

REGULAR MEETING
OF THE COUNCIL
CITY OF SOUTHFIELD

May 5, 2008

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**Approved
June 9, 2008**

REGULAR MEETING
OF THE COUNCIL
CITY OF SOUTHFIELD
MINUTES
May 5, 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 Dr. Lewis N. Walker, President of Lawrence Technological University in commemoration of Lawrence Technological University's 75th Anniversary.

Mayor Lawrence and Council President Seymour presented a Joint Resolution to Dr. Lewis N. Walker, President of Lawrence Technological University and Steve Brown, Vice-President of Academic Advancement. Council President Seymour read part of the resolution. LTU moved to Southfield in 1955 and has become a pre-eminent private research university. They now offer 60 degree programs. She congratulated and commended LTU on their continued development. She expressed her appreciation for all that LTU brings to the City and to its students.

Dr. Walker thanked the Mayor and Council for the recognition. He stated that he was deeply honored to be recognized. LTU is proud to be in Southfield.

Mayor Lawrence stated that May 3, 2008 was officially LTU Day in Southfield. LTU has been a great partner for the City of Southfield.

Next was a presentation by Diane Radloff, President of Providence Hospital.

Ms. Radloff apologized for the mix-up in the schedule. She gave a brief update on Providence Hospital. Providence provides community service and educational programs. They also provide a wide array of school based services. Currently 171 interns are training at Providence. It is the clinical training site for every nursing program in the area. This year Providence Hospital was named one of the top 100 teaching hospitals in the country by Thompson Health Care. Thompson Health Care is an organization that takes an objective view of hospitals based on clinical data, outcomes, services, safety, operating efficiencies and financial stability. The Novi campus will open this Fall. 124 beds will be moved to Novi. More services are now provided on an outpatient

basis thus decreasing the need for beds. They will now be able to offer private rooms. Plans are in place to renovate the Southfield campus. Renovations have already begun in the main lobby. The hospital will celebrate its 100th anniversary in 2010. A feasibility study on a medical based fitness center is being done in conjunction with Oakland Community College and the City of Southfield.

Councilman Fracassi asked if the Novi campus would have its own medical staff. Ms. Radloff replied that they would be operating with one medical staff. Doctors will have privileges at both facilities. Some family practice and ob/gyn doctors may select just one campus.

Councilman Siver asked if some of the staff would be transferred to Novi. Ms. Radloff replied that they anticipate staffing at the Southfield campus to decrease from 3000 to approximately 2500. The goal is to provide additional services at the Southfield campus. Some procedures, such as heart surgery, will not be performed at the Novi campus. The medical education program will remain in Southfield.

Councilman Frasier asked if emergency services would be reduced in Southfield. Ms. Radloff replied that there would be no reduction. Renovation plans call for adding a clinical decision unit to the Emergency Room. The Novi campus already has a fully functioning emergency room.

Councilman Frasier asked if there was an application process for being named to the Top 100 List. Ms. Radloff replied that the ranking was done completely by a third party. No application was required. The company collects data from around the country in order to determine the top 100.

Next on the agenda was the reappointment of Dale Watchowski to the City Centre Advisory Board with a term expiration date of April 7, 2011.

2008.87 Motion by Siver; seconded by Lattimore.

RESOLVED: that Council does hereby reappoint Dale Watchowski to the City Centre Advisory Board with term of office expiring April 7, 2011.

Motion passed unanimously.

Next on the agenda was the reappointment of Rick Golding to the City Centre Advisory Board with a term expiration date of April 7, 2011.

2008.88 Motion by Siver; seconded by Lattimore.

RESOLVED: that Council does hereby reappoint Rick Golding to the City Centre Advisory Board with term of office expiring April 7, 2011.

Motion passed unanimously.

Next on the agenda was the reappointment of Sierra Tyus to the Cornerstone Development Authority with a term expiration date of May 7, 2011.

2008.89 Motion by Siver; seconded by Lattimore.

RESOLVED: that Council does hereby reappoint Sierra Tyus to the Cornerstone Development Authority with term of office expiring May 7, 2011.

Motion passed unanimously.

Next on the agenda was the reappointment of Beverly Berry to the Cornerstone Development Authority with a term expiration date of May 7, 2011.

2008.90 Motion by Siver; seconded by Lattimore.

RESOLVED: that Council does hereby reappoint Beverly Berry to the Cornerstone Development Authority with term of office expiring May 7, 2011.

Motion passed unanimously.

Next on the agenda was the reappointment of Alice Duff Durbin to the Historic District Commission with a term expiration date of May 7, 2011.

2008.91 Motion by Siver; seconded by Lattimore.

RESOLVED: that Council does hereby reappoint Alice Duff Durbin to the Historic District Commission with term of office expiring May 7, 2011.

Motion passed unanimously.

Next on the agenda was the reappointment of James G. Scharret to the Economic Development Corporation with a term expiration date of April 28, 2014.

2008.92 Motion by Siver; seconded by Lattimore.

RESOLVED: that Council does hereby reappoint James G. Scharret to the Economic Development Corporation with term of office expiring April 28, 2014.

