

**Approved
June 15, 2009**

**REGULAR MEETING
OF THE COUNCIL
CITY OF SOUTHFIELD
April 27, 2009**

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June 15, 2009**

REGULAR MEETING
OF CITY COUNCIL
CITY OF SOUTHFIELD
MINUTES
April 27, 2009

The meeting of the Council convened at 7:00 p.m. in the Council Chambers of the Municipal Building, 26000 Evergreen Road, Southfield, Michigan, with Council President Donald Fracassi in the Chair. PRESENT: Council Members: Donald Fracassi, Myron Frasier, Sylvia Jordan, Sidney Lantz, Bill Lattimore, Joan Seymour and Kenson Siver. ALSO PRESENT: City Clerk Nancy Banks, City Administrator James Scharret and Assistant City Attorney Susan Ward-Witkowski. There being a quorum, Council was in session. The meeting began with the Pledge of Allegiance.

The first item on the agenda was the presentation of a Days of Remembrance 2009 Proclamation.

Mayor Lawrence presented a proclamation to Emmanuel Mentomen honoring the victims, survivors and their liberators. The theme for 2009 is "Never Again: What You Do Matters." The holocaust history offers everyone an opportunity to reflect on individual societies. She proclaimed April 19-26, 2009 as Days of Remembrance in the City of Southfield.

Mr. Mentomen thanked the Mayor and Council for the proclamation. Mr. Mentomen and his wife are survivors of the holocaust. They now have 60 family members living in the U.S. in spite of the Nazis efforts to destroy them.

Next was the presentation of a proclamation in recognition of Armenian Martyrs Day of Remembrance.

Mayor Lawrence presented a proclamation to Rafi El-Chemmas, St. John's Armenian Church, in commemoration of the 94th anniversary of the Armenian genocide. The Armenian community has made many contributions to the City of Southfield, the State of Michigan and the country. The anniversary provides an opportunity to reflect on what can happen when bigotry and hatred reign.

Mr. El-Chemmas thanked the City on behalf of St. John's Armenian Church for recognizing the Armenian community and their day of remembrance. There are only 16 survivors still living. The young people placed 1500 white crosses on the front lawn of the church. Each cross represents 1000 victims.

Next on the agenda was the reappointment of Roy Bell to the Planning Commission with term of office expiring April 27, 2012.

2009.100 Motion by Frasier; seconded by Seymour.

RESOLVED: that Council does hereby confirm the appointment of Roy Bell to the Planning Commission with term of office expiring April 27, 2012.

Motion passed unanimously.

Next on the agenda was the approval of the minutes of the Regular Meeting (conducted as a Committee-of-the-Whole) of March 24, 2009.

2009.101 Motion by Jordan; seconded by Frasier.

RESOLVED: that City Council does hereby approve the minutes of the Regular Meeting (conducted as a Committee-of-the-Whole) of March 24, 2009.

Motion passed unanimously.

Next on the agenda was the Consent Agenda.

Councilman Lantz asked that item CA-D be pulled from the Consent Agenda for further discussion. Item CA-E was withdrawn and will be brought back at a later date.

CA-A Authorize the Mayor and City Clerk to execute a contract with A & V Services of Shelby Township, Michigan for the 2009 Sidewalk Repair Program, SW-1172, for their acceptable low bid of \$274,381.10.

CA-B Award the purchase of chemicals, grass seed and fertilizer to Lesco, Inc. of Cleveland, Ohio; Turfgrass, Inc. of South Lyon, Michigan; and Tri-Turf of Farmington Hills, Michigan.

CA-C Award the contract for property securing services to Orlandi Construction of Macomb, Michigan and Synergy Maintenance of Waterford, Michigan, in an estimated amount of \$27,770.

CA-D Authorize the Mayor and City Clerk to execute contracts with Landscape Concepts of Ypsilanti, Michigan; Landscape Services of Clinton Township, Michigan and Perfections of Southfield, Michigan to provide on-call landscape services in an annual amount not-to-exceed \$65,000.

CA-F Approve the purchase of cold patch – high performance materials from Barrett Paving Materials of Mount Clemens, Michigan for a total amount not expected to exceed \$34,000.

CA-G Approve the purchase of compatible printer and fax cartridges, ribbons and computer storage media from Global Office Solutions of Novi, Michigan and OEM printer and fax cartridges, ribbons and computer storage media from Compatible Laser of Fenton, Michigan for the not to exceed amount of \$32,418.84.

