

COUNCIL MEETING – SEPTEMBER 26, 2016  
7:00 P.M.

A regular meeting of the City of Grosse Pointe Park City Council was held on Monday, September 26, 2016, and opened with the Pledge of Allegiance to the Flag.

The following were present: Councilmembers Clark, Arora, Chouinard, Robson, and Grano, and Mayor Denner

Also present: Dale Krajniak, City Manager, Dennis J. Levasseur, City Attorney, and Jane M. Blahut, Finance Director/Clerk

Excused Absence: Councilmember Detwiler

MINUTES – AUGUST 8, 2016

Mayor Denner presented to Council for consideration the minutes of the August 8, 2016, meeting for approval as presented.

Motion by Councilmember Robson, supported by Councilmember Clark, to approve the minutes of August 8, 2016, for approval as presented.

AYES: Councilmembers Clark, Arora, Chouinard, Robson, and Grano, and Mayor Denner

NAYS: None

Excused Absence: Councilmember Detwiler

15135 CHARLEVOIX – VARIANCE

Mayor Denner presented to Council for consideration a request by Mr. Yacoub Mio a variance from section 27-95 paragraph (8) of the zoning ordinance which requires off street parking.

City Manager indicated the applicant wishes to renovate and relocate an existing market/convenience store. This property is located at 15135 Charlevoix and must maintain off street parking. The reason for the hardship is the ordinance requires a minimum of approximately 11 off street parking spaces. Approval of the market/convenience/parking would require that the Board of Zoning Appeals grant a variance.

City Manager stated the new location is approximately 600 feet larger in usable space than the existing location. The new space will allow them to expand their services. He indicated the busiest time in the District is during the evening hours.

The petitioner indicated he would look to convert to either storage or office use but if for any retail use it would be limited to 6 pm.

The petitioner stated the new the store could then rely on those spaces and the new store hours will be the same as the current store.

Councilmember Robson stated his concern is this proposed market reverts into an Art's party.

The petitioner stated he runs a first class operation and has great pride in his establishment.

Councilmember Clark stated he is favorably disposed to this idea, however, noted the proposed store would be located in a very congested area of the community and the Council has to look at the best interest of the community and the impact upon our residents. He noted parking is a premium and you need 11 spaces and have none.

Mayor Denner stated the petitioner has 6 spaces available on street parking, and side yard residential spaces available.

Many residents were present and expressed comments stating the operation of the current establishment is a first class operation and would recommend approval of the proposed market/convenience store.

A resident agreed that the petitioner runs a first class operation, however, stated he is the only resident on his block that does not have a driveway and noted parking is always an issue and is concerned of increased traffic that would create a greater problem.

Mayor Denner inquired with the petitioner if he considered leasing spaces from current business owners.

The petitioner stated there are 5 spaces available at the existing location and he has no plans of selling or utilizing the space. If the variance is granted, those 5 spaces could be applied toward the required 11. If plans change in the future for the current locations use of the building site, the request would have to go before the Council.

Councilmember Robson wanted to confirm his understanding that there are 10 spaces available at the currently location, that will not be in business, and 7 spaces available in the front of the store.

Councilmember Clark stated that if the current location does not operate and has 10 spaces available, he could direct his employees to park there.

Tom McDonald stated the business owner has been a great neighbor and runs a very successful business, however, is concerned of the lack of parking. He is concerned the customers will park in front of his establishment, reducing spaces for his customers.

Motion by Councilmember Grano, supported by Councilmember Arora, to approve the variance to Yacoub Mio from section 27-95 paragraph (8) of the zoning ordinance which requires off-street parking. The current store has 5 spaces available and once the new establishment is in business, the current location would be limited in use in the evening thus allowing for those spaces to be utilized by the new market/convenience store. Also there are 7 on street parking spaces available in front of the new establishment.

AYES: Councilmembers Clark, Arora, Chouinard, Robson, and Grano, and Mayor Denner

NAYS: None

Excused Absence: Councilmember Detwiler

D.D.A. RE-APPOINTMENT

Mayor Denner presented to Council for consideration the re-appointments to the Downtown Development Authority for a four year term. The recommendation is as follows:

- Dr. Philip Hessburg
- Allene Carlile
- David Goldman, MD, MBA

Motion by Mayor Denner, supported by Councilmember Clark, to re-appoint the D.D.A members for a four year term.

