

COUNCIL MEETING – SEPTEMBER 28 2020
7:00 P.M.

An electronic meeting through Zoom was held under Governor Whitmer’s Executive Order 2020-160 and to minimize the spread of COVID-19.

The meeting was called to order by Mayor Denner and opened with the Pledge of Allegiance to the Flag.

The following were electronically present: Councilmembers Relan, Read, Hodges, Robson, and Fluitt, and Mayor Denner.

Excused Absence: Councilmember Grano

Also electronically present: Nick Sizeland, City Manager, Jane M. Blahut, Finance Director/Clerk, Jake Howlett, City Attorney, Stephen Poloni, Director of Public Safety, and Leah Smith, Assistant to the City Manager.

APPROVAL OF CONSENT AGENDA

Mayor Denner presented to Council for consideration the approval of the consent agenda as presented.

The consent agenda included the following items:

- Approval of August 24th meeting minutes
- Finance Report

Motion by Councilmember Read, supported by Councilmember Robson, to approve the consent agenda as presented.

Councilmember Fluitt requested that on page 8 of the minutes, the amount spent for the bus turn around be corrected to \$100,000.

AYES: Councilmembers Relan, Read, Hodges, Robson, and Fluitt, and Mayor Denner

NAYS: None

APPROVAL OF REGULAR AGENDA

Mayor Denner presented to Council for consideration the approval of the regular agenda as presented.

Motion by Councilmember Read, supported by Councilmember Relan, to approve the regular agenda as presented.

AYES: Councilmembers Relan, Read, Hodges, Robson, and Fluitt, and Mayor Denner

NAYS: None

PUBLIC COMMENT (AGENDA ITEMS)

City Manager Sizeland read one written comment submitted by a resident.

One resident made verbal comments.

MANAGERS REPORT

City Manager Sizeland presented a brief overview of the status of issues since the last meeting.

- 2020 Road Program
- Halloween in the Park
- Westchester/Somerset Crossing on Jefferson
- City Master Plan
- Social District
- TIFA and DDA COVID Support Programs
- Grant Award updates
- DTE update
- Public Works Building
- Parks and Recreation Commission Bylaws
- Donation & Gift Policy
- URIF Discussions Update

Councilmember Read stated she had requested a Donation and Gift Policy be developed and has requested a moratorium on accepting gifts and donations until the policy is in place. Specific items include project budget and ongoing maintenance agreement.

Councilmember Fluitt inquired on how Council members can be ensured that comments made during the public comment portions of the meeting are being followed up on and responded to.

City Manager Sizeland stated that he encourages residents who had questions to email their questions to the City Manager and/or the appropriate Department Head. Residents can also call City Hall. If he is unavailable, Ms. Smith will handle the inquiry and provide the information to him at the earliest time available.

Councilmember Fluitt stated concerns with the final design of the Public Works Facility and the lack of sustainability initiatives included in the design.

City Manager Sizeland stated that there is a holding tank included in the design to capture stormwater run-off from the roof. The architect is currently gathering pricing to address the concerns raised from the planning commission. Once the final pricing for those concerns is in place, the City will be able to look at potentially utilizing any remaining project funds towards sustainability initiatives.

Councilmember Relan requested clarification on the Master Plan process and inquired on if City Council will make the final decision regarding which firm will be hired to complete the project.

City Manager Sizeland stated that the Planning Commission will handle interviewing the final four firms during a public meeting via Zoom. The firms will make a presentation and the Planning Commission will select the consultant to complete the project.

Mayor Denner stated that the Planning Commission send the final product to City Council for final approval and adoption.

Councilmember Relan stated that he did not think the Planning Commission should have approved the Public Works Facility site plan without the requested changes incorporated and without a final site plan in place. He inquired if City Council could send the plan back to the Planning Commission as a vote of no confidence.

City Attorney Howlett stated that the approval of the site plan as presented is not illegal and that there is no mechanism for City Council to send the site plan back to Planning Commission because it has been approved.

Councilmembers Fluitt and Relan both had questions relative to the cost of the Verdonckt's building.

City Manager Sizeland stated that he would review and report to Council.

