

REGULAR MEETING
OF THE COUNCIL
CITY OF SOUTHFIELD

February 25, 2008

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**Approved
March 31, 2008**

REGULAR MEETING
OF THE COUNCIL
CITY OF SOUTHFIELD
MINUTES

February 25, 2008

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 Joan Seymour in the Chair. PRESENT: Council Members: Sylvia Jordan, Sidney Lantz, Bill Lattimore, Joan Seymour and Kenson Siver. EXCUSED: Donald Fracassi, and Myron Frasier. ALSO PRESENT: City Clerk Nancy Banks, City Administrator James Scharret and City Attorney Jack Beras. There being a quorum, Council was in session. The meeting began with the Pledge of Allegiance.

The first item on the agenda was the introduction of the two new magistrates.

The Honorable Susan Moiseev, Sheila Johnson and William Richards introduced Eman Jajonie-Daman and John David Simpson. Judge Moiseev thanked Council for approving the magistrates' appointments and for providing an opportunity to introduce the new magistrates publicly.

Judge Moiseev stated that Ms. Jajonie-Daman was a graduate of the University of Detroit Law School. She is in private practice with her husband. During the interview process, the judges were impressed with her integrity and professionalism. Ms. Jajonie-Daman has the ability to make those unfamiliar with the courtroom process feel comfortable.

Judge Moiseev stated that Mr. Simpson was a graduated from the University of Michigan Law School. He has worked in private practice and also served as a Hearing Officer for the Detroit Water and Sewer Board. He has been exposed to the many walks of life. The Judges received enthusiastic references from individuals they respect.

Ms. Jajonie-Daman stated that her first few days have been an exciting experience. People have been very willing to offer their assistance. It is a very different perspective from the bench. She enjoys explaining the law to those who aren't sure why they were issued a ticket.

Mr. Simpson stated that his first three days have helped him understand the reason for the line of questioning regarding community service during his interview. Many young people have come before him charged with serious offenses. He sees this as an opportunity to serve as a role model. He wants to make an impact when possible. He considers it a privilege to serve.

Councilman Lantz responded that he now believes that things will change in the court system. He was pleased with what he heard. He thanked the new magistrates and welcomed them aboard.

Councilman Lattimore commented that he was glad that the decision was made to increase the number of magistrates in an effort to relieve some of the pressure on the judges.

Mayor Lawrence welcomed the new magistrates. She complimented the judges on the diversity of their selection. A diverse judicial system makes people feel included. She feels strongly about treating people with dignity and respect.

The next item on the agenda was a presentation by Big Brothers/Big Sisters.

Dara Munson, President & CEO of Big Brothers/Big Sisters of Metro Detroit, thanked the Mayor and Council for the opportunity to speak. Last year Big Brothers/Big Sisters served over 1150 young people. The organization provides mentors to serve as positive role models for young people throughout the area. There are currently mentors in four Southfield Schools. They have a very good partnership with Eaton Corporation and Avis Ford, as well as many other corporations. They continuously look for new partners. She asked that the Mayor, Council and staff consider becoming a lunch buddy. Lunch buddies spend one hour a week having lunch with a student.

Next on the agenda was the approval of the minutes.

2008.33 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 January 7, 2008 and the Regular Meeting of January 22, 2008.

Motion passed unanimously.

Next was a request for recognition from Jon Adams, Southfield Parks & Garden Club.

Mr. Adams reviewed some of the projects being undertaken by the Club. A community farm will be started this Spring at the Emanuel Lutheran Church on Nine Mile. They hope to provide 4 to 5 tons of food by 2013. The ground breaking will take place on March 27th at 5:30 p.m. Work continues on mapping the trails at the various parks in the City. The group meets the third Thursday of the month at 7:00 p.m. in the Parks & Recreation Building.

Next on the agenda was the Consent Agenda.

There were no requests to remove an item from the Consent Agenda for further discussion.

Council President Seymour read the items on the Consent Agenda for the benefit of the public.

