

REGULAR MEETING
OF THE COUNCIL
CITY OF SOUTHFIELD

March 9, 2009

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**Approved
March 30, 2009**

REGULAR MEETING
OF CITY COUNCIL
CITY OF SOUTHFIELD
MINUTES
March 9, 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: Deputy City Clerk Susan Silva, 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 a presentation by the Detroit Audubon Society.

Richard Quick, Detroit Audubon Society, presented the City with a plaque in recognition of their support of Safe Passage Great Lakes Days. Mr. Quick stated that the City Council adopted a resolution supporting the Safe Passage Project by controlling lighting in buildings in an effort to reduce the number of birds colliding into buildings during migration. In addition, on March 28, 2009 the Detroit Audubon Society will have its annual program in P & R from 8 a.m. to 2 p.m. Merrie Carlock will orient members with the new Carpenter Lake project.

Councilman Frasier asked when the birds would begin migrating north. Mr. Quick responded that migration usually happens between March 15th and June 1st. Lights from the 5th floor up should be darkened. Illuminated signs at the top of high rises are an issue. They have not had much success in getting companies to turn their signs off at night. The glow from these signs are distracting to birds.

Mayor Lawrence complimented Councilwoman Seymour for being a strong advocate of this issue.

Councilman Fracassi accepted the plaque on behalf of the Council, Mayor and the residents of Southfield.

Councilwoman Seymour stated that the Governor has declared Great Lakes Safe Passage Days for the last several years.

Next on the agenda was a presentation by Jon Adams, President of the Southfield Parks & Garden Club.

Jon Adams, 25620 Mulberry, stated that the first Club meeting will be on Wednesday, March 11 at 11 a.m. The first work day at the community farm will be on Tuesday, March 24th from 4 p.m. to 7 p.m. Work days are scheduled for Tuesdays and Thursdays from 4 p.m. to 7 p.m. and Sundays from 1 p.m. to 4 p.m. One of the Club's major objectives is to complete the CHORE home projects. The group fixes up the homes of the elderly and disabled who are unable to do the work themselves. This year Volunteer Day is April 18th. The Club will be working at Bauervic Park to widen trails and pick up litter. The Club is a co-sponsor of Flower Day which is scheduled for May 9th. The 2009 Garden Walk will be held on the east side of the City sometime in mid-July.

Mayor Lawrence thanked Mr. Adams for his leadership. The garden walk is a tremendous event. It provides residents the opportunity to showcase their yards.

Next on the agenda were reappointments to various boards and commissions.

Mayor Lawrence requested Council's confirmation of the reappointment of Bret Bergeron to the Cornerstone Development Authority, Elsie A. August to the Southfield Historic District and Seymour Mandell to the Planning Commission. Mr. Bergeron is a dedicated, hardworking member of the CDA. Ms. August has been a steadfast member of the Historic Commission. Mr. Mandell adds a historical perspective and expertise to the Planning Commission and has served on the board for many years.

2009.43 Motion by Frasier; seconded by Seymour.

RESOLVED: that Council does hereby confirm the reappointment of Bret Bergeron to the Cornerstone Development Authority (CDA) with term of office expiring March 9, 2012.

Motion passed unanimously.

2009.44 Motion by Frasier; seconded by Seymour.

RESOLVED: that Council does hereby confirm the reappointment of Elsie Ailene August to the Southfield Historic Commission with term of office expiring March 9, 2012.

Motion passed unanimously.

2009.45 Motion by Frasier; seconded by Seymour.

RESOLVED: that Council does hereby confirm the reappointment of Seymour Mandell to the Planning Commission with term of office expiring March 9, 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) Meeting of February 2, 2009 and the Regular Meeting of February 17, 2009.

2009.46 Motion by Jordan; seconded by Siver.

RESOLVED: that Council does hereby approve the minutes of the Regular Meeting (conducted as a Committee-of-the-Whole) of February 2, 2009 and the Regular Meeting of February 17, 2009.

Motion passed unanimously.

Next on the agenda was a request for recognition from Pamela Gerald.

