

COUNCIL MEETING – DECEMBER 12, 2016

7:00 P.M.

A regular meeting of the City of Grosse Pointe Park City Council was held on Monday, December 12, 2016, and opened with the Pledge of Allegiance to the Flag.

The following were present: Councilmembers Clark, Arora, 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 14, 2016

Mayor Denner presented to Council for consideration the minutes of November 14, 2016, meeting for approval as presented.

Motion by Councilmember Robson, supported by Councilmember Chouinard, to approve the minutes of November 14, 2016, as presented.

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

NAYS: None

COMMITTEE REPORTS

BEAUTIFICATION COMMISSION:

Councilmember Chouinard stated the Commission Awards were presented at a ceremony last month and had a large turn-out. There were approximately 30 residential homes as well as several businesses that received awards.

Brian Colter, City Forester, reported on Oak Wilt Samples that were sent to MSU for analyses.

The Commissioners will be canvassing each street in the Park through December 31st for winter holiday decoration award nominees. The winners will be listed in the Spring Communicator issue.

RECREATION COMMISSION:

Councilmember Arora stated the Halloween in the Park had 600 children attend the annual event.

Phase One of the Tompkins Community Center is completed. Phase Two will consist of an atrium and any removed slate from the roof placed in storage for future repairs of the roof. The Parks and Recreation are currently obtaining bids for a maintenance garage.

The deep end of the pool remarsiting is complete.

Future plans to heat the baby pool is under review.

Marina seawall repairs slated for this spring.

Discussed committee consideration to offer insight into long-term upgrades within the marina.

Additional kayak racks to be added providing 35 more kayak wells.

The Three Mile Park Fountain has been converted into an ice rink and is being utilized by many for skating.

PUBLIC SERVICE COMMITTEE:

Councilmember Grano stated the smoke testing is underway and the engineers are checking for downspouts and any other openings to the sewer.

Leaf pick up was extended through the end of the year.

BOARD OF REVIEW REAPPOINTMENT

Mayor Denner presented to Council for consideration the reappointment of Margot Parker to the Board of Review for a three year term.

Motion by Mayor Denner, supported by Councilmember Chouinard, to reappoint Margot Parker to the Board of Review for a three year term.

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

RECREATION COMMISSION APPOINTMENT

Mayor Denner presented to Council for consideration the appointment of Matthew LaBeau and Jonathan Quarles to the Recreation Commission for a term that expires in November, 2017.

Motion by Mayor Denner, supported by Councilmember Chouinard, to appoint Matthew LeBeau to the Recreation Commission for a term that expires in November, 2017.

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

NAYS: None

Motion by Mayor Denner, supported by Councilmember Arora, to appoint Jonathan Quarles to the Recreation Commission for a term that expires in November, 2017.

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

NAYS: None

12 LAKECOURT FENCE VARIANCE

Mayor Denner presented to Council for consideration, acting as the Board of Zoning Appeals, the request by Michelle Wiener of 12 Lake Court, a variance from section 27-100, paragraph (b) of the Zoning Ordinance which prohibits a fence/wall in the front yard.

Mayor Denner stated the applicant wishes to erect a 6 foot high concrete brick wall. The ordinance prohibits fence/walls in the front yard and requires a variance by the Board of Zoning Appeals.

Mr. Wiener stated there are several issues that constitute a hardship for this variance. The home is located at the dead end of Cadieux and Jefferson, which are two major thoroughfares, it's also located next to a busy hospital that receives ambulance runs at all times and a safety issue for our small children. The fence would serve as a safety barrier for the children to play on the front lawn and also serve as a noise barrier for the heavy traffic.

The immediate neighbor of Lake Court stated she and her husband are very much in favor of the brick wall proposal.

Councilmember Detwiler stated the rendering is impressive and is in keeping with the architecture of the home and is not opposed to this variance. She inquired what the height of the peak of the pillars would be.

Mr. Weiner stated at the height at the peak would be 6 feet.

Councilmember Clark stated the Council reviews variances with great consideration for the neighbors, however he stated he is favorably disposed of this variance as the property has several unique features that are specific to the property. Specifically the proximity to Beaumont Hospital and the increase in traffic flow as a result.

Motion by Councilmember Grano, supported by Councilmember Clark, for approval of the variance as the petitioners have met the practical difficulty/hardship standard because of the location of this property abutting Cadieux (where it dead ends at Jefferson Avenue at their home), and Cadieux is a major thoroughfare and with the expansion of Beaumont Hospital, excessive noise and more traffic in place.

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

NAYS: None

HEALTH INSURANCE OPT OUT PROVISION

Mayor Denner presented to Council for consideration the adoption of the Health Insurance Opt Out Provision for the employees of the City of Grosse Pointe Park. He indicated this action is required to be adopted by Council annually. All union contracts are valid through June, 2017, and the Opt Out provision is based on a calendar year. Dependent upon the outcome of future contract negotiations, future opt outs will be negotiable.

WHEREAS, the Publicly Funded Health Insurance Contribution Act 152 of 2011, enacted by the legislature of the State of Michigan on September 27, 2011 ("Act"), is intended to limit a public

employer's expenditures for employee medical benefit plans; to provide the power and duties of certain state agencies and officials; to provide for exceptions; and to provide for sanctions; and

WHEREAS, under the provisions of the Act public employees in the state of Michigan are to adopt, by January 1 of each year, provisions providing for a hard cap on employer contributions to employee health care or a cost sharing arrangement by which public employers pay 80% of health care premiums with employees paying the other 20%, and

WHEREAS, the Act requires that public employers choose certain cost-sharing obligations for public employee health insurance premiums; and

WHEREAS, Section 8 of the Act allows that, by a 2/3 vote of its governing body each year, a local unit of government may exempt itself from the requirements of the Act for the next succeeding year; and

WHEREAS, the City Council for the City of Grosse Pointe Park has historically recognized, in its role as a steward for the public funds entrusted to it, that it must efficiently manage those limited resources and traditionally engages in reviews of employee compensation packages to maximize both employee satisfaction and fiscal responsibility; and

NOW THEREFORE BE IT RESOLVED, that the City of Grosse Pointe Park, Michigan, elects to opt out of Public Act 152 of 2011 for the next succeeding year, 2017; and

BE IT FURTHER RESOLVED, that the City Council for the City of Grosse Pointe Park acknowledges its responsibility to revisit its options and responsibilities under Public Act 152 of 2011 on an annual basis.