Motion passed unanimously.

Next on the agenda was the reappointment of Louis C. Poole, Jr. to the Economic Development Corporation with a term expiration date of February 14, 2014.

2008.93 Motion by Siver; seconded by Lattimore.

RESOLVED: that Council does hereby reappoint Louis C. Poole, Jr. to the Economic Development Corporation with term of office expiring February 14, 2014.

Motion passed unanimously.

Next on the agenda was the reappointment of Dr. Carole J. McCollough to the Library Board with a term expiration date of May 5, 2011.

2008.94 Motion by Siver; seconded by Lattimore.

RESOLVED: that Council does hereby reappoint Dr. Carole J. McCollough to the Library Board with term of office expiring May 5, 2011.

Motion passed unanimously.

Next on the agenda was the approval of the minutes of the Regular Meeting of March 17, 2008, the Regular Meeting of March 31, 2008, the Regular Meeting (conducted as a Committee-of-the-Whole) of April 7, 2008 and the Regular Meeting of April 14, 2008.

2008.95 Motion by Fracassi; seconded by Frasier.

RESOLVED: that Council does hereby approve the minutes of the Regular Meeting of March 17, 2008, the Regular Meeting of March 31, 2008, the Regular Meeting (conducted as a Committee-of-the-Whole) of April 7, 2008 and the Regular Meeting of April 14, 2008.

Motion passed unanimously.

Next on the agenda was a request for recognition from Michael Graves.

Michael Graves, 28429 Stuart, expressed concern with having a School District Administrator sitting on Council when the Schools have recommended the dismissal of 350 employees. Southfield's tax dollars are being sent to companies in other states. The City should be attracting jobs to Michigan. The loss of jobs could impact home ownership, rental units, stores, gas stations and restaurants. He asked the Mayor and Council what if any assistance they will offer residents affected by the School's decision. He thanked them for listening.

Cathy Fry, 29587 Fall River, stated that recent actions by the Southfield School Board was a case of intentional union busting. It was a negative campaign waged by school leadership to demonize employees as the cause of the problems. The Schools did not negotiate in good faith. The Schools claimed a fiscal crisis and then gave all the administrators raises. The leadership is spreading false information and are not being held accountable. She expected better from Mayor and Council. Under the current School administration, Southfield has become Detroit.

Council President Seymour responded that the City and the Schools are two distinct entities. The City has no authority over the schools.

Councilman Lantz replied that they are separate governments but they represent the same people. Council should be concerned. He asked the School Board how it could layoff 350 people given the current economy. He questioned why they were trashing their employees. He asked that Council pass a resolution calling on the Schools to rescind the contracts. Tremendous concessions were offered and they were told it was too late. He questioned how many concessions the administrators

offered. He asked all school administrators to take a 10% cut in their salaries and teachers to take a 5% cut in an effort to eliminate the deficit the Schools claim exists. He asked that the media put these questions to the School Board. He questioned the outsourcing of jobs to a company based in London, England. This is a prime example of union busting. He asked for a vote on a resolution requesting the School Board to rescind the contracts that would eliminate 350 jobs.

Councilman Fracassi stated that Council feels for those who are losing their jobs. He voiced his objection to grand standing. There is no resolution on the table to vote on.

Councilman Lattimore suggested bringing the matter before the Legislative Committee. In an effort to show support for members of the community, the Council cannot sit and do nothing. Council's job is to address issues in the City whether or not Council has direct control over it. He asked that the matter be referred to the Legislative Committee. When Councilman Siver is here, he serves everyone.

Mayor Lawrence stated that this is a very emotional issue and she has spoken to many people about it. Everyone agrees that there needs to be open communication and respect. There are very hard decisions that need to be made. She is happy the union brought an offer to the table. Negotiations fall apart when people stop talking. Respect is required regardless. She promised to follow up after the meeting to find out what was offered by the union. She made no promises to resolve the issue. She is disappointed that someone said that Southfield is becoming Detroit. She did not appreciate the negative tone of the statement. The City does not use Detroit as a measurement.

Councilman Lantz asked the Mayor if she met with the School Board regarding the issue. Mayor Lawrence replied that the limitations of the Charter do not allow her to negotiate a contract for the School Board. She has offered to bring the two sides together.

Council President Seymour stated that no one takes pleasure in anyone losing their job. The City has been doing everything possible to avoid layoffs. The City is not in a position to tell the Schools how to run their business. Council makes policy for the City. Council can talk individually to those involved but cannot take any action. She referred the matter to the Legislative Committee.

Next on the agenda was the Consent Agenda.

Council President Seymour read the items on the Consent Agenda. There were no requests to remove items from the Consent Agenda for further discussion.

CA-A Approve an agreement authorizing the American Heart Association to use the front lawn of the Southfield Civic Center for their annual "Heart Walk."

CA-B Adopt resolution granting the permit request for a fireworks display on June 23, 2008, with a rain date of June 24, 2008.

