

REGULAR MEETING
(CONDUCTED AS A COMMITTEE-OF-THE-WHOLE)
OF THE COUNCIL
CITY OF SOUTHFIELD
September 22, 2008

INDEX

<u>RESOLUTION</u>	<u>TOPIC</u>	<u>PAGE(S)</u>
*****	REQUEST for Recognition from Al Martin.....	1-2
C-44-2008	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.....	2-3
C-45-2008	APPROVE the sale of the Franklin Orchards Condominiums on a land contract to David Siporin, d/b/a Franklin Orchard Real Estate Holdings, LLC.....	3-4
C-46-2008	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.....	4-7
C-47-2008	APPROVE a Temporary Traffic Control Order for Garner Street for 120 days.....	7
C-48-2008	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-49-2008	CANCEL the Regular Meeting (conducted as a Committee-of-the-Whole) of October 14, 2008.....	7
*****	PROPOSED 2009 Council Meeting Schedule.....	8-9

**Approved
November 24, 2008**

REGULAR MEETING

(CONDUCTED AS A COMMITTEE-OF-THE-WHOLE)

OF THE COUNCIL

CITY OF SOUTHFIELD

MINUTES

September 22, 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 and 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 a request for recognition from Al Martin, President of AMTS, Inc.

Al Martin, 22590 Glastonbury Gate, thanked Council for the opportunity to speak. He asked Council to consider adopting an ordinance banning smoking in all public and private workplaces with the exception of restaurants, bars and casinos. Twenty counties in Michigan, including Wayne County, have passed a smoke free ordinance. People have a right to work in places free from secondhand smoke. If the City of Southfield were to adopt such an ordinance, it would help spur the State of Michigan to do so. His organization would be willing to help the City draft the ordinance and enforce it.

Councilman Lantz asked if the City has the authority to pass such an ordinance. Mr. Beras responded that State Law would not allow local ordinances regulating restaurants and bars, otherwise the City probably has the authority. However, he would want to do further research on the matter.

Mr. Martin replied that the Environmental Law Project would help with the research.

Council President Seymour asked why restaurants and bars would be exempt. Mr. Beras replied that State Law requires a certain percentage of restaurants and bars must permit smoking.

Mr. Martin responded that they are working on a bill, HB 4163, which would remove the exemption for restaurants and bars.

Councilman Lattimore expressed his support for such an ordinance. Most of us have been personally affected by the dangers that smoking and secondhand smoke create.

Councilwoman Jordan stated that she would like the matter referred to the Legislative Committee for review and the results brought back before the full Council.

Councilman Fracassi suggested directing the City Attorney to review the ordinance presented by Mr. Marin and make a recommendation.

Councilman Lattimore asked that the lobbyist also be brought in on the issue.

Council President Seymour referred the matter to the Legislative Committee. The Legislative Committee is to work with the City Attorney on a recommendation. She invited Mr. Martin to attend the Legislative Committee Meeting.

Next on the agenda was the disposition of the Franklin Orchard Condominiums.

Mr. Scharret stated that the City has an opportunity to realize its goal in the disposition of the Franklin Orchard Condominiums and meet its financial goals with the sale. Through a joint effort of the Legal Department and the purchasers, a land contract has been formulated. The Finance Committee has reviewed and approved the deal. The property would be returned to the tax rolls this year.

Sue Ward-Witkowski stated that in May the Council approved the sale of the Franklin Orchard Condominiums to David Siporin. Mr. Siporin had planned to obtain a traditional mortgage. However, he has since found that financing is not available. The City forfeited his \$40,000 deposit because he failed to close. The proposed land contract would be for a maximum of 21 months. Mr. Siporin needs twelve months of rentals in order to get cash flow to obtain a mortgage. Under the terms of the land contract, the purchaser must submit a new down payment of \$120,000. The \$120,000 down payment and the previously forfeited \$40,000 down payment would be credited toward the purchase price of \$700,000. The purchaser will pay 6% interest for the length of the contract. The interest only payments would be \$2,700.00 per month. He must close on the deal within ten days of Council's approval. All exterior improvements must be completed within 90 days. He must also pay all taxes and insurance on the property.

Councilman Lattimore stated that previously it was estimated that improvements would cost \$250,000. He questioned where the money would come from to do those improvements. Ms. Ward-Witkowski replied that Mr. Siporin does have some money available for the improvements.

Councilman Lattimore asked what happens if Mr. Siporin defaults on his payments. Ms. Ward-Witkowski replied that the City would reclaim the property, the \$120,000 deposit and any improvements that were made.

