

City Council MEETING - February 13, 2023  
7:00 PM

CALL TO ORDER

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

ROLL CALL

The following were present: Councilmembers Brenner, Gallagher, Caulfield, Wiener, and McMillan, and Mayor Hodges.

Also present: Nick Sizeland, City Manager; Jane M. Blahut, Finance Director/Clerk; Dan Kelly, City Attorney; Bryan Jarrell, Director of Public Safety; Patrick Droze, OHM Advisors, City Engineer; Warren Rothe, Assistant City Manager; and Courtney Delmege, Deputy Clerk.

Excused Absence: Councilmember Relan.

APPROVAL OF CONSENT AGENDA

Motion by Councilmember Wiener, seconded by Councilmember Caulfield, to approve the consent agenda consisting of the January 9, 2023 minutes, committee and commissions report, appointment for personnel committee chair, finance report, CDBG allocation for fiscal year 2023, receive Planning Commission 2022 annual report and 2023 work plan, Wayne County annual maintenance permit renewal, and the Finance Director/Treasurer position hire.

AYES: Councilmembers Brenner, Caulfield, Wiener, and McMillan, and Mayor Hodges.

NAYS: Councilmember Gallagher.

ABSENT: Councilmember Relan.

PUBLIC COMMENT (AGENDA ITEMS)

No public comments were made.

MANAGERS' REPORT/PUBLIC SAFETY

City Manager Sizeland presented a brief overview of the following items: new City Clerk in March; St. Clare Montefalco parking lot and water main update; DPW update; new Finance Director; Baker Tilly water sewer funding; GLWA updates & collaboration; SEMCOG grant for bioswale rendering at City Hall; McKenna Zoning; Mack Ave Corridor project update; and future meetings with state representatives.

Public Safety Director Jarrell recognized the following officers: James Thompson received a Department Citation award; Sargent Kevin Remus received a Department Commendation award; Officers Scott Gilchrist, Christopher Muklewicz and Emily McGrath were awarded a Department Commendation; Dispatcher Dawn Kelly, Sargent Mike Miller and Public Safety Officer Adam Bremer were awarded a Unit Commendation.

Public Safety Director Jarrell also discussed the following items: Reminder to lock all doors on

vehicles, homes and garages; Hope Not Handcuffs program; stop signs update; and Sargent Stephen Thiel photo to be featured in 2024 Ford Police calendar.

MANAGERS' REPORT/PUBLIC SAFETY:  
PUBLIC SAFETY DEPARTMENT COMMENDATIONS

WAYNE COUNTY SHERIFF WASHINGTON GUEST SPEAKER

Wayne County Sherriff Raphael Washington spoke on the following topics: Plans to collaborate with all 43 cities and townships in Wayne County; Sheriff Washington has 40 years of law enforcement experience; made initiatives to make sure personnel and inmates were protected during the COVID-19 pandemic; improved morale; moving into a new state of the art jail complex in August; recruitment and retention opportunities; Sheriff's department willing to assist with traffic control and additional enforcements when requested; improve community relations; hiring no less than 100 deputies this year; improvements to wages and benefits; streamlining recruitment applications; and intent to provide backup services and alliances with communities.

UNFINISHED BUSINESS:  
COUNCIL COMMENT

Councilmember Gallagher commented on the following: inquired with Finance Director Blahut when the year-end audit would be presented to City Council - Finance Director Blahut stated it would be at the March meeting.

Motion by Councilmember Gallagher to table City Manager Sizeland's personnel review until after the audit review was presented to City Council; with no second, the motion failed.

Councilmember Gallagher commented on the following: the general fund is running at a deficit and it is projected an additional deficit for 202; Finance Director Blahut also projected a deficit for fiscal year 2023/2024 if funding is not found; Expenditures have increased over past two years while reserves have decreased.

Councilmember Caulfield responded to Councilmember Gallagher that his job as finance liaison is to make sure that the budget and the administration are following our charter, reviewing City financials, and an audit is completed by a third party and that the audit is then presented to the City Council.

City Attorney Dan Kelly stated there was no set date for when the audit needed to be presented to the City Council.