CA-H Adopt the Final Project Plan for Water System Improvements and designate Gary Mekjian, Director of Public Works as the Authorized Representative.

2009.102 Motion by Jordan; seconded by Frasier.

BE IT RESOLVED: That the Council of the City of Southfield does hereby award the 2009 Sidewalk Repair Program, S.A.D. SW-1172 to A & V Services of Shelby Township, Michigan, for their acceptable low bid of \$274,381.10, subject to City Council's confirmation of the Special Assessment Project SW - 1172 roll for the 2009 Sidewalk Repair Program; and

BE IT FURTHER RESOLVED: That funding for the program is to be allocated as follows:

Low Bid Amount	\$274,381.10
Engineering, Inspection, Testing & Contingencies	<u>\$ 68,599.90</u>
Total Project Amount	\$342,981.00

BE IT FURTHER RESOLVED: That funding for the District share of SW-1172 shall be provided from the Local Improvement Revolving Fund; and for the City share from the 2008-09 Local Street Fund Operating Budget (Account No. 203-452-4525-49740) in the following amounts:

<u>LIRF</u>	<u>Local Street</u>	<u>Total Amount</u>
\$189,806.00	\$153,175.00	\$342,981.00

BE IT FURTHER RESOLVED: That the Mayor and City Clerk are hereby authorized to execute the appropriate contract documents on behalf of the City with A & V Services, after review and approval as to form by the City Attorney's office.

Motion passed unanimously.

2009.103 Motion by Jordan; seconded by Frasier.

RESOLVED: That Council does hereby give favorable consideration of award for the purchase of turfgrass chemicals, grass seed and fertilizer to: Lesco, Inc. of Cleveland, Ohio, in an amount estimated at \$16,000; Turfgrass, Inc., of South Lyon, Michigan, in an amount estimated at \$22,000; and Tri-Turf of Farmington Hills, Michigan, in an amount estimated at \$13,000 for a total amount not to exceed \$51,000 with these companies. Funds are provided for this purpose in the 2008-2009 Parks and Recreation budget Building Supplies (account number 208-553-5307-27760), and will be provided in the 2009-2010 Parks and Recreation budget as Council may approve.

Motion passed unanimously.

2009.104 Motion by Jordan; seconded by Frasier.

RESOLVED: That Council does hereby award the contract for property securing services to Orlandi Construction, Macomb, Michigan and Synergy Maintenance, Waterford, Michigan, effective April 28, 2009 through April 27, 2010, in an estimated annual amount of \$27,770. Funds for this purpose are provided in the 2008-09 budget, Building Department (Account number 101-200-2001-38180) and will be provided in the 2009-10 budget as Council may approve.

Motion passed unanimously.

2009.105 Motion by Jordan; seconded by Frasier.

RESOLVED: That Council does hereby approve the purchase of cold patch-high performance materials from Barrett Paving Materials, of Mt. Clemens, MI at a unit price of \$85.00 per ton, for a period from April 28, 2009 through December 31, 2009. Total expenditures are expected not to exceed \$34,000. Funds are provided in the 2008-09 Streets & Highways Budget account numbers 202-451-4512-27750 and 203-452-4522-27750, and will be provided in the 2009-10 Streets and Highways Budget as Council may approve.

Motion passed unanimously.

2009.106 Motion by Jordan; seconded by Frasier.

RESOLVED: That Council does hereby approve the purchase of compatible printer and fax cartridges, ribbons, and computer storage media from Global Office Solutions, of Novi and OEM printer and fax cartridges, ribbons, and computer storage media from Compatible Laser of Fenton, MI for a one year period beginning April 28, 2008 through April 27, 2009 for their low acceptable bids in the not to exceed amount of \$32,418.84 with funds provided in the 2008-09 Central Services budget Office Supplies account (number 101-130-1302-27270) and to be provided in the 2009-2010 Central Services budget as Council may approve.

Motion passed unanimously.

2009.107 Motion by Jordan; seconded by Frasier.

WHEREAS, the City of Southfield recognizes the need to make improvements to its existing water distribution system; and

WHEREAS, the City of Southfield authorized Hubbell, Roth & Clark, Inc. and Orchard, Hiltz and McCliment, Inc. to prepare a Project Plan, which recommends the construction of the Water System Improvements; and

WHEREAS, the Project Plan was presented at a Public Hearing held on April 21, 2009 and all public comments have been considered and will be addressed;
NOW THEREFORE BE IT RESOLVED, that the City of Southfield formally adopts said Project Plan and agrees to implement the selected alternative (Alternative No. 3a – Replace Existing System – Open Cut Method).

