

CITY OF HARPER WOODS  
CITY COUNCIL  
DECEMBER 19, 2011

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:00 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem Cheryl A. Costantino, Councilperson(s) John M. Szymanski, Charles Flanagan, Michael P. Monaghan, and Daniel S. Palmer.

ABSENT: Councilperson Vivian M. Sawicki.

OTHERS PRESENT: Acting City Manager Randolph Skotarczyk, City Attorney J. Russell LaBarge and Acting City Clerk Leslie M. Frank.

CM 12-162-11

EXCUSE COUNCILPERSON SAWICKI

MOTION by Monaghan, SUPPORTED by Palmer:

To excuse Councilperson Sawicki from tonight's meeting because of a prior commitment.

ABSENT: Sawicki.

MOTION CARRIED

CM 12-163-11

MINUTES

MOTION by Monaghan, SUPPORTED by Costantino:

To receive, approve and file the minutes of the regular City Council meeting held on December 5, 2011 the Special Council meeting held December 15, 2011 and furthermore receive and file the minutes of the Board of Review meeting held on December 12, 2011 and the Board of Zoning Appeals held December 14, 2011.

Councilmember Costantino asked that the Minutes from December 5, 2011 be corrected to reflect that Councilmember Sawicki and Councilmember Costantino voted no on item CM 12-155-11 Form Strategic Planning Committee.

MOTION CARRIED

CM 12-164-11

CONSENT AGENDA

RESOLUTION by Monaghan, SUPPORTED by Szymanski:

BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 96013 through 96120 in the amount of \$ as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.
2. Approve payment to Anderson, Eckstein & Westrick, Inc. in the amount of \$10,481.20 for professional services during the month of November 2011 for the following projects: 2011 Emergency Concrete Pavement Repair project, #180-136; Traffic Signal Upgrade project, #180-124 and 2011 Pavement Joint & Crack Sealing project, #180-139.
3. Approve payment to Wayne County in the amount of \$9,359.24 for services performed on the tax rolls.
4. Approve payment in the amount of \$5,672.00 to the Michigan Municipal League for membership dues covering the period February 1, 2012 through January 31, 2013.

ROLL CALL VOTE

YES: Costantino, Flanagan, Monaghan, Palmer, Szymanski and Poynter.

NO: None.

ABSENT: Sawicki.

RESOLUTION ADOPTED

CM 12-165-11

ADOPT A RESOLUTION TO ESTABLISH  
A RECEIVING BOARD FOR ELECTIONS

RESOLUTION by Palmer, SUPPORTED by Monaghan:

BE IT RESOLVED to authorize the acting City Clerk to establish one Receiving Board for the February 28, August 7 and November 6, 2012 elections, and appoint at least two individuals to serve on said Board, consistent with Michigan Election Law, Act 116 of 1954, as amended, 168.679a, Section 679a(1).

ROLL CALL VOTE

YES: Flanagan, Monaghan, Palmer, Szymanski, Poynter and Costantino.  
NO: None.  
ABSENT: Sawicki.

RESOLUTION ADOPTED

CM 12-166-11      ANNUAL PERMIT TO WORK ON COUNTY ROADS

RESOLUTION by Costantino, SUPPORTED by Palmer:  
BE IT RESOLVED to adopt the Performance and Indemnification Resolution related to the City's Permit to Work on County Roads.

ROLL CALL VOTE

YES: Monaghan, Palmer, Szymanski, Poynter, Costantino and Flanagan.  
NO: None.  
ABSENT: Sawicki.

RESOLUTION ADOPTED

CM 12-167-11      2012 SEWER REHABILITATION PROGRAM  
PROJECT AUTHORIZATION AND RESOLUTION

RESOLUTION by Szymanski, SUPPORTED by Costantino:  
BE IT RESOLVED to authorize the acceptance of the project proposal submitted by AEW to undertake the design and engineering portion of the 2012 SRF Sewer Rehabilitation project and to approve the attached resolution to accept the S2 grant agreement and to designate the acting City Manager as the authorized project representative.