DEPARTMENT HEAD REPORT: CITY CLERK'S OFFICE

City Clerk Blahut provided a brief update regarding the upcoming election and the Absentee Voting Counting Board process.

The City will be holding the Election Commission meeting on October 13^{at} at 2 pm via Zoom. Clerk Blahut stated that the meeting will be open to the public. The only agenda item for the meeting will be the Election Commission approving the poll workers and the list of poll workers that will be sent to the national Democratic and Republican parties, Wayne County, and the state of Michigan.

Councilmember Fluitt asked for the process to be explained when the signature is either not verifiable or the signature appears to not match and how the voter is notified when this occurs.

Clerk Blahut stated that we first try to notify the voter by phone. The second step is to try to notify the voter via email if their email is on file. The last step is to mail a letter to the same address notifying them that their signature cannot be verified. If this happens, the voter needs to come to City Hall and complete the application by signing their name.

Councilmember Fluitt inquired on the steps being taken to inform voters that precincts 5 and 6 are not voting at Defer for the November election.

Clerk Blahut stated that a letter was sent to all of the registered voters within the precincts notifying them of the change in polling location. On election day, there will be signs posted notifying voters that they need to go the Lavins Center to vote in person. The information is also posted on the City website and on Facebook.

COMMITTEE AND COMISSION REPORTS

Downtown Development Authority:

Mayor Denner stated that the Downtown Development Authority held a meeting on September 1st. An update was provided on the improvements to the crossing at Jefferson Avenue and Westchester/Somerset. Improvements include shortening the crossing by 26 feet, installation of ADA ramps, and working with the County to lengthen the crossing time. The Board also approved the creation of the COVID-19 Supported program. The program is intended to help businesses located throughout the DDA with costs related to re-opening. The maximum award per business is \$1,500, and the DDA budget for the program \$10,000.

Parks and Recreation Commission:

Councilmember Read stated that the Recreation Commission met on September 2nd via Zoom. The primary agenda item was administration's presentation of the dog park analysis. The administration is recommending installation of a dog park at site A which is between the skating rink/reflecting pond and the Grand Marais perimeter. The complete analysis is available on the city website. Parks and Recreation Supervisor Chad Craig announced that the anonymous donor is Joe Backer of Backer Landscaping.

The abbreviated pool season was successful, with no Covid-related closures. Camp Wind-Y-Mill took place with reduced camping sites and other social distancing measures. Chad Craig and his team are currently reviewing options for Halloween in the Park.

Tennis court resurfacing is planned for the spring of 2021

Lavins Center activities will resume, again with modifications which will include reconfiguring the fitness center.

Administration continues to monitor and evaluate the marina conditions, including a recent U.S. Army Corps of Engineers assessment. The administration has created a marina sub-committee comprised of slip owners. Commissioner Larry Haggart will serve as liaison. The most recent good news from the marina is that power has been restored to pier 4.

At Patterson Park, the Army Corps of Engineers also evaluated the shoreline erosion issues. We invited the corps of engineers to conduct these assessments as the city evaluates short- and long-term remedies at both the marina and the Patterson Park shoreline. We added 12 kayak racks this year, allowing 48 more slots. There are currently 108 residents on the waitlist with a 15-20 slot turnover per season. The city is looking to add more racks next year.

Planning Commission:

Mayor Denner stated that the Planning Commission held a meeting on September 24th. The only item on the agenda was the proposed site plan for the Public Works Facility located on Mack Avenue between Wayburn and Maryland. A public hearing was held. City Manager Sizeland briefed the commission on the history of the project including the City Council conditional approval of the project in December 2019. A letter from the City Attorney included that a municipality does not have to follow its own zoning for City projects and a letter from OHM Advisors was included providing a review of the proposed site. The architect, Stuckey Vitale, provided an overview of the proposed site plan for the commission and answered commission questions. The Commission unanimously approved the site plan

with the condition that the comments from the commission be considered for incorporation into the final design.

Beautification Commission:

Councilmember Relan stated that the Beautification Commission held a meeting on September 16th. The Commission is currently working on developing a plan for how to host the Beautification Awards virtually and hope to have a plan finalized at the next meeting scheduled for October 7th. The Commission also discussed and agreed upon three homes that will be receiving the Century award based on age and the current condition of the properties. The Commission is also working on how to host the annual plant exchange and brainstorming how to get younger residents involved in the Beautification Commission.

