

COUNCIL MEETING – SEPTEMBER 10, 2007

A meeting of the Council was held on Monday, September 10, 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, Grano and Mayor Heenan

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

MINUTES – AUGUST 13, 2007

Mayor Heenan presented to Council for consideration the approval of the minutes of August 13, 2007 be approved as presented.

Motion by Councilmember Robson, supported by Councilmember Kennedy to approve the minutes of August 13, 2007 be approved as presented.

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

NAYS: None

Mayor Heenan presented to Council for consideration adopting a resolution honoring the framing of the Constitution of the United States of American by the Constitutional Convention. The resolution reads as follows:

WHEREAS, The Constitution of the United States of America, the guardian of our liberties embodies the principles of limited government in a Republic dedicated to rule by law; and

WHEREAS, September 17, 2007 marks the two hundred twentieth anniversary of the framing of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS, it is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary, and to the patriotic celebrations which will commemorate it; and

WHEREAS, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week,

NOW, THEREFORE, Mayor Heenan and Members of the City Council of Grosse Pointe Park proclaim the week of September 17 through 23 as CONSTITUTION WEEK.

Motion by Mayor Heenan, supported by Councilmember Clark to adopt the resolution proclaiming the week of September 17 through the 23 as Constitution Week.

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

NAYS: None

FORESTRY REPORT

City Forester, Brian Colter presented a brief overview of the status of diseased trees. He indicated he removed 256 dead ash trees in 2006 and 269 in 2007. He indicated there will be 100 trees planted this fall including 20 different varieties. This will avoid losing a large number of trees if the city were faced with another epidemic.

The Council thanked Brian for his informative report.

2007 SALT BIDS

Mayor Heenan presented to Council for consideration the bids received in response to a request for salt for the upcoming winter season. The bids are as follows:

| | |
|------------------|--|
| Morton Salt | \$36.18 per ton FOB Mine 36.18 per ton BOB Yard 36.18 per ton FOB GP Park |
| North American | No Bid per ton FOB Mine \$37.43 per ton FOB Yard \$39.43 per ton FOB GP Park |
| Cargill | \$34.48 per ton FOB Mine 36.48 per ton FOB Yard 36.48 per ton FOB GP Park |
| Detroit Salt Co. | No Bid |

The Administration recommends the bid be awarded to the lowest bidder Morton Salt in the amount of \$36.18 per ton.

Motion by Councilmember Denner, supported by Mayor Heenan to award the bid to Morton Salt in the amount of \$36.18 per ton.

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

NAYS: None

Mayor Heenan presented to Council for consideration adoption of Ordinance #190 as presented. The ordinance reads as follows:

ORDINANCE #190

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GROSSE POINTE PARK BY REVISING AND AMENDING CHAPTER TWENTY-SEVEN OF THE CODE OF THE CITY OF GROSSE POINTE PARK TO INCORPORATE THE CHANGES IN CONFORMANCE WITH PUBLIC ACT 110 OF 2006, AS AMENDED AND TO INCORPORATE CHANGES TO SUCH CHAPTER REGARDING RECREATIONAL VEHICLES, FENCES, AND THE SCHEDULE OF REGULATIONS LIMITING HEIGHT, BULK, DENSITY, AND AREA BY ZONING DISTRICT.

THE CITY OF GROSSE POINTE PARK ORDAINS:

Section 1. The following provisions in Chapter Twenty-seven of the Code of the City of Grosse Pointe Park are hereby revised and amended in their entirety as follows:

Sec. 27-1. Short title.

This Ordinance was enacted pursuant to Public Act 207 of 1921, as amended, (being the City and Village Zoning Act, M.C.L. 125.581 *et seq.*). The continued administration of this Ordinance, amendments to this Ordinance, and all other matters concerning operation of this Ordinance shall be done pursuant to Public Act 110 of 2006, as amended, (being the Michigan Zoning Enabling Act, M.C.L. 125.3101 *et seq.*). This Ordinance shall be known and may be cited as the City of Grosse Pointe Park Zoning Ordinance.

Sec. 27-3. Definitions.

