

CITY OF HUNTINGTON WOODS
REGULAR MEETING OF THE CITY COMMISSION
MINUTES
Tuesday, August 19, 2014

Mayor Gillham called the Meeting to order at 7:30 p.m.

PRESENT: Mayor Gillham, Mayor Pro-Tem Jenks, Commissioner Olsman, Commissioner Paul and Commissioner White, City Manager Sullivan and City Attorney Rosati

ABSENT: None

City Staff Present: City Clerk/Treasurer Solanskey, Finance Director Lehmann, Public Safety Director Pazuchowski, Public Works Manager Galed, City Engineer Tim Germaine of Nowak and Fraus and Zoning Administrator Hank Berry

APPROVAL OF AGENDA

Moved by Commissioner White and seconded by Commissioner Olsman to approve the Agenda for the meeting of August 19, 2014 with the following changes: Item #3 Detroit Zoo Building Permit Fees replaced with a discussion of hiring a "Flood Ombudsman" for a ninety day period and move Item #6 Right-Of-Way (ROW) Parking Spaces to the September 16, 2014 Agenda, and move the Presentation on the Agenda to follow County Commissioner Remarks.

Upon said resolution being put to a vote, the City Commission voted thereon as follows:

Ayes: Mayor Gillham, Mayor Pro Tem Jenks, Commissioner Paul, Commissioner Olsman and Commissioner White

Nays: None

Absent: None

The Mayor thereupon declared said Resolution adopted.

APPROVAL OF MINUTES

Moved by Commissioner Paul and supported by Commissioner Olsman to approve the minutes for the Regular Meeting of July 15, 2014, the Executive Session of July 15, 2014, the Special Meeting and the Executive Session August 7, 2014.

Upon said Resolution being put to a vote, the City Commission voted thereon as follows:

Ayes: Mayor Gillham, Mayor Pro Tem Jenks, Commissioner Paul, Commissioner Olsman and Commissioner White.

Nays: None

Absent: None

The Mayor thereupon declared said Resolution adopted.

COMMUNICATIONS

Communication from 2014 Berkley High School Senior All-Night Fundraising Team thanking the City for support.

Communication DTE Energy thanking the City for patience during recent power outages.

COUNTY COMMISSIONER REMARKS

County Commissioner Zack reported on the following:

- Oakland County will be providing a resource center for residents affected by the recent flooding and sewer back-up at the Southfield Civic Center on 8/20/2014 and 8/21/2014 staffed by State of Michigan and Homeland Security Staff.
- Oakland County Water Commissioner will join the meeting later tonight
- Two trucks have been secured from the Oakland County Road Commission for garbage pick-up but there are still landfill capacity issues.
- For those exposed to the sewer back-up water, vaccines for Hepatitis A and tetanus are available at the Oakland County Health Department at Catalpa and Greenfield.

PRESENTATION

Public Safety Director Pazuchowski presented Huntington Woods Public Safety Officers Jon Lences and Jason Brockdorff and Berkley Public Safety Officer Kurt Corradi with life saving recognition awards for measures taken to save the life of a 50-year old Huntington Woods woman.

PUBLIC PARTICIPATION

City Engineer Tim Germaine presented an overview of the heavy rainfall that occurred on August 11, 2014, the combined sewer system, the George W. Kuhn Drain system and the reasons for basement back-ups that occurred for many residents.

The rainfall on August 11, 2014 was a 100-year storm estimated to be 5-6 inches of rain. There was heavy rainfall over a long period of time. The regional George W. Kuhn Drain system was not built to accommodate the approximately 4 billion gallons of rain that fell on August 11, 2014. The flooding was not the result of any defects in the Huntington Woods system but was a result of the sheer volume of rainfall. Huntington Woods is a community with a lot of homes, driveways, sidewalks and roadways. Those impervious surfaces force a heavy rainfall into the storm drains. The cost of doubling the size of the George W. Kuhn Drain system is huge and cannot be fixed overnight.

City Engineer Tim Germaine then answered questions from the many residents in attendance. Asked what residents can do to prevent basement sewer back-up in the future, Mr. Germaine said there is really nothing residents can do for this kind of a heavy rainfall. He did suggest that residents keep gutters clean, install gutter extensions and consider the installation of a backflow preventer.

City Manager Sullivan explained that the staff has been working diligently.

- The City is now looking for alternatives to remove the debris from the flooding. She asked that residents not park in the street to allow easy access for the garbage trucks. Also, if residents have the opportunity, separate building materials from regular garbage and sewer soaked garbage.

