

MINUTES OF THE REGULAR CITY COUNCIL MEETING OF THE CITY OF GROSSE POINTE WOODS HELD ON MONDAY, OCTOBER 18, 2010, IN THE COUNCIL-COURT ROOM OF THE MUNICIPAL BUILDING, 20025 MACK PLAZA, GROSSE POINTE WOODS, MICHIGAN.

The meeting was called to order at 7:32 p.m. by Mayor Novitke.

Roll Call: Mayor Novitke  
Council members: Boddy, Bryant, Granger, Howle, McConaghy, Sucher  
Absent: None

Also Present: City Administrator Fincham  
City Attorney C. Berschback  
Building Inspector Tutag  
Director of Public Works Ahee  
Recording Secretary Ryska

The following Commission members were in attendance:

Angelo DiClemente, Beautification Commission  
Ross Richardson, Planning Commission  
Thomas Fahrner, Mayor's Mack Avenue Business Study Committee  
Lee Allcut, Board of Canvassers  
Gordon Michaelson, Historical Commission  
Allen Dickinson, Planning Commission

Motion by Bryant, seconded by Howle, that all items on tonight's agenda be received, placed on file, and taken in order of appearance.

Motion carried by the following vote:

Yes: Boddy, Bryant, Granger, Howle, McConaghy, Novitke, Sucher  
No: None  
Absent: None

Motion by Granger, seconded by Boddy, regarding **City Administrator's Contract**, that the Council authorize the Mayor to sign the Employment Agreement for Alfred "Skip" Fincham for the position of City Administrator, per discussion at the October 11, 2010 Committee-of-the-Whole meeting, effective October 4, 2010.

Motion carried by the following vote:

Yes: Boddy, Bryant, Granger, Howle, McConaghy, Novitke, Sucher  
No: None  
Absent: None

Motion by McConaghy, seconded by Sucher, regarding **Community Center Guidelines**, that the City Council to concur with the recommendation of the Committee-of-the-Whole at their meeting on October 4, 2010, and adopt the Community Center Guidelines dated September 23, 2010, and authorize the use of alcohol with the modifications as discussed.

Motion carried by the following vote:

Yes: Boddy, Bryant, Granger, McConaghy, Novitke, Sucher  
No: Howle  
Absent: None

Motion by Granger, seconded by Boddy, regarding **Water Reservoir**, that the City Council concur with the recommendation of the Committee-of-the-Whole at their meeting on October 11, 2010, and authorize \$27,445.00 for additional electrical and restoration (top soil and seed) work, funds to be taken from the project's Contingency Fund.

Motion carried by the following vote:

Yes: Boddy, Bryant, Granger, Howle, McConaghy, Novitke, Sucher  
No: None  
Absent: None

Motion by Boddy, seconded by Granger, regarding **McKenna Associates, Inc. Invoices**, that the City Council concur with the recommendation of the Committee-of-the-Whole at their meeting on October 11, 2010, and approve payment of the McKenna Associates, Inc. invoices May/June/July \$4,332.50 paid from Planning Commission Budget, Account No 101-105-880.500, and August/September \$1,273.50 to be paid from Building Department Contractual Services Account No. 101-180-818.000; in a total amount not to exceed \$5,596.00.

Motion carried by the following vote:

Yes: Boddy, Bryant, Granger, Howle, McConaghy, Novitke, Sucher  
No: None  
Absent: None

Motion by Boddy, seconded by Granger, regarding **McKenna Contract Future Services**, that the City Council concur with the recommendation of the Committee-of-the-Whole at their meeting on October 11, 2010, and approve payment of an additional amount not to exceed \$3,500.00 to McKenna Associates, Inc. to provide future services including final site plan review for the existing Children’s Home property, to be charged to the Building Department Contractual Services Fund, Account No. 101-180-818.000, and to authorize the City Attorney to prepare an amendment to the original contract with McKenna Associates, Inc. dated May 10, 2010, to include an amount not to exceed.

Motion carried by the following vote:

Yes: Boddy, Bryant, Granger, Howle, McConaghy, Novitke, Sucher  
No: None  
Absent: None

Motion by Bryant, seconded by Boddy, regarding **Certification of Election Inspectors and Receiving Board**, that the City Council concur with the Election Commission at their meeting on October 7, 2010, and adopt the resolution certifying the Board of Elections Inspectors and Receiving Board for the November 2, 2010, General Election.

Motion carried by the following vote:

Yes: Boddy, Bryant, Granger, Howle, McConaghy, Novitke, Sucher  
No: None  
Absent: None

Motion by McConaghy, seconded by Bryant, regarding **Relay for Life**, that the City Council concur with the recommendation of the Citizens’ Recreation Commission at their meeting on October 12, 2010, and approve the American Cancer Society’s request to hold “Relay for Life” at Lake Front Park on May 14-15, 2011.

