

CITY OF HUNTINGTON WOODS
REGULAR MEETING OF THE CITY COMMISSION
MINUTES
Tuesday, July 15, 2014

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

PRESENT: Mayor Gillham, Commissioner Olsman, Commissioner Paul and Commissioner White, City Manager Sullivan and City Attorney Rosati

ABSENT: Mayor Pro Tem Jenks (excused)

City Staff Present: Clerk/Treasurer Solanskey, Finance Director Lehmann, Public Safety Director Fairman and Public Works Manager Galed

APPROVAL OF AGENDA

Moved by Commissioner Olsman and supported by Commissioner White to approve the Agenda for the meeting of July 15, 2014 with the addition of Agenda Item #11a, a resolution supporting the Smart Public Transit Millage Proposal.

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

Ayes: Mayor Gillham, Commissioner Olsman,
Commissioner Paul and Commissioner White

Nays: None

Absent: Mayor Pro Tem Jenks (excused)

The Mayor thereupon declared said Resolution adopted.

APPROVAL OF MINUTES

Moved by Commissioner White and supported by Commissioner Paul to approve the minutes of the Executive Session of May 20, 2014, the Regular Meeting and Executive Session of June 17, 2014 and the Special Meetings of July 1, 2014 and July 3, 2014.

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

Ayes: Mayor Gillham, Commissioner Olsman,
Commissioner Paul and Commissioner White.

Nays: None

Absent: Mayor Pro Tem Jenks (excused)

The Mayor thereupon declared said Resolution adopted.

COMMUNICATIONS

Communication from Michigan Municipal Risk Management Authority, the City's liability insurance company regarding a refund check of \$42,879.

Communication from the City of Madison Heights opposing the Solid Waste Management Plan Amendment.

COUNTY COMMISSIONER REMARKS

County Commissioner Zack spoke to the City Commission regarding the following:

- SEMCOG is holding a Nonmotorized Plan Public Workshop on July 29, 2014 at Wayne State.
- Annual Oakland County Budget presentation is on July 16, 2014 at 7 pm. The presentation is also webcast. The County has a balanced budget for the next 3 years.
- Jobs are available at the Oakland County water system as a result of the takeover of the Pontiac wastewater system.
- A new Oakland County animal ordinance is in preparation.

PUBLIC PARTICIPATION

Mary Ann Corrigan of 10443 Hart asked if backyard fire pits will be discussed by the City Commission because the smoke comes in the windows of her house. Commissioner Olsman suggested she call the Public Safety Department.

MATTER OF DISCUSSION OF THE TREE PROTECTION ORDINANCE NO. 564 AND TREE SERVICES ORDINANCE NO. 565

Public Works Manager Galed reported on the history and background of the passage of the Tree ordinances at the June 17, 2014 City Commission Meeting.

Zoning Administrator Hank Berry presented a power point summarizing the tree removal, replacement process and fees of the new tree ordinances.

City Manager Sullivan said there is currently a moratorium on enforcing the tree ordinance.

Mayor Gillham then opened up the meeting to public comment regarding the tree ordinances.

Linda Kayes of 26338 Dundee asked what qualifies the Department of Public Works to decide if a tree is dangerous or diseased.

Andrew Doctoroff of 26413 Huntington Road said he is a member of the Huntington Woods Planning Commission. The Planning Commission held a Public Hearing on the ordinance with no opposition. The Planning Commission confronts circumstances where more trees than necessary are removed for construction and some regulation is important.

Allison Iversen of 26063 Dundee said she represents a petition signed by 200 residents objecting to the ordinance. The residents object to the way the ordinance was passed without public knowledge and the fact that the ordinance affects the trees on private property. She has researched tree ordinances in surrounding communities and feels the Huntington Woods ordinance is the harshest. It is especially punitive to residents who have smaller lot sizes. She feels the City needs a better way of communicating with the residents.

Ronie Nantais of 10795 Vernon said residents have proven themselves to do what is best for the City by supporting the Men's Club efforts to replant trees. The ordinance assumes that residents are incapable of understanding the importance of trees so the need to be regulated. She requests the City stay out of the resident's yards.

Rick Dimanin of 10505 LaSalle feels trees need protection and is in favor of the ordinance. He watched a site stripped of all trees for the construction of a new house.

David Stone of 8545 Lincoln feels the ordinance is too complex and an overreaction. Enforcement of the ordinance should be suspended and the ordinance placed on the ballot.

Eric Bronstein of 12934 Vernon said there should be a place for a middle ground. He feels the ordinance focus is on the replacement of trees. The ordinance should be revised as the scope encompasses not only majestic trees but insignificant trees. A question of whether a permit will be approved or denied, seems to be left to discretion of the City.

