

**MINUTES OF THE GROSSE POINTE CITY COUNCIL MEETING HELD VIRTUALLY VIA THE ZOOM VIDEO AND PHONE CONFERENCE PROGRAM ON MONDAY, APRIL 20, 2020.**

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

**ROLL CALL**

Present: Mayor Tomkowiak, Council Members Juip, Parthum, Stempfle, Thomas, 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 and City Planners Jackson and Connochie.

**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 February 10, 2020.
2. Invoices
  - a) McKenna - Planning Services, January 2020, \$5,040
  - b) Sutphen Corporation - Fire Truck, January 2020, \$589,573.09
  - c) One Better Productions - Main Street Video, February 2020, \$5,000
  - d) City of Grosse Pointe Park - Dispatch Services, July - September 2019, \$28,291.10
  - e) GFL - Recycling, March 2020, \$9,121
  - f) Anderson, Eckstein & Westrick, Inc.
    - 2020 Street Improvement Program, 1/6/20 – 2/2/20, \$24,196.33
  - g) Island Tech Services - Camera System, January 2020, \$43,255.45
  - h) Great Lakes Water Authority
    - Sewer Charges, February 2020, \$74,500.00
    - Sewer Charges, January 2020, \$74,500.00
  - i) Oscar W. Larson Co. - Fuel Dispenser System, January 2020, \$9,090.27
  - j) Partners in Architecture Design Build, LLC - New Buildings, January 2020, \$405,039.14
  - k) Fredrickson Supply - Garbage Truck Attachments, March 2020, \$80,870
  - l) Wolverine Freightliner Eastside - Garbage Truck, March 2020, \$96,987
3. Approval and adoption of public hearing date of Monday, May 18, 2020 at 7:00 p.m. for the 2020 Single Lot Assessment Roll.
4. Approval and adoption of Resolution setting a public hearing date for the proposed 2020-21 budget for Monday, May 11, 2020 at 7:00 p.m.
5. Approval of the purchase of eleven (11) new AED (Automated External Defibrillators) in an amount not to exceed \$12,631.
6. Approval of Resolution recognizing and observing April 24, 2020 as Arbor Day.

**ROLL CALL VOTE**

Ayes: Juip, Parthum, Stempfle, Thomas, Walsh, Williams, Mayor Tomkowiak  
Nays: None.

**MOTION CARRIES.**

## BID AWARD – 2020 ROAD PROGRAM

Public Service Director Randazzo made the follow report:

The City of Grosse Pointe published a bid opportunity for the 2020 Road Program and opened bids on February 24, 2020. Three bids were received. See the attached bid summary compiled by AEW. The lowest bidder is Florence Cement Co. AEW has determined that Florence Cement Co is qualified to carry out this project, as they have carried out the City's program previously in 2008, 2010, 2011, 2018, and 2019. AEW has also worked with them on numerous similar projects in other communities and find them qualified to perform the work being considered. As with the road project last year, storm sewer related repairs will also be undertaken before the road is resurfaced.

The 2020 road project includes:

- Reconstruction of Goethe from University to Washington
- Reconstruction of University at Goethe
- Reconstruction of Rivard between Kercheval and St. Paul
- Resurfacing of Grosse Pointe Court
- Resurfacing of Neff Park Parking Lot

While there has to be a preconstruction meeting to set the schedule, the plan is to begin mid-summer on the road. Work on Neff Park parking lot, which was also incorporated into the bid, will be completed after Labor Day. The bids did come in over the engineer's estimate at \$1,486,405.40. However, after discussions with the apparent low bidder, the City has been able to reduce the final contract cost by more than \$85,000. These cost saving include reducing the amount of new asphalt placed on top of the fully reconstructed road bed from 5" to 4" on lesser traveled road of Goethe and eliminating any work on the dead end of Goethe, due to its potential vacation to private owners. Of the final proposed contract amount of \$1,400,766.30, the cost of the road repairs will be covered primarily by the special road millage approved by the voters in 2014, which is kept in a segregated account, the Road Improvement Fund. The Road Improvement Fund is expected to generate \$900,000 this upcoming budget year and includes approximately \$100,000 from unexpended 2019 levy amounts due to the 2019 project coming under contracted amounts. Various financial impacts noted in the agenda report were discussed regarding this project including that DTE has committed to cover a portion of the costs of the Grosse Pointe Court resurfacing in the amount of \$50,000.