ROLL CALL VOTE

YES: Palmer, Szymanski, Poynter, Costantino, Flanagan and Monaghan.  
NO: None.  
ABSENT: Sawicki.

RESOLUTION ADOPTED

CM 12-168-11            APPROVAL OF TECHNICAL PROFESSIONAL  
OFFICE WORKERS ASSOCIATION OF MICHIGAN  
(TPOAM) - AGREEMENT - CLERICAL UNIT

RESOLUTION by Monaghan, SUPPORTED by Szymanski:  
BE IT RESOLVED to approve the Collective Bargaining Agreement between the City of Harper Woods and the Technical, Professional, Office Workers Association of Michigan (TPOAM) - Clerical Bargaining Unit covering the period January 1, 2012 through December 31, 2012.

ROLL CALL VOTE

YES: Szymanski, Poynter, Costantino, Flanagan, Monaghan and Palmer.  
NO: None.  
ABSENT: Sawicki.

RESOLUTION ADOPTED

CM 12-169-11            APPROVAL OF TECHNICAL PROFESSIONAL  
OFFICE WORKERS ASSOCIATION OF MICHIGAN  
(TPOAM) - AGREEMENT - PUBLIC WORKS UNIT

RESOLUTION by Monaghan, SUPPORTED by Szymanski:  
BE IT RESOLVED approve the Collective Bargaining Agreement between the City of Harper Woods and the Technical, Professional, Office Workers Association of Michigan (TPOAM) Public Works bargaining unit covering the period January 1, through December 31, 2012.

Mayor Pro tem Costantino noted that the date on this contract pertaining to a change in pension multipliers for new hires should read January 1, 2012, not January 1, 2011.

ROLL CALL VOTE

YES: Szymanski, Poynter, Costantino, Flanagan, Monaghan, Palmer and Sawicki.  
NO: None.  
ABSENT: Sawicki.

RESOLUTION ADOPTED

CM 12-170-11            CONTRACT EXTENSION - ACTING CITY MANAGER

RESOLUTION by Monaghan, SUPPORTED by Szymanski:

BE IT RESOLVED to approve the extension of the contract for the acting City Manager Randolph Skotarczyk through December 31, 2012.

MOTION BY Palmer, SUPPORTED by Monaghan:

To add an addendum to the Acting City Manager's contract to reflect that the Acting City Manager must give a 30 day notice if he decides to terminate his contract

MOTION CARRIED

ROLL CALL VOTE

YES: Poynter, Costantino, Flanagan, Monaghan, Palmer, and Szymanski.

NO: None.

ABSENT: Sawicki.

RESOLUTION ADOPTED

CM 12-171-11

ADD ITEM TO AGENDA -  
YEAR END BUDGET ADJUSTMENTS

MOTION by Monaghan, SUPPORTED by Szymanski:

To add to the agenda the year end budget adjustments.

ABSENT: Sawicki.

MOTION CARRIED

CM 12-172-11

YEAR END BUDGET ADJUSTMENTS

RESOLUTION by Monaghan, SUPPORTED by Szymanski:

BE IT RESOLVED to approve the year end budget adjustments to the 2011 Budget as attached submitted by the Finance Director and the acting City Manager.

ROLL CALL VOTE

YES: Costantino, Flanagan, Monaghan, Palmer, Szymanski and Poynter.

NO: None.

ABSENT: Sawicki.

RESOLUTION ADOPTED

CALL TO AUDIENCE

The following individuals commented on Action of City Council

Ms. Uhl

Mr. Kien

The following individuals commented on City Departments

Mr. Bruneel

Ms. Bellomo

The following individuals commented on Bargaining Issues

Ms. Paiz

CALL TO COUNCIL

The Mayor and Council discussed various topics.

CM 12-173-11

ADJOURNMENT

MOTION by Monaghan, SUPPORTED by Palmer:

That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 8:11 p.m.