Pamela Gerald, PO Box 155, Southfield, made an appeal to residents to slow down for the school buses and to stop at stop signs so that children can cross the street. She asked everyone to slow down in residential areas and apartment complexes. Ms. Gerald then asked that residents leave the shopping carts at the stores in order to avoid being charged extra to cover the cost of lost carts. She asked when the City would begin collecting leaves and debris. She also asked for civility among the Council members and to stop the bickering.

Council President Fracassi responded that Council does act with respect. He thanked Ms. Gerald for her comments.

Councilwoman Jordan asked in light of the recent wind storms how the City would handle collecting the fallen branches and dead trees. A plan needs to be in place and the residents should be notified.

Mr. Mekjian responded that the first scheduled pick-up is the first full week of April. The City will pick up everything but hazardous waste. Hazardous Waste Day is April 18th from 9 a.m. to 2 p.m.

Councilwoman Jordan asked that the information be put on Cable 15. The City needs to make sure that people adhere to the speed limits.

Next on the agenda was the Consent Agenda.

Council President Fracassi read the Consent Agenda items.

CA-A Authorize the Cable TV and Purchasing Departments to solicit bids for the purchase of a replacement Channel Programming System.

CA-B Authorize the Mayor and City Clerk to sign the Intergovernmental Agreement with the United States Geological Survey, United States Department of the Interior, for the relocation and reconstruction of the USGS Rouge River and Beech Road streamgaging station.

CA-C Award the bid to Inland Press of Detroit, Michigan for the printing of two issues of the Southfield Living Newsletter.

2009.47 Motion by Lattimore; seconded by Frasier.

RESOLVED: that City Council does hereby authorize the Cable TV Department and the Purchasing Department to solicit bids for the purchase of a replacement Channel Programming System, in an amount not to exceed \$40,000, with the recommended bid award being subject to the approval of the City Council.

Motion passed unanimously.

2009.48 Motion by Lattimore; seconded by Frasier.

BE IT RESOLVED: that the City Council of the City of Southfield does hereby authorize the Mayor and City Clerk to execute on the behalf of the City the intergovernmental agreement with the United States Geological Survey, United States Department of the Interior, for the relocation and reconstruction of the USGS Rouge River and Beech Road streamgaging station in connection with the proposed Beech Road Bridge over the Rouge River reconstruction project, with said documents having been reviewed and approved as to form by the City Attorney; and

BE IT FURTHER RESOLVED: that funding in the amount of \$25,200 be provided from the Major Street Operating Budget (Account No. 202-451-4515-49740); and

BE IT FINALLY RESOLVED: that provisions for the reimbursement to the City for ninety-five percent (95%) of the upfront costs, or \$23,940, shall be made in the Beech Road Bridge Agreement between the City and MDOT.

Motion passed unanimously.

2009.49 Motion by Lattimore; seconded by Frasier.

RESOLVED: that Council does hereby award the bid to print two issues (March 2009 and September 2009) of the Southfield Living newsletter to Inland Press of Detroit, Michigan for their lowest acceptable bid in the amount of \$24,108.00 with funding of \$12,054.00 for this purpose provided in the 2008-09 budget Community Relations account 101-630-6301-39000 (20% or \$2,410.80) and Parks & Recreation account 208-551-5101-39000 (80% or \$9,643.20) for the March 2009 publication. Funding in the same amount of \$12,054.00 will be included in the 2009-10 budgetary requests of these two departments to provide for the September 2009 publication.

Motion passed unanimously.

Next on the agenda was the Council Portion.

Councilman Siver reminded everyone that National Volunteer Day is April 18, 2009. The event is sponsored by the City of Southfield, Southfield Public Schools, the Optimist Club and the Southfield Parks & Garden Club.

Councilwoman Jordan requested the establishment of a task force to ensure that all residents are counted during the 2010 census. She would like to be a part of the task force.

Council President Fracassi referred the matter to a Committee-of-the-Whole Meeting.

Mr. Scharret replied that a presentation, headed up by Community Relations, will be scheduled when sufficient information is available. The City is very cognizant of the importance of the 2010 census.

Mayor Lawrence requested that item #2-B be removed from the agenda.

