

CITY OF HUNTINGTON WOODS  
REGULAR MEETING OF THE CITY COMMISSION  
MINUTES  
Tuesday, May 16, 2017  
7:30 p.m.

Mayor Paul called the Meeting to order at 7:31 p.m.

PRESENT: Mayor Paul, Mayor Pro Tem Olsman, Commissioner Iversen, Commissioner Jenks and Commissioner Rozell, City Manager Sullivan and City Attorney Rosati

ABSENT: None

City Staff Present: City Clerk/Treasurer Solanskey, Parks and Recreation Director Gustafson, Public Works Manager Mader, Public Safety Director Pazuchowski

APPROVAL OF AGENDA

Moved by Commissioner Olsman and supported by Commissioner Rozell to approve the agenda with the addition of item #7a, discussion to suspend enforcement of Ordinance No. 589 with regard to solicitors and canvassers.

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

Ayes: Mayor Paul, Mayor Pro Tem Olsman,  
Commissioner Iversen, Commissioner Jenks and  
Commissioner Rozell

Nays: None

Absent: None

The Mayor thereupon declared said Resolution adopted.

APPROVAL OF MINUTES

Moved by Commissioner Iversen and supported by Commissioner Jenks to approve the minutes of the Regular Meeting of April 25, 2017 and the Work Session of May 2, 2017.

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

Ayes: Mayor Paul, Mayor Pro Tem Olsman,  
Commissioner Jenks, Commissioner Iversen and  
Commissioner Rozell

Nays: None

Absent: None

The Mayor thereupon declared said Resolution adopted.

### COMMUNICATIONS

A communication from Wow announcing an increase in Internet, Cable and Phone service fees.

Communication from Earl Bogrow resigning from the Environmental Advisory Committee due to business conflicts.

Moved by Commissioner Rozell and supported by Commissioner Iversen to accept the resignation of Earl Bogrow from the Environmental Advisory Committee.

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

Ayes: Mayor Paul, Mayor Pro Tem Olsman,  
Commissioner Jenks, Commissioner Iversen and  
Commissioner Rozell

Nays: None

Absent: None

The Mayor thereupon declared said Resolution adopted.

### COUNTY COMMISSIONER AND ELECTED OFFICIAL REMARKS

County Commissioner Zack reported:

- The Regional Transit Authority is hosting a Board retreat at the Kulick Community Center in Ferndale to set transportation mission and vision for the future.
- A report of Oakland County Park usage is available sorted by zip code. The report may be helpful in encouraging Oakland County to invest more in parks in this southern end of the County.
- Oakland County for the 2<sup>nd</sup> year will be distributing money to communities allocated for local roads. This item is in the Oakland County budget through 2022.

### PUBLIC PARTICIPATION

Kathy Krauskopf of 26099 York reported on the organization “All Hands On Deck” to raise awareness to protect the Great Lakes at the local, state and federal levels. The organization is hosting events at many parks along the Great Lakes on July 3, 2017 at 10 am. Local events will be held at the Milliken State Park Wetlands on the Detroit Riverfront and the beach on Belle Isle.

### PROCLAMATION

Mayor Paul read a proclamation recognizing retired DPW Manager Claire Galed.

### PUBLIC HEARING

Matter of receiving public input on the proposed 2017/2018 City Budget in accordance with Chapter IX, Section 8, of the City Charter.

Mayor Paul opened the Public Hearing at 7:47 pm.

City Manager Sullivan reported a slight increase in the City millage rate due to road bonds. Millage will increase from 22.37 mils to 23.15 mils. A 3% increase in water rates is also in the proposed budget.

Hearing no public comment Mayor Paul closed the public hearing at 7:48 pm.

RESOLUTION R-29-2017

Adoption of City Budget

Moved by Mayor Pro Tem Olsman and supported by Commissioner Jenks to adopt the City Budget for the Fiscal Year commencing July 1, 2017 and ending June 30, 2017.

Commissioner Iversen stated she had a concern about a couple of capital expenditures included in the budget. The \$65,000 budgeted for a new City Commission Chambers desk and chairs seems excessive, the \$85,000 budgeted for Peasley Park as well as the money budgeted for new Library furniture also seem excessive. She doesn't believe any of these items are urgent and the \$180,000 could be set aside for other items.

