

Approved  
March 17, 2008

REGULAR MEETING  
(CONDUCTED AS A COMMITTEE-OF-THE-WHOLE)  
OF THE COUNCIL  
CITY OF SOUTHFIELD  
February 4, 2008

INDEX

<u>RESOLUTION</u>	<u>TOPIC</u>	<u>PAGE(s)</u>
C-09-2008	PURSUANT to Section 10 of the Rules of Procedure adopted by the Southfield City Council on February 23, 1998, Council hereby determines that there is an immediate need to act.....	1-2
C-10-2008	APPOINTMENT of Eman Jajonie-Daman and John David Simpson as Magistrates of the 46 <sup>th</sup> District Court.....	2-3
*****	2007 Lobbyist Report by Government Consultant Services, Inc.....	3-5
*****	PROPOSED amendment to the Tree Regulations Ordinance.....	5-6
C-11-2008	PURSUANT to Section 10 of the Rules of Procedure adopted by the Southfield City Council on February 23, 1998, Council hereby determines that there is an immediate need to act.....	7
C-12-2008	APPROVE the termination of the contract for vending machine services.....	7
C-13-2008	PURSUANT to Section 8(c) of the Open Meetings Act, Council adjourn to a Closed Session.....	7
C-14-2008	RECONVENE into Open Session.....	7
*****	DISCUSSION of handicap parking enforcement by the Emergency Management volunteers.....	7-8

**Approved  
March 17, 2008**

REGULAR MEETING  
(CONDUCTED AS A COMMITTEE-OF-THE-WHOLE)  
OF THE COUNCIL  
CITY OF SOUTHFIELD  
MINUTES

**February 4, 2008**

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

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

The Honorable Susan Moiseev, Chief Judge of the 46<sup>th</sup> District Court, stated that for the past several years the 46<sup>th</sup> District Court has been served by two magistrates. The work load over the years has steadily increased for the magistrates thus enabling the judges to handle casework that can only be handled by a judge. Adding a third magistrate will give the Court more flexibility. It will not impact the budget. The two new magistrates will each work one day a week and alternate weekends. The current magistrate will work three days a week. The pay is within range of surrounding communities. The position was advertised in legal newspapers. Twenty resumes were received. They looked for professionals with civil and criminal experience and good people skills. The Court will now have a diverse group of judicial officers which reflect the diverse population. She then introduced the new magistrates.

Judge Moiseev introduced Eman Jajonie-Daman. Ms. Jajonie-Daman received her law degree from the University of Detroit School of Law in 1990. She is a member of the Michigan Trial Lawyers Association, the Chaldean-American Association and the American Bar Association. During the interview they found Ms. Jajonie-Daman to be of high integrity and professional. She has worked with many immigrant clients that were unfamiliar with the legal system and she was able to get them to relax. She is very eager and willing to learn.

Judge Moiseev then introduced John David Simpson. Mr. Simpson graduated from the University of Michigan Law School in 1989. Over the years he has been exposed to

people from many walks of life. During his work as a Hearing Officer on the Detroit Water & Sewer Board he dealt with many people who were angry and unsure why they were before the board.

C-09-2008 Motion by Jordan; seconded by Frasier.

**RESOLVED:** that pursuant to Section 10 of the Rules of Procedure adopted by the Southfield City Council on February 23, 1998, Council hereby determines that there is an immediate need to act.

Motion passed unanimously.

C-10-2008 Motion by Lattimore; seconded by Lantz.

**RESOLVED:** that the Council of the City of Southfield does hereby confirm the appointment of Eman Jajonie-Daman and John David Simpson as Magistrates of the 46<sup>th</sup> District Court.

Motion passed unanimously.

Councilman Lantz stated that he is very happy with the appointments; however, he does have a concern about the system. The public does not understand the court system. Recently, 35 teens were in court regarding tickets they received. All of them were presumed guilty and none of them were given an opportunity to speak. They were all fined \$150.00. How are they going to pay these fines? He fears that the teens will become criminals just to pay their fines. He asked how the new magistrates would handle such cases.

Judge Moiseev stated that costs are set by the State not by the Court. Everyone has a right to ask for an extension. The magistrates handle these cases with compassion and understanding.

