

MINUTES OF THE GROSSE POINTE CITY COUNCIL MEETING HELD IN THE CONFERENCE ROOM OF THE NEIGHBORHOOD CLUB, 17150 WATERLOO, GROSSE POINTE, MICHIGAN ON MONDAY, AUGUST 19, 2019.

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

ROLL CALL

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

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

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

UNANIMOUSLY ADOPTED.

The Mayor then led the Council in the Pledge of Allegiance.

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 July 15, 2019 and the closed session meeting held on July 15, 2019.
2. Invoices
 - a) BS&A - Annual Service Fees, August 2019 - August 2021, \$8,016
 - b) Great Lakes Water Authority - Sewage Disposal, July 2019, \$74,500
 - c) Oakland County - Clemis Membership Fees, April 2019 – June 2019, \$5,173.25
 - d) GFL - Recycling, July 2019, \$5,392
- Recycling, August 2019, \$5,457
 - e) Anderson, Eckstein & Westrick, Inc.
 - 2019 Resurfacing Program, 6/24/19 – 7/21/19, \$17,183.28
 - 2019 Resurfacing Program, 5/27/19 – 6/23/19, \$17,811.98
 - Rathbone Storm Sewer, 6/24/19 – 7/21/19, \$6,587.50
 - 2019 CDBG ADA Ramp Replacement, 5/27/19 – 6/23/19, \$8,765.84
 - f) On-Site Building LLC - Marina Dock Risers, Payment #2, \$24,780
 - g) Partners In Architecture - Facilities, Payment #2, \$121,426.07
- Facilities, Payment #3, \$235,575
 - h) Florence Cement - 2019 Resurfacing Project, Estimate #2, \$116,561.43
3. Adoption of two Resolutions – A resolution adopting a Local Pavement Warranty Program and A resolution Implementing the Local Pavement Warranty Program.
4. Approval of authorization for the Mayor and City Clerk to sign a Disclaimer of Interest in Easement for 17001-17009 Kercheval and 17015 Kercheval Avenue.
5. Authorization granted to purchase a Bobcat Toolcat 5600 utility vehicle through the MiDeal purchasing cooperative in the amount of \$50,722.92 for use in the Parking and Water Departments.

CONSENT AGENDA UNANIMOUSLY ADOPTED.

PUBLIC HEARING – RECLASSIFICATION OF TAVERN LICENSE – T.N. THAI – 17100 KERCHEVAL

Mayor Boettcher indicated that this was the time set for a public hearing regarding a request for a reclassification or upgrade of an existing Tavern license at T.N. Thai Bistro, Inc., 17100 Kercheval Avenue.

City Clerk Arthurs informed the Council 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 Clerk Arthurs indicated that Mr. Tonblong Lee and Ms. Pader Yang from T.N. Thai have asked for a reclassification of their existing Tavern license from being able to sell and serve only beer and wine for consumption on premises to a Class C license, being able to sell and serve beer, wine and spirits for consumption on premises. A letter explaining the request has been submitted by the applicant which explains that the owner does not intend to put a full-service bar in the restaurant but would like to serve certain cocktails and specialty drinks that are not permitted to be sold by a Tavern license holder. The City Ordinance does not specifically address fees for the reclassification of liquor licenses. The City Ordinance fee schedule for new liquor licenses is a \$1,500 initial application fee, and a \$1,000 license fee, after the application is approved by Council. The State of Michigan requires a \$600 license fee for transferring a classification from a Tavern license to a Class C license. The City did not require another application to be submitted so an application fee will not be required. It is requested that the City Council consider and determine the appropriate fee for the reclassification of a liquor license in the City of Grosse Pointe. A one-time fee of \$600 for City costs would appear reasonable. Council discussion took place regarding the one-time license fee and determined a cost of \$200 for a reclassification of an existing license was reasonable.

Motion by Council Member Walsh, second by Council Member Parthum, to approve and adopt a Resolution recommending the reclassification/conversion of an existing Tavern License to a Class C License, for consumption on premises, for T.N. Thai Bistro at 17100 Kercheval Avenue, and set the license reclassification fee as \$200.