UNFINISHED BUSINESS:
COUNCIL COMMENT

Councilmember Fluitt asked for an update regarding the status of Janet's Lunch.

City Manager Sizeland stated that he would need to ask Chief Building Official Supal for an update on the engineering report on the integrity of the building, and will report back when the report has been turned in.

Councilmember Fluitt asked for a monthly update regarding the meetings that have been happening between some of the Grosse Pointes and the NAACP that Chief Poloni has been attending.

Chief Poloni stated that the group has had three meetings so far. Topics have included policies and processes, and hiring of officers. The conversations are going well and open dialogue has been established. The group is being invited for a field trip to come and look at the training and the new station in Grosse Pointe. The meetings are semi-private and not open to the public.

Councilmember Robson asked for an update on the re-opening of the fitness center and the movie theaters.

City Manager Sizeland stated that on October 5th, there will be a walk through and re-registration for fitness center members who want to see how the new format will work and how the sign-up genius functions. Members will be able to start working out again on site start October 12th. The City is still developing a best plan for reopening the theatres and the Lavins Activity Center.

Councilmember Read stated that because the Real Estate Development Commission is no longer an active committee, City Council should consider creating another committee in its place to address current issues.

NEW BUSINESS:
SAFE ROUTES TO SCHOOLS RESOLUTION

Mayor Denner asked City Manager Sizeland to present the topic for council consideration.

City Manager Sizeland stated that the resolution before the Council is to include with the Safe Routes to School (SR2S) Grant application to be submitted to the Michigan Department of Transportation by the Grosse Pointe Public School System. The School System has asked the City to act as the ACT 51 Agency for the grant, which would include Pierce Middle School and Defer Elementary School. The total funding amount possible is \$440,000.

Through ongoing negotiations with the School System, the City will only incur costs for engineering, design, and construction as this is not considered eligible expenses under the SR2S program. This agreement is similar to the agreement already in place between the School System and the City of Grosse Pointe for the application for improvements at Maire Elementary. The City has already utilized DDA funds to pay for the improvements to the Jefferson and Westchester/Somerset crossing, reducing the School System's application by \$20,000.

City Manager Sizeland recommended approval of the following resolution:

WHEREAS, the Safe Routes to School program is a federally funded program administered in Michigan by the Michigan Department of Transportation (MDOT);

WHEREAS, the City of Grosse Pointe Park, in partnership with the Grosse Pointe Public School District, is applying for funds through MDOT from the Safe Routes to School program to construct certain infrastructure projects throughout the City for the GPPSS South Cluster of Pierce Middle School and Defer Elementary School, including crosswalks, traffic safety devices, signage, sidewalks, and to engage in education to enable and encourage children to safely walk and bike to school;

WHEREAS, MDOT requires a formal commitment from the public agency that will be receiving these funds and will be implementing and maintaining these infrastructure projects;

NOW, THEREFORE, BE IT RESOLVED THAT, the City has authorized Nick Sizeland, City Manager, to act as agent on behalf of the City to request Safe Routes to School funding, to act as the applicant's agent during the project development, and to sign a project agreement for Contract No. 20- upon receipt of a funding award;

BE IT FURTHER RESOLVED THAT, the City attests to the existence of, and commits to, the funds necessary to carry out the project, including engineering for design and construction, permit fees, administration costs, and cost overruns;

BE IT FURTHER RESOLVED THAT, the City commits to owning, operating, funding and implementing a maintenance program over the design life of the facilities constructed with Safe Routes to School funding.

Motion by Councilmember Read, supported by Councilmember Relan, to adopt the resolution as presented.

Councilmember Fluitt inquired on how the cost of the project would be split between the involved parties.

City Manager Sizeland stated that a 50/50 split had been considered but would like to negotiate a lower cost based on the contributions of \$20,000 from the DDA for the improvements at Jefferson and

Westchester/Somerset. The negotiations on the scope and the split will be easier to have once an award amount has been announced by MDOT; there may be more or less available then \$440,000 being applied for.