Mayor Paul stated that even though these items are in the budget, each would require City Commission approval before the money is spent.

Commissioner Jenks said he disagrees with Commissioner Iversen regarding money spent for Parks and the Library. He believes the City is known for its parks and Library. The City needs to increase the population and those items attract families with young children.

Commissioner Olsman said he agrees with both his colleagues. The money budgeted for the Commission Chambers seems excessive when what is really needed is new chairs. The value of what you get spending money on the Parks and Library is incalculable in enhancing the value of the homes in the City.

Commissioner Rozell said he recognizes as we move forward we are going to face some financial challenges but these items will be revisited as they come back for approval. He appreciates his colleagues comments as revenues are becoming tighter and expenditures are growing.

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

Ayes: Mayor Paul, Mayor Pro Tem Olsman,  
Commissioner Iversen, Commissioner Jenks and  
Commissioner Rozell

Nays: None

Absent: None

The Mayor thereupon declared said Resolution adopted.

APPROPRIATION/MILLAGE RATE RESOLUTION - MAY 2017

BE IT RESOLVED that this resolution shall be the General Appropriation Act of the City of Huntington Woods for the fiscal year July 1, 2017 through June 30, 2018, the Act to make appropriations and to provide for the disposition of all income received by the City of Huntington Woods.

BE IT FURTHER RESOLVED that the budgeted revenue including re-appropriation of fund balances for the fiscal year is as follows:

GENERAL FUND REVENUES

Property Taxes	5,892,040.
Licenses and Permits	475,350.
State and Federal Revenue	564,470.
User Fees and Miscellaneous	547,250.
Fund Balance Appropriation	154,620.
General Fund Revenues	7,633,740

BE IT FURTHER RESOLVED that the budgeted expenditures for the fiscal year beginning July 1, 2017, and ending June 30, 2018, are hereby appropriated on a departmental, activity, and fund total basis as follows:

GENERAL FUND  
EXPENDITURES

Commission	27,500.
Administration	1,183,390.
Public Safety	3,147,290.
Public Services	439,350.
Library	526,410.
Contingent	---
General Liability	181,600.
Transfers	2,128,200.
General Fund Expenditures	<u>7,633,740.</u>

OTHER FUNDS

Major Street	478,370.
Local Street	307,660.
Recreation	2,057,530.
Debt - GWK Drain Bond	264,120.
Debt - 11 Mile Road Bond	98,130.
Debt - 2010 Road REZEB Bond	380,890.
Debt - 2012 Road Bond	279,100.
Debt - 2014 Road Bond	405,250.
Debt - 2017 Road Bond	145,600.
Capital Facilities	474,500.
Sanitation	575,402.
Water	2,667,270.
Equipment	440,060
Post Retirement	530,800
Construction Road	1,338,050
Construction Sidewalk	1,150,300

BE IT FURTHER RESOLVED that the administration continue to follow the revised Charter and amended ordinances with regard to the budget preparation, implementation, and purchasing requirements, including emergency purchases, and that all necessary adjustments in user fees for all funds be implemented as indicted in the final budget document, and

BE IT FURTHER RESOLVED that the City Commission in adopting the budget for the Water Fund sets the rate for metered water consumption at \$12.50 per 100.25/cu ft., and a capital projects fee of \$68.00 per year/per household, and that such rates will be in effect on the first billing period after July 1, 2017, and

BE IT FURTHER RESOLVED that the City Commission hereby authorizes the use of a Budget Stabilization Fund as per 1978 P.A. 30, §141.44 - 141.445 compiled laws of 1979. for the sole purpose of setting aside funds to be used for budget stabilization as per the Act.

BE IT FURTHER RESOLVED that the City Commission in adopting the budget for the General Fund sets the rate for the redistribution of PEG (Public, Education, and Government) fees at 0% of the base 1% PEG revenue received by the City of Huntington Woods from Franchise agreements through its Cable Television providers.