Council discussion took place regarding the configuration of and directional arrows on the Neff Park parking lot, ADA ramps at Neff Park, and how the project will be managed to ensure that the road project is finished in a timely manner.

Motion by Council Member Stempfle, second by Council Member Williams, to award the bid for the 2020 Road Program and the Neff Park parking lot resurfacing with ADA ramps, to Florence Cement Co., in the final contract amount of \$1,400,776.31.

### ROLL CALL VOTE

Ayes: Juip, Parthum, Stempfle, Thomas, Walsh, Williams, Mayor Tomkowiak  
Nays: None.

MOTION CARRIES.

### PURCHASE OF STREET SWEEPER

Public Service Director Randazzo made the following report:

In 2013, City staff had its aging 2003 Elgin Street Sweeper reconditioned to extend its service life by several years. City personnel have been pleased with the performance of the Pelican series sweeper but researched

other street sweeper manufacturers. The 2020 Elgin Pelican Sweeper is recommended as the most suitable replacement. The Pelican model is the only sweeper that offers 360-degree visibility and rear steer maneuverability, which is ideal for servicing the City's cul-de-sac's and business districts. The City can purchase the sweeper through MiDEAL from Bell Equipment Co. of Lake Orion, MI, who is the winning dealership of the sweeper contract. MiDEAL is the State of Michigan's extended purchasing program that allows Michigan cities to buy goods and services from State contract. MiDeal satisfies the City's competitive bid requirements. The total purchase price for the new sweeper, including the trade-in of the old sweeper, is \$210,515.

Motion by Council Member Parthum, second by Council Member Walsh, to approve the purchase of a 2020 Elgin Pelican Street Sweeper from Bell Equipment Co., in the amount not the exceed \$210,515.

ROLL CALL VOTE

Ayes: Juip, Parthum, Stempfle, Thomas, Walsh, Williams, Mayor Tomkowiak  
Nays: None.

MOTION CARRIES.

BID AWARD – JOINT AND CRACK SEALING PROGRAM

Public Service Director Randazzo made the following report:

The City of Grosse Pointe published a bid opportunity for the 2020 Joint and Crack Sealing Program and held a bid opening on Monday, March 23, 2020. Three bids were received and are listed below.

Michigan Joint Sealing Inc.	Farmington Hills, MI	\$31,460
Scodeller Construction	Wixom, MI	\$37,475
Carr's Outdoor Services	Canton, MI	\$48,550

The low bid is by Michigan Joint Sealant Inc. of Farmington Hills, MI. AEW, the City's engineering firm, has determined that Michigan Joint Sealant is qualified to carry out this project, as they have carried out similar sized municipal programs throughout southeast Michigan. AEW has also worked with them on numerous and similar projects in other larger communities and finds them qualified to perform the work being considered. The streets that will be getting crack and joint treatment are as follows:

Cadieux - Jefferson to Kercheval	Washington - Chalfonte to Waterloo
St Clair - Mack to Waterloo	Washington - Maumee to Jefferson
Neff – Waterloo to Kercheval	Charlevoix - Neff to St. Clair
Lakeland – multiple segments from Mack to Jefferson	Waterloo - Cadieux to Fisher
University - Maumee to Jefferson	Kercheval - Neff to Fisher
Rivard - Chalfonte to Charlevoix	Parking lots 2, 3, and 6

The cost of the Joint and Sealing Program was budgeted at \$40,000 in the Highway Fund. The low bid is under the budgeted amount. The crack sealing of the parking lots will be paid for from the Parking Fund

Motion by Council Member Stempfle, second by Council Member Parthum, to award the bid for the 2020 Street Joint and Crack Sealing Program to Michigan Joint Sealing, Inc., in the amount of \$31,460.