BE IT FURTHER RESOLVED: that the Director of Public Works, a position currently held by Mr. Gary Mekjian, P.E., is designated as the authorized representative for all activities associated with the project referenced above, including the submittal of said Project Plan as the first step in applying to the State of Michigan for a Drinking Water Revolving Fund Loan to assist in the implementation of the selected alternative.

Motion passed unanimously.

Councilman Lantz questioned the need to contract with a company do landscaping work on an on-call basis. He asked if the work could be done in-house. Mr. Scharret replied that the City needs contractors with heavy equipment and specialized abilities. The work is very intense and is better handled by outside people.

2009.108 Motion by Jordan; seconded by Frasier.

RESOLVED: That Council authorizes the Mayor and City Clerk to execute contracts, after review and approval as to form by the City Attorney's Office, with Landscape Concepts of Ypsilanti, Michigan, Landscape Services of Clinton Twp, Michigan, & Perfections, of Southfield, Michigan, effective April 15, 2009 through November 1, 2009, to provide on-call landscape services in an annual not-to-exceed amount of \$65,000. Funds for this purpose are available in the 2008-09 Streets & Highways budget (account number 202-451-4518-38180: \$32,500); and (account number 203-452-4528-38180: \$32,500) and will be requested in the 2009-10 budget as Council may approve.

Motion passed unanimously.

Next on the agenda was Public Hearing "A"; Hearing of Confirmation for Special Assessment Project SW-1172; Sidewalk Repair Program (Sections 25 & 36).

Mr. Mekjian explained that Council initiated the 2009 Sidewalk Repair Program at the Regular Meeting held on February 17, 2009. The Hearing of Necessity was held on March 30, 2009. He asked that following the hearing of confirmation that Council adopt Special Assessment Resolution No. 5 confirming the special assessment roll. The City provides residents the option of making installment payments over ten years. The City reduced the interest rate from 6% to 3% in 2008. Low to moderate income families may be eligible for CDBG funding to cover the cost of the repairs. The City pays for damage caused by city owned trees and utilities such as fire hydrants. The cost of the project came in 17% below the estimated cost.

The public hearing was declared open.

Arthur Kirsch, 15170 Addison, stated that the estimate indicated his sidewalk was 5 feet wide. He measured the sections in question and they were only 4 feet wide. Mr. Mekjian replied that the existing sidewalk was built many years ago. The standard width for sidewalks is now 5 feet.

Mr. Kirsch asked if all sections would be replaced. Ms. Liebrock replied that only the damaged ones will be replaced but the City will follow the code requirement of 5 feet. The City will pay for the additional one foot of width.

Mr. Kirsch asked if the sidewalk sections could be jacked up instead of being replaced. Ms. Liebrock replied that the sidewalk can only be jacked up if there is a deflection. Mr. Kirsch's sidewalk is cracked.

Cheryl Williams, 17465 Westover, stated she has lived in Southfield since 1975. Taxes have gone up and home values are down. She knows nothing about available grant funding or the 3% interest rate. She does not see the deterioration and would like her sidewalk reassessed. She also requested information on payment assistance.

Council President Fracassi replied that the City's tax rate is the same as it was twenty years ago. There is grant money and financing available to help with hardship cases. Ms. Liebrock replied that she would meet with Ms. Williams at her home to reassess the sidewalk and discuss her financial concerns.

Ms. Williams asked if anything could be done about the taxes. Council President Fracassi responded that under Proposal A there is little the city can do. The State of Michigan has stated that we must raise taxable values 4.4%. David Tijerina, the City Assessor, would meet with Ms. Williams in the lobby to explain the tax situation.

Edward Burgess, 17366 Westhampton, noted that Mr. Mekjian indicated that the bid was 17% less than previously estimated. He asked if residents would receive new estimates. Mr. Mekjian replied that the new cost estimates would be sent out within a week.

Norma Bell, 17533 Westhampton, stated that there does not appear to be anything wrong with her sidewalk but she was billed for \$1,200.00. Ms. Liebrock replied that the problem may be the driveway approach. The approach, alone, can cost \$1,200. There may be a trip hazard. She offered to take another look.

Betty Glover, 17365 Westover, stated that four sections of her sidewalk that are down ½ inch. There is nothing else wrong with those sections. The City has broken up the approach with its snowplows.

Councilman Frasier responded that according to the rolls Ms. Glover would be charged \$460.00 which seems to be low for four slabs. Ms. Liebrock replied that it costs about \$100 to repair a 4" slab.

