

**MINUTES OF THE GROSSE POINTE CITY COUNCIL MEETING HELD IN THE COUNCIL CHAMBERS,
17145 MAUMEE AVENUE, GROSSE POINTE, MICHIGAN ON MONDAY, DECEMBER 17, 2018.**

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

ROLL CALL

Present: Mayor Boettcher, Council Members Parthum, Stempfle, Tomkowiak, Turnbull, Walsh, Williams

In Attendance: City Manager Dame, Attorney Kennedy, City Clerk Arthurs, Finance Director Kleinow, Public Safety Director Poloni, Public Service Director Randazzo, Parks and Recreation Director Hardenbrook, City Planner Keesey and City Engineer Pangori.

CONSENT AGENDA

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

1. Minutes from the regular Council Meeting held on November 12, 2018 and minutes from the closed session Council Meeting held on November 12, 2018.
2. Invoices
 - a) GFL - Recycling, November 2018, \$5,782
 - b) G2 Consulting Group, LLC - Quality Control Observation, 9/19/18 – 10/31/18, \$5,035
 - c) Gorno Ford, Inc. 2019 Ford Police Vehicle, November 2018, \$27,939
 - d) State of Michigan
 - Marina Bottom Lands Rental, December 2018, \$15,213.00
 - Fisher Road Streetscape, October 2018, \$45,707.18
 - e) McGraw Morris - Legal Services, October 2018, \$13,895.87
 - f) Great Lakes Water Authority - Sewage, November 2018, \$74,100
 - g) Anderson, Eckstein & Westrick, Inc.
 - 2018 Resurfacing Program, 10/15/18 – 11/11/18, \$11,877.94
 - h) Bricco Excavating - Water Main Replacement, Final Balancing Modification #3, \$7,655
 - i) Fildew Hinks - Legal Services, October 2018, \$27,644.48
 - j) Arbor Pro - Tree Trimming and Pruning, November 2018, \$5,940
 - k) Standard & Poors - Bond Rating, November 2018, \$17,000
 - l) Canfield Equipment Service - Police Vehicle Equipment, November 2018, \$8,094.25
 - m) Plante Moran - Audit Services, Final Bill, \$8,150
 - n) Miller, Canfield, Paddock and Stone - Bond Counsel, November 2018, \$48,500
3. Approval and adoption of resolution to execute Wayne County permits for annual maintenance, annual pavement restoration and special events.
4. Adoption of Resolution establishing Council Meeting dates for 2019.
5. Adoption of Resolution to waive penalties for failure to file Property Transfer Affidavits.

CONSENT AGENDA UNANIMOUSLY ADOPTED.

PUBLIC HEARING - VARIANCE REQUEST – 307 ROOSEVELT PLACE

The Council convened as the Zoning Board of Appeals to consider a variance request for 307 Roosevelt Place.

City Planner Keesey made the following report:

The applicant proposes to construct a new home on the lot, replacing a nonconforming home that exists on the property. The proposed 2-1/2 story home features an attached garage and covered porches, each contributing to the proposed lot coverage. The proposed structure requires a variance to the R-1B District lot coverage and required setback standards (Section 90-351), as it will not achieve conformity with those requirements as proposed.

Properties on the west side of Roosevelt Place share a very shallow lot depth of 65 feet, which is well under the usual 130-160-foot lot depth enjoyed by many properties in the R-1B district. As a result, many of the homes on the street were constructed close to the property lines and have greater lot coverages than are permitted by the zoning ordinance; the six (6) closest properties to 307 Roosevelt have an average lot coverage, by calculations from aerial imagery, of approximately 47%. A nonconforming home, a breezeway, and a garage occupy 307 Roosevelt today, and the applicant intends to remove the structures and construct a new home on the lot. The existing structures are set back from the front lot line by 6.7 feet, the rear by 9.1 feet, and the sides by 8 feet and 3.7 feet (on the garage side). In total, the structures cover 40.4% of the property, over 10% more than permitted by the ordinance. The proposed new construction home anticipates using the same 6.7-foot front yard setback and 8-foot north-side-yard setback, while increasing the rear yard setback to 16.6 feet and the south-side-yard setback to 9.6 feet. The new home footprint has become slightly larger than the existing home (will be just under 42% versus 40% today) and the building height will increase to approximately 30 feet, in accordance with the 35-foot maximum for structures in the district.

The proposed home will not introduce nuisances into the neighborhood beyond those expected of a single-family residence. The impact to the properties to the south and west may be minimized compared to the current structures because it will be 7.5 feet farther from the western property line and 5.8 feet farther from the southern property line than the existing detached garage. The existence of a compromised permitted building envelope is not a self-created situation. The current home exceeds modern setback and lot coverage requirements, as do nearly all of the homes on the west side of Roosevelt Place. However, continued use of the existing nonconforming residence is a feasible use of the property, unless it is determined by the Building Official to be uninhabitable or beyond repair. The City Planner discussed the specific variances requested by the applicant.

