

Approved
March 9, 2009

REGULAR MEETING
OF THE COUNCIL
CITY OF SOUTHFIELD

February 17, 2009

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**Approved
March 9, 2009**

REGULAR MEETING
OF THE COUNCIL
CITY OF SOUTHFIELD
MINUTES

February 17, 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, and Kenson Siver. **EXCUSED:** Joan Seymour. **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 appointments and reappointments to various boards and commissions.

Councilman Frasier stated that the Boards & Commissions Committee met with each of the appointees and the staff person associated with each board or commission to ensure a good fit.

2009.08 Motion by Frasier; seconded by Lattimore.

RESOLVED: that Council does hereby approve the reappointment of Coretta Houge to the Administrative Civil Service Commission with a term expiration date of October 15, 2014.

Motion passed unanimously.

2009.09 Motion by Frasier; seconded by Lattimore.

RESOLVED: that Council does hereby approve the reappointment of Ann Malzberg to the Board of Canvassers with a term expiration date of June 16, 2013.

Motion passed unanimously.

2009.10 Motion by Frasier; seconded by Lattimore.

RESOLVED: that Council does hereby approve the appointment of Eric Edwards to the Board of Review with a term of expiration date of February 13, 2010.

Motion passed unanimously.

2009.11 Motion by Frasier; seconded by Lattimore.

RESOLVED: that Council does hereby approve the reappointment of Vanessa Stovall to the Board of Review with a term of expiration date of February 13, 2012.

Motion passed unanimously.

2009.12 Motion by Frasier; seconded by Lattimore.

RESOLVED: that Council does hereby approve the reappointment of Larry Nemer to the Building Authority Commission with a term of expiration date of October 31, 2013.

Motion passed unanimously.

2009.13 Motion by Frasier; seconded by Lattimore.

RESOLVED: that Council does hereby approve the reappointment of Lois Hitchcock to the Commission on Senior Adults with a term of expiration date of February 14, 2012.

Motion passed unanimously.

2009.14 Motion by Frasier; seconded by Lattimore.

RESOLVED: that Council does hereby approve the reappointment of Richard Keier to the Fire & Police Retirement System Board with a term of expiration date of February 27, 2011.

Motion passed unanimously.

2009.15 Motion by Frasier; seconded by Lattimore.

RESOLVED: that Council does hereby approve the appointment of Ari Mandelbaum to the Total Living Commission with a term of expiration date of February 17, 2012.

Motion passed unanimously.

2009.16 Motion by Frasier; seconded by Lattimore.

RESOLVED: that Council does hereby approve the reappointment of Daniel Brightwell to the Veterans Commission with a term of expiration date of December 13, 2011.

Motion passed unanimously.

Next was the reappointment of Linnie Taylor to the Library Board.

Mayor Lawrence requested that Ms. Taylor be reappointed to the Library Board

2009.17 Motion by Lattimore; seconded by Siver.

RESOLVED: that Council does hereby confirm the reappointment of Linnie Taylor to the Library Board with a term of expiration date of February 17, 2012.

Motion passed unanimously.

Next on the agenda was the approval of the minutes of the Committee-of-the-Whole Meeting of November 17, 2008, the Committee-of-the-Whole Meeting of November 19, 2008, the Regular Meeting of November 24, 2008, the Committee-of-the-Whole Meeting of December 8, 2008, the Regular Meeting of December 15, 2008, the Committee-of-the-Whole Meeting of January 5, 2009, the Regular Meeting of January 12, 2009, the Committee-of-the-Whole Meeting of January 20, 2009 and the Committee-of-the-Whole Meeting of January 26, 2009.

2009.18 Motion by Jordan; seconded by Frasier.

RESOLVED: that Council does hereby approve the minutes of the Committee-of-the-Whole Meeting of November 17, 2008, the Committee-of-the-Whole Meeting of November 19, 2008, the Regular Meeting of November 24, 2008, the Committee-of-the-Whole Meeting of December 8, 2008, the Regular Meeting of December 15, 2008, the Committee-of-the-Whole Meeting of January 5, 2009, the Regular Meeting of January 12, 2009, the Committee-of-the-Whole Meeting of January 20, 2009 and the Committee-of-the-Whole Meeting of January 26, 2009.

Motion passed unanimously.

Councilman Lattimore recognized County Commissioner Janet Jackson.

Ms. Jackson stated that Oakland County would be accepting applications for summer youth employment from February 17th through March 3rd. Applicants may obtain additional information on the County's website and file an application online. She encouraged the young people in the community to take advantage of the opportunity. Applicants must be at least 16 years of age.

Councilwoman Jordan asked that a link to the County be put on the City's website. Mr. Scharret replied that he would have it taken care of the next day.

Next on the agenda was the Consent Agenda.

Council President Fracassi stated that he was removing item #CA-F from the Consent Agenda for further discussion.

Council President Fracassi read the Consent Agenda items.

CA-A Approve the signal modernization project at the intersection of Thirteen Mile and Southfield Road.