CA-C Award the 2007/2008 Local Street Program, Phase I – Division 2 to Pro-Line Asphalt Paving Corporation of Washington Township, Michigan for their low bid of \$1,757,850.33.

CA-D Award the 2007/2008 Local Street Program, Phase II – Division 1 to Pamar Enterprises, Inc. of New Haven, Michigan for their low bid of \$695,368.75.

CA-E Approve a lease agreement extension with American Tower Corporation for four additional five-year periods, commencing May 10, 2013.

CA-F Authorize the purchase of fifteen Eagle II series radar units in the amount of \$1,229.00 each from Kustom Signals, of Lenexa, Kansas, for the Police Department.

CA-G Award the purchase of one Toro model 3040 Sand Pro golf course power sand trap rake to Spartan Distributors of Auburn Hills, Michigan, for a total cost of \$13,383.39.

CA-H Award the purchase of paper yard waste bags to Pabco Industries, LLC of Newark, New Jersey in the amount of \$22,120.00.

CA-I Adopt Standard Special Assessment Resolutions No. 1 and No.2 for City Centre Advisory Board Special Assessment P-1172, scheduling the Public Hearing of Necessity for June 9, 2008.

CA-J Award the Landscape Maintenance Contract for Northwestern Highway to Great Oaks Maintenance, Inc. of Novi, Michigan for their bid of \$55,906 for the period May 5, 2008 through April 1, 2009.

CA-K Authorize the Mayor and City Clerk to sign an inter-agency agreement with the Michigan Department of Transportation to assume responsibility for turf and landscape maintenance of certain sections of state highway in Southfield.

CA-L Award the purchase of a 5000 pound capacity forklift from Progressive Lift Truck of Farmington, Michigan for their bid of \$21,510.00

2008.96 Motion by Lattimore; seconded by Frasier.

RESOLVED: That City Council does hereby authorize the Mayor and City Clerk to sign an agreement with the American Heart Association for use of the front lawn of the Southfield Civic Center and related parking areas on Saturday, May 17, 2008 from 5:00 a.m. until 2:00 p.m. for the purpose of the American Heart Association's annual "Heart Walk.

Motion passed unanimously.

2008.97 Motion by Lattimore; seconded by Frasier.

RESOLVED: That City Council does hereby grant the permit request for a fireworks display to be conducted by Zambelli Internationale Fireworks Manufacturing Company of New Castle, Pennsylvania at the Southfield Civic

Center on Monday, June 23, 2008, with a rain date of June 24, 2008 or next clear night following, in accordance with Act 328, P.A. of 1931, State of Michigan, amended in Act 209 of 2006, and National Fire Protection Association (NFPA) standard 1123 of 2006.

Motion passed unanimously.

2008.98 Motion by Lattimore; seconded by Frasier.

BE IT RESOLVED: That Council does hereby award the 2007/2008 Local Street Program, Phase I - Division 2 (Job No. 0711SFLD) to Pro-Line Asphalt Paving Corporation of Washington Township, Michigan for their acceptable low bid of \$1,757,850.33; and

BE IT FURTHER RESOLVED: That funding for the program in the total amount of \$2,085,000.00 is available in the 2007-08 Local Street Fund Operating Budget (Account No. 203-452-4525-49740) to be allocated as follows:

Low Bid Amount	\$1,757,850.33
Engineering, Inspection, & Testing	\$ 175,785.03
Contingencies	\$ <u>151,364.64</u>
Total Amount	\$2,085,000.00

BE IT FURTHER RESOLVED: That the Mayor and City Clerk are hereby authorized to execute the appropriate construction contract documents on behalf of the City with ProLine Asphalt Paving Corporation which have been reviewed and approved as to form by the City Attorney; and

BE IT FINALLY RESOLVED: That should this program 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.

2008.99 Motion by Lattimore; seconded by Frasier.

BE IT RESOLVED: That Council does hereby award the 2007/2008 Local Street Program, Phase II Division 1 (Job No. 0608SFLD) to Pamar Enterprises, Inc. of New Haven, Michigan for their acceptable low bid of \$695,368.75; and

BE IT FURTHER RESOLVED: That funding for the program in the total amount of \$825,000.00 is available in the 2007-08 Local Street Fund Operating Budget (Account No. 203-452-4525-49740) to be allocated as follows:

Low Bid Amount	\$695,368.75
Engineering, Inspection, & Testing	\$ 69,536.88
Contingencies	\$ <u>60,094.37</u>
Total Amount	\$825,000.00

BE IT FURTHER RESOLVED: That the Mayor and City Clerk are hereby authorized to execute the appropriate construction contract documents on behalf of the City with Pamar Enterprises, Inc. which have been reviewed and approved as to form by the City Attorney; and

BE IT FINALLY RESOLVED: That should this program 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.

