

COUNCIL MEETING – DECEMBER 10, 2018

7:00 P.M.

A regular meeting of the City of Grosse Pointe Park was held on Monday, December 10, 2018, and opened with the Pledge of Allegiance to the Flag.

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

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

MINUTES – NOVEMBER 19, 2018

Mayor Denner presented to Council for consideration the minutes of November 19, 2018, for approval with minor corrections, on page one, paragraph four, the month should be November 2019. On the last page “commission” should be replaced with “committee.” On page two, paragraph nine, last sentence should read She noted her opposition in approving this variance.

Motion by Councilmember Read, supported by Councilmember Robson, to approve the minutes of November 19, 2018, for approval with the minor changes noted above by Mayor Denner and Councilmember Read.

AYES: Councilmembers Clark, Read, Chouinard, Robson, Detwiler, and Grano, and Mayor Denner

NAYS: None

RESOLUTION HONORING - WILLIAM J. MUSIAL

Mayor Denner presented to Council for consideration the adoption of a resolution honoring William J. Musial for his tenure as a business owner in Grosse Pointe Park with dedication and commitment to the community.

The resolution reads as follows:

WHEREAS, the Mayor and Members of Council have recognized William J. Musial for his dedicated service to the community for 34 years as a barber, and

WHEREAS, William J. Musial graduated from barber school 55 years ago in the City of Detroit

WHEREAS, William J. Musial opened his own barbershop at 15131 Kercheval Avenue, Grosse Pointe Park, Michigan 34 years ago in 1984, and

WHEREAS, William J. Musial is known to our Grosse Pointe Community as Barber Bill and provided his service to generations of residents in the community which has always been appreciated and valued, and

WHEREAS, William J. Musial Barbershop was awarded the Annual Grosse Pointe Park Business Beautification award in 2013 in recognition of his care, pride, and investment in 15131 Kercheval, and

WHEREAS, William J. Musial was an active and founding member of the Grosse Pointe Park Kercheval Business Association and was very proactive within the district to invest, beautify and attract customers to the Kercheval business district, and

WHEREAS, William J. Musial and his wife, Cheri, also have a home in Marine City, Michigan, yet they undertook substantial improvements to their building on Kercheval including the construction of a second story addition to serve as a second home, which was featured by the Detroit Free Press, and

WHEREAS, William J. Musial has let it be known that he will retire on December 22, 2018

NOW, THEREFORE, BE IT RESOLVED that the City of Grosse Pointe Park by and through its Mayor Robert Denner and the Members of City Council hereby recognize, honor, and celebrate William J. Musial for the service and friendship provided to our community over the last 34 years and further congratulate William J. Musial on his retirement and wish him and his family the very best.

Motion by Mayor Denner, supported by Councilmember Robson, to adopt the resolution honoring William J. Musical for his dedicated service as a barber in the City of Grosse Pointe Park.

AYES: Councilmembers Clark, Read, Chouinard, Robson, Detwiler, and Grano, and Mayor Denner

NAYS: None

Councilmember Clark stated Barber Bill is an urban pioneer, made an investment in the district years ago, he is a true visionary.

Councilmember Robson stated Barber Bill has been an icon on Kercheval and expressed his gratitude for everything he has done for Grosse Pointe Park.

Mayor Denner congratulated Barber Bill on his retirement and stated he would be missed.

Councilmember Grano stated he has been getting his hair cut by Barber Bill since he was a child. He congratulated him on his retirement.

City of Grosse Pointe Park Year of the Bird 2018 Proclamation

Mayor Denner presented to Council for consideration the Proclamation recognizing the 100-year anniversary of the Migratory Bird Treaty Act.

The Proclamation reads as follows:

WHEREAS, birds are present in every environment urban or rural, wetland or prairie, and are an ever-present reminder of beauty of nature all around us.

WHEREAS, 2018 is the centennial year of the Migratory Bird Treaty Act which protects over 1,000 bird species including birds in our backyards, and those that nest and/or migrate through our city on their international journeys, using our native trees, shrubs, flowers, lake shore, and our city parks.

WHEREAS ON MAY 22, 2017, Detroit was designated the 29th Urban Bird Treaty City by the US Fish and Wildlife Service because of the Detroit area's amazing diversity of birds, bird habitats, and that the region has adopted a plan (Detroit Urban Bird Treaty Action Strategy) to protect and enhance that diversity.

WHEREAS LAKE ST. CLAIR, WHICH IS OUR COMMUNITY'S "FRONT YARD," HAS BEEN DESIGNATED AN IMPORTANT BIRD AREA by National Audubon Society, Cornell Laboratory of Ornithology, and BirdLife International.