AYES: Councilmembers Clark, Arora, Chouinard, Robson, and Grano, and Mayor Denner

NAYS: None

Excused Absence: Councilmember Detwiler

BUDGET AMENDMENT  
CITY OF GROSSE POINTE PARK

Mayor Denner presented to Council for consideration budget amendments for fiscal year 6/30/2016 for approval.

City Manager stated the road construction costs are required to be within the major and local street funds as opposed to a street fund previously utilized.

SUPPLEMENTAL BUDGET APPROPRIATION

WHEREAS, in accordance with Section 8.2 of the City Charter of the City of Grosse Pointe Park the City Manager has submitted to the Council a budget amendment for revenues and expenditures for the fiscal year ending June 30, 2016 and

NOW THEREFORE BE IT RESOLVED that the following funds budgets be amended as follows:

	<u>MAJOR ROAD</u>		
	<u>Original</u> <u>2015-16</u>	<u>Revised</u> <u>2015-16</u>	<u>Increase</u> <u>(Decrease)</u>
<u>Revenues</u>			
Surplus	\$ 5,240	\$200,609	\$195,369
	\$ 5,240	\$200,609	\$195,369
<u>Expenditures</u>			

Construction	<u>\$24,308</u>	<u>\$ 251,625</u>	<u>\$ 226,317</u>
	\$24,308	\$251,625	\$ 226,317

LOCAL ROAD

Revenues

Surplus	\$ 9,087	\$ 111,483	\$ 102,396
Transfer In	<u>981,826</u>	<u>1,330,461</u>	<u>348,635</u>
	\$ 981,826	\$1,330,461	\$348,635

Expenditures

Construction	<u>\$981,000</u>	<u>\$1,597,749.</u>	<u>\$616,749</u>
	\$981,000	\$1,597,749	\$616,749

ROADS

Expenditures

Administration	<u>\$ -0-</u>	<u>\$200,000</u>	<u>\$200,000</u>
	\$ -0-	\$200,000	\$200,000

C.D.B.G.

Revenues

CDBG Entitlement	\$54,975.00	\$ 105,587.00	\$ 50,612.00
Surplus	<u>0</u>	<u>14,807.00</u>	<u>14,807.00</u>
	\$54,975.00	\$ 120,394.00	\$ 65,419.00

Expenditures

Project Dev.	<u>\$ 54,975.00</u>	<u>\$ 120,394.00</u>	<u>\$ 65,419.00</u>
	\$ 54,975.00	\$ 120,394.00	\$ 65,419.00

Motion by Councilmember Robson, supported by Councilmember Chouinard, to approve of the budget amendment for fiscal year 6/30/16 as presented.

AYES: Councilmembers Clark, Arora, Chouinard, Robson, and Grano, and Mayor Denner

NAYS: None

Excused Absence: Councilmember Detwiler

MACK AVENUE STREETScape IMPROVEMENTS

Mayor Denner presented to Council for consideration the cost for the proposed Mack Avenue Streetscape improvement.

City Manager indicated the cost received was less than our Engineer's anticipated in the amount of \$178,612. The scope of work will accomplish curbs, sidewalk, tree replacement and planters on Mack between Lakepointe and Maryland and construction will be underway within the next two weeks and be completed by mid-November.

Motion by Mayor Denner, supported by Councilmember Arora, to accept the bid received for the Mack Avenue Streetscape improvement on Mack between Lakepointe and Maryland in the amount of \$178,612.

AYES: Councilmembers Clark, Arora, Chouinard, Robson, and Grano, and Mayor Denner

NAYS: None

Excused Absence: Councilmember Detwiler

#### ARTICLE VI. OS-1 OFFICE SERVICE DISTRICTS

Mayor Denner presented to Council for consideration the amendment to Article VI. OS-1 Office Service Districts. He noted the Planning Commission reviewed and recommended its adoption.

#### **ARTICLE VI. OS-1 OFFICE SERVICE DISTRICTS**

Sec. 27-41. Intent.

In order that the City may remain strictly a suburban residential community, business and commercial uses of property are limited to those inoffensive, noncongestive uses which directly support residential activities and demands, and, which by reason of necessity or great convenience, must be located within or close by dwelling areas which they serve.

The OS-1 Office Service Districts are designed to accommodate uses such as offices, banks and personal services which can serve as transitional areas between major thoroughfares and residential districts.

Sec. 27-42. Principal Uses Permitted.

