



City Council Regular Meeting

DRAFT Minutes

Monday, June 21, 2021 at 7:00 PM
Remote Meeting via Zoom

In accordance with Emergency Orders issued by the Michigan Department of Health and Human Services, Oakland County, local officials, and State of Michigan legislation, which allows for electronic meetings of public bodies, notice is hereby given that the City of Lathrup's City Council will be meeting electronically using www.Zoom.us for videoconference and public access.

1. **Call to Order** by Mayor Garrett at 7:11 p.m. *(in accordance with PA 254 of 2020, the members should identify their physical location by stating the county, city, township, or village and state from which he or she is attending the meeting remotely).*

2. **Roll Call**

Present – Mayor Mykale Garrett and Mayor Pro Tem Bruce Kantor

Council members: Ian Ferguson and Saleem Siddiqi

Present: City Administrator, Dr. Sheryl L. Mitchell Theriot, Assist. City Administrator/Treasurer, Pamela Bratschi, City Attorney, Scott Baker, Police Chief, Scott McKee, Director, Community and Economic Development/DDA, Susie Stec, Government Services, Kelda London and City Clerk, Yvette Talley

Also Present: Jill Bahm and Scott Ringler – Giffels Webster

All Council members present are meeting virtually and they are located in Lathrup Village, MI – Oakland County .

3. **Pledge of Allegiance**

4. **Approval of Agenda**

Motion by Council member Ferguson, seconded by Council member Siddiqi to approve the Agenda.

Yes: Ferguson, Gare, Kantor, Siddiqi

No: None

Motion carried.

5. **Presentations**

- A. Presentation - Life Saving Award to Officer Keith Roberts

City Council thanked Officer Keith Roberts for saving a citizen's life.

6. City council convene as Zoning Board of Appeals

Motion by Council member Ferguson, seconded by Council member Siddiqi to convene as Zoning Board of Appeals.

Ayes: Ferguson, Garrett, Kantor, Siddiqi

No: None

Motion carried.

Motion to reconvene as city council

Motion by Board member Ferguson, seconded by Board member Siddiqi to adjourn this meeting and reconvene as City Council.

Ayes: Ferguson, Garrett, Kantor, Siddiqi

No: None

Motion carried.

Please review Zoning Board of Appeals meeting minutes of April 19, 2021.

7. Consent Agenda

All items listed under "Consent Agenda" are considered to be routine and non-controversial by the City Council and will be approved by one motion. There will be no separate discussion. If a discussion is desired, that item(s) will be removed from the consent agenda and discussed separately immediately after consent agenda approval in its normal sequence on the regular agenda.

- A. Minutes - May 10, 2021 -Budget Study Session
- B. Minutes - City Council Budget Study Session -May 17, 2021
- C. Minutes - City Council Regular Meeting - May 17, 2021
- D. Minutes - May 25, 2021 - City Council FY 2021/22 Budget Hearing & Special Meeting
- E. Minutes - Special City Council Meeting - June 7, 2021

Motion by Mayor Pro Tem Kantor, seconded by Council member Ferguson to approve the consent agenda.

Ayes: Ferguson, Garrett, Kantor, Siddiqi

No: None

Motion carried.

8. Disbursement Report

- A. May 2021 Disbursement reports

Motion by Mayor Pro Tem Kantor, seconded by Council member Siddiqi to approve the Monthly Disbursements for the month of May 2021 as:

Fund 101	General Fund	\$	244,897.79
Fund 202	Major Roads	\$	12,184.93
Fund 203	Local Roads	\$	11,453.16
Fund 258	Capital Fund	\$	10,335.00
Fund 494	Downtown Dev. Auth	\$	17,774.08
Fund 592	Water & Sewer	\$	166,119.07
TOTAL DISBURSEMENTS		\$	462,764.03

9. Department Reports

- A. Building Department Reports - May 2021
- B. Code Enforcement - June Report
- C. CED Dept Report - June 2021
- D. Scott McKee - May Police Department Reports
- E. Lathrup Village Recreation Dept - Outdoor Event Management Plan - Safe Play Initiative

Motion by Mayor Pro Tem Kantor, seconded by Council member Siddiqi to Receive and File – Department Reports

Ayes: Ferguson, Garrett, Kantor, Siddiqi

No: None

Motion carried.

10. Public Comments for Items on the Agenda (Speakers are limited to 3 minutes)

Dr. Sheryl Mitchell Theriot read a letter received from Charles & Colleen Batcheller and neighbors suggesting alternative fence materials to use for the fence at Discount Tire.

11. Public Hearings

- A. Public Hearing – Vacation of a Portion of Southfield Road Alley

Mayor Garrett opened the public hearing.