Councilmember Gallagher made an inquiry regarding hiring two employees, a Finance Director/Treasurer and a City Clerk instead of one person to replace Clerk Blahut. City manager Sizeland replied that the positions had to be separated and that there was a savings to splitting the jobs. Staff in the administration office, the department of Public Works and the department of Parks and Recreation have been reduced to accommodate the new positions; cuts have also been made in Public Safety.

Councilmember Gallagher inquired why a full resume was not provided and was not presented to the Personnel Committee for the new Finance Director/Treasurer; City Manager Sizeland replied the full resume was sent multiple times to the entire City Council and Personnel Committee and it is not a requirement for the Finance Director/Treasurer to be presented to the

Personnel Committee for the interview.

Councilmember Gallagher inquired why the Assistant City Manager was not appointed as the new City Clerk. City Manager Sizeland responded that at the time the position of Assistant City Manager was open, Clerk Blahut had not announced her retirement. Councilmember Gallagher inquired if Assistant City Manager Rothe was not capable of doing the work of the City Clerk; City Manager Sizeland replied that to be a certified Clerk, it is about a two to three year process; Clerk Blahut added that it takes years of experience working on elections and Assistant City Manager Rothe has no experience in elections; it's not something you can just give someone the title to, there is a lot of stress involved and a lot of behind the scenes work that goes into an election. Clerk Blahut also commented that most of the staff with institutional knowledge are gone.

Councilmember Caulfield commented that we need to get the facts straight as far as the numbers, such as people can see what positions have been added, but they also need to see that positions have been eliminated to compensate for the new positions.

Councilmember Gallagher inquired when the City Council would receive a monthly report regarding the Cost Recovery Ordinance; Public Safety Director Jarrell responded that no costs have been recovered yet. Councilmembers Wiener and Caulfield added that the report from Public Safety Director Jarrell would be received annually, as discussed at the prior City Council meeting.

Councilmember Gallagher inquired with Councilmember Wiener about the success he has had regarding the impact capacity study from the impact analysis off of Alter Road; Councilmember Wiener responded discussions have been had regarding this topic twice before; Councilmember Wiener stated it was requested at the last City Council meeting that the request needs to come in a structured form to email and no request was received to the infrastructure committee. Councilmember Wiener stated there is an important reason for this, reiterating that having snippets in a meeting like this without context must be put in the proper format as the City is in the middle of litigation and there is a strong possibility of misrepresentation and misinterpretation by those viewing the meeting and, can put the City at risk. Councilmember Wiener stated blindsides or 'gotcha' questions during the meetings for Councilmember Gallagher's benefit doesn't necessarily help the community as previously stated at length; if further discussion is still desired, it would be more beneficial to ask questions during a closed session. Councilmember Gallagher replied that Councilmember Wiener made an allegation that Councilmember Gallagher is endangering the City in some way and also commented that her request would be a benefit to not only Grosse Pointe Park but to our bordering communities as well.

Mayor Hodges inquired with City Attorney Dan Kelly regarding going into closed session to discuss further flooding.

Motion by Councilmember Wiener, seconded by Councilmember Brenner to convene to closed session for the purpose of discussing pending litigation.

Councilmember Caulfield inquired if there was a reason to move into a closed session in the middle of the meeting; information regarding any flooding of Alter Road is speculative information and the first of Councilmember Caulfield heard about it. It is a very slippery slope and can the closed session be tabled until later in the meeting.

Councilmember Gallagher stated her request for the impact capacity study was in the minutes from the previous meeting; Councilmember Wiener replied that the request was to be put into writing and emailed to Councilmember Wiener and the infrastructure committee. Mayor Hodges reiterated that all requests, as stated at the last meeting, requests should be put into writing and submitted to the Chair of the Infrastructure Committee, Councilmember Wiener, so they can be properly prepared and properly documented and can have a professional discussion about very important issues and have been entertained in the appropriate venue of in closed door session. Mayor Hodges inquired if it discussion of infrastructure could be delayed as having the closed session in the middle of the meeting is at an inappropriate time.

Councilmember Gallagher responded to Mayor Hodges that nothing during the meeting was inappropriate and Councilmember Gallagher's comments and questions are completely appropriate and necessary in terms of looking at all aspects of protecting our residents and our border communities and, as far as asking for information in writing, Councilmember Gallagher stated she has requested the information over a period of time; her experience with Mayor Hodges and others, that she does not always get a response and often receives a thwarting of looking for information. Councilmember Gallagher stated her request last month for having action items in meeting minutes was so that when she had requests, they were recorded and then the council could follow up on them; she stated this request was in the meeting minutes so it is in writing and Councilmember Gallagher's requests can be monitored in this way.

