

**VILLAGE OF GROSSE POINTE SHORES, A MICHIGAN CITY  
MINUTES OF CITY COUNCIL MEETING  
JANUARY 17, 2012**

A monthly meeting of the City Council of Village of Grosse Pointe Shores, A Michigan City, was held on Tuesday, January 17, 2012 in the Council Chambers of the Grosse Pointe Shores Municipal Building, 795 Lake Shore Road. The meeting was called to order at 7:00 p.m. by Mayor Kedzierski.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: Mayor Ted Kedzierski  
Council Members: Alexander Ajlouni, Robert Barrette, Bruce Bisballe, Kay Felt, Robert Gesell, Daniel Schulte

Absent: None

Also present: City Manager Brian P. Vick  
City Clerk Bruce Nichols  
City Attorney Mark McInerney  
Finance Director Rhonda Ricketts  
Public Works Director Brett Smith  
Public Safety Director Steve Poloni

All correspondence and reports relating to this meeting are either attached or placed on file.

Motion made by Council Member Felt, Seconded by Council Member Ajlouni that the City Council move into closed session for agenda items ( I ) and ( J ) at 9:00 PM. and resume any remaining agenda items when exiting from closed session.

AYES: Mayor Kedzierski, Council Members: Ajlouni, Barrette, Bisballe, Felt, Gesell, Schulte  
NAYS: None

Motion passes 7-0.

APPROVAL OF MINUTES OF THE DECEMBER 20, 2011 REGULAR COUNCIL MEETING

Motion made by Council Member Felt, Seconded by Council Member Barrette to approve the minutes from December 20, 2011 with the following changes under Grosse Pointe Yacht Club Water Billing:

AYES: Council Members Ajlouni, Barrette, Bisballe, Felt, Gesell, and Schulte

AYES: Mayor Kedzierski, Council Members: Ajlouni, Barrette, Bisballe, Felt, Gesell, Schulte

NAYS: None

Motion passes 7-0.

APPROVAL OF MINUTES OF THE DECEMBER 20, 2011 CLOSED SESSION MEETING

Motion made by Council Member Gesell, Seconded by Council Member Bisballe to approve the minutes from December 20, 2011 Closed Session.

AYES: Mayor Kedzierski, Council Members: Ajlouni, Barrette, Bisballe, Felt, Gesell, Schulte

NAYS: None

Motion passes 7-0.

SPECIAL AGENDA ITEM –

- a. Grosse Pointe Public Library – Library Trustee Brian Garves addressed the City Council and provided an update on the Library Millage Proposal slated for the February 28, 2012 election.

PUBLIC COMMENT ON AGENDA ITEMS -

Vito Cuszenza, 562 Ballantyne Road – Regarding GPSAFE and Grosse Pointe Yacht Club water billing tolling agreement.

Gloria Anton, 11 Willison Road - Regarding DTE Smart Meters.

Jan Pemberton, 62 Michaux Court – Regarding Park and Harbor Committee, city website and email contact feature, public comment at meetings.

Fran Bachmann, 43 Greenbriar Lane – Regarding a burglary in the community and Nixle.

PUBLIC HEARING – ZONING BOARD OF APPEALS

59 Willow Tree Place - Geraghty

Planning Commission Chair Mary Matuja introduced the application and Planning Commission action to the Board of Zoning Appeals. On December 27, 2012 the Planning Commission received a variance application from Mr. Geraghty, 59 Willow Tree Place to place a generator in the rear yard but within the required side yard setback. The Planning Commission has recommended approval of the variance to the Zoning Board of Appeals.

The Board of Zoning Appeals was provided the following material:

1. Zoning Variance Petition Form 59 Willow Tree – Geraghty Residence.
2. Letter from applicant plus attachments – dated December 12, 2011
3. Consultant Review Letter dated – December 15, 2011

A notice was published and sent to adjacent residents (within 300 feet) notifying them of this variance request. Planning Commission Chair, Mary Matuja, answered questions from the Board of Zoning Appeals.

Motion made by Council Member Felt and Seconded by Council Member Schulte to accept the recommendation of the Planning Commission and approve the variance.

AYES: Mayor Kedzierski, Council Members: Ajlouni, Barrette, Bisballe, Felt, Gesell, Schulte  
NAYS: None

Motion passes 7-0.