WHEREAS, each year, more than 250 migrating bird species grace us with reminders of their fortitude and persistence to make long journeys from Central and South America to or through Southeast Michigan, Wayne County, and Grosse Pointe.

WHEREAS, Grosse Pointe Audubon has documented more than 200 bird species in our community alone.

WHEREAS, local organizations play critical roles in monitoring, studying, counting, feeding, enhancing habitat, and assisting injured birds including Grosse Pointe Audubon, Detroit Audubon, Metro-Detroit Nature Network, the Detroit Zoo, the Detroit River International Wildlife Refuge, the Friends of the Detroit River, and the Huron-Clinton Metropolitan Park Authority.

WHEREAS, our local area includes a significant migratory and wintering assemblage of Canvasback Ducks totaling 10 percent of the world's population and Lake St. Clair serves as a stop-over for thousands of raptors and migratory waterfowl.

WHEREAS, human actions present the number one threat to birds, including change in the climate, destruction of habitat, planting of non-native and invasive plants that reduce natural food sources, impacts with buildings, the introduction of invasive species, and overuse of chemicals in yards and parks that create toxic runoff in waterways, all of which can be mitigated or prevented through common sense best practices.

THEREFORE, in honor of the 100th anniversary of the Migratory Bird Treaty Act, I do hereby proclaim 2018 to be **Year of the Bird in the City of Grosse Pointe Park** and urge businesses and citizens in our community to promote the conservation of our environment, the planting of native trees, and the protection of birds that live in and travel through our city, the Lake St. Clair Watershed, and the Mississippi and Atlantic Flyways that converge here.

President of the Grosse Pointe Audubon Association expressed his gratitude to the Council for their service. He noted the Migratory Bird Treaty Act was adopted 100 years ago and there are many residents who work to continue to protect and the birds and Lake St. Clair.

Motion by Mayor Denner, supported by Councilmember Read, to adopt the Year of the Bird 2018 Proclamation as presented.

AYES: Councilmembers Clark, Read, Chouinard, Robson, Detwiler, and Grano, and Mayor Denner

NAYS: None

ANNUAL MAINTENANCE PERMITS

WAYNE COUNTY

Mayor Denner presented to Council for consideration the adoption of the Annual Maintenance Permits for Wayne County.

The resolution reads as follows:

WHEREAS, the City of Grosse Pointe Park (hereinafter the “Community”) periodically applies to the County of Wayne Department of Public Services, Engineering Division Permit Office (hereinafter the “County”) for permits to conduct emergency repairs, annual maintenance work, and for other purposes on local and County roads located entirely within the boundaries of the Community, as needed from time to time to maintain the roads in a condition reasonably safe and convenient for public travel;

WHEREAS, pursuant to Act 51 of 1951, being MCL 247.651 *et seq*, the County permits and regulates such activities noted above and related temporary road closures;

NOW THEREFORE, BE IT RESOLVED, in consideration of the County granting such permit (hereinafter the “Permit”), the Community agrees and resolves that:

Any work performed for the Community by a contractor or subcontractor will be solely as a contractor for the Community and not as a contractor or agent of the County. Any claims by any contractor or subcontractor will be the sole responsibility of the Community. The County shall not be subject to any obligations or liabilities by vendors and contractors of the Community, or their subcontractors.

The Community shall take no unlawful action or conduct, which arises either directly or indirectly out of its obligations, responsibilities, and duties under the Permit which results in claims being asserted against or judgement being imposed against the County, and all officers, agents and employees thereof pursuant to a maintenance contract. In the event that same occurs, for the purposes of the Permit, it will be considered a breach of the Permit thereby giving the County a right to seek and obtain any necessary relief or remedy, including, but not by way of limitation, a judgement for money damages.

With respect to any activities authorized by Permit, when the Community requires insurance on its own or its contractor’s behalf, it shall also require that such policy include as named insured the County of Wayne and all officers, agents and employees thereof.

The incorporation by the County of this Resolution as part of a permit does not prevent the County from requiring additional performance security or insurance before issuance of a Permit.

This Resolution stipulates that the requesting Community shall, at no expense to Wayne County, provide necessary police supervision, establish detours and post all necessary signs and other traffic control devices in accordance with the Michigan Manual of Uniform Traffic Control Devices.

This Resolution stipulates that the requesting Community shall assume full responsibility for the cost of repairing damage done to the County road during the period of road closure or partial closure.

This Resolution shall continue in force from the date of execution until cancelled by the Community or the County with no less than thirty (30) days prior written notice to the other party. It will not be cancelled or otherwise terminated by the Community with regard to any Permit which has already been issued or activity which has already been undertaken.