CA-B Authorize the purchase of office supplies from Corporate Express, a Staples Company, for a two-year period effective February 23, 2009 through February 22, 2011.

CA-C Authorize the Mayor and City Clerk to execute a two-year contract with Magellan Health Services for the period May 1, 2009 through April 30, 2011.

CA-D Authorize the purchase of 120 replacement mobile radios, accessories, and extended service packages from Motorola, Inc. of Schaumburg, Illinois.

CA-E Approve the purchase of replacement water meter transmitters from HD Supply Waterworks of Shelby Township, Michigan for the period February 17, 2009 through October 31, 2010.

CA-G Adopt Standard Special Assessment Resolutions No. 1 & 2 scheduling the Hearing of Necessity for March 30, 2009.

CA-H Authorize the Mayor and City Clerk to sign agreements with the Oakland County Road Commission for street sweeping and snow and ice control for 2008-09.

2009.19 Motion by Frasier; seconded by Siver.

WHEREAS: The Road Commission for Oakland County (RCOC) has determined that replacement of the traffic signal at the intersection of Southfield Road and Thirteen Mile Road is required; and

WHEREAS: The estimated construction cost, including all new hardware and labor, is \$200,000.00. The cost breakdown is 80% or \$160,000 Federal Funds, 50% or \$20,000 RCOC, \$10,000 Beverly Hills and \$10,000 City of Southfield;

NOW, THEREFORE, BE IT RESOLVED: That Council does hereby approve the signal modernization project at an estimated cost of \$10,000.00 to the City of Southfield, with funding being available in the 2008-2009 Public Works Transportation Budget; and

BE IT FINALLY RESOLVED: That Council does hereby authorize the Mayor and City Clerk to sign the appropriate agreement documents on behalf of the City with RCOC which have been reviewed and approved as to form by the City Attorney.

Motion passed unanimously.

2009.20 Motion by Frasier; seconded by Siver.

BE IT RESOLVED: that Council does hereby give favorable consideration of award for the purchase of office supplies "...by contracting with or through another unit of government," namely the National Intergovernmental Purchasing Alliance, in accordance with Chapter 8, Section 1.279 (3) of the City's Code of Ordinances, to Corporate Express, a Staples Company, of Southfield, MI. Expenditures will be in an amount not to exceed \$46,000 annually based on unit prices and estimated quantities. The agreement will be for a two year period effective February 23, 2009 through February 22, 2011. Funds are provided in the 2008-09 Office Supplies Accounts of all City departments (number 27270), and will be requested in future budgets as Council may approve for this purpose.

Motion passed unanimously.

2009.21 Motion by Frasier; seconded by Siver.

BE IT RESOLVED: That the Mayor and City Clerk are hereby authorized to execute a two year contract with Magellan Health Services, upon review and approval by the City Attorney, to provide Employee Assistance Program (EAP) services; and

BE IT FURTHER RESOLVED: That the contract is authorized in accordance with Chapter 8, Section 1.279(2) of the City's Code of Ordinances, for the period May 1, 2009 through April 30, 2011, at a not-to-exceed cost of \$16,068 annually. Funds are provided for this purpose in the 2008-09 Human Resources Department budget (account #101-900-9005-38180), and will be included in the 2009-10 Human Resources Department budget, as Council may approve.

Motion passed unanimously.

2009.22 Motion by Frasier; seconded by Siver.

BE IT RESOLVED: That Council does hereby give favorable consideration of award for the purchase of 120 replacement mobile radios, accessories and extended service packages for a total cost of \$101,765.00; and one back-up repeater system in the amount of \$136,771.00. The net total purchase price for this equipment is \$238,536.00 and will be purchased from Motorola, Inc of Schaumburg, IL. This recommendation is being made without competitive bidding in accordance with Chapter 8, Section 1.279 (3) of the City's Code of Ordinances, "... by contracting with or through another unit of government. ", namely the State of Michigan Cooperative Purchasing Program. Funds in the amount of \$238,536.00 are provided in the 2008-09 Motor Pool/Communications Budget (account number 661-1621). This purchase may be eligible for partial funding using Drug Forfeiture funds, and staff is investigating this possibility.

BE IT FURTHER RESOLVED: That Council authorizes the Purchasing Agent

to dispose of the equipment being replaced in the manner most advantageous to the City.

Motion passed unanimously.

2009.23 Motion by Frasier; seconded by Siver.

BE IT RESOLVED That Council does hereby approve the purchase of replacement water meter transmitters from HD Supply Waterworks of Shelby Township, in an amount not to exceed \$65,000 annually for the period ending October 31, 2010. This is in accordance with Chapter 8, Section 1.279 (1) "Where the subject of the contract is not competitive in nature and no advantage would result from competitive bidding..." Funds are provided for this purpose in the 2008-09 Water and Sewer Department budget (account number 592-750-7503-49770) and will be requested in future budgets as Council may approve.

Motion passed unanimously.

