

MINUTES OF THE REGULAR CITY COUNCIL MEETING OF THE CITY OF GROSSE POINTE WOODS HELD ON MONDAY, DECEMBER 6, 2021, IN THE COUNCIL-COURT ROOM OF THE ROBERT E. NOVITKE MUNICIPAL CENTER, 20025 MACK PLAZA DR., GROSSE POINTE WOODS, MICHIGAN.

The meeting was called to order at 7:03 p.m. by Mayor Bryant.

PRESENT: Mayor Bryant
Council Members Brown, Gafa, Granger, Koester, McConaghy, Vaughn

ABSENT: None

Also Present: City Administrator Smith
City Attorney Anderson
Treasurer/Comptroller Murphy
City Clerk Hathaway
Director of Public Services Schulte

Council, Administration, and the audience Pledged Allegiance to the Flag.

The following Commission members were in attendance:

Grant Gilezan, Planning Commission
Cathrine Dumke, Senior Commission

Motion by McConaghy, seconded by Gafa, that all items on the Consent Agenda be approved as amended. Items 5B1, 5C2, 5C3, 5D4, and 5D7 were removed for discussion:

A. Approval of Minutes

1. City Council 11/15/21
2. Tree Commission 10/06/21

B. Bids/Proposals/Contracts

2. Contract: Annual Fuel Purchase
 - a. Memo 11/29/21 - Director of Public Services
 - b. Bid Tabulation - RKA Tank Wagon 12/10/19
 - c. Bid Tabulation - RKA Truck Transport 12/10/19

C. Ordinances

1. First Reading: An Ordinance to Amend the Code of Ordinances for the City of Grosse Pointe Woods, Chapter 2, Administration, Article VI, Elections to Amend Section 2-515 to Revise the Location of the Polling Places

- a. Memo 11/18/21 - City Attorney
- b. Proposed Ordinance

This ordinance is proposed to be set and published in the Grosse Pointe News for a Second Reading and adoption for the meeting on December 20, 2021.

4. Second Reading: An Ordinance to Amend City of Grosse Pointe Woods Code of Ordinances, Chapter 2, Administration, Article II, Officers and Employees, to Add a New Division 5 to Create the Office of Assistant City Administrator

- a. Memo 11/01/21 - City Attorney
- b. Chapter 2 - Administration Article II - Officers and Employees; Divisions 2, 3, and 4
- c. Proposed Ordinance
- d. Affidavit of Legal Publication

This ordinance is proposed to be adopted and made effective in ten days.

D. Claims and Accounts

1. City Engineer - Anderson, Eckstein & Westrick

- a. DPW Barn Addition Invoice No. 0132601 08/11/21 - \$1,125.00; Account No. 598-787-977.103.
- b. Oxford Road Recon - Mack to Holiday Invoice No. 0133913 11/02/21 - \$216.40; Account Nos: 203-451-974.201 - \$17.31, 202-451-977.803 - \$177.45, 592-537-975.401 - \$21.64.
- c. Allard Rd Recon. Chester/Harper (WCL) Invoice No. 0133914 11/02/21 - \$4,823.00; Account No. 203-451-977.803.
- d. 2020/21 GIS Maintenance Invoice No. 0134036 11/02/21 - \$36.75; Account No. 592-537-977.000.
- e. DPW Barn Addition Invoice No. 0134046 11/02/21 - \$3,375.00; Account No. 598-787-977.103.
- f. 2019 Sewer Open Cut Repair Program Invoice No. 0134150 11/08/21 - \$154.10; Account No. 592-537-976.001.
- g. 2020/21 Water Main Replacement Program Invoice No. 0134151 11/08/21 - \$20,440.64; Account No. 592-537-977.310.
- h. 2020 Concrete Pavement Repair Program Invoice No. 0134152 11/08/21 - \$2,637.81; Account Nos: 202-451-974.201 - \$501.18, 203-451-974.201 - \$316.54, 585-561-978.300 - \$1,318.91, 592-537-975.401 - \$501.18.
- i. Sewer Rehab - Lining Invoice No. 0134153 11/08/21 - \$310.05; Account No. 592-537-976.001.