Noreen Slank of 26551 Dundee is opposed to the ordinance and asks that it be suspended unless related to new construction. She feels the ordinance uses a sledgehammer to swat a fly. She wonders why the ordinance tells residents what kind of trees can be planted. She feels the ordinance paralyzes residents until the trees become dangerous.

Susan Frenkel of 8251 Lincoln said the ordinance has backfired. Everyone is rushing to cut trees down before the ordinance becomes effective. Most residential trees are greater than 20 inches and the lots are too small to replace with the amount of trees called for in the ordinance. City should have an automatic e-mail system to notify residents of meetings.

Susan Karabelnick of 26665 York said there has been a lot of tree removal and tree planting by the City. However, the trees are not being watered.

Grazyna Cumming of 10115 Borgman wonders why it took so long for a tree ordinance although this one is too long and too complicated. She asked if it will be enforced for the utility companies. The City has a huge communication problem and needs to utilize social media.

Chris Anderson of 10124 Lincoln said the ordinance made residents wake up and realize what was going on behind our backs. The ordinance isn't effective because a big tree can still come down, it just costs more. The City cannot enforce the ordinances have now, much less new ordinance.

Dale Frenkel of 8251 Lincoln said the utility companies in trimming trees have left many misshapen trees, are those allowed to be cut down.

Robert LeBow of 10535 LaSalle supports the ordinance 100% and thanked the Tree Committee, the Planning Commission and the Historic District Commission. Trees are important and should be maintained. There is no large tree that didn't start out as a small tree.

Dave Gillespie of 10045 Lincoln said the ordinance has failed to protect trees. Residents can buy way out of ordinance by paying more in fines. Trees are the largest renewable resource.

Martha Shrode of 10024 Elgin thanked the City Commission for passing the tree ordinance. The trees belong to the whole community and when cut down the whole community is affected. Residents need to look at the bigger picture.

Andrea Sperl of 13103 Borgman loves trees, gardening and landscaping but has a vision for her own yard. She believes the ordinance is heavy handed.

Tom Lurie of 26074 Dundee said he will e-mail his lists of concerns with the ordinance to Claire Galed. He believes the decisions regarding trees should be made by the City Commission, not the City Manager.

Linda Kayes of 26638 Humber said if you have money you can cut down whatever trees you want, the ordinance doesn't really protect the trees.

Ellie Mosko of 10867 11 Mile Road believes the issue should be put on the ballot.

Commissioner White said she is glad everyone is here and the Commission has heard loud and clear everyone's concerns. The intent was not to upset anyone and the Commission could have done a better job communicating. We all love our City and the issues can be worked out. The thing that is missing these days is a residents association.

Mayor Gillham said trees are important and the City Commission has heard the resident's concerns.

Commissioner Paul said the residents have great ideas and the City Commission a lot to think about.

Commissioner Olsman said this is Huntington Woods at its finest and the City Commission appreciates the residents coming out to express their concerns.

ORDINANCE NO. 567

Amending Height restrictions of Article IX, Fences, Wall and Hedges

Moved by Commissioner White and supported by Commissioner Paul to adopt Ordinance No. 567.

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

Ayes: Mayor Gillham, Commissioner Olsman,
Commissioner Paul and Commissioner White

Nays: None

Absent: Mayor Pro Tem Jenks (excused)

The Mayor thereupon declared said resolution adopted

**CITY OF HUNTINGTON WOODS
OAKLAND COUNTY, MICHIGAN
ORDINANCE NO. 567**

AN ORDINANCE TO AMEND CHAPTER 6, BUILDINGS AND BUILDING REGULATIONS, OF THE CODE OF ORDINANCES OF THE CITY OF HUNTINGTON WOODS, BY AMENDING SUB-SECTION (6) OF SECTION 6-341 HEIGHT RESTRICTIONS OF ARTICLE IX, FENCES, WALLS AND HEDGES.

THE CITY OF HUNTINGTON WOODS ORDAINS:

SECTION 1. Sub-section (6) of Section 6-341 Height Restrictions, of Article IX Fences, of Chapter 6 Buildings and Building Regulations, is hereby amended to read as follows:

- (6) To protect adjacent property and passersby, fences up to 20 feet in height are permissible upon public property used for parks, playgrounds, ball fields and golf courses, AND FENCES UP TO FOUR (4) FEET IN HEIGHT ARE PERMISSIBLE FOR PUBLIC GARDENS.

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 become effective twenty (20) days after the date of adoption or seven (7) days after publication, whichever is later.

MADE, PASSED AND ADOPTED by the Commission of the City of Huntington Woods on this 15th day of July, 2014.