CA-A Request for approval of a three-year contract with AccuMed Billing, Inc. of Riverview, Michigan which will provide an additional \$17,220 in revenue to the City, without increasing the cost to the public or their insurers, through a reduction in the previous collection fee of 8% to the new rate of 7%, effective February 18, 2008.

CA-B Approve continuation of the SMART contract (Suburban Mobility Authority for Regional Transportation) in the annual amount of \$12,077 to be received from SMART to assist the City in providing transportation to seniors and persons with disabilities to and from the Adult Day Care Program.

CA-C Approval of the low bid for printing of the Southfield Living newsletter from Adair Printing of Dexter, Michigan in the amount of \$34,689.60.

CA-D Approve a two-year contract with NeTech Corporation of Novi, Michigan in the low bid not-to-exceed project amount of \$807,796 to maintain and upgrade our voice and data communication system in three main areas: Telephone Infrastructure upgrade: \$231,109.25; Data and Voice Central Connectivity: \$223,234.20; Remote Switch Replacements: \$333,425.55; and a project contingency allowance of \$20,000. Expansion of the Cisco Smartnet Maintenance Warranty Agreement to incorporate the new equipment in the amount of \$10,000 in 2008-09 and \$42,000 in 2009-10 is also requested,

CA-E Approval of a new money manager: Southern Sun Asset Management of Memphis, Tennessee to replace an underperforming money management firm for the Southfield Employee Retirement System.

CA-F Approval of a two year contract, with a one-year optional extension, with R.A. Johnson and Sons Construction, Inc. of Wixom, MI for their low bid, based on unit prices, in the approximate annual amount of \$900,000, for water service connections, heavy maintenance, and excavation.

CA-G Approve resolution required of the City by the Michigan Department of Transportation designating staff contacts and outlining other operational detail for the City to continue its occasional, but necessary, work on MDOT's rights-of-way.

Councilwoman Jordan asked if item CA-F included fire hydrants that are out of service. She noted that the fire hydrant at Ten Mile and Samoset is out of service. Mike Habowski, Public Works, replied that it does include out of service hydrants. Mr. Scharret reminded residents to call 796-EYES if they spot problems anywhere in the City.

2008.34 Motion by Lattimore; seconded by Siver.

RESOLVED: that City Council does hereby authorize the Mayor and City Clerk to execute a contract with AccuMed Billing, Inc. of Riverview, Michigan, upon review and approval as to form by the City Attorney's Office, to provide ambulance billing services for a three-year period with two 2-year extension options, beginning February 18, 2008.

Motion passed unanimously.

2008.35 Motion by Lattimore; seconded by Siver.

RESOLVED: that City Council does hereby authorize the City to enter into a contract with Suburban Mobility Authority for Regional Transportation (SMART) for a Specialized Services Operating Assistance Program in the amount of \$12,077.00 for a contract period commencing October 1, 2007 through September 30, 2008. Further, that the Mayor and City Clerk be authorized to sign this agreement on behalf of the City subject to review and approval as to form by the City Attorney's Office.

2008.36 Motion passed unanimously.
Motion by Lattimore; seconded by Siver.

RESOLVED: That Council does hereby award the bid to print two issues (March, 2008 and September, 2008) of the *Southfield Living* newsletter to Adair Printing of Dexter, Michigan for their acceptable low bid in the amount of \$34,689.60 with funding of \$17,344.80 for this purpose provided in the 2007-08 Community Relations budget account 101-630-6301-39000 (20% or \$3,468.96) and the 2007-08 Parks & Recreation account 208-551-5101-39000 (80% or \$13,875.84) for the March 2008 publication. Funding in the same amount of \$17,344.80 will be included in the 2008-09 Community Relations budget and the 2008-09 Parks and Recreation budget as Council may approve to provide for the September 2008 publication.

Motion passed unanimously.