Thomas Bryson, 17465 Westover, stated that the crack in the approach was caused by trucks using his driveway to turn around. He lives on the corner and city trucks use his driveway to turn around.

Mayor Lawrence questioned why anyone would use his driveway to turn around. Mr. Bryson replied that he can't control people using his driveway so why should he pay to fix it. Councilman Lantz asked to have someone take another look at the situation.

Councilwoman Jordan replied that she understood what Mr. Bryson was saying. If City vehicles are using his driveway then he should be given some consideration.

Council President Fracassi asked Mr. Mekjian to review the matter. Driveways are usually built to handle trucks.

Ms. Bell stated that she lives on the corner and she put concrete in on the vacant lot she owns next to her house. She has been told she has to replace the concrete. There is no sidewalk on that property. Council President Fracassi replied that if it is on city property than it is her responsibility.

Council President Fracassi asked if the City was putting in sidewalks where none currently exists. Mr. Mekjian replied that it is his understanding that in neighborhoods where there are gaps and it makes sense to do so, the City will attempt to infill.

Council President Fracassi asked if there is no sidewalk on a vacant property between two lots with sidewalks would the City put in sidewalks. Ms. Liebrock replied that the City would go after the owner of the vacant lot to put in sidewalks.

Councilwoman Jordan asked if there were funds available thru the SHIP program for the low to moderate income families. Mr. Banda replied that there are funds available through CDBG but not SHIP.

Ms. Glover stated that the letter indicated that if 60% oppose the project than it would not be done. Addison Street was added to her district, which is not in their neighborhood, and in order to obtain 60% they would have to get signatures on Addison Street. She did not think it was fair to add Addison.

Councilman Frasier replied that the 60% option no longer exists. The signatures had to be submitted prior to the Hearing of Necessity on March 30, 2009.

Council President Fracassi added that larger districts enable the City to get a better rate from the contractor.

The public hearing was closed.

Mayor Lawrence stated that she is sensitive to the process that empowers the residents. Payment options should be explained to residents as part of the standard procedures.

Mr. Mekjian replied that each Fall the City inventories the proposed district. Photographs are

taken of the work to be done. Information is sent to the residents in February with colored photos, cost estimates and their options. An explanation is also given as to why their sidewalk or approach needs to be repaired. Fifteen days prior to the hearing a legal notice is sent to each property owner notifying them of the hearing and explaining the procedures for contesting the project. There is a high level of effort to keep residents informed of the process.

Mayor Lawrence asked if the City has a responsibility for approaches that are crumbling from snow plowing. Mr. Mekjian replied that he would look into the matter. Many times the City will fix them in the Spring. The approach is treated like a sidewalk. It is a public hazard if it is not maintained.

Mayor Lawrence stated that in these tough times the City needs to look at safety but also be sensitive about adding additional costs. She hopes that the payment plans are as flexible as possible. She understands the hardship but it is a safety issue.

Council President Fracassi stated that the City is always looking to keep expenses down but Council can't let the City deteriorate either. The City Administrator does anything he can to help residents.

Councilman Lattimore stated that everyone is hurting. Residents are enduring pain they have never seen before. He supports using some alternative measures to mitigate the problems. There should be some clemency or abatement for those sidewalks that are not deteriorating.

Councilwoman Jordan stated that every decision Council makes is made with much caution when it involves charging the residents. One of Council's mandates is to keep the City safe. The City could face lawsuits if someone is injured. The City has alternatives available for those who are low income.

Mayor Lawrence responded that this is a plea to look at things differently given the tough economic times. Decisions need to be based on the current situation.

2009.109 Motion by Frasier; seconded by Seymour.

BE IT RESOLVED: That the Council of the City of Southfield does hereby adopt Standard Special Assessment Resolution No.5 in connection with Special Assessment Project SW-1172, the 2009 Sidewalk Repair Program, thereby confirming the final special assessment roll and authorizing the Engineering Department to proceed with the construction of the project. (SAD Project SW-1172, City Job No. 0901SFLD)

Motion passed unanimously.

Next on the agenda was Site Plan "A"; SP:1268, the Site Plan Review Request of Miller & Southwick, LLC and Tahzibul & Nazma Rizvi.

Mr. Banda stated that the property was originally occupied by a Long John Silvers Restaurant.

Chase Bank has bought the property and would like to construct a bank. A brief video was then shown.