UNANIMOUSLY ADOPTED.

SITE PLAN REVIEW – OUTDOOR SEATING – FISHER ROAD BUILDING/JEFFRIES

City Planner Jackson made the following report:

During the development of the streetscape project, the City worked closely with the property owner to ensure that there would be adequate space for outdoor seating. The plan submitted with this application was created during that process. The application is to allow all of the seating shown on the plan even if not all businesses within these buildings choose to have seating at this time. All proposed seating is on private property.

The applicants will not have any physical barriers surrounding their outdoor furniture and no alcohol will be served. The tenants will keep their furniture in front of their respective businesses. The tenants and the landlord acknowledge that they must maintain at least a five (5') foot clear area between the outdoor furniture and the planters and business entrances to comply with barrier-free standards. The applicant is requesting approval to utilize the outdoor seating shown on the plan. Future seating would be reviewed administratively for compliance with this plan.

373 Fisher Road, Hydrangea Kitchen Café - The tenant will have two (2) tables and four (4) chairs. The tables are round, black metal tables with glass tops. The chairs are heavy-duty black metal folding chairs. The umbrellas are black and white striped. 375 Fisher Road, J House Juice - The tenant will have two (2) tables and eight (8) chairs. The tables are round, metal tables. One table has a glass top and the other has a metal mesh top. The chairs are heavy-duty metal chairs. There are no umbrellas. The applicant states they will repaint the furniture in yellow and orange.

The sidewalk in between the building and the planters is 19' feet wide. We believe this is more than satisfactory to allow a five (5') foot clearance for people walking by and around the business entrances. Liability issues for use of the public sidewalk should be addressed and reviewed by the City Attorney. The City Planner recommends approval of the request for outdoor seating based on compliance with the applicable provisions of the zoning ordinance and the goals and objectives stated in the City's Master Plan and the site plan submitted for the Jefferies LLC Building(s) subject to the following conditions:

- 1) The number of tables and chairs will not exceed the number shown on the attached site plan;
- 2) Any future outdoor seating requests will be submitted to the City for administrative review and approval;
- 3) All outdoor seating will be located on private property;
- 4) The applicant shall maintain the outdoor seating area clean and free of any litter and debris;
- 5) All tables and chairs will be stored during winter months;
- 6) The applicant shall obtain the necessary license from the City for use of public property; and
- 7) The operation will be limited to the hours of 7am and 11pm.

Council discussion took place regarding the outdoor seating plan and the proposed furniture. Concern was expressed that the type of furniture should comply with the standards of the area and should have a uniform appearance and be subject to administrative approval. It was noted that future seating would be reviewed administratively for compliance with this plan.

Motion by Council Member Williams, second by Council Member Parthum, to approve the site plan for the outdoor seating area for the building at Fisher Road, with the conditions stated in the City Planner's report dated August, 2019, and execution of proposed permit(s) drafted by and approved in final form by the City Attorney.

UNANIMOUSLY ADOPTED.

ENGINEERING OVERSIGHT AGREEMENTS – OHM – SAFE ROUTES TO MAIRE SCHOOL AND CHARLEVOIX RESURFACING PROJECTS

City Manager Dame made the following report:

In February 2018, the City submitted a grant application with Council approval for a grant to improve pedestrian and bike safety at and around Maire School. For two years, the City of Grosse Pointe worked with a Maire School Safe Route to School Committee to come up with a plan to improve the safety of students and encourage children to walk and bike to school. MDOT did award the grant later that year and at about the same time, Grosse Pointe Park was awarded a grant using MDOT funds to resurface Cadieux from Mack to Kercheval. The City also received approval to extend the limits of the Cadieux Rd. project at 100% City of Grosse Pointe costs to include one block of Charlevoix the City had planned to resurface anyway between Cadieux and Loraine. The work will all be completed in one construction contract that was recently awarded to Cipparrone Contracting by MDOT. The City of Grosse Pointe Park hired OHM, a firm with significant experience in federal aid road construction projects, to design and engineer the Cadieux grant fund resurfacing project. Subsequently, in October 2018, the City hired OHM to integrate the design of Safe Routes to School and the Charlevoix project. With the award of the construction contract, the City recommends hiring the same engineers that designed the project to oversee the construction elements of the project in the City.