Ms. Jajonie-Daman responded that compassion is her middle name because that is how she was taught. She has dealt with many people who were scared to come to an attorney's office. She will perform her job with professionalism and integrity but she is required to follow the law. Over the years she has found that the first question a judge will ask is whether the defendant can afford the fine. She recently encountered one individual who asked for a week's extension and the judge gave her a 30 day extension.

Mr. Simpson replied that many times people do not understand why they are in court and they should be able to leave court feeling like they have been treated with dignity and respect and they have been heard. They must work within the guidelines, however, if a problem arises they will meet with the judges to try and find a mechanism for handling certain situations.

Councilman Frasier asked if the settlement center was still in operation. Judge Moiseev replied in the affirmative and stated that the mediators handle landlord-tenant disputes. If a resolution cannot be found than it is referred to the judges.

Councilwoman Jordan stated that she was in Judge Sheila Johnson's courtroom on two separate occasions and was very pleased with the way the case was handled.

Pam Gerald, PO Box 155, Southfield, stated she has concerns similar to Councilman Lantz. Many street corners have bushes that block the view of traffic and the driver must move forward to be able to see. On occasion, a ticket has been issued for moving forward.

Council President Seymour stated that the Court made excellent selections. The new magistrates will bring diversity to the Court. She welcomed both of the new magistrates.

Councilman Frasier recommended introducing the two new magistrates at a future Regular Meeting.

Next on the agenda was the 2007 Lobbyist Report.

Mr. Scharret stated that City staff has been favorably impressed with timeliness, quality and quantity of information provided by GCSI over the past year, as well as their aggressive efforts on behalf of the City in the legislative arena. A recent example was their successful effort in leveraging the support of Mayor and Council into \$150,000 in MDOT funding for the continued monitoring of the Bridge Street Bridge for the next ten years. They also took an active role in the successful effort to seek relief from the abrupt proposed shifting of City Cable 15 to the 900 series on the dial by the cable provider. After review and discussion of the GCSI's presentation he recommended that Council extend the GCSI contract for 2008. He also suggested that a change be made in the terms of the contract and the monthly fee schedules to provide for a net savings of at least \$7680.00 or 3.8%. This approach would be more in line with the budgetary constraints facing the City in the foreseeable future. Mr. Scharret then introduced Bill Zaagman and Ken Cole from GCSI.

Bill Zaagman stated that Mr. Scharret had touched on a few of the issues that GCSI had been involved in on the City's behalf. He then presented an overview of what is happening in Lansing. He noted that the Governor presented the Executive Budget to the State Legislature on Thursday. The State finished with a \$353 million surplus in the 2006-07 fiscal year. Revenues are expected to be down about \$370 million. A deficit of \$52 million is expected in 2009 and \$1 billion in 2010 due to delayed spending. This year's budget should be relatively flat.

On January 29, 2008, the Governor gave the State of the State Address. Emphasis was placed on jump-starting and transforming Michigan's ailing economy. She also included a few items geared toward helping local governments. Those items were as follows:

1. Expand partnerships with local law enforcement in high crime communities.
2. Tear down 1,500 blighted buildings to keep neighborhoods safe.
3. Implement an agreement with major lenders to freeze ARM mortgage loans for up to five years.

GCSI is currently working on or monitoring PEG channel reassignment, mortgage lending crisis, copper theft and retiree health care. The Sunset Strip deal is still being closely monitored. There is talk of expanding Cobo Hall thru the extension of the hotel liquor tax for another ten years. They are trying to capture money for promoting Southfield due to the large number of hotel rooms located here. They are currently talking to MDOT regarding the Beech Road Bridge and the Sunset Strip Shopping Center. GCSI is also seeking assistance with the Franklin Orchard Condominiums and establishing a DDA for the City Centre area.