Next on the agenda was Mayor's item #2-A; Expense report of Brenda Lawrence for the U.S. Conference of Mayors Leadership Lobbying Effort in Washington, DC, February 3-4, 2009.

2009.50 Motion by Frasier; seconded by Seymour.

RESOLVED: that Council does hereby approve the expense report of Brenda Lawrence for the U.S. Conference of Mayors Leadership Lobbying Effort in Washington, DC, February 3-4, 2009.

Motion passed unanimously.

Mayor Lawrence encouraged residents to keep their eye on foreclosed homes in their neighborhood and to call the City to report suspicious activity.

Mayor Lawrence reminded residents that the Annual Community Blood & Bone Marrow Drive is March 25th in the Pavilion. They can call Community Relations to schedule an appointment.

Mayor Lawrence noted that there is a concerted effort to get the 21-40 year olds involved in the community. The Chamber of Commerce and the Business Development Office have formed a new group called New, Now, Next. The next meeting is April 2nd from 5 p.m. to 7 p.m. She attended the kick-off and everyone was very excited about the new group.

Mayor Lawrence stated that she attended a meeting at the White House to discuss the Federal stimulus package. There are discretionary funds available. President Obama and Vice-President Biden spoke to the group. President Obama stated that he would have zero tolerance for misspending the stimulus funds and he will call out anyone who does. Mayor Lawrence added that Inkster Road will be repaved using stimulus funds. Ten Mile Road will be repaved with tri-county funds. The City is working on putting a priority on reconstructing Evergreen Road. There are some tough decisions to be made this year regarding the budget.

Councilman Lattimore asked what the Mayor anticipates in regards to money for Southfield. Mayor Lawrence responded that Inkster Road was identified because it is ready to go. The City

hopes to be able to get additional funds. There is a process to be followed. Winterization is high on the Energy Secretary's list.

Next on the agenda was Administrator's item #3-A; Revision of City of Southfield Deferred Compensation Plan to Permit Participant Loans.

Mr. Scharret stated that the proposed revision to the City's Deferred Compensation Plan would enable employees to borrow their own money from their deferred compensation funds. The interest rate would be 0.5% above prime. The City is not directly involved in the transactions except to process payroll deductions. Employees will be cautioned to use the loans with great care. Several employee groups have requested the ability to borrow money. He believes it can be done responsibly.

Councilman Lantz asked Council to consider waiting on a decision until an in-depth discussion takes place at a Committee-of-the-Whole Meeting. Mr. Scharret replied that waiting for a Committee-of-the-Whole Meeting would delay implementation and some employees have made urgent requests.

Council President Fracassi asked Councilman Lantz if there was a particular item that he is uncertain about.

Councilman Lantz replied that he has questions and does not believe it was the proper venue for them.

Councilman Lattimore asked if there was a penalty for withdrawing funds. Mr. Scharret replied there was no penalty, however, if the person was to leave the City the money they borrowed would be taxed. The money belongs to the employees and they should have the right to borrow from it. Some of the needs are great due to the current economy. He opposed delaying it any further.

Councilman Lantz stated that he does not object to employees borrowing money. He questioned why the matter had not been brought to Council at a Committee-of-the-Whole Meeting.

Council President Fracassi replied that they saw nothing in the item that was controversial or necessitated bringing it to a Committee-of-the-Whole Meeting.

Lauri Siskind stated that this program is typical across the country. No one anticipated it causing questions. It's a quick answer to issues that the City has encountered where employees have requested emergency withdrawals but did not meet federal requirements. Emergency withdrawal guidelines are not the same as they are for hardship. The information was not ready to bring to Council sooner.

Mr. Scharret stated that the Council would be moving to the Council Conference Room at the conclusion of the current meeting. Questions could be answered at that time and then Council could do a Rule 10.

Councilman Lantz replied that he would go along with the proposal, but he predicted many problems in the future.

Council President Fracassi asked if Councilman Lantz wanted to defer the item to the Committee-of-the-Whole Meeting scheduled to follow the Regular Meeting. Councilman Lantz replied in the negative.

