

MINUTES OF THE GROSSE POINTE CITY COUNCIL MEETING HELD IN THE COUNCIL CHAMBERS, 17145 MAUMEE AVENUE, GROSSE POINTE, MICHIGAN ON MONDAY, MARCH 19, 2018.

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

ROLL CALL

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

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

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

UNANIMOUSLY ADOPTED.

SETTING AGENDA

City Manager Dame requested an additional item relating to a Resolution recognizing the Maire Elementary School PTO as a Non-Profit Organization be placed on the Consent Agenda.

Motion by Council Member Stempfle, second by Council Member Williams, to amend the agenda as requested.

UNANIMOUSLY ADOPTED.

CONSENT AGENDA

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

1. Minutes from the regular Council Meeting held on February 12, 2018, special Council Meeting held on February 26, 2018, and the closed session Council Meeting of February 26, 2018.
2. Invoices
 - a) Anderson, Eckstein, and Westrick, Inc.
 - 2018 Resurfacing Program, 1/8/18 – 2/4/18, \$12,276
 - b) Great Lakes Water Authority - Sewage Disposal, February 2018, \$75,800
 - c) Grosse Pointes-Clinton Refuse Disposal - Refuse Disposal, January 2018, \$5,006.79
 - d) City of Grosse Pointe Park - Fill Station, February 2018, \$6,349.64
 - e) Spartan Distributors
 - Toro Workman, February 2018, \$26,983.14
 - Refuse Box, February 2018, \$5,144
 - f) GFL - Recycling, February 2018, \$5,864 and Recycling, March 2018, \$5,864
 - g) Netballistics - Rifles, February 2018, \$6,400
 - h) KDH Defense Systems - Vests, January 2018, \$8,874
 - i) UIS Scada - Scada Project, November 2017, \$10,693.75
3. Public Hearing date for single lot assessments set for Monday, April 10, 2017.
4. Adopted Resolution recognizing Maire Elementary School PTO as a non-profit organization operating in the community.

CONSENT AGENDA UNANIMOUSLY ADOPTED.

PRESENTATION BY DTE – 2018 INFRASTRUCTURE PLANS

DTE representatives made a presentation to Council outlining their infrastructure upgrade plans for the City of Grosse Pointe. A review of work performed in 2017 in other communities was also discussed. It was noted that in 2018, DTE Energy plans to replace 5.5 miles of gas main as part of their Gas Renewal Program which provides for more efficiency with improved materials. Council discussion took place regarding the project. It was also noted that DTE will send notices to residents advising when DTE crews will be in their area and that the City has requested that no work be performed during winter months. Ongoing meetings with DTE and City staff will provide continued coordination during the project.

PRESENTATION – GROSSE POINTE PUBLIC LIBRARY

Jessica Keyser, Library Director for the Grosse Pointe Public Library, presented a PowerPoint presentation updating Council on the status of the library and its five-year strategic plan. Ms. Keyser discussed the Library's mission, and strategies for the library of the future, including technology, space utilization, and marketing. Various library programs were discussed. Sandy MacMechan, the City's representative to the Library Board, discussed his role on the Board and various projects and programs he is involved in.

DISTRIBUTED ANTENNA SYSTEMS REGULATION ORDINANCE

City Attorney Kennedy made the following report:

The proliferation of data streaming devices is requiring wireless providers to greatly increase the number of broadcast and reception wireless facilities. Because of such issues as expense, zoning and citizen opposition to conventional cell towers, the wireless companies are expanding their network capacity by the installation of Distributed Antenna Systems ("DAS"). Generally, DAS are small antennas located on existing utility poles, traffic signal poles, etc.

Cities across Michigan (and throughout the country) have taken the position that wireless providers do not have the right to use the public right-of-way for their antennas without local government permission. City staff is recommending that the City adopt the attached Ordinance to establish a regulatory framework and licensing process for DAS. The Ordinance and license establish a one-time application fee of \$2,500.00 per site and annual right-of-way licensing fees of \$600.00, per site.

The State legislature is currently considering a bill to largely pre-empt local control of DAS regulation, but City staff believes it is important to have a regulatory framework in place so that the City will have as much control of its right-of-way as possible. The Council reviewed and discussed the proposed ordinance and license agreement.

ORDINANCE ADOPTION

MOTION by Council Member Turnbull, supported by Council Member Williams, that the following ordinance be adopted:

ORDINANCE NO. 432

An Ordinance to add Article IV to Chapter 66 of the Code of Ordinances
of the City of Grosse Pointe, Distributed Antenna Systems

(For complete text of Ordinance No. 432 - see Ordinance Book of the City of Grosse Pointe)

UNANIMOUSLY ADOPTED.