#### REPORTS BY CHAIRMEN OF BOARDS, COMMITTEES AND COMMISSIONS

##### A. Budget and Finance

##### 1. Approval of the Bills

Council asked questions regarding excess flow disbursement, services covered by current payment to Grosse Pointe Farms, and animal control costs

The monthly bills were presented by Finance Officer Ricketts, reviewed, discussed and unanimously approved for immediate payment on motion by Council Member Barrette, seconded by Council Member Gesell.

##### 2. Review of Financial Reports. Council discussed revenue / expenditure projections, balance sheet, and county equalization report

Council asked questions regarding parks and recreation expenses. Particularly related to personnel expenses.

##### 3. Finance Committee – Chairman Bisballe

Chair Bisballe encouraged the public to attend the scheduled Finance Committee meeting on January 24<sup>th</sup> at 7PM and highlighted the budgetary process.

##### B. Public Safety

Chief Poloni Updated City Council on the following:

- Yearend report is being worked on and will be available in February
- Distributed a three month crime statistic synopsis.
- Criminal investigation update and encourage residents to participate in the vacation watch list.
- Nixle participation update.
- Expressed his appreciation for the public safety staff in Grosse Pointe Shores.

#### C. Public Works

Director Smith updated the City Council on the following:

- Street maintenance update
- Tree trimming update
- Off season equipment maintenance update
- Skating rink update

#### D. Park and Harbor

Mr. Vick reported on the following park and harbor activities:

- Daddy / Daughter Dance is scheduled for March 19, 2012.

Council Liaison Schulte provided the following update regarding the Park and Harbor meeting of January 17, 2012: Committee action included: boat well rates, ventilation to the pool house, enforcing the dog restriction at Schroeder Field, and dog park maintenance.

#### E. Legal Report –

Mr. McInerney provided the following updates:

- Grosse Pointe Yacht Club water billing –
  - Provided the City Council with a Memorandum regarding the status.

#### F. Manager's Report

Manager Brian Vick reported on the following:

- Informed the Council of the Inside/Outside program and with no council objection we will work with them on participating in this program.
- Distributed a spreadsheet regarding various water rates
- GPYC binder is available for public review
- Macomb County training opportunity for Board of Review members
- MML Conference session available to Council Members
- Water Billing – Hardship and private property plumbing problems

- Election workers – The city is soliciting applications from interested citizens for the February election.

## OLD BUSINESS

### **A. City Council Rules and Procedures**

Mr. McInerney incorporated changes that were suggested at the December 2011 council meeting. Incorporated changes included: pledge of allegiance, citizen participation, and agenda item submittal protocol. Suggestions at the January meeting included: language be included as to who will chair the meeting if the situation arises where the Mayor and Mayor Pro-Tem are absent. It was suggested that the meeting be chaired by the council member who received the highest vote total at the last election. Also that language be clarifying that agenda item submittals should be forwarded to the Mayor / City Clerk and copied to the City Manager.

Motion by Gesell, Seconded by Barrette, to adopt the proposed City Council Rules and Procedures with the suggested modifications.

AYES: Mayor Kedzierski, Council Members Ajlouni, Barrette, Bisballe, Felt, Gesell, and Schulte

NAYS: None

Motion passes 7-0.

### **B. Public Safety Director Search**

City Council was updated at the December 20, 2011 and January 5, 2012 City Council meetings as to the progress towards hiring a replacement for outgoing Public Safety Director Steve Poloni. Negotiations led to an offer of employment subject to a successful background check, employment physical, drug test, agreed upon contract language and City Council confirmation.

Council was provided a copy of the resume for John J. Schulte and a copy of the proposed contract. The background check and pre-employment exam have been successfully completed.

Council discussed various aspects of the proposed contract including: contract duration, separation notice, severance, municipal vehicle, full time employment status, interview process, and Open Meeting Act compliance.

#### Citizen Comment

John Booth – 980 Lake Shore Lane – Commented regarding contract duration, separation notice, severance, Open Meeting Act.

Alan Broad – 71 South Deeplands Road – Commented regarding the contractual commitment and committee interview process.  
Vito Cuszenza - 562 Ballantyne Road – Commented regarding overtime, sick days, municipal vehicle.