SP:1268 is Site Plan Review Request of Nudell Architects, on behalf of owners, Miller & Southwick, L.L.C. and Tahzibul & Nazma Rizvi, to construct a 4,207 gross square foot, one story, Chase Bank with drive-thru and associated parking.

The sites are zoned OS, Office Service. The properties to the north are zoned OS, Office Service and R-2, Single Family Residential. The property to the west is zoned R-2, Single Family Residential. The property to the south is zoned, ERO, Education Research Office. The property to the east across Southfield Road is zoned B-3, General Business.

With regard to the existing land uses, the sites are developed with the Tri-County Physical Therapy building and the Crimmins & Forman Market Research Building. The properties to the north are developed with the Comfort Dental office and single family houses fronting on Webster. The property to the west is an undeveloped landscape area that is part of the Home Depot property. The property to the south is developed with a parking lot that is part of the Home Depot property. The property to the east across Southfield Road is undeveloped.

The site contains a total of .972 acres of land. There is 162.23' of frontage on Southfield Road with a depth of 260.80'.

The parking required for the development is 23 spaces with 28 provided on site. The landscaping provided exceeds the amount required. The elevations show a mix of brick, cast stone and glass.

Issues considered by the Planning Department during the review of the site plan were:

1. Modification of the Jardack/Nelson Consent Judgment.
2. Landscaping, building setbacks and building height which meets the requirements.
3. The petitioner is to implement the recommendations made by the Southfield Police Department's Crime Prevention Bureau regarding site security.

Mr. Banda stated that it is important that there are full-service banking institutions in the City. Chase Bank looked at the dental office and the two homes to the west but were unsuccessful after trying for two years. The City referred them to TCF Bank but they were unwilling to sell. If the project is approved construction would begin immediately.

Tom Moffat, Chase Bank, stated that they have been working two years on this and the location fits their needs.

Councilman Lattimore stated that the Site Plan Committee discussed the relocation of the branch at Eleven Mile and Southfield Road. Mr. Moffat replied that the branch was not relocating. The new facility is an additional branch which will serve a new customer base not currently being served.

Mr. Banda stated that previously there had been no stormwater detention on the site. The site plan calls for a stormwater detention system to be installed.

Councilwoman Seymour, Chair of the Site Plan Committee, stated that the Committee had a lengthy discussion with Chase Bank. She is very pleased to support the site plan.

2009.110 Motion by Jordan; seconded by Frasier.

RESOLVED: That SP:1268, Site Plan review request of property owners Miller & Southwick, L.L.C. and Tahzibul & Nazma Rizvi, to construct a 4,207 gross square foot, one story, Chase Bank with drive-thru and associated parking, and amendment of the Jardack/Nelson Consent Judgment be approved subject to the conditions stated below. The property is located at 29933 and 29955 Southfield Road on the southwest corner of Southfield Road and Webster, Part of Lot 20 of Fruit Ridge Farms and all of Lots 1-5 of Fanzini Orchard Subdivision, Sidwell Parcels 2411-277-025 and -026, Section 11, City of Southfield, Oakland County, State of Michigan.

1. City Council approval and modifications of the Jardack/Nelson Consent Judgment with the City of Southfield Legal Department, to include the site plan (Sheet C3.0) and any other supporting documents.
2. Prior to issuance of a building permit, a lot combination must be approved by the Southfield City Assessor's Office.
3. This site plan approval, including any attached landscape plan, does not constitute landscape plan approval. A final detailed landscape plan must be submitted to the Planning Department and be approved prior to issuance of any building permits.
4. The petitioner is to provide a sprinkler system for all landscape areas to encourage preservation of plant materials.
5. The petitioner is to execute a perpetual maintenance agreement for the landscaped and parking areas both on the site and in the right-of-way, which includes maintenance of the storm water detention system.
6. The petitioner is to implement the recommendations made by the Southfield Police Department's Crime Prevention Bureau regarding site security.
7. The building is to be constructed in accordance with the submitted elevations shown on Sheet SP-200.
8. Approval of this site plan and/or building elevations represented herein does not constitute nor guarantee approval for signage. Separate approval and sign permits must be obtained from the Building Department for any proposed signs.