MOTION CARRIED

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KENNETH A. POYNTER, MAYOR

\_\_\_\_\_  
LESLIE M. FRANK, ACTING CITY CLERK

CITY OF HARPER WOODS  
CITY COUNCIL  
DECEMBER 15, 2011

SPECIAL MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:00 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Councilperson(s) John M. Szymanski, Charles Flanagan, Michael P. Monaghan, Daniel S. Palmer, and Vivian M. Sawicki.

ABSENT: Mayor Pro tem Cheryl A. Costantino,

OTHERS PRESENT: Acting City Manager Randolph Skotarczyk, City Attorney J. Russell LaBarge, Laura L. Stowell, Finance Director and Acting City Clerk Leslie M. Frank.

CM 12-160-11

CLOSED SESSION

RESOLUTION by Monaghan, SUPPORTED by Palmer:

BE IT RESOLVED to adjourn to Closed Session for the purpose of reviewing the City Attorney's Legal Opinion regarding James E. Leidlein's request to resign.

ROLL CALL VOTE

YES: Flanagan, Monaghan, Palmer, Sawicki, Szymanski and Poynter.

NO: Costantino.

RESOLUTION ADOPTED UNANIMOUSLY

The City Council adjourned to Executive Session at 7:03 p.m. and reconvened at 8:05 p.m.

CM 12-161-11

DISCUSSION/ACTION REGARDING REQUEST OF  
JAMES E. LEIDLEIN

MOTION by Szymanski, SUPPORTED by Monaghan:

To direct the City Attorney to communicate with James E. Leidlein and report back to the City Council.

ABSENT: Costantino

MOTION CARRIED

CALL TO AUDIENCE

The following individuals commented on Actions of City Council

Ms. Paglia  
Ms. Uhl  
Mr. Kien  
Ms. Marshall  
Ms. Paiz  
Ms. Kindle

CALL TO COUNCIL

The Mayor, Councilman Flanagan and Councilwoman Sawicki commented on various topics.

CM 12-161-11

ADJOURNMENT

MOTION by Monaghan, SUPPORTED by Palmer:

That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 8:18 p.m.

MOTION CARRIED UNANIMOUSLY

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KENNETH A. POYNTER, MAYOR

\_\_\_\_\_  
LESLIE M. FRANK, ACTING CITY CLERK



CITY OF HARPER WOODS  
CITY COUNCIL  
DECEMBER 5, 2011

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:00 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem Cheryl A. Costantino, Councilperson(s) John M. Szymanski, Charles Flanagan, Michael P. Monaghan, Daniel S. Palmer, and Vivian M. Sawicki.

ABSENT: None.

OTHERS PRESENT: Acting City Manager Randolph Skotarczyk, City Attorney J. Russell LaBarge and Acting City Clerk Leslie M. Frank.

CM 12-144-11

MINUTES

MOTION by Monaghan, SUPPORTED by Costantino:  
To receive, approve and file the minutes of the regular City Council meeting held November 21, 2011 and furthermore receive and file the minutes of the Board of Trustees Employees Retirement System held November 28, 2011.

MOTION CARRIED UNANIMOUSLY

CM 12-145-11

MOVED TABLED ITEM TO OLD BUSINESS

MOTION by Sawicki, SUPPORTED by Palmer:  
To remove item CM 11-139-11 Reconsider Proposed Parking Lot - 20830 Lochmoor from Tabled and Pending Items and place under Old Business 1 and 2.

MOTION CARRIED UNANIMOUSLY

CM 12-146-11

CONSENT AGENDA

RESOLUTION by Costantino, SUPPORTED by Monaghan:

BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 95910 through 96012 in the amount of \$448,234.09 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.
2. Approve payment to Badger Meter, Inc. in the amount of \$6,720.96 for the purchase of four new 2" Orion automatic read water meters and transmitters.
3. Approve payment to Michigan Municipal Worker's Compensation Fund in the amount of \$19,726.00 for the adjustment in our premium for the period July 1, 2010 through June 30, 2011.