Motion by Bisballe, Seconded by Schulte , to offer the Public Safety Director position to John Schulte subject to amending the proposed agreement to reflect: a one year contract, three month severance and an annual renewal provision and assuming these changes are agreeable to John Schulte the contract is signed and John Schulte begins serving as the Public Safety Director.

AYES: Mayor Kedzierski, Council Members Ajlouni, Barrette, Bisballe, Felt, Gesell, and Schulte

NAYS: None

Motion passes 7-0.

## NEW BUSINESS

### **A. National Flood Insurance Program**

The City Council was provided proposed Ordinance 256, which adds a section to the floodplain management section of the Ordinance Code, and a proposed resolution, both adopting changes required by the Federal Emergency Management Agency (“FEMA”) in connection with the National Flood Insurance Program. These documents adopt the new Flood Insurance Study and Flood Insurance Rate Maps for Wayne County to be issued by FEMA effective February 2, 2012. They will insure that the City’s flood plain management regulations are sufficient to meet the requirements of the National Flood Insurance Program so that the City may continue to participate in the Program and allow property owners within the City to take advantage of favorable flood insurance rates. Virtually the same action was taken by the former Village Council in August 2006, when Ordinance 238 and a virtually identical resolution were passed with respect to the Macomb County portion of the City. This enactment is necessary for the Wayne County portion of the City.

Proposed Ordinance 256 expressly incorporates the FEMA Flood Insurance Study and the Flood Insurance Rate Maps being issued by FEMA effective February 2. New Section 6.143 is identical to existing Section 6.142 other than covering property in different counties.

The proposed resolution affirms that the City is agreeing to enforce the State Construction Code Standards within the flood hazard areas delineated on the new Flood Insurance Study and corresponding Rate Maps.

Motion by Bisballe, Seconded by Ajlouni , to adopt Ordinance 256 regarding the National Flood Insurance Program.

AYES: Mayor Kedzierski, Council Members Ajlouni, Barrette, Bisballe, Felt, Gesell, and Schulte

NAYS: None

Motion passes 7-0.

Motion by Gesell, Seconded by Barrette, to adopt the proposed resolution regarding the National Flood Insurance Program.

AYES: Mayor Kedzierski, Council Members Ajlouni, Barrette, Bisballe, Felt, Gesell, and Schulte

NAYS: None

Motion passes 7-0.

## **B. Parks and Harbor Committee – Harbor Rates**

The Parks and Harbor Committee met on January 12, 2012 to review the existing boat well rate structure and discuss the potential for an annual adjustment within the context of the financial model.

City Council was provided all of the handouts which were discussed by the Parks and Harbor Committee.

The Parks and Harbor Committee recommended that the boat well rates for 2012 reflect a 3% increase over the 2011 rates. This will take the square foot rate from \$3.38 to \$3.48. The committee also reviewed the history of the Buy-A-Home Get A Well Program which the previous City Council has extended from year to year.

Motion by Council Member Schulte, Seconded by Council Member Ajlouni, that the City Council accept the recommendation of the Parks and harbor Committee and increase the well rates 3% for the 2012 season.

AYES: Mayor Kedzierski, Council Members Ajlouni, Barrette, Bisballe, Felt, Gesell, and Schulte

NAYS: None

Motion passes 7-0.

Motion by Council Member Schulte, Seconded by Council Member Bisballe to extend the Buy-A-Home Get A Well Program for another year.

AYES: Mayor Kedzierski, Council Members Ajlouni, Barrette, Bisballe, Felt, Gesell, and Schulte

NAYS: None

Motion passes 7-0.

### **C. DTE Smart Meters**

Council Member Schulte distributed information to City Council which included a proposed resolution urging the Michigan Public Service Commission to perform a thorough analysis regarding the installation and operation of smart meters by DTE.

#### Citizen Comment

Gloria Anton, 11 Willison Road – regarding smart meter information tracking

Jan Pemberton, 62 Michaux Court – Regarding smart meter information tracking

John Booth – 980 Lake Shore Lane – Regarding electricity rates

Motion by Council Member Schulte, Seconded by Council Member Bisballe, that the proposed resolution be approved by the City Council.