Mayor Lawrence stated that initially it had been an open liberal plan but new regulations were implemented to help employees better understand the obligations. She asked Ms. Siskind if she was comfortable that there are enough restrictions to prevent employees from creating greater hardship.

Ms. Siskind replied that the City has not had this program before and are very cautious about the program's set-up. The City looked at plans from other cities and had representatives from T Rowe Price and ICMA come in to discuss it. Disclaimers will be put on the forms. Under the plan, employees can not withdraw more than half and must immediately begin repaying the loan. Under an emergency withdrawal an employee can withdraw all their funds and they do not have to repay it.

Councilman Frasier stated that it is important that employees receive counseling before withdrawing their money. They need a clear understanding of the effect the loan will have on their nest egg. They need face-to-face counseling.

2009. 51 Motion by Seymour; seconded by Lattimore.

BE IT RESOLVED: that the City of Southfield Deferred Compensation Plan will permit loans; and

BE IT FURTHER RESOLVED: that the City Council does hereby approve the following amendment to the City of Southfield Deferred Compensation Plan (as previously amended and restated effective January 1, 2002):

A new section, 7.08, is hereby added as follows: "7.08 **Loans:** Loans are permitted under the Plan in accordance with applicable provisions of the Code and the Loan Guidelines as established by the Plan Administrator."

Motion passed. Councilman Lantz abstained.

Next on the schedule was a change in the starting time of the March 24th Council Meeting.

Deputy City Clerk Susan Silva requested the starting time of the Joint Meeting with Southfield School Board scheduled for March 24, 2009 be changed from 7 p.m. to 6 p.m.

2009. 52 Motion by Frasier; seconded by Siver.

RESOLVED: that the City Council does hereby change the starting time of the Regular Meeting (conducted as a Committee-of-the-Whole) of Tuesday, March

24, 2009, from 7 p.m. to 6 p.m., to be held at the John W. English Administrative Center, 24661 Lahser Road, Southfield.

Motion passed unanimously.

The last item on the agenda was the scheduling of public hearings.

2009. 53 Motion by Frasier; seconded by Siver.

RESOLVED: that Council does hereby schedule a public hearing for GP:1206/SP:1264, the Special Use and Site Plan Review Requests of property owner Alex Green III to convert an existing residential structure to office use with associated parking, for March 30, 2009. The property is located at 23754 Southfield Road, on the east side of Southfield Road between Nine Mile Road and Mt. Vernon, the western 180 feet of Lot 15, Supervisor's Replat of Southfield Highlands Subdivision, Sidwell Parcel #2425-301-003, Section 25, City of Southfield, Oakland County, State of Michigan.

Motion passed unanimously.

2009. 54 Motion by Frasier; seconded by Siver.

RESOLVED: that Council does hereby schedule a public hearing for GP:1207/SP:1267, the Special Use and Site Plan Review Requests of property owner Young Israel of Southfield to construct a 3,200 gross square foot, one story building additions (with a study hall, children's play area and a social hall) to the existing 8,400 gross square foot building for a total of 11,600 gross square feet, for March 30, 2009. The property is located at 27705 Lahser Road, on the west side of Lahser Road between Eleven and Twelve Mile Roads, Sidwell Parcel 2416-476-052, Section 16, City of Southfield, County of Oakland, State of Michigan.

Motion passed unanimously.

2009. 55 Motion by Frasier; seconded by Siver.

RESOLVED: that Council does hereby schedule a public hearing for the adoption of the proposed Comprehensive Master Plan, for April 13, 2009, pursuant to the requirements of Section 5.59 of Article 4, of Title V, Zoning and Planning, of Chapter 45, Zoning, of the Code of the City of Southfield.

Motion passed unanimously.

Councilman Lantz stated that the City spent \$200,000 on an obsolete, worthless master plan. He encourages residents to come and listen to the plan and see where their money went.

There being no further business, the Regular Meeting of March 9, 2009, adjourned at 8:10 p.m., until the next Regular Meeting (conducted as a Committee-of-the-Whole) on March 9, 2009, in

the Council Conference Room of the Municipal Building, 26000 Evergreen Road, Southfield, Michigan.

Donald Fracassi, Council President

Susan D. Silva, Deputy City Clerk