ROLL CALL VOTE

Ayes: Juip, Parthum, Stempfle, Thomas, Walsh, Williams, Mayor Tomkowiak  
Nays: None.

MOTION CARRIES.

## STREET LIGHT CONVERSION TO LED

Public Service Director Randazzo made the following report:

City staff met with DTE officials, who conducted a street light audit in the City limits. DTE presented a list of 419 lights city-wide that could be upgraded to LED. By upgrading to LED streetlights, the City would be saving approximately 31% annually, use less energy and create optimal light coverage throughout the community, creating an enhanced feeling of security. Below is a summary of the costs associated with the upgrade to LED lights:

Current annual cost with current street light rate	\$158,678
Future annual cost with current street light rate with LED lights	\$109,379
Total annual savings of	\$ 49,299
Cost due to DTE to upgrade City lights	\$106,311
Rebate to be reimbursed directly to City	\$ 7,417
Total net cost to	\$ 98,894

The payback for this project, minus the rebate, is approximately 2 years. The streetlights along Mack Avenue are not included in this project, as DTE indicated to staff that it was not economically feasible at this time. The cost of this project will be charged to Capital Projects Fund. The initial capital cost of the lighting replacement will be offset within two years by reduced energy cost due to using LED lights. Council discussion took place regarding the temperature of the LED lights.

Motion by Council Member Thomas, second by Council Member Parthum, to authorize the execution of a contract approved by the City Attorney with DTE for the amount of \$106,311; after purchase and installation, the City will receive \$7,417 in rebates for installing energy efficient lighting.

### ROLL CALL VOTE

Ayes: Juip, Parthum, Stempfle, Thomas, Walsh, Williams, Mayor Tomkowiak  
Nays: None.

MOTION CARRIES.

### WAIVER OF UTILITY BILLING LATE FEES

City Manager Dame made the following report:

Due to the hardships being experienced by users of the City's utility services, staff recommends the waiver of late fees and penalties for the next billing cycle for the whole City. The City's utility billing is divided into two parts. Half of the City is typically billed one month for a period of sixty days of service. The other half is billed the next month. The City has already delayed water billings for each section of the City by one month. The next bills that go out will be in early May for a period of three months. The remainder of the City will be billed in early June for three months. These are the bills for which the staff is proposing to waive the late fees at this time. The proposed resolution drafted by the City Attorney allows for additional waiver of late fees if circumstances continue to warrant it through the year. If this flexibility is exercised beyond the next billing cycle, City staff will notify City Council of this stop.

Motion by Council Member Parthum, second by Council Member Stempfle, to adopt the following resolution:

Be it resolved that due to the 2020 COVID-19 epidemic, the City Manager shall have discretion to change payment dates and reduce or waive the payment of penalties and/or interest with respect to Water and Sewer charges as may be provided for under Chapter 78, Article IV, of the Grosse Pointe Code of Ordinances with respect to all amounts accruing during calendar year 2020.

ROLL CALL VOTE

Ayes: Juip, Parthum, Stempfle, Thomas, Walsh, Williams, Mayor Tomkowiak  
Nays: None.

MOTION CARRIES and RESOLUTION IS ADOPTED.

WATER BARRIERS FOR NEFF PARK

Parks and Recreation Director Hardenbrook made the following report:

The Army Corps of Engineers is projecting Lake St. Clair's water levels for the 2020 season to be nearly the same as the 2019 record high, but potentially higher. This higher projection would put lake levels at or above the height of Neff Park's main docks, pier, and seawalls. The lake level has already breached a portion of Neff Park's seawall, flooding a portion of the park closer to Lakeland. In order to protect Neff Park and its facilities from high water flooding, two potential options for construction of a temporary dike are recommended by staff, after consultation with the Army Corps of Engineers.