2009.24 Motion by Frasier; seconded by Siver.

BE IT RESOLVED: That the Council of the City of Southfield does hereby adopt Standard Special Assessment Resolution No. 1 in connection with Special Assessment Project SW-1172, the 2009 Sidewalk Repair Program, thereby initiating the project; and

BE IT FURTHER RESOLVED: That Council does also hereby adopt Standard Special Assessment Resolution No. 2 for SW -1172, thereby receiving the City Administrator's Preliminary Report as prepared by the Engineering Department and setting March 30, 2009 as the date of the Hearing of Necessity to review and receive public comment on the project (Special Assessment District Project SW-1172, City Job No. 0901SFLD).

Motion passed unanimously.

2009.25 Motion by Frasier; seconded by Siver.

WHEREAS, the Oakland County Road Commission commits its road maintenance resources to the State Highway System before they dedicate their efforts to the County Road System in the City of Southfield; and

WHEREAS, this determination results in a less than desirable response time to address the demands of motorists driving the major road system in Southfield; and

WHEREAS, agreements for street sweeping and snow and ice control have been developed to improve the level of service being provided on the three County

roads in Southfield; specifically Lahser Road, Ten Mile Road and Twelve Mile Road; and

WHEREAS, such agreements with the Oakland County Road Commission would require approval by City Council on an annual basis, with payment by the County for the 2008 street sweeping services to be \$8,658.48, and payment for 2008-09 snow and ice control services to be \$90,728.83 for a combined total of \$99,387.31. These revenues are included in the 2008-2009 Budget in the Streets and Highways Major Streets Account 202-451-4515-35057.

NOW, THEREFORE, BE IT RESOLVED: That Council does hereby approve the agreement with Oakland County for 2008 street sweeping and snow and ice control for 2008-09 and, further, authorizes the Mayor and City Clerk to sign the necessary contract documents after review and approval as to form by the City Attorney's Office.

Motion passed unanimously.

Council President Fracassi read Consent Agenda item #CA-F.

CA-F Award the purchase of replacement vehicles from Red Holman Pontiac GMC of Westland, Michigan; Bill Snethkamp Dodge of Lansing, Michigan; Gorno Ford of Woodhaven, Michigan; and Shaheen Chevrolet of Lansing, Michigan.

Council President Fracassi stated that at the Council President's Meeting that half the vehicles were removed from the request and were referred to the Council Finance Committee.

Councilman Lattimore stated that a couple of individuals in the audience raised questions regarding this issue. He wants residents to know that Council is cognizant of the budget deficit. The number of vehicles requested has been reduced. Some of the vehicles are at the end of their useful life and need to be replaced. The City is only purchasing vehicles that are needed.

Councilwoman Jordan stated that it was tough to narrow down the list. The City needs to spend responsibly now and in the years to come. The Finance Committee will be establishing a policy on take home vehicles.

Councilman Lantz requested more information for the Finance Committee. Mr. Scharret replied that the Finance Committee package will be made available to all elected officials. Staff will be in attendance at the Finance Committee meeting.

Councilwoman Jordan stated that the policy regarding take home vehicles was requested by the Council President over a month ago.

Mr. Scharret responded that the Finance Committee will be reviewing revenues on February 19th and will discuss SERS and the city vehicles on February 26th.

Council President Fracassi asked for a history of the City's policy on vehicles.

2009.26 Motion by Frasier; seconded by Jordan.

BE IT RESOLVED: That Council does hereby give favorable consideration of awards for the purchase of vehicles without competitive bidding"... by contracting with or through another unit of government," namely the Oakland County and State of Michigan Cooperative Purchasing Programs, in accordance with Chapter 8, Section 1.279 (3) of the City's Code of Ordinances from:

Red Holman Pontiac GMC, Westland MI: Three GMC HD 2500 series pick-up trucks with plows. Total purchases from Red Holman are \$78,597.00.

Bill Snethkamp Dodge, Lansing, MI: Three Dodge Charger Police Vehicles. Total purchases from Bill Snethkamp Dodge are \$66,250.50.

Gorno Ford Woodhaven, MI: Four Ford Crown Victoria Police Interceptors. Total purchases from Gorno Ford are \$87,552.00.

Shaheen Chevrolet Lansing, MI: One Chevrolet Tahoe 4WD Special Service Vehicle. Total purchase from Shaheen Chevrolet is \$30,956.00.

Expenditures total \$263,355.50 and funds are provided in the 2008-09 Motor Pool Equipment Replacement account (number 661-1630); and

BE IT FURTHER RESOLVED: That Council authorizes the Purchasing Department to dispose of the vehicles being replaced in the manner most advantageous to the City and hereby directs the Mayor and City Clerk to execute any motor vehicle titles in connection therewith.

Motion passed unanimously.

The next item on the agenda was Public Hearing "A"; Request by Comau, Inc. to Establish an Industrial Development District.