BE IT FURTHER RESOLVED that the City Manager and/or Finance Officer be authorized to create new appropriation centers or activities through the budget, as necessary, and disclose same to the Commission through monthly budget reports. And further, that the City Manager and/or Finance Officer be authorized to make necessary changes between funds, activities, accounts and reserves as required by law and authorized by adoption of the budget documents and this appropriation resolution. Any adjustments will not change the appropriated fund total for expenses as approved in this resolution and will be disclosed to the Commission through monthly budget reports, and

BE IT FURTHER RESOLVED that by approving the Appropriations Resolution the Commission authorizes the expenditures provided for in the Budget, in keeping with proper procurement procedures as outlined in the Charter and Purchasing Ordinance, and

BE IT FURTHER RESOLVED that all transfers from the contingent account be made upon further action by the Huntington Woods City Commission. Extraordinary expenses not foreseen in this budget will be disclosed to the Commission in keeping with the Charter and State Laws, and

BE IT FURTHER RESOLVED that the City approve a five year capital planning budget as presented in the budget document and that the five year capital needs assessment combined with the CIP Capital Planning Budget be made available to the City Planning Commission as per State of Michigan P.A. 33 Of March 2008.

BE IT FURTHER RESOLVED that the following Millage Rates be levied as approved by the Commission for the fiscal year July 1, 2017 through June 30, 2018 and,

G.F. Operating (including over-ride)	17.1220
1998 Override (recreation facilities)	0.1985
Sanitation	1.6167
Rackham Defense Fund	<u>0.0000</u>
Total Operating Millage	<u>18.9372</u>

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BE IT FURTHER RESOLVED that the following millage rate be levied for the purposes of debt retirement, as approved by the City Commission, and that the total millage rate for operation and debt retirement be 23.1591 dollars per thousand dollars of taxable value.

GWK Drain Debt	0.6630
2010 UTGO Road Debt	0.9628
2012 UTGO Road Debt	0.8726
2014 UTGO Road Debt	1.2404
2017 UTGO Road Debt	.4831
Total Debt	<u>4.2219</u>
Total Levy	<u>23.1591</u>

NOW THEREFORE BE IT RESOLVED that the passage of this annual appropriation and millage rate resolution is authorized for the expenditures cited hereby within the budget documentation incorporated herein.

### RESOLUTION R-30-2017 Tax Administration Fee

Moved by Commissioner Iversen and supported by Commissioner Jenks to authorize the collection of tax administration fee in accordance with P.A. 503 of 1982.

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

Ayes: Mayor Paul, Mayor Pro Tem Olsman,  
Commissioner Iversen, Commissioner Jenks and  
Commissioner Rozell

Nays: None

Absent: None

The Mayor thereupon declared said Resolution adopted.

### **TAX ADMINISTRATION FEE RESOLUTION**

WHEREAS, The City Treasurer of the City of Huntington Woods collects property taxes levied by the City and by the following units of government and public authorities:

Berkley School District	Oakland Intermediate Schools	Art Institute
Royal Oak School District	State of Michigan	
Oakland Community College	Zoological Society	
Oakland County	Transportation Authority	

WHEREAS, Act 503 of the Public Acts of 1982, as amended, provides that with respect to property taxes voluntarily paid before February 15th of the succeeding year, the local tax collecting unit may authorize the Treasurer to add a 1% property tax administration fee for the purpose of offsetting costs incurred by the collecting unit in assessing property values, collecting the property tax levies, and in the review and appeal process; and

WHEREAS, Act 133 of the Public Acts of 1982, as amended, provides that on tax levies that become liens in 1983 or any year thereafter, the Treasurer actually performing the collection of a summer property tax levy of a school district or intermediate school district to collect and retain similar fees and charges on taxes paid before March 1st of the succeeding year; and

WHEREAS, Act 503 of the Public Acts of 1982, as amended, provides that on tax levies that become liens in 1983 or any year thereafter, the Local Treasurer shall not impose a property tax administration fee or late penalty charge authorized by law or charter unless the governing body of the local property tax collecting unit approves, by resolution or ordinance, an authorization for the imposition of such fees and charges, which authorization shall be valid for all levies that become liens after the resolution or ordinance is adopted.

