

MINUTES OF THE REGULAR CITY COUNCIL MEETING OF THE CITY OF GROSSE
POINTE WOODS HELD REMOTELY ON MONDAY, AUGUST 10, 2020.

The Facilitator's statement was provided.

The meeting was called to order at 7:08 p.m. by Mayor Novitke.

Roll Call: Mayor Novitke
Council Members: Bryant, Gafa, Granger, Koester, McConaghy, McMullen
Absent: None

Also Present: City Administrator Smith
City Attorney Berschback
Treasurer/Comptroller Behrens
City Clerk Hathaway
Director of Public Safety Kosanke
Director of Public Services Schulte
Building Official Tutag
City Engineer Lockwood

Motion by Bryant, seconded by Gafa, 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: Bryant, Gafa, Granger, Koester, McConaghy, McMullen, Novitke
No: None
Absent: None

Motion by Bryant, seconded by Gafa, that the following minutes be approved as submitted:

1. City Council Minutes dated July 20, 2020.

Motion carried by the following vote:

Yes: Bryant, Gafa, Granger, Koester, McConaghy, McMullen, Novitke
No: None
Absent: None

Motion by McMullen, seconded by McConaghy, regarding **First Responder Hazard Pay/Budget Amendment**, that the City Council approve a COVID relief payment to 34 Department of Public Safety first responders in the amount of \$1,000.00 each, for a total amount not to exceed \$34,000.00; and, to approve a budget amendment in the amount of \$34,000.00 from the General Fund prior year fund balance, into the following accounts:

Salaries & Wages	101-305-702.000	1,000.00
Salaries & Wages – LT	101-310-702.100	3,000.00
Salaries & Wages – SGT	101-310-702.200	6,000.00
Salaries & Wages – PSO	101-310-704.400	19,000.00
Salaries & Wages - Dispatch	101-310-702.500	5,000.00

Motion carried by the following vote:

Yes: Bryant, Gafa, Granger, McConaghy, McMullen, Novitke
 No: Koester
 Absent: None

The Chair declared a recess at 7:16 p.m., and reconvened at 7:20 p.m.

Motion by Gafa, seconded by McMullen, regarding **uniforms – Department of Public Works**, that the City Council approve the purchase of uniforms for the Public Works and Lake Front Park TPOAM union employees from JEM Industries at a cost of \$476.07, in an amount not to exceed the budgeted amount of \$10,800.00, funds to be taken from Fringe Benefit-clothing Allowance Account Nos.:

101-595-725.000	\$3,000.00
202-483-725.000	\$1,000.00
203-483-725.000	\$1,000.00
226-529-725.000	\$ 500.00
592-545-725.000	\$1,300.00

Motion carried by the following vote:

Yes: Bryant, Gafa, Granger, Koester, McConaghy, McMullen, Novitke
 No: None
 Absent: None

Motion by Granger, seconded by Bryant, regarding **Design Engineering for 2020 Construction Projects/Budget Amendment**, that the City Council approve design engineering for the 2020/21 Construction Projects as follows:

Oxford Road	203-451-977.803	\$40,000.00
Water Main Replacements (Severn, Hollywood, Christine Court)	592-537-977.310	\$108,000.00
Sewer Rehab-Lining	592-537-976.001	\$15,000.00
Sewer Rehab-Open Cut	592-537-976.001	\$52,000.00
Lake Front Park Vehicular Bridge	401-903-977.109	\$38,000.00

Motion carried by the following vote:

Yes: Bryant, Gafa, Granger, Koester, McMullen, Novitke
 No: McConaghy
 Absent: None

Motion by McConaghy, seconded by Gafa, regarding **Milk River Drain Improvements**, that the City Council concur with the recommendations of the City Administrator and Treasurer/Comptroller and prepay 50% of the City’s obligation to decrease both the debt obligation and bonding costs.

Motion by McConaghy, seconded by Gafa, to amend the previous motion by deleting, “and prepay 50%), and inserting, “and prepay 50% (\$1,612,213.00)”.

