

**VILLAGE OF GROSSE POINTE SHORES, A MICHIGAN CITY
MEETING OF THE CITY COUNCIL
TUESDAY, AUGUST 18, 2020 – 7:00 P.M.
OSIUS PARK PAVILION
(Revised)**

1. CALL MEETING TO ORDER - A monthly meeting of the City Council of Village of Grosse Pointe Shores, a Michigan City was held on Tuesday, August 20, 2020 at the Osius Park Pavilion of the Grosse Pointe Shores Municipal Park on Lake Shore Road. The meeting was called to order at 7:00 p.m. by Mayor Kedzierski.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL – Clerk Bruce Nichols

Present: Mayor Thaddeus Kedzierski, Robert H. Barrette, Sandra Cavataio, Danielle Gehlert, Doug Kucyk, John T. Seago and Matthew Seely

Absent: None

Also present: City Clerk Bruce Nichols
Interim City Manager Thomas Krolczyk
City Attorney Brian Renaud
Finance Officer/Treasurer Rhonda Ricketts
Public Safety Director John Schulte
Public Works Director Brett Smith

4. APPROVAL OF MINUTES OF THE JULY 21, 2020 REGULAR MEETING

On motion by Council Member Kucyk, seconded by Council Member Barrette, and carried unanimously, it was resolved that the minutes were approved with a correction regarding the ZBA appeal for 611 Lake Shore having been tabled at the July 2020 meeting.

5. RECEIVE AND FILE VARIOUS BOARDS, COMMITTEES & COMMISSIONS MINUTES

On motion by Council Member Kucyk, seconded by Council Member Barrette, and carried unanimously, it was resolved that the various minutes were approved for receipt and filing.

6. PUBLIC COMMENT ON AGENDA ITEMS

Gloria Anton had objections regarding retiree benefits and the municipal calendar.

Christina Roehl urged city Council to contact the Michigan Public Service Commission

regarding inferior DTE service in the community. She also voiced objections to the current status of retiree benefits.

Robert Lee commented on the difficulty of managing municipal finances and legacy health costs within the budgetary constraints of the tax revenues.

Jeff Manor spoke in support of the reinstatement of the former retiree health care benefits.

Deanne Younk had comments regarding the collective bargaining agreement with the current retirees.

Tom Collins expressed his dissatisfaction with changes in retiree health care benefits.

Diane Kortas expressed her disagreement with the existence of an HSA for current retirees.

Bruce Bisballe had comments regarding the retiree health care costs in compliance with Public Act 202 and the potential of bonding future large scale infrastructure projects.

7. PUBLIC HEARING-City Council Sitting as the Zoning Board of Appeals, 56 Webber Special Land Use

The petitioner at 56 Weber appeared at the hearing and requested a special land-use for an athletic court to be placed in the north east portion of the rear yard. At the July 28, 2020 Planning Commission meeting, the Commission recommended approval of the petitioner's request based on their findings and on the building department and community planner's review.

There was no public objection nor letters received in opposition to the petition. Public Notice of the hearing of the petitioner's request was published in the Grosse Pointe Times on July 30, 2020.

On motion by Council Member Kucyk, seconded by Council Member Barrette, and stating the petitioner had met the requirements for such special land-use, Council unanimously approved to grant the petition (7-0).

8. PUBLIC HEARING-City Council Sitting as Zoning Board of Appeals, 47 Colonial Special Land Use

The petitioner at 47 Colonial Road requested a special land use for a side yard of 6 feet for a garage addition. The municipal zoning ordinance requires a side yard of 10 feet. At the July 28, 2020 Planning Commission meeting, the Planning Commission recommended approval of the petitioner's request based on the municipal planner's review. The petitioner appeared before Council and explained his need for the special land-use.

On motion of Council Member Kucyk, with support by Council Member Barrette, and stating the petitioner had met the requirements for such special land-use and side yard

variance, Council unanimously approved to grant the petition (7-0).

There was no public objection nor letters received in opposition to the petition. Public Notice of the hearing of the petitioner's request was published in the Grosse Pointe Times on July 30, 2020.

9. PUBLIC HEARING-City Council Sitting as the Zoning Board of Appeals, 611 Lake Shore Rd. Variance

The petitioner, Blake Johnson was accompanied by his architect John Vitale. Mr. Vitale described the proposed structure of the proposed front porch extension. A variance was requested for a triangular area measuring 17 feet 5 inches at its widest. He also pointed out problems with the approach and set back of the property which make the application for a variance necessary. He presented a rendering showing the encroachment of the setback requirements. A curve in the road presents problems in complying with the zoning ordinance.

Neighbor Ted Wysocki, objected to the granting of a setback variance. Mr. Wysocki's attorney, Marcus Dedlin, presented a brief in opposition to any grant of the variance. Mr. Dedlin asked that his brief be made part of the record. He stated there was no practical difficulty shown by the petitioner which would require the zoning variance.