NOW THEREFORE, BE IT RESOLVED THAT:

1. The City Treasurer is hereby authorized to add to and collect a property tax administration fee in the amount of 1% on property taxes collected by the City of Huntington Woods for taxing units other than the City of Huntington Woods which become a lien on July 1st, and December 1st which are voluntarily paid before February 15th of the succeeding year.
2. The City Treasurer is hereby authorized to add to and collect a property tax administration fee in the amount of 1% together with a late penalty charge in the amount of 3%, on all taxes collected by the Treasurer which become a lien on December 1st of any year and are paid after February 14th and before March 1st of the succeeding year. Property taxes which become a lien on July 1st of any year and are paid after August 10th of the same year, will be assessed a 1% penalty per month unless one half of such taxes are paid on or before August 10th of the same year and the remaining one-half are paid on or before October 31st of the same year. If the remaining one-half of such taxes are not paid on or before October 31st, then such taxes will be subject to a 1% penalty per month from August 10th preceding, not to exceed the maximum fee and penalty charge of 7%.
3. The property tax administration fee and late penalty charge authorized by this resolution is effective on all levies that become liens in 1983 or any year thereafter, and shall remain in effect until amended or repealed by the Commission of the City of Huntington Woods.
4. All resolutions or parts of resolutions which are inconsistent with this resolution be, and the same are, hereby assigned.

#### **RESOLUTION R-31-2017**

Transfer delinquent water to 2017 summer tax bill

Moved by Commissioner Rozell and supported by Commissioner Iversen that the City Treasurer be authorized to transfer the City's

Delinquent Water Bills for the following accounts, to the 2017 Summer Tax Roll of The City of Huntington Woods, in accordance with Chapter 19, Section 2.87 of the City Code.

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

Ayes: Mayor Paul, Mayor Pro Tem Olsman, Commissioner Iversen, Commissioner Jenks and Commissioner Rozell

Nays: None

Absent: None

The Mayor thereupon declared said Resolution adopted.

**DELINQUENT WATER TRANSFER TO TAX ROLL 2017**

<b>PARCEL ID</b>	<b>ACCOUNT NUMBER</b>	<b>AMOUNT</b>	<b>with addtl 4% interest</b>
25-20-308-017	4012990	\$ 206.29	\$ 214.54
25-20-302-003	5014190	\$ 218.06	\$ 226.78
25-20-207-025	6018390	\$ 811.05	\$ 843.49
25-20-208-003	6018870	\$ 1,907.54	\$ 1,983.84
25-20-203-020	6018170	\$ 35.24	\$ 36.65
25-20-127-008	3007120	\$ 1,642.38	\$ 1,708.08
25-20-104-004	3008950	\$ 749.22	\$ 779.19
25-21-305-013	2003300	\$ 341.75	\$ 355.42
25-21-181-009	1001300	\$ 1,056.58	\$ 1,098.84
25-21-102-004	2004950	\$ 517.37	\$ 538.06
25-20-226-010	6015990	\$ 597.29	\$ 621.18
25-20-201-012	6016140	\$ 1,349.32	\$ 1,403.29
25-20-259-015	8022460	\$ 64.35	\$ 66.92
25-20-254-003	8022700	\$ 257.69	\$ 268.00
25-20-253-018	8021850	\$ 105.38	\$ 109.60
25-20-159-001	4010410	\$ 861.55	\$ 896.01
25-20-153-012	4010160	\$ 1,009.74	\$ 1,050.13
25-20-257-007	7020680	\$ 536.23	\$ 557.68
25-20-256-017	7020140	\$ 1,412.34	\$ 1,468.83
25-20-252-002	7020880	\$ 1,550.26	\$ 1,612.27
25-20-156-013	4009530	\$ 304.28	\$ 316.45
25-21-156-004	2003780	\$ 764.95	\$ 795.55
25-21-333-029	1001410	\$ 207.44	\$ 215.74
25-21-152-014	2005300	\$ 864.62	\$ 899.20
25-21-105-020	2005460	\$ 1,337.35	\$ 1,390.84
25-21-102-017	2005070	\$ 446.11	\$ 463.95
25-21-332-010	1002070	\$ 2,671.18	\$ 2,778.03
25-21-328-019	1002240	\$ 836.19	\$ 869.64
25-21-106-015	2004800	\$ 1,258.30	\$ 1,308.63
25-21-106-014	2004810	\$ 61.25	\$ 63.70
25-21-104-009	2004360	\$ 823.50	\$ 856.44
25-20-226-017	6016590	\$ 2,189.66	\$ 2,277.25
25-20-206-017	6016880	\$ 597.08	\$ 620.96
25-20-202-016	6017050	\$ 99.66	\$ 103.65
25-20-130-002	3006170	\$ 855.36	\$ 889.57
25-20-105-018	3007940	\$ 437.97	\$ 455.49
25-20-105-013	3007890	\$ 725.69	\$ 754.72
25-20-101-004	3007800	\$ 1,103.05	\$ 1,147.17
25-20-228-013	6017710	\$ 462.58	\$ 481.08
25-20-227-017	6017540	\$ 99.43	\$ 103.41
25-20-207-004	6017940	\$ 296.90	\$ 308.78