Motion carried by the following vote:

Yes: Bryant, Gafa, Granger, Koester, McConaghy, McMullen, Novitke
 No: None
 Absent: None

Motion by Bryant, seconded by McMullen, regarding **Generator Replacement at Robert E. Novitke Municipal Center/Budget Amendment**, that the City Council approve the replacement of the generator by Motor City Electric Co. at the Robert E. Novitke Municipal Center in the amount of \$279,600.00, approve \$4,000.00 for construction engineering, and approve a contingency in an amount not to exceed \$9,400.00; for a total not to exceed \$293,000.00; funds to be taken as follows:

Construction	420-902-977.101	\$279,600.00
Contingency	420-902-977.101	9,400.00
Construction Engineering	420-451-974.201	4,000.00

And, to approve a budget amendment totaling \$59,000.00 into Capital Improvement General Account No. 420-902-977.101 from the following Accounts:

Capital Improvement Fund Balance Account No. 420-000-390.000	\$41,129.00
General Fund Balance Account No. 101-000-699.000	\$17,871.00

Motion carried by the following vote:

Yes: Bryant, Gafa, Granger, Koester, McConaghy, McMullen, Novitke
No: None
Absent: None

Motion by McMullen, seconded by McConaghy, regarding **SEMCOG Annual Membership/Budget Amendment**, that the City Council approve payment of the 2019 Southeastern Michigan Council of Governments (SEMCOG) in the amount of \$2,321.00; and, to not continue membership in SEMCOG.

Motion carried by the following vote:

Yes: Bryant, Gafa, Granger, McConaghy, McMullen, Novitke
No: Koester
Absent: None

Motion by Gafa, seconded by Bryant, regarding **Request to use Ghesquiere Park – University Liggett Cross Country Meet**, that the City Council approve the request from University Liggett to hold a middle school cross country meet in Ghesquiere Park Monday, October 26, 2020, from 3:30 p.m.-6:30 p.m., and to set up on Saturday and Sunday, October 24-25, 2020, contingent upon the following:

1. Teams follow all park rules and MHSAA rules;
2. Teams clean up trash around the park after use;
3. Teams submit current rosters;
4. Compliance with existing Emergency Orders on crowd gatherings.

Motion carried by the following vote:

Yes: Bryant, Gafa, Granger, Koester, McConaghy, McMullen, Novitke
No: None
Absent: None

Motion by Bryant, seconded by McConaghy, regarding **Request to Use Lake Front Park Tennis Courts – University Liggett**, that the City Council approve the request of University Liggett Boy’s tennis team to use six tennis courts at Lake Front Park Monday through Thursday, 3:30-5:30 p.m., from September 14 – October 22, 2020, and March 31 – May 22, 2020, in addition to Tuesday August 25, 2020, Saturday August 29, 2020, Saturday September 12, 2020, and Saturday September 26, 2020, from 8:30 a.m. – 2:00 p.m., contingent upon the following:

1. Teams follow all park rules and MHSAA rules including clearing the courts during storms;
2. Teams relinquish courts to residents on courts 1-4;
3. Teams clean up trash around the courts after use;
4. Teams submit current rosters.

Motion by Bryant, seconded by McConaghy, to amend the previous motion by adding, “5. Compliance with existing Emergency Orders on crowd gatherings.”

Motion by Bryant, seconded by McConaghy, to amend the previous motion by deleting, “March 31 – May 22, 2020”, and inserting “March 31 – May 22, 2021.”

Motion carried by the following vote:

Yes: Bryant, Gafa, Granger, Koester, McConaghy, McMullen, Novitke
No: None
Absent: None

Motion by McConaghy, seconded by Gafa, regarding **Michigan Municipal League (MML) Annual Meeting/Voting Delegates**, that the City Council appoint Vicki Granger as the delegate to the Michigan Municipal League’s Annual Business Meeting being held on Tuesday, September 29, 2020, at 3:00 p.m. to cast the vote of the municipality at the Annual Meeting and to designate Art Bryant to serve as alternate.

The City Clerk was asked to confirm with MML whether all Council Members may attend and cost, if any.

Motion carried by the following vote:

Yes: Bryant, Gafa, Granger, Koester, McConaghy, McMullen, Novitke
No: None
Absent: None

Motion by Bryant, seconded by Gafa, regarding **Letters of Engagement: City and Municipal Court Auditing Services**, that the City Council approve a one-year extension of the contracts with Plante & Moran PLLC through the end of FY 2019/20 for the City and Municipal Court’s auditing

services in the amounts of \$58,500.00 and \$5,300.00, respectively, and to authorize the City Administrator to sign the Letters of Engagement.

Motion by Bryant, seconded by Gafa, to amend the previous motion by adding, “, funds are to be taken from the following accounts:

Account No.	Budgeted Funds
101-223-818.000	\$44,883.00
101-136-818.000	5,400.00
202-482-818.000	4,052.00
203-482-818.000	4,052.00
226-528-818.000	3,859.00
365-993-818.000	6,064.00
592-536-818.000	12,679.00
632-854-818.000	4,052.00
632,854-818.000	2,756.00

Motion carried by the following vote:

Yes: Bryant, Gafa, Granger, Koester, McConaghy, McMullen, Novitke
No: None
Absent: None

Motion by Gafa, seconded by McMullen, regarding **contract: Towing Services**, that the City Council approve a towing contract with Official Towing for an extension up to five years from September 2, 2020, through September 1, 2020, and authorize the City Administrator to sign said Agreement.

