

**Approved
May 5, 2008**

REGULAR MEETING
OF THE COUNCIL
CITY OF SOUTHFIELD

April 14, 2008

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REGULAR MEETING
OF THE COUNCIL
CITY OF SOUTHFIELD
MINUTES
April 14, 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: Donald Fracassi, Myron Frasier, Sidney Lantz, Bill Lattimore, Joan Seymour and Kenson Siver. EXCUSED: Sylvia Jordan. 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 a presentation to Council President Pro Tem Donald Fracassi.

Council President Joan Seymour presented the Michigan Municipal League's Outstanding Service Award to Councilman Donald Fracassi for his contributions to the League's Core Legislative Policy Principals and the 2009-10 Legislative Agenda. She read a section of the letter from the Michigan Municipal League.

“You and your colleagues on the Legislative Policies Subcommittee have been selected to receive the League's prestigious Outstanding Service Award, presented once a year to a handful of local officials who personify the meaning of public service.

Improving the League's guiding principals and legislative agenda was a tremendous undertaking; your contributions are reflected in each line of the new documents, which will power the Leagues' advocacy efforts for years to come.”

Councilman Fracassi accepted the award on behalf of all his colleagues and administration, many of whom have contributed much to the MML. He thanked Councilman Frasier for accepting the award on his behalf at the MML Conference.

Next on the agenda was the approval of the minutes of the Regular Meeting (conducted as a Committee-of-the-Whole) of March 24, 2008.

2008.69 Motion by Siver; seconded by Frasier.

RESOLVED: that Council does hereby approve the minutes of the Regular Meeting (conducted as a Committee-of-the-Whole) of March 24, 2008.

Motion passed unanimously.

Next on the agenda was the Consent Agenda.

Councilman Lantz asked that item CA-B be pulled from the Consent Agenda.

Council President Seymour read the items on the Consent Agenda.

CA-A Approve the contract extension for the second year of a three year bid award for the Annual Asphalt Maintenance and Spot Repair Program.

CA-C Approve five year agreement for rubbish removal with Waste Management of Michigan, Inc. and a fifteen year Material Recovery Facility (MRF) Operating Agreement with RRRASOC.

CA-D Receipt of Proposals for Vending Machine Services

CA-E 2008 Smooth Jazz Fest

2008.70 Motion by Fracassi; seconded by Frasier.

BE IT RESOLVED: that Council does hereby approve a contract extension covering the second year of a three-year bid award, based on unit prices as approved on March 26, 2007, for the Annual Asphalt Maintenance and Repair Program with Asphalt Specialists, Inc. of Pontiac, Michigan for the period March 26, 2008 through March 25, 2009 in an amount not to exceed \$262,000, said total being flat to the first year of the agreement; and

BE IT FURTHER RESOLVED: that funding for one quarter of the not to exceed \$262,000 program applicable to the period March 26, 2008 through June 30, 2008, being provided in the current 2007-08 Major Street, Local Street, and Water & Sewer Fund budgets and the remaining three quarters, applicable to period Jul 6 1, 2008 through March 25, 2009, to be included in the 2008-09 budget request within the aggregate account distribution as follows:

- Major Street Operating Budget \$ 84,000
(Account #202-451-4512-38180)

• Local Street Operating Budget (Account #203-452-4522-38180)	\$ 67,000
• Water & Sewer Operating Budget (Account #592-750-7502-38180)	\$105,000
• Water & Sewer Operating Budget (Account #592-750-7505-38180)	\$ 6,000
	<hr/>
TOTAL	\$262,000

BE IT FURTHER RESOLVED: that the Mayor and City Clerk are hereby authorized to execute the appropriate contract extension documents on behalf of the City with Asphalt Specialists, Inc. to be reviewed as to form by the City Attorney; and

BE IT FINALLY RESOLVED: that should this project be deemed to be eligible for Federal financial participation through an accelerated public works program, it is the intent of the City to maximize the use of its resources by applying for such Federal assistance.

Motion passed unanimously.

2008.71 Motion by Fracassi; seconded by Siver.

WHEREAS, the City of Southfield has worked diligently to promote to our residents the recycling ethic and to provide a means by which its residents can participate in such a program; and

WHEREAS, the operation of the Material Recovery Facility (MRF) entitles the City of Southfield to a share of revenues produced by the MRF to offset the cost of collection; and

WHEREAS, a full service agreement has been offered by Waste Management, Inc. for rubbish collection and disposal, composting and recycling for a five year period, with a three (3) year renewal option.