The Community stipulates that it agrees to the terms of the County of Wayne permit at the time a permit is signed by the Community's authorized representative.

BE IT FURTHER RESOLVED, that the following individual(s) is/are authorized in their official capacity as the Community's authorized representative to sign and so bind the Community to the provisions of any and all permits applied for the County of Wayne, Department of Public Services Engineering Division Permit Office for the necessary permits from time to time to work within County road right-of-way or local roads on behalf of the Community.

Dale M. Krajniak
Nicholas Sizeland

City Manager
Assistant to the City Manager

Motion by Councilmember Clark, supported by Councilmember Chouinard, to adopt the Annual Maintenance Permits for Wayne County

AYES: Councilmembers Clark, Read, Chouinard, Robson, Detwiler, and Grano, and Mayor Denner

NAYS: None

PROPERTY TRANSFER AFFIDAVIT
WAIVER OF PENALTIES FOR FAILURE TO FILE
PROPERTY TRANSFER AFFIDAVITS

Mayor Denner presented to Council for consideration the Property Transfer Affidavits Resolution.

The resolutions read as follows:

WHEREAS, the City of Grosse Pointe Park is aware that Michigan statute, MCL 211.27a(10) requires the buyer, grantee or other transferee of a property to notify the appropriate assessing office within 45 days when a transfer of ownership occurs, and

WHEREAS, MCL 211.27A(10) further requires that such notification be made on a form prescribed by the State Tax Commission, commonly known as a Property Transfer Affidavit (form 2766 or L-4260), and

WHEREAS, the City is aware that MCL 211.27b(1)(c) and (d) provides for specific penalties to be levied if the appropriate assessing office is not notified within 45 days, and

WHEREAS, MCL 211.27b(5) allows the governing body to waive, by resolution, the penalty levied under subsection (1) (c) or (d), and

WHEREAS, the City of Grosse Pointe Park Assessing Office has procedures in place to notify the buyer, grantee or transferee of a property when the Property Transfer Affidavit has not been filed, and

WHEREAS, the City finds the collection of penalties is unnecessary

NOW, THEREFORE BE IT RESOLVED the Council of the City of Grosse Pointe Park, as provided in MCL 211.27b (5), waives the collection of penalties under subsections (1) (c) or (d), and

ALSO THEREFORE BE IT RESOLVED that any resolution, policy or directive in conflict with this Resolution is hereby repealed

Motion by Councilmember Grano, supported by Councilmember Robson, to adopt the Property Transfer Affidavit waiver of penalties for failure to file property transfer affidavits.

AYES: Councilmembers Clark, Read, Chouinard, Robson, Detwiler, and Grano, and Mayor Denner

NAYS: None

BEAUTIFICATION COMMISSION RE-APPOINTMENTS

Mayor Denner presented to Council for consideration the re-appointments to the Beautification Commission for a two-year term.

The re-appointments are as follows:

Pat Deck
Shellie Hansen
Wm. D.G. Balance
Dee Cimini
Kimberly Clexton
Barbara Miller
Laura S. Orma

Motion by Mayor Denner, supported by Councilmember Read, to re-appoint the members as listed above for a two-year term.

AYES: Councilmembers Clark, Read, Chouinard, Robson, Detwiler, and Grano, and Mayor Denner

NAYS: None

Ordinance No. 209

Mayor Denner presented to Council for consideration adoption of Ordinance No. 209 – Prohibiting Marihuana Establishments in Grosse Pointe Park.

The Ordinance reads as follows:

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GROSSE POINTE PARK TO ADD ARTICLE V TO CHAPTER 13 TO PROHIBIT MARIHUANA ESTABLISHMENTS UNDER THE MICHIGAN REGULATION AND TAXATION OF MARIHUANA ACT, BALLOT PROPOSAL 1 OF 2018.

The City of Grosse Pointe Park Ordains:

Section 1: Chapter 13 of the Code of the City of Grosse Pointe Park is amended to add Article V that shall read as follows:

ARTICLE V. MARIHUANA ESTABLISHMENTS

Sec. 13-56. Prohibition of Marihuana Establishments.

Pursuant to the Michigan Regulation and Taxation of Marihuana Act, Section 6.1, the City elects to prohibit marihuana establishments within its boundaries.

Motion by Councilmember Clark, supported by Councilmember Grano, to adopt Ordinance No. 209 Prohibiting Marihuana Establishments in Grosse Pointe Park.