The petitioner discussed the issues that were the basis of his variance request. Mayor Kedzierski summarized the requirements for a grant of the petitioner's request as required by the zoning ordinance. The Mayor also referred to the March 12, 2020 "*Front Yard Variance Review*" communication received from the municipal planning consultant Carlisle Wortman which sets forth the variance request and review criteria which must be met grant for an approval. The municipal planning consultant recommended approval with stipulations contained within their recommendation. City Planning Commission Chair Mary Matuja reported the Planning Commission unanimously recommended approval of the request at its March 12, 2020 meeting. The Mayor then set forth seven (7) "*ZBA Review Criteria*" conditions contained in the municipal planners' recommendation which would need to be met for a grant of the variance. He then explained the ZBA may permit and grant the variance provided the petitioner has demonstrated that a practical difficulty exists and that the petitioner has met each of the seven (7) requirements contained within the Carlisle Wortman letter, which letter is made a part of the record in this matter.

On motion by Councilman Kucyk, with support by Council Member Gehlert, and carried 6-1 with Council Member Seago opposing, on a finding that the Petitioner had met the requirements needed for approval of the variance petition, the petitioner's request for a variance was granted in accordance with those terms and conditions set forth in the Carlisle Wortman recommendation letter, with such Carlisle Wortman letter being incorporated and made a part of the record in this matter.

Public notice of the hearing on the petitioner's request was published in the Grosse Pointe Times on July 30, 2020.

On motion by Council Member Kucyk, with support by Council Member Barrette, and

carried unanimously, the Zoning Board of Appeals was then adjourned at 8:45 PM and the Council returned to regular session.

10. REPORTS BY CHAIRPERSONS OF BOARDS, COMMITTEES AND COMMISSIONS

A. **Budget and Finance** – Finance Officer/Treasurer Rhonda Ricketts

1. *Approval of Bills* - Finance Officer/Treasurer Rhonda Ricketts reported there was nothing unusual in the monthly expenses other than normal supplies and services.

On motion of Council Member Kucyk, seconded by Council Member Barrette, the bills were unanimously (7-0) approved for payment.

2. *Review of Financial Statements* - Finance Officer/Treasurer Rhonda Ricketts presented the Financial Statements for review by Council. She informed Council that closing out the Fiscal Year ending June 30th for the city was being completed.
3. *Finance Committee Chair Report* - Chair Sandra Cavataio indicated a meeting of the Finance Committee will be held next week to discuss hiring a replacement Financial Officer/Treasurer in anticipation of the retirement of Rhonda Ricketts.

B. **Public Safety** – Chief John Schulte reported that all public safety officers remain healthy due to the exceptional precautions being taken during the Covid pandemic. The appearance of municipal fire hydrants has been upgraded by painting. Park hours and staffing of Rangers will discontinue the midnight shift after Labor Day. The Chief expressed appreciation for the 33 years of exceptional service of Department of Public Works Director Brett Smith.

C. **Public Works** – Director Brett Smith appeared at his last Council meeting as a municipal employee. He started with the city in 1987. He reflected on and thanked the municipal employees, coworkers, residents, and associates who supported him during his 33 years of service. He also discussed some of the large projects which were done during his tenure; and how many of those public works projects utilized federal grants. He also had observations regarding his reasons for retirement.

D. **Parks Committee** – Municipal Park Pool Director Jen Serra explained some of the problems regarding the opening and closing of the pool during the Covid pandemic.

E. **Harbor Committee** – Council Liaison John Seago read from a report provided by Harbor Committee Chairman Donn Schroder that the wells were fully occupied and the next meeting of the Harbor Committee will be in September.

F. **Infrastructure Report** – Council Liaison Matt Seely stated the Committee continues to attempt to receive updates from Wayne County regarding the findings of the sea wall study. It appears any potential federal funding for a seawall project will be accompanied by a 2 to 3 year time lag expectancy. He has continued to follow up with Hubble Roth and Clark on the sewer system issues.

G. GPSIF – Council Liaison Danielle Gehlert reported the next meeting of the Foundation will be in September.

H. Communications Committee – Chairman Ted Coutilish reported the municipal website has been reviewed on a page by page basis. Recommendations have been made. A resident survey has been created.

Council Liaison Danielle Gehlert asked for community members to consider joining the Communication Committee.

Council Liaison Danielle Gehlert also spoke about the recent distribution of a door to door flyer regarding health care benefits. Her review of the flyer indicated inaccurate data and misinformation about retiree benefits.

In response to the flyer, Mayor Kedzierski stated he was willing to discuss retiree benefits at any time.

I. Legal Report – City Attorney Brian Renaud reported on having provided the following legal services since the last meeting of City Council:

A review of a Michigan appeal case regarding property tax foreclosure surpluses and resultant refunds, questions regarding the *Open Meetings Act*, Deeplands Lane Subdivision plat application process, review of Michigan "No Anchor Zone" law with a recommendation regarding same, review of the Board of Zoning Appeal special land-use application and variance request pending before City Council.