2008.37 Motion by Lattimore; seconded by Siver.

BE IT RESOLVED: That Council does hereby approve the agreement for Voice and Data Communications Technology Infrastructure Upgrade and Enhancement Services with NeTech Corporation of Novi, MI; and

BE IT FURTHER RESOLVED: That Council authorizes the Mayor and City Clerk to execute a contract with NeTech Corporation of Novi, MI, subject to review and approval as to form by the City Attorney, for a total not to exceed project cost of \$807,796.00 to include:

1) A not-to-exceed project amount of \$231,109.25 for Phase I: Telephone Infrastructure Upgrade to become effective March 1, 2008. Funds are provided for this purpose in the 2007-08 Technology Services budget; and

2) A not-to-exceed project amount of \$223,234.20 for Phase II: Data and Voice Central Connectivity, a not to exceed project amount of \$333,452.55 for Phase III: Remote Switch Replacements, and a \$20,000 contingency for a combined 2008-09 fiscal year total of \$576,686.75. Of this \$576,686.75 needed for 2008-09, \$200,000 will be provided in the 2008-09 Technology Services budget with the remaining \$376,686.75 funded from the savings realized in the Eden Financial System Capital Improvement Account which has a current balance of \$771,000; and

BE IT FURTHER RESOLVED: That Council authorizes the Mayor and City Clerk to execute an addendum to the Cisco Smartnet Maintenance Warranty Agreement previously awarded to NeTech Corporation of Novi, MI, from \$112,000 to \$122,000 for 2008-09 and \$154,000 for 2009-10 to cover additional software and hardware maintenance. Funds will be provided for this purpose in the 2008-09 and 2009-10 Technology Services budgets as Council may approve; and

BE IT FINALLY 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.

2008.38 Motion by Lattimore; seconded by Siver.

RESOLVED: That the current contract with EARNEST Partners of Atlanta, GA, be terminated effective February 26, 2008, or as soon as practicable, and

BE IT FURTHER RESOLVED: That the City Council authorizes the Mayor and the City Clerk to sign the contract with Southern Sun Asset Management of Memphis, TN to perform Investment Management services for the designated Small Cap Equity portion of the SERS portfolio, pending review of said contract by the system's Legal Counsel and the City Attorney, and

BE IT FURTHER RESOLVED: That the System's Investment Consultant, Gray & Company, is given the authority to effect the administrative matters involved in the transition of the portfolio.

Motion passed unanimously.

2008.39 Motion by Lattimore; seconded by Siver.

RESOLVED: That Council authorizes the Mayor and City Clerk to execute a contract for the base period of two years as well as the optional one-year extension period to take advantage of the firm contract pricing, making the effective dates March 1, 2008 through February 28, 2011, to provide water service connections and water and sewer maintenance services to R. A. Johnson and Sons Construction, Inc. of Wixom, MI, after review and approval as to form by the City Attorney's Office. Expenditures will be approximately \$900,000 annually based on unit prices offered. Funds are provided in the 2007-08 Water and Sewer Department budget (account numbers 592-750-7502-38180 and 592-750-7504-38180) and the 2007-08 Streets and Highways Department budget (account number 203-452-4522-38180) and will be provided in future budgets as Council may approve.

Motion passed unanimously.

2008.40 Motion by Lattimore; seconded by Siver.

WHEREAS, the City of Southfield, hereinafter referred to as the "GOVERNMENTAL BODY," periodically applies to the Michigan Department of Transportation, hereinafter referred to as the "DEPARTMENT," for permits, hereinafter referred to as "PERMIT," to construct, operate, use and/or maintain utility or other facilities, or to conduct other activities, on, over, and under state trunkline right of way at various locations within and adjacent to its corporate limits;

NOW, THEREFORE, BE IT RESOLVED, in consideration of the DEPARTMENT granting such PERMIT, the GOVERNMENTAL BODY agrees that:

Each party to this Agreement shall remain responsible for any claims arising out of their own acts and/or omissions during the performance of this Agreement, as provided by law.

This Agreement is not intended to increase either party's liability for, or immunity from, tort claims.