In an Office Service District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Ordinance:

Office buildings for any of the following occupations: executive, administrative, professional, accounting, writing, clerical, stenographic, drafting and sales subject to the limitations contained below in Section 27-44, Required Conditions;

Public buildings, properties and facilities;

Banks, credit unions, savings and loan associations, and similar uses;

Personal service establishments including barber shops and beauty shops;

Offstreet parking lots;

Uses similar to those above enumerated and consistent with the maintenance of the suburban residential nature of the community, provided the Board of Appeals shall have made a finding that such use is in fact similar and so consistent;

Terrace dwellings subject to the following conditions:

The terrace dwellings shall be located on a zoning lot which contains not less than 15,000 square feet in area and located on a street designated as a County Primary Road pursuant to MCLA §247.655;

Dwelling unit density on the zoning lot shall not exceed the applicable standard set forth on the schedule in Section 27-81;

Outdoor parking spaces or driveways serving parking spaces which abut any residential district shall be screened from the abutting residential district and from public streets or alleys by a greenbelt or wall constructed and maintained under the standards set forth in Sections 27-98 and 27-99 of this Chapter; and

Building elevation drawings and landscape plans shall be submitted for approval and be approved by the Planning Commission and any building permits shall require compliance with approved site plans, building elevation drawings and landscape plans.

Accessory structures and uses customarily incident to the above permitted uses.

(Ord. No. 189, §10, 1-31-06)

Sec. 27-43. Principal Uses Permitted Subject to Special Conditions.

The following uses may be permitted by the Planning Commission subject to the conditions hereinafter imposed for each use and including the review and approval of a site plan by the Planning Commission and subject further to a public hearing held in accord with Section 27-146:

1. An accessory use customarily related to a principal use authorized by this section, such as but not limited to a pharmacy or apothecary shop, or optical service, may be permitted;

Mortuary establishments, when adequate assembly area is provided offstreet for vehicles to be used in funeral processions, provided further that such assembly area shall

be provided in addition to any required offstreet parking area. A caretaker's residence may be provided within the main building of mortuary establishments;

Publicly owned buildings, telephone exchange buildings, and public utility offices, but not including storage yards, transformer stations, or gas regulator stations; and

Automobile dealerships subject to the following:

Body, paint and bump shops shall not be a part of such dealership;

A site of not less than one (1) acre shall be provided; and

All storage of new and used automobiles, parking of vehicles repaired or awaiting repair, and employee and customer parking shall be provided on the site.

Medical, dental, and physical therapy offices, including clinics, that are open to the public only between 7:30 a.m. and 7:00 p.m. on Mondays through Fridays, and Saturdays between 7:30 a.m. until 4:00 p.m., and which do not have overnight patients.

Sec. 27-44. Required Conditions.

1. No interior display shall be visible from the exterior of the building.

The outdoor storage of goods or material shall be prohibited.

Warehousing or indoor storage of goods or material, beyond that normally incident to the above permitted uses, shall be prohibited.

Sec. 27-45. Area and Bulk Requirements.

See Article X, Schedule of Regulations, limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum yard setback requirements.

Secs. 27-46. -- 27-50. Reserved.

## **ARTICLE VII. B-1 LOCAL BUSINESS DISTRICTS**

Sec. 27-51. Intent.

In order that the City may remain strictly a suburban residential community, business and commercial uses of property are limited to those inoffensive, noncongestive uses which directly support residential activities and demands, and which, by reason of necessity or great convenience, must be located within or close by dwelling areas which they serve.

The B-1 Local Business Districts, as herein established, are designed to meet the day-to-day convenience shopping and service needs of persons residing in adjacent residential areas.

Sec. 27-52. Principal Uses Permitted.

In a Local Business District, no building or land shall be used and no building shall be erected except for one (1) or more of the following specified uses unless otherwise provided in this Ordinance:

1. All uses permitted and uses permitted subject to special conditions in the OS-1 Office Service District;

Retail establishment for the sale of new goods at retail excluding establishments that sell alcoholic beverages;

Catering establishments, not including catering halls;

Dry cleaning establishment;

Florist shop;

Restaurant, including establishments serving alcoholic beverages;

Shoe repair shop;

Tailor shop;

Any retail business or service establishment permitted in OS-1 and B-1 Districts as Principal Uses Permitted and Uses Permitted Subject to Special Conditions;

Business or commercial schools;

Electrical repair shops;

Cleaning or laundry establishments;

Painting and decorating shops;

Plumbing shops;

Print shops;

Private clubs and lodge halls;

Upholstering shops;

The repair, conversion, alteration, finishing, assembling, servicing, fabrication, otherwise processing or storage of goods primarily as a custom service or for the sale at retail on the premises, provided the foregoing are incidental to the retail function when not a custom service.