2008.100 Motion by Lattimore; seconded by Frasier.

BE IT RESOLVED: That City Council does hereby approve the lease extension/amendment agreement with American Tower Corporation to provide American Tower Corporation the option to extend the original lease agreement at the Bedford Woods Park, for four (4) additional five (5) year periods, commencing as of May, 2013; and

BE IT FURTHER RESOLVED: That the annual lease payments payable to the City by American Tower Corporation shall immediately increase to \$12,000.00 for the balance of the existing fourth extension of the lease agreement; and effective May 10, 2013 and every year thereafter for the balance of the additional four extension periods, the annual rent will be increased by the greater of: three (3) percent, or, the increase in the consumer price index for the preceding year; and

BE IT FURTHER RESOLVED: That in consideration of approval of the additional extension periods, American Tower Corporation shall pay the City upon execution of the extension/amendment agreement the lump sum amount of \$20,000.00; and

BE IT FINALLY RESOLVED: That Council authorizes the Mayor and City Clerk to sign the proposed lease extension/amendment agreement with American Tower Corporation on behalf of the City of Southfield, upon review and approval by the City Attorney.

Motion passed unanimously.

2008.101 Motion by Lattimore; seconded by Frasier.

BE IT RESOLVED: That Council does hereby give favorable consideration of award for the purchase of fifteen (15) Eagle II series radar units at \$1,229.00 each, totaling \$18,435.00, to Kustom Signals of Lenexa, KS in accordance with Chapter 8, Section 1.279 (3) of the City's Code of Ordinances " ...by contracting with or through another unit of government," namely the State of Michigan Cooperative Purchasing Program. Funds are provided in the 2007-08 Motor Pool budget, Communications Equipment Replacement account (number 666-1621), and

BE IT FURTHER RESOLVED: That the Purchasing Agent is authorized to dispose of the units being replaced in the manner most advantageous to the City of Southfield.

Motion passed unanimously.

2008.102 Motion by Lattimore; seconded by Frasier.

BE IT RESOLVED: That Council does hereby authorize the replacement of the Smithco Super Star V model power sand trap rake; and

BE IT FURTHER RESOLVED: That Council does hereby give favorable consideration of award for the purchase of one Toro model 3040 Sand Pro golf course power sand trap rake for the total cost of \$13,383.39, in accordance with Chapter 8, Section 1.279 (3) of the City's Code of Ordinances "by contracting with or through another unit of government," namely the State of Michigan Cooperative Purchasing Program, from Spartan Distributors of Auburn Hills, MI. Adequate funds are available in the 2007-08 Parks & Recreation Department Budget Equipment Purchase and Replacement accounts (numbers 208-554-5403-49770 for \$5,602.39 and 666-1731 for \$7,781.00).

Motion passed unanimously.

2008.103 Motion by Lattimore; seconded by Frasier.

RESOLVED: That Council does hereby award the purchase of paper yard waste bags to Pabco Industries, LLC of Newark, New Jersey for a one-year period, beginning May 6, 2008, for their low total bid based on unit prices and estimated

quantities, in the amount of \$22,120.00, with funds provided in the 2007-08 Streets and Highways Goods for Resale account (number 101450-4506-27450) and will be provided in the 2008-09 Streets and Highways Budget as Council may approve.

Motion passed unanimously.

2008.104 Motion by Lattimore; seconded by Frasier.

WHEREAS, the City Centre Advisory Board has requested that a Special Assessment District be established for the purpose of creating funds for an operating budget for three fiscal years beginning July 1, 2008 and ending June 30, 2011; and

WHEREAS, an assessment of two cents per square foot of gross commercial building area within the City Centre District has been recommended, which will generate approximately \$132,000 each year for use by the City Centre Advisory Board;

NOW, THEREFORE, BE IT RESOLVED that City Council does hereby adopt Standard Special Assessment Resolutions No. 1 and No.2 for City Centre Advisory Board Special Assessment P-1172, and sets the date for the Public Hearing of Necessity for June 9, 2008, at 7:00 p.m. in the Council Chambers; and

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to publish notice of said public hearing in a newspaper of general circulation and to notify in writing, at least 14 full days prior to the date of public hearing, by first class mail, all persons having an interest in the properties to be assessed.

Motion passed unanimously.

2008.105 Motion by Lattimore; seconded by Frasier.

BE IT RESOLVED: That the Council of the City of Southfield does hereby award the Landscape Maintenance Contract - Northwestern Highway, to Great Oaks Maintenance, Inc. of Novi, Michigan, for their acceptable low bid of \$55,906 for the period of May 5, 2008 through April 1, 2009. Funding for this purpose is available in the 2007/08 Streets and Highways Department budget (account number 202-451-4518-38180) and will be requested in the 2008/09 Streets and Highways budget.

BE IT FURTHER RESOLVED: That the Mayor and City Clerk are hereby authorized to execute the appropriate contract documents on behalf of the City, upon review and approval as to form by the City Attorney.

Motion passed unanimously.

2008.106 Motion by Lattimore; seconded by Frasier.

BE IT RESOLVED: That Council does hereby authorize the City of Southfield to enter into an inter-agency contract with the Michigan Department of Transportation for a State Trunk Line Landscape Maintenance Contract for turf and landscape maintenance of certain portions of state highways within Southfield; and

BE IT FURTHER RESOLVED: That the Mayor and City Clerk are hereby authorized to execute the appropriate contract document on behalf of the City, upon review and approval as to form by the City Attorney.