Councilmember Hodges recommended amending the motion to include a not exceed amount of \$60,000. With no support, the amendment did not carry.

Councilmember Robson inquired on where the funding for the project was coming from in the budget.

City Manager Sizeland stated that he wanted to look at utilizing TIFA funds for this project.

Councilmember Fluitt stated that she does not want TIFA funds used towards this project.

AYES: Councilmembers Relan, Read, Hodges, Robson, and Fluitt, and Mayor Denner

NAYS: None

NEW BUSINESS:
COMMISSION AND BOARD APPOINTMENTS

Parks and Recreation Commission:

Mayor Denner stated that there was opening on the Park and Recreation Commission because a Commission member had moved out of the City. The appointment being recommended will be for the remaining term that expires in 12/2021. Mayor Denner stated that he was recommending Mr. James Ceuninck to fill the vacant seat. Mr. Ceuninck lives on Beaconsfield and has been very active in many parks and recreation programs. Professionally, Mr. Ceuninck works in program management in purchasing with a large corporation.

Motion by Mayor Denner, supported by Councilmember Read, to appoint James Ceuninck to fill the vacant seat on the Parks and Recreation Commission.

AYES: Councilmembers Relan, Read, Hodges, Robson, and Fluitt, and Mayor Denner

NAYS: None

Downtown Development Authority:

Mayor Denner stated that there are three terms expiring on the Downtown Development Authority board. In statute, not less than a majority of members should have an interest in property located in the Downtown Development Authority District or be an employee of an entity with interest in property located in the Downtown Development Authority District.

Mayor Denner stated that he was recommending the reappointment of Dr. Phillip Hessburg to the Downtown Development Authority Board. Dr. Hessburg is the founder and director of the Detroit Institute of Ophthalmology, which is located within the district. Dr. Hessburg has served on the DDA since its inception and is currently the chair.

Motion by Mayor Denner, supported by Councilmember Robson, to reappoint Dr. Phillip Hessburg to the Downtown Development Authority for a four-year term expiring in 2024.

Councilmembers Fluitt, Relan, and Read all stated that they believed Dr. Hessburg had served on the Downtown Development Authority for too long.

Councilmember Read inquired on how many board members are currently considered as having an interest in property, and how many are required per statute.

Mayor Denner stated that per statute, at least half must have an interest, and currently six members have an interest. If the proposed appointments are approved, five will have an interest, which is the statutory minimum.

Councilmember Read inquired on what would happen if an appointment was not confirmed by Council and a term is expired.

City Attorney Howlett stated that the current member will continue to serve after expiration until a new member is appointed and confirmed by Council.

AYES: Councilmembers Read, Hodges, Robson, and Mayor Denner

NAYS: Councilmembers Relan and Fluitt.

Mayor Denner stated that he was recommending Ms. Allene Carlile for reappointment to the Downtown Development Authority. Ms. Carlile has served on the DDA since 2012 and is a financial professional. Ms. Carlile is a resident of the condominiums at the corner of Jefferson and Lakepointe. The state statute does require that if there are more than 100 residents in the District, one resident must be appointed to the Board. There are less than 100 residents within the District but it is important to keep a resident representative on the board and Ms. Carlile would fill that requirement.

Motion by Mayor Denner, supported by, supported by Councilmember Robson, to re-appoint Ms. Allene Carlile to the Downtown Development Authority for a four-year term expiring in 2024.

Councilmembers Read, Relan, and Fluitt all stated that they could not support the reappointment of Ms. Carlile because she did not fill out an application.

Mayor Denner stated that he had contacted Ms. Carlile and requested a short biography due to her current placement on the DDA and that he would ask her to fill out an application.

AYES: Councilmembers Hodges, and Mayor Denner

NAYS: Councilmembers Relan, Read, Robson, and Fluitt.

Mayor Denner stated that he would continue to accept applications for the Downtown Development Authority for consideration at the October council meeting.

Mayor Denner stated that for the third vacancy, he was recommending Ms. Laura Ochab for appointment. Ms. Ochab is a resident on Westchester and has no interest in the District. Ms. Ochab is a CPA and is currently a corporate controller.

Motion by Mayor Denner, supported by Councilmember Read, to appoint Laura Ochab to the Downtown Development Authority for a four-year term expiring in 2024.