Motion by Council Member Stempfle, second by Council Member Williams, to approve the construction engineering agreement for the Safe Routes to School project for Maire School and the Charlevoix resurfacing project with OHM.

UNANIMOUSLY ADOPTED.

BID AWARD – RATHBONE STORM SEWER REPAIR

Public Service Director Randazzo made the following report:

After investigation of backup and street flooding during rain events, the City engineer determined that the storm sewer on Rathbone from Jefferson to where it empties into Lake St. Clair should be lined to seal it off. To assist with the investigation, the City hired Doetsch Environmental, to clean, televise and inspect the storm sewer line. Upon review of the video, some of the concerns AEW noted on the inspection were deformities in the 18-inch pipe along with cracks and offset joints over the 1300 ft. length of the sewer that was televised. The last 175 ft. of pipe was unable to be televised due to lake water levels.

AEW, the City’s engineering firm, bid out the project with a base bid to reline the first 1300 ft. and an alternate bid to inspect the last 175 ft. and determine if that section would need to be lined. In order to inspect and reline the rest of the sewer pipe, a temporary coffer dam will have to be set in place in the lake to allow for de-watering and lining that portion of the sewer. The alternate bids reflect the cost of inspecting the last 175 ft., building a coffer dam, and relining that section. The City sent out an RFP on the MITN website and opened bids on August 6. The following bids were received:

	<u>Base Bid</u>	<u>Alt Bid</u>	<u>Total Bid</u>
Inland Water Pollution Control	\$184,529.50	\$ 52,000	\$236,529.50
Insituform Technologies USA LLC	\$173,838.50	\$229,482.30	\$403,320.80

After reviewing the bids, City staff determined that it would be in the best interest of the City to consider awarding the base bid and the alternative, given the likelihood that the remaining section of pipe will also require relining once it is de-watered. Mr. Randazzo answered various Council questions regarding the re-lining process and the coffer dam.

Motion by Council Member Parthum, second by Council Member Stempfle, to award the contract to Inland Water Pollution Control in the amount of \$236,529.50, which will include the base bid and alternate bid respectively.

UNANIMOUSLY ADOPTED.

REVISIONS TO EMPLOYEE HANDBOOK – PAID AND UNPAID LEAVE SECTIONS

City Manager Dame made the following report:

The Employee Manual is a resource and guide for human resources policies for the City of Grosse Pointe. The manual is for and covers new and current non-union employees, which includes all non-union supervisory personnel, City Hall office staff, Court employees, Parks and Recreation and Public Service employees. Retirement benefits are set by separate ordinance. The proposed changes are to parts of the leave section of the Manual as summarized below:

1. Establishes a Paid Medical Leave for Part-time Employees to comply with the recent change in Michigan law.
2. Modifies the disability leave sections for work related and non-work related leave to be consistent with the provisions of the Public Safety collective bargaining units. Allows for provision of long-term disability insurance in cases greater than six months for non-union employees, which is intended primarily to benefit employees that do not have disability pensions. Anyone hired since 2010 has 401 retirement plans instead of pensions. These changes are intended to clarify and provide consistency in how disability cases are handled procedurally.

3. Creates a new benefit to allow paid parental leave for up to four weeks in the case of birth or adoption of a child. This new benefit was also included in the PSO contract effective July 1, 2019. Grosse Pointe is one of the first cities to adopt this family friendly benefit in the State of Michigan. It is intended to attract and retain the next generation of employees.

Motion by Council Member Parthum, second by Council Member Williams, to approve the Employee Handbook, as amended.

UNANIMOUSLY ADOPTED.