This Agreement is not intended nor shall it be interpreted, as giving either party hereto a right of indemnification, either by Agreement or at law, for claims arising out of the performance of this Agreement.

1. Any work performed for the GOVERNMENTAL BODY by a contractor or subcontractor will be solely as a contractor for the GOVERNMENTAL BODY and not as contractor or agent of the DEPARTMENT. Any claims by any contractor or subcontractor will be the sole responsibility of the GOVERNMENTAL BODY. The DEPARTMENT shall not be subject to any obligations or liabilities by vendors and contractors of the GOVERNMENTAL BODY, or their subcontractors or any other person not a part to the PERMIT without its specific prior written consent and notwithstanding the issuance of the PERMIT.
2. The GOVERNMENTAL body shall take no unlawful action or conduct, which arises either directly or indirectly out of its obligations, responsibilities, and duties under the PERMIT which results in claims being asserted against or judgment being imposed against the State of Michigan, the Michigan Transportation Commission, the DEPARTMENT, and all officers, agents and employees thereof and those contracting governmental bodies performing permit activities for the DEPARTMENT AND ALL OFFICERS, AGENTS, AND EMPLOYEES THEREOF, PURSUANT TO A MAINTENANCE CONTRACT. In the event that the same occurs, for the purposes of the PERMIT, it will be considered as a breach of the PERMIT thereby giving the State of Michigan, the DEPARTMENT, and/or the Michigan Transportation Commission a right to seek and obtain any necessary relief or remedy, including, but not by way of limitation, a judgment for money damages.
3. It will, by its own volition and/or request by the DEPARTMENT, promptly restore and/or correct physical or operating damages to any State trunkline right of way resulting from the installation construction, operation and/or maintenance of the GOVERNMENTAL BODY'S facilities according to a PERMIT issued by the DEPARTMENT.
4. With respect to any activities authorized by PERMIT, when the GOVERNMENTAL BODY requires insurance on its own or its contractor's behalf it shall also require that such policy include as named insured the State of Michigan, the Transportation Commission, the DEPARTMENT, and all officers, agents, and employees thereof and

those governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract.

5. The incorporation by the DEPARTMENT of this resolution as part of a PERMIT does not prevent the DEPARTMENT from requiring additional performance security or insurance before issuance of a PERMIT.
6. This resolution shall continue in force from this date until cancelled by the GOVERNMENTAL BODY or the DEPARTMENT with no less than thirty (30) days prior written notice to the other party. It will not be cancelled or otherwise terminated by the GOVERNMENTAL BODY with regard to any PERMIT which has already been issued or activity which has already been undertaken; and

BE IT FURTHER RESOLVED, that the following position(s) are authorized to apply to the Michigan Department of Transportation for the necessary permit to work within state trunkline right of way on behalf of the GOVERNMENTAL BODY.

Name	Title
Gary Mekjian	Director of Public Works
Michael Habowski	Deputy Director of Public Works/ Street Administrator
Leigh Schultz	Design Engineer
Robert Northrup	Traffic/Project Engineer
David Wawrzyniak	Assistant Traffic Engineer
Patrick McKeown	Public Works Supervisor/Highway
Mark Marsack	Public Works Supervisor/Highway
Gary Pope	Public Works Supervisor/Highway
Stephen Moore	Public Works Supervisor/Water
Alvin Jensen	Public Works Supervisor/Water
John Wenderlich	Public Works Supervisor/Water
J. William Zikewich	Superintendent/Forestry & Environmental Projects

Motion passed unanimously.

Next on the agenda was Site Plan "A"; SP:1255, the Site Plan Review Request of Rogvoy Architects, PC.

Mr. Banda stated that the developer's proposal calls for the demolition of the former Kabobgy Restaurant and the construction of a new retail center. The plans call for a bank with a drive-thru window, however, that may change. Staff spent a lot of time analyzing the property. The shape of the property makes parking an issue. The Site Plan Committee is satisfied that their concerns have been addressed.