ROLL CALL VOTE

YES: Costantino, Flanagan, Monaghan, Palmer, Sawicki, Szymanski and Poynter.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 12-147-11

OPEN PUBLIC HEARING - REQUEST FOR  
PROPOSED PARKING LOT AT 20830 LOCHMOOR

MOTION by Monaghan, SUPPORTED by Costantino:

To Open the Public Hearing to consider a request from the property owners at 20250 Harper to allow a parking lot at 20830 Lochmoor in a residentially zoned area in accordance with Sec. 10-149(1) of the City's Zoning Ordinance.

MOTION CARRIED UNANIMOUSLY

PUBLIC HEARING

The following individuals commented on the proposed parking lot at 20830 Lochmoor.

Mr. Larry Scott, Attorney for the Petitioner

Ms. Kushkowski

Mr. Grace

Ms. Marshall

Ms. Uhl

Mr. Bongiorno  
Ms. Bellomo

CM 12-148-11                    CLOSE PUBLIC HEARING - REQUEST FOR  
PROPOSED PARKING LOT AT 20830 LOCHMOOR

MOTION by Szymanski, SUPPORTED by Monaghan:  
To close the Public Hearing to consider a request from the property owners at 20250 Harper to allow a parking lot at 20830 Lochmoor in a residentially zoned area in accordance with Sec. 10-149(1) of the City's Zoning Ordinance.

MOTION CARRIED UNANIMOUSLY

CM 12-149-11                    PROPOSED PARKING LOT - 20830 LOCHMOOR

RESOLUTION by Monaghan, SUPPORTED by Szymanski:  
BE IT RESOLVED to approve the proposed parking lot at 20830 Lochmoor as required by Sec. 10-149(1) of the City's Zoning Ordinance as recommended by the City Planning Commission as set forth in their minutes of October 19, 2011

ROLL CALL VOTE

YES: Flanagan, Monaghan, Palmer, Sawicki, Szymanski, Poynter and Costantino.  
NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 12-150-11                    2011 CONCRETE PAVEMENT REPAIR  
PROGRAM #180-136- PROGRESS PAYMENT NO. 1

RESOLUTION by Monaghan, SUPPORTED by Palmer:  
BE IT RESOLVED approve payment to Duro Construction Company, Inc. in the amount of \$12,361.90 for Progress Payment No. 1 on the 2011 Concrete Pavement Repair Program, #180-136.

ROLL CALL VOTE

YES: Monaghan, Palmer, Sawicki, Szymanski, Poynter, Costantino and Flanagan.  
NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 12-151-11            MICHIGAN MUNICIPAL LEAGUE - LIABILITY  
AND PROPERTY POOL INSURANCE RENEWAL

RESOLUTION by Sawicki, SUPPORTED by Monaghan:  
BE IT RESOLVED to renew the City's participation in the Michigan Municipal League's  
Liability and Property Pool for 2012 in the amount of \$200,200 for coverage as stated in their  
renewal proposal and, further that competitive bidding be waived in accordance with City policy.

ROLL CALL VOTE

YES: Palmer, Sawicki, Szymanski, Poynter, Costantino, Flanagan and Monaghan.  
NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 12-152-11            AMEND THE GUIDE TO PUBLIC  
PARTICIPATION AT COUNCIL MEETINGS

RESOLUTION by Sawicki, SUPPORTED by Monaghan:  
BE IT RESOLVED to adopt the amended "Guide to Public Participation at Council Meetings."  
(Attachment #1)

ROLL CALL VOTE

YES: Sawicki, Szymanski, Poynter, Costantino, Flanagan, Monaghan and Palmer.  
NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 12-153-11            ADD ITEM TO AGENDA - A RESOLUTION  
FOR INCLUSION OF HARPER WOODS TO  
GROSSE POINTE DISPATCH/LOCKUP GRANT

MOTION by Monaghan, SUPPORTED by Sawicki:  
That the Resolution for Inclusion of Harper Woods to Grosse Pointe Dispatch/Lockup Grant be  
added to the Agenda.

