

**MINUTES OF THE GROSSE POINTE CITY COUNCIL MEETING HELD IN THE COUNCIL CHAMBERS, 17145 MAUMEE AVENUE, GROSSE POINTE, MICHIGAN ON MONDAY, SEPTEMBER 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, and City Planner Keesey.

CONSENT AGENDA

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

1. Minutes from the regular Council Meeting held on August 20, 2018 and minutes from the closed session Council Meeting held on August 20, 2018.
2. Invoices
  - a) Toter - Recycling, Yardwaste and Refuse Toters, August 2018, \$16,061.84
  - b) GFL - Recycling, August 2018, \$5,912 and Recycling, September 2018, \$5,847
  - c) G2 Consulting Group - 2018 Resurfacing Inspections, July 2018, \$7,919
  - d) State of Michigan - Fisher Road Streetscape, July 2018, \$17,654.96
  - e) Oak Construction - Backflow Gate Replacement Project, Estimate #4, \$107,816.50
  - f) Great Lakes Water Authority - Sewage, August 2018, \$74,100
  - g) Spartan Distributors - Toro Workman, August 2018, \$29,918.58
  - h) Ferguson Landscaping - Kercheval Pavers, September 2018, \$20,000
  - i) Warren Contractors & Development, Inc.  
- Fisher Road Streetscape, Estimate #2, \$14,089.58
  - j) Florence Cement Company - 2018 Resurfacing Program, Estimate #2, \$247,688.99
  - k) Stevenson Company - Liability Insurance, 10/1/18 – 9/30/19, \$77,424
  - l) Motorola - Mobile Communication Equipment, August 2018, \$7,845.24
3. Approval of Special Event Application for the Grosse Pointe South Homecoming Parade on September 28, 2018, as submitted.
4. Approval of the reappointment of Michael Bernard as the Citizen Representative to the Grosse Pointe Employees Retirement Board of Trustees.
5. Approval of the execution of a permit under the Metro Act for MCI (Verizon) subject to final form approval by the City Attorney.

CONSENT AGENDA UNANIMOUSLY ADOPTED.

The City Council convened as the Planning Commission.

SITE PLAN REVIEW – PUBLIC WORKS / COURT FACILITIES – 17145 MAUMEE AVENUE

David Gassen and Lauren Lee from Partners in Architecture presented a PowerPoint presentation of the updated site plan for a new Public Services building to house public works operations and for relocating the Court and Council Chambers into the original part of the 1928 Public Safety building once it is vacated by Public Safety staff. Mr. Gassen answered various Commission questions regarding details of the site plan.

It was noted that the existing Public Services building is dilapidated, inadequate and obsolete. It does not meet current code or worker safety standards. There is insufficient room to store many materials and functions and maneuvering vehicles is difficult and time consuming. The proposed facility will provide a new, fully enclosed complex that sufficiently meets the needs of the Public Services Department including efficiencies in operations, with worker and building safety improvements.

City Planner Keesey made the following report:

The City proposes to redevelop this municipal site to house a new DPW garage and yard and renovate the existing public safety building to house a new municipal court facility. By reference, municipal buildings and uses are permitted in the R-1B District, pursuant to plans being reviewed and approved by the Planning Commission and subject to the review standards set forth in Sections 90-74 and 90-75 of the Zoning Ordinance.

The proposed municipal court facility will be in the renovated public safety building which will retain much of its existing architectural character. The additions that have been added over the years to the rear of the building will be removed. The DPW garage and yard will be more utilitarian, as designed. While most of the building will consist of premanufactured metal panels and a pitched metal roof, the front of the building will feature brick masonry and lap siding, and there will be brick for the first several feet along each side. A 6-foot wood privacy fence is proposed along the east side of the building and an 8-foot fence is proposed on the west side of the building. The buildings, as proposed, would comply with the height limitations of the district. The existing public safety building would comply with all setback requirements. The DPW building will be setback 5 feet from the east and west property lines and 8 feet from the north property lines. Each of these property lines are adjacent to existing residential accessory structures and access drives. Given the built-out nature of Grosse Pointe and the public benefit of having a centrally located public works facility, the proposed site plan has been designed in a manner to minimize the impacts on the adjacent properties while still maintaining a functional DPW operation. Michigan courts have held that municipalities are not constrained by dimensional ordinance requirements when constructing buildings for essential public services such as public works and courts.

The City Planner discussed proposed architectural features of the DPW building, circulation, trash enclosures and loading areas. The site plan shows 37 off-street parking spaces, of which two are designated as barrier-free plus an additional 19 interior parking spaces for equipment. The site is presently mostly impervious. No utility or drainage impacts on adjacent properties are anticipated. It is anticipated that any proposed site lighting will be downward directed, shielded, with motion sensors directed away from the adjacent residential uses to minimize any impact. It was noted that the highest peak of the proposed building would be 27 ft. and 17 ft. to the eaves.