- The City has contracted with a pest control firm. The flood material is not a typical food source for the rats but many rats may have been displaced by the flooding.
- She understands the frustration with the lack of communication by the City. An e-blast program will be implemented in the morning and asks that residents forward their e-mails addresses to receive updates.
- The Recreation Department and Public Safety have visited all residents 75 years of age and over and has indentified 14 that need help cleaning their basements.
- The City will be reducing building permit fees for basement reconstruction.
- Please fill out the form on the City website to report the damage.
- She understands that lives have been turned upside down by this event but the City asks for your patience.

State Representative Ellen Cogen Lipton said her office is assembling information and resources available through the Department of Human Services. A one-time cash assistance program may be available for disinfection and remediation of basements if the basement is primary living space. The application is on-line. The Red Cross has been contacted and may be available for assistance.

Linda Solomon of 8246 Huntington Road said the meeting should have been moved elsewhere to accommodate the overflow of residents. Mayor Gillham said the meeting is held at City Hall to allow cable broadcasting to those at home.

Amy Schlusel of 13147 Sherwood said the City had failed to communicate with the residents in the aftermath of the basement flooding and that a crisis plan needs to be in place.

RESOLUTION R-65-2014

Recession of Ordinance No. 564

Moved by Mayor Pro Tem Jenks and supported by Commissioner White to **Rescind** Ordinance No. 564, (an ordinance to amend article VII, Trees, of Chapter 14, Environment, of the code of Ordinances of the City of Huntington Woods to revise the regulations for trees on public property and add protection for trees on private property, and to provide penalties for violations thereof) that was adopted on June 17, 2014.

Upon said resolution being put to a vote, the City Commission voted thereon as follows:

Ayes: Mayor Gillham, Mayor Pro Tem Jenks,
Commissioner Paul, Commissioner Olsman and
Commissioner White

Nays: None

Absent: None

The Mayor thereupon declared said Resolution adopted.

ORDINANCE NO. 569

Moved by Commissioner Paul and supported by Commissioner Olsman to adopt Ordinance No. 569 (the former tree ordinance) An Ordinance to Amend Article VII, Trees, of Chapter 14, Environment, of the Code of Ordinances of the City of Huntington

Woods to Regulate Trees and Provide Protection thereof, and to Provide Penalties for Violations of the Ordinance.

Upon said resolution being put to a vote, the City Commission voted thereon as follows:

Ayes: Mayor Gillham, Mayor Pro Tem Jenks, Commissioner Paul, Commissioner Olsman and Commissioner White

Nays: None

Absent: None

The Mayor thereupon declared said Resolution adopted.

RESOLUTION R-66-2014

Permission to hire assistant to City Manager for a period of 90 days

Moved by Commissioner White and supported by Commissioner Olsman to authorize the City Manager to hire an assistant for a period of 90 days to coordinate flood related questions and relief.

Upon said resolution being put to a vote, the City Commission voted thereon as follows:

Ayes: Mayor Gillham, Mayor Pro Tem Jenks, Commissioner Paul, Commissioner Olsman and Commissioner White

Nays: None

Absent: None

The Mayor thereupon declared said Resolution adopted.

RESOLUTION R-67-2014

Approval of contract for Planning Services

Moved by Commissioner Olsman and supported by Commissioner Paul to approve contract with Carlisle/ Wortman Associates, Inc. for consultant services subject to review of the contract by City Attorney Carol Rosati.

Upon said resolution being put to a vote, the City Commission voted thereon as follows:

Ayes: Mayor Gillham, Mayor Pro Tem Jenks, Commissioner Paul, Commissioner Olsman and Commissioner White

Nays: None

Absent: None

The Mayor thereupon declared said Resolution adopted.

RESOLUTION R-68-2014

Appeal of order to remove tree at 26091 Salem

Homeowner Marie Harris of 26091 Salem stated she had received a letter from code Enforcement Officer Hank Berry ordering her to take down a tree at the rear of her property. She said the tree was inspected by her arborist who felt the tree was not dangerous and there were alternatives to taking the tree down.

Neighbors Steven and Francine Taylor felt the tree posed a hazard, that a limb from the tree had already fallen on their property and they no longer felt safe in their yard. The report from the arborist was irrelevant, that the tree was is leaning and a danger.

Moved by Commissioner White and supported by Commissioner Paul to require resident Marie Harris at 26091 Salem to take down the tree at the rear of her property due to safety issues with the tree.