AYES: Councilmembers Clark, Read, Chouinard, Robson, Detwiler, and Grano, and Mayor Denner

NAYS: None

CITY OF GROSSE POINTE PARK

ORDINANCE NO. 208

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GROSSE POINTE PARK BY AMENDING CHAPTER 15 OF THE CODE OF THE CITY OF GROSSE POINTE PARK

The City of Grosse Pointe Park Ordains:

Section 1: Chapter 15 of the Code of the City of Grosse Pointe Park is amended to add Sec. 15-12 that shall read as follows:

Sec. 15-12. Exterior Lighting.

A. Purpose and Intent:

The purpose of this section is to regulate light spillage and glare to ensure the safety of motorists and pedestrians, and to ensure lighting does not adversely affect land uses on adjacent lands. More specifically, this section is intended to:

1. Regulate lighting to assure that excessive light spillage and glare are not directed at adjacent lands, neighboring areas, and motorists;
2. Ensure that all site lighting is designed and installed to maintain adequate lighting levels on site; and
3. Provide security for persons and land.

B. Applicability:

1. General

The provisions of this section shall apply to the interests of the City unless exempted in accordance with Section 15-12 B. 4, Exemptions.

2. Time of Review

Review for compliance with the standards of this section shall occur as part of the review of an application for a site plan, planned development, certificate of appropriateness, or certificate of zoning use, as appropriate by the City.

3. Existing Development

Compliance with these standards, to the maximum extent practicable, shall also apply to redevelopment of an existing structure, building, or use when it is expanded, enlarged, or otherwise increased in intensity equivalent to or beyond 50 percent.

4. Exemptions

The following uses, activities and development are exempt from the exterior lighting standards of this section:

- a. Lighting associated with navigational beacons;
- b. Holiday lighting during the months of November, December, and January, provided the lighting does not create unsafe glare on street rights-of-way;
- c. Battery-powered emergency lighting;
- d. Architectural lighting (not front and rear porch or door lighting) of 450 lumens (= 40 watts incandescent) or less; and
- e. Lighting owned or operated by the City or utilities regulated by the Michigan Public Service Commission.

C. Exterior Light Fixtures:

Exterior light fixtures located on private property in any Residential District shall be architecturally compatible with the style, materials, colors and details of the building and shall be located and positioned so as to be unobtrusive to the neighbors. Mounting brackets and associated hardware shall be inconspicuous. The type of light source used on the exterior of buildings, pedestrian walkways and other areas of a site, and the light quality produced, shall be the same or compatible. In general, façade lighting should be concealed through shielding or recessed behind architectural features. The use of neon or mercury vapor lighting is prohibited.

- (1) All outdoor lighting used to light a specific site shall be shielded downward or below horizontal to reduce glare and shall be so arranged and designed to reflect light away from all adjacent residences and public right-of-way's.
- (2) Carriage style lights on the interior portion of a parcel may be utilized to light a driveway providing the light source is not greater than an average of 0.5 to 2.0 footcandles at grade (generally 60 watts or less) and providing lights shall have internal shields to direct light downward and away from adjacent properties and roadways as necessary. Such lighting shall not be positioned higher than eight (8) feet above ground or base of entry. Lighting fixtures shall not emit ambient light that exceeds one (1) footcandle at grade measured at any adjoining property line.
- (3) Ground lighting (up-lighting) in any Residential District for the purpose of illuminating landscaping and architectural details, or other specialized lighting in any Residential District (including, without limitation, lighting for the purpose of illuminating flag poles or other similar amenities, and pedestrian walkway illumination) shall be shielded from public view by either landscaping or architectural features and shall be

directed solely at the object to be lit and shall not direct light towards adjacent property or public right-of-way's.

- (4) No floodlights shall be erected or used in any district, unless they are directed to the structure, landscaping or interior lot improvements and shielded from the neighbors and public so as to be unobtrusive.
- (5) Security lighting may be utilized in situations where it is positioned so as to be shielded from neighboring properties, public right-of-way's, and the general public to the greatest extent possible, and such lighting shall not shine directly on adjacent property, nor shall it emit any audible noise.

Motion by Councilmember Clark, supported by Councilmember Grano, to adopt Ordinance No. 208 – An Ordinance to amend the code of the City of Grosse Pointe Park by amending Chapter 15 of the code.

AYES: Councilmembers Clark, Read, Chouinard, Robson, Detwiler, and Grano, and Mayor Denner

NAYS: None

COMMITTEE REPORTS

Mayor Denner presented to Council the committee reports for the meetings since the Council last met.