Ronald F. Gillham, Mayor

I, Joy Solanskey, City Clerk of the City of Huntington Woods, hereby certify that a synopsis of the foregoing Ordinance No. 567 was published in The Daily Tribune on July 27, 2014 and a copy of said Ordinance was posted in three public and conspicuous places within the City of Huntington Woods as follows: City Hall Bulletin Board, Lobby of Public Safety Building and the Library Bulletin Board.

ORDINANCE NO. 568

Amend Article VI, Rodent Control to add prohibition of Snap Type Traps

Moved by Commissioner White and supported by Commissioner Paul to adopt Ordinance No. 568.

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

Ayes: Mayor Gillham, Commissioner Olsman and Commissioner Paul

Nays: Commissioner White

Absent: Mayor Pro Tem Jenks (excused)

The Mayor thereupon declared said resolution adopted.

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**CITY OF HUNTINGTON WOODS
OAKLAND COUNTY, MICHIGAN**

ORDINANCE NO. 563

AN ORDINANCE TO AMEND THE CITY OF HUNTINGTON WOODS CODE OF ORDINANCES BY AMENDING SECTION 1-15(e), GENERAL PENALTIES AND SANCTIONS FOR VIOLATIONS OF CODE AND CITY ORDINANCES; CONTINUING VIOLATIONS; INJUNCTIVE RELIEF, OF CHAPTER 1, GENERAL PROVISIONS, IN ORDER TO CONFIRM THE ABILITY OF THE DISTRICT COURT TO EXERCISE OTHER EQUITABLE POWERS IN ADDITION TO IMPOSING A FINE FOR A MUNICIPAL CIVIL INFRACTION.

THE CITY OF HUNTINGTON WOODS ORDAINS:

Section 1 of Ordinance. Ordinance Amendment.

The City of Huntington Woods City Code, Chapter 1, General Provisions, Section 1-15(e), General Penalties and Sanctions for Violations of Code and City Ordinances; Continuing Violations; Injunctive Relief, is hereby amended to read as follows:

Sec. 1-15. General penalties and sanctions for violations of Code and city ordinances; continuing violations; injunctive relief.

- (e) The sanction for a violation which is a municipal civil infraction shall be a civil fine in the amount as provided by this Code or any ordinance, plus any costs, damages, expenses and other sanctions, as authorized under chapter 87 of Public Act No. 236 of 1961 (MCL 600.8701 et seq.), and other applicable laws. Unless otherwise specifically provided for, a particular municipal civil infraction violation by this Code or any ordinance, the civil fine for a violation shall not be less than as set out in the fine schedule in subsection (d) of this section. In addition, the district court may issue and enforce any judgment, writ, or order necessary to enforce the Code and/or City Ordinance.

Section 2 of Ordinance. Repealer.

All ordinances, parts of ordinances, or sections of the City Code in conflict with this Ordinance are repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3 of Ordinance. Severability.

Should any section, subdivision, clause, or phrase of this Ordinance be declared by the courts to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

Section 4 of Ordinance. Savings.

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this Ordinance takes effect, are saved and may be consummated according to the law in force when they were commenced.

Section 5 of Ordinance. 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.

Section 6 of Ordinance. Enactment.

This Ordinance is declared to have been enacted by the City Commission of the City of Huntington Woods at a meeting called and held on the 20th day of August, 2013, and ordered to be given publication in the manner prescribed by law.

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

Nays: None

Abstentions: None

Absent: Commissioner Paul (excused)

STATE OF MICHIGAN)
) ss.
COUNTY OF OAKLAND)

I, the undersigned, the qualified and acting City Clerk of the City of Huntington Woods, Oakland County, Michigan, do certify that the foregoing is a true and complete copy of the Ordinance adopted by the City Council of the City of Huntington Woods at a meeting held on the 29th day of April, 2014, the original of which is on file in my office.

JOY SOLANSKEY, City Clerk
City of Huntington Woods

RESOLUTION R-33-2014

Locally Preferred Alternative for Woodward Avenue Rapid Transit
-1079-

Moved by Commissioner Olsman and supported by Commissioner White to approve the Resolution outlining the Locally Preferred Alternative for the Woodward Avenue Rapid Transit.

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

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

Nays: None

Absent: Commissioner Paul (excused)

The Mayor thereupon declared said resolution adopted.