Ken Cole thanked the Mayor and Council for the opportunity to serve the City of Southfield. Over the past several years the City has lost \$2.1 million in revenue sharing. Legislation was recently passed containing new boiler plate language that states that cities shall not receive less state shared revenues than they did the previous year. The current revenue sharing formula offers something for everyone. The problem is that the formula has never been fully funded. The State needs to find a more stabilized funding formula. Representative Meadows of Lansing has suggested raising the state sales tax from 6% to 7% or 8% and dedicating a larger portion of those taxes for revenue sharing. He would like to continue brainstorming this idea with the City. The current formula has expired. Two bills currently on the floor would keep the formula as is.

Councilman Fracassi asked how the City and GCSI could help each other find new revenues that would be advantageous for the City. For example, the City donated a fire pumper to Mackinac Island and as a result the City got a brand new truck.

Mr. Zaagman stated that the budget process is just beginning, if any grants become available he will notify the City. Mr. Cole added that in 2007 a moratorium was put on grants. 2008 should prove to give better opportunities for them. 2008 being an election year probably lends to better success at finding the special resources that Councilman Fracassi referenced.

Councilman Frasier asked if they were familiar with the workings of the Federal Senate Appropriations Committee and if so, why is Michigan one of the few states that does not receive Senate Appropriation dollars. Mr. Cole replied that he would look into it. They tend to focus on the state level but he has some great contacts at the federal level.

Councilman Frasier agreed that the sales tax needs to be increased. It is one of the lowest in the country. Mr. Cole replied that Representative Meadows is looking at a future ballot question regarding the sales tax.

Councilman Lattimore asked what the City's options are regarding the City Centre proposal. Mr. Cole replied that the Business Improvement District and the Corridor Improvement Act were a couple options. He suggested that a meeting with the Economic Development Corporation regarding the City's specific needs might be merited.

Mr. Zaagman responded that Mr. Banda is already preparing materials for us on what we need to do.

Councilman Lattimore suggested having a meeting at the MML Conference or at the Mackinac Policy Conference. He then asked about the Governor's foreclosure plans.

Mr. Zaagman replied that he could get the details to him. The Governor spoke to several lenders about voluntarily freezing rates.

Councilwoman Jordan stated that she was very pleased with the work that GCSI has done.

Council President Seymour asked if the City was providing enough information. Mr. Zaagman replied in the affirmative. Mr. Scharret talks to them on a regular basis. The City is giving them the direction they need. She then took a consensus on the contract extension.

The Council unanimously agreed to extend the GCSI contract which includes a revised fee schedule.

Next on the agenda was the Proposed Amendment to the Tree Regulations Ordinance.

Mr. Beras stated that Southfield resident, Sergey Viches, approached Council about regulating tree branches that overhang streets and sidewalks as a result of an injury he suffered. The proposed ordinance is based on the recommendation of Bill Zikewich, Parks and Forestry. The ordinance provides for specific underclearance and side-clearance requirements for trees and shrubs that are near streets, sidewalks, or bikepaths. Trees or shrubs that overhang sidewalks or bikepaths would have to have an underclearance of at least 8 feet, and if the under 8 feet in height, a side clearance of at least 6 inches. Any tree or shrub that overhangs a street would have to have an underclearance of at least 14 feet, and, if under 14 feet in height, a side clearance of at least 6 inches. In the event of a violation, the Superintendent of Parks and Recreation must notify the owner or occupant of the property, in writing, regarding the violation along with instructions for correcting the problem within a specific amount of time. If the owner or occupant fails to comply with the notice the Superintendent of Parks and Recreation can have the violation removed at the owner's expense.

Councilman Frasier stated that he would prefer that the branches be a foot from the sidewalk rather than 6 inches. Mr. Zikewich replied that to require a one foot clearance

would result in the City forcing people on private property to move their shrubs. He will inspect the situation and determine what is best for the safety of the residents.

Councilwoman Jordan asked where Code Enforcement fits into the process. Mr. Zikewich replied that the original complaint would be received by Code Enforcement. Code Enforcement would then call him and he would meet with the homeowners.

Mayor Lawrence stated that she went to a neighborhood association meeting recently and the residents were complaining about the branches and the roots that have caused ice build up. The area along Lahser Road between Eleven Mile and Twelve Mile is particularly bad. Mr. Zikewich replied that he would take steps to correct the problem. In some cases it is caused by the ground settling.

