

City Planner Jackson made the following report:

On the corner of Mack and Cadieux, Mr. Saros has proposed plans to construct a new building at the site of the office building that once stood. The property along Mack Avenue is zoned RO-1, which permits office spaces by right, and the southern portion along Cadieux is zoned P-1 Vehicular Parking. Office uses for professional services, real estate, financial services, professional surveyors, and other similar offices are permitted in the RO-1 Restricted Office District subject to site plan review. On the east side of the building, the applicant proposes to re-use the existing parking lot, and as an existing use it is permitted to continue. On the vacant parcel along Cadieux, parking uses are permitted when they comply with dimensional requirements of the district.

The proposed building is designed to portray the high-quality aesthetic that is expected in the City, but it is missing a key building characteristic present along Mack Avenue. The Mack corridor is characterized by buildings oriented towards the street, and only one existing building (Staples) does not provide an entrance directly accessible to pedestrians on the Mack sidewalk. The building that previously stood on this site provided a traditional front entryway, and was supportive of the concept of a walkable, pedestrian friendly building that is encouraged along Mack Avenue. The proposed building is located appropriately, aligning with the predominant building line on Mack Avenue. The building is proposed to be 34'-8" in height, in compliance with the 35' height requirement for the district. The building will have a basement and two stories above the existing grade.

The structure proposed consists of a predominantly brick façade, supplemented by decorative windows, masonry design elements, a circular stone tower at the corner of Mack and Cadieux, and a pitched roof with

several spires. The main entry to the building is in the rear, where a semi-enclosed atrium serves as the entryway into the individual office spaces on each of the three (3) levels of the building. There is a secondary entrance on the east side of the building that will allow entry into a corridor to the main atrium. The basement will be partially exposed, allowing natural light into the office and recreational spaces on that level.

Mr. Jackson reviewed parking for the proposed building, circulation, trash enclosures, pedestrian access, drainage and utilities, site safety, landscaping and signage as referenced in his report dated July 14, 2017. The City Engineer's report dated July 12, 2017 was submitted for the record and was reviewed and discussed. The City Planner recommends site plan approval with the following conditions:

1. Revised building plans which include a front entry along the Mack Avenue façade in support of the desired pedestrian-oriented character of the corridor.
2. An alternate location for the trash enclosure should be provided, or the owner must agree to pay the costs of removal and replacement of the enclosure in the event the storm sewer requires maintenance.
3. Storm water detention for the new parking lot is addressed to the City Engineer's satisfaction.
4. Signage is to be reviewed in accordance with the City's Sign Ordinance.

David Gassen, of Partners in Architecture, presented plans and renderings for a proposed new building at 17108 Mack Avenue. Mr. Gassen described the exterior architectural features. An alternate plan exterior site plan dated July 17, 2017 was presented to Council. The alternate plan responds to the concern regarding an entryway to the building on the Mack Avenue frontage. Driveway access and entry walkways were discussed. Mr. Gassen answered Council questions regarding the proposed building, the parking lots and the alternate plan showing a "welcome" architectural feature and walkway to an entrance, either at the rear of the building or facing Loraine. Council discussion took place regarding the proposal.

Motion by Council Member Boettcher, second by Council Member Stempfle to approve the site plan for the Saros Building Development, 17108 Mack Avenue, with the following conditions:

1. Building plan revised to include "welcome" architectural feature; rendering dated July 17, 2017.
2. An alternate location for trash enclosure is finalized. Or the owner must agree to pay the costs of removal and replacement of the enclosure in the event the storm sewer requires maintenance.
3. Storm water detention for the new parking lot is addressed to the City Engineer's satisfaction.
4. Signage is to be reviewed in accordance with the City's Sign Ordinance.

UNANIMOUSLY ADOPTED.