This resolution is made for the following reasons:

1. The submitted site plan, with the conditions recommended by the Council Site Plan Committee, Planning Department and the Planning Commission, will be in accord with the spirit and purpose of the Southfield Zoning Ordinance.
2. The proposed development would provide a reasonable arrangement of the use of the property and provides for adequate vehicular traffic circulation, as reviewed and recommended by the City Traffic Engineer.
3. The site plan does show that a proper relationship exists between a major thoroughfare and any proposed service roads, driveways, and parking areas, thus encouraging pedestrian and vehicular safety.
4. All the development features, including the principal building, open spaces, service roads, driveways, and parking areas, are so located and related so as to minimize the possibility of any adverse effects upon the adjacent properties.
5. This site plan has been reviewed in accordance with the City of Southfield's 2009 Comprehensive Master Plan and has been found to fit the future planning and redevelopment objectives of the City.

Motion passed unanimously.

Councilman Lantz asked to recognize Pam Gerald.

Pam Gerald, PO Box 155, Southfield, pleaded with the residents to slow down on Bell Road. Traffic is not yielding to emergency vehicles. She also asked that they stop tailgating. She suggested the City consider putting cameras in the area.

Councilman Lantz agreed with Ms. Gerald and suggested the City stand on the corner of Bell Road and stop them.

Councilwoman Jordan stated that Council received a letter from the Pheasant Run Subdivision regarding an issue with a business near the subdivision. Mr. Scharret replied that the City has already begun initial discussions regarding the matter. The problem involves a private business. There is some validity to the issue. He will report back to Council on the issue.

Councilwoman Jordan stated that she was very excited to be part of a group of women invited to Washington, DC to attend the unveiling of a statue of Sojourner Truth and have lunch with the First Lady, Michelle Obama.

Council President Fracassi stated that there has been a utility pole laying on Monterey Drive since New Year's Day. He asked Mr. Banda to explain what was happening with the Village Swim Club property. Mr. Banda responded that the contractor began demolition last fall and then winter hit. He promised to start up again when the weather broke. A new contractor has been hired and work has resumed at the site.

Council President Fracassi suggested looking into having screening installed at the site to cut down on the dust for the neighboring condominiums. Mr. Banda agreed to check into the idea.

Councilman Frasier stated that there has been a dead animal on Nine Mile in front of the fire station for the past three days.

Mayor Lawrence stated that the Annual Business Expo was held on Friday and was well attended. She encouraged businesses to join the Chamber of Commerce.

Mayor Lawrence noted that she attended the 45th Annual Akiva dinner. Over 500 people attended the event.

Mayor Lawrence reminded residents that Southfield's Youth Baseball Opening Day is scheduled for Saturday at Inglenook Park.

Next on the agenda was Administrator's item #3-A; Appointment of Animal Warden as City Constable.

Mr. Scharret stated that it is with great enthusiasm that he is introducing the City's new Animal Warden to be sworn in as a City Constable. In recent years the Police Department has handled calls regarding animals. After reviewing budgets, use of personnel and neighborhood issues it was decided that the animal warden position should be reinstated. He invited the new Animal Warden, Robert White and Police Chief Joe Thomas to come forward.

Chief Thomas stated that the animal warden is covered by the same standards as certified officers for use of firearms.

Councilman Lattimore asked if the warden has the authority to make arrests. Chief Thomas replied he does not have the power to make arrests but he can issue an appearance ticket. If a ticket is issued it is equivalent to resisting arrest.

Councilman Siver arrived at the meeting.

Mayor Lawrence asked if the taser would be used on the dogs. Mr. White replied that on occasion it may be necessary to use the taser. It has proven to be effective.

Councilwoman Jordan stated that on the west side of the City there are foxes, coyotes, etc. She asked if he would try to contain them all. Mr. White replied he would look into the situation. He has some wildlife training.

Councilwoman Jordan stated that the animal warden is an important position and she is happy to

have Mr. White aboard.

Councilwoman Seymour remarked that she is delighted to be at this point. She expressed hope that Mr. White would be compassionate in his treatment of animals. Mr. White replied that he is an animal lover. He believes when he arrives on the scene things only improve for the animals.

Mayor Lawrence noted that deer have been seen on Southfield Road. She asked how the City can manage the deer and keep them safe. Mr. White replied that the deer are wild animals and need to be treated as such. Many people think of deer as pets and will feed them which only brings them out of their natural area.

Mayor Lawrence asked if he will be dealing with rodent issues. Mr. White replied that he would be coordinating with Code Enforcement in developing ideas on how to handle those situations. Educating the public is key.

Councilman Lattimore stated that he lives in a wooded area where there is an infestation of raccoons. He asked if it was under Mr. White's purview. Mr. White replied that the best way to handle raccoons is to trap them and move them to another area. There has been a great influx of raccoons in the past two years.