Councilman Lattimore asked if the City would jointly own the title to the property. Ms. Ward-Witkowski replied that the title would be held in escrow until the contract is paid off.

Ronald Konigsberg, Broker, 32783 Middlebelt, Farmington Hills and David Siporin, 12315 Grundyke, Holly, Michigan, introduced themselves.

Mr. Konigsberg stated that Mr. Siporin has provided bank statements to Ms. Ward-Witkowski verifying that funds are available to make the improvements required in the contract.

Sanford Siporin replied that they have \$500,000 in cash. They would not commit to doing the work if the money was not available. The concrete pads are being removed and wood decks are being installed. This was not part of the original improvements.

Councilman Lantz stated that he admired Mr. Siporin for taking the risk.

Councilwoman Jordan stated that previously the City had talked about not allowing rentals on this property. Ms. Ward-Witkowski replied that in the past, during the bidding process, renting was not an option. However, those bids subsequently failed. Sale of condominiums is very tough right now. Council decided that leasing would be permitted until the market improves, at which time the units would be sold. The neighbors were not concerned about the units being rented but did not want to see them demolished and replaced with a commercial development.

C-44-2008 Motion by Siver; seconded by Lattimore.

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-45-2008 Motion by Siver; seconded by Lattimore.

BE IT RESOLVED: that due to the need to close on the sale of the Franklin Orchard Condominiums within the next ten (10) day period, the City Council does hereby determine that there is an immediate need to act pursuant to Rule 10.

BE IT FURTHER RESOLVED: that the City Council does hereby agree to sell the Franklin Orchard Condominiums on a land contract for the total purchase price of \$700,000.00 with a total down payment of \$160,000, leaving a balance of \$540,000.00; said balance shall bear interest in the amount of 6% per annum and shall be fully paid not later than 21 months following the closing date; the purchaser shall make monthly interest only payments during the term of the land contract.

BE IT FURTHER RESOLVED: that the City Attorney is hereby directed to develop a land contract between the City and David Siporin d/b/a Franklin Orchard Real Estate Holdings, LLC, to provide for same; and the Mayor and City Clerk are hereby authorized to execute the land contract on behalf of the City of Southfield and all other documents necessary to close the sale of and convey upon this property to David Siporin d/b/a Franklin Orchard Real Estate Holdings, LLC, upon the review and approval thereof by the City Attorney.

Next on the agenda was the Garner Street Traffic Control Order.

Robert Northrup, Traffic Engineer, stated that Bradford Academy opened in 2006. In July 2006 he received a request from the residents on Almira to block Almira at Edinburgh. They did not submit the required number of signatures (60%). Several meetings were held with the Green Dolphin Subdivision. On May 5, 2008 he received enough petitions to make the east end of Garner Street a one-way street. A temporary 90 day order was set in place on May 28, 2008. The order expired on August 26, 2008. Council extended the order 40 days on August 25, 2008. MDOT installed a traffic signal at Telegraph and Garner Street. School started on September 2, 2008. There have been twelve days of school so far. He, MDOT and RCOC have been working to adjust the timing of the traffic signal. He asked that Council approve a temporary traffic control order for 120 days to determine whether the signal solves the problem. He doesn't want to make it permanent until they are positive it will resolve the problem.

Councilman Lantz stated that he had previously proposed a solution that involved putting a roadway on Bradford Academy's property. The roadway would run thru the parking area and exit at the far westerly exit.

Fred Borowski, Principal, 24281 Garner Street, stated that they have attempted to become a part of the community. Traffic is an issue for about 25 minutes in the morning. The starting times of the Elementary School and High School have been staggered. Mr. Northrup has been terrific about adjusting the timing of the signal. Whatever works best for the community; the Academy will go along with, whether Garner is one-way or two-way. He is working to ensure that the parents cooperate.

Mr. Northrup responded that the two middle driveways have been barricaded. Cars enter the parking lot at one end and exit at the other end.

Councilman Fracassi stated that he is all for education but when you build a facility in an area that isn't built to handle it, there will be problems. He receives complaints from businesses about people using their parking lots and about parents who drop kids off on Telegraph and the kids have to cross Telegraph.

Mr. Borowski responded that once he became aware of parents using other parking lots he spoke to the businesses and asked that they let him know who is doing it. The kids have been told that they are not allowed to cross Telegraph. If students are found crossing Telegraph, they are suspended, and the parents must come and meet with him before the students are allowed to return to school. Three students had been suspended that day.