The first option is to construct a box levee along the lakefront of Neff Park. This construction would consist of a 2 ft. by 2 ft. wooden trough that would be lined with a UV resistant visqueen and back filled with sand by the City. The City received three separate bids from the following contractors for the construction of a 450-foot box levee. The purchase of sand and visqueen has been included in the cost. These quotes are:

- On Sight Construction           \$14,650
- Ransom Carpentry LLC.         \$20,450
- DS Contractors Inc.             \$23,041

The second option is to purchase 450 feet of a water barrier bladder system, a proprietary system known as Tiger Dams. The proposed Tiger Dam would be a 24-inch-tall bladder system that has been tested and certified at a platinum level by the Army Corps of Engineers. These water barriers are currently being used on Belle Isle and in the City of Detroit, most recently being deployed in areas of Detroit, just over the Grosse Pointe Park border. Unlike a sand and wood box levee, the Tiger Dam system is reusable in future years if needed. It is easy to store, and easy to install. There is even possibility of selling once there is no longer the need. For these reasons, the Tiger Dam system is the preferred option. The quote for the 450-foot Tiger Dam System is:

- U. S. Flood Control Corp.       \$17,721

Council discussion took place regarding the high-water levels and how the options presented will work with the existing sand bags, noting that the Tiger Dam system is cost effective and reusable.

Motion by Council Member Stempfle, second by Council Member Williams, to purchase a 450-foot Tiger Dam water barrier system for the waterfront at Neff Park, in the amount of \$17,721.

ROLL CALL VOTE

Ayes: Juip, Parthum, Stempfle, Thomas, Walsh, Williams, Mayor Tomkowiak  
Nays: None.

MOTION CARRIES.

COUNCIL ACTION – LOT SPLIT REQUEST – 250 WASHINGTON

City Clerk Arthurs noted that Robert Hindelang, 235 Lincoln, had submitted a written protest against the proposed lot split. This protest was submitted to Council and made part of the record.

Council Member Juip advised that Mr. Hindelang was her father and that he resided adjacent to the proposed lot split. She advised that she has no direct financial interest in her father's property.

A lot split application was received by the City to divide the lot currently known as 250 Washington. The owner is seeking to create two lots of at least 20,000 square feet from the existing lot. A public hearing on this matter was conducted at the February 10, 2020 Council meeting. A decision on the matter was tabled for 60 days to allow the owner of the property to work with staff on what could be built on the split lot at the north east corner of Washington and Jefferson Avenue.

City Planner Connochie stated that on February 10, 2020, the applicant, Waref Hawasli, petitioned the Planning Commission for a lot split of his property located at 250 Washington. The applicant proposed splitting the parent parcel, which has approximately 320 feet of frontage on Washington and 151 feet of frontage on Jefferson, into two parcels. The applicant shared his intent to keep the existing 9,000 sq. ft. house on the northern parcel as his family home but did not have any details for what might be built on the newly created parcel. The applicant and City Planner have worked together to develop a concept for development on the new lot that would reflect the purpose and intent of the Estate Residential (E-R) district. The applicant submitted several examples of concept images, which were requested by the City Council, that comply with the E-R zoning district and show the type of development proposed for the new parcel if the split is approved. It was noted that any future development would fall under a site plan review, including plans, and would be reviewed and considered separately. It was noted that the split meets both the State of Michigan and the City of Grosse Pointe's standards for lot splits. The City Planner recommended Council approval of the lot split as proposed.

Motion by Council Member Parthum, second by Council Member Thomas, to approve the lot split for 250 Washington, as submitted.