MOTION CARRIED UNANIMOUSLY

CM 12-154-11                    ADOPT RESOLUTION FOR INCLUSION OF HARPER  
WOODS TO GROSSE POINTE DISPATCH/LOCKUP GRANT

RESOLUTION by Szymanski, SUPPORTED by Palmer:  
BE IT RESOLVED to adopt the Resolution for Inclusion of Harper Woods in Grosse Pointe  
Dispatch/Lockup Grant. (Attachment #2)

ROLL CALL VOTE

YES: Szymanski, Poynter, Costantino, Flanagan, Monaghan, Palmer and Sawicki.  
NO: None

RESOLUTION ADOPTED UNANIMOUSLY

CALL TO AUDIENCE

The following individuals commented on Actions of City Council

Ms. Uhl  
Ms. Marshall  
Mr. Grace

The following individuals commented on City Services

Mr. Grace  
Mr. VanPoucker  
Ms. Kindle

The following individuals commented on City Departments

Mr. Stager  
Mr. Cadotte  
Mr. Cuomo

The following individuals commented on Bargaining Issues

Mr. Kien  
Ms. Bellomo

Mr. Bruneel reminded all that the Superbowl Pancake Breakfast will be held on February 5, 2012  
at the Harper Woods High School.

CALL TO COUNCIL

Mayor and Council discussed various topics.

CM 12-155-11

FORM STRATEGIC PLANNING COMMITTEE

MOTION by Szymanski, SUPPORTED by Monaghan  
That a subcommittee be formed for the purpose of Strategic Planning consisting of Mayor Poynter, Councilman Szymanski and Councilman Monaghan.

MOTION CARRIED

CM 12-156-11

EXECUTIVE SESSION -  
COLLECTIVE BARGAINING MATTER

RESOLUTION by Szymanski, SUPPORTED by Monaghan:  
BE IT RESOLVED to adjourn to executive session for the purpose of discussing contract negotiations and material subject to Attorney-Client Privilege.

ROLL CALL VOTE

YES: Poynter, Costantino, Flanagan, Monaghan, Palmer, Sawicki and Szymanski.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

The City Council adjourned to Executive Session at 8:48 p.m. and reconvened at 9:22 p.m.

CM 12-157-11

ADD ITEM TO AGENDA  
APPOINTMENT OF POLICE CHIEF

MOTION by Monaghan, SUPPORTED by Szymanski:  
To add to the agenda the Appointment of Police Chief, James R. Burke.

MOTION CARRIED UNANIMOUSLY

CM 12-158-11

CONFIRM APPOINTMENT - POLICE CHIEF

RESOLUTION by Szymanski, SUPPORTED by: Monaghan  
BE IT RESOLVED to confirm the appointment of James R. Burke as Police Chief for the City of Harper Woods and further, approve the employment agreement between Chief Burke and the City of Harper Woods.

ROLL CALL VOTE:

YES: Costantino, Flanagan, Monaghan, Palmer, Sawicki, Szymanski and Poynter,  
NO: None

RESOLUTION ADOPTED UNANIMOUSLY

CM 12-159-11

ADJOURNMENT

MOTION by Monaghan, SUPPORTED by Palmer:

That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 9:38 p.m.

MOTION CARRIED UNANIMOUSLY

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KENNETH A. POYNTER, MAYOR

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LESLIE M. FRANK, ACTING CITY CLERK

CITY OF HARPER WOODS  
CITY COUNCIL  
NOVEMBER 21, 2011

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:00 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem Cheryl A. Costantino, Councilperson(s) Charles Flanagan, Michael P. Monaghan, Daniel S. Palmer, and Vivian M. Sawicki.

ABSENT: None.

OTHERS PRESENT: Acting City Manager Randolph Skotarczyk, City Attorney J. Russell LaBarge and Acting City Clerk Leslie M. Frank.

PRESENTATIONS

Mayor Poynter joined the Beautification Commission members in presenting our annual Beautification Awards to Daniel & Betty McBride of 19114 Eastwood, Cherie T. DiLuigi of 19207 Elkhart, David & Denise Rodgers of 20624 Roscommon, Roosevelt Cleaves of 20521 Washtenaw, Gloria McGee of 19648 Lochmoor, Artan & Lezina Topciu of 20455 Beaufait, Zachary & Shena Scott of 20886 Beaufait, Daniel & Kimberly Schaefer of 20893 Hawthorne, Edilberto Maspa of 21433 Severn, Edith Vereeke of 21138 Huntington and Christian Financial Credit Union at 19770 Harper Avenue. Ten outstanding homes in our community and one place of business were chosen from the many nominated. The landscaping, maintenance and presentation contributed to the selection of the homes & business by the Beautification Commission. The award winners were presented with a commemorative plaque.