The site and the property to the west is zoned B-1, Neighborhood Business. The properties to the north across Northwestern Highway and to the east are zoned B-3, General Business. The property to the south is zoned OS, Office Service.

With regard to the existing land use, the site is developed with the vacant Kabobgy Restaurant. The property to the west is developed with the Millennium Medical Group building. The properties to the north across Northwestern Highway are developed with the vacant Kaye Center and the PPOM building. The property to the east is developed with the Springhill Suites motel. The properties to the south are developed with the Franklin Office Center buildings.

The site contains a total of 1.89 acres of land. There is 300.92' of frontage on Northwestern Highway and a depth of 267.16' to 389.25'.

Site Plan Review Request of Rogvov Architects, PC to demolish the existing Kabobgy Restaurant and construct a new, 11,340 gross square foot retail center and 2,002 gross square foot restaurant with drive-thru for a total of 13,342 gross square feet with associated parking. The property is located at 28565 Northwestern Highway the south side of Northwestern Highway between Beck and Franklin Roads, Sidwell Parcel 2418276-039, Section 18, City of Southfield, County of Oakland, State of Michigan. The parking required for the project is 72 spaces with 94 provided. The landscaping provided exceeds the amount required. The elevations show a mix of brick, E.I.F.S., split-face and burnished block and glass.

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

1. Building height, building setback, parking and landscaping which meet the requirements.
2. The petitioner is to implement the recommendations made by the Southfield Police Department's Crime Prevention Bureau regarding site security.

Mr. Banda stated that originally the plan called for two buildings, one of which was a bank. However, the developer is now looking at a restaurant with drive thru. There are 30 trees in the existing parking lot. Fifteen of the trees will be saved and 51 new trees will be planted. The developer has done a great job with the landscaping.

Scott Levavitz, 29548 Southfield, stated that he is confident that tenants can be found. Interest has been expressed by restaurants and retailers. No leases have been signed.

Councilman Lattimore applauded the Planning Department for the quick turn around of the vacant Kabobgy Restaurant. It is a difficult site because of the high speed traffic and the shape of the property. He asked how many tenants were being sought. Scott Levavitz replied that they were looking for four or five tenants. Tim Horton's interest is the most serious. Mr. Banda responded that staff has been encouraging the developer to try and find something the City doesn't already have. The developers indicate that it is easier to find tenants once a site plan has been approved.

Ari Levavitz stated that he appreciated Council's desire to provide unique businesses. He has redeveloped numerous properties in the past 30 years. He agreed with Councilman Lattimore about attracting a variety of businesses. However, businesses dictate whether they want to locate at a particular spot and will only do so if they think they can succeed. He does not know where the

market will take it. It is a difficult site to develop. He can't announce any tenants because they do not have any signed leases.

Councilman Lattimore responded that he wants the project to work for both the developer and the City. He does not consider Tim Horton's an anchor. He is concerned about the remaining spaces.

Ari Levavitz replied that he will do whatever is necessary to protect their investment. He is confident they will be successful in accomplishing their goal. Operators of the businesses are just as important as the type of business.

Councilwoman Jordan thanked the developer for looking at redeveloping the property. She would be more comfortable with the project if there was an anchor lined up. She is very hesitant about the proposal and can't vote in favor of the site plan.

Ari Levavitz replied that he appreciates Councilwoman Jordan's concerns. It is not a result of not marketing the property. They have had interest expressed from a variety of users, both national and regional. It is not right to name the companies until after a lease has been negotiated.

Mayor Lawrence asked if the plan was to build and then market the facility. Ari Levavitz replied that once approval is given they will proceed with the engineering plans and complete the architectural plans. They will then demolish the current building and prepare the site for construction. At that point they should have a number of commitments to allow for construction to proceed. He hopes to begin building in late 2008 or early 2009.

Councilman Lantz stated that today's market is difficult to predict. He will support the proposal. The right businesses must be found in order to be successful.