Motion carried by the following vote:

Yes: Boddy, Bryant, Granger, Howle, McConaghy, Novitke, Sucher  
No: None  
Absent: None

THE MEETING WAS THEREUPON OPENED AT 7:42 P.M. FOR A PUBLIC HEARING TO HEAR THE REQUEST FOR A **SPECIAL LAND USE AND SITE PLAN APPROVAL FROM AT&T MOBILITY, 2065 GRAND RIVER, BRIGHTON, MI, 48114**, TO INSTALL A 100' STEALTH UNIPOLE-STYLE SUPPORT STRUCTURE WITH ANTENNAS ON CITY OWNED PROPERTY AT 1200 PARKWAY, pursuant to Section 50-32(8) of the 2007 City Code.

Motion by Granger, seconded by Bryant, that for purposes of the public hearing the following items be received and placed on file:

1. Letter 09/13/10 – City Attorney, w/attachments
  - a. Resolution Approving
  - b. Resolution Denying
  - c. Letter 06/14/10 – City Attorney
  - d. Proposed Land Lease Agreement
  - e. Memorandum of Lease
  - f. Tenant Acknowledgment
2. Planning Commission Resolution 07/27/10
3. Letter 09/12/10 – Kenneth A. Daher
4. Letter 09/24/10 – Donald A. Lindow
5. Letter 07/23/10 – Thomas C. Perna
6. Affidavit of Legal Publication
7. Affidavit of Property Owners Notified
8. Aerial View

and the following correspondence that was distributed before the meeting:

9. Email 10/16/10 – Tom Perna

Motion carried by the following vote:

Yes: Boddy, Bryant, Granger, Howle, McConaghy, Novitke, Sucher  
No: None  
Absent: None

The Chair asked if anyone from the audience wished to speak in favor of the proposed request. The following individual was heard:

Wallace Haley, on behalf of AT&T  
8065 Grand River  
Brighton, MI 48114

The Chair asked if anyone from the audience wished to speak in opposition to the proposed request. The following individuals were heard:

Edward Szandzik  
21671 River Rd.

Angelo Jamerino  
21668 Eastbrook Ct.

Dorothy Lilly  
1232 Edmunton Dr.

Marlene Miller  
929 Woods Ln.

Judith Sheehy  
941 Woods Ln.

Julia Szandzik  
21671 River Rd.

Motion by Bryant, seconded by Boddy, that the public hearing be closed at 8:13 p.m.  
PASSED UNANIMOUSLY.

The Chair declared a recess at 8:13 p.m., and reconvened at 8:21 p.m.

Motion by Granger, seconded by Howle, that the following documents be received and placed on file:

1. Resident petitions objecting to the proposed 100' cell tower.

Motion carried by the following vote:

Yes: Boddy, Bryant, Granger, Howle, McConaghy, Novitke, Sucher  
No: None  
Absent: None

Motion by Granger, seconded by Howle, regarding the **Special Land Use and Site Plan approval request from AT&T Mobility, 2065 Grand River, Brighton, MI, 48114, to install a 100' stealth unipole-style support structure with antennas on city owned property at 1200 Parkway**, that the City Council adopt the following resolution denying approval of the AT&T Wireless Community Facility:

**THE CITY OF GROSSE POINTE WOODS  
COUNCIL RESOLUTION  
DENYING APPROVAL OF THE  
AT&T WIRELESS COMMUNICATION FACILITY**

**WHEREAS**, AT&T has filed an application under the Wireless Communication Facilities (WCF) ordinance to construct a WCF at 1200 Parkway, Grosse Pointe Woods; and,

**WHEREAS**, the Planning Commission on May 25, 2010 previously recommended that the Zoning Board of Appeals (ZBA) grant the required variance to allow construction of the WCF; and,

**WHEREAS**, on June 21, 2010 the ZBA approved the required variances subject to further recommendations and approvals of the Planning Commission and the City Council as required under the WCF ordinance; and,

**WHEREAS**, the Planning Commission recommended approval of the special land use at a meeting held on July 27, 2010; and,

**WHEREAS**, AT&T's application is now before the City Council for continued consideration of the application under the WCF ordinance; and,

**WHEREAS**, at a public hearing held on October 18, 2010 the City Council reviewed AT&T's application, site plan, and all supporting documents which have been received and placed on file as part of the public hearing.

**NOW THEREFORE IT IS HEREBY RESOLVED AS FOLLOWS:**

I. Site Plan Resolution. Pursuant to Sec. 50-37, the City Council has reviewed the site plan together with the supporting documents and hereby denies the site plan. The findings and reasons for this recommendation are contained further in this Resolution.

II. Special Land Use Resolution. IT IS FURTHER RESOLVED that AT&T's application has been reviewed under the terms of the WCF ordinance as a special land use. Pursuant to 50-620, the City Council finds that the application has not met the criteria for consideration as a WCF as a special land use as follows:

- (a) the applicant has not demonstrated that there is no reasonable means of satisfying the service needs of the system through adaptation or addition to facilities inside or outside the City;
- (b) the applicant has not demonstrated that there is no feasible alternative or other means of satisfying the service needs;
- (c) the applicant has not demonstrated that the WCF is of a form which is compatible with the existing character of the proposed site, neighborhood and general area;
- (d) the applicant has not demonstrated that the WCF is capable of supporting collocation of other WCF's and appropriate agreements will be in place to permit collocation.