RETIREE MEDICAL PLAN MODIFICATION

City Manager Dame made the following report:

The City's Retiree Health Plan document was adopted initially in 2006 and amended in 2008 and 2013. It should be noted that this Council adopted document does not supersede any collective bargaining agreements.

This change is intended to apply to all non-union employees the same as the Medicare supplemental coverage that is contained in the most recent Command and PSO contracts, effective July 1, 2018 and 2019. The change in the plan raised the maximum out of pocket from \$1,000 to \$1,500, increases various drug copays, and covers certain services at 90% instead of 100%. This proposed retiree health insurance change is intended to keep the costs of health care for a City retiree and eligible spouse manageable to the City so that the City can afford to continue to provide them to the individuals as promised into the future. The Medicare Advantage plan changes to the Command, PSO and non-union only apply to active employees who still are eligible for the defined benefit medical plan. All eight of the current command staff, four PSO's and two non-union employees remain eligible for the defined health care benefit plan.

Motion by Council Member Stempfle, second by Council Member Parthum, to approve the amendment to the Retiree Health Care Plan.

UNANIMOUSLY ADOPTED.

MML CONVENTION DELEGATE

The annual convention of the members of the Michigan Municipal League will be held in Detroit on September 25-27, 2019. The annual business session is scheduled for 4:15 p.m. on Wednesday, September 25 in Room 320 at the Cobo Center. Each year the City Council designates a representative and an alternate to attend this business meeting. This year, Council Members Stempfle and Tomkowiak are scheduled to attend the convention.

Motion by Council Member Parthum, second by Williams, to appoint John Stempfle as Delegate/Representative and Sheila Tomkowiak as alternate Delegate/Representative to attend the annual business meeting at the Michigan Municipal League Convention at Cobo Center on Wednesday, September 25, 2019 at 4:15 p.m.

UNANIMOUSLY ADOPTED.

PUBLIC COMMENT

Randall Cain, 380 Rivard, stated he felt the Maumee Avenue resurfacing project has taken too long. The road dust has caused him to not be able to use his yard. He said the City should pay closer attention to the timeliness of this project and the health and welfare of the residents.

Karen Weir, 365 Roosevelt, said the road contractor for the Maumee project disappeared for several weeks and when the contractor was there, drove equipment up and down her street, without doing any work. She feels that the residents have been neglected and no one cares about health and safety around her house.

Lisa Abbey, 380 Rivard, stated that she felt the Maumee Avenue resurfacing project has been inefficient and the project has taken a toll on area residents. She felt that the contractor should water down the area to keep road dust from affecting residents. She has had a cough for weeks and feels there is a better way to do these types of projects. Ms. Abbey also suggested that the Council use microphones at their meetings and record their meetings.

STAFF REPORTS

Public Service Supervisor Randazzo updated Council on the ongoing DTE project in the City. A forum on the gas project for residents and the business district will be held at the Neighborhood Club on Thursday, August 22 at 8:30 am. Mr. Randazzo also reported that resurfacing on Maumee should take place by the end of the week or the beginning of next week, weather permitting. The parking structure repair project is 35-40% complete. Parks and Recreation Director Hardenbrook reported on the Last Dip ice cream event scheduled for Labor Day weekend and noted the Fall Harvest is set for September 21. Water levels are expected to go down according to the Army Corps. of Engineers. Deputy Chief Alcorn reported that the bell from the Public Safety building was removed last week and is in good shape. It will be kept for future use at the new facility. City Manager Dame gave a facilities project update and indicated that the bid costs are estimated to be lower than the design build contract.

COUNCIL COMMENT

The City Council commented on the following topics:

Appreciation expressed to residents who brought issues forward regarding the Maumee Avenue resurfacing project. The City will communicate better with those affected by projects.

Concern was expressed with the DTE project, and ongoing power issues in areas of the City.

Need to improve resident communication.

On Motion, the meeting was adjourned at 8:09 p.m.

Julie E. Arthurs, City Clerk
City of Grosse Pointe