CM 11-134-11

MINUTES

MOTION by Monaghan, SUPPORTED by Costantino:

To receive, approve and file the minutes of the regular City Council meeting held November 7, 2011 and the Special City council meeting held November 14, 2011 and furthermore receive and file the minutes of the Board of Canvassers meeting held November 9, 2011 and the Board of Zoning Appeals meeting held November 9, 2011.



MOTION CARRIED UNANIMOUSLY

CM 11-135-11

CONSENT AGENDA

RESOLUTION by Costantino, SUPPORTED by Monaghan:

BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 95778 through 95909 in the amount of \$493,718.93 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.
2. Approve payment to Nu Appearance Maintenance, Inc. in the amount of \$10,650.77 for assistance with contractual lawn cutting, weed maintenance, leaf pickup and fall maintenance in various areas of the City, including the Community Center, DPW, City Hall Annexes, Kelly Road and the Parks and also for tree removal restorations and residential lawn cuttings.

ROLL CALL VOTE

YES: Costantino, Flanagan, Monaghan, Palmer, Sawicki, Szymanski and Poynter.  
NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 11-136-11

OPEN PUBLIC HEARING - REQUEST FOR  
PROPOSED PARKING LOT AT 20830 LOCHMOOR

MOTION by Monaghan, SUPPORTED by Sawicki:

To open the Public Hearing to consider a request from the property owners at 20250 Harper to allow a parking lot at 20830 Lochmoor in a residentially zoned area in accordance with Sec. 10-149(1) of the City's Zoning Ordinance.

MOTION CARRIED UNANIMOUSLY

PUBLIC HEARING

The acting City Manager read a letter received by a resident at 20839 Hunt Club opposed to this parking lot.

Ms. Kingston asked what type of vehicles will be parked in the proposed parking lot. (The acting City Manager responded that employees will be parking in the lot.)

Ms. Bellomo asked if she could see a copy of the proposed parking lot site plan.

Mr. Grace asked if there would be a loss in taxes to the city if this parking lot is approved. (The acting City Manager responded that the business owner would be assessed additional tax for the increase in lot size, but did not have any specific figures.)

A resident asked what type of business is operating at this location. (The business owner responded that it is a low income real estate development company and that the additional parking lot is mostly for employee parking as they are also looking at expanding this business and hiring additional employees.)

Ms. Marshall asked if the business owner contacted any of the neighboring homeowners prior to requesting the proposed parking lot. She also asked if there would be any type of fence or barrier that would separate the parking lot and the homes. (The Mayor responded that all homeowners within 300' of this proposed parking lot were notified of the business owner's intentions.)

Ms. Bellomo asked for clarification of the exact location of the proposed parking lot.

A resident inquired if the business owner was also a resident of Harper Woods. (The business owner replied that he is not a homeowner in Harper Woods.)

CM 11-137-11                    CLOSE PUBLIC HEARING - REQUEST FOR  
PROPOSED PARKING LOT AT 20830 LOCHMOOR

MOTION by Monaghan, SUPPORTED by Szymanski:  
To close the Public Hearing to consider a request from the property owners at 20250 Harper to allow a parking lot at 20830 Lochmoor in a residentially zoned area in accordance with Sec. 10-149(1) of the City's Zoning Ordinance.

MOTION CARRIED UNANIMOUSLY

Mayor Pro tem Costantino made a motion to table the proposed parking lot to obtain more information on the tax questions that were raised during the public hearing. The motion was not supported and no action was taken.