Councilwoman Seymour questioned why they should be moved if they are not disturbing anyone. Mr. White replied they should only be moved if they get into someone's home.

Councilman Frasier asked if a squirrel gets in someone's attic should they call the animal warden or a contractor. Mr. White replied that in the past they would have to call a contractor. The City is currently looking at what the best way is to handle it.

Councilman Frasier responded that once a decision is made the information needs to be published. Mr. Scharret replied that Chief Thomas is working on a protocol.

Chief Thomas replied that information has been sent to all employees including elected officials. Mr. Scharret added that the information would be put on Cable 15.

Councilman Frasier asked if Mr. White would have a relationship with Almost Home. Chief Thomas replied that when someone calls the animal warden it refers the individual to Almost Home if they have an animal needing a home. Mr. White will not be the liaison between Almost Home and the City.

Councilman Frasier responded that he wants to be sure that someone is monitoring the shelter. Mr. Scharret responded that it is a contractual matter that is being monitored through the Legal Department.

Ms. Ward-Witkowski replied that she spoke to Almost Home and told them that Mr. White's appointment was on the Council's agenda. It would be beneficial for the two to meet as soon as possible. Almost Home is looking forward to being on the same page with the animal warden.

Councilman Lantz asked about the warden's uniform. Chief Thomas replied that the uniform is olive green. He wanted the uniform to be distinguishable from the others.

Councilwoman Seymour remarked that the veterinarians will be very happy to know that Mr. White is on board. She suggested that he introduce himself to the veterinarians. Mr. White replied that he has already spoken to a couple of them regarding a possible rabies bite. He indicated that he had already spoken to Almost Home to schedule a meeting.

2009.111 **RESOLVED:** That Robert White is hereby appointed as a City Constable; and

BE IT FURTHER RESOLVED: That Constable White shall possess the power and authority to enforce Chapter 113, ANIMALS, of the City Code and to write appearance tickets pursuant to MCLA 764.9c(2) and 764.9f; and.

BE IT FINALLY RESOLVED: That, in the exercise of the above duties, Constable White serves as a peace officer and is authorized to carry a firearm as issued by the Southfield Police Department; Constable White having successfully completed firearm training in accordance with the requirements of the Michigan Commission on Law Enforcement Standards (MCOLES) and having been qualified by the Southfield Police Department.

Motion passed unanimously.

Councilwoman Jordan left the meeting.

The next item on the agenda was a request for a gaming license from The African Nation.

Ms. Banks stated that the The African Nation is a non-profit organization located on Twelve Mile Road in Southfield has requested a gaming license for the purpose of holding a fundraiser in Oak Park from May 25th to June 2nd. The State of Michigan requires the local governing body to adopt a resolution recognizing the organization as a non-profit. All of the appropriate documents have been submitted. There is no representative from The African Nation in attendance.

Council President Fracassi stated that if the organization was serious about their request they should have sent a representative to the meeting.

Councilman Lattimore voiced his support for the request. A gaming license does not have the same liability associated with it as a liquor license does.

Council President Fracassi replied that gaming has become a big business in today's world. It is no longer just a function of fundraising. The City needs to be cautious about any license it approves. He won't vote for any future license in which the petitioner does not appear.

Councilman Frasier suggested postponing the vote until the Regular Meeting on May 4, 2009. If a representative fails to show up at that meeting Council can vote to deny the request.

Councilman Lattimore questioned why anyone needed to be at the meeting since the group has met all the requirements.

Councilman Frasier replied that he appreciates the fact that these requests are routine in other communities however if he is giving his stamp of approval he wants someone to appear at the meeting.

Council President Fracassi asked how long the organization had been at the current address. Ms. Banks replied she did not have that information however the incorporation papers were filed in 2005 with the current address.

Council President Fracassi stated that in the future he wants a policy in place requiring a representative to attend the meeting for any licensing requests that are required to come before Council.

2009.112 Motion by Frasier; seconded by Lantz.

RESOLVED: that Council does hereby postpone the request for a gaming license from The African Nation until the Regular Meeting (conducted as a Committee-of-the-Whole) of May 4, 2009.

Motion passed. Councilman Lattimore voted nay.

Next on the agenda was item #5-B; Plum Hollow Fireworks Permit.

Ms. Banks stated that the Plum Hollow Country Club has requested permission for an aerial fireworks display on Saturday June 27, 2009, with a potential rain date of June 28, 2009 to be conducted by Zambelli Fireworks Manufacturing Company, Inc. of New Castle, Pennsylvania.