Motion by Councilmember Gallagher that meeting minutes contain actionable items requested of this body - the current motion of closed session was still on the table, no motion could be made at this time.

AYES:

NAYS: Councilmember Brenner, Gallagher, Caulfield, Wiener, McMillan and Mayor Hodges.

ABSENT: Councilmember Relan.

Motion to go into closed session immediately to discuss pending litigation failed.

Mayor Hodges responded to Councilmember Gallagher, that she acknowledged in her comments to Councilmember Gallagher the importance of the issues being brought to the table so there is no neglect by this body or by the Mayor. It is also chronicled in the minutes that the council did request Councilmember Gallagher to put her concerns in writing so the Council can properly respond. Mayor Hodges stated that she has never received communication from Councilmember Gallagher and instructed City manager Sizeland to look into the email addresses to make sure there are no problems.

Councilmember Gallagher stated the comment was in the minutes. Councilmember Brenner inquired, because the request was in the minutes that it was Councilmember Gallagher's formal in-writing request? Councilmember Gallagher stated that her formal request was printed in the meeting minutes.

Councilmember Wiener commented that the Council is a body of seven and it requires collaboration. Requests are a two-way street. The Council has been talking about financial responsibilities, we have a sword of Damocles hanging over the City with a massive lawsuit, so

it's nice to nip around the edges, talking about how to save a few dollars here and there, but again, there's a major issue the Council is dealing with in the City that they are all aware of and so there is a responsible way to handle it which is why the Council will convene to closed session later during the meeting.

NEW BUSINESS:  
RESOLUTION CELEBRATING BLACK HISTORY MONTH

Motion by Councilmember Brenner, seconded by Councilmember Caulfield, to adopt the resolution celebrating Black History Month as presented.

AYES: Councilmembers Brenner, Gallagher, Caulfield, Wiener, and McMillan, and Mayor Hodges.

NAYS: None

ABSENT: Councilmember Relan.

REAL ESTATE LISTING AGREEMENT AWARD

Motion by Councilmember Brenner, seconded by Councilmember Caulfield, to Motion to approve the Listing Agreement with Iconic Real Estate for the sale of 2170, 2174, 2180, 2186, 2194, 2226 and 2500 Alter Rd.

AYES: Councilmembers Brenner, Gallagher, Caulfield, Wiener, and McMillan, and Mayor Hodges.

NAYS: None

ABSENT: Councilmember Relan.

EERV SEWER RELIEF UPDATE

The City of Grosse Pointe Park was issued Part 41 for the Construction of the Emergency Relief Sewer Relief System (aka EERV) project. The permit marks an important step in the advancement of this critical infrastructure project. The permit allows the City to move forward with construction activities necessary to provide the interconnect between the low level sanitary trunk sewer system and the stormwater pumping station at Patterson Park. As part of permit coordination, there were several changes to the design that were updated on the construction drawings. This included:

- Shifting the sluice gate structure north of the park fencing line into the Essex Street right of way.
- Elimination of a dewatering system upstream of the check valve. In lieu of this, an additional access manhole will be installed to facilitate inspection and after-event pump down.
- Additions of a flow monitoring manhole located north of the check valve for use in recording event activity.

Motion by Councilmember Wiener, seconded by Councilmember Caulfield, to direct OHM Advisors to go out for bid for the EERV.

AYES: Councilmembers Brenner, Gallagher, Caulfield, Wiener, Relan and McMillan, and Mayor Hodges.

NAYS: None

ABSENT: Councilmember Relan.

### KERCHEVAL AVENUE REHABILITATION AWARD

Bids for the Kercheval Avenue Rehabilitation project were received, opened and read aloud at 11:00 AM on Tuesday, February 7, 2023, at the City of Grosse Pointe Park offices. Bids were received from four (4) bidders, with the bid pricing ranging from \$675,247.84 to \$738,676.50, as shown on the attached tabulation. The low bid was received by Florence Cement Company located at 51515 Corridor, Shelby Township, MI 48315 for the amount of \$675,247.84. The low bid amount is approximately 1 % above the engineer's opinion of the probable cost. The project is funded in part via a \$415,000 MDOT grant and major/local street funds.