Councilman Lattimore noted that many developers have not been as forthright as Mr. Levavitz has been. The project at Twelve Mile and Telegraph used the same approach. Only one or two possible suitors were named when they came before Council for approval. This proposal is no different than what was done recently for other locations.

Mr. Banda replied that they will take their plan to the convention in Las Vegas and he will have them talk to new and different retailers. This will not be a low rent retail center which means it should attract quality tenants.

2008.41 Motion by Lattimore; seconded by Lantz.

RESOLVED: That SP:1255, Site Plan Review Request of Rogvoy Architects, PC, on behalf of property owner Joseph Chu, to demolish the existing Kabobgy restaurant located at 28565 Northwestern Highway on the south side of Northwestern Highway between Beck and Franklin Roads, Sidwell Parcel 2418-276-039, Section 18, City of Southfield, County of Oakland, State of Michigan and construct a new 11,340 gross square foot retail center and 2,002 gross square foot restaurant with drive-thru for a total of 13,342 gross square feet with associated parking, site plan dated February 19, 2008, and received by the Planning Department on February 19, 2008, be approved subject to the following conditions:

1. 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.
2. Approval of this site plan by City Council, together with any additional terms and conditions attached, will constitute the fulfillment of the requirements for a tree removal permit.
3. The petitioner is to participate in a Special Assessment District (S.A.D.) for street lighting on Northwestern Highway if initiated by City Council.
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-4.1.

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.

Motion passed. Councilwoman Jordan voted nay.

Next on the agenda was Site Plan "B"; SP:1256, the Site Plan Review Request of Ventura & Associates.

Mr. Banda stated that the property in question was the site of the former Stouffer's Inn. The City sold the property for \$500,000. The proposal is for the construction of a kidney dialysis center. There is currently no storm water system on the site. This will provide an opportunity to install underground water detention. The CDA has sent a letter of approval and the owner of the high rise building next door to the site is in attendance. A brief video was shown.

The site as well as properties to the north, east and south are zoned RS, Regional Shopping. The properties to the west across Northwestern Highway are zoned B-3, General Business and ERO, Education Research-Office.

With regard to the existing land use, the site is undeveloped. The property to the north is developed with the Telcom Credit Union. The properties to the west across Northwestern Highway are developed with the Bally's Fitness Center and the AT & T offices. The property to the south and the east are developed with the Northland Towers Office Center.

The site contains a total of 3.47 acres of land. There is 446.59' of frontage on Northwestern Highway, 382.47' of frontage on Northland Drive and a depth of 382.47'.

Site Plan review request of Ventura & Associates, Inc. to construct a 12,020 gross square foot kidney dialysis center with associated parking. The property is located at 21000 Northwestern Highway the north side of Northwestern Highway between Eight Mile Road and Northland Park Drive, Sidwell Parcel 2436-477-001, Section 36, City of Southfield, County of Oakland, State of Michigan. The parking required for the project is 61 spaces with 70 provided. 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. Building height, parking and landscaping which meet the requirements.
2. Petitioner is to receive a waiver from the Zoning Board of Appeals for 31' of rear yard building setback (75' required, 44' provided).
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 a beautiful building. The covered entranceway will require a waiver from the Zoning Board of Appeals. The Site Plan Committee, Planning Commission and the Planning Department are all in favor of the site plan.

Doug Falzon, Ventura Associates and Kathleen Radke, Henry Ford Health System, were available to answer questions.

Councilman Lantz asked if this would be a taxable entity. Mr. Banda replied that it would be a fully taxable entity.

Councilman Lattimore recused himself because he is working as a consultant for the Detroit Medical Center.

Councilman Siver stated that it has been a long, winding road getting to this point. He is very glad to see this development.

Mayor Lawrence asked if it would be a multi-use building with doctor's offices. Mr. Falzon responded that it is a single purpose building. A plan for doctor's offices still exists. The plan allows for an additional 12,000 square foot building.