25-20-260-002	8023430	\$	1,391.97	\$	1,447.65
25-20-182-014	3006950	\$	1,203.92	\$	1,252.08
25-20-182-011	3006980	\$	18.60	\$	19.34
25-20-177-008	3007380	\$	106.64	\$	110.91
25-20-159-022	4010510	\$	65.10	\$	67.70
25-20-159-016	4010450	\$	772.74	\$	803.65
25-20-404-018	8024580	\$	368.21	\$	382.94
25-20-307-008	5013180	\$	1,012.52	\$	1,053.02
25-20-260-014	8023310	\$	233.48	\$	242.82
25-20-277-026	7021300	\$	1,233.98	\$	1,283.34
25-20-253-008	7021750	\$	1,785.54	\$	1,856.96
25-20-176-005	3007290	\$	1,392.34	\$	1,448.03
25-20-379-003	5014920	\$	1,215.38	\$	1,264.00
25-20-378-016	5015390	\$	1,248.56	\$	1,298.50
25-20-332-014	5015400	\$	1,112.69	\$	1,157.20
25-20-378-011	5015340	\$	995.59	\$	1,035.41
25-20-376-021	4011740	\$	2,086.71	\$	2,170.18
25-20-378-002	5015310	\$	1,397.73	\$	1,453.64
25-21-304-016	2003600	\$	655.06	\$	681.26
25-20-379-017	5014720	\$	2,725.57	\$	2,834.59
25-20-304-011	5013790	\$	687.63	\$	715.14
25-20-305-013	5013550	\$	1,012.44	\$	1,052.94
25-20-303-015	5013680	\$	263.62	\$	274.16
25-20-332-010	5015440	\$	1,376.99	\$	1,432.07
25-20-251-013	7019850	\$	788.76	\$	820.31
25-20-156-002	4009280	\$	298.18	\$	310.11
25-20-104-018	3009060	\$	303.35	\$	315.48
25-20-404-001	8024260	\$	884.28	\$	919.65
25-20-327-004	5014380	\$	98.73	\$	102.68
25-20-326-002	5014280	\$	568.28	\$	591.01
25-20-353-028	4012100	\$	30.53	\$	31.75
25-20-376-016	4011650	\$	969.62	\$	1,008.40
25-20-351-018	4012420	\$	932.79	\$	970.10
25-20-353-003	4012360	\$	495.04	\$	514.84
25-21-103-006	1000020	\$	442.88	\$	460.60
25-21-105-010	2005880	\$	1,336.13	\$	1,389.58
25-21-182-011	1000570	\$	137.25	\$	142.74
25-21-103-011	1000170	\$	445.62	\$	463.44
			\$63,766.63	\$	66,317.30

RESOLUTION R-32-2017  
 Purchase of Morbark chipper

Moved by Commissioner Jenks and supported by Mayor Pro Tem Rozell that the City of Huntington Woods appropriate from General Fund, Fund Balance \$45,000.00 that will be transferred to the Equipment Fund.