Mr. Banda stated that three separate public hearings are required on the requests from Comau, Inc. to establish an Industrial Development District at 21000 Telegraph and requests for Personal Property Tax Abatements at 21000 Telegraph and 21175 Telegraph. Some years ago, Comau, Inc. was ready to close down its Southfield facility. A Brownfield was granted for their large facility on Eight Mile. The building was repainted, the inside gutted and an assembly line was built. Comau, Inc. is now requesting a 15 year personal property tax abatement for both properties, 21000 Telegraph and 21175 Telegraph. Staff feels that a 7 year abatement is more appropriate. Comau, Inc. is looking to purchase new equipment in an effort to diversify their business. The City received a letter from a former Comau employee. The City met with their attorney and found that the letter was extremely erroneous. Comau, Inc. followed the letter of the law. The new equipment covered by the tax abatement has not been

purchased yet. He recommended favorable consideration for all three requests. The tax abatements will result in \$79,043 in City taxes being abated. Comau, Inc. will continue to pay \$1.73 million in property and personal property taxes.

Kurt Brauer, Warner, Norcross, and Judd, LLP, stated that Comau, Inc. has done a good job in the past ten years. They are asking for approval of an industrial development district and two personal property tax abatements. The total investment for this project will be \$2.3 million.

Tom Sventickas, Tax Supervisor, Comau, Inc., stated that the Brownfield process was successfully completed. They retained 200 jobs in Southfield. The Brownfield was instrumental in the company's decision to stay in Southfield. They are looking to expand their Southfield operations and diversify their customer base into military and aerospace work. The expansion will enable Comau to retain 300-400 jobs in Southfield and possibly create new jobs.

The public hearing was declared open. There being no one wishing to speak, the public hearing was closed.

2009.27 Motion by Siver; seconded by Jordan.

WHEREAS, Comau, Inc., as owner of certain industrial property in the City of Southfield, Oakland County, Michigan, has filed a request with the Southfield City Council for the establishment of an industrial development district under the "Plant Rehabilitation and Industrial Development District Act of 1974, as amended"; and

WHEREAS, the proposed Industrial Development District is the real property commonly identified as 21000 Telegraph Road, City of Southfield, County of Oakland, State of Michigan, and located on the east side of Telegraph Road just north of Eight Mile Road, more particularly described as: TIN, RIOE, SEC 33, SUPERVISOR'S PLAT NO. 11, PART OF LOTS 1,2, AND 3, ALSO PART OF SW 1/4, ALL DESC AS BEG AT PT DIST S 88-34-30 E 596.37 FT AND N 02-19-08 E 896.42 FT FROM SW SEC COR, TH N 02-19-08 E 10.0 FT, TH S 88-26-57 E 232.07 FT, TH N 02-29-03 E 315.25 FT, TH N 88-26-57 W 527.91 FT, TH S 02-1303 W 126.0 FT, TH N 88-26-57 W 200.0 FT, TH S 02-13-03 W 70.0 FT, TH S 88-26-57 E 325.0 FT, TH S 02-13-03 W 129.25 FT, TH S 88-2657 E 169.36 FT TO BEG, ALSO OF HART BROS BASE LINE SUB PART OF LOTS 22 AND 23 BEG AT PT DIST S 01-20-00 W 192 FT AND N 89-39-33 W 287.93 FT FROM SE COR OF LOT 22, TH N 8939-33 W 144.02 FT, TH N 01-20-00 E 288 FT, TH S 89-39-33 E 144.02 FT, TH S 01-20-00 W 288 FT TO BEG; 4.7945 ACRES; TAX ITEM 76-24-33-301-071; and

WHEREAS, the Southfield City Council held a public hearing regarding this request at its Regular Meeting of February 17, 2009, at 7:00 p.m. Eastern Standard Time in the Council Chambers, at 26000 Evergreen Road, Southfield, Michigan, during which the owner of the property and all interested parties were given the opportunity to be heard; and

WHEREAS, the establishment of an industrial development district is consistent with the objectives of the City for industrial development and the creation of new employment opportunities.

NOW, THEREFORE, BE IT RESOLVED, that the Southfield City Council determines that the levies of ad valorem taxes are at a rate which, when taken together with the rates of ad valorem taxes levied by any other taxing authority which levies taxes within the City of Southfield, equals or exceeds \$30.00 for

each \$1,000.00 of taxable value, and therefore is eligible for designation as an industrial development district pursuant to said Act; and

BE IT FURTHER RESOLVED, that the above described real property is hereby designated an industrial development district.

Motion passed unanimously.

Next was Public Hearing "B"; Request from Comau, Inc. for a Personal Property Tax Abatement for 21000 Telegraph.

The public hearing was declared open. There being no one wishing to speak, the hearing was closed.