Mr. Banda responded that the site plan will come back before Council if the property is further developed. The City will encourage them to share parking with the office building next door since it has an abundance of parking available.

2008.42 Motion by Lantz; seconded by Siver.

RESOLVED: That SP:1256, Site Plan review request of Ventura & Associates, Inc. representing property owner Northland Park Dialysis Center, LLC to construct a 12,020 gross square foot kidney dialysis center with associated parking at 21000 Northwestern Highway, vacant property located on the north side of Northwestern Highway between Eight Mile Road and Northland Park Drive, Sidwell Parcel 2436-477-001, Section 36, City of Southfield, County of Oakland, State of Michigan, site plan dated January 2, 2008, and received by the Planning Department on January 4, 2008, be approved subject to the following conditions:

1. The petitioner is to receive a waiver from the Zoning Board of Appeals for 31 feet of rear yard building setback (75 feet required; 44 feet provided).
2. 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.
3. Approval of this site plan by City Council, together with any additional terms and conditions attached, will constitute the fulfillment of the requirements for a tree removal permit.
4. The petitioner is to participate in a Special Assessment District (S.A.D.) for street lighting on Northwestern Highway and Northland Drive if initiated by City Council.
5. The petitioner is to provide a sprinkler system for all landscape areas to encourage preservation of plant materials.
6. 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.

7. The petitioner is to implement the recommendations made by the Southfield Police Department's Crime Prevention Bureau regarding site security.
8. The building is to be constructed in accordance with the submitted elevations shown on Sheet A-3.

This recommendation 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.

Motion passed. Councilman Lattimore abstained.

Next on the agenda was the Council Portion.

Councilwoman Jordan asked about the daycare at Ten Mile and Beech Roads. Mr. Banda stated that the daycare center will not receive a Certificate of Occupancy until after the deceleration lane is built.

Councilwoman Jordan gave a plug for the Eyes on Southfield program. She encouraged everyone to keep their eyes open and help keep Southfield looking good.

Next was the Mayor's Portion.

Mayor Lawrence stated that the Winter Fest was well attended. It was great to see the community and the families out. The kids had a great time. She gave kudos to the Community Relations Department.

Mayor Lawrence also gave kudos to the Public Works Department. The ice at the bottom of the Evergreen ramp on I-696 has been removed and they have begun working on the problem. She thanked Mr. Scharret as well.

Mayor Lawrence announced that she had been invited to testify at a Congressional hearing on foreclosures. She will be talking about the impact of foreclosures on municipalities. She is working with staff to ensure the testimony is focused and puts a face on the issue.

Next on the agenda was Administrator's item #3-A; Approval to Purchase Three Fire Department Pumper Trucks.

Mr. Scharret stated that on February 19, 2008 Council did a detailed review of this item and had some follow-up questions. After challenging every assumption he concluded that it would be most cost efficient to adopt a fleet replacement policy of every eight years for pumper trucks and every three years for Life Support units (ambulances).

Fire Chief Peter Healy stated that the current method of replacing apparatus is no longer working with the advent of the transport system. The City has a window of opportunity to standardize the fleet. From a financial standpoint, the City could realize a savings of \$400,000 over eight years. There are funds available in the Equipment Revolving Fund that are dedicated for this purpose. Current standards call for anti-lock brakes and roll stability features to prevent tipping. The pumper trucks that were recently taken out of service did not have those features. They also lacked shoulder belts and the cabs were not enclosed.

Councilman Lantz stated that he saw one of the new pumpers earlier in the day and was very impressed. He supports the request.

Councilman Lattimore stated that he looked at the new pumper earlier. After seeing both the old ones and the new ones he understands why they have asked for three new trucks. He was surprised that the old trucks were missing safety features that most of their peers' vehicles have. He has been assured that they will not need new pumper trucks for another eight years.

Councilwoman Jordan asked about the projected savings of \$400,000 over eight years. Chief Healy responded that the multi-truck discount is approximately \$20,000 per truck. The resale value increases to \$30,000 to \$50,000, which is a conservative estimate. Major repairs begin when a vehicle is seven or eight years old. They currently need to stock parts for three different styles of pumper trucks. This new approach will cut down on the number of parts that need to be stocked.