Beautification

Councilmember Read summarized the meeting that was held on December 5, as follows:

- The commission is transitioning to a new year with new officers. Kim Clextan will be the chair, Vice-chairs will be Laura Orme, Lisa Kyle and Trevor Dinka
- The commission will be patrolling the neighborhoods for holiday awards
- City forester reported that the city planted 72 trees, including 18 large Cleveland Pears on Mack Avenue
- A Grosse Pointe Park contingency will be attending the Beautification Commission of Southeast Michigan quarterly meeting this Thursday, December 13th, hosted by Detroit at The Corner Ballpark (former site of Tiger Stadium).
- The next meeting is scheduled for January 9, 2019 at 7:30 PM in council chambers.

Public Safety

Councilmember Robson summarized the meeting held on December 4, as follows:

Traffic Safety

- Discussed the reposition of stop signs at Pemberton and Essex.
- Implementation of 4 way stop at Maryland and Kercheval is pending. Implementation of electronic pedestrian signals are cost prohibitive.
- Officers are stationed at the schools, receiving complaints regarding irresponsible traffic behavior

Equipment

- New fire truck and gear have been purchased
- Director reviewing replacing body cams
-

Personnel

- Morale in the department is very good
- Two officers retiring, one resigned. Replacements include three experienced officers with public safety backgrounds

Ambulance Service

- Currently under review by the administration

Training

- Director provided an overview of training currently underway

Planning

Councilmember Clark summarized the meeting held on December 5, 2018

- The Master Plan map needs to be upgraded to reflect the zoning changes
- Park system utilization was approximately 170,000 from Memorial Day to Labor Day
- Patterson Park remains a passive park
- Housing land limited, condominiums above commercial areas or apartments are short term rentals
- Reviewed low enrollment in the Grosse Pointe Public Schools, focus on family-oriented initiatives
- Traffic study for commercial traffic and bus lines
- Parking is expensive to provide, City Manager suggesting a valet/shuttle service
- Community interests, solicit feedback from standing committees, open meetings, contribute their ideas and provide a forum for public impact
- March 15, target date for the subcommittee to report to the commission

FINANCE REPORT – NOVEMBER, 2018

Councilmember for Finance Detwiler presented the invoices exceeding \$5,000 for the month of November, 2018, for approval as presented.

<u>Vendor</u>	<u>Description</u>	<u>Payment</u>
Build Safe Inspection	Building Inspection – Oct	\$ 10,350
Bodman, PLC	Pros. Atty. & retainer fee	10,000
Great Lakes Water	Water usage – Aug & September	254,434
De Roche	Curb site work	15,912
G.P. Clinton Refuse	Refuse disposal – Sept. & Oct	17,939
Great Lakes Water	Waste Water- September	150,100
Green for Life	Recycling – November	11,564
Green for Life	Rubbish – November	36,189

Motion by Councilmember Detwiler, supported by Mayor Denner, to accept the invoices for \$5,000 and over for the month of November, 2018, as presented in accordance with Section 2.249 of the charter.

AYES: Councilmembers Clark, Read, Chouinard, Robson, Detwiler, and Grano, and Mayor Denner

NAYS: None

CLOSED DOOR SESSION

Mayor Denner requested that a closed-door session be held immediately following the regular meeting pursuant to Contract Negotiations

Motion by Mayor Denner, supported by Councilmember Clark, that a closed-door session be held immediately following the regular meeting pursuant to Contract Negotiations

AYES: Councilmembers Clark, Read, Chouinard, Robson, Detwiler, and Grano, and Mayor Denner

NAYS: None

NEW/OLD BUSINESS

Councilmember Grano commended the Public Safety Department for the training efforts. He inquired with the new marijuana law recently passed, how do you detect drivers of this use. He recommended additional training to know what to look for.

Councilmember Read apprised those present that the Community & Public Arts Detroit (C+PAD) is hosting its year-end meeting/celebration for the Fox Creek Artscape on December 13th at the Le Petit Dejeuner on East Jefferson from 6 to 8 PM and all who wish to attend are invited.

Councilmember Read also stated she attended a Tech Town presentation at Norma G's restaurant on December 4th, highlighting the economic development along the East Jefferson corridor, including 18 new businesses with more to come. That development, along with the announcement of the \$35 million corporate grant for Detroit neighborhoods, which includes Jefferson/Chalmers, is good news for Grosse Pointe Park.

Councilmember Robson stated 1451 Lakepointe appears to be vacant and is currently for sale. He requested the administration be diligent on the status of this property.

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

The meeting reconvened to open door session.

CONTRACT

Motion by Mayor Denner, supported by Councilmember Clark, to direct the City Manager and City Attorney to finalize the agreements as discussed in closed door session.

AYES: Councilmembers Clark, Read, Chouinard, Robson, Detwiler, and Grano, and Mayor Denner

NAYS: None

With no further business, the meeting adjourned.