It was noted that the intensity of the site is being reduced with the relocation of the public safety building to another site in the City. The remaining uses, including the Municipal Court and DPW facility, have been at this location for several years coexisting with the adjacent uses. In addition, the proposed improvements include more enclosed facilities and landscaping that will help to minimize any impacts from the on-going public works operation. The reuse of the existing site and buildings is far more efficient and sustainable than finding and developing an alternative site within the City. Given the fact the City is fully built-out, reusing the existing site, which is centrally located, with improvements such as landscaping, balances the protection of the adjacent uses with the City's obligation to provide these city-wide services efficiently and effectively. The City Planner stated that the site plan meets good planning and design principles given the limited size of the property, while respecting the needs of the municipal facility. The City Planner recommends approval subject to administrative review of a complete landscape and signage plan.

The complete City Planner report and the architect's site plan were accepted for the record.

Mayor Boettcher opened public comment. The following comments were made:

Diana Parlove, 486 Neff Rd., stated that the Council is not following the proper process for a site plan. There are no sealed and signed plans, sketches are difficult to read and are not precise. She asked if a special land use approval was needed for the building and if 25 ft. setbacks are required.

Mickie Vederbar, 500 Neff, showed pictures of surrounding areas that will be affected by the proposed Public Services building. She stated that there is no need to renovate a space for court that is in session twice a month.

Margaret Greene, 520 St. Clair stated that the proposed building is an industrial building and will not be harmonious with the surrounding residential neighborhood. The Council should focus on protecting property values. The idea of a central location for services was invented for this meeting because originally the building would have been on Canyon in Detroit, completely out of the City limits.

Thomas Jordan, 17315 E. Jefferson, stated the City should outsource DPW services and stop building a facility no one wants. The City is determined to spend the funds whether the building is needed or not.

Dan Lehman, 588 Lakeland, stated that anything built will be better than what exists in the DPW now and something has to change in that facility.

David Fries, 453 Rivard, asked about practicalities of the Public Services facility, what is the air flow when vehicles are running inside. The safety and health of workers are important considerations.

A concerned citizen asked about the gas and electrical utilities at the proposed site. What is the highest number of parking spaces needed for the complex? She felt that the proposed parking does not meet the needs of the building.

A concerned citizen asked if an expert report was available supporting the claim that there is no alternative site for the Public Services building. It was noted that there is no expert report of that nature.

Gary Bigwood, 514 St. Clair, asked if there was a study done on the Staples building to see if it could be used for Public Services instead of keeping the current building in the middle of a neighborhood.

Steven Nadeau, owner of 484 St. Clair, lives in Grosse Pointe Woods, that this building will be a drain on property values no matter what the design is. It will create a different character in the neighborhood and impact neighbor's lives. He asked that Council put the issue to a vote again and that more due process is needed.

Bettie Smith, 518 St. Clair, that this project conflicts land use designated in the Master Plan. She described the negative impacts a large garage building will cause its neighbors.

Susan Swickward, 502 St. Clair, asked about equity. She feels that the Council is asking the neighbors (of the project) to take on more burden than others in the community.

Brian Benz, 402 St. Clair, asked why the project was not moved to a larger location. He feels the Public Services building issue should be put back on the ballot because it is costing twice as much as the pool bathhouse project did. He suggested the City talk with Grosse Pointe Park to cooperate and consolidate services to increase efficiencies.

Richard Delisle, 699 Fisher, questioned the legality of the design build contract. He asked that Council take a step back to look at the bigger picture and find another site, such as Staples on Mack. He stated the Council does not have to spend the entire bond amount.

Hearing no further comments, Mayor Boettcher closed public comment.

### Discussion and Consideration of Site Plan

Commission members discussed the site plan noting that it was a good plan considering concerns expressed by the residents and City, that the design was as cost effective as possible and enclosing the functions of the DPW will ease the impact on neighbors as far as noise and air quality plus reduce future costs of equipment replacement because equipment will last longer. The project will encapsulate noise, filtrate exhaust and prevent airborne particles. The property is designated for municipal use under the Master Plan. It was noted that the Public Service employees perform many other tasks other than garbage pickup and they need a proper facility to store pipes, materials and other equipment to perform miscellaneous tasks to ensure high service levels continue. It was further noted that Council Members and the City Manager have inquired about the Staples property and found that this property is not financially feasible as a site for DPW due to leasing options; plus, the existing building would not accommodate the truck height and a new building would have to be constructed which would cost more. All electrical and utility capacity issues will be addressed during the construction process and will meet code requirements. Discussion took place regarding a recent ruling from Circuit Court, dismissing with prejudice, a case filed against the project. It was further noted that the City and Commission have considered many options to solve the existing problems in the Public Service facility, listened to input from residents and with the help of the architects, developed a Public Service facility that will meet the needs of the community overall. This is the only site that physically and financially can meet the basic needs of the community.

Motion by Council Member Parthum, second by Council Member Williams, to approve the site plan for the new Public Services and Court Facilities at 17145 Maumee Avenue, as presented.

UNANIMOUSLY ADOPTED.

The Planning Commission reconvened as the City Council.

### City Council consideration of Planning Commission Recommendation of Site Plan

Motion by Council Member Parthum, second by Council Member Williams, to accept the recommendation of the Planning Commission, for approval of the site plan for the new Public Services and Court Facilities at 17145 Maumee Avenue.