Upon said resolution being put to a vote, the City Commission voted thereon as follows:

Ayes: Mayor Gillham, Mayor Pro Tem Jenks,
Commissioner Paul, Commissioner Olsman and
Commissioner White

Nays: None

Absent: None

The Mayor thereupon declared said Resolution adopted.

PRESENTATION

Oakland County Water Resources Commissioner Jim Nash talked about the storm on August 11, 2014, the history and impact on the George Kuhn Drain System. The GWK was built to protect river water from pollution by court order. His team is now in the process of collecting data and assessing the damage to the facility, which he estimates may be in the \$3 to \$5 million dollar range. The Water Resources Commission plans to hold meetings with the affected communities to determine what happened and to start the process of developing a long-term plan over the next 20 years.

RESOLUTION R-69-2014

Bid Award

Moved by Commissioner White and supported by Mayor Pro Tem Jenks that the City of Huntington Woods purchase one (1) Model AR13D diesel Vibratory Roller from Team Equipment Co., 22707 Schoenherr Road, Warren, MI for a total delivered price of \$18,800.00

Upon said resolution being put to a vote, the City Commission voted thereon as follows:

Ayes: Mayor Gillham, Mayor Pro Tem Jenks,
Commissioner Paul, Commissioner Olsman and
Commissioner White

Nays: None

Absent: None

The Mayor thereupon declared said Resolution adopted.

RESOLUTION R-70-2014

Financing for V-Body Dump Truck

Moved by Mayor Pro Tem Jenks and supported by Commissioner Olsman that the City of Huntington Woods enter into a five (5) year agreement for financing of the V-Body Dump Truck with One World Financing of Oak Park, MI under 1933 P.A. 99 as amended.

Upon said resolution being put to a vote, the City Commission voted thereon as follows:

Ayes: Mayor Gillham, Mayor Pro Tem Jenks,
Commissioner Paul, Commissioner Olsman and
Commissioner White

Nays: None

Absent: None

The Mayor thereupon declared said Resolution adopted.

ORDINANCE NO. 570

Moved by Commissioner Olsman and supported by Commissioner Paul to adopt Ordinance No. 570 an Ordinance to Amend Chapter 24, "Offenses" Article VIII, "Offenses Pertaining to Underage Person," Division 2, "Alcohol Liquors," of the Code of Ordinances of the City of Huntington Woods, by Amending Section 24-439, "Purchase, Consumption or Possession by Persons Under 21".

Upon said resolution being put to a vote, the City Commission voted thereon as follows:

Ayes: Mayor Gillham, Mayor Pro Tem Jenks,
Commissioner Paul, Commissioner Olsman and
Commissioner White

Nays: None

Absent: None

The Mayor thereupon declared said Resolution adopted.

**CITY OF HUNTINGTON WOODS
OAKLAND COUNTY, MICHIGAN
ORDINANCE NO. 570**

AN ORDINANCE TO AMEND CHAPTER 24, "OFFENSES," ARTICLE VIII, "OFFENSES PERTAINING TO UNDERAGE PERSON," DIVISION 2, "ALCOHOLIC LIQUORS," OF THE CODE OF ORDINANCES OF THE CITY OF HUNTINGTON WOODS, BY

AMENDING SECTION 24-439, "PURCHASE, CONSUMPTION OR POSSESSION BY PERSONS UNDER 21".

THE CITY OF HUNTINGTON WOODS ORDAINS:

SECTION 1. Section 24-439, Purchase, consumption or possession by persons under 21, is hereby amended to read as follows:

Sec. 24-439, Purchase, consumption or possession by persons under 21.

(a) – (e) [Unchanged]

(f) A peace officer who has reasonable cause to believe a person under 21 years of age has consumed alcoholic liquor or has any bodily alcohol content may ~~require~~ request the person to submit to a preliminary chemical breath analysis. A peace officer may arrest a person based in whole or in part upon the results of a preliminary chemical breath analysis. The results of a preliminary chemical breath analysis or other acceptable blood alcohol test are admissible in a criminal prosecution to determine whether the person has consumed or possessed alcoholic liquor or had any bodily alcohol content. ~~A person who refuses to submit to a preliminary chemical breath test analysis as required in this subsection is responsible for a state civil infraction and may be ordered to pay a civil fine of not more than \$100.00.~~

(g) – (o) [Unchanged]

SECTION 2. Severability. No other portion, paragraph or phrase of the Code of Ordinances of the City of Huntington Woods shall be affected by this ordinance except as to the above section, and in the event any portion, section or subsection of this ordinance shall be held invalid for any reason, such invalidation shall not be construed to affect the validity of any other part or portion of this ordinance or of the Code of Ordinances of the City of Huntington Woods.