Tim Williams, Security, Bradford Academy, stated that when the one-way street was implemented the parents began parking on Garner, dropping kids off on Telegraph and using commercial parking lots. These issues did not exist prior to the one-way street.

Councilman Fracassi responded that the problems didn't exist because the problems were occurring in the Green Dolphin Subdivision. Don't blame the problems on Green Dolphin.

Mr. Borowski replied that Council's concerns reinforce the need for our policy regarding kids caught crossing Telegraph Road. The Academy did approach the City when the school was built and promised to do whatever needed to be done to make things work. There has been a positive change in the last twelve days.

Fred Bunker, 24201 Garner Street, stated that Green Dolphin has wanted a light on Telegraph for a long time. The State should pay for the traffic signal.

Council President Seymour stated that the City is frustrated because the City had no control over disruption of the neighborhood with the building of a school. If the school bussed the students there would not be a traffic issue.

Councilman Lattimore stated that he has serious concerns about students loitering at commercial businesses, in their lobbies when it rains and in their parking lots. He suggested that maybe the school should purchase the property on Telegraph for parents to drop their kids off. The City and the school need to work together to find a way to get students and parents to comply with safety rules.

Mr. Borowski replied that any student crossing Telegraph is suspended immediately and a meeting is held with the parents. Parents have been told that the school will support the City issuing tickets for violating traffic laws. He has spoken to the business owners in the area. The collision shop has invited students to come into their building when it rains.

Councilman Siver stated that the school generates a lot of money. The school needs to have serious negotiations with the owner of the property to the east of the school in an effort to help with traffic flow and make it safer for the kids.

Mr. Borowski responded that they have been looking at additional land for traffic and ball fields. He spoke to the collision shop owner and he indicated that Progressive is not going to build there. The school is looking into that property and two other pieces of property.

Councilman Siver stated that he received a letter from Ralph Marontate on Almira. Mr. Marontate suggested making Garner Street a one-way street for one hour each morning and one hour each afternoon. Some residents feel they are being penalized by the eliminating their ability to use Garner Street.

Councilman Frasier expressed real concern for the residents of Green Dolphin. There are a large number of kids walking to school at the same time kids are being dropped off at Bradford Academy. They have a legitimate reason for wanting Garner to be a one-way street. He doesn't know when the school talked to the City about parking but Council only found out about the school being built when all the trees were taken down.

Mr. Banda replied that the conversation took place after the trees had been removed and the site plan had been approved by the State of Michigan.

Councilwoman Jordan stated that the safety of the children is the most important. She appreciated Mr. Borowski coming before Council. Everyone needs to work together to come up with the best solution. This is not an us versus them situation.

Tim Cahoon, 23590 Edinburgh, President of Green Dolphin Association, stated that the association has worked with the Principal on various issues. He hopes to continue to have a working dialogue. There is a lot of traffic in the subdivision at the beginning and the end of the day. He has met with Bob Northrup and the Police Department on a few occasions to try and find a solution. He would like Mr. Northrup to have more time to study the situation. The current traffic control order expires prior to the next Council meeting. He urged Council to extend the order 120 days.

Mr. Bunker stated that no one on Garner Street signed the petition for a one-way street. Speeding is an issue. There is no monitoring of students loitering on residential property or illegal activities. The Police Department told him not to call GOTM anymore regarding activities in parking lot after hours. Chief Thomas said he does not have the personnel to monitor the lot.

Connie Williams, 23665 Brandywynne, thanked Council for listening to them. He asked for their support in extending the traffic control order. His concern is that someone might pay with their life by doing something stupid.

Councilman Lantz asked for a list of items that will be evaluated within the 120 days. Mr. Northrup responded that he will monitor the traffic flow, signal timing, and will try prohibiting turns at certain locations.

Councilman Lantz asked if signs prohibiting right turns into Green Dolphin could be added. Mr. Northrup replied that those signs are already in place. He offered to look into putting "No Stopping, Standing or Parking" signs on Edinburgh.

Lieutenant Hawkins stated that since September 10th officers have issued 47 tickets. Tickets were issued for driving the wrong way on Garner Street, speeding and non-moving violations.

Councilman Fracassi asked Mr. Northrup to evaluate having one-way traffic on Garner during specific times of the day

C-46-2008 Motion by Fracassi; 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. Councilman Lantz voted nay.

C-47-2008 Motion by Fracassi; seconded by Lattimore.