Councilman Siver thanked Chief Healy and City Administrator Jim Scharret for their efforts. He had many concerns last week regarding this issue. The information that was provided eases his concerns.

2008.43 Motion by Lattimore; seconded by Lantz.

RESOLVED: That Council does hereby approve the purchase of three pumper trucks from Zahnen Truck Services of Greenville, Michigan for the total cost of \$994,362. Authorization for this purchase is made at this time due to the lead time of nine months involved from the time of order to delivery. This recommendation is being made in accordance with Chapter 8, Section 1.279 (1) "Where no advantage would result from requiring competitive bidding..." Funding for this purchase, from the Equipment Revolving Fund, will be included in the 2008-09 Fire Department budget request; and

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.

Next on the agenda was Attorney's item #4-A; Vacation of Consent Judgment.

Mr. Beras explained that in 1988 the City entered into a Consent Judgment in regards to the Stouffer's Inn property limiting its redevelopment to a senior citizen complex. Earlier, Council approved the construction of a kidney dialysis center on the property which will allow the sale of the property to Ventura & Associates to proceed. Prior to closing the Consent Judgment restriction needs to be removed.

2008.44 Motion by Siver; seconded by Lantz.

RESOLVED: that the City Attorney is hereby authorized to approve the Vacation of Consent Judgment and have it entered with the Oakland County Circuit Court.

Motion passed unanimously.

Next on the agenda was item #5-A; Extension of Special Use and Site Plan Approval, GP:1190/SP:1237.

Mr. Banda explained that the Mitchell Chapel A.M.E. Church has requested a one year extension on the approval of their special use and site plan for the construction of a new church on vacant land located on the south side of Civic Center Drive between Mulberry and Code Road. The Church was told that they would only receive one extension. If construction does not begin in the next year the project will have to come back before Council.

2008.45 Motion by Lattimore; seconded by Siver.

RESOLVED: that City Council approves a one year extension of special use and site plan approval to February 12, 2009, for GP:1190/SP:1237, which provides for the construction of a new church containing a total of 9,181 gross square feet and consisting of a sanctuary, offices, seven classrooms and a nursery on vacant land located on the south side of Civic Center Drive, between Mulberry and Code Road, Sidwell parcel 2421-328-007.

Motion passed unanimously.

Next was the scheduling of the public hearing on the Brownfield Redevelopment Plan submitted by Comau, Inc. for property located at 21000 Telegraph Road, Sidwell Parcel 2433-301-067.

2008.46 Motion by Lattimore; seconded by Siver.

RESOLVED: that Council does hereby schedule a public hearing on March 17, 2008 on the Brownfield Redevelopment Plan submitted by Comau, Inc. for property located at 21000 Telegraph Road, Sidwell Parcel 2433-301-067.

Motion passed unanimously.

Next was the enactment of Ordinance No. 1555.

2008.47 Motion by Jordan; seconded by Lattimore.

RESOLVED: that Ordinance No. 1555, rezoning from RT, Attached Single Family, to OS, Office Service, Lots 187 and 191 of Supervisor's Washington Village No.5, Sidwell parcels 2426-151-006 and 007, be enacted.

Motion passed unanimously.

Next was the enactment of Ordinance No. 1557.

2008.48 Motion by Jordan; seconded by Lattimore.

RESOLVED: that Ordinance No. 1557, an amendment to the Tree Regulations Ordinance, be enacted.

Motion passed unanimously.

There being no further business, the Regular Meeting of February 25, 2008, adjourned at 8:55 p.m., until the next Regular Meeting (conducted as a Committee-of-the-Whole) on March 3, 2008, in the Council Conference Room of the Municipal Building, 26000 Evergreen Road, Southfield, Michigan.

Joan Seymour, Council President

Nancy L. M. Banks, City Clerk