REJECTION OF FISHER ROAD STREETScape BID (CITY PORTION)

City Manager Dame made the following report:

Since 2015, the City has been working on a beautification project for the Fisher Road business district to enhance the entire streetscape with decorative streetlighting, street furniture and landscaping in coordination with approved site plan for the expansion of the Farms Market. The City received approval for a \$384,000 MDOT grant to pay for a substantial portion of the project. The City has easement agreements from all the property owners, who are contributing \$60,000 by special assessment to the cost of this entire project that was estimated last year to be \$627,000. Due to MDOT regulations, the project was split into two parts: one to be bid by the City and the other by MDOT. The MDOT project, which comprises most of the elements of the streetscape, came in with only one bidder at 55% over the estimate, and that bid was rejected. The City received three bids, two of which were determined valid. Both of those bids were about 50% over the estimate as well. Based on analysis of received bids and feedback, the City is rewriting the specifications for the project for rebidding the MDOT and City portion to keep the project in line with budget estimates. The bid letting for the MDOT portion is at the beginning of May, and the City proposes to rebid its portion concurrently. Concern was expressed that the initial project costs were underestimated.

Motion by Council Member Parthum, second by Council Member Tomkowiak, to reject all bids for the City portion of the Fisher Road Streetscape project.

UNANIMOUSLY ADOPTED.

TERMINATION OF PURCHASE AGREEMENT – 4849 CANYON

City Manager Dame made the following report:

On August 8, voters approved issuing bonds to fund a new Public Safety building for the City and a replacement for its Public Works building. At its December 2017 meeting, after obtaining site plan approval and use approval from the City of Detroit, the City Council voted unanimously to provide official notice to St. John Hospital that it intended to close on the purchase of a warehouse owned by St. John at 4849 Canyon for the purpose of relocating its Public Works facility there. Nearly a month after the City sent that notice to St. John, on January 26, 2018, the City of Detroit reversed the approval previously granted which permitted the City of Grosse Pointe to use the 4849 Canyon property for use by the Public Works Department.

To preserve its legal options while reaching out to City of Detroit officials, neighborhood groups and residents to address concerns about the Grosse Pointe proposal, on February 8, the City of Grosse Pointe did file an appeal of Detroit's reversal of approval. In its appeal, the City made clear its position that there was no valid basis for the reversal. Since then, the City of Grosse Pointe has strenuously endeavored to communicate the facts about the Public Works plans and operations. It has been stated repeatedly in the media and in private and public venues, that the Public Works facility does not and would not serve as a garbage facility or as a public nuisance. On the contrary, it was pointed out that the project would have spent \$4.3 million of Grosse Pointe City funds to renovate and improve the appearance of an old warehouse in Detroit and to replace a failed Detroit alley. The operations of the Public Works Department would have little or no negative impact on Detroit residents due to its unique location and approved layout. It would have in fact improved buffers between the existing building and the residents with landscaping as well as reduced flow into the Detroit stormwater system through multiple "green" improvements to the facility. Despite direct entreaties to the highest level of Detroit's local government, Detroit officials declined to withdraw the reversal. Despite multiple meetings with neighbors and neighborhood groups, opposition by the nearby residents continues.

With such opposition remaining, the only real recourse for the City would be to pursue litigation. Such a course of action would be costly, lengthy, and would only add conflict instead of resolve issues and concerns. Lawsuits

between two public bodies are rarely in the public interest. As a result, City staff has concluded that the best course of action at this point would be to find a solution to its Public Works space shortage somewhere other than at 4849 Canyon. Council expressed disappointment that the project could not move forward.

Motion by Council Member Turnbull, second by Council Member Williams, to terminate the agreement with St. John to purchase the property at 4849 Canyon.

UNANIMOUSLY ADOPTED.

PUBLIC COMMENT

Leticia Johnson, who represents and works with several Detroit neighborhood associations stated she hopes to continue open communication with the City staff and Council regarding issues and projects in the area.

Joe Tate, candidate for State Representative for District 2, introduced himself to Council.

Eileen Wullschleger, Grosse Pointe Farms, stated she submitted a complaint with the Public Safety Director regarding an accident that occurred in Grosse Pointe Farms in 2013, the hostile police response when requesting information, concern about the response to her FOIA request, that Council has not taken action about the incident and that no response was received from Council.

David Fries, Lakeshore Optimist Club reported on the May 2 Respect for Law Program.

Laurie Coplin, 863 University Place, asked Council to consider outsourcing trash collection to save money and alleviate the needs for a large space to house garbage trucks.

STAFF REPORTS

Public Service Director Randazzo reported that compost pickup will begin the first week of April. Parks and Recreation Director Hardenbrook reported on the Spring Egg Hunt and park pass renewal packets. City Manager Dame reported that the Board of Review is hearing appeals for assessments starting today.

COUNCIL COMMENT

The City Council commented on the following topics:

- Appreciation was expressed to Chief Poloni and all members of the Public Safety Department for their continued hard work and excellent presence within the City and public relations with the citizens.
- Disappointment was expressed that the Public Service facility project is not moving forward at the Canyon site and that it would have been a good investment for the neighborhood, for Detroit, and for Grosse Pointe.

On Motion, the meeting was adjourned at 8:25 p.m.

Julie E. Arthurs, City Clerk
City of Grosse Pointe