Scott Baker – City Attorney gave an overview and answered specific questions. Due to the resignation of Council member Donna Stallings there will not be any action on this agenda item.

Mayor Garrett read the letter from Roger Lynn – asked if this was a conflict of interest due to Mayor Pro Tem Kantor being on City Council. Will other residents be able to vacate an alley the same as Mayor Pro Tem Kantor and what is the selling price of the property.

Mr. Mandel, Lan Lan Holdings -owner commercial property of adjoining property to the alley - he is in favor of this because there is an existing parking lot which it serves no further use. It is not a functional alleyway.

Mr. Tamarelli 18485 Dolores -his letter was read by the Mayor. 18129 Sunnybrook and he is not in favor of the alley vacation. The city should not provide land grants, the alleys are meant to ease main street traffic, provide services and alternate service to the main road to benefit the public. This alley currently provides this service. The petitioner's maintenance of the property should be applauded does not mean the city should gift him the property. If the property is not up to code, Code enforcement should ticket the property owners to uphold codes of the city. The city should sell the property to the highest bidder.

Mayor Garrett closed the public hearing.

Mayor Pro Tem Bruce Kantor, applicant stated he will abstain from voting. This is to vacate the public alleyway that is not being used by the city. Any resident can make the same request for an alleyway vacation. Since 2000 there have been 27 of these requests that have been granted and 11 have been alley vacations and there was no fee charged to the residents. Background on the property: In 2006 the building was raised and redeveloped at a 2-story modern building. The city allowed the commercial property owner to pave 10ft of the alleyway for necessary parking. If they didn't allow for the extra parking spaces, the building couldn't have enough parking spaces to meet the zoning requirements. The city allowed the building owner to commercially use and profit off the entire 20ft alleyway without an encroachment license, lease or any type of an agreement. Owner of 2 story building has provided no maintenance or landscaping to the property.

Why the alley vacation should be approved: The city has no current or future use planned for the alleyway. If the alley is used for any purpose, the buildings adjacent to the alley would have to close because they wouldn't have the necessary parking required to operate. If Oakland County takes over the property, the entire building will be taken over by Oakland County and become the Southfield Road right-of-way. The city ordinance requires alley vacations to be split down the middle with half going to the adjacent property owners which did not happen in 2006.

This request is to formalize the alley vacation, to convert the property from an eyesore to a beautiful greenspace to benefit all adjacent property owners.

Response to earlier comments: Code enforcement to require a wall when the wall hasn't been there and the only way we can require a wall is if there are major parking lot or building renovations then we could retroactively apply codes. Future Southfield road take-over of the property will provide for future use of the alleyway, it doesn't. The property would be gone and the parking lot would be a landscaped, parking lost area. It doesn't make the alleyway more usable; it makes it less usable.

Scott Baker-City Attorney stated – his office has over 20 years of records and has never charged for a street vacation or alley vacation. The property is of no value to the city and was previously platted to be used as a roadway/alley.

12. Action Requests - For Consideration / Approval

- A. Resignation of Council Member Donna Stallings, effective May 31, 2021

Mayor Garrett read the resignation letter from Donna Stallings dated May 31, 2021.

All City Council members wished her well.

Motion by Mayor Pro Tem Kantor, seconded by Council member Siddiqi to accept the resignation of Council member Donna Stallings.

Ayes: Ferguson, Garrett, Kantor, Siddiqi

No: None

Motion carried.

- B. Second Reading and Adoption of Resolution - Vacation of the Alley West of Southfield Road Between W. 11 Mile Road and Sunnybrook Avenue alley vacation and scheduling of Public Hearing - 18129 Sunnybrook.

Motion by Council member Ferguson, seconded by Council member Siddiqi to Postpone consideration of the Resolution regarding the vacation of the alley west of Southfield Road between W. Eleven Mile Road and Sunnybrook Avenue until July 26, 2021 or future meeting of City Council.

Ayes: Ferguson, Garrett, Siddiqi

No: None

Abstained: Kantor

Motion carried.

- C. Second Reading and Consideration of Adoption of An Ordinance to Amend Article 2 Sign Ordinance, of the City Code for the City of Lathrup Village.

Scott Baker, City Attorney gave an overview and answered specific questions. There are updates to the following: the illumination of signs, temporary signs and expressive signs.

Mayor Pro Tem Kantor stated the sign ordinance starts on page 181 of the packet.

Motion by Mayor Pro Tem Kantor, seconded by Council member Ferguson to Accept the Recommendations from the Planning Commission and Approve the 2nd Reading and Adoption

of An Ordinance to Amend Article 2 Sign Ordinance, of the City Code for the City of Lathrup Village.