UNANIMOUSLY ADOPTED.

The Planning Commission reconvened as the City Council.

### SITE PLAN REVIEW – SIGNAGE FOR ANN TAYLOR – 16822 KERCHEVAL AVENUE

City Planner Keesey made the following report:

The proposed sign will be placed above the Kercheval Avenue entrance to Ann Taylor. The applicant proposes the One (1) backlit wall sign to be placed on the front building façade above the entry door facing Kercheval Avenue. The sign will be 8" in height and 99.375" in length, for a total square footage of 5.52 square feet. The letters will be 8" channel letters made with fabricated metal. The sign will be backlit with Samsung GOQ LED lighting. The sign text will read "Ann Taylor". Typically, sign permit applications are handled administratively, but there is a provision in the Sign Ordinance, Section 58-8(e), that permits backlit signs subject to City Council approval. Therefore, the proposed sign requires Council consideration. Mr. Keesey answered various questions regarding the type of light proposed, a soft halo effect, similar to the sign at Whiskey Six in The Village and the lettering height does not exceed 12 inches.

Motion by Council Member Walsh, second by Council Member Williams, to approve the backlit wall sign for Ann Taylor's Kercheval Avenue entrance, as submitted.

UNANIMOUSLY ADOPTED.

## MEDSTAR AMBULANCE AGREEMENT

City Manager Dame made the following report:

Since September 2017, the City has been served by Medstar Ambulance, under a temporary agreement with no fees, until a long-term agreement could be developed. Under the temporary agreement, Medstar has been providing excellent service to all three communities utilizing two ambulances for the City, Grosse Pointe Farms and Grosse Pointe Woods, with backups called in as needed from the Medstar regional system.

Earlier this year, the three cities' administrators agreed to a split of the costs for this service. The City's annual cost is \$23,750 and was agreed to start January 1, 2018. It is the hope that another city will join the Medstar partnership in the near future, lowering each cities' cost. A three-party contract with the Farms, City and Woods, is under review but is not finalized yet. However, the City auditors need an agreement before the books closed on FY 2017-18 to authorize payment for the six months in the last fiscal year starting January 2018. The three cities did receive a proposal from Beaumont Transportation to provide ambulance services and the cost was higher than Medstar for all three communities.

Motion by Council Member Williams, second by Council Member Parthum, to authorize the execution of the long-term agreement with Medstar for EMS services, and to authorize the execution of a multi-party agreement in a form acceptable to the City Attorney with the same financial terms.

UNANIMOUSLY ADOPTED.

## CONCUR WITH REQUEST FOR DECLARATORY RULING ON MDEQ's UPDATED LEAD AND COPPER RULE

City Manager Dame made the following report:

The MDEQ adopted new administrative rules changing the regulation of lead in municipal water supplies. GLWA, the City of Detroit, and Oakland County have joined together to file an objection to the new rules requesting a declaratory ruling that would set aside these new rules until the further review and justification is made by MDEQ. These entities, supported by the Michigan Municipal League, have requested that municipalities across the state join in filing a concurrence with this request as a show of support.

These new rules from MDEQ come after MDEQ's failure to follow proper and established procedures under existing authority that would have protect the residents of Flint from lead contamination. These new rules would create substantial and expensive new requirements for municipalities statewide. Every municipal association in the State of Michigan filed extensive comments contesting the legal authority as well as the health basis for these new regulations before approved. It is widely recognized that lead paint is a far more prevalent cause of lead exposure in homes, particularly in older communities. Additional background materials were submitted to and reviewed by Council.

The State has included no funding for lead service line replacement or all of the other new regulatory requirements contained in these rules. The City already annually tests for lead in the water and the results have always been far below the former or the new, lower standards. Estimated costs for this unfunded mandate (prohibited under the State's Constitution) potentially range from \$3 to \$8 million in lead service line replacements, depending on how many lead services lines are found.

Motion by Council Member Stempfle, second by Council Member Williams, to authorize the filing of forms in this administrative rulemaking procedure that the City of Grosse Pointe concurs with the request for a declaratory ruling on the recently adopted MDEQ lead and copper rule update.

UNANIMOUSLY ADOPTED.

## PUBLIC COMMENT

Brian Leslie, 734 Washington, commended Council Members on their work to develop a great solution for Public Services and the community as a whole.

Bill Rands, 300 Lincoln, stated that the proposed new Public Services building will be better than what it is now and that it will look good when finished.

## STAFF REPORTS

City Manager Dame reported that Fall Harvest at Neff Park will be on Saturday, September 22 beginning at 3:00 pm. Public Services Director Randazzo reported on paving work in the City.

## COUNCIL COMMENT

The City Council commented on the following topics:

- Appreciation was expressed to Mr. Gassen and Mrs. Lee for their diligence and hard work on the plans for the City's facilities over the past year.

On Motion, the meeting was adjourned at 9:30 p.m.

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Julie E. Arthurs, City Clerk  
City of Grosse Pointe