2009.28 Motion by Frasier; seconded by Jordan.

WHEREAS, Comau, Inc. has made application to the City of Southfield under Public Act 328 of 1998, as amended, for tax exemption of new personal property to be installed in the existing building at 21000 Telegraph Road, City of Southfield, County of Oakland, State of Michigan, and located on the east side of Telegraph Road just north of Eight Mile Road, more particularly described as: TIN, RIOE, SEC 33, SUPERVISOR'S PLAT NO. 11, PART OF LOTS 1,2, AND 3, ALSO PART OF SW 1/4, ALL DESC AS BEG AT PT DIST S 88-34-30 E 596.37 FT AND N 02-19-08 E 896.42 FT FROM SW SEC COR, TH N 02-19-08 E 10.0 FT, TH S 88-26-57 E 232.07 FT, TH N 02-29-03 E 315.25 FT, TH N 88-26-57 W 527.91 FT, TH S 02-13-03 W 126.0 FT, TH N 88-26-57 W 200.0 FT, TH S 02-13-03 W 70.0 FT, TH S 88-26-57 E 325.0 FT, TH S 02-13-03 W 129.25 FT, TH S 88-26-57 E 169.36 FT TO BEG, ALSO OF HART BROS BASE LINE SUB PART OF LOTS 22 AND 23 BEG AT PT DIST S 01-20-00 W 192 FT AND N 89-39-33 W 287.93 FT FROM SE COR OF LOT 22, TH N 89-39-33 W 144.02 FT, TH N 01-20-00 E 288 FT, TH S 89-39-33 E 144.02 FT, TH S 01-20-00 W 288 FT TO BEG; 4.7945 ACRES; TAX ITEM 76-24-33-301-071; and

WHEREAS, the Southfield City Council has reviewed the application and made the following findings pursuant to Public Act 328 of 1998, as amended:

- a. The City of Southfield is an eligible local assessing district, as defined by the Act, as amended, and identified by the State Tax Commission effective January 28,2004; and
- b. The property at 21000 Telegraph Road as above described is an industrial development district newly created by the Southfield City Council and is an eligible district as defined by the Act; and
- c. Comau, Inc. is an eligible business, as defined by the Act, in the manufacturing category, and has stipulated that the personal property proposed to be installed in the aforementioned industrial development district will be, in fact, new, as defined by the Act, and will be owned

or leased by Comau, Inc.; and

WHEREAS, the Southfield City Council has made the determination that the creation of the industrial development district and the granting of new personal property tax exemption under Public Act 328 of 1998, as amended, for a period of seven (7) years for Comau, Inc. will, over the long run, enhance the tax base of the City, encourage development that will increase the economic viability of the City, and enhance the general attractiveness of the City.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to requirements of Public Act 328 of 1998, as amended, the City Council of the City of Southfield hereby approves the request of Comau, Inc. for new personal property tax exemption for a period of seven (7) years ending December 31, 2016, conditioned upon execution of the City's standard tax abatement agreement by Comau, Inc.; and

BE IT FURTHER RESOLVED, that the City Attorney is directed to prepare the required tax abatement agreement between Comau, Inc. and the City of Southfield; and

BE IT FINALLY RESOLVED, that the Mayor and City Clerk are authorized to sign all documents related to this tax abatement matter on behalf of the City and forward same to the State Tax Commission.

Motion passed unanimously.

Next on the agenda was Public Hearing "C"; Request from Comau, Inc. for a Personal Property Tax Abatement for 21175 Telegraph.

The public hearing was declared open. There being no one wishing to speak, the public hearing was closed.

2009.29 Motion by Frasier; seconded by Lattimore.

WHEREAS, Comau, Inc. has made application to the City of Southfield under Public Act 328 of 1998, as amended, for tax exemption of new personal property to be installed in the existing building at 21175 Telegraph Road, City of Southfield, County of Oakland, State of Michigan, and situated on property located on the west side of Telegraph Road just north of Eight Mile Road, more particularly described as: PART OF THE SE 1/4 OF SEC 32, TIN, R10E, BEG AT PT DIST N 87-48-00 W 102 FT AND S 02-18-30 W 1387.22 FT FROM E 1/4 COR; TH S 02-18-30 W 211.34 FT; TH N 85-19-00 W 250 FT; TH N 87-55-00 W 956.74 FT; TH N 0218-30 E 200 FT; TH S 87-55-00 E 1206.84 FT TO BEG; 5.570 ACRES; TAX ITEM 76-24-32-400-012; and

WHEREAS, the Southfield City Council has reviewed the application and made the following findings pursuant to Public Act 328 of 1998, as amended:

- a. The City of Southfield is an eligible local assessing district, as defined by the Act, as amended, and identified by the State Tax Commission

effective January 28,2004; and

- b. The property at 21175 Telegraph Road as above described is part of a Local Development Finance Authority (LDF A) District, created by the Southfield City Council and is an eligible district as defined by the Act; and
- c. Comau, Inc. is an eligible business, as defined by the Act, in the manufacturing category, and has stipulated that the personal property proposed to be installed in the aforementioned industrial development district will be, in fact, new, as defined by the Act, and will be owned or leased by Comau, Inc.; and