Motion passed unanimously.

2008.107 Motion by Lattimore; seconded by Frasier.

BE IT RESOLVED: That Council does hereby authorize the purchase of a 5000 pound capacity forklift from Progressive Lift Truck of Farmington, MI, the lowest acceptable bidder, in the amount of \$21,510.00. Funds for this purchase are provided in the 2007-08 Motor Pool budget Equipment Replacement account (number 666-1731).

Motion passed unanimously.

Next on the agenda Public Hearing "A"; Hearing of Necessity for Special Assessment Project SW-1171; 2008 Sidewalk Repair Program (Sections 23 & 25) (Job No. 0801SFLD).

Gary Mekjian, Public Works Director, stated that on April 14, 2008 Council adopted Special Assessment Resolutions No. 1 and No. 2 for SW-1171, thereby initiating the 2008 Sidewalk Repair Program and scheduling the Hearing of Necessity for May 5, 2008. Sidewalk repairs will be made in Sections 23 and 25. Letters have been sent to the property owners informing them of the proposed repairs and specific details of the work to be done at their location. The City's share of the project is \$270,000.00 and the assessable share of the project is \$180,000, for a total project cost of \$450,000.00. He recommended that Council adopt Standard Special Assessment Resolutions No. 3 and No.4 which declare the project a necessity and schedule a Public Hearing of Confirmation for June 9, 2008.

The public hearing was declared open.

Ed Novak, 18817 Filmore, stated that he received an assessment of \$2500.00 to repair the sidewalks in front of his home. The State is in a deep recession with no end in sight. Unemployment is at a record high and foreclosures are at record levels. The cost of food and other services have skyrocketed. In these trying times he questions the City trying to extract even more money from residents. The City has one of the highest tax rates in the State. Other communities are cutting back on projects, Southfield appears to be doing the opposite. He and his wife live on a fixed income and the unwarranted public improvement comes at an ill advised time. There are probably many others in a similar situation. Filmore Street is in far worse shape than the sidewalks.

Council President Seymour replied that the City does have a repair program for the local streets. She asked Mr. Novak to meet with Mr. Mekjian after the public hearing is over.

Mr. Novak responded that tonight he has heard what the City can't do. Delaying this project until there is some financial stability in the area is something that the City can do.

Terence Walker, 18215 Adrian, stated that he has similar concerns. He has a petition, at home, with 262 signatures opposing the project. He did not have the petition with him because he came to the meeting right from work.

Ms. Banks stated that her office had not received any petition. Only two letters of opposition have been received.

Council President Seymour asked if the project can be postponed. She asked that Mr. Walker submit the petitions on Tuesday.

Nathan Coleman, 25114 Parson Drive, stated that many of his complaints have gone unresolved. Ten Mile Road in front of LTU is in much worse shape. He put hedges out for trash pick up per the instructions of the City. Waste Management has left two notes with instructions that differ from those given by the City.

Council President Seymour replied that Ten Mile is a County road. Repairs are scheduled to begin on October 1st.

Mr. Scharret asked Mr. Coleman to provide a phone number where he can be reached. Mr. Scharret expressed displeasure to hear that conflicting information was being given out regarding yard waste pick up.

Blake Watkins, 25630 Grand Concourse, stated that he is on a fixed income. He purchased the home a few years ago and the taxes jumped dramatically as a result. He asked where he was suppose to find the money to pay for the sidewalk repairs. He also questioned why the City is charging interest.

Joseph LaPides, 25151 Parsons Drive, stated that he was puzzled by the fact that no one on Council recognizes that they are part of the system. Council keeps saying what they can't do. No one talks in unison for the benefit of the residents.

There being no one else wishing to speak, the public hearing was closed.

Mayor Lawrence stated that a compelling argument had been made. Council has the power to put the program on hold for one year due to the tough economy. She urged Council to give it some consideration.

Councilman Lattimore made a motion to suspend the sidewalk program for one year due to current economic conditions. It would be a big hardship on many people.

Council President Seymour suggested taking another look to see if it can be postponed.

Councilman Siver stated that one of the reasons for the program is because of the dangerous condition of some sidewalks. Some sections are in poor condition but are not dangerous. He suggested prioritizing the sidewalks based on their condition. He voiced support for postponing it for further discussion.

Mr. Beras stated that Council should specify a specific date for the meeting so residents can attend since there would be no public hearing notification for a Committee-of-the-Whole Meeting.

Councilman Fracassi asked what the resident's responsibility is if the City delays the project. Mr. Beras replied that the statutory duty of the City is to maintain the sidewalks but the private property owner is responsible for making the repairs.

Councilman Fracassi noted that the Charter states that if 60% of the property owners oppose the project, the project must be cancelled. Mr. Beras replied that the petition needs to be filed tonight. However, if a new Hearing of Necessity is held, the petition could be filed at that time. The liability of the City needs to be considered. It's not easy to weigh the two sides of the issue.