- j. Sewer Rehab - Open Cut Invoice No. 0134154 11/08/21 - \$2,591.40;
Account No. 592-537-976.001.
 - k. 2021 Misc. Concrete Repair Invoice No. 0134155 11/08/21 - \$6,113.72;
Account Nos: 202-451-974.201 - \$1,406.16, 203-451-974.201 -
\$917.05, 585-561-978.300 - \$2,384.35, 592-537-975.401 - \$1,406.16.
 - l. 2021/22 General Engineering Invoice No. 0134212 11/09/21 - \$270.50;
Account Nos: 101-441-818.000 - \$90.16, 101-444-818.000 - \$90.17,
592-537-818.000 - \$90.17.
 - m. 2021 Sewer Rehab by FCIPP Invoice No. 0134214 11/09/21 -
\$11,286.91; Account No. 592-537-976.001.
- 2. McKenna - Building Services Invoice No. 21849-45 11/08/21 - \$3,920.00;
Account No. 101-180-818.000.
 - 3. WCA Assessing Invoice No. 11162021 11/16/21 - \$6,508.50; Account No. 101-
224-818.000.
 - 5. McGraw Morris Legal Services Invoice No. 8343 11/11/21 - \$297.50; Account
No. 101-210-801.000.
 - 6. Keller Thoma Labor Attorney Invoice No. 121176 11/01/21 - \$262.50; Account
No. 101-210-810.000.

Motion carried by the following vote:

Yes: Brown, Bryant, Gafa, Granger, Koester, McConaghy, Vaughn

No: None

Absent: None

Motion by Granger, seconded by Koester, that all items on tonight's agenda be received, placed on file, and taken in order of appearance, with the addition of the following items removed from the Consent Agenda to be discussed:

- 1. 5C3 – Second Reading regarding Solar Energy Systems;
- 2. 5C2 – First Reading regarding the City Administrator supervising the Clerk and Treasurer;
- 3. 5D7 – Rosati invoice;
- 4. 5B1 – License Agreement: AT&T Wireless 5th Amendment;
- 5. 5D4 – Kitch invoice.

Motion carried by the following vote:

Yes: Brown, Bryant, Gafa, Granger, Koester, McConaghy, Vaughn
No: None
Absent: None

Motion by Vaughn, seconded by Brown, regarding **Second Reading: An Ordinance to Adopt Article XVII Solar Energy Systems, Chapter 8, Buildings and Building Regulations, Sec. 8-501 to Eliminate the Requirement that Panels be Located Within 4 Feet of Any Peak, Eave or Valley, to Provide that the Installation of the Solar Energy System Shall Comply with the Michigan Residential Code, and to Provide for Appeals to the City Council**, that the City Council adopt this ordinance and make it effective in twenty days.

This item is to be referred to the Committee-of-the-Whole for further discussion pertaining to Section 8-501(3).

Motion carried by the following vote:

Yes: Brown, Bryant, Gafa, Granger, Koester, McConaghy, Vaughn
No: None
Absent: None

Motion by Vaughn, seconded by Koester, regarding **First Reading: An Ordinance to Amend City of Grosse Pointe Woods Code of Ordinances, Chapter 2, Administration, Article I, In General, To Add Regulations Placing the City Clerk, City Treasurer, and City Departments under the Supervision of the City Administrator**, that this item be referred to the Committee-of-the-Whole.

Motion carried by the following vote:

Yes: Brown, Gafa, Granger, Koester, McConaghy, Vaughn
No: Bryant
Absent: None

Motion by Granger, seconded by Gafa, to approve **Rosati, Schultz, Joppich & Amtsbuechler** City Attorney Invoice No. 1076433 11/11/21 - \$10,191.50; Account Nos: 101-210-801.000 - \$8,509.50, 101-210-801.300 - \$1,682.00.