WHEREAS, the Southfield City Council has made the determination that the granting of new personal property tax exemption under Public Act 328 of 1998, as amended, for a period of seven (7) years for Comau, Inc. will, over the long run, enhance the tax base of the City, encourage development that will increase the economic viability of the City, and enhance the general attractiveness of the City.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to requirements of Public Act 328 of 1998, as amended, the City Council of the City of Southfield hereby approves the request of Comau, Inc. for new personal property tax exemption for a period of seven (7) years ending December 30, 2016, conditioned upon execution of the City's standard tax abatement agreement by Comau, Inc.; and

BE IT FURTHER RESOLVED, that the City Attorney is directed to prepare the required tax abatement agreement between Comau, Inc. and the City of Southfield; and

BE IT FINALLY RESOLVED, that the Mayor and City Clerk are authorized to sign all documents related to this tax abatement matter on behalf of the City and forward same to the State Tax Commission.

Motion passed unanimously.

Mayor Lawrence stated that for Comau to have the ability to reinvest in Southfield during these tough economic times is wonderful. She will stay committed to Comau and other industries in the City.

Councilman Siver noted that the 300-400 jobs at Comau will spill into many other jobs in the economy.

Next on the agenda was the Council Portion.

Councilman Lantz noted that Council received a letter in their packet regarding the neighborhood stabilization program. He asked when the City could expect to receive funding. Mr. Scharret replied that Council would receive an update at the Committee-of-the-Whole meeting. Mr. Zorn added that the City should receive the contract from HUD by the end of the week.

Councilman Lantz stated that normally CDBG fund distribution is determined by department heads. However, this program is different. He questioned who would handle the distribution of funds. Mr. Zorn replied that the City is looking at forming a limited liability corporation. Discussions have been held with various for-profit, non-profit and faith based groups. Requests for proposals are being put together. The City has also talked about having a resource team that includes appraisers, mortgage consultants, housing counselors.

Councilman Lantz replied he does not want mortgage brokers involved that helped create the current housing crisis. He asked if the City can put a cap on interest rates. Mr. Zorn replied that the City does not have the authority to cap rates. However, residents will be educated on home financing so that they don't get involved in adjustable rate mortgages (A.R.M.'s). New federal programs are suppose to be introduced which may involve interest caps. Under HUD guidelines brokers can only make a small profit of approximately 10%.

Councilman Lattimore replied that once the team is in place and a plan is put together Council will have an opportunity to review it. FHA is already taking steps to streamline the process. Currently, anyone with an FHA loan can refinance without an appraisal and a 4% rate.

Councilman Lantz asked if the City can prevent brokers from charging 8% to 10% interest. Mr. Zorn replied that the City is working to avoid that. There may not be anything in the regulations to prevent it. The City would like to provide mortgage products that won't set consumers up for failure.

Mr. Scharret replied that the program will be reviewed by Council and the Mayor and everyone will be able to come away with a level of comfort.

Councilman Lattimore replied that he has extreme confidence in staff. Mr. Zorn will form a good team. The City will be buying at a greatly reduced price, fixing up the property and then reselling the property. High interest rates and double mortgages will be discouraged.

Councilman Lantz asked if there was any way to prevent speculators from buying several houses and selling them. Mr. Zorn replied that if the residents are part of the NSP program it will eliminate the speculator issue. Speculation is already happening. The City will focus on acquisition, rehabilitation, and reselling homes to families.

Councilwoman Jordan stated that the goal is neighborhood stabilization. She suggested partnering with existing businesses who may have employees in the City who are currently renting. Have the employer identify one or two employees that need a home. Mr. Zorn replied that it was a brilliant idea. It is a great market to tap. The City has had an ongoing dialogue with Comau regarding the creation of a corporate citizen model.

Councilman Frasier stated that once contractors learn that money is available they will start showing up. The City needs to put a team together to screen contractors in order to ensure quality work. Mr. Zorn replied that the City is looking to form partnerships. The City has talked about having four or five different teams that are able to find homes, rehab them and find a buyer. The City will continue to work with those teams that excel, the team is able to buy a home, rehab it and find a buyer for the property. Another \$2 billion has been made available for non-profits to use for stabilization. The City will be able to go after those funds, being a non-profit, that others would not be able to tap into. In addition, the State of Michigan has funds that the City should have an opportunity to access.

Mayor Lawrence stated that the City needs to take its advertising and recruiting to current residents and our business community. Recruitment needs to be very focused and have synergy so that the City can create a marketing piece internally. The plan allows the City to lease to own which gives people the opportunity to learn how to be a homeowner and eliminate the risk of foreclosure. Mr. Zorn replied that the FHA has an excellent lease to own program.

Councilwoman Jordan stated that she wants to make sure that the neighborhood associations are not overlooked. The associations may be willing to purchase a home. Mr. Zorn replied that the City will be doing a rollout session on the NSP and neighborhood association leadership will be invited to attend.