Councilman Frasier stated that there is an anomaly in the law. Damaged sidewalks are a health and safety issue. If 60% of the residents oppose it, the City is forbidden from repairing them. But, if someone is injured as a result of the damaged sidewalk, the City is liable.

Mr. Beras replied that under the Charter, 60% opposition means the project is abandoned. The City would have pay the full cost of the repairs if it continues with a project that 60% of the residents oppose.

Mr. Scharret stated that there are a number of time sensitive issues under study, he suggested adding a meeting on June 30th to discuss this issue and possibly others.

Councilman Fracassi asked if bids are in jeopardy. Mr. Mekjian replied that the costs provided in the packet are only estimates. Resolution No. 3 authorizes the City to seek bids. If the project is postponed tonight, construction would probably be delayed until August and the City would be put at a disadvantage in terms of contracts. Bids have been favorable in the past because contractors are always looking for work this time of year. The actual costs last year were much lower than the estimates.

Mr. Beras replied that there is nothing that would prohibit Council from authorizing staff to put the project out for bid with the understanding the contract may not be awarded.

Mr. Banda stated that the date of the Master Plan Review can be changed if it helps with scheduling.

Mr. Scharret recommended putting the matter on the June 2, 2008 agenda for further discussion and authorizing staff to put the project out for bid.

Councilman Lattimore agreed to modify his motion to postpone the matter until June 2, 2008.

2008.108 Motion by Lattimore; seconded by Siver.

RESOLVED: that Special Assessment Project SW:1171 be postponed until the Regular Meeting (conducted as a Committee-of-the-Whole) of June 2, 2008, for further discussion.

Motion passed unanimously.

2008.109 Motion by Fracassi; seconded by Frasier.

RESOLVED: that Council does hereby authorize staff to go out for bids on Special Assessment Project SW:1171, the 2008 Sidewalk Repair Program.

Motion passed unanimously.

Next on the agenda was Site Plan "A"; SP:1257, the Site Plan Review Request of Campbell Estates, L.L.C.

Mr. Banda stated that the property in question is the former Michigan Credit Union site. He showed a brief video.

SP:1257 is the Site Plan review request of Campbell Estates, L.L.C., to construct a 2,907 gross square foot addition to the existing building with associated parking. The property is located at 24810 Evergreen Road the southeast corner of Northwestern Highway Service Drive and Ten Mile Road, Sidwell Parcel 2426-101-001, Section 26, City of Southfield, County of Oakland, State of Michigan.

The site as well as properties to the south and to the west are zoned B-3, General Business. The property to the north is zoned OS, Office Service and B-3, General Business. The property to the east is zoned ERO, Education Research-Office.

With regard to the existing land use, the site contains the vacant Michigan First Credit Union building. The property to the south is developed with a Speedway gas station. The property to the west is developed with Comfort Inn motel. The property to the north is developed with the BP gas station and Northwest Boat Company. The property to the east is developed with the Northwestern Corporate Center office building.

The site contains a total of 1.2 acres of land. There is 231.15 feet of frontage on Evergreen Road and a depth of 150 feet.

The parking required for the project is 48 spaces with 51 provided. The landscaping provided exceeds the amount required. The elevations show a mix of brick and metal roof.

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

1. Waivers from the Zoning Board of Appeals for the following to bring site into conformance:
 - a. 12.5 foot waiver of landscape width along Evergreen Road for a distance of 183 feet (12.5' required, 0' provided);
 - b. 15 foot waiver of landscape width along Ten Mile Road for a distance of 55 feet (15' required, 0' provided);
 - c. 4 foot waiver of landscape width along Northwestern Highway for a distance of 149 feet (15' required, 11' provided).
2. Building height and parking which meet the requirements.
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 the project underwent a great deal of scrutiny. The Zeidman's Jewelry and Loan is a gorgeous jewelry store. The Site Plan Committee and Planning Commission learned a lot about the operation. The site is non-conforming because landscaping requirements have changed since the property was originally developed. The vault and three parking spaces have been eliminated in order to allow for additional landscaping. Changes have been made to soften the exterior of the building. Mr. Zeidman will close his current location. He is working out the legalities of transferring the license.

Tim Gordon, Campbell Estates, LLC, showed drawings of the interior and exterior elevations. Windows and a portico are being added to the entrance of the building. Landscape will also be added in front of the building.

Councilman Lattimore stated that the petitioner has done everything that the City has asked. The changes to the exterior fit the area. The building suits the needs of the owner and the City.

Councilman Siver asked for additional information regarding the loan portion of his business. Mr. Zeidman replied that he sells jewelry wholesale and loans money against other people's jewelry.

Councilman Lantz asked if he buys guns. Mr. Zeidman replied he only deals with jewelry.

Mayor Lawrence stated that she is very impressed with the rendering. She asked for a commitment from Mr. Zeidman regarding the upkeep of the landscaping. Mr. Zeidman gave his word that the landscaping would be well maintained.