PURCHASE OF PUBLIC SAFETY VEHICLE

Public Safety Director Poloni made the following report:

The Department received a bid proposal for ONE new police vehicles, 2018 Police Interceptor Explorer, for an amount of \$27,620. The new vehicle will be assigned to the patrol division and will replace the oldest vehicle. The price came from Gorno Ford which was the low bid under the State of Michigan Joint Purchasing Program and thereby satisfies the City's competitive bid requirements. The 2017-18 budget included \$41,000 for one new vehicle for patrol including the cost of the vehicle and the change over equipment

Motion by Council Member Walsh, second by Council Member Boettcher, to accept and approve the pricing from Gorno Ford for the amount of \$27,620 under the State of Michigan Joint Purchasing Program for one Ford Explorer.

UNANIMOUSLY ADOPTED.

PURCHASE OF MOTOROLA RADIOS

Public Safety Director Poloni made the following report:

The Public Safety Department is requesting the purchase of three Motorola APX6000 Portable Prep Radios. These will be replacing the original prep radios that are no longer being serviced by Motorola. This prep radio purchase is the last purchase of a 4-year plan to replace all the prep radios. Pricing is from the State of Michigan Contract and the purchase will be through ComSource Inc., who is the vendor that services the Grosse Pointe Radio System. The price for the radios and charging unit is \$14,453.73, plus freight.

Motion by Council Member Stempfle second by Council Member Tomkowiak to approve the purchase of three Motorola APX6000 Portable Radios and charging units from ComSource, Inc. for a price not to exceed \$14,453.73, plus freight costs.

UNANIMOUSLY ADOPTED.

AMENDED CELL TOWER LEASE

City Manager Dame made the following report:

The City's current lease of 1400 square feet of City property off of St. Clair behind CVS on which a cell tower is constructed expires in 2021. The City was approached by AT&T, the owner of the cell tower, to renew the lease to provide sufficient time for the cell company to find alternatives if needed. The lease was first executed in 1996, and was renewable in five-year increments at which time a 16% increase took effect, including most recently a 16% increase that was effective in September of 2016.

The City has reached an agreement to extend the lease beyond the last five-year renewal period that ends in 2021. In exchange for this extension of eight more five-year terms, the City's payments will be increased immediately upon execution by another 15% on top of last year's increase, plus a \$15,000 signing bonus. At the end of original lease term in 2021, the City will receive another increase of at least 16%. That increase of at least 16% (more depending on inflation) will be repeated every five years until the expiration of the lease in 2061, just as in the original lease. Once these terms are agreed to, the City will then seek to negotiate comparable base rate increases from the two other cellular company entities with subleases on the cell tower. Under the terms of the agreement, the City's existing payment will increase by 15% upon execution, up to nearly \$2500 per month. The three cellular leases are expected to generate more than \$81,000 in the upcoming year, with the new AT&T lease, not including the signing bonus.

STAFF REPORTS

Public Safety Director Poloni announced that Smart911 is now available in Grosse Pointe. Smart911 is a free service available across the State of Michigan that allows individuals and families to sign up online to provide key information to 911 call takers during an emergency. Parks and Recreation Director Hardenbrook reported on swim lessons, swim team finals and Camp Norbert Neff. City Manager Dame reported that water main work continues at various locations on Washington.

COUNCIL COMMENT

The City Council commented on the following topics:

- Council discussed the upcoming special election pertaining to public safety and public services facilities.

CLOSED SESSION

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

ROLL CALL

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

The Council met in closed session from 8:45 p.m. to 9:25 p.m. The City Council reconvened in open session at 9:26 p.m.

CITY MANAGER CONTRACT

Motion by Council Member Turnbull second by Council Member Stempfle to amend the employment agreement for the City Manager to show an annual salary of \$120,000, and a bonus of \$10,000 effective July 1, 2017. The City Attorney is directed to prepare the appropriate Agreement for the Mayor's signature.

UNANIMOUSLY ADOPTED.

On Motion, the meeting was adjourned at 9:28 p.m.

Julie E. Arthurs, City Clerk
City of Grosse Pointe