December 7, 2018

Honorable Mayor and Members of Council
Grosse Pointe Park, Michigan

Dear Mayor and Members of City Council:

The next meeting of the City Council of Grosse Pointe Park will be held at 7:00 P.M. on Monday, December 10, 2018 within Council Chambers. The tentative agenda is comprised of the following:

**WILLIAM J. MUSIAL BARBERSHOP RESOLUTION**
Mayor Denner and Members of City Council will be asked to adopt a resolution recognizing William J. Musial.

**ANNUAL WAYNE COUNTY RIGHT OF WAY**
Mayor Denner and Members of City Council will be asked to approve the annual Wayne County right of way permit.

**YEAR OF THE BIRD PROCLAMATION**
Mayor Denner and Members of City Council will be asked to adopt a year of the bird proclamation in honor of the 100th anniversary of the Migratory Bird Treaty Act.

**BEAUTIFICATION COMMISSION RE-APPOINTMENTS**
Mayor Denner and Members of City Council will be asked to consider re-appointments to the Beautification Commission for a 2-year term.

**PROPERTY TRANSFER AFFIDAVITS RESOLUTION**
Mayor Denner and Members of City Council will be asked to consider a resolution waiving the penalties for failure to file property transfer affidavits.
ORDINANCE NO. 208 – EXTERIOR LIGHTING
Mayor Denner and Members of City Council will consider Ordinance No. 208 regarding exterior lighting.

ORDINANCE NO. 209 – MARIHUANA ESTABLISHMENTS
Mayor Denner and Member of City Council will consider Ordinance No. 209 regarding marihuana establishments.

FINANCE REPORT
Mayor Denner and Members of City Council will be asked to accept and approve the Finance Report for $5,000 and over.

Sincerely,

Dale M. Krajniak
City Manager
CITY OF GROSSE POINTE PARK

RESOLUTION

HONORING

WILLIAM J. MUSIAL

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, Sherry, 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.

Date: December 10, 2018

Robert W. Denner, Mayor
ANNUAL MAINTENANCE PERMITS
WAYNE COUNTY

At a Regular Meeting of the Grosse Pointe Park City Council on Monday, December 10, 2018, the following resolution was offered:

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  City Manager
Nicholas Sizeland  Assistant to the City Manager

I HEREBY CERTIFY that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Grosse Pointe Park, County of Wayne, Michigan, on Monday, December 10, 2018

Jane M. Blahut, City Clerk
City of Grosse Pointe Park Year of the Bird 2018 Proclamation

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.

Dated: December 10, 2018

Robert W. Denner, Mayor
COMMITTEE RE-APPOINTMENTS

**Beautification Commission – 2 Year Term**

A. Pat Deck  
Shellie Hansen  
Wm. D.G. Balance  
Dee Cimini  
Kimberly Clexton  
Barbara Miller  
Laura S Orme
CITY OF GROSSE POINTE PARK
WAYNE COUNTY, MICHIGAN

RESOLUTION

WAIVER OF PENALTIES FOR FAILURE TO FILE
PROPERTY TRANSFER AFFIDAVITS

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.

Moved: 	 Supported:

Ayes:

Nays:

Absent and Excused:

RESOLUTION DECLARED ADOPTED.
CERTIFICATE

I, , Clerk of the City of Grosse Pointe Park, do hereby certify that the above is a true and correct copy of a Resolution which was adopted by the City of Grosse Pointe Park Council on the day of , 2018.

Dated: ___________________________                      City of Grosse Pointe Park, Clerk
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-ways.

(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-ways.
(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-ways, 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.
CITY OF GROSSE POINTE PARK

Ordinance No. 209

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.
# Invoices over $5,000 for Review & Acceptance

<table>
<thead>
<tr>
<th>Date</th>
<th>Vendor</th>
<th>Description</th>
<th>Current payment</th>
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<td>Rubbish for Nov.</td>
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A regular meeting of the City of Grosse Pointe Park was held on Monday, November 19, 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 – OCTOBER 22, 2018

Mayor Denner presented to Council for consideration the minutes of October 22, 2018, for approval with one minor correction recognizing the Council Meeting date for October of 2019. This meeting is scheduled for the third Monday, rather than the second or fourth in recognition of Veteran’s Day.

Motion by Councilmember Robson, supported by Councilmember Read, to approve the minutes of October 22, 2018, with the correction as noted.

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

NAYS: None

14950 E. JEFFERSON - VARIANCE

Mayor Denner presented to Council for consideration the request by Amy Conti a variance to allow the operation of a day care center within the OS-1 Office Service District.

Mayor Denner presented a summation of the events that lead up to this hearing on a variance for 14950 E. Jefferson. He noted the Council denied the variance for the day care center in May of 2018 and the issue was presented to the Planning Commission on October 17, 2018, for review. Mayor Denner noted the Planning Commission felt a need exists for this service and advised that Council should revisit the issue.

This notice was sent to all persons owning real property in the City of Grosse Pointe Park within 300 feet of the above premises.

Councilmember Grano stated a day care center would be advantageous for the community and he voted in favor of this request in May. He inquired with the City Attorney if the Council has the jurisdiction to re-consider this issue as it may conflict with the zoning enabling act which does not permit subsequent applications for the same request.

City Attorney stated the Council does have the jurisdiction to reconsider this variance. The Council requested the Planning Commission weigh in on the matter.
Mayor Denner stated the Council accepts the hearing as a subsequent application for a hearing by Zoning Board of Appeals.