CM 11-138-11                    PROPOSED PARKING LOT - 20830 LOCHMOOR

RESOLUTION by Monaghan, SUPPORTED by Szymanski:  
BE IT RESOLVED to approve the proposed parking lot at 20830 Lochmoor as required by Sec. 10-149(1) of the City's Zoning Ordinance as recommended by the City Planning Commission as set forth in their minutes of October 19, 2011.

Councilwoman Sawicki asked if the parking lot will take up the entire area where the current home is located. (The business owner explained the size of the lot and where the lot will be in proximity to the homes and continued that, as recommended by the Planning Consultant there would be approximately 15' of landscaping as a barrier to the homes.)

Councilman Monaghan asked for confirmation that the area in question will result in nine parking spaces.

Mayor Pro tem Costantino commented on the landscaping and asked how many feet are between the last parking space and the property behind it. (The business owner responded that there is approximately 5 feet and that the lot on Hunt Club is vacant.)

Councilwoman Sawicki asked if the masonry wall will complement the home behind it. (The business owner responded that the masonry wall will probably complement his current business.)

**ROLL CALL VOTE**

YES: Flanagan, Monaghan, Palmer, Sawicki, Szymanski, Poynter and Costantino.  
NO: None.

**RESOLUTION ADOPTED UNANIMOUSLY**

**CALL TO AUDIENCE**

Ms. DiLuigi thanked Harper Woods for the great services that are provided to the residents. She then commented on the changes that are happening in her area and how they affect the quality of her life. She specifically mentioned loud music, cars honking their horns and her neighbors not taking care of their property. She asked what could be done about it. (The Mayor suggested that she write down the specific addresses of any ordinance violators and report them to the City Clerk's office.) She continued by asking what can be done about rental property owners that rent to people that do not keep up their property.

Ms. Kingston asked if we have ordinances that provide for a rental registration and certificate of occupancy. She also asked if there is a record of who is renting any one particular property. She then asked if we could charge more for inspection fees or certificates of occupancy as a way to raise revenues. Lastly she asked who to contact if her streetlight is out.

Mr. Grace asked if a rental property owner is required to have a new inspection for the Certificate of Occupancy and a rental registration each time a new tenant is occupying a rental property.

Ms. Paiz suggested that Harper Woods begin to charge an annual fee to all rental property owners for all rental properties they own, as St. Clair Shores does, as a way to increase

revenue. She then commented on the Mayor's campaign literature that mentions pursuing grants for funding purposes and stated that she was informed that the City's grant writer had been terminated. She then asked what are other resources the City plans to use for grant writing purposes.

Ms. Marshall mentioned that on election day Councilman Flanagan told a resident that the fire department was no longer fielding any EMS runs and that the fire fighters' sole purpose was to fight fires and that the City had outsourced the ambulance service and hired a private company. She asked if this were true. (The acting City Manager responded that there have been no changes to the current practices in the fire department.)

Ms. Kushkowski acknowledged that she had arrived late to the public hearing, but wished to state her objection to the proposed parking lot as she does not want her neighborhood turned into nothing but parking lots.

A resident stated that he wished to speak at the public hearing also, but his notice said that the hearing was at 7:30 and not at 7:00 p.m.

Discussion took place between the Council members as to what options can be considered due to the time error on the public hearing notice that was mailed to each resident within 300' of the proposed parking lot. City Attorney LaBarge stated the options and Mayor Pro tem Costantino made a move to reconsider the vote on the Proposed Parking Lot based on Ms. Kushkowski's statement that she did not have her chance to speak at the Public Hearing.

CM11-139-11

RECONSIDER PROPOSED PARKING LOT  
20830 LOCHMOOR

MOTION by Costantino, SUPPORTED by Sawicki:

To reconsider the proposed parking lot at 20830 Lochmoor based on residents who were not heard during the public hearing. Further, that this matter be placed on the next regularly scheduled meeting on December 5, 2011 at 7:00 p.m. for the purpose of hearing public comment.

Councilman Monaghan asked what legal ramifications by the property owner would there be if this item is placed for reconsideration. He continued by saying that based on the Planning Commission and the Planning Consultant's recommendation that this parking lot be approved, then the Council's vote should stand.