Council discussion took place regarding the application for lot split, how the proposed lot frontage would be determined, the criteria requirements for a lot split determined by the Land Division Act, the Estate Residential zoning district requirements and the City Planner's analysis and report presented in February 2020. Concern was expressed regarding the proposed lot split and that the E-R Zoning District regulations should be a factor in determining if the lot can and should be split. Council Members commented that the purpose of E-R Zoning District was to preserve estates and discourage the subdivision of existing lots within the district. The objections of Mr. Hindelang were noted. Council discussion took place pertaining to whether the Land Division Act preempts local ordinance and the application of MCL 560.263.

Mayor Tomkowiak asked for a vote on the motion.

ROLL CALL VOTE

Ayes: Parthum, Thomas, Walsh, Mayor Tomkowiak  
Nays: Juip, Stempfle, Williams

MOTION FAILS – TWO THIRDS REQUIREMENT.

At the May 18, 2020 City Council meeting, Council Member John Stempfle stated that upon reflection he wishes to change his vote and made the following motion.

Motion by Council Member Stempfle, second by Council Member Parthum, to reconsider the vote for the lot split request at 250 Washington.

ROLL CALL VOTE

Ayes: Parthum, Stempfle, Thomas, Walsh, Williams, Mayor Tomkowiak  
Nays: None  
Recusal; Juip

MOTION CARRIES.

Motion by Council Member Parthum, second by Council Member Walsh, to approve the lot split for 250 Washington, as submitted.

Mayor Tomkowiak stated that the lot split was reviewed by the City Council in February 2020 and public comment was heard. The Mayor asked for additional public comment. The following comments were made:

Laura Sullivan stated she did not believe the lot split is beneficial and meets the requirements of the Master Plan.

John Doerer asked what had changed about the application and why the Council is changing their vote.

Robert Hindelang, 235 Lincoln, asked why the Council is reconsidering the vote when there is no provision in city ordinance to do so and the previous minutes were not posted publicly.

Cameron Jamieson, 355 Washington asked for more information regarding the lot split because he feels he was not fully informed about the request.

Larry Marantette, 305 Washington asked about the provisions for what type of home could be constructed and expressed concern about an oversized mansion being built on the lot.

It was noted for the record that written public comments were received by Gene Anzalone, 14 Rathbone, Charlene and Thomas O'Neill, 254 Lincoln, Robert Hindelang, 235 Lincoln and Brian Mourad, 15 Alger.

After hearing no further comment, the Mayor closed public comment. Mayor Tomkowiak called for a vote on the motion.

ROLL CALL VOTE

Ayes: Parthum, Stempfle, Thomas, Walsh, Williams, Mayor Tomkowiak  
Nays: None  
Recusal; Juip

MOTION CARRIES.

Motion by Council Member Parthum, second by Council Member Thomas, to revise and amend the April 20, 2020 minutes, to include the lot split vote reconsideration motion, the lot split request motion and additional public comment and subsequent roll call votes conducted on May 18, 2020.

ROLL CALL VOTE

Ayes: Juip, Parthum, Stempfle, Thomas, Walsh, Williams, Mayor Tomkowiak  
Nays: None

MOTION CARRIES.

## PUBLIC COMMENT

Robert Hindelang, 235 Lincoln, submitted a written public comment prior to the virtual meeting, opposing the lot split at 250 Washington. He commented that he felt the interpretation of the E-R District zoning district had changed since it was adopted 15 years ago and was relieved that the Council failed to approve the lot split.

## STAFF REPORT

Public Safety Director Poloni provided a COVID-19 update on the City's response to needs and a service call overview. Director Poloni provided details on enforcement of the Governor's Stay Home Stay Safe order.

Public Service Director Randazzo provided an update of ongoing facilities construction and thanked the Public Service Department personnel for their hard work during the pandemic.

## COUNCIL COMMENT

The City Council commented on the following topics:

- Appreciation was expressed to all the health care workers who are putting their lives at risk to care for the community during the Coronavirus pandemic.
- Appreciation was expressed to all City staff for their outstanding work in keeping City services going during this difficult time.
- Community members were encouraged to continue to support small businesses.

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

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Julie E. Arthurs, City Clerk  
City of Grosse Pointe