There shall not be in connection therewith any operation of machinery or the conduct of any process or activity, the display or storage of goods or facilities in



such a manner as to be noxious or offensive by reason of odors, fumes, dust, smoke, waste, vibration, noise, lighting, advertising or manifest unsightliness;

Uses similar to those above enumerated and consistent with the maintenance of the suburban residential nature of the community, provided the Board of Appeals shall have made a finding that such use is in fact similar and so consistent.

Sec. 27-53. Required Conditions.

1. All business establishments shall be retail or service establishments dealing directly with customers. All goods produced on the premises shall be sold at retail on premises where produced.

All business, servicing or processing, except for offstreet parking or loading, shall be conducted within a completely enclosed building.

Business uses shall not conduct retail trade between the hours of 2:00 a.m. and 5:00 a.m. in any zoning district which is located within three hundred (300) feet of any residential district.

Sec. 27-54. Area and Bulk Requirements.

See Article X, Schedule of Regulations, limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum yard setback requirements.

Secs. 27-55. -- 27-60. Reserved.

Motion by Mayor Denner, supported by Councilmember Robson, to adopt the amendments to Article VI. OS-1 Office Service Districts.

AYES: Councilmembers Clark, Arora, Chouinard, Robson, and Grano, and Mayor Denner

NAYS: None

Excused Absence: Councilmember Detwiler

#### COMMITTEE REPORT

**PLANNING COMMISSION:**

Councilmember Robson stated the Planning Commission discussed the ordinance amendments to Article VI. OS-1 Office Service Districts that the Council just approved.

**BEAUTIFICATION COMMISSION:**

Councilmember Chouinard stated there are daffodil bulbs for sale at city hall. The commission needs three new members and is currently accepting applications for those residents interested. He stated Dutch elm disease was more rampant this year due to the high temperatures this summer. Residential and commercial beautification awards will be given out this fall.

FINANCE REPORT – AUGUST, 2016

Mayor Denner presented to Council for consideration the invoices exceeding \$5,000 for the month of August, 2016, for approval as presented:

<u>Vendor</u>	<u>Description</u>	<u>Payment</u>
Bodman, PLC	Retainer & Pros. Attorney	\$ 10,000
Rizzo	Refuse Pickup – July	33,883
Rizzo	Recycling – July	11,298
Great Lakes Water Authority	Water service – June	142,156
Grosse Pointe Clinton Refuse	Refuse disposal – June	8,690
J & W Tree Artisans	Trees trimmed and removed	31,390
Great Lakes Water Authority	Waste water – July	135,500
PMI Inspection Service	Building Inspections – July	12,827
Asphalt Control	curbs-Avondale, Middlesex & Buckingham	100,037
Stantec	Paving program	8,440

Motion by Councilmember Arora, supported by Councilmember Chouinard, to approve the invoices exceeding \$5,000 for the month of August, 2016, for approval as presented in accordance with Section 2.249 of the Charter.

AYES: Councilmembers Clark, Arora, Chouinard, Robson, and Grano, and Mayor Denner

NAYS: None

Excused Absence: Councilmember Detwiler

CLOSED DOOR SESSION

Mayor Denner requested that a closed door session be held immediately following the regular meeting pursuant to real estate.

Motion by Mayor Denner, supported by Councilmember Grano, that a closed door session be held immediately following the regular meeting pursuant to real estate.

AYES: Councilmembers Clark, Arora, Chouinard, Robson, and Grano, and Mayor Denner

NAYS: None

Excused Absence: Councilmember Detwiler

NEW/OLD BUSINESS

City Manager stated the MERS actuarial should be completed the week of October 3, 2016. As soon as the studies are completed, they will be forwarded to the Council for review.

BEDFORD SEWER REPAIRS:

City Manager stated the Bedford sewer repairs will be completed within the next several weeks.

Resident distributed and recommended the public safety personnel be equipped with bullet proof shields for each car. The cost is nominal and could save lives.

Councilmember Grano inquired as to the status of 1452 Bishop.

City Manager stated the building department has inspected the property and now has a new owner. The work is in the process of being completed.

#### JEFFERSON/ALTER PROPERTY

Resident indicated he provided an offer for the property located at Jefferson and Alter and did not receive a response back from the City Manager.

The City Manager stated the offer was significantly less than the asking price and the city is seeking other options.

Councilmember Robson inquired if the paving program is complete for the current year.

City Manager stated for the most part, the paving is complete for this year.

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

The meeting reconvened to open door session.

With no further business, the meeting adjourned.