

**MINUTES OF THE GROSSE POINTE CITY COUNCIL MEETING HELD IN THE COUNCIL CHAMBERS,
17145 MAUMEE AVENUE, GROSSE POINTE, MICHIGAN ON MONDAY, NOVEMBER 12, 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, Finance Director Kleinow, Public Safety Director Poloni, City Planner Jackson, Public Service Director Randazzo, Parks and Recreation Director Hardenbrook and City Attorney Kennedy.

CONSENT AGENDA

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

1. Minutes from the regular Council Meeting held on October 15, 2018 and minutes from the closed session Council Meeting held on October 15, 2018.
2. Invoices
 - a) Oakland County - Cleemis, July - September 2018, \$5,040.25
 - b) City of Grosse Pointe Farms - Water Purchased, July - September 2018, \$150,748.64
 - c) Michigan Municipal League - Workers Compensation, Installment #3, \$19,591
 - d) State of Michigan - Fisher Road Streetscape, September 2018, \$16,782.01
 - e) Ferguson Landscaping - Village Brick Pavers, Final Payment, \$7,400
 - f) Great Lakes Water Authority - Sewage, October 2018, \$74,100
 - g) Anderson, Eckstein & Westrick, Inc.
 - 2018 Resurfacing Program, 9/17/18 – 10/14/18, \$21,337.40
 - Fisher Road Streetscape, 8/20/18 – 9/16/18, \$10,548.51
 - 2018 Resurfacing Program, 8/20/18 – 9/16/18, \$22,858.16
 - h) Warren Contractors & Development, Inc. - Fisher Road Streetscape, Estimate #4, \$7,113.90
 - i) Florence Cement Company - 2018 Resurfacing Program, Estimate #4, \$306,959.78
3. Approval of the Special Event Application for the Grosse Pointe Lions Club Fun Run on November 22, 2018.

CONSENT AGENDA UNANIMOUSLY ADOPTED.

VARIANCE REQUEST

The Council convened as the Zoning Board of Appeals to consider a variance request for 552 University.

City Planner Jackson made the following report:

The applicant, Mr. Todd Ralph, is requesting that the ZBA grant a variance from Section 90-405, Residential Fences, to permit a privacy fence of six (6) feet in height along Kercheval Ave, defined as the exterior side yard in the Zoning Ordinance in a location that calls for a 2-3' ornamental fence. 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."

At the southeast corner of Kercheval Ave and University Place, the home at 552 University Place is situated in the southeast corner of the lot, with the front door facing Kercheval. With this configuration, the outdoor yard space is primarily along Kercheval Ave. This layout is unique to the property; characteristically, corner lot homes in the R-1B District are located in closer proximity to at least one road (in this case, University) 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. An existing nonconforming 6-foot tall wooden fence with a vine has been removed due to poor condition. However, to replace this structure as it once stood requires a variance because the owner intends to replace more than half of it.

Although privacy fences are not predominant in the neighborhood they are found throughout the R-1B district in Gross Pointe. Within the neighborhood that the subject site is located, hedges and other landscape-oriented buffering techniques are more common than privacy fences. The vine that covered the previous fence did well to camouflage the fence, and a similar technique should be considered as a condition of approval for the fence. The new fence should not negatively affect vehicular traffic at the intersection of Kercheval and University. The proposed fence is not one that will set a precedent for residential properties, nor will it interfere with the use and enjoyment of adjacent residential properties. The unique placement of the home at the southeast corner of the property allows for limited outdoor space that is private on this lot, so the use of a privacy fence for a portion of the Kercheval side yard is reasonable to allow similar amenities to adjacent properties. The proposed fence along Kercheval will not interfere with appropriate land use or affect property values. Further, the proposed location is an appropriate balance between protecting the owner’s interests with the continuing character of both the Kercheval and University streetscapes. Strict conformance with the Ordinance would make it difficult for the property owner to enjoy a reasonably private outdoor leisure area similar to those enjoyed by other owners in the district. Subject to any concerns raised in the public hearing, the City Planner recommended the ZBA approve the applicant’s request.

The Board chair asked for public comment. Neighbor Alaine Bush spoke in support of the variance.

Motion by Council Member Turnbull, second by Council Member Parthum, to approve the requested variance because of the practical difficulties of the location of the house on a corner lot limiting reasonable use of available outdoor space. The variance will be granted with the condition that landscaping similar to the existing landscaping shall be installed by the homeowner and such landscaping shall be subject to administrative approval of the City.