Petitioner Amy Conti stated she is requesting a variance for a day care center within the OS-1 Office Service District. The building footprint is 6,800 square feet and the plan is to accept eighty children from 6:30 a.m. to 6:30 p.m., Monday through Friday. She stated a sign could be placed at Jefferson and Barrington restricting right hand turns on to Barrington. She stated children drop offs and pick ups would be scheduled for five families within a ten-minute period limiting the back up of traffic.

Councilmember Read stated a drop off and pick up could be accomplished with toddlers, however, she indicated that she did not think that a parent would drop off an infant by simply handing the child over without taking he/she into the building and is not realistic to believe that a window period as proposed would work.

Petitioner stated she would be willing to hire more staff to assure the drop off and pick up would work.

Councilmember Clark expressed his concern regarding the request indicating he does not favor the request due to the site requiring a specific unnecessary hardship as it lies within the OS-1 Office Service District and requires a left-hand turn during rush hour on a major thoroughfare. While the community could use additional day care services, this is the wrong location.

Resident of 965 Barrington expressed opposition as he indicated it would be a burden upon Barrington residents and the increased traffic and parking needs would conflict with snow plowing and the Smart buses during peak times.

Resident of Middlesex expressed the need for a day care center. She stated by approving this variance, it would encourage young families to live in the Park.

Councilmember Read stated with only five employee parking spots and fifteen employees, they would be required to park on Barrington. She stated the several residents she spoke to oppose the idea of cars parking all day long in front of their homes.

Resident of Barrington stated with the peak flow of buses making turns off Jefferson along with the volume of cars. It would create a bottle neck for traffic. He noted his opposition in approving this variance.

Mayor Denner inquired with the petitioner if she has approached St. Clare of Montefalco for space as they appear to have the facilities that would be needed to run a business with an uninterrupted flow of traffic.

The Petitioner stated she has reached out and would be grateful if someone could provide the contact at St. Clare.

Mayor Denner stated that Father Andrew was interested in entertaining the idea.

Mayor Denner stated the sense of the Council is that this variance is not going to be approved and although it is a necessity in the Pointes and is greatly needed, the location is not suitable.
Mr. Saros recommended having the issue presented to the Planning Commission prior to the Mayor and Council, acting as the Zoning Board of Appeals would have been beneficial.

Motion by Councilmember Clark, supported by Councilmember Chouinard, to deny the variance request for a day care center within the OS-1 Office Service District due to the peak traffic hours, and public safety issues and there is no specific unnecessary hardship for this use variance.

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.

Recreation

Councilmember Chouinard summarized the meeting that was held on November 14, 2018 as follows:

Windmill Pointe Park

Tree Lighting
- Tree Lighting was held on November 17th
- Reindeer were there for the children to enjoy, and pictures were taken with Santa
- Approximately 200 people attended and there was a choir that sang Christmas songs
- Cookies and hot chocolate were provided

Lunch with Santa
- Saturday, December 1st
- Three time-sessions are available

Chili Fest
- Chili Fest is scheduled for January 19th and a chili cook off will be held
- Bounce houses and pony rides will be there for the children to enjoy
- An ice-skating competition will be held
- Usually 2,000 people attend

Park Attendance
- This year there was 131,878 attendees, an increase over last year by 17,470

Commercial Kitchen
- The commercial kitchen improvement will begin soon

Pickleball Courts in the gym to be placed over winter break
Otago Exercise Program Workshop
- Balance, strength and fall prevention

Marina
- Completed installation of 140 rub rails

Patterson Park
- Skate swap scheduled for November 26th at 6:00 p.m.
- Ice rink will be open the Friday after Thanksgiving
- Attendance at the park is up 10,000 from the previous year, totaling 28,469
- The Maintenance garage roof has been completed and the garage door is scheduled for installation

The Saturday Night Throwback on Charlevoix was a success and it will be scheduled again next year

Beautification Commission
Councilmember Read summarized the meeting held on November 8, 2018:
- The City hosted the annual beautification awards at the Tompkins Center. There were thirty residential winners, three commercial winners and one very special civic award to Jennifer Munson for her Monarch Butterfly Waystation, noting it was a wonderful event
- The next meeting is scheduled for December 5th at 6:00 P.M. at the Tompkins Center

FINANCE REPORT – SEPTEMBER & OCTOBER, 2018

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<td>Great Lakes Water</td>
<td>Waste water – July</td>
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<td>Green for Life</td>
<td>Recycling for September</td>
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<td>Green for Life</td>
<td>Rubbish for September</td>
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<td>Victors Roofing</td>
<td>New roof at Patterson park garage</td>
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<td>Building Inspector – October services</td>
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<td>DeRoche Construction</td>
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<td>36,665</td>
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</table>
Motion by Councilmember Detwiler, and supported by Councilmember Robson, to approve the invoices exceeding $5,000 for the months of September and October, 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

NEW/OLD BUSINESS

Lighting concern:
Resident of Harcourt inquired as to the status of the yard light on the home located along Jefferson.

Councilmember Clark stated the Ordinance Review Committee will be reviewing this issue at the next meeting.

Fencing
Councilmember Grano stated construction sites should have fencing around the perimeter to avoid safety issues and asked Administration to review the same.

Community Art Project on Jefferson and Manistique
Grand Marais resident invited those present to attend a gathering at Hope Church located on Jefferson and Manistique on December 13th at 6:00 P.M.

Stop Sign
Resident of Pemberton inquired as to the status of a stop sign placement at Essex and Pemberton.

Councilmember Robson stated the Public Safety Commission will be meeting on December 4th and will be on the agenda for that meeting.

City Manager stated the paving that has not been completed this year will be taken care of next spring.

With no further business, the meeting adjourned.