III. WCF Ordinance Resolution. IT IS FURTHER RESOLVED that pursuant to Sec. 50-619(b)(3), which requires a review of the WCF application as a whole, the City Council denies AT&T's application.

The factual findings and reasons for these recommendations are based on the record and supporting documentation submitted to the City as of this date including the agenda items received and placed on file at the ZBA hearing and the Planning Commission hearing on July 27, 2010, as well as the comments and representations made at the public hearing before this body on October 18, 2010 including but not limited to the following;

1. The need for a site in the proposed location has not been sufficiently documented by the applicant as indicated on the map shown on page 8 of the application.
2. The proposed location of the facility at the DPW yard is not necessarily the only location that will not interfere with the safe day to day operation of the facility and will not impede future development of the site.
3. The applicant has not demonstrated that there is no reasonable means of satisfying the service needs of the system through adaptation of or addition to existing facilities inside or outside the municipal boundaries of the city.
4. The stealth design of the mono pole is not of a form which is compatible with the existing character of the proposed site, neighborhood and general area.
5. All relevant requirements of Article VI Wireless Communication Facilities have not been met by the applicant.

Substitute Motion by Sucher, seconded by Bryant, that the City Council refer this item to the Committee-of-the-Whole for further discussion.

Substitute Motion failed by the following vote:

Yes: Boddy, Bryant, Sucher  
No: Granger, Howle, McConaghy, Novitke  
Absent: None

Primary Motion carried by the following ROLL CALL vote:

Boddy	Yes
Bryant	No
Granger	Yes
Howle	Yes
McConaghy	Yes
Novitke	Yes
Sucher	No

The Chair declared a recess at 8:52 p.m., and reconvened at 9:05 p.m.

Motion by Boddy, seconded by Bryant, regarding **Holiday Parking Meter Covers**, that the City Council approve the request by the Grosse Pointe Business and Professional Association of Mack Avenue to cover parking meters with holiday bags from December 4 – 27, 2010.

Motion carried by the following vote:

Yes: Boddy, Bryant, Granger, Howle, McConaghy, Novitke, Sucher  
No: None  
Absent: None

Motion by Sucher, seconded by Howle, that the **Financial Report** of the City Administrator for the month of September 2010 be referred to the Finance Committee for review.

Motion carried by the following vote:

Yes: Boddy, Bryant, Granger, Howle, McConaghy, Novitke, Sucher  
No: None  
Absent: None

Motion by Bryant, seconded by Boddy, regarding **2010 Fall Tree Planting**, that the City Council authorize a contract with North Monroe Greenhouses, 1818 N. Monroe St., Monroe, MI 48162 in an amount not to exceed \$9,856.00 for 85 tree plantings, to be taken from Account No. 401-902-977.400.

Motion carried by the following vote:

Yes: Boddy, Bryant, Granger, Howle, McConaghy, Novitke, Sucher  
No: None  
Absent: None

Motion by Howle, seconded by Boddy, regarding **Proclamation – Pancreatic Cancer Awareness Month**, that the City Council voice no objection to the issuance of this Mayoral proclamation.

Motion carried by the following vote:

Yes: Boddy, Bryant, Granger, Howle, McConaghy, Novitke, Sucher  
No: None  
Absent: None



Hearing no objections, the following items were addressed under New Business:

- Grosse Pointe Santa Claus Parade.

Motion by Bryant, seconded by Howle, that the City Council approve a sponsorship donation of \$1000.00 to the Grosse Pointe Village Association – Grosse Pointe Santa Claus Parade to be paid from Special Projects.

Motion carried by the following vote:

Yes: Boddy, Bryant, Granger, Howle, McConaghy, Novitke, Sucher  
No: None  
Absent: None

- Compensation for City Administrator.

Motion by Bryant, seconded by Boddy, regarding **Compensation for City Administrator**, that the City Council authorize Alfred “Skip” Fincham to continue to receive an additional \$350.00 per week while fulfilling duties as City Administrator and Director of Public Safety or until further direction from Council.

Motion carried by the following vote:

Yes: Boddy, Bryant, Granger, Howle, McConaghy, Novitke, Sucher  
No: None  
Absent: None

- Hiring Freeze – Director of Public Safety Position.

Motion by Granger, seconded by Boddy, regarding **Director of Public Safety Position**, that the City Council authorize the City Administrator to identify a new Public Safety Director.

Motion carried by the following vote:

Yes: Boddy, Bryant, Granger, Howle, McConaghy, Novitke, Sucher  
No: None  
Absent: None

- Process to fill a vacancy on Council.

Brief discussion ensued. No action taken.

Motion by Granger, seconded by Boddy, to adjourn tonight's meeting at 9:35 p.m.  
PASSED UNANIMOUSLY.