Motion by Gafa, seconded by McMullen, to amend the previous motion by deleting, “September 1, 2020”, and inserting, “September 1, 2025.”

Motion by Gafa, seconded by McMullen, to amend the previous motion by deleting “up to” and inserting “of”, and inserting, “and that the City Attorney review and approve the Certificate of Liability Insurance.”

Motion carried by the following vote:

Yes: Bryant, Gafa, Granger, Koester, McConaghy, McMullen, Novitke
No: None
Absent: None

Motion by Granger, seconded by Bryant, regarding **contract: 2020 Concrete Pavement and Parking Repair Program**, that the City Council approve a contract with L. Anthony Construction to perform the 2020 Concrete Pavement and Parking Repair Program in the amount of \$661,000.00, and to include construction engineering in an amount not to exceed \$134,000.00, for a total project cost not to exceed \$795,000.00, funds to be taken as follows:

Construction Major Streets	202-451-974.200	\$125,000.00
Construction Local Streets	203-451-974.200	83,000.00
Construction Parking	585-561-977.000	333,000.00
Construction Water/Sewer	592-537-975.400	120,000.00
Engineering Major Streets	202-451-974.201	25,000.00
Engineering Local Streets	203-451-974.201	17,000.00
Engineering Parking	585-561-978.300	67,000.00
Engineering Water/Sewer	592-537-975.401	25,000.00

Motion carried by the following vote:

Yes: Bryant, Gafa, Granger, Koester, McConaghy, McMullen, Novitke
 No: None
 Absent: None

Motion by McConaghy, seconded by Bryant, regarding **Agreement: Court Recording Services**, that the City Council approve Recording Clerk Michele Stabile’s contract commencing July 1, 2020, through June 30, 2021, in an amount not to exceed \$7,200.00, and to authorize the City Administrator to sign said contract.

Motion by McConaghy, seconded by Bryant, to amend the previous motion by deleting, “Recording Clerk”, and inserting, “Independent Contractor Recording Clerk”.

Motion by McConaghy, seconded by Bryant, to amend the previous motion by deleting, “and to authorize the City Administrator to sign said contract”, and inserting, “and to authorize the City Administrator to sign said contract wherein it shall be stated that Michele Stabile is an Independent Contractor.”

Motion carried by the following vote:

Yes: Bryant, Gafa, Granger, Koester, McConaghy, McMullen, Novitke
 No: None
 Absent: None

Motion by McMullen, seconded by Koester, regarding **claims/accounts**, that the City Council approve payment of Items 7A – 7F and 7H (Item 7G Legal Services Metro Act removed) as listed on the Council agenda and as identified in the pink sheet in the respective amounts and accounts listed, as follows:

A.	<p>2019 Sewer Open Cut Repair Program</p> <p>1. Fontana Construction Services Pay Estimate No. 4 07/28/20 - \$44,551.10, Account Nos.:</p> <p>a. FY 2019/20 592-537-976.002 - \$23,866.50;</p> <p>b. FY 2020/21 592-537-976.002 - \$20,684.60.</p>
B.	<p>2019 Sewer Structure Rehabilitation</p> <p>1. L. Anthony Construction Co. Pay Estimate No. 11 07/28/20 - \$37,669.95, Account Nos.:</p> <p>a. FY 2019/20 202-451-974.200 - \$133.03;</p> <p>b. FY 2019/20 203-451-974.200 - \$2,793.69;</p> <p>c. FY 2019/20 592-537-975.400 - \$3,417.95;</p> <p>d. FY 2019/20 592-537-976.002 - \$13,835.43;</p> <p>e. FY 2020/21 202-451-974.200 - \$115.30;</p> <p>f. FY 2020/21 203-451-974.200 - \$2,421.26;</p> <p>g. FY 2020/21 592-537-975.400 - \$2,962.30;</p> <p>h. FY 2020/21 592-537-976.002 - \$11,991.00.</p>
C.	<p>2019 Road Program</p> <p>1. Florence Cement Co Pay Estimate No. 7 07/28/20 - \$21,220.70, Account Nos.:</p> <p>a. FY 2019/20 202-451-974.200 - \$549.97;</p> <p>b. FY 2019/20 203-451-977.804 - \$9,168.31;</p> <p>c. FY 2019/20 592-537-975.400 - \$1,173.28;</p> <p>d. FY 2019/20 203-451-974.200 - \$476.64;</p> <p>e. FY 2020/21 202-451-974.200 - \$476.65;</p> <p>f. FY 2020/21 203-451-977.804 - \$7,945.92;</p> <p>g. FY 2020/21 592-537-975.400 - \$1,016.85;</p> <p>h. FY 2020/21 203-451-974.200 - \$413.09.</p>