The City Planner noted that the proposed variance to allow a lot coverage of nearly 42%, exceeding the 30% R-1B standard and the current 40% lot coverage, will provide the property owner justice similar to other properties along Roosevelt, where the average lot coverage approaches approximately 47%. The proposed building setbacks, while not in conformity with the standards of the R-1B district, remain consistent with or an improvement (farther from lot lines) on the setbacks utilized by many existing homes on the street. The requested variances are reasonable to this specific property and would provide the owner use of the property that is substantially similar to other properties in the neighborhood in terms of lot coverages and setbacks. The use should not introduce impacts above and beyond the expected single-family character of the neighborhood, and shows continued reinvestment into the street in support of Zoning Ordinance and Master Plan. It is not possible to build functional rooms and a functional garage within the setbacks. The City has an interest in the construction of a functional garage to continue off street parking.

The Board Chair opened public comment. Gregg Dettloff, a representative for Leslie Gerlach and Angela Messacar spoke in favor of the project and that the home will be a positive impact on the neighborhood.

Motion by Council Member Turnbull, second by Council Member Tomkowiak, to approve the requested variances because a practical difficulty exists to build a modern house with standard amenities and room sizes within the ordinance parameters, and that a variance be granted to Section 90-101(4) of the Zoning Ordinance to allow replacement of a non-conforming home at 307 Roosevelt Place, in an R-1B District.

UNANIMOUSLY ADOPTED.

The Zoning Board of Appeals reconvened as the City Council.

REVIEW OF PROPOSED REGULATORY ORDINANCE – PROHIBITING MARIHUANA ESTABLISHMENTS AND SALE AND CONSUMPTION OF MARIHUANA IN PUBLIC PLACES AND ON PUBLIC PROPERTY

The City Attorney provided an overview of the Michigan Regulation and Taxation of Marihuana Act recently adopted by the voters at the November election. In addition to legalizing personal consumption of marihuana, the Act provides for regulation of facilities used to grow, process, distribute and sell marihuana. It was noted that if a local community does not “opt out” of the statute, persons may apply to establish marihuana facilities in that community. Council discussion took place regarding the proposed ordinance.

ORDINANCE ADOPTION

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

ORDINANCE NO. 435

An Ordinance to amend and add Sections 18-300 and 42-100 of the Grosse Pointe City Code.
This ordinance prohibits marihuana establishments and prohibits the sale and consumption of marihuana in public places and on public property.

(For complete text of Ordinance No. 435 - see Ordinance Book of the City of Grosse Pointe)

UNANIMOUSLY ADOPTED.

PUBLIC HEARING – PLANNING COMMISSION

The Council convened as the Planning Commission to consider a zoning ordinance amendment prohibiting marihuana establishments and sale and consumption of marihuana in public places.

The City Attorney summarized his report and overview previously submitted regarding the Michigan Regulation and Taxation of Marihuana Act recently adopted by the voters at the November election.

The Commission Chair opened public comment. Dave Fries was in favor of the ordinance and asked what was considered public property and public places. Amy Brauer also was in favor of the ordinance and thanked the Commission for their consideration.

Motion by Council Member Parthum, second by Council Member Stempfle that it is the consensus of the Planning Commission to recommend that the City Council adopt a zoning ordinance that would prohibit marihuana establishments and the public consumption of marihuana with the City.

UNANIMOUSLY ADOPTED.

The Planning Commission reconvened as the City Council.

ORDINANCE ADOPTION

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

ORDINANCE NO. 436

An Ordinance adding Section 90-46 to Chapter 90, Zoning, of the Grosse Pointe City Code of Ordinances prohibiting marihuana establishments in all zoning districts.

(For complete text of Ordinance No. 436 - see Ordinance Book of the City of Grosse Pointe)

UNANIMOUSLY ADOPTED.

PRESENTATION OF 2017-18 FISCAL YEAR AUDIT

Joe Kowalski, Partner at Plante Moran, presented the 2017-18 audit report. Plante Moran has given the City an unqualified favorable opinion as to the City's financial accounting.

Spencer Tawa, Manager 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. The Pension Plan Funding Status and Total Pension Liability and Plan Assets were presented and discussed. Plante Moran commented that new actuarial assumption changes increased liability reporting for legacy and retiree healthcare costs.

Plante Moran answered various Council questions regarding the audit.

RECEIVE AND FILE.

APPOINTMENTS TO THE DOWNTOWN DEVELOPMENT AUTHORITY BOARD

Mayor Boettcher submitted the following names for appointment to the City of Grosse Pointe Downtown Development Authority Board for the term specified, subject to the person's continued qualification in the listed category:

Commercial Property owner or Commercial Business Lessee in the DDA:

James B. Bellanca Jr. – term expires September 8, 2021

Amy Hartmann Taylor – term expires September 8, 2022

Dan Lemanske – term expires September 8, 2022

Commercial property owner or Commercial Business Lessee in the DDA:

Kasey Malley – appointment to remainder of four-year term (Katz) – thru September 8, 2021

Motion by Council Member Parthum, second by Council Member Williams that the Council confirms and approves the Mayor's nominations and terms noted above to serve on the Downtown Development Board, subject to the person's continuing qualification.