Further be it resolved that the City will purchase (1) Morbark M15RX model BC1500 chipper as bid on October 27, 2016 and awarded by resolution on December 5, 2016 to Morback Co. Box 1000 Winn, Michigan 48896 for \$48,491.25 as approved by the City of Berkley, Michigan under the provision of the City of Huntington Woods cooperative purchasing ordinance §2.580 Cooperative purchasing less



any applicable trade in value of the 1995 bandit chipper, estimated at \$4,682.50, net cost \$43,808.75.

Further, be it resolved that the City of Huntington Woods will endeavor to complete discussions with SOCRRA for annual chipping services that would cover the month of May 1 – November 30. And that chipping for the period December 1 – April 30<sup>th</sup> be done in house.

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

Ayes: Mayor Paul, Mayor Pro Tem Olsman Commissioner Iversen, Commissioner Jenks and Commissioner Rozell

Nays: None

Absent: None

The Mayor thereupon declared said Resolution adopted.

#### RESOLUTION R-33-2017

#### CDBG Opt In Agreement with Oakland County

Moved by Mayor Pro Tem Olsman and supported by Commissioner Jenks that the City of Huntington Woods resolves to opt into Oakland County's Urban County Community Development Block Grant (CDBG) program for the years 2018-2019 and 2020. Furthermore, we resolve to remain in Oakland County's Urban and Community Development programs, which shall be automatically renewed in successive three-year qualification periods of time, or until such time that it is in the best interest of the local Community to terminate the agreement.

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

Ayes: Mayor Paul, Mayor Pro Tem Olsman Commissioner Iversen, Commissioner Jenks and Commissioner Rozell

Nays: None

Absent: None

The Mayor thereupon declared said Resolution adopted.

#### RESOLUTION R-34-2017

#### Appointment to Environmental Advisory Committee

Moved by Commissioner Rozell and seconded by Commissioner Olsman to appoint Julie Petrik to the Environmental Advisory Committee for the balance of the term vacated by Earl Bogrow.

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

Ayes: Mayor Paul, Mayor Pro Tem Olsman Commissioner Iversen, Commissioner Jenks and Commissioner Rozell

Nays: None

Absent: None

The Mayor thereupon declared said Resolution adopted.

City Attorney Rosati explained the City Charter of the City of Huntington Woods allows an Ordinance to be introduced and adopted at the same City Commission Meeting. She proposes an introduction and first reading of an ordinance at a meeting and then second reading and possible adoption at a later meeting. This would allow the public and City Commissioners to look at and comment on the ordinance before passage.

Commissioner Rozell said Huntington Woods is one of the few communities that does not do a first and second reading. Benefits to first and second reading are increased public participation and amendments not made on the fly at a meeting. The City Commission does have the option of emergency adoption but as a general matter a first and second reading should be done.

RESOLUTION R-35-2017

Moratorium of enforcement of portions of Ordinance No. 589

Moved by Commissioner Olsman and seconded by Commissioner Rozell to place a temporary moratorium on the enforcement of the portions of Ordinance No. 589 dealing with the non-commercial activity of solicitors, canvassers and handbills.

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

Ayes: Mayor Paul, Mayor Pro Tem Olsman Commissioner Iversen, Commissioner Jenks and Commissioner Rozell

Nays: None

Absent: None

The Mayor thereupon declared said Resolution adopted.

RESOLUTION R-36-2017

Introduction and first reading of an Ordinance to Amend the City of Huntington Woods Code of Ordinances to Replace in its entirety Chapter 28, Peddlers, Solicitors, Canvassers and Handbills, and to Adopt a New Chapter 28, Articles I through VI, to Regulate or Address Peddlers, Solicitors, Canvassers and Unsolicited Written Materials; and to Provide for Penalties for Violation thereof.

City Attorney Rosati explained the City had received a number of calls from residents concerned about solicitors knocking on doors late at night which lead to the passage of Ordinance No. 589 on March 28, 2017. Since then questions have been raised on whether the new ordinance complies with first amendment rights. This is a confusing area of the law. We do have to treat all kinds of speech the same whether religious, political or ideological. What is before the commission tonight is an

ordinance that would make major amendments to the ordinance that exists now. Basically, the new ordinance would remove any regulation of solicitors or canvassers. With respect to solicitors, since they may be asking for money, the new ordinance asks that they let the City know they are in town so if a call is received we will be able to answer questions. Peddler's regulations are needed for the community to protect against crime and fraud. Also looking at revamping the handbill section of the ordinance in it's entirety.