Councilwoman Sawicki asked whether a vote could be made at this point or if there should be another public hearing to receive public comment on this item.

Councilman Szymanski asked for clarification if there would be any legal recourse by the property owner if in fact the petitioner had some financing adversely affected by a

postponement. (The City Attorney said it is his opinion that there won't be any financial or legal exposure by the City as there was no guarantee that this proposed parking lot would be approved tonight.)

MOTION CARRIED

Mr. Dick stated that he appreciated the vote to reconsider the proposed parking lot.

Mr. Szolach commented on negative comments made at a recent Council meeting about the Recreation Director and its programs including the Little League program. He stated that the Recreation Director does a great job and that he works hard to put on great programs for kids. He continued saying that these programs help to keep kids off of the streets and he resents any negative comments toward the recreation program.

Mr. Bruneel reminded everyone that the Lion's Club Goodfellows paper will be sold on Monday, November 28 and following that the Candy Cane sale will take place. He also reminded everyone that the Dad's Club is selling Christmas Wreaths and that the collected money will be used to help 40-50 families in need during the holidays. He then wished everyone a Happy Thanksgiving.

A Berden resident inquired what she could do about removing possible squatters living in a home near her. (The acting City Manager suggested that she contact the Deputy Police Chief to have that situation looked into.)

Mr. Cadotte asked about the LED signs that have been put up by Subway and Mr. C's and suggested that they look gaudy with the bright colors and constant flashing messaging and wanted to know if there could be something done about them before they get out of control.

Mr. Schenburn thanked all of the residents of Harper Woods for their support and contributions during the recent Harper Woods Boy Scout Can-Do program. He continued by saying that the Scouts collected 235 cases of food to share with families in need.

Mr. Selburn congratulated Councilwoman Costantino for being elected Mayor Pro tem. He then commented about outside interest groups passing out campaign literature during the recent election. He then commented on a recent news article that stated that even though cities' are saying that they are losing tax revenue, the reality is, according to the news article, that during the time period of 2008 through 2010 property tax revenues went up.

A resident commented on the public hearing being tabled and thanked the Council for allowing all of the residents in that area to be heard. He then commented that even though the business owner will likely do a great job in constructing this parking lot, he doesn't like the idea of having additional trash and traffic near his home. He then invited the Council to drive by and look at the area in question if they haven't already done so before they make

their decision.

Ms. Kindle commented on the large amount of trash placed on the right of way during an eviction process of a rental property tenant and asked that perhaps the City require the rental property owners to acquire a dumpster for the removal of the debris. She also asked that we stop issuing warnings for ordinance violators and just issue tickets.

Ms. Bellomo stated that the City Attorney isn't doing enough to help alleviate the unsightly home she lives next door to and asked what she can do about it.

Ms. Paiz asked about the current status of Union negotiations. She then asked why the city is able to spend \$2,000 on recognizing the winners of the beautification awards, but can't have the City's sign on during the weekends. She then questioned if the Council was going to begin working on the Master Plan. (The Mayor mentioned that the Master Plan is something that is being worked on by the Planning Commission.) Lastly she asked what the City is doing to encourage business growth.

Ms. Bellomo wished everyone a Happy Thanksgiving.

#### CALL TO COUNCIL

Mayor Poynter thanked the acting City Manager and Representative Bledsoe for their efforts and support of the EVIP process. He then agreed with the residents' comments about heavily enforcing the ordinances as a way to keep Harper Woods from deteriorating and continue to be a safe community. He mentioned also that while campaigning he heard comments from residents that stopped coming to the Council meeting due to constant repetition from the same groups of people and the negative comments directed at the City Council. His suggestion was that a subcommittee be formed for the purpose of how to address public comment at the City Council meeting. He asked for three members of Council to volunteer. Councilman Monaghan, Councilwoman Costantino and Councilman Flanagan volunteered.

Councilman Szymanski commented on the news article that Mr. Selburn referenced by saying that he believed that this article was a good sign that property values are stabilizing and that meant good news for Harper Woods. Then he mentioned that he thought the subcommittee was a wonderful idea to address public comment