2008.110 Motion by Lattimore; seconded by Fracassi.

RESOLVED: That SP:1257, Site Plan review request of Campbell Estates, L.L.C., to construct a 1,811.18 gross square foot addition with office and vault to the existing building located at 24810 Evergreen Road, at the southeast corner of Northwestern Highway Service Drive and Ten Mile Road, Sidwell Parcel 2426-101-001, Section 26, City of Southfield, County of Oakland, State of Michigan, site plan dated April 23, 2008, and received by the Planning Department on May 1, 2008, be approved subject to the following conditions:

1. The petitioner shall obtain the following waivers from the Zoning Board of Appeals in order to bring the site into conformance with Zoning Ordinance requirements:
 - a. 12.5 foot waiver of landscape width along Evergreen Road for a distance of 183 feet (12.5 feet required; none provided);
 - b. 15 foot waiver of landscape width along Ten Mile Road for a distance of 55 feet (15 feet required; none provided);
 - c. 4 foot waiver of landscape width along Northwestern Hwy. for a distance of 149 feet (15 feet required; 11 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. The petitioner is to participate in a Special Assessment District (S.A.D.) for street lighting on Northwestern Highway, W. Ten Mile Road and Evergreen Road, 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 of materials to match the existing building in accordance with the submitted elevations shown on Sheets A-2 and 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 unanimously.

Next was the Council Portion.

Councilman Siver stated that this year's National Volunteer Day was the biggest effort yet. More than 500 volunteers turned out. He was very pleased with the turnout and the support.

Councilman Siver noted that the Business Reception and the Community-wide celebration of the City's 50th Anniversary were both great events and were well attended. He congratulated all those who took part in organizing the events.

Councilman Frasier echoed the comments of Councilman Siver. He added that those who didn't attend missed a top-notch event. He reminded residents that more events were planned for the months ahead.

Councilman Fracassi thanked everyone who attended and those who worked the events. It was nice to see staff on hand answering questions. He applauded staff for doing a great job.

Council President Seymour stated that the energy of the kids on National Volunteer Day was amazing. The anniversary celebrations were well planned and executed. Everyone had a great time.

Next was item #2-A; the Expense Report of Brenda Lawrence for the Hearing before the U.S. House of Representatives in Washington, DC, March 7, 2008.

2008.111 Motion by Fracassi; seconded by Frasier.

RESOLVED: that Council does hereby approve the expense report of Brenda Lawrence for the Hearing before the U.S. House of Representatives in Washington, DC, March 7, 2008.

Mayor Lawrence stated that the community celebration was a wonderful event. It was great to have staff there. On National Volunteer Day the organization Building Homes Together repaired six homes in the City of Southfield.

Mayor Lawrence presented the proposed 2008-2009 budget to Council. The AA+ bond rating from Moody's places the City in the top 3.5% of all Michigan rated governmental entities. Service levels have maintained despite the increasingly tight budgets. The budget contains \$14.5 million for infrastructure improvements and major maintenance projects. She gave accolades to Council for sticking to the Five Year Fund Balance Stabilization Plan.

Mayor Lawrence gave the following suggestions for Council's consideration.

1. Leverage the City's Location/Resources. Refine the City's comprehensive media package that details and markets the advantages of development and redevelopment in the City while emphasizing the strong points of the region and state.
2. Maintain a Creative and Aggressive Stance Regarding the Redevelopment of Underutilized Properties and Locations: Fortify the City's comprehensive outreach program to contact business leaders and potential developers and work with them by helping provide the means (brownfields, TIFA financing etc.) for encouraging investment in the community.
3. Support and Encourage the Recently Presented City Centre Improvement Plan or Similar Plans to Further Energize the City Centre Area as a Destination Point for Business and Leisure Activity: It is more important than ever for the City to aggressively commit to planning for the future of a vibrant Southfield.
4. Enhance Walkability and Community Wellness: Walkability should be an important consideration in the City Centre Plan. Community wellness would be enhanced by a full inventory of bike paths within the City and a full scale repair and/or replacement program.

5. Review and Improve our Ordinances, Processes and Procedures to Ensure the City's Ongoing Redevelopment Ready Status: The City must continually examine the ordinances, processes and procedures to ensure that the City remains a procedurally efficient community.
6. Maximize the Benefits of the Master Plan Process: Adopt a more integrative and strategic approach for reviewing specific plans or proposals in order to maximize the benefits of the Master Plan Process.

In conclusion, Mayor Lawrence urged Council to do its part not only to ensure the future of Southfield but hopefully act as a catalyst to help the region.

Next on the agenda was Attorney's item #4-A; Proposed Parking Ordinance.

Mr. Beras stated that the City currently prosecutes traffic and parking violations pursuant to the State of Michigan Vehicle Code as incorporated in the City Code. However, the Vehicle Code does not contain an overnight parking prohibition. Therefore, he recommended that Council adopt the proposed parking ordinance which would prohibit parking on public streets between the hours of 3 a.m. and 6 a.m.