Pam Gerald, PO Box 155, Southfield, stated that on Bell Road near Twelve Mile, when the trees are in bloom, drivers have to pull past the point where the light is in order to see. She questioned whether that particular intersection was the City's responsibility and if it is she wondered how the City can hold residents responsible for something the City doesn't do either.

Mr. Zikewich offered to meet Ms. Gerald at Bell Road and Twelve Mile to determine whether it is City property. If it is on City property, he will have the problem corrected immediately. The City handled 800-900 similar situations last year. Ms. Gerald recommended that Council to postpone action until the City cleaned up its own house.

Mr. Scharret stated that the City has a hotline residents can call 24/7 to leave a message regarding any hazard. Code Enforcement works seven days a week. He will have Code Enforcement pay closer attention to it.

Mr. Zikewich congratulated Mr. Viches on using the system the City put in place. Mr. Viches is a good example of someone doing what was necessary to make something work.

Sergey Viches, 30100 Northgate, stated that he used the internet to research how other communities handle the issue. He found that most northern communities require a 6 inch clearance and southern communities require a 12 inch clearance. He thanked everyone for their help in resolving the issue.

Next on the agenda was a request for authorization to terminate the contract for vending machine services.

Mr. Scharret stated that the current vending machine contract has not met the level of service and revenue the City had intended and anticipated when the contract was originally awarded. The Council Finance Committee reviewed this matter on January 21, 2008. The vending machine contract will be sent out for bid. He requested a Rule 10 so that the process could begin immediately.

Councilman Lattimore stated that the City gave the vendor every opportunity to work through their problems. The vendor agrees it is a relationship that doesn't work.

C-11-2008 Motion by Frasier; seconded by Fracassi.

**RESOLVED:** that pursuant to Section 10 of the Rules of Procedure adopted by the Southfield City Council on February 23, 1998, Council hereby determines that there is an immediate need to act.

Motion passed unanimously.

C-12-2008 Motion by Frasier; seconded by Fracassi.

**RESOLVED:** that Council does hereby terminate the contract for vending machine services in accordance with Section 8.04 of the contract document.

Motion passed unanimously.

C-13-2008 Motion by Lattimore; seconded by Frasier

**RESOLVED:** that pursuant to Section 8(c) of the Open Meetings Act, Council adjourn to a Closed Session in order to discuss collective bargaining issues.

Motion passed unanimously.

C-14-2008 Motion by Frasier; seconded by Jordan.

**RESOLVED:** that Council does hereby reconvene into Open Session.

Motion passed unanimously.

Councilman Frasier stated that the City needs a better interpretation of the parking laws. Emergency Management is giving their own interpretation. He gave the example of a woman with a handicap placard in her rearview mirror who parked in a handicap van access space and was issued a ticket. She had to pay a \$100 fine because she could not explain it. The Police Chief needs to take control if Frank Coutts can't control it.

Mayor Lawrence replied that the Police Chief should take it over. Frank Coutts is a retired firefighter and he is training volunteers on issuing tickets. A gentleman was given a ticket out in front of one of the senior citizen complexes for parking his car there while he took his handicapped mother, in a wheelchair, into the building.

Council President Seymour recommended that an ad hoc committee of City staff take a look at the issue.

Mayor Lawrence stated that a system validated by the Police Department needs to be set up and the volunteers need to be monitored. Mr. Scharret replied that staff will look at the matter and bring their findings back to Council.

Councilman Lattimore questioned the need for officers to pursue criminals into other communities. Other communities call ahead and release the matter to the next community.

Councilwoman Jordan replied that if the crime is committed here, the City's officers should chase down the offender.

Councilman Fracassi stated that one of the things that helps keep crime down in Southfield is the fact that criminals know that our officers won't back off a chase if they leave the City of Southfield.

There being no further business, the Regular Meeting (conducted as a Committee-of-the-Whole) adjourned at 10:35 p.m., February 4, 2008, until the next Regular Meeting on February 11, 2008, in the Council Chambers of the Municipal Building, 26000 Evergreen Road, Southfield, Michigan.

---

Joan Seymour, Council President

---

Nancy L. M. Banks, City Clerk