UNANIMOUSLY ADOPTED.

The Zoning Board of Appeals reconvened as the City Council.

MACK AVENUE REZONING

City Manager Dame made the following report:

Earlier this year, City Council set a goal of revisiting the zoning on Mack Avenue. The objective of the rezoning project would be to make the zoning rules consistent with the language adopted in the current Master Plan. Property owners on Mack Avenue, in particular, provided input suggesting that the alternating regulations for different blocks on Mack Avenue should be changed. Currently there are commercial blocks of zoning and other blocks with restricted office zoning. Existing parking requirements will need to be revisited as well.

This project would be the final zoning project needed to complete all of the major revisions suggested in the Master Plan to ensure the zoning code is consistent with the Master Plan. While the Master Plan provides the overall guide and vision for the community, it is the zoning ordinance that sets the rules to carry out the Master Plan’s direction for how properties can be used and built within the City. Zoning is the only method the City retains to control of the character, design, and development of what goes where and under what conditions.

The project will include extensive public participation opportunities from the stakeholders along Mack, including the business owners, property owners and adjacent residential neighbors. One option to consider is to formally invite the City of Detroit to participate as a partner and involve the City of Detroit and the Detroit community into the process to review plans and zoning on both sides of Mack.

City Planner Jackson discussed existing zoning along Mack. There are block to block inconsistencies that may hinder development. It was suggested that there should be one set of unified standards across the entire business district consistent with the Master Plan. Parking standards need to be revised and design standards need to be developed.

City Planner Jackson discussed three alternative approaches to the project with somewhat larger scopes for each alternative.

City Council asked several questions regarding the scope of the proposed revisions. There was also discussion of one or more special assessment districts to expand/construct public parking. Finally, there was discussion of potential collaboration with Detroit and Grosse Pointe Park.

Motion by Council Member Stempfle, second by Council Member Williams, to retain City Planner Jackson to carry out Option 3 as set forth in his November 9, 2018, Memorandum.

UNANIMOUSLY ADOPTED.

NEFF ROAD PUMP STATION

Public Works Director Randazzo made the following report:

At the April 16 City Council meeting, Oak Construction Corp. was awarded the contract to replace the backflow gates tot here storm pumps and to restore the discharge chamber that dumps into the Fox Creek interceptor sewer located at Neff and Charlevoix. During the sandblasting of the discharge chamber that was conducted in the late summer of 2018, there was a section of the west wall and ceiling that during the initial inspection appeared to be intact, started to delaminate from the underlying surface. Approximately 500 more square feet of surface will have to be treated before the final restoration can be completed. It was noted that this portion was bid as unit price per square foot and Oak Construction's price of \$50 per square foot, is less than the other original bidders per square foot price of \$62.50 and 100.38. The contract modification total is an additional \$25,000 for a total final contract value of \$299,000. The charges contained in the contract modification have been reviewed and approved as reasonable by the City Engineer.

Motion by Council Member Stempfle, second by Council Member Williams, to approve the contract modification with Oak Construction Company in an amount not to exceed \$25,000.

UNANIMOUSLY ADOPTED.

PUBLIC COMMENT

Resident Laurie Coughlin recommended that the City should opt out of allowing marijuana distribution facilities under the new state law.

STAFF REPORTS

Christmas tree decoration is underway. The Christmas tree lighting will take place on Friday. There will be children's activities and the trolley will be running.

COUNCIL COMMENT

Council thanked Julie Arthurs and all her support staff for a well run election.

Council reminded all members of the public to shop locally during the holidays.

Council asked everyone to attend the Friday Christmas tree lighting ceremony.

CLOSED SESSION

Motion by Council Member Turnbull, second by Council Member Williams, to go into closed session to discuss ongoing litigation with the City Attorney.

ROLL CALL

Ayes: Parthum, Stempfle, Tomkowiak, Turnbull, Walsh, Williams, Mayor Boettcher

Nays: None

The Council met in closed session from 8:05 p.m. to 8:15 p.m. The City Council reconvened in open session at 8:16 p.m. There was no further action taken by Council.

On Motion, the meeting was adjourned at 8:18 p.m.

Charles S. Kennedy, III
Acting Secretary of the Meeting