RESOLVED: that Council does hereby approve a Temporary Traffic Control Order making Garner Street a one-way street from Edinburgh to 220 feet east for an additional one hundred and twenty (120) days; and authorizes the Traffic Engineer to sign the Traffic Control Order. The Traffic Engineer is to report back to Council every thirty (30) days.

Motion passed. Councilman Lantz voted nay.

Next on the agenda was a request to cancel the meeting of October 14, 2008.

City Clerk Nancy Banks stated that there are two Committee-of-the-Whole Meetings scheduled back to back. The City Administrator indicated that both meetings can be combined into one meeting.

C-48-2008 Motion by Siver; seconded by Lattimore.

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-49-2008 Motion by Siver; seconded by Lattimore

RESOLVED: that Council does hereby cancel the Regular Meeting (conducted as a Committee-of-the-Whole) of October 14, 2008.

Motion passed unanimously.

Next on the agenda was the proposed Council Meeting Schedule for 2009.

City Clerk Nancy Banks stated that she would like to take the opportunity to discuss next year's meeting schedule. The proposed meeting schedule needs to be submitted to Community Relations by November 1st for the 2009 Calendar. In conversation with Mr. Scharret it was concluded that the City could improve the way business is done by holding fewer meetings. The recommendation was to have 28 meetings per year instead of the current 36. The City Administrator or Council President could add meetings at any time if it is deemed necessary.

Council President Seymour stated that reducing the number of meetings would give staff better time to prepare, given the reduction in staff.

Councilman Frasier stated that he does not want developer's projects delayed because of a decrease in meetings. It will be tough times for the foreseeable future. Council needs to discuss where the City is now and where the City is headed, at some point other than budget time.

Council President Seymour stated that she does not want to put staff into a position of having a meeting when there is nothing to discuss.

Ms. Banks suggested adding a Strategic Planning Meeting. Mr. Scharret agreed that a review of the Strategic Plan needs to be done.

Councilwoman Jordan stated that there is too much happening to cut back to two meetings a month. She recommended keeping the current schedule and Council can cancel meetings if need be.

Mr. Scharret replied that if the proposed schedule is too light it can be reconfigured. Some of the reductions are due to conferences and holidays. They were looking for Council's initial thoughts. In this economy the City should not hold up any developers for any reason.

Ms. Banks suggested bringing a revised schedule back to Council in two weeks. Mr. Scharret replied that it needs to be made clear to Mr. Banda that adding meetings for development is appropriate.

Councilman Fracassi stated that the west side of the City does not have a drug store or grocery store. There is not a good grocery store in the City with the exception of Meijers. Meijers does not take care of their landscaping.

Councilman Siver noted that the Foodland on Eight Mile is phenomenal. Mr. John Denha has delivered on everything he promised. Their produce is much better than Meijers.

Councilwoman Jordan agreed that there needs to be a meeting with Krogers and Meijers regarding their property and improving their service to the community.

Ms. Banks stated that she went to Meijers over the weekend and asked for a rain check. The cashier told her to go in, load up her cart and walk out because no one monitors doors. Mr. Scharret responded that the issue needs to go before the Neighborhood Services Committee.

Councilman Lattimore stated that the Kroger on Twelve Mile and Evergreen is overwhelmed because of the lack of stores in the City. They can't keep up with the demand.

Councilman Lantz stated that the owners of the Southfield Market are spending \$2 million to renovate the store. He asked the property owner to help improve the façade and was turned down.

Councilman Lantz stated that people are very unhappy with the Assessing Department. A resident requested information on property in Southfield and was told to go to the Library. The staff member finally relented and then charged a \$1.00 for it.

Councilman Lattimore replied that he is not making excuses but Assessing is very short staffed and are overwhelmed. People are calling and asking why their taxes haven't gone down if their property values have. Assessing needs to hire some help.

Councilman Lantz noted that an intern at the Treasurer's Office was answering questions he wasn't qualified to answer.

Mr. Scharret replied that he would convey these sentiments to the Treasurer's Office and Mayor's Office.

Councilman Frasier suggested that Human Resources look into customer service training.

Councilman Lattimore suggested turning off the voice mail. Just about any department you call, you get voice mail, with the exception of the City Clerk's Office, Administration and Treasurer's.

There being no further business, the Regular Meeting (conducted as a Committee-of-the-Whole) adjourned at 10:15 p.m., September 22, 2008, until the next Regular Meeting on October 6, 2008, in the Council Chambers of the Municipal Building, 26000 Evergreen Road, Southfield, Michigan.

Joan Seymour, Council President

Nancy L. M. Banks, City Clerk