AYES: Councilmembers Relan, Read, Hodges, Robson, and Fluitt, and Mayor Denner

NAYS: None

Planning Commission:

Mayor Denner stated that there are two seats open on the Planning Commission due to expire this year. After discussions with the incumbents, both indicated that it would be appropriate for them to retire from public service at this time. Per the City ordinance regarding membership: "six of whom shall be representatives, in so far as possible, of important segments of the community such as economic, governmental, educational, and social development of the City, in accordance with major interests that exist within the City, and shall be appointed by the Mayor and subject to majority approval by Council".

Mayor Denner stated that he is recommending the appointment of Jimmy Saros to the Planning Commission. Mr. Saros is currently a lead in operating Saros Real Estate and is a real estate broker. He lives on Balfour and attended Brown University.

Motion by Mayor Denner, supported by Councilmember Robson, to appoint Jimmy Saros to the position on the Planning Commission currently held by another realtor, Mr. Fikany.

Councilmembers Fluitt, Relan, Read, and Hodges all stated that they did not understand why a certified planner was not being appointed to the Commission.

Councilmember Read inquired if Council could add the appointment of one of the urban planners to the current meeting agenda.

City Attorney Howlett reminded the Council that the appointment could not be tabled and that the only way to keep the seat open for another appointment would be to deny the Mayor's current appointment recommendation. It is clear in City Charter that the Mayor makes the appointment and Council confirms. It would be inappropriate to add an appointment of an individual to a commission when it is not the Mayor's appointment.

AYES: Councilmember Robson and Mayor Denner

NAYS: Councilmembers Relan, Read, Hodges, and Fluitt.

Mayor Denner stated that he would continue to accept applications to fill the seat for the Planning Commission for consideration at the October council meeting.

Mayor Denner stated that he is recommending the appointment of Michael Vethacke to fill the seat on the Planning Commission currently filled by Mr. Gaskin. Mr. Vethacke is a resident of Devonshire and has an MBA and an engineering degree. He also has volunteered his time to the community through his

work with the Cub Scouts and fundraising for Defer. Professionally, he is in the financial area and brings analytical skills that will be valuable to the Commission.

Motion by Mayor Denner, supported by Councilmember Read, to appoint Michael Vethacke to fill the seat on the Planning Commission currently held by Mr. Gaskin.

Councilmember Robson inquired on if the two most recent appointments to Planning Commission had strong planning backgrounds.

Mayor Denner stated that they had related backgrounds including real estate development and site review. In 2015, Mayor Theokas appointed Malik Goodwin to the planning commission. Commission Goodwin is not a certified planner but does have planning experience and has a consulting practice that includes urban planning.

AYES: Councilmembers Relan, Read, Hodges, and Robson, and Mayor Denner

NAYS: Councilmember Fluitt

NEW BUSINESS:

COUNCILMEMBER RESIGNATION AND COUNCIL VACANCY DISCUSSION

Mayor Denner stated that the City Clerk is in receipt of a letter dated September 4th from Councilmember Grano indicating that he was resigning from Council. Per the charter, the first step in the process is for Council to accept the resignation of Councilmember Grano. Once the resignation is accepted, Council has sixty days to appoint an individual to fill the vacancy. This is appointment is unlike an appointment to the City boards and commissions. Any member of council can nominate someone to fill the vacancy and a person can be confirmed for appointment by a majority vote of council, which would be four votes.

Motion by Mayor Denner, supported by Councilmember Read, to accept the resignation of Mr. Dan Grano from the City Council.

AYES: Councilmembers Relan, Read, Hodges, Robson, and Fluitt, and Mayor Denner

NAYS: None

Mayor Denner thanked Mr. Grano for his almost fifteen years of service to the City and stated that he would like to recognize Mr. Grano's contributions at a later meeting.

Mayor Denner asked City Manager Sizeland to provide further details regarding the process.