NOW, THEREFORE, BE IT RESOLVED, that the Southfield City Council does hereby authorize the Material Recovery Facility (MRF) Operating Agreement between the City of Southfield and the Resource Recovery and Recycling Authority of Southwest Oakland County (RRRASOC) for a fifteen year period, as reviewed and approved as to content by the City Attorney's Office; and

BE IT FURTHER RESOLVED, that the City Council does hereby authorize a five year contract, with a three (3) year renewal option, with Waste Management of Michigan, Inc. for a full service agreement for rubbish collection and disposal, composting and recycling services, as reviewed and approved as to content by the City Attorney's Office; and

BE IT FINALLY RESOLVED, that the Mayor and City Clerk are authorized to execute the subject documents on behalf of the City of Southfield.

Motion passed unanimously.

2008.72 Motion by Fracassi; seconded by Siver.

RESOLVED: that Council does hereby authorize the Mayor and City Clerk to execute a contract for vending machine services with Modern Vending of Troy, Michigan, for a three year period, beginning May 1, 2008, with one two-year extension option, after review and approval as to form by the City Attorney's Office.

Motion passed unanimously.

2008.73 Motion by Fracassi; seconded by Siver.

RESOLVED: that City Council does hereby authorize the Mayor and City Clerk to sign a license agreement with Wasserman Media Group for the use of the front lawn of the Civic Center during the period of June 10, 2008 through June 17, 2008 for the purpose of conducting the Smooth JazzFest event on June 13-15, 2008.

Motion passed unanimously.

Council President Seymour read item CA-B which had been pulled from the Consent Agenda.

CA-B Adopt Standard Assessment Resolutions No.1 and No. 2 for SAD Project SW-1171 to initiate the 2008 Sidewalk Repair Program.

Councilman Lantz asked who inspected the sidewalks. Mr. Scharret replied that the inspections are done by HRC on a contractual bases.

Councilman Lantz questioned why inspections were not done by staff. Mr. Scharret replied that it would probably require an additional staff member but is something that should be discussed during the budget meeting. The City needs to take a look at the service provided, the amount of time required to do the work, etc.

Councilman Siver noted that some properties are owned by banks or mortgage companies. He questioned whether the assessment is paid by the owner or is it passed on to whomever purchases the property. Mr. Mekjian responded that it is his understanding that the assessment is paid by the owner of record. Mr. Beras added that if the assessment is not paid it is added to the tax bill. The bank will probably pay the assessment if it is on the tax roll prior to the sale.

2008.74 Motion by Frasier; seconded by Fracassi.

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-1171, the 2008 Sidewalk Repair Program, thereby initiating the project; and

BE IT FURTHER RESOLVED: that Council does hereby adopt Standard Special Assessment Resolution No. 2 for SW-1171, thereby receiving the City Administrator's Preliminary Report as prepared by the Engineering Department and setting May 5, 2008 as the date of the Hearing of Necessity to review and receive public comment on the project (Special Assessment district Project SW-1171, City Job No. 0801SFLD).

Motion passed unanimously.

Councilman Lantz stated that it was his understanding that Waste Management was suppose to turn the recycling facility over to the City after fifteen year. Mr. Mekjian replied that the original agreement was for Waste Management to operate and maintain the facility. The Material Recovery Facility (MRF) agreement expires this year which necessitated a new contract being negotiated.

Councilman Lantz asked who owns the recycling facility. Mr. Mekjian replied that it is owned by the RRRASOC which is made up of member communities.

Mr. Banda responded that the ownership transferred to RRRASOC, not Southfield, after 15 years.

Next on the agenda was Public Hearing "A"; Single Lot Special Assessment.

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

2008.75 Motion by Siver; seconded by Lattimore.

WHEREAS, on March 31, 2008 the City Council scheduled a public hearing for April 14, 2008 for the purpose of confirming the Single Lot Special Assessment Roll; and

WHEREAS, at said hearing held this April 14, 2008, all those affected owners or party with interest in property to be assessed and present have been given an opportunity to be heard.

NOW, THEREFORE, BE IT RESOLVED, that the City Council confirms the Single Lot Special Assessment Roll as prepared and submitted by the City Assessor.

Motion passed unanimously.