Variance. The word “variance” shall mean a modification of the literal provisions of the Zoning Ordinance granted when strict enforcement of the Zoning Ordinance would cause unnecessary hardship in the case of use variances or practical difficulties in the case of nonuse variances owing to circumstances unique to the individual property on which the variance is granted. A variance is not an exception. A nonuse variance is a variance which relates to the dimensional requirements of this Ordinance or to any other nonuse-related standard in the Ordinance. A use variance is a variance which relates to any use related standard in this Ordinance.

Sec. 27-81. Schedule limiting height, bulk, density and area by zoning district

The entry in the schedule pertaining to Minimum Rear Yard Setback (Per Lot in Feet) in a Residential D District shall read "15 (f, g, j, k)."

Sec. 27-81. Footnotes to Schedule of Regulations

(a) A lot area of not less than three thousand six hundred (3,600) square feet per dwelling unit shall be required for two-family dwellings in a Residential C District.

(b) A lot area of not less than two thousand five hundred (2,500) square feet per dwelling unit shall be required for two-family dwellings in a Residential D District.

(c) In any case where at least fifty (50) percent of the frontage in the block on the same side of the street is occupied by residences, no dwelling shall be erected or used on any lot having a frontage of less than ninety (90%) percent of the average lot frontage nor having an area of less than ninety (90%) percent of the "average lot area" in the block. Such "average lot frontage" shall be determined by taking the average of the frontage of the improved residence lots in the block on the same side of the street, but in determining said average, the largest improved lots, in number not to exceed one-quarter (1/4) of the total improved lots, may be excluded.

(d) Where, at the time of passage of this Ordinance, more than fifty (50%) percent of the lots on one (1) side of a street between two (2) intersecting streets within a Residential A or B District are occupied by dwellings having a front yard of greater depth than twenty (20) feet, any dwelling thereafter erected on any one of such lots shall have a front yard not less in depth than the average front yard of such existing dwellings, but this shall not require a greater depth than fifty (50) feet in any case.

(e) Where, at the time of passage of this Ordinance, more than fifty (50%) percent of the lots on one (1) side of a street between two (2) intersecting streets within a Residential C or D District are occupied by dwellings having a front yard of greater depth than fifteen (15) feet, any building thereafter erected on any one (1) of such lots shall have a front yard not less in depth than the average front yard of such existing dwellings; but this shall not require a greater depth than thirty five (35) feet in any case.

(f) On a lot occupied by a church or other building in which persons congregate, or which is designed, arranged, remodeled, or normally used for the congregation of persons in numbers in excess of twenty-five (25), the depth of the rear yard shall be not less than forty (40) feet.

(g) The depth of a rear yard abutting upon a street shall be not less than the depth of the front yard required for a building of the same size and kind on an adjoining lot fronting on such rear street.

(h) The width of a side yard abutting upon a street shall be not less than the minimum front yard depth required on an adjoining interior lot within the same or a less restricted district fronting upon such side street, but this shall not reduce the buildable width of any

lot of record at the time of passage of this Ordinance to less than twenty-five (25) feet at the ground story level. Provided, however, that where the sidewall of a building exceeds fifty (50) feet in depth, the width of the side yard opposite the portion in excess shall be not less than ten (10) feet.

(i) No side yards are required along the interior side lot lines of an Office Service, Local Business, or General Business District, except as otherwise specified in the Building Code, provided that if walls facing such interior side lot lines contain windows, or other openings, side yards of not less than ten (10) feet shall be provided.

(j) One-half ($\frac{1}{2}$) the width of an alley may be utilized for required rear yard setbacks in any zoning district.

(k) Yard setbacks on the lake side of a lot shall not be less than the average setback of the residential buildings located on the adjacent lots on each side of such lot. Where no residential buildings exist on either of the adjacent lots on each side of such lot, said lake side setback shall be not less than the average setback of the nearest residential buildings on each side of such lot.

(l) Any lot within an Office Service District and located in a block also containing lots within an Residential A District shall have a yard fronting on the street abutting such block not less in depth than the average front yard of existing buildings on such block, but this shall not require a greater depth than fifty (50) feet in any case.

(m) A lot area of not less than two thousand two hundred and fifty (2,250) square feet per dwelling unit may be allowed for multiple family dwellings in a Residential D District.