Mayor Pro Tem Olsman said when this ordinance passed in March it was in response to resident complaints, it wasn't initiated by the City Commission. When you go to solve one problem you create another. One of our residents contacted us after the passage of the ordinance voicing concern about the political speech section of the ordinance. Professor Robert Sedler of Wayne State reviewed the ordinance and agreed the political speech component of the ordinance was not constitutional. I believe we have a workable ordinance but would ask that sections 28.25 and 28.26 of the new ordinance be suspended.

Commissioner Rozell agreed with Mayor Pro Tem Olsman's comments regarding the elimination of section 28.25. Throwing or scattering of materials in public places would be littering. The distribution of materials in public places especially on election day is protected in public statute. He asked if the City has "no soliciting" and/or "no handbill" stickers that could be made available to residents at cost.

City Attorney Rosati said she would take all the discussion, revamp as necessary and provide more written material.

Moved by Commissioner Rozell and supported by Mayor Pro Tem Olsman to introduce and read for the first time an Ordinance to amend the City of Huntington Woods Code of Ordinances to replace in its entirety Chapter 28, Peddlers, Solicitors, Canvassers and Handbills, and to adopt a new Chapter 28, Articles I through VI, to regulate or address Peddlers, Solicitors, Canvassers, and Unsolicited Written Materials; and to provide for penalties for violation thereof.

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

Ayes: Mayor Paul, Mayor Pro Tem Olsman, Commissioner Iversen, Commissioner Jenks and Commissioner Rozell

Nays: None

Absent: None

The Mayor thereupon declared said Resolution adopted.

#### RESOLUTION R-37-2017

Introduction and first reading of an Ordinance to Amend Chapter 30, Solid Waste, Article II, Collection and Disposal, Section 30-23(e), Container Maintenance, to Provide for the Storing of Waste Materials on Private Properties Prior to the Removal and to Provide for Container Maintenance; and to Provide a Penalty for Violation thereof.

Moved by Mayor Pro Tem Olsman and supported by Commissioner Iversen to introduce and read for the first time an Ordinance to Amend Chapter 30, Solid Waste, Article II, Collection and Disposal,

Section 30-23(e), Container Maintenance, to Provide for the Storing of Waste Materials on Private Properties Prior to the Removal and to Provide for Container Maintenance; and to Provide a Penalty for Violation thereof.

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

Ayes: Mayor Paul, Mayor Pro Tem Olsman, Commissioner Iversen, Commissioner Jenks and Commissioner Rozell

Nays: None

Absent: None

The Mayor thereupon declared said Resolution adopted.

Commissioner Iversen said she would like the commission to consider some of the wording, maybe consider a tiered approach for the placement of containers. The ideal location would be the rear of the property, if that is not possible than the side of the house and if that's not possible then the exemption for hardship.

Commissioner Jenks said the wording in the proposed ordinance allowing containers to be placed at the side of the house as far back from the road as possible puts us back where we started. The discretion is left up to the homeowner with no consideration for the neighbors. He would suggest that where containers cannot be placed at the rear or side of the house the homeowner shall work with the Huntington Woods compliance officer to establish a suitable location.

Commissioner Rozell said he doesn't want to overregulate. If we get a call about the placement of a container Code Enforcement is going to go out. If we lay out the preferred order as Commissioner Iversen has suggested and it is not followed than a citation is issued. If we get a call we are going to help them determine where the container should go. He said he prefers to not overregulate, Commissioner Jenk's suggestion requires some sort of pre-emptive action by the City.

Mayor Pro Tem Olsman said he sees Commissioner Jenk's suggestions as a minimum regulatory impact.

Commissioner Rozell said this is going to be complaint driven. Residents are not going to check the ordinance to see where they can place their trash cans. It is going to be handled through the complaint process.