Motion by Mayor Denner, supported by Councilmember Detwiler, to approve the annual required opt out provision for health insurance for the employees of the City of Grosse Pointe Park.

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

NAYS: None

CLEMIS SERVICE AGREEMENT

Mayor Denner presented to Council for consideration an agreement with Oakland County, the provider of I.T. Services, including CLEMIS Services to and for the City of Grosse Pointe Park. The CLEMIS agreement requires the Council take action authorizing the City Manager and the Director of Public Safety to sign the documents to consummate the agreement.

Motion by Mayor Denner, supported by Councilmember Robson, to authorize the City Manager and Director of Public Safety to sign the documents to consummate the agreement with Oakland County to provide I.T. Services, including CLEMIS

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

NAYS: None

C.D.B.G. FUNDING

Mayor Denner presented to Council for consideration the 2017 C.D.B.G. allocation funding for review and approval.

| | | |
|--------------------------|----|-----------|
| ADA Sidewalk Replacement | \$ | 44,529.75 |
| Administration | | 4,947.75 |
| TOTAL | \$ | 49,477.50 |

Councilmember Grano indicated a second public hearing is required by C.D.B.G. and will be held Tuesday, December 13th at 10:00 a.m.

Motion by Mayor Denner, supported by Councilmember Grano, that the 2017 allocation be approved as presented contingent upon the administrative public hearing on December 13, 2016.

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

NAYS: None

ANNUAL WAYNE COUNTY RIGHT OF WAY PERMIT

Mayor Denner presented to Council for consideration the approval of the Annual Wayne County Right of Way Permit. This permit is required to allow Grosse Pointe Park employees to provide maintenance, repairs and any utilization for use of the County Right of Way on Jefferson and Mack. The resolutions read as follows:

ANNUAL MAINTENANCE PERMITS WAYNE COUNTY

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.

The 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 Grano, supported by Mayor Denner, to approve the Annual Wayne County Right of Way Permit which permits Grosse Pointe Park employees to provide maintenance, repairs and any utilization for any use of the County Right of Way for Jefferson and Mack for 2017.

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

NAYS: None

FINANCE REPORT – NOVEMBER, 2016

Councilmember for Finance Detwiler presented to Mayor and Council for consideration the invoices exceeding \$5,000 for the month of November, 2016, for approval as presented. The invoices are as follows:

| <u>Vendor</u> | <u>Description</u> | <u>Payment</u> |
|------------------------------|--|----------------|
| Bodman, PLC | Pros. Attorney and retainer fees | \$ 10,000 |
| Central Air Compressor | Portable Air Compressor and parts | 19,795 |
| Ultra Services | Cleaning, sanitizing debris | 11,400 |
| Great Lakes Water Authority | Water service for August & September | 271,575 |
| Great Lakes Water Authority | Waste water for September | 135,000 |
| Rizzo Services | Refuse for October | 33,818 |
| Rizzo Services | Recycling for October | 11,298 |
| Grosse Pointe Clinton Refuse | Rubbish disposal for September & October | 17,563 |
| J & W Tree Artisans | City trees trimmed and removed | 12,500 |
| Kennedy Industries | Pump Station | 10,320 |
| Spina Electric | Pump Station | 11,796 |
| Stantec Consulting | Pump Station | 11,589 |
| D.F. Best Company | Pump Station | 76,662 |

Councilmember Detwiler indicated all of the invoices relating to the pump station flooding event will be reimbursed the City's liability insurance carrier.

Motion by Councilmember Detwiler, supported by Councilmember Clark, to approve the invoices exceeding \$5,000 for the month of November, 2016 as presented in accordance with Section 2.249 of the City Charter.

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

NAYS: None

NEW/OLD BUSINESS

BUS TURN AROUND ON MARYLAND

Resident of Maryland expressed concern of the recent bus turn around location and urged the Council to reconsider its location. She stated the street is too narrow and there are many children in the vicinity who attend St. Ambrose Parish.

City Manager indicated they are meeting with DDOT within the next two weeks to discuss alternate bus turn around options and are hoping to seek relocation to Jefferson Avenue.

BARRINGTON TRAFFIC

Barrington resident stated the commercial traffic on Barrington is excessive with the expanding park amenities and she requested a sign prohibiting commercial trucks or Barrington be made a one way street.

City Manager directed Director Poloni to meet with the Barrington resident and provide options to eliminate some of the traffic.

LANDLORD COMPLIANCE

Resident inquired if the City has a policy that if a landlord is negligent with maintaining the certificate of occupancy requirements, does the building department review the other buildings owned.

City Manager stated when there is a problem with a landlord, it holds true for other properties the landlord owns, and the building department does provide a review and is diligent on notices to enforce the rules.

SMOKE TESTING AND SEWER AUDIT

Barrington resident inquired who was performing the smoke testing.

City Manager stated Stantec Engineers are overseeing the project and the labor being performed.

With no further business, the meeting adjourned at 8:15 p.m.