(n) Where more than fifty (50%) percent of the lots on both sides of a street between two (2) intersecting streets or other boundary ending a street and within a residential district are occupied by dwellings, any dwelling unit thereafter erected shall have a building height of not less than ninety percent (90%) of the average of the existing dwellings in such area

(o) Where more than fifty percent (50%) of the lots on both sides of a street between two (2) intersecting streets or other boundary ending a street and within a residential district are occupied by dwellings, any dwelling unit thereafter erected shall have a building height no greater than the lesser of (i) that allowed by this Code or (ii) either one hundred and ten percent (110%) of the average of the existing dwellings in such area or thirty (30) feet, whichever is higher.

(p) The required side yard setback for each side of a zoning lot in a residential district shall be no less than: (a) the applicable number of feet provided in the schedule of regulations, or (b) a total of one foot for each ten feet of the length of the front lot line of such lot up to sixty (60') feet, plus one and one half (1.5') feet for each ten feet of the length of the front lot line of such lot up to sixty (60') feet, providing that the maximum required side yard setback in a Residential D District shall be fifteen (15) feet.

(q) When located on a street designated as a County Primary Road, the maximum height for any terrace dwelling shall be 65 feet, when located on a street designated as a major street or a secondary street adjacent to a city boundary, the maximum height for any terrace dwelling shall be 55 feet, when located on a street designated as a secondary street not adjacent to a city boundary, the maximum height for any terrace dwelling shall be 45 feet. such height as limited in this footnote (q) shall be measured as actual height and not as mean height.

Sec. 27-83. Storage of Recreational Vehicles

(a) As used in this Section the term recreational vehicle means and includes the following:

(1) Aircraft means all types of airborne vehicles.

(2) Boat and boat trailer include boats, personal watercraft, floats and rafts, plus the normal equipment to transport such vehicles on the highway.

(3) Folding tent trailer means a canvas or plastic folding structure mounted on wheels and designed for travel and vacation uses.

(4) Motor home means a portable dwelling designed and constructed as an integral part of a self-propelled vehicle.

(5) Pickup camper means a structure designed primarily to be mounted on a pickup or truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreation and vacation uses.

(6) Snowmobile and all-terrain vehicle mean snowmobiles, all-terrain vehicles and the normal equipment to transport such vehicles on the highway.

(7) Travel trailer means vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreation and vacation uses.

(8) Utility trailer means a vehicle with an open or enclosed platform built on a chassis, designed to be used for the transport of goods and materials.

(b) Recreational vehicles shall not be occupied or considered a legal use in any district.

(c) No recreational vehicle shall be parked or stored on a site unless it is enclosed within a garage.

(d) The Department of Public Service may issue a permit for the parking or storage of a recreational vehicle in a driveway for up to 72 hours, upon application showing good

cause and payment of such permit fee as may be set by resolution of the city council. No more than one permit shall be issued with respect to any zoning lot in any calendar month. The permit shall be displayed in the lower left-hand corner of the front windshield of the recreational vehicle.

Sec. 27-100 Fences

(c) Fences – Construction and Maintenance.

(1) The supporting framework of any fence shall not face adjacent properties or streets.

(2) Fences shall not be attached to existing fences, *i.e.* cyclone fence attached to wooden fence.

(3) No fence shall have barbed wire, razor wire, electrical current, concertina wire or other similar material.

(4) The owner of any fence shall maintain their fences in accordance with the Code of Ordinances provisions.

(5) All fences shall be maintained plumb and true with adequate support in a safe manner. The owner of a fence shall remove and/or repair a fence that is dangerous, dilapidated or otherwise in violation of the Code of Ordinances.

(6) Any person who erects, builds and/or constructs any fence upon property which such person owns and/or leases, shall be responsible for the repair, upkeep and maintenance of the fence.

(7) Any person who owns property upon which a fence has been constructed by a previous owner shall be responsible for the care, upkeep and maintenance of the fence.

(8) It shall be the responsibility of the person installing the fence to ensure such fence is placed on or within their own property line.

Sec. 27-131. Lots having water frontage.

Those residential lots or parcels having water frontage shall maintain the yard on the water side as an open unobscured yard, excepting that a boat well shall be permitted after review and approval of plans by the Zoning Board of Appeals.

Sec. 27-146. Public hearing.

Whenever any Section of this Ordinance refers to this Section 27-146, notice of a public hearing shall be given in accordance with Public Act 110 of 2006, as amended.

Sec. 27-151. Creation and membership.