UNANIMOUSLY ADOPTED.

2019 ROAD PROGRAM

City Manager Dame made the following report:

The City Engineer will present the proposed updated rolling year road improvement plan, extended to a six year projection instead of five. A new road condition survey was conducted in November and is factored in. The road improvement plan is made possible by the voters' approval of a 15 year, 2.5 mill road improvement levy. The 2019 projects will be the fifth year of the Road Improvement Program. Only the 2019 projects are proposed to be approved for preparing the engineering and bid specs at this time. The City will continue to attempt to coordinate its plans for future roadwork with DTE's gas upgrade plans, and for that reason has identified streets in that area that have already largely been completed. For that reason, the Lincoln Road project off of Jefferson which had been planned for 2020 was advanced to 2019 in combination with postponing the block of Maumee between St. Clair and Neff (to be done after the construction of the new Public Services facility), and deferring Notre Dame from Village Lane to St. Paul to 2022 along with the resurfacing of the adjacent sections of Notre Dame.

The projects proposed to be completed in calendar year 2019 are:

Maumee – Fisher to Cadieux except for the block of City Hall complex: 1.5” mill, curb cap
Charlevoix – Cadieux to Lorraine: 3.5” mill with new curb
Lincoln – Jefferson to just north of Maumee: 1.5” mill, curb cap

City Engineer Stephen Pangori gave a PowerPoint presentation of the 2019-2024 Street Capital Improvement Plan. He answered various Council questions regarding the pavement condition survey and the proposed project schedule and the summary of changes to the plan. The Council discussed the projects proposed to be completed in calendar year 2019 and that the estimated cost of these projects is \$1,009,773. It was noted that this year’s program proposed to supplement the Road Millage with Highway Funds by about \$155,000. The levy will generate an estimated \$855,000 in FY 2019-20.

Motion by Council Member Williams, second by Council Member Stempfle, to approve the 2019 Road Improvement Plan.

UNANIMOUSLY ADOPTED.

ENGINEERING AGREEMENT – OHM – PAVING CHARLEVOIX FROM CADIEUX AND LORRAINE

City Manager Dame made the following report:

The work is proposed as an added part of the 2019 Road Improvement Program to capitalize on work planned for 2019 on Cadieux. It is intended to be completed in conjunction with the resurfacing of Cadieux from Kercheval to Mack in the Summer of 2019 by the City of Grosse Pointe Park. This small block is in worse condition than the blocks of Charlevoix to the east and requires a 3.5” milling and resurfacing similar to that planned for Cadieux, along with new curbs. Grosse Pointe Park has hired OHM, a firm with significant experience in federal aid road construction projects, to engineer the Cadieux grant funded resurfacing project. To integrate this small stretch of Charlevoix into that project, the City recommends hiring OHM as well. This project will be bid out along with the grant funded Cadieux project, but will be a non-participating area and the City would pay 100% of the cost. The City has also hired OHM to include the Maire Safe Routes to School work into this same project. The total construction cost of the project is estimated at about \$87,000. The cost of this phase of engineering is \$7,000. Another approximately 15% of the actual construction cost would be for project oversight, which is not covered by this agreement. This would be paid from the Highway Fund.

Motion by Council Member Parthum, second by Council Member Williams, to approve the engineering agreement with OHM for resurfacing Charlevoix from Cadieux to Lorraine.

UNANIMOUSLY ADOPTED.

PUBLIC COMMENT

Dave Fries asked how many roads are done now within the road improvement program.

STAFF REPORTS

Parks and Recreation Director Hardenbrook updated Council on the ice rink and recent weather. Public Service Supervisor VanOpdenbosch reported on the completion of the leaf pickup season. City Manager Dame reported that the bond sale for the Public Safety and Public Service Facilities bond was successful and the City maintains its AAA rating.

COUNCIL COMMENT

The City Council commented on the following topics:

- Appreciation was expressed to the Finance Director and staff for their excellent work on the audit.

CLOSED SESSION

Motion by Council Member Parthum, second by Council Member Williams to go into closed session for ongoing collective bargaining and pending litigation.

ROLL CALL

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

The Council met in closed session from 8:03 p.m. to 8:17 p.m. The City Council reconvened in open session at 8:18 p.m.

SETTLEMENT OF MISTELE vs. CITY OF GROSSE POINTE

Motion by Council Member Parthum, second by Council Member Williams to settle the Mistele vs. City of Grosse Pointe case regarding the backflow of the water/sewer system for the amount of \$1 million, from the Water and Sewer Fund, for the complete settlement of all claims, with approval in form by the City Attorney; with a lump sum payment made to Plaintiffs' counsel for funds distribution.

UNANIMOUSLY ADOPTED.

The Council returned to closed session by Motion of Council Member Williams, second by Council Member Turnbull, for ongoing collective bargaining.

ROLL CALL

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

The Council met in closed session from 8:22 p.m. to 8:58 p.m. The City Council reconvened in open session at 8:58 p.m. There was no further action taken by Council.

On Motion, the meeting was adjourned at 8:59 p.m.

Julie E. Arthurs, City Clerk
City of Grosse Pointe