SECTION 3. Effective Date. This ordinance shall be effective twenty (20) days from the date of adoption and shall be published as required by the Charter of the City of Huntington Woods.

MADE, PASSED AND ADOPTED by the Commission of the City of Huntington Woods on this 17th day of August, 2014.

RONALD F. GILLHAM, MAYOR

RESOLUTION R-71-2014
MML Delegate and Alternate

Moved by Commissioner Paul and supported by Commissioner Olsman to appoint Mayor Pro Tem Jenks as Delegate and Commissioner White as the Alternate to the Michigan Municipal League Annual Meeting scheduled for October 15-17, 2014 in Marquette, MI.

Upon said resolution being put to a vote, the City Commission voted thereon as follows:

Ayes: Mayor Gillham, Mayor Pro Tem Jenks,
Commissioner Paul, Commissioner Olsman and
Commissioner White

Nays: None

Absent: None

The Mayor thereupon declared said Resolution adopted.

RESOLUTION R-72-2014

MERS Delegates

Moved by Commissioner Olsman and supported by Mayor Pro Tem Jenks to appoint Billy Spencer as Employee Delegate and Tony Lehmann as Officer Delegate to the Municipal Employees Retirement System Annual Meeting at the Detroit Marriott Renaissance Center on September 24-26, 2014.

Upon said resolution being put to a vote, the City Commission voted thereon as follows:

Ayes: Mayor Gillham, Mayor Pro Tem Jenks, Commissioner Paul, Commissioner Olsman and Commissioner White

Nays: None

Absent: None

The Mayor thereupon declared said Resolution adopted.

The following reports and minutes were brought in front of the City Commission.

- a. Treasurer's Report, June, 2014

The reports and minutes were received and filed.

WARRANT 288

Moved by Commissioner Paul and supported by Commissioner Olsman that the attached transfers and disbursements as listed on the Accounts Payable Distribution Report due by August 19, 2014 and paid between July 12, 2014 and August 15, 2014 on pages 1 through 12 in the amount of \$1,300,619.22 be approved and paid, subject to full audit.

Upon said resolution being put to a vote, the City Commission voted thereon as follows:

Carried unanimously

The Mayor thereupon declared said Resolution adopted.

PUBLIC PARTICIPATION

Steven Behrmann of 26066 Hendrie expressed concern that he was not allowed to comment tonight before the City Commission rescinded the tree ordinance that was passed on June 17, 2014. He stated that he was a member of the tree task force that spent countless hours over a number of years to write the ordinance. The ordinance was reviewed by numerous City boards and had the unanimous approval of all. He feels that those opposing the ordinance are concerned more about the principle of the intrusion of government than the practical workings of the ordinance itself. The tree canopy is disappearing and this ordinance should be allowed to exist for a period of 1- year and then if necessary, re-examined.

Commissioner Paul said he feels strongly that the ordinance is a basis for a good ordinance but the City needs to step back.

Commissioner White said she feels badly Mr. Behrmann was not allowed to talk earlier and his time and efforts are not disregarded. The City Commission bears the responsibility for better communication with the residents.

Robert Lebow of 10535 LaSalle said the importance of trees was evident in the absorption of water and drainage given the recent heavy rainfall. There was less flooding in his basement due to the tree in his yard.

Keith Miller of 25126 W. Roycourt asked that the City have the garbage removed from the basement flooding as soon as possible.

CITY MANAGER REPORT

City Manager Sullivan noted that it is her six- month anniversary.

COMMISSIONER'S REMARKS

Commissioner Paul had no comments.

Commissioner Olsman acknowledged that democracy is a messy process and the tree ordinance will start anew. The criticism about communication with the residents is valid.

Commissioner White said in times of desperation should look to humor so she is calling this basement flooding Latrina. She knows there is a frustration level over many items lost including family heirlooms.

Mayor Pro Tem Jenks thanked Amy for her revisions to the City website. He said it is always easy to criticize but hard to come up with the solutions.

Mayor Gillham said he had nothing to add except there is a lot of work to do.

The Regular City Commission Meeting adjourned at 11:05 pm.

Joy Solanskey, City Clerk

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Ronald Gillham, Mayor