Next on the agenda was Public Hearing "B": 2008-2009 Community Development Block Grant Program (CDBG).

Erica Williams showed a brief video on the proposed CBDG funding for 2008-2009.

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

2008.76 Motion by Frasier; seconded by Siver.

WHEREAS, the City of Southfield has complied with all pre-submission requirements of the Community Development Block Grant Program; and

WHEREAS, the City of Southfield has prepared and published a Preliminary Action Plan; and

WHEREAS, the City of Southfield has held a public hearing to obtain comments and recommendations on the Preliminary Action Plan.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Southfield adopts the Final Action Plan for 2008-2009 as follows:

The official application to the Department of Housing and Urban Development contains:

- Strategic Summary of current Consolidated Plan
- A summary of projected use of funds for both Entitlement and Program Income
- A description of each project recommended for funding
- Certifications regarding compliance with all federal laws governing the Community Development Block Grant Program

- A statement of all other Special Needs Activities conducted by the City of Southfield

Total 2008-2009 CDBG Funding

\$ 504,769 *Entitlement*
 \$ 350,000 *Reprogrammed Funds*
\$ 210,000 *Revolving Funds*
 \$1,064,769 **Total**

2008-2009 CDBG Funding Plan

Southfield Home Improvement Program	\$ 200,000 (Revolving Fund)
Rebuilding Together	\$ 10,000 (Revolving Fund)
CHORE Program	\$ 150,000
Southfield Parks & Garden Club Project	\$ 1,000
Franklin Road Project	\$ 444,286
Emergency Relief Fund	\$ 30,000
TOSS (Transportation of Southfield Seniors)	\$ 35,000
SYA (Southfield Youth Assistance)	\$ 24,000
HAVEN (Help Against Violent Encounters Now!)	\$ 6,529
Accounting Aid Society (formerly VAST)	\$ 6,000
Common Ground Sanctuary	\$ 3,000
Southfield Rapid Response Team (Code Enforcement)	\$ 10,000
The Pocket	\$ 2,000
Fair Housing Activities	\$ 2,000
Administration	<u>\$ 140,954</u>
	\$1,064,769

Motion passed unanimously.

Next on the agenda was Council item #1-A; Expense Report of Myron Frasier for the MML Capital Conference in Lansing, Michigan, April 2, 2008.

2008.77 Motion by Siver; seconded by Fracassi.

RESOLVED: that Council does hereby approve the expense report of Myron Frasier for the MML Capital Conference in Lansing, Michigan, April 2, 2008.

Motion passed unanimously.

Next on the agenda was Council item #1-A; Expense Report of William Lattimore for the MML Capital Conference in Lansing, Michigan, April 2, 2008.

2008.78 Motion by Frasier; seconded by Fracassi.

RESOLVED: that Council does hereby approve the expense report of William Lattimore for the MML Capital Conference in Lansing, Michigan, April 2, 2008.

Motion passed unanimously

Next on the agenda was Mayor's item #2-A; Expense Report of Brenda Lawrence for the U.S. Conference of Mayors Winter Leadership Meeting in Key West, Florida, February 21-23, 2008.

2008.79 Motion by Frasier; seconded by Fracassi.

RESOLVED: that Council does hereby approve the expense report of Brenda Lawrence for the U.S. Conference of Mayors Winter Leadership Meeting in Key West, Florida, February 21-23, 2008.

Motion passed unanimously.

Next on the agenda was Mayor's item #2-B; Expense Report of Brenda Lawrence for the U.S. Conference of Mayors Annual Winter Meeting in Washington, DC, January 22-25, 2008.

2008.80 Motion by Lattimore; seconded by Fracassi.

RESOLVED: that Council does hereby approve the expense report of Brenda Lawrence for the U.S. Conference of Mayors Annual Winter Meeting in Washington, DC, January 22-25, 2008.

Motion passed unanimously

Councilman Siver reminded the public that National Volunteer Day is Saturday, April 19, 2008. This year volunteers would be concentrating on four areas of the City. He encouraged everyone to participate. Volunteers will be gathering at Thompson Middle School at 8:00 a.m.

Councilman Siver reminded residents that Personal Privacy Day is April 26, 2008. Residents can have personal documents shredded from 10 a.m. to 2 p.m. at Southfield High School.

Councilman Lattimore stated that he is very proud of how the City of Southfield handles its business given recent disturbing events in another community. There may be a difference of opinion but the City maintains a certain public decorum at all times.