Ayes: Ferguson, Garrett, Kantor, Siddiqi

No: None

Motion carried.

D. Zoning Text Amendments – Chapter 5: Site Standards and Chapter 6: Development Review

Susie Stec gave an overview and answered specific questions. Updates -Administrative roles and responsibilities, fences and development review chapter – cannabis.

Motion by Council member Siddiqi, seconded by Mayor Pro Tem Kantor to Accept the Recommendations from the Planning Commission and Adopt the Zoning Text Amendments to Chapter 5: Site Standards and Chapter 6: Development Review.

Ayes: Ferguson, Garrett, Kantor, Siddiqi

No: None

Motion carried.

E. Special Land Use - 27000 Southfield Road (Discount Tire)

Jill Bahm gave overview and answered specific questions. The applicant has proposed updates to the circulation of the lot, parking and add tire storage. Screen wall is required between the business and residential property. There is an amended special land use resolution that lists the conditions.

Susie Stec gave an overview and answered specific questions. Discussion of the screen wall being 3ft for visibility purposes closer to Sunnybrook then will increase to a 6ft high wall.

Joe Westerbanks, Engineer representing Discount Tire has no problem with either option.

Motion by Council member Siddiqi, seconded by Council member Ferguson to Accept the recommendations from the Planning Commission for the Special Land Use at 27000 Southfield Road and Adopt the attached 1st Amended Special Land Use Resolution. Caveat that the East West wall which parallels Sunnybrook is of decorative type with brick columns and iron gates.

Ayes: Ferguson, Garrett, Kantor, Siddiqi

No: None

Motion carried.

F. City Administrator Evaluation and Contract Consideration Requests

Dr. Sheryl Mitchell Theriot gave an overview and answered specific questions.

Discussion of hazard pay, unused vacation days and severance.

Motion by Mayor Pro Tem Kantor, seconded by Council member Ferguson to approve the City Administration contract consideration request that are outlined in page 281 of tonight's packet.

Ayes: Ferguson, Garrett, Kantor, Siddiqi

No: None

None

G. 2021-2025 Professional Auditing Services – Bid and Award of Contract

Dr. Sheryl Mitchell Theriot gave an overview and answered specific questions.

Motion by Council member Ferguson, seconded by Council member Siddiqi to Accept the Professional Auditing Services Bids, award a 5-year Contract, with options for 2 additional years, to Plante Moran, and authorize the Mayor and/City Administrator to sign the contract and related documents on behalf of the City of Lathrup Village.

Ayes: Ferguson, Garrett, Kantor, Siddiqi

No: None

Motion carried.

H. Resolution To Direct the City Administrator to Prepare Plans & Cost Estimates For The Establishment Of A Special Assessment District For Ditch And Sidewalk Repair And To Schedule A Public Hearing On The Advisability Of Proceeding.

Dr. Sheryl Mitchell Theriot gave an overview and answered specific questions.

Mayor Pro Tem Kantor stated this section of Cambridge has major ditch problems and several residents requesting a special assessment to the Infrastructure Committee. Problem with non-functioning ditches is that it damages the road from underneath. If the Special Assessment District for Ditch and Sidewalk repair is turned down, the city will move on to another street.

Motion by Mayor Pro Tem Kantor, seconded by Council member Ferguson to Adopt the Attached Resolution to direct the City Administrator to Prepare Plans & Cost Estimates for the Establishment of A Special Assessment District for Ditch and Sidewalk Repair and to Schedule a Public Hearing on the Advisability of Proceeding.

Ayes: Ferguson, Garrett, Kantor, Siddiqi

No: None

Motion carried.

- I. Consideration of Budget Amendments for Fiscal Year 2021/22
Dr. Sheryl Mitchell gave an overview and answered specific questions.

Motion by Council member Siddiqi, seconded by Council member Ferguson to Approve the Budget Amendments as submitted by the City Administrator and DDA for the Fiscal Year 2021-2022 Budget year, ending June 30, 2021.

Ayes: Ferguson, Garrett, Kantor, Siddiqi

No: None

Motion carried.

- J. 1st Reading – Ordinance to Amend the City of Lathrup Village Code of Ordinances by Adding Chapter 18, Article VI – Cannabis Businesses.

Scott Baker, City Attorney gave an overview and answered specific questions. Discussion revenue or excise tax from medical facilities the city will receive revenue from the application fee only. There is no sharing of revenue with medical facilities and revenue will be used for administration and enforcement. There will be two locations with the potential of 4 licenses- recreational & medicinal but there will not be 2 of the same uses in one location. There will be amendments to licensing limits section 18-289.