Council President Fracassi stated that communication with Council is very important as the process continues. Investors are buying homes and renting them out. The homes are not being fixed up properly. He suggested requiring an occupancy permit for foreclosed homes to ensure that the homes have been repaired. He thanked Administration and staff for the great job being done on the NSP.

Council President Fracassi stated that Council received a letter from the Green Dolphin Subdivision and Michelle Twymon indicating that people are coming to Bradford Academy through the back way and parking on Edinburgh. Green Dolphin Association is still concerned about the situation. Mr. Scharret replied that the situation continues to be disconcerting. The matter is under active review by staff.

Council President Fracassi asked Mr. Scharret to contact Green Dolphin and let them know the City continues to monitor the situation.

Councilwoman Jordan congratulated the NAACP on its 100th Anniversary and in particular the South Oakland Branch.

Councilwoman Jordan stated she has been looking at the amount of press regarding the film industry in Michigan. The City needs to be on top of the situation. The City can't afford to sit back. The film industry needs to be aggressively pursued.

Mr. Banda replied that the City is ahead of the curve. Shelly Freeman has talked to industry leaders and their advice was to make the process simple. Last week, the City put together a website with information on how the process works and a free application. There is no red tape. Other communities have a very complex application process. There is a link on the GIS site to uniquely characteristic properties. There is a production company in Southfield that has the only machine that digitizes tapes.

Councilwoman Jordan asked about sending out letters to the film companies. Mr. Banda replied that letters have already been sent. The City has linked up with a company that works nationally. He promised to update Council on any successes.

Councilman Lantz stated that it was time for the City to take legal action against Bradford Academy for the damage it has inflicted on the residents and the neighborhood. Mr. Scharret replied that the City is very close to taking an aggressive posture. The action is not in a form that can be brought to Council at this point.

Councilman Lattimore suggested that the City create a film commission. He offered to bring a template for one to the next Committee-of-the-Whole Meeting. Mr. Banda replied that the website lists Shelly Freeman as the sole contact person.

Councilman Fracassi stated that DTE is scheduled to appear before the Public Service Commission (PSC) to request an additional \$6.95 charge on the electric bill. This would be in addition to the previous \$4.75 request. Given the economic conditions that is a lot of money. He would like more information on what DTE is requesting. The hearing is scheduled for February 26, 2009.

Councilman Lattimore replied that he would like the Legislative Committee to address the issue. He will schedule a meeting in March. Mr. Banda replied that he will make sure Shelly Freeman knows about the hearing.

Councilman Frasier reminded residents that the Winter Fun Fest would be held on Sunday, February 22, 2009 from 2 p.m. to 6 p.m. in the Pavilion and the Ice Arena.

Next on the agenda was the Mayor's portion.

Mayor Lawrence stated that Tim Horton's is holding a grand opening on Tuesday. LA Fitness has opened for business. The grand opening will be held in a few weeks.

Mayor Lawrence stated that the country is facing some of the toughest times since the Depression. The City can afford what it needs. In comparison to other communities, Southfield is doing well. The City needs to spend wisely and purchase only what is really needed. The NSP is just one way the City will fight the current crisis. It is important that residents and businesses keep up their property. Money is available for seniors, through the CHORE program, for those who are financially strapped. She has been invited to meet with President Obama on Friday regarding the roll out of the stimulus package.

Council President Fracassi asked Mayor Lawrence to communicate to Washington that they need to start talking in a more positive light.

Mr. Banda noted that last year the City of Southfield issued building permits totaling \$69 million. None of the permits were for large projects.

Next was Administrator's item #3-A; Bridge Street Bridge Monitoring.

Mr. Scharret stated that the City worked with LTU and the lobbyist to secure funding for the continued monitoring of the Bridge Street Bridge. As a result of the successful lobbying effort MDOT has agreed to provide funding in the amount of \$15,000 per year towards the extended monitoring program. Within the January 2007 data report for the Bridge Street Bridge it was noted that some of the components of the on-site performance monitoring hardware have failed over time. It is critical that the existing on-site system be inspected, evaluated and repaired prior to the initiation of the extended monitoring program. He recommended that the monitoring program consist of three phases done as an amendment to the City's instrumentation, monitoring and load testing contract with CTL with a ten year extension. Phase I would consist of a thorough inspection and evaluation of the existing on-site performance monitoring system sensors and hardware, including a report summarizing the findings and recommendations. Phase II would consist of the repair, replacement and/or upgrade of system components as per the Phase I report. Phase III would consist of remote data collection, preparation of periodic reports and biannual site inspections.

2009.30 Motion by Siver; seconded by Frasier.

BE IT RESOLVED: That Council does hereby authorize the Mayor and City Clerk to execute the intergovernmental agreement with the Michigan Department of Transportation (MDOT) and contract amendment with Construction Technologies Laboratories, Inc. (CTL) of Skokie, Illinois for year one of the proposed ten (10) year continuation of the Bridge Street Bridge Performance Monitoring Program having a total cost of \$68,433 consisting of an MDOT share of \$15,000 and a City of Southfield share of \$53,433 to be provided from the Major Street Operating Budget (Account No. 202-451-4512-49740) with said documents having been reviewed and approved as to form by the City Attorney.