AYES: Mayor Kedzierski, Council Members Ajlouni, Bisballe, Felt, Gesell, and Schulte

NAYS: None

ABSTAINED: Barrette

Motion passes 6-0-1.

### **D. Resident Complaints about street Lights that have not been operating**

Council Member Schulte requested that this item be removed from the agenda as the lights in question are now all operational.

**E. Resolution IRC Section 125 Premium Plan**

City Council was presented a resolution to adopt a Section 125 Premium Only Plan which will allow employees to make pre-tax premium contributions.

Motion by Council Member Gesell, Seconded by Council Member Bisballe to adopt the proposed resolution.

AYES: Mayor Kedzierski, Council Members Ajlouni, Barrette, Bisballe, Felt, Gesell, and Schulte

NAYS: None

Motion passes 7-0.

**F. Establish A Macomb County Ad hoc Research Committee**

At the August 2011 City Council meeting, the City Council agreed to establish a Committee to research the feasibility of moving from Wayne County to being entirely in Macomb County. As no committee has yet been formed, City Council authorized Council Member Schulte to generate a list of interested citizens who are willing to serve on the committee. Official appointments will be considered at a future council meeting upon the recommendation by the Mayor and confirmation of the City Council.

**G. CLOSED SESSION**

The City Council will meet in closed session to discuss written legal opinions as permitted by the Open Meetings Act. Roll Call Vote:

AYES: Mayor Kedzierski, Council Members Ajlouni, Barrette, Bisballe, Felt, Gesell, and Schulte

NAYS: None

Motion passes 7-0.

The City Council will meet in closed session to discuss collective bargaining strategy as permitted by the Open Meetings Act. Roll Call Vote:

AYES: Mayor Kedzierski, Council Members Ajlouni, Barrette, Bisballe, Felt, Gesell, and Schulte

NAYS: None

Motion passes 7-0.

City Council entered into Closed Session at 9:13 PM  
City Council returned from Closed Session at 10:12 PM

## **H. Cable TV**

City Council discussed the possibility of inviting additional internet / television sources into the community. Items of discussion included: broadcasting government programming through AT&T or through the War Memorial, utilization of PEG money, discontinuing the sending of PEG money, historical perspective related to War Memorial broadcasting / technology assistance.

Motion by Council Member Schulte, Seconded by Council Member Bisballe to discontinue sending PEG money to the War Memorial. After discussion, the motion was withdrawn by Council Member Schulte, with the consent of Council Member Bisballe..

Motion by Council Member Bisballe, Seconded by Council Member Felt to ask the city attorney to review any current contract regarding PEG fees and the Grosse Pointe War Memorial and report back to the City Council regarding options for terminating the agreement.

AYES: Mayor Kedzierski, Council Members Ajlouni, Barrette, Bisballe, Felt, Gesell, and Schulte

NAYS: None

Motion passes 7-0.

Motion by Council Member Schulte, Seconded by Council Member Barrette, to waive the current Grosse Pointe Shores solicitation ordinance to allow competitive cable companies into the community.

Discussion included: inviting WOW cable representatives to a future council meeting to get a better understanding of their requirement to remove solicitation restrictions, limiting solicitation, instituting an enforcement moratorium, history of the current ordinance. City staff will make contact with WOW and convey the community interest in their service and determine if the solicitation restriction limits their willingness to come to Grosse Pointe Shores.

After discussion, the motion was withdrawn by Council Member Schulte, with the consent of Council Member Barrette.

## **I. Establish Committee to Implement Charter Changes**

Council Member Schulte indicated he was interested in proposing amendments to the City Charter, referencing an effort to do so in 2011. After discussion, City Council directed the City Attorney to prepare a memorandum on the steps necessary to place possible charter amendments on the election ballot.

PUBLIC COMMENT ON NON-AGENDA ITEMS

None

COUNCIL MEMBER COMMENTS

Mayor Kedzierski – Reminded the public that he will be hosting a Town Hall meeting on Saturday, January 21, 2012 at 10 AM. A copy of the GPYC binder related to water billing will be available for public review.

NEXT MEETINGS

The next meeting of the Council is scheduled for 7:00 p.m. Tuesday, February 21, 2012 at the GPS Municipal Building.

ADJOURNMENT

The meeting of the Council was adjourned at 10:30 PM.

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City Clerk