Motion by Councilmember Wiener, seconded by Councilmember McMillan, to proceed with the low bidder Florence Cement Company at a cost not to exceed \$675,247.84 for the completion of the Kercheval Avenue rehab from Balfour to Bedford.

AYES: Councilmembers Brenner, Gallagher, Caulfield, Wiener, and McMillan, and Mayor Hodges.

NAYS: None

ABSENT: Councilmember Relan.

### ORDINANCE #237: CODE AMENDMENTS

During the legal review of our current Code by Municode, several sections of the Code were identified for further review. Three of these sections include: Chapter 9: Elections; Chapter 19: Secondhand Goods; Chapter 25: Vehicles for Hire. These sections have been reviewed by the City Administration and the City Attorney and a revision/relocation of Chapter 9 and a complete repeal of Chapters 19 and 25 is recommended. The Ordinance Committee met on February 7th, 2023 and unanimously voted that these changes be adopted by the City Council.

Chapter 9: Elections - This section of the Code is just over a page and describes the geographic limits of the City's election precincts. Michigan Law requires that precincts be established by resolution of a municipality's Election Commission, not by ordinance. However, the City Charter requires that precincts be established by Ordinance. This is a conflict with state law. The City Attorney has prepared language that will reconcile this conflict. The proposed language ordains that precincts shall be determined by Resolution of the Election Commission. Furthermore, this language was moved into the existing Administration Chapter of the City Code. This was done to avoid having an entire Chapter of our Code consisting of a single sentence.

Chapter 19: Secondhand Goods - Although this Chapter is titled "Secondhand Goods", in practice it defines "transient junk dealers" and establishes licensing requirements for them. Much like Chapter 9, it is a single page of our Code. Transient junk dealers and their activities are regulated in the recently updated Solicitor Ordinance that was adopted by the City Council on October 17, 2022. As a result, Chapter 19 is no longer needed.

Chapter 25: Vehicles for Hire - This Chapter was first incorporated in the 1957 code. In the decades since, municipal authority to regulate taxicabs has been preempted by State Law. Many of these laws were passed during the rise of Uber and other ride-sharing services. Furthermore - and even more practically - the presence of taxicabs as originally contemplated in the Code are not nearly as prevalent (or are completely absent) in the Park as they were in the mid-1900s. It is for these reasons that Chapter 25 is recommended to be repealed from the Code.

Motion by Councilmember McMillan, seconded by Councilmember Caulfield, to adopt Ordinance

237 as presented.

AYES: Councilmembers Brenner, Gallagher, Caulfield, Wiener, Relan and McMillan, and Mayor Hodges.

NAYS: None

#### LAVINS CENTER ROOF AWARD

The Lavins Center roof at Windmill Pointe Park is in need of repair as it has come to the end of its life span of 20 years. The last time a complete roof was done was in 2003. Tom Jenny of Public Works reviewed the proposals provided by Parks Director Craig to determine the best course of action and services provided. With the qualifications and proposals received, Public Works recommends Schena Roofing and Sheet Metal. Schena will provide a two-year warranty and 20-year manufacturer's labor and material warranty with the attached proposal and has experience with rubber roofs which provides flexibility with the extreme temperatures the Lavins Center Roof receives.

Motion by Councilmember McMillan, seconded by Councilmember Caulfield, to approve the bid submitted by Schena Roofing and Sheet Metal for the amount of \$172,935.

AYES: Councilmembers Brenner, Gallagher, Caulfield, Wiener, and McMillan, and Mayor Hodges.

NAYS: None

ABSENT: Councilmember Relan.

#### BEAUTIFICATION COMMISSION APPOINTMENT

Motion by Councilmember Brenner, seconded by Councilmember Caulfield, to appoint Diane MacConnachie to the Beautification Commission to fill the vacancy for a full term ending January 31, 2026.

AYES: Councilmembers Brenner, Gallagher, Caulfield, Wiener, and McMillan, and Mayor Hodges.

NAYS: None

ABSENT: Councilmember Relan.