Councilman Fracassi stated that there is a pothole in the middle of Monterey Street south of Twelve Mile. It is hard to avoid hitting the pothole. Mr. Scharret replied that at a future Committee-of-the-Whole meeting a presentation will be made on City's priorities for the new road repair equipment. He encouraged everyone to call 796-EYES regarding any issues with appearance or functionality of local streets. Calls are answered on a daily basis.

Next on the agenda was item #5-A; Election Inspector Compensation.

Ms. Banks stated that on April 7, 2008 she presented a proposal to increase wages for election inspectors. The new wages would be \$140 per election for election inspectors and \$180 per election for election chairpersons.

2008.81 Motion by Lattimore; seconded by Frasier.

RESOLVED: that the Southfield City Council does hereby approve the compensation increase for Election Inspectors to \$140 per election and a compensation increase for Election Chairpersons to a rate of \$180 per election.

Motion passed unanimously.

Next on the agenda was item #5-B; Referral to Planning Commission.

Mr. Banda stated that the Planning Commission has expressed interest in reviewing the Zoning Ordinance during their Long Range Study Meetings. He requested that Council refer the review of the Zoning Ordinance to the Planning Commission.

2008.82 Motion by Frasier; seconded by Siver.

RESOLVED: that Council does hereby refer the Zoning Ordinance to the Planning Commission for review and recommendation.

Motion passed unanimously.

Next on the agenda was item #5-C; Extension of Special Use and Site Plan Approval of GP:1174/SP:1221, Bella Estates Condominiums and SP:1220, Bella Gardens Condominiums.

Mr. Banda stated that the developer is requesting an extension due to the current economic conditions.

2008.83 Motion by Siver; seconded by Lattimore.

RESOLVED: that Council does hereby approve a one year extension of the Special Use and Site Plan approval to March 27, 2009 for proposed Bella Estates and Bella Gardens condominium development projects as described below:

GP:1174/SP:1221: Special Use and Site Plan of Scott Quality Homes to construct Bella Estates, a nine (9) detached unit residential condominium development under the cluster option, on part of Lots 6 and 7 of Supervisor's Plan No. 12, part of Sidwell Parcels 2427-302-043 and 044, vacant property located at the northeast corner of Duns Scotus Avenue and Lahser Road.

SP:1220: Site Plan of Scott Quality Homes to construct Bella Gardens, a 28 attached unit residential condominium development, on part of Lots 4 and 6 and all of Lot 5 of Supervisor's Plat No. 12, part of Sidwell Parcels 2427-302-43 and 044 and all of 2427-302-040 and 041, vacant property located on the east side of Lahser Road between Duns Scotus and McClung.

Motion passed unanimously.

Next on the agenda was item #5-D; Expense Report of Irv Lowenberg for the MML Capital Conference in Lansing, Michigan, April 2, 2008.

2008.84 Motion by Fracassi; seconded by Lattimore.

RESOLVED: that Council does hereby approve the expense report of Irv Lowenberg for the MML Capital Conference in Lansing, Michigan, April 2, 2008.

Motion passed unanimously.

Next on the agenda was item #5-E; Expense Report of Nancy Banks for the MML Capital Conference in Lansing, Michigan, April 2, 2008.

2008.85 Motion by Fracassi; seconded by Frasier.

RESOLVED: that Council does hereby approve the expense report of Nancy Banks for the MML Capital Conference in Lansing, Michigan, April 2, 2008.

Motion passed unanimously.

Last on the agenda was the scheduling of SP:1257, the Site Plan Review Request of Campbell Estates, LLC.

2008.86 Motion by Frasier; seconded by Fracassi.

RESOLVED: that Council does hereby schedule for May 5, 2008 the Site Plan Review Request of Campbell Estates, LLC, SP:1257, to construct a 2,907 gross square foot addition to the existing 6,283 gross square foot building with associated parking. The property is located at 24810 Evergreen Road, on the east side of Evergreen Road between Ten Mile Road and the Northwestern Highway Service Drive, Sidwell Parcel 2426-101-001, Section 26, City of Southfield, County of Oakland, State of Michigan.

Motion passed unanimously.

There being no further business, the Regular Meeting of April 14, 2008, adjourned at 7:50 p.m., until the next Regular Meeting (conducted as a Committee-of-the-Whole) on April 21, 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