D.	<p>City Engineer – Anderson, Eckstein & Westrick</p> <ol style="list-style-type: none"> 1. DPW Water & Sewer Barn Invoice No. 0126783 06/30/20 - \$260.00, Account No. 592-537-978.300. 2. Vernier Rd Resurfacing – Fairway to ECL Invoice No. 0126900 07/07/20 - \$4,799.75, Account No. 202-451-974.803. 3. 2019 Sewer Open Cut Repair Program Invoice No. 0126902 07/07/20 - \$4,619.00, Account No. 592-537-976.001. 4. 2019 Sewer Structure Rehabilitation Invoice No. 0126903 07/07/20 - \$10,377.70, Account Nos.: <ol style="list-style-type: none"> a. 202-451-974.201 - \$93.49; b. 203-451-974.201 - \$1,963.35; c. 592-537-975.401 - \$1,331.34; d. 592-537-976.001 - \$6,989.52. 5. Beaufait Rd Reconstruction – Mack to WCL Invoice No. 0126904 07/07/20 - \$4,896.25, Account Nos.: <ol style="list-style-type: none"> a. 202-451-974.201 - \$401.33; b. 203-451-977.803 - \$3,290.92; c. 203-451-974.201 - \$347.82; d. 592-537-975.401 - \$856.18. 6. Robert E. Novitke Municipal Center Generator Invoice No. 0126906 07/07/20 - \$8,383.90, Account No. 420-451-974.201. 7. Bournemouth Wm Replacement Invoice No. 0126910 07/07/20 - \$573.00, Account No. 592-537-977.310.
E.	<p>Milk River Drainage District</p> <ol style="list-style-type: none"> 1. County of Wayne Invoice No. 303337 07/15/20 - \$99,590.50, Account No. 365-445-992.200.
F.	<p>City Hall Reconstruction</p> <ol style="list-style-type: none"> 1. APCOR Construction & Development Application No. 2 07/15/20 - \$258,022.01, Account No. 401-902-977.105.
G.	<p>REMOVED FROM AGENDA Legal Services – Metro Act 1. Kitch Drutchas Wagner Valitutti & Sherbrook Invoice No. 473029 06/24/20 – \$990.00, Account No. 101-210-812.000.</p>
H.	<p>City Attorney</p> <ol style="list-style-type: none"> 1. Charles T. Berschback 07/31/20 - \$7,750.00, Account Nos.: <ol style="list-style-type: none"> a. 101-210-801.000 - \$3,913.75; b. 101-210-801.100 - \$3,061.25; c. 101-210-801.200 - \$542.50; d. 101-210-801.300 - \$232.50.

Motion carried by the following vote:

Yes: Bryant, Gafa, Granger, Koester, McConaghy, McMullen, Novitke
No: None
Absent: None

Nobody wished to be heard under New Business.

Nobody wished to be heard under Public Comment.

Motion by Bryant, seconded by McConaghy, that the Council recess the regularly scheduled Council meeting at 8:18 p.m. and convene in Closed Executive Session for the purpose of discussing a pending litigation at which time the City Council may or may not reconvene in regular session to address additional items as necessary, in accordance with the Open Meetings Act 1976 PA 267.

Motion carried by the following roll call vote:

McConaghy Yes
McMullen Yes
Novitke Yes
Bryant Yes
Gafa Yes
Granger Yes
Koester Yes

The meeting reconvened in regular session at 8:52 p.m.

The City Attorney provided an overview regarding **Grosse Pointe Woods vs Samuel L. Randazzo**.

Motion by McConaghy, seconded by Gafa, regarding the City of Grosse Pointe Woods vs Samuel L. Randazzo, that the City Council:

- (1) Not file an appeal in the Circuit Court Opinion in City of Grosse Pointe Woods vs Samuel L. Randazzo;
- (2) Direct the City Attorney to draft amendments to the sections in the fence ordinance dealing with solid fences;
- (3) Adopt a 90-day moratorium for applications for fence permits dealing with solid fences.

Motion carried by the following vote:

Yes: Bryant, Gafa, Granger, Koester, McConaghy, Novitke

No: McMullen

Absent: None

Motion by Gafa, seconded by McConaghy, to adjourn tonight's meeting at 9:00 p.m. PASSED UNANIMOUSLY.

Respectfully submitted,

Lisa Kay Hathaway
City Clerk

Robert E. Novitke
Mayor