

**Approved
November 24, 2008**

SPECIAL MEETING
(CONDUCTED AS A COMMITTEE-OF-THE-WHOLE)
OF THE COUNCIL
CITY OF SOUTHFIELD
September 15, 2008

INDEX

<u>RESOLUTION</u>	<u>TOPIC</u>	<u>PAGE(S)</u>
*****	LIQUOR License Request from Eshaki Bros., LLC.....	1-2
*****	INGLENOOK Park Development Proposal.....	2-4
*****	INKSTER Road Water Main Relining.....	4-5
*****	REPLACEMENT of Guardrails on Beech Road Bridge.....	5

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MINUTES

September 15, 2008

The meeting of the Council convened at 5:00 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 liquor license request from Esshaki Bros., LLC.

Nancy Banks, City Clerk, stated that Esshaki Bros., LLC has filed an application to transfer a Class C Liquor License from Mary Goodman Bowling Company, located in escrow at 27 S. Squirrel, Auburn Hills, Michigan to 24528 Twelve Mile, Southfield, Michigan, to do business as Papa's Pizza Bar & Grill. The applicant is also requesting a new SDM license to be held in conjunction with the Class C license. All necessary documents and approvals have been received. The Police Department has made a favorable recommendation "pending final approval" from the Building Department and the Oakland County Health Department.

Kelly Allen, Attorney representing Esshaki Bros., LLC stated that Esshaki Bros., LLC currently owns four restaurants in the metro area. The new restaurant is currently under construction. It will be a full service restaurant. She requested a Rule 10 so that the owners could go back to work at the store.

Councilman Siver stated that the Regular Meeting at 7:00 p.m. will be televised and will provide an opportunity for the owners to advertise the new restaurant.

Councilman Frasier asked if they were requesting extended hours only or were they also seeking an entertainment permit. Ms. Allen replied that they are not seeking a dance or entertainment permit only Sunday hours.

Councilwoman Jordan asked when they planned to open. Ms. Allen replied November 1, 2008.

The consensus of Council was to refer the matter to the Regular Meeting of September 15, 2008.

At the request of Council President Seymour the Inglenook Park Development Proposal was moved up on the agenda.

Mr. Scharret stated that all parties have negotiated in good faith, but we were significantly apart on the essential elements of the proposed agreement. Therefore, he respectfully withdrew the item from further consideration.

Councilman Siver asked if the matter would be brought back at a later date or was the issue dead. Mr. Scharret replied that the issue appears to be dead. The two sides are far apart on essential elements.

Robert Jones, 29471 Marimoor, President of Sharon Meadows Subdivision, asked that if the matter is ever brought back before Council that homeowners be given more advance notice than they were this time and that the meeting be scheduled at a more accommodating time for the residents. Council President Seymour replied that the point was well taken regarding better notification if the matter is brought back.

Councilman Fracassi stated that Council has not taken any action on the matter. Letters were sent out at the suggestion of Councilman Siver. This meeting is a study session and no formal decision would have been made. Council was only notified around 4:00 or 4:30 that an agreement could not be reached. The proposed field would have been a tremendous asset for the kids in the community.

Richard Meltzer, 20850 Wink, stated that he was suppose to address Council tonight. It is relevant to put the information on the record.

Council President Seymour replied that the matter is dead and there is nothing to discuss.

Mr. Scharret stated that there were three elements they could not agree on. The City proposed sharing the cost of lighting up to \$500,000 and Brother Rice offered \$200,000 based on future equipment costs. The City was not in favor of advertising on the outfield fence. Brother Rice requested a 90 year contract.

Councilman Fracassi asked that Bill Waterhouse send a letter to Brother Rice thanking them for giving Southfield the opportunity.

Mr. Scharret responded that the City offered to rent Brother Rice space at the Civic Center ball diamond. The City negotiated in good faith.

Councilman Siver stated that the Council needs to have a philosophical discussion regarding Inglenook Park.

Councilman Frasier stated that at the MML Foundation Meeting they spoke about cities having to reinvent themselves. Adults, 24-35 years old, have a completely different outlook on their lifestyles. They find a place they want to live and then find a job there. If the City continues to do what made the City successful 30 years ago, the City will lose out. The City needs to start looking at what will attract people to buy homes in Southfield. The City needs to find a balance between those that are here now and those the City is trying to attract.

Councilwoman Jordan stated that it is a tough balance. Recently, two buses from Detroit, loaded with kids, were dropped off at Inglenook Park. She recommended putting in parking meters at the park. The City needs new sources of revenue. She asked that the matter be referred to Administration.

Councilman Fracassi asked if all park improvements come before Council. Mr. Scharret replied that the playscape came before Council and anything above \$10,000 comes before Council.

