

## **COUNCIL MEETING – JULY 23, 2007**

A regular meeting of the Council was held on Monday, July 23, 2007 at 7:00 p.m. and opened with the Pledge of Allegiance to the Flag.

The following were present: Councilmember Clark, Kennedy, Denner, Robson, Theokas, Grano and Mayor Heenan

Also present: Dale Krajniak, City Manager, Jane M. Blahut, Finance Director/Clerk and Herold McC. Deason, City Attorney

### **STATE SENATOR MARTHA SCOTT**

Senator Scott presented a brief overview of the issues facing Michigan and the Grosse Pointe Park Community. She briefly reviewed issues relating to the tobacco tax, single business tax, car insurance premium distribution and hp vaccines for middle school girls.

Mayor Heenan and the Council thanked Senator Scott for her update and attendance.

### **GROSSE POINTE SCHOOL BOARD**

Mayor Heenan presented to Council for consideration adoption of a resolution regarding the new procedure for appointments to Grosse Pointe District Library Board.

The resolution read as follows:

Statement of Facts:

- A. The Grosse Pointe District Library (the “Library”) was established by virtue of a District Library Agreement (the “Agreement”) between the Grosse Pointe Public School System (“GPPSS”) and the City of Harper Woods (“Harper Woods”) dated May 16, 1994, pursuant to Michigan’s District Library Establishment Act, MCL 397.171, et, seq (the “Act”).
- B. The Act provides two options for this selection of members of the Board of Directors of the Library (“Library Board”): at-large election, or appointment under a process established by the parties to the Agreement.
- C. The 1994 Agreement provides that Library Board members be appointed by GPPSS, with each of the Constituent Communities in GPPSS (the Cities of Harper Woods, Grosse pointe Park, Grosse Pointe Farms, Grosse Pointe Woods and Grosse Pointe, and the Township of Grosse Pointe) guaranteed one Library Board Member.
- D. The Constituent Communities have asked GPPSS to delegate to them the authority for appointment Library Board members. GPPSS has agreed to the Constituent Communities’ request, provided that a public appointment process similar to that used by GPPSS continues to be employed by those Communities.

- E. On June 11, 2007, the Board of Education of GPPSS passed its Resolution Regarding Amendment to District Library Agreement to Adopt New Procedure for Appointments to Grosse Pointe Library Board (the “GPPSS Resolution”), stating that it would agree to an amendment to the District Library Agreement that would delegate the appointment authority to the Constituent Communities, provided that each of those Communities resolved to enact and permanently preserve the public appointment process by GPPSS. A copy of the GPPSS Resolution is attached to this resolution.

NOW, THEREFORE, IT IS RESOLVED:

- 1. The City of Grosse Pointe Park accepts the authority and responsibility for appointing Library Board, pursuant to the GPPSS Resolution.
- 2. The City of Grosse Pointe Park agrees permanently to make its appointments to the Library Board in accordance with the appointment process specified in the GPPSS Resolution, and further agrees not to deviate from that process without the written consent of the GPPSS Board of Education.

Motion by Councilmember Clark, supported by Mayor Heenan to approve the resolution as presented.

AYES: Councilmember Clark, Kennedy, Denner, Robson, Theokas, Grano and Mayor Heenan

NAYS: None

**MERS DELEGATE**

Mayor Heenan presented to Council for consideration the appointment of the employee and employer delegate for the annual M.E.R.S. conference scheduled for September 18, 19 & 20, 2007.

The delegates are as follows:

Employee: James Armbruster

Employer: Jane M. Blahut  
Dale Krajniak, Alternate

Motion by Councilmember Clark, supported by Councilmember Denner to approve the appointment of employee and employer delegates to attend the annual M.E.R.S. conference on September 18-20, 2007.

AYES: Councilmember Clark, Kennedy, Denner, Robson, Theokas, Grano and Mayor Heenan

NAYS: None

### **FINANCE REPORT- JUNE 2006**

Councilmember for Finance Theokas presented to Mayor Heenan and Council the invoices exceeding \$5,000 and over for the month of June 2006 be approved as presented.

Councilmember Theokas inquired what the invoice to C & K Industrial Service in the amount of \$21,828 was.

City Manager indicated C & K does the camera work and jetting for the sewers. He noted the sewers are old and many are in need of jetting to remove debris and tree roots.

Motion by Councilmember for Finance Theokas, supported by Councilmember Robson to approve of the invoices exceeding \$5,000 for the month of June 2006 be approved as presented in accordance with Section 2.249 of the Charter.