2009.113 Motion by Frasier; seconded by Siver.

RESOLVED: that the City Council does hereby authorize a permit for Plum Hollow Country Club for its Saturday, June 27, 2009 fireworks display, with a proposed rain date of June 28, 2009, to be conducted by Zambelli Fireworks Manufacturing Company, Inc. of New Castle, Pennsylvania, in accordance with Act 328, P.A. of 1931, State of Michigan, amended in Act 209 of 2006, and National Fire Protection Standard 1123 of 2006.

Motion passed unanimously.

Next on the agenda was item #5-C; Proposed Amended License Fee Schedule.

Ms. Banks stated that on April 22, 2008, a committee comprised of the City Administrator, City Attorney, Police Chief, City Planner, Building Director and herself, met to discuss fees in reference to arcades in the City of Southfield. A survey was taken of surrounding communities. Under the current fee structure the annual licensing costs could become a disincentive for some types of businesses that may consider moving to Southfield. The proposed graduated fee

schedule removes the disincentive but maintains cost recovery of staff time.

2009.114 Motion by Siver; seconded by Frasier.

BE IT RESOLVED: that Council does hereby amend the Business License Fee Schedule to reflect the fees for Video Games and Arcade businesses, 1-3 machines, \$100 license fee per machine; Arcade License \$200 application fee, plus \$100 license fee per machine up to 25 machines; and for Arcade businesses with 26 machines or more, \$200 application fee, plus \$100 license fee per machine 1-25 machines, plus \$5 license fee for each additional machine over 25.

Motion passed unanimously.

Next on the agenda was item #5-D; Identity Theft Protection Policy.

Mr. Lowenberg stated that under the Fair and Accurate Credit Transactions Act (FACT) of 2003 creditors, including governmental entities, which defer payments for goods or services, such as utility payments, must implement an identity theft protection policy no later than May 1, 2009. The City is required to implement a written policy that identifies and detects relevant warning signs or "red flags" of identity theft. The policy must include appropriate responses that the City will undertake in the event that a red flag is detected.

2009.115 Motion by Lattimore; seconded by Seymour.

WHEREAS, pursuant to federal law the Federal Trade Commission adopted Identity Theft Rules requiring the creation of certain policies relating to the use of consumer reports and sensitive information, address discrepancy and the detection prevention and mitigation of identity theft;

WHEREAS, the Federal Trade Commission regulations require creditors, as defined by 15 U.S.C. 1681a(r)(5) to adopt red flag policies to prevent and mitigate identity theft with respect to covered accounts;

WHEREAS, 15 U.S.C. 1681a(r)(5) defines a creditor as a person that extends, renews or continues credit, and defines "credit" in part as the right to purchase property or services and defer payment therefore;

WHEREAS, the Federal Trade Commission regulations include utility companies, and cities and other governmental entities that extend credit for services in the definition of creditor;

WHEREAS, the City of Southfield is a creditor with respect to the aforesaid FTC rules by virtue of providing services on credit to citizens and accepting payments for such services in arrears;

WHEREAS, the Federal Trade Commission regulations define "covered

account" in part as an account that a creditor provides for personal, family or household purposes that is designed to allow multiple payments or transactions;

WHEREAS, the Federal Trade Commission regulations require each creditor to adopt an Identity Theft Prevention Program, which will use "red flags" to detect, prevent and mitigate identity theft related to information used in covered accounts;

WHEREAS, the City provides services and goods on credit to citizens and accepts payments for such goods and services in arrears. Such arrangements and customer accounts are covered accounts under the FTC regulations.

NOW THEREFORE, BE IT RESOLVED, that the City of Southfield City Council does hereby adopt the "City of Southfield Administrative Policy and Procedure Identity Theft Prevention Program" for transactions involving the extension of credit by the City, as attached hereto.

Motion passed unanimously.

Mr. Lowenberg noted that the next program in the financial lecture series, "Your Credit" will be held May 14th at 6 p.m. in the Southfield Library. He recommended that residents make reservations to ensure that there are enough materials for everyone.

Mr. Scharret noted that there is a probable case of swine flu in Livingston County. The situation is being closely monitored.

There being no further business, the Regular Meeting of April 27, 2009, adjourned at 9:25 p.m., until the next Regular Meeting (conducted as a Committee-of-the-Whole) on May 4, 2009, in the Council Conference Room of the Municipal Building, 26000 Evergreen Road, Southfield, Michigan.

Donald Fracassi, Council President

Nancy L. M. Banks, City Clerk