#### APPROVE RIGHT OF WAY ACCESS AND MAINTENANCE AGREEMENT

The review of the proposed site plan for the parking lot that will be constructed in the 1200 block of Wayburn and Maryland behind the old Janet's Lunch restaurant has been completed. The plan was found to meet all requirements of the Zoning Ordinance and a Building Permit is ready to be issued by the Department of Public Services.

Before the permit is issued, there is one component of the design that requires approval from the City Council. Specifically, a five-foot encroachment in the alley right-of-way. The applicant, Janet's Real Estate LLC – in addition to repaving the alleyway with brick pavers – is proposing to reduce the width of the alleyway by five feet. This will create a more pedestrian-friendly space, while still allowing for vehicular traffic. The Maintenance Area as it is called in the Agreement will specifically contain a variety of trees, plants, and other greenery along with required curbing and hardscape features.

Public rights-of-way are under the control of the City. Only the City Council can permit this encroachment. The City Attorney has prepared the attached Right of Way Access and Maintenance Agreement to ensure that the proper authority, protection, and overall usage of the right-of-way are maintained as currently proposed by the applicant.

Motion by Councilmember Wiener, seconded by Councilmember Caulfield, to approve the Access and Maintenance Agreement as presented and authorize the City Manager to sign the document.

AYES: Councilmembers Brenner, Gallagher, Caulfield, Wiener, and McMillan, and Mayor Hodges.

NAYS: None.

ABSENT: Councilmember Relan.

#### CLOSED DOOR- PERSONNEL REVIEW

Motion by Councilmember Wiener, seconded by Councilmember Caulfield, to move into closed session to consider material exempt from discussion or disclosure by state or federal statute pursuant to MCL 15.268(h) at 9:24 pm.

AYES: Councilmembers Brenner, Gallagher, Caulfield, Wiener, and McMillan, and Mayor Hodges.

NAYS: None.

ABSENT: Councilmember Relan.

The meeting was returned to open session by Mayor Hodges at 11:05 pm.

Motion by Councilmember Brenner, seconded by Councilmember Wiener, to add City Manager Sizeland's updated Manager's contract to the agenda with the discussed amendments.

AYES: Councilmembers Brenner, Caulfield, Wiener, and McMillan, and Mayor Hodges.

NAYS: Councilmember Gallagher.

ABSENT: Councilmember Relan.

Motion by Councilmember Brenner, seconded by Councilmember McMillan, to approve the proposed City Manager Sizeland's contract with the following amendment of decreasing requested severance from twelve months to nine months.

AYES: Councilmembers Brenner, Caulfield, Wiener, and McMillan, and Mayor Hodges.

NAYS: Councilmember Gallagher.

ABSENT: Councilmember Relan.

Motion by Councilmember Brenner, seconded by Councilmember Wiener, to approve City Manager Sizeland's goals for 2023 as proposed with the three additions: creating a thorough communication strategy, including being more personally visible to the community and employees, increasing oversight and accountability of city employees, setting measurable goals for department heads, and continue updates to zoning code.

Amendment by Councilmember Wiener, seconded by Councilmember Brenner, and accepted by Councilmember Brenner that at the next City Council meeting at the behest of the Chair of the Personnel Committee there will be quantifiables in conjunction with the objectives.

AYES: Councilmembers Brenner, Gallagher, Caulfield, Wiener, and McMillan, and Mayor Hodges.

NAYS: None.

ABSENT: Councilmember Relan.

#### COUNCIL COMMENT

Mayor Hodges commented on the following: wished the community a happy Valentine's day and noted it is important to shop locally; congratulated Ken and Amy Kish on launching a new floor covering, an international franchise; congratulated Ann and Matt Turnbull on the expansion of the Village Palm and Newport; and congratulated the Posterity Gallery and new owner Michelle Boggess-Nunley.

#### PUBLIC COMMENT (NON-AGENDA ITEMS)

One public comment was made.

#### ADJOURNMENT

Motion by Councilmember Brenner, seconded by Councilmember Wiener, to adjourn the meeting.

AYES: Councilmembers Brenner, Gallagher, Caulfield, Wiener, Relan and McMillan, and Mayor Hodges.

NAYS: None

ABSENT: Councilmember Relan.

With no further business, the meeting adjourned at 11:18 pm.