

**Approved  
June 15, 2009**

REGULAR MEETING  
(CONDUCTED AS A COMMITTEE-OF-THE-WHOLE)  
OF THE COUNCIL  
OF THE CITY OF SOUTHFIELD  
**April 27, 2009**

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The meeting of the Council convened at 4:00 p.m. in the Council Conference Room of the Municipal Building, 26000 Evergreen Road, Southfield, Michigan, with Council President Fracassi in the Chair. PRESENT: Council Members Donald Fracassi, Myron Frasier, Sylvia Jordan, William Lattimore, Kenson Siver and Joan Seymour. EXCUSED: Councilman Sidney Lantz. ALSO PRESENT: Mayor Brenda Lawrence, City Clerk Nancy Banks, City Administrator James Scharret and Assistant City Attorney Susan Ward-Witkowski. There being a quorum, Council was in session.

Council President Fracassi explained that the purpose of the meeting was to tour the deck park in the City of Southfield. Bus transportation is available for anyone wishing to join the Council on the tour.

Council boarded the bus and visited the Southfield Deck Park. Rabbi Meyerfeld from the Yeshiva Beth Yehudah School joined Council and explained that the children have played ball in this park for over ten years. In June of 2007 signs were placed in the park stating that no ball playing would be allowed. They would like for the City to consider an area within this park where the children can play ball.

Council walked around the park. An area was displayed to Council where the sidewalk could be removed and alternatives to the present landscaping to afford the children in the area an opportunity to play kick ball.

Council then boarded the bus and returned back to City Hall. Councilman Lantz joined Council at this point of the meeting.

Mr. Waterhouse stated that last year it was agreed that the deck park was designed as a passive park and a walkway to the synagogue for the Jewish community. Schools used the park for recess but it was never intended to be an athletic field. Today, the possibility of an open play space has been discussed. A request was made that the crossover sidewalk be eliminated to make the open space larger. A larger buffer space would be created around the open space in an effort to reduce noise.

Merrie Carlock stated that there is a drainage problem in the buffer area near the fence and walkway. She proposed creating a bioswale to help with the drainage. The park is 19 years old and is in need of some work. Some of the walkways need to be

replaced and the play equipment needs work done on it. The groundscape in the play area also needs attention.

Councilman Siver stated that he is not in favor of ornamental fencing because it would become a litter collection point. Mr. Waterhouse replied that currently the litter is blowing into the bushes. Fencing would keep people out of the buffer.

Councilwoman Seymour stated that no ball playing was a requirement of MDOT. Eliminating golf and batting does not stop adults from playing ball. Adults could use the area to play football. A group was hitting baseballs in the park on Saturday. If you let some play ball you have to let everyone. Adults have the ability to kick the ball over the wall and on to the freeway. She had a problem with accommodating a religious institution without opening it up to everyone. The City would not turn the park over to a public school. The synagogue gave up their playground when they built the additions.

Councilman Lattimore replied that an argument could be made for any of the parks. It sounds like some people are trying to make it a no kids zone. He has no problem with the limited use being discussed.

Councilwoman Seymour responded that she is not objecting to who uses the park but she objects to changing it from a passive park to an active park. As the park becomes more active the potential for something falling onto the freeway increases.

Councilman Lantz voiced his support for taking down the signs prohibiting ball playing.

Councilman Siver stated that he goes to the park on occasion to check on the use of the park. He has been there on a Saturday and seen a number of people sitting in the park and on Sundays it is loaded with families. He has no objection to families playing catch. He has been to the park during the day and seen the synagogue using the park. He objects to having a sign saying no groups. Teachers should be allowed to take their students to the park.

Mayor Lawrence stated that she received two phone calls from residents. One was from a grandfather complaining that he is not allowed to play catch with his grandchild in the park. The school has used the park for twenty years without incident. Public parks are not usually restrictive. She would like the signs changed banning golfing and batting in the park. She spoke to the leadership at Yeshiva Beth Yehuda and was told that they teach understanding laws and rules of society. The students are educated to be responsible.

Councilwoman Jordan asked for a definition of a passive park. Mr. Waterhouse replied that there is no clear cut definition. Passive parks are usually for quiet activities. There are no organized activities. They are pedestrian type parks with nature areas. Active parks have organized activities such as baseball or soccer.

Councilwoman Jordan stated that she sees the redesign as a compromise with the understanding that there will be no golfing or batting.

Mr. Waterhouse replied that the one concern he has is that someone could kick a ball over the wall at the south end. Trees will help but he has asked the school not to get too close to the wall.

Councilwoman Jordan asked if the City has conducted any informal surveys of traffic at the park. Mr. Waterhouse responded that he has been there at different times. During the week there are mostly kids and seniors at the park. He is concerned about the kids playing on the paver bricks and using the trees as bases.

Councilwoman Jordan asked about the play equipment. Ms. Carlock replied that the equipment is getting old and the base is no longer an acceptable base. The park is MDOT's property and they have grants available. CDBG funding is also an option.

Councilwoman Jordan asked about rewording the signs. Ms. Ward-Witkowski stated that two years ago MDOT would not agree with ball playing in the park. Recently, MDOT has shown some interest in discussing the matter. The City needs to have the approval of MDOT. She is putting together an agreement with Yeshiva Beth Yehuda to send to MDOT for their opinion.

Council President Fracassi replied that according to Mr. Beras there is nothing in writing from MDOT that bans ball playing. The signs were put up due to a legal notice from MDOT.

Councilwoman Seymour stated that ball playing was a pedestrian safety issue. MDOT was adamant that they did not want anything going over the wall onto the freeway. It was meant to be a neighborhood park. The school monopolizes the park. Someone told her that he can't take his child to the park because the students monopolize the play equipment. Kids have told other kids not to come to the park while they are there.

Councilman Lantz replied that he has tried for years to have the signs taken down. He was under the impression that MDOT had put it in writing that ball playing was not allowed. He suggested contacting MDOT to see if they will permit ball playing.

Councilman Frasier replied that child obesity is due to a lack of exercise. The park represents an opportunity for kids to get exercise. If there is a perception problem that other kids can't use the park during recess time, school administrators need to take control. He does not see that as ongoing problem if the school is aware of the problem. If a ball goes over the wall it will be by accident. It hasn't happened in 19 years. The arguments are theoretical and have not been bore out over the years.

Council President Fracassi asked Ms. Ward-Witkowski about expediting the process and if the City needs to schedule a meeting with MDOT. Ms. Ward-Witkowski replied that a phone call to MDOT would probably suffice. The meeting on May 7<sup>th</sup> was to work out an agreement with the schools.

Following a lengthy discussion regarding this park, it was the consensus of council that no stickball, baseball or golf would be allowed in this park. The City Administrator was directed to contact the Michigan Department of Transportation to see if they objected to the plans as presented by Council.

Councilman Lattimore asked about the timeline for construction on the deck park. Ms. Carlock replied that the sidewalk removal and moving of trees will probably take place in the next six weeks. The other items are not as critical. Mr. Waterhouse added that the City can only do so many parks at a time.

Rabbi Meyerfeld thanked everyone for their time. He appreciated Council taking the time to look at the situation.

Council President Fracassi replied that MDOT would be called the next day and the City would let him know MDOT's response.

There being no further business, the Regular Meeting of April 27, 2009 (conducted as a Committee-of-the-Whole) adjourned at 6:20 p.m., until the next Regular Meeting on April 27, 2009, in the Council Chambers of the Municipal Building, 26000 Evergreen Road, Southfield, Michigan.

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Donald Fracassi, Council President

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Nancy L. M. Banks, City Clerk