The Legislative Body of the city shall, in accordance with Public Act 110 of 2006, as amended, act as a Board of Appeals on Zoning, which in addition to the general duties and powers conferred upon it by law, may, in specific cases and subject to appropriate conditions and safeguards, vary or modify the application of the regulations herein established in harmony with their general purpose and intent of this Ordinance.

Sec. 27-153. Appeal.

(a) An appeal may be taken to the Board of Appeals by any person, firm or corporation aggrieved by a decision of the Director of Public Service, or by any officer, department, board or bureau. Such appeal shall be taken within such time as shall be prescribed by the Board of Appeals by general rule, by filing with the Director of Public Service and with the Board of Appeals a notice of appeal, specifying the grounds thereof. The Director of Public Service shall forthwith transmit to the Board all of the papers constituting the record upon which the action appealed from was taken. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Director of Public Service certifies to the Board of Appeals after notice of appeal has been filed with him that by reason of the facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life of property, in which case the proceedings shall not be stayed, otherwise than by a restraining order, which may be granted by a court of record.

Sec. 27-155. Jurisdiction.

(2) *Variance.* To authorize, upon an appeal, use variances and nonuse variances from the strict application of the provisions of this Ordinance where by reason of exceptional narrowness, shallowness, shape or area of a specific piece of property at the time of enactment of this Ordinance or by reason of exceptional topographic conditions or other extraordinary or exceptional conditions of such property, the strict application of the regulations enacted would result in unnecessary hardship in the case of a use variance or practical difficulties in the case of a nonuse variance upon the owner of such property provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this Ordinance. A vote of 2/3 of the members of the Board is required to approve a use variance. In granting use variances and nonuse variances, the Board may attach thereto such conditions regarding the location, character, and other features of the proposed uses as it may deem reasonable in furtherance of the purpose of this Ordinance. The Board shall state the grounds upon which it justifies the granting or denial of use variances and nonuse variances.

Sec. 27-156. Orders.

In exercising the above powers, the Board may reverse or affirm wholly or partly, or may modify the orders, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the Director of Public Service from whom the appeal is taken. Any decision made by the Board shall be incorporated in a statement of findings and conclusions which specify the basis for the decision and any conditions imposed.

Sec. 27-161. Designation.

The Planning Commission is hereby designated as the Commission specified in Section 301, Act 110 of the Public Acts of 2006, and shall perform the zoning duties of said Commission as provided in the statute in connection with the amendment of this Ordinance.

Sec. 27-171. Changes and amendments.

The City Council may, from time to time, on recommendation from the Planning Commission or on petition, amend, supplement or change the district boundaries or the regulations herein, or subsequently established herein pursuant to the authority and procedure established in Act 110 of the Public Acts of 2006, as amended.

Section 2. This Ordinance shall take effect October 1, 2007.

Motion by Councilmember Denner, supported by Councilmember Clark to adopt Ordinance #190 and place on file within the Clerk's office.

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

NAYS: None

JETTER VAC ACQUISITION

Mayor Heenan presented to Council for consideration the acquisition of a Jetter Vac that would be used for cleaning out sewers.

Director Reimel indicated the sewer system is aging and currently the city hires a company to jet the lines out.

City Manager indicated the cost for the Jetter Vac is \$180,000 and could be financed over a four year period. Funds have been budgeted for within the Rubbish and Water/Sewer Funds.

Councilmember Robson indicated with the economies condition a price not to exceed \$170,000 for the acquisition of the equipment.

Motion by Councilmember Denner, supported by Councilmember Kennedy to authorize the acquisition of a Jetter Vac with an amount not to exceed \$180,000.

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

NAYS: None

FINANCE REPORT – JULY & AUGUST 2007

Councilmember for Finance Theokas presented to Mayor and Council the July & August invoices exceeding \$5,000 for approval.

Motion by Councilmember Theokas, supported by Clark to approve the invoices exceeding \$5,000 for the months of July & August 2007 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

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

CITIZEN COMMENT

Resident of 1201 Nottingham apprized the Council of the issue relating to 15301 Kercheval. She indicated the matter is being litigated in Court and informed the Council

that Ron Soupal of the Building Department is doing a thorough job. She indicated concerns over Mr. Barrows work on his adjacent property and wished to know if its legal.

City Attorney to review.

With no further business, the meeting recessed to closed door session

The meeting reconvened and with no further business recessed.