AYES: Councilmember Clark, Kennedy, Denner, Robson, Theokas, Grano and Mayor Heenan

NAYS: None

### **NEW/OLD BUSINESS**

#### **TENNIS PROGRAM:**

Kathy Flynn, a private tennis instructor, presented to Mayor and Council her view of the current situation at Patterson Park involving the City requiring her to pay for the use of the tennis courts.

Ms. Flynn indicated she's been instructing for 7 years and the City never required her to have to pay to rent the courts and wanted to know why she had to pay this year?

City Manager indicated Ms. Flynn utilizes two courts from 9:00 until 12:00, Monday through Friday, instructing from 3 to up to as many as 25 to 30 kids per hour and is receiving compensation for her instruction. It was also noted there are costs in maintaining these courts and it's only reasonable Ms. Flynn pay for such maintenance and also to provide insurance holding the City of Grosse Pointe Park harmless of all liability from the private classes.

Director Hiller indicated he met with Ms. Flynn and she agreed to rent the courts for \$20 per hour.

Ms. Flynn indicated she never signed the agreement and that she feels \$20 per hour is too excessive.

City Manager noted the Park & Recreation Commission raised this issue and noted the use of public facilities in such a manner was not acceptable.

A resident of the children she instructs was present and indicated Ms. Flynn is an excellent instructor and additionally noted she would be willing take the children to the Neighborhood Clubs courts if necessary.

Ms. O'Donnell of Three Mile expressed concern over residents using public property for profit for private enterprise. If this is allowed you open the door for other residents to utilize public property for private use which would be inappropriate.

City Attorney indicated there are specific Rules and Regulations for conduct and use of the Parks. The rules are as follows:

1. No person shall possess, operate, or use any ball-throwing machine or similar mechanical device of any kind on any tennis court of otherwise in any City park except as permitted by the Director of Recreation.
2. No person may occupy or use any one or more of the tennis courts in any City park for more than two hours on any calendar day except as permitted by the Director of Recreation.
3. No person shall give or receive or participate in private instructions or classes of any kind in any City park except as permitted by the Director of Recreation.
4. No person shall engage in the solicitation of any business, trade or occupation in any City park unless authorized by franchise, license, permit, or other authority issued by the City. This includes conducting class instruction for a fee, commercial gain, or any other remuneration and the taking of photographs and/or videos for commercial use.

Further noted the City has a long term policy which allows the Park & Recreation Department to limit use if it is determined such use is unreasonable.

Councilmember Clark indicated the Park & Recreation offer a variety of programs and Ms. Flynn is operating outside what the City has established.

Councilmember Grano indicated the Council's responsibility is to protect the City. Residents should not be running private businesses out of the park. There should be some type of rent and insurance holding the City harmless of all liability for the remainder of this year.

Councilmember Denner indicated it seems very close to a compromise. There should be a permit issued with a fee for reasonable control.

Director Hiller indicated he would meet with Ms. Flynn and resolve the contract for this year.

## **EXECUTIVE COMMITTEE SESSION**

Mayor Heenan requested that an Executive Committee Session be held immediately following the regular meeting pursuant to Acquisition of Real Estate.

Motion by Mayor Heenan, supported by Councilmember Clark that an Executive Committee Session be held immediately following the regular meeting pursuant to Acquisition of Real Estate.

**AYES:** Councilmember Clark, Kennedy, Denner, Robson, Theokas, Grano and Mayor Heenan

**NAYS:** None

### **HOUSING:**

Councilmember Robson requested a report on several properties that are in very poor condition. The addresses are as follows:

1241 Wayburn  
1023 Wayburn  
1017 Wayburn

He inquired if the Ordinance Review Committee can implement an ordinance or amend a current ordinance that would prevent flipping houses in foreclosure?

City Manager indicated the Public Service Department will have a report at the next regular meeting.

### **BOY SCOUTS:**

Boy Scouts from Troop #399 were present at the meeting to obtain their Citizenship Badge towards achieving the rank of Eagle Scout. Mayor Heenan welcomed the scouts and complimented their efforts.

### **STREET PROGRAM:**

Resident of Maryland indicated when the street was resurfaced the contractor spread asphalt up on to his driveway approach. He noted his approach is crumbling and in very poor condition and inquired if the contractor was going to redo his approach?

City Manager indicated the contractor return to each approach and feathers in the asphalt with the existing material. The City would not be responsible for replacing the existing approach.

With no further business the meeting adjourned to closed door session.

The meeting reconvened and with no further business the meeting adjourned.