Councilman Fracassi stated that only one person in his subdivision opposed the Brother Rice proposal. However, the spokesman said he was representing the subdivision. The association is broke and the Secretary and Treasurer quit. The kids who use these fields are not represented here. He suggested putting the issue on the ballot and let the residents vote on the matter. People who live near the park are dictating what happens at the park even though they rarely use it.

Councilman Lantz stated that many of the people are coming from other communities. During Autumn Fest 700 hot dogs were handed out. Most of those in attendance were not residents. The City should charge non-residents.

Councilman Frasier replied that the City of Grosse Pointe lost a court case when they tried to control who used their parks.

Mr. Waterhouse replied that there were many residents at Autumn Fest. The gardeners are encouraged to invite guests to the event. He was happy with the turnout. He agreed that a better system was needed for handing out the hotdogs.

Councilman Lattimore stated that he continues to have issue with transients using our facilities. Federal grant money prohibits us from limiting who uses the park. He doesn't see an answer or a way to charge people to use the park. He asked if the public was informed of the playscape. He couldn't remember the public coming to a meeting to voice their opinion.

Mr. Waterhouse replied that people from the neighborhood participated in the design of the playscape. Their participation was required by the Federal government. Many times hotels will book family reunions and then rent buses to transport the family members. The hotels have asked us to build picnic shelters but have not offered funds to build them with.

Council President Seymour stated that when they had a meeting at the park the most vocal opponents lived on the other side of Twelve Mile. Those who live in the westernmost corner of the park were totally for the proposal.

Mr. Scharret stated that the next two items are previews of items coming up on the Regular Meeting agenda.

Next on the agenda was the Inkster Road Water Main Relining.

Mr. Scharret stated that a few years ago Inkster Road was resurfaced from Shiawassee to Nine Mile and the water main was replaced between Eight Mile and Shiawassee. The rehabilitation of the water main from Shiawassee to Nine Mile Road was deferred. The existing water main is over 50 years old and in poor condition. Due to relining technology the water main can be rehabilitated through the relining process. There have been three water main breaks on this section over the past year. They are requesting authorization to add on to an existing contract with LiquiForce Services, Inc. based on a competitive process. The quotation is in line with the previous bid price.

Councilman Frasier stated that this would be the second time the contract is extended. He does not want to get into a trap like the City did with HRC.

Rae Townsel, Purchasing Agent, stated that the City has two separate contracts with LiquiForce Services Inc. In September 2006 a three-year contract was approved for sewer relining and on January 22, 2008 Council approved a contract for water main relining. Both contracts were bid competitively on their own merits.

Councilman Frasier replied that he does not want the company to become the favorite son because they know the City of Southfield. Ms. Townsel replied that his point was well taken. Tab sheets for both bids are available.

Councilwoman Jordan asked at what point does the City look at renegotiating the contract for maintaining Inkster Road. Mr. Scharret replied that the City receives Act 51 monies to maintain Inkster Road.

Councilwoman Jordan stated that City trucks were being used to trim trees on the west side of Inkster Road. Mr. Mekjian replied that the City maintains the tree canopy over Inkster Road, however, they should not be trimming trees on private property. Mr. Scharret promised to report back to Council.

Mr. Beras stated that Act 51 was adopted in 1951. When Southfield became a City, it applied to be recognized as an Act 51 entity. Farmington Hills did not apply when they became a City. The City needs to ask the State to split the maintenance costs 50/50 between the two cities. The City needs to work with the State and the City of Farmington Hills. The pressure is on Farmington Hills to participate as the road continues to deteriorate.

Next on the agenda was the replacement of guard rails on the Beech Road Bridge between Nine and Ten Mile Roads.

Mr. Scharret stated that he is requesting permission to obtain bids to replace the guardrails on the Beech Road Bridge between Nine and Ten Mile Roads. The bridge itself is in good condition but the guardrail post connections have severely deteriorated. The structural integrity of the system has become compromised and corrective action should be taken prior to the onset of winter.

Councilman Siver stated that when the Neighborhood Services Committee voted on a breed specific ordinance for vicious dogs the vote was 3-2. He doesn't want to bring something forward if the votes aren't there to support it. There is general support for reviewing the current ordinance and possibly strengthen it. People's pets should not deny others the enjoyment of their homes. He suggested that the topic come back to another study meeting. He asked to change the directive to the City Attorney.

Mr. Beras replied that the Council has three options. One option is to adopt an ordinance banning pit bulls. A second option is to hire an animal control officer and make a decision based on their experience in 6 months or a year. The third option is to discuss improvements to the current ordinance.

The consensus of Council was for the City Attorney to comeback to Council with a review of the current ordinance and make suggestions to improve it.

There being no further business, the Regular Meeting (conducted as a Committee-of-the-Whole) adjourned at 6:40 p.m., September 15, 2008, until the next Regular Meeting on September 15, 2008, in the Council Chambers of the Municipal Building, 26000 Evergreen Road, Southfield, Michigan.

Joan Seymour, Council President

Nancy L. M. Banks, City Clerk