Motion by Mayor Pro Tem Kantor to Approve the 1st Reading – Ordinance to Amend the City of Lathrup Village Code of Ordinances by Adding Chapter 18, Article VI – Cannabis Businesses with the caveat that we update the language to indicate the maximum of 2 physical retail locations are allowed but the 2 retail locations can have a total of 4 licenses 2 recreational and 2 medical facilities.

Ayes: Ferguson, Garrett, Kantor, Siddiqi

No: None

Motion carried.

- K. Sidewalk Repair Program – Bid and Award of Contract

Dr. Sheryl Mitchell Theriot gave an overview and answered specific questions. Lowest bid was from K.D. Cement.

Mayor Pro Tem Kantor stated the 2022 and 2023 numbers are estimates. If this company does acceptable work, the numbers will be adjusted based on the actual number of flags that need to be repaired or replaced.

Motion by Council member Siddiqi, seconded by Council member Ferguson to Accept the 2021 Sidewalk Repair Program Bids, Award of Contract to K.D. Cement, and authorize the Mayor and/or City Administrator to sign the contract and related documents on behalf of the City of Lathrup Village.

Ayes: Ferguson, Garrett, Kantor, Siddiqi

No: None

Motion carried.

L. MDOT Performance Resolution for Municipalities

Dr. Sheryl Mitchell Theriot gave an overview and answered specific questions.

Motion by Council member Ferguson, seconded by Council member Siddiqi to Adopt the Michigan Department of Transportation Performance Resolution for Municipalities.

Ayes: Ferguson, Garrett, Kantor, Siddiqi

No: None

Motion carried.

M. Resolution Establishing Charter Amendment Ballot Language Proposal Language

Scott Baker, City Attorney gave an overview and answered specific questions.

This will Amend section 8.2 of the City Charter moving the presentation of the budget to City Council from the 3rd Monday in April to the 3rd Monday in May

Section 8. 5 dealing the adoption of the budget from 3rd Monday in May to the 3rd Monday in June.

This will provide the staff and Administration more time to receive information from various funding sources to compile the budget.

Motion by Mayor Pro Tem Kantor, seconded by Council member Ferguson to Approve the resolution establishing charter amendment ballot proposal language for the November 2, 2021, election and instruct the city clerk to transmit a copy the proposed amendment to the Governor of the State of Michigan for approval and transmit a copy of the foregoing statement of purpose of such proposed amendment to the Attorney General of the State of Michigan for approval, as required by law.

Ayes: Ferguson, Garrett, Kantor, Siddiqi

No: None

Motion carried.

13. City Administrator Report

Dr. Sheryl Mitchell – thanked Susie Stec, Cori Dahl, and the Juneteenth Committee for coordinating a wonderful Juneteenth celebration and thank everyone for their participation.

June 25 – 27 will be the city-wide garage sale and stop by city hall for 2 free garage sale signs. Fireworks are permitted Tuesday, June 29-Sunday, July 4. Reminder that your neighbors and pets maybe sensitive to loud noises. Fireworks are not allowed in public parks and cannot be used by minors. Water service replacement lines started today and there was a physical re-inspection which showed there were fewer to replace than first thought. Note: There has been mention to return to in-person meetings but there has been more participation in the remote meetings than in-person meetings. For example tonight's meeting there were 31 participants in comparison to in-person meetings with 2 or 3 in attendance.

14. City Attorney Report

No comments

15. Reports of Boards, Commissions, and Committees

A. Minutes - Planning Commission Meeting - May 18, 2021

Bruce site plan approved for US Rehab and Discount tire special land use

Formed Study group for building materials study group

Public hearing Zoning text amendments

16. Unfinished / New Business

None

17. Public Comment

County Commissioner Yolanda Charles stated there are internships at Oakland County for ages 16-24 for more information at 248-385-2927.

18. Mayor and Council Comments

Mayor Garrett and City Council thanked Susie Stec and Cori Dahl for a great Juneteenth celebration.

Thanked Scott Ringler for saving the city money for re-inspecting the water lines.

Council members thanked Donna Stallings for her dedication to the city and she will be presented with a plaque recognizing her service.

State of the City will be Wednesday, June 23rd which will be and in-person event.

There are more cars on the street than normal be courteous and wait before passing.

Asked City Administration to look into asking those who are having construction on their street to park on one side to allow for cars to pass through.

19. Adjourn

Motion by Council member Ferguson, seconded by Council member Kantor to adjourn this meeting.

Ayes: Ferguson, Garrett, Kantor, Siddiqi

No: None

Motion carried.

The meeting was adjourned at 9:30 p.m.

Transcribed by Yvette Talley

Mykale Garrett, Mayor

Transcribed by Yvette Talley
City Clerk