City Manager Sizeland stated that a council vacancy needs to be filled by an appointment of the majority of City Council to serve out the remainder of the vacant term within 60 days of Council accepting the vacancy. This is found in City Charter section 5.4(c). Councilmember Grano terms expires September 28th with the acceptance of his resignation by City Council. In order to avoid having a special election called, City Council must appoint an individual to finish out the term expiring in November, 2021 by November 27th. If City Council fails to appoint someone by this deadline, the City Clerk will call for a

special election. Due to County requirements, the special election could not be held until May, 2021. A special election could cost the City approximately \$10,000 - \$12,000 to administer.

The Administration is proposing an announcement of the vacancy on September 29th with the Council applications due by 4:00 PM on Wednesday, October 28th. Questions would be prepared by Administration and an interview with each candidate would be held by Council at a special meeting open to the public. Each candidate would receive the same questions in random order. Depending on the State of Michigan guidelines, this meeting could be held in-person or via Zoom. City Manager Sizeland recommended scheduling the meeting for the week of November 9th.

Councilmember Read stated that in-person interviews would be preferred and that Administration should consider talking to the schools about utilizing one of their auditoriums and live streaming the interviews for the public to participate.

Mayor Denner asked City Attorney Howlett to investigate if the City Council could legally hold a meeting outside of the City limits because the largest spaces available through the School District are at schools not located in Grosse Pointe Park.

Councilmember Fluitt stated that the proposed application process appeared to be too long and she would prefer to see an expedited process.

City Manager Sizeland stated through his research that having the council seat posted for 30 days for applications was the best practice throughout the State.

City Attorney Howlett reminded the Council to not discuss candidates amongst themselves because it could trigger OMA. City Attorney Howlett also stated that he would research what the new threshold for triggering the OMA is with six members instead of seven.

Motion by Councilmember Read, supported by Councilmember Robson, to direct City Administration to commence the process to fill the City Council vacancy by posting the vacancy tomorrow, September 29th with a deadline for applications of October 28th and that City Administration explore within the community, the League of Women Voters and the Grosse Pointe Public Schools, the opportunities for running a candidate forum both in terms of format and in terms of available forums.

AYES: Councilmembers Relan, Read, Hodges, Robson, and Fluitt, and Mayor Denner

NAYS: None

NEW BUSINESS: COUNCIL COMMENT

Mayor Denner stated that in addition to reconsidering the appointments that did not pass, the three seats for the new Ethics Board will also be up for consideration at the October meeting. At the December meeting, two terms expiring for the Board of Review and three terms expiring for the Parks and Recreation Commission will be considered. The TIFA Board will also have five terms expiring and those appointments will also be considered at the December meeting. City Administration will announce the deadline for when applications need to be received by.

City Attorney Howlett stated that even if the TIFA Board Appointments were made at an earlier meeting, they could not go into effect until January 1st per the new TIFA by-laws in place.

Councilmember Fluitt requested that because so many TIFA Members terms have expired, TIFA makes no major decisions/expenditures until new members are seated in January.

Councilmember Fluitt asked for an update on the lead service line appointment programs.

City Manager Sizeland stated that the Public Works Department has split the City into five zones. An employee will enter the home and verify the water material line, staff is currently averaging 30-40 homes a day. Per the new guidelines, the City does have to confirm what material your water service line is. Residents may also take a picture of their water service line and email it to the Public Works Department for material verification as well. The Public Works Supervisor anticipates having all line material identified throughout the City by the end of November.

Councilmember Relan inquired on if the City had a budget for the cost of the demolition of the Verdonckt's building.

City Manager Sizeland stated that the City is currently soliciting bids and is waiting for those estimates to be received; a total has not been established.

Councilmember Relan stated that he would like to have an agenda item regarding the barriers dividing Detroit and Grosse Pointe Park as a discussion only topic.

Councilmember Read inquired as to when the seats on the City Commissions and Committees held previously by Mr. Grano would be addressed.

Mayor Denner stated that he wanted to wait to address those until the new councilmember takes office.

PUBLIC COMMENT (NON-AGENDA ITEMS)

City Manager Sizeland read two written comments submitted by residents.

One resident made verbal comments.

Motion by Mayor Denner, supported by Councilmember Read, to adjourn.

AYES: Councilmembers Relan, Read, Hodges, Robson, and Fluitt, and Mayor Denner

NAYS: None

With no further business, the meeting adjourned at 10:30pm-