#### RESOLUTION R-38-2017

Set Meeting Date

Moved by Mayor Pro Tem Olsman and supported by Commissioner Jenks to set June 13, 2017 at 6:30 pm as a City Commission Work Session.

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

Ayes: Mayor Paul, Mayor Pro Tem Olsman, Commissioner Iversen, Commissioner Jenks and Commissioner Rozell

Nays: None

Absent: None

The Mayor thereupon declared said Resolution adopted.

RESOLUTION R-39-2017

Receive and file reports and minutes

Moved by Mayor Pro Tem Olsman and supported by Commissioner Rozell to receive and file the reports and minutes:

- a. Library Advisory Board, March 20, 2017
- b. Planning Commission, March 27, 2017
- c. Senior Advisory Board, March 16, 2017
- d. BART Board, March 8, 2017
- e. Finance Report, March, 2017

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

Ayes: Mayor Paul, Mayor Pro Tem Olsman, Commissioner Iversen, Commissioner Jenks and Commissioner Rozell

Nays: None

Absent: None

The Mayor thereupon declared said Resolution adopted.

WARRANT NO. 324

Moved by Commissioner Jenks and supported by Commissioner Iversen that the attached transfers and disbursements as listed on the Accounts Payable Distribution Report due by May 12, 2017 and paid between April 21, 2017 and May 11, 2017 on pages 1 through 7 in the amount of \$472,011.27 be approved and paid, subject to full audit.

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

Ayes: Mayor Paul, Mayor Pro Tem Olsman, Commissioner Iversen, Commissioner Jenks and Commissioner Rozell

Nays: None

Absent: None

The Mayor thereupon declared said Resolution adopted.

RESOLUTION R-40-2017  
Recess to Closed Session

Moved by Mayor Pro Tem Olsman and supported by Commissioner Jenks to recess to closed session immediately following this Regular City Commission Meeting to discuss the City of Huntington Woods and the City of Pleasant Ridge vs. City of Oak Park and the 45<sup>th</sup> District Court, a Division of State of Michigan, jointly and severally.

The Mayor called a roll call vote, the City Commission voted thereon as follows:

Ayes: Mayor Pro Tem Olsman, Commissioner Jenks,  
Commissioner Iversen, Commissioner Rozell and Mayor Paul

Nays: None

Absent: None

The Mayor thereupon declared said Resolution adopted.

CITY MANAGER REPORT

City Manager Sullivan reported the pool at the Recreation Center opens Saturday, May 27<sup>th</sup>, Memorial Weekend. Registration for summer classes and events begins May 24<sup>th</sup>. We now have on-line registration and in person registration. We are asking individuals and families to complete a one-time only information form prior to registering. Instructions on how to register on-line are at [recreation.hw.mi.org](http://recreation.hw.mi.org).

COMMISSIONER'S REMARKS

Commissioner Iversen had no comments.

Commissioner Rozell said the next episode of Commissioner's Corner will be airing in June featuring our County Commissioner and our County Clerk. Cup of Joe with Joe will also be happening in June in the Library basement. The date will be available shortly.

Commissioner Jenks had no comments.

Mayor Pro Tem Olsman said after speaking with a representative from the City of Detroit the fence along Ludlow at the Rackham Golf Course will be repaired shortly. The fireworks display will go off as usual from the Golf Course. He thanked Professor Robert Sedler of Wayne State for his review and comments of the peddler and solicitor ordinance. He knows of few individuals in government who affected more change in their City than Claire Galed changing the culture of recycling.

Mayor Paul said the Tri Community Coalition Annual Golf Outing is on Friday, June 23<sup>rd</sup>. They are still looking for golfers and hole sponsors. Huntington Woods Men's Club members are selling tickets for the 4<sup>th</sup> of July raffle. The Prudential Spirit of Community Awards honored Huntington Woods Berkley High School Student Carolyn Cohn with the Michigan Distinguished Finalist Award.

The Regular City Commission Meeting adjourned at 9:14 pm to closed session.

The Closed Session adjourned at 9:40 pm with no action taken.

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Joy Solanskey, City Clerk

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Robert F. Paul, III, Mayor