J. Manager's Report – Interim City Manager Tom Krolczyk reported the primary election day process worked flawlessly and was generally uneventful. City Engineers Hubble Roth and Clark are preparing a plan for a pickle ball court. Stuckey Vitale is reviewing the municipal park plan.

11. OLD BUSINESS

A. Adoption of Resolution to Seek MDNR Temporary Local Watercraft Control in Lake St. Clair, north of GPYC to Ford's Cove, as approved by the City Council at July 21, 2020 City Council Meeting.

City Attorney Brian Renaud informed Council of communications with the Michigan Department of Natural Resources regarding the application process for a temporary watercraft determination of a 300 foot no anchor zone along the Lake St. Clair shoreline. The DNR official recommended waiting until early spring of 2020 to make the application as the permit is only valid for six (6) months. If the application were made before that date, the no anchor zone would not be valid during the summer boating season of 2021. There are also legal questions to be resolved regarding jurisdiction, as the Lake St. Clair shoreline lies within two (2) counties. There could also be a need for a public hearing.

Based on the findings and recommendation of the City Attorney, no action was taken on the DNR application process.

12. NEW BUSINESS

A. MML Annual Meeting Delegate Designation

On motion by Council Member Kucyk, seconded by Council Member Gehlert, and carried unanimously, it was resolved that Council Member Robert H. Barrette will serve as the MML Annual Meeting Delegate for the city.

B. IT Services Contract Renewal

On motion by Council Member Barrette, seconded by Council Member Kucyk, and carried unanimously, it was resolved that the current contract with IT Right Services is renewed for a period of 2 years at a rate of \$13,860 per year. Administrative staff is authorized to sign and proceed with the contract.

13. PUBLIC COMMENT ON NON-AGENDA ITEMS

Mercedes Kucyk had comments regarding the scheduling of the tennis courts, tennis instructor, and the system of tennis court reservations.

Brandy Collins had comments regarding the change in retiree health care benefits.

Christa Fagan expressed great appreciation for the quick action of officers of the Department of Public Safety during an emergency situation at her home. She also voiced her support of the Department of Public Safety and the need for proper retirement benefits for its officers.

Fran Bachman expressed dissatisfaction with the financial analysis utilized in the process of modifying retiree health care benefits.

Raymond Rahi had comments regarding current retiree health care benefits and a review of previous Council actions.

14. COUNCIL MEMBERS' COMMENTS

Council Member Seago, along with all the Council Members, expressed their appreciation to Public Works Director Brett Smith during his 33 years of service.

Council Member Seely also stated the flyer distributed door to door within the city is false and inaccurately describes the true benefit plan for current retirees. He explained the use of HSA medical plans, and the coverage provided by them. He asked retirees to carefully review the new retiree health care plan to be sure they understand the benefits provided by the plan.

Council Member Kucyk had questions regarding the recruitment of a permanent City Manager and new Chief Financial Officer /Treasurer.

15. MAYOR'S COMMENTS – Mayor Kedzierski expressed appreciation on behalf of the City

Council and residents to Brett Smith for his 33 years of dedicated service. The Mayor also reported on the Mayor's resignation from the Ethics Committee to avoid any appearance of impropriety. His resignation from the Ethics Committee will now exclusively allow citizens to direct the ordinance drafting process. He reminded residents that a Town Hall Meeting is scheduled for September 12, 2020.

16. REQUEST TO ENTER INTO CLOSED SESSION

On motion by Council Member Barrette, seconded by Council Member Seely, and carried unanimously, it was resolved that Council would adjourn to the Municipal Building Council Chambers and enter into Closed Session to discuss the DPW Director vacancy and to Discuss Public Safety Proposed Drop-Plan. The regular meeting was adjourned at 9:25pm and reconvened in closed session at 9:45pm.

17. ENTER INTO OPEN SESSION

On motion by Council Member Seely, seconded by Council Member Barrette, and carried unanimously (7-0), the Council reconvened into Open Session at 10:31pm.

On motion by Council Member Seely, seconded by Council Member Barrette, and carried unanimously, it was resolved that Interim City Manager Thomas Krolczyk and attorney Ryan Fanuzzi enter into negotiations with employee Mike Way for the position of Department of Public Works Director.

18. NOTE DATES OF FUTURE CITY COUNCIL MEETINGS (Tues, 9/15/20-7 pm & Tues, 10/20/20 -7pm)

19. NOTE DATES OF FUTURE TOWN HALL MEETINGS (Sat, 9/12/20 10am)-Tentative

20. ADJOURNMENT

The meeting was adjourned by Mayor Kedzierski at 10:33pm.

Respectfully submitted,
Bruce R Nichols
City Clerk