Motion passed unanimously.

Next on the agenda was Attorney's item #4-A; Gordon Wilson and Amy Chaban v City of Southfield, et al. (Oakland County Circuit Court Case No. 08-095741-NO).

Ms. Ward-Witkowski stated that the lawsuit was in connection with a counterfeiting incident at the Northland Target Store in November 2007. One plaintiff was arrested and charges were later dismissed by the Court. The plaintiffs are seeking money damages claiming assault and battery, false arrest, false imprisonment and malicious prosecution. She requested authority to take whatever action was necessary to defend the City.

2009.31 Motion by Siver; seconded by Frasier.

RESOLVED: that Council does hereby authorize the City Attorney to take whatever action is necessary to defend the City and its agents or employees in the case of Gordon Wilson and Amy Chaban v City of Southfield, et al. (Oakland County Circuit Court Case No. 08-095741-NO).

Motion passed unanimously.

Next on the agenda was Attorney's item #4-B; Review of Collective Bargaining Negotiations.

Ms. Ward-Witkowski asked that the matter be moved to the end of the agenda so the item could be reviewed in a Closed Session.

Next on the agenda was the expense report of Irv Lowenberg for the MMTA Winter Workshop in Lansing, Michigan, January 14-16, 2009.

2009.32 Motion by Lattimore; seconded by Jordan.

RESOLVED: that Council does hereby approve the expense report of Irv Lowenberg for the MMTA Winter Workshop in Lansing, Michigan, January 14-16, 2009.

Motion passed unanimously.

Next on the agenda was item #5-B; Ordinance Amendments.

City Clerk Nancy Banks stated that in the process of updating the City Code it was discovered that three Ordinances, No. 1452, 1559 and 1564, were given duplicate or inconsistent section numbers when adopted. In order to move forward with updating the City Code the ordinances need to be amended and republished with the correct chapter and/or section numbers. She requested the ordinance amendments be introduced and enacted as emergency ordinances.

2009.33 Motion by Frasier; seconded by Jordan.

RESOLVED: that Ordinance No. 1565, Fire and Police Retirement System Pension Adjustment be adopted.

Motion passed unanimously.

2009.34 Motion by Frasier; seconded by Jordan.

RESOLVED: that Ordinance No. 1565 be introduced and enacted as an emergency ordinance.

Motion passed unanimously.

2009.35 Motion by Frasier; seconded by Jordan.

RESOLVED: that Ordinance No. 1566, Dangerous Trees, be adopted.

Motion passed unanimously.

2009.36 Motion by Frasier; seconded by Jordan.

RESOLVED: that Ordinance No. 1566 be introduced and enacted as an emergency ordinance.

Motion passed unanimously.

2009.37 Motion by Frasier; seconded by Jordan.

RESOLVED: that Ordinance No. 1567, Soil Erosion and Sedimentation Control, be adopted.

Motion passed unanimously.

2009.38 Motion by Frasier; seconded by Jordan.

RESOLVED: that Ordinance No. 1567 be introduced and enacted as an emergency ordinance.

Motion passed unanimously.

City Clerk Nancy Banks stated that upon the recommendation of the City Administrator she is requesting that the Regular Meeting (conducted as a Committee-of-the-Whole) scheduled for February 23, 2009 be cancelled.

2009.39 Motion by Jordan; seconded by Frasier.

RESOLVED: that Council does hereby cancel the Regular Meeting (conducted as a Committee-of-the-Whole) scheduled for February 23, 2009.

Motion passed unanimously.

2009.40 Motion by Lattimore; seconded by Frasier.

RESOLVED: that pursuant to Section 8(a) of the Open Meetings Act, Council adjourn to a Closed Session in order to discuss labor negotiations.

A Roll Call Vote was taken.

YEAS: Fracassi, Frasier, Jordan, Lantz, Lattimore, and Siver.

NAYS: None.

ABSENT: Seymour.

Motion passed unanimously.

2009.41 Motion by Frasier; seconded by Lattimore.

RESOLVED: that Council does hereby reconvene into Open Session.

Motion passed unanimously.

2009.42 Motion by Frasier; seconded by Lattimore.

RESOLVED: that Council does hereby approve the collective bargaining agreement negotiated between the City of Southfield and the SPCOA and that the City Council further authorizes the Mayor and City Clerk to sign the collective bargaining agreement.

Motion passed unanimously.

There being no further business, the Regular Meeting of February 17, 2009, adjourned at 10:00 p.m., until the next Regular Meeting (conducted as a Committee-of-the-Whole) on March 2, 2009, in the Council Conference Room of the Municipal Building, 26000 Evergreen Road, Southfield, Michigan.

Donald F. Fracassi, Council President

Nancy L. M. Banks, City Clerk