RESOLUTION R - 33 - 2014

**A RESOLUTION
OF THE CITY COMMISSION
OF THE CITY OF HUNTINGTON WOODS, MICHIGAN
REGARDING THE LOCALLY PREFERRED ALTERNATIVE (LPA) FOR
WOODWARD AVENUE RAPID TRANSIT**

WHEREAS, the City of Huntington Woods has been an active participant on the Steering Committee for the Woodward Avenue Alternatives Analysis study; and

WHEREAS, the consultants, Parsons Brinckerhoff and partners, will be presenting the locally preferred alternative (LPA) for rapid transit on Woodward Avenue at the steering committee meeting in May 2014; and

WHEREAS, the consultants have requested targeted feedback on alignments and station locations;

NOW THEREFORE BE IT RESOLVED, that the City Commission of the City of Huntington Woods makes the following recommendations for the locally preferred alternative:

That the “potential” station at Eleven Mile Road be changed to a “preliminary” station as it will be the *only* station for three miles along the corridor and the only station to serve the cities of Huntington Woods and Berkley (see Evaluating Station Locations map);

That the station be located *at* the intersection of Woodward and Eleven Mile Road to provide connectivity to all communities along Eleven Mile Road including the Royal Oak train and transit stations, Madison Heights, Warren, Oak Park, Southfield and beyond to the east and west;

That the primary route for BRT remain on “mainline” Woodward Avenue between I-696 (Ten Mile Road) and Thirteen Mile Road because it would provide the best access to the Detroit Zoo and rapid connectivity between Detroit and Pontiac and all points in between;

That the BRT be median-edge running between I-696 (Ten Mile Road) and Thirteen Mile Road to preserve a small amount of green space in the median, provide better visibility for motorists making “Michigan lefts,” and make crossing the road safer for pedestrians; and

That a preliminary station be located at the intersection of Woodward and Lincoln in addition to the preliminary station at Woodward and 11 Mile Road to serve working residents, the 3,000 college students who attend Oakland Community College Royal Oak Campus, and others.

Resolved this 29th day of April, 2014.

Ronald F. Gillham, Mayor

I, Joy Solanskey, duly sworn Clerk of the City of Huntington Woods, Michigan, County of Oakland, do hereby certify that the foregoing Resolution was adopted by the City Commission of the City of Huntington Woods at its regular meeting held on April 29, 2014.

Joy Solanskey, City Clerk

RESOLUTION R-35-2014

Authorization of ICMA – RC 401 Plan
-1080-

Moved by Mayor Pro Tem Jenks and supported by Commissioner Olsman to authorize the ICMA-RC 401 Governmental Money Purchase Plan for City Manager Amy Sullivan.

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

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

Nays: None

Absent: Commissioner Paul (excused)

The Mayor thereupon declared said resolution adopted.

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

- a. Planning Commission, February 24, 2014
- b. Zoning Board of Appeals, March 10, 2014
- c. Budget Advisory Committee, April 23, 2014

The reports and minutes were received and filed.

WARRANT NO. 284

Moved by Commissioner Olsman and supported by Commissioner White that the attached transfers and disbursements as listed on the Accounts Payable Distribution Report due by April 29, 2014 and paid between March 22, 2014 and April 25, 2014 on pages 1 through 8 in the amount of \$584,027.51 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

None

CITY MANAGER'S REPORT

City Manager Amy Sullivan noted that the next City Commission meeting is on May 6, 2014, the Public Hearing on the proposed budget is on the Agenda. The Planning Commission is holding an Open House on May 19, 2014 from 4:30 to 7:00 pm to receive comment on the Master Plan. The 2014 Road Construction funding bids were opened and the interest rate came in lower than anticipated.

COMMISSIONER'S REMARKS

Mayor Pro Tem Jenks said his major concerns still center around the bus Rapid Transit. He feels if multiple stops including at Lincoln and Eleven Mile aren't planned to begin with they will not be added later. Starting to get warm, watch out for those little kids running out in the road. Be safe and enjoy.

Commissioner White said hats off to all the graduates at this time of year. We are very lucky the State of Michigan has many fine universities. Thanked Chief Fairman for the great job he has done in Huntington Woods.

Commissioner Olsman echoed Commissioner White's comments regarding Chief Fairman. He is as good as they get personally and professionally and there will be quite a void to fill here. Applaud the work of the Mayor, Bonnie Cook and the group working on the Rapid Bus Transit. In regard to the Ordinance that was passed tonight, this is to keep our ordinances fair and clear.

Mayor Gillham said the bond issue is a remarkable achievement for a City our size. The Rapid Bus Transit Plan is as close as we've come in the last 40 years to have a change in the rapid transit system. Woodward Avenue Action Committee has purchased and will refurbish the Highland Park Ford plant as a welcome center and learning facility.

The Regular City Commission Meeting adjourned at 8:19 pm.

Joy Solanskey, City Clerk

Ronald Gillham, Mayor