Motion carried by the following vote:

Yes: Brown, Bryant, Gafa, Granger, Koester, McConaghy, Vaughn
No: None
Absent: None

Motion by McConaghy, seconded by Brown, regarding **License Agreement: AT&T Wireless (5th Amendment)**, that the City Council approve this Agreement conditioned upon the agreement being finalized to the satisfaction of the City Administrator and Attorney with authorization given to the City Administrator to execute the agreement when final.

Motion carried by the following vote:

Yes: Brown, Bryant, Gafa, Granger, Koester, McConaghy, Vaughn
No: None
Absent: None

Motion by Koester, seconded by Granger, to approve **Kitch Drutchas Wagner Valitutti & Sherbrook** Cell Tower Invoice No. 516935 11/02/21 - \$6,057.82; Account No. 101-210-812.000.

Motion carried by the following vote:

Yes: Brown, Bryant, Gafa, Granger, Koester, McConaghy, Vaughn
No: None
Absent: None

The Mayor asked the City Clerk to administer the Oath of Office to Sue Como, who will be serving as the City's Assistant City Administrator effective December 16, 2021.

Motion by Gafa, seconded by McConaghy, regarding **discussion regarding retirement celebration**, that the City Council rescind the motion allowing an expenditure of up to \$2,000.00 for the retirement celebration.

Motion carried by the following vote:

Yes: Brown, Bryant, Gafa, Granger, Koester, McConaghy, Vaughn
No: None
Absent: None

Motion by Granger, seconded by Koester, regarding **budget transfer – Retiree Health Care Trust Fund**, that the City Council approve a budget transfer in the amount of \$200,000.00 from Account No. 101-299-999.736 into the Retiree Health Care Trust Fund held with Charles Schwab for payment toward Other Post-Employment Benefits.

Motion carried by the following vote:

Yes: Brown, Bryant, Gafa, Granger, Koester, McConaghy, Vaughn

No: None

Absent: None

Motion by McConaghy, seconded by Granger, regarding **Rules of Order and Procedure for the Common Council**, that the City Council approve the Rules of Order and Procedure for the Common Council as amended.

Motion carried by the following vote:

Yes: Brown, Bryant, Gafa, Granger, Koester, McConaghy, Vaughn

No: None

Absent: None

Motion by Gafa, seconded by McConaghy, regarding **Legal Proceedings: Dubrulle et al vs Great Lakes Water Authority**, that the City Council receive these Legal Proceedings and forward to the City Attorney for further processing.

Motion carried by the following vote:

Yes: Brown, Bryant, Gafa, Granger, Koester, McConaghy, Vaughn

No: None

Absent: None

The Mayor accepted the resignation of Linda Stephens from the Beautification Commission with regret, and directed that appropriate thanks and recognition be sent to Ms. Stephens.

Motion by McConaghy, seconded by Gafa, that the Council recess the regularly scheduled Council meeting at 7:39 p.m. and convene in Closed Session under Section 8(e) of the Open Meetings Act to consult with the City Attorney regarding trial or settlement strategy in connection with U.S. District Court Case No. 21-CV-12546, U.S. Specialty Insurance Company v Grosse Pointe Woods, where an

open meeting would have a detrimental financial effect on the City's litigation and settlement position, 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:

Bryant	Yes
Gafa	Yes
Granger	Yes
Koester	Yes
McConaghy	Yes
Vaughn	Yes
Brown	Yes

The City Council reconvened in regular session at 8:11 p.m.

Nobody wished to be heard under New Business.

Nobody wished to be heard under Public Comment.

Motion by Granger, seconded by Koester, to adjourn tonight's meeting at 8:11 p.m. PASSED UNANIMOUSLY.

Respectfully submitted,

Lisa Kay Hathaway
City Clerk

Arthur W. Bryant
Mayor