2008.112 Motion by Fracassi; seconded by Frasier.

RESOLVED: that Council does hereby adopt the proposed ordinance prohibiting parking on public streets between the hours of 3 a.m. and 6 p.m.

Motion passed unanimously.

2008.113 Motion by Fracassi; seconded by Frasier.

RESOLVED: that Ordinance No. 1558 be introduced and enacted as an emergency ordinance.

Motion passed unanimously.

Next was Attorney's item #4-B; Leonid Marmelshtein, et al. v City of Southfield, et al. (United States District Court Case No. 2:07-cv-15063)

Mr. Beras stated that on December 13, 2005, Southfield Police entered the home of the plaintiff looking for illegal drugs. A search warrant had been obtained. The plaintiff claimed that the warrant was unreasonably executed because unnecessary and excessive force was used in entering the house. The plaintiff also alleges that he was falsely arrested and maliciously prosecuted for resisting and obstructing a police officer. He is seeking monetary damages. Mr. Beras requested authorization to take whatever action was necessary to defend the City and its agents or employees in the aforementioned case.

2008.114 Motion by Siver; seconded by Frasier.

RESOLVED: that Council does hereby authorize the City Attorney to take whatever action was necessary to defend the City and its agents or employees in the case of Leonid Marmelshtein, et al. v City of Southfield, et al. (United States District Court Case No. 2:07-cv-15063)

Motion passed unanimously.

Next on the agenda was item #5-A; Liquor License Request from Renaissance Club, Inc. Doing Business as Skyline Club.

City Clerk Banks stated that Council reviewed the liquor license application from Renaissance Club, Inc., Doing Business as Skyline Club, to transfer all stock in a Class C licensed business with Dance Permit to a new stockholder, CCA Mezzanine Holdco, LLC., at their Regular Meeting (conducted as a Committee-of-the-Whole) on April 21, 2008. The license is located at 2000 Town Center, 28th Floor, in the City of Southfield. All necessary documents and approvals have been received. Attorney J. Patrick Howe was available to answer any questions.

2008.115 Motion by Siver; seconded by Frasier.

RESOLVED: that Council does hereby approve the request of Renaissance Club, Inc. to transfer all stock in 2006 Class C Licensed Business with Dance Permit, located at 2000 Town Center, 28th Floor, Southfield, Michigan 48075, Oakland County, thru transfer of 1,000 shares from existing stockholder, Club Corporation of America to new stockholder, CCA Mezzanine Holdco, LLC.

Motion passed unanimously.

Next on the agenda was item #5-B; Liquor License Request of Franklin Center Associates, LLC.

City Clerk Banks stated that on April 21, 2008 at the Regular Meeting (conducted as a Committee-of-the-Whole) Council reviewed the liquor license application of Franklin Center Associates, LLC to transfer rights from Tom's Oyster Bar-Southfield, Inc. to renew a Class C licensed business currently in escrow at 29106 Franklin. All documents and necessary approvals have been received. Attorney J. Patrick Howe was available answer any questions.

2008.116 Motion by Siver; seconded by Lattimore.

RESOLVED: that Council does hereby approve the request to transfer rights to renewal of 2007 Class C Licensed Business, located in escrow at 29106 Franklin, Southfield, Michigan, 48034, Oakland County, from

Tom's Oyster Bar-Southfield, Inc. to Franklin Center Associates, LLC, with license to be held in escrow.

Motion passed unanimously.

Next on the agenda was item #5-C; Plum Hollow Fireworks Permit.

Ms. Banks stated that the Plum Hollow Country Club has requested permission for a fireworks display on Saturday, June 28, 2008, with a potential rain date of Sunday, June 29, 2008. The plans have been reviewed by the Fire Department. The display will be conducted by Zambelli Fireworks Manufacturing Co., Inc. of New Castle, Pennsylvania. She recommended Council adopt a resolution granting permission for Plum Hollow Country Club to have a fireworks display on June 28, 2008, with a potential rain date of June 29, 2008.

2008.117 Motion by Frasier; seconded by Lattimore.

RESOLVED: That the City Council hereby authorizes a permit for Plum Hollow Country Club for its Saturday, June 28, 2008, fireworks display, with a proposed rain date of Sunday, June 29, 2008, to be conducted by Zambelli Fireworks Mfg. Co., Inc., of New Castle, Pennsylvania, in accordance with Act 328, P.A. of 1931, State of Michigan, amended in Act 209 of 2006, and National Fire Protection Association standard 1123 of 2006.

Motion passed unanimously.

The last item on the agenda was item #5-D; Expense Report of Nancy Banks for the Election Center Workshop in Minneapolis, Minnesota, April 16-20, 2008.

2008.118 Motion by Lattimore; seconded by Frasier.

RESOLVED: that Council does hereby approve the expense report of Nancy Banks for the Election Center Workshop in Minneapolis, Minnesota, April 16-20, 2008.

Motion passed unanimously.

There being no further business, the Regular Meeting of May 5, 2008, adjourned at 9:40 p.m., until the next Regular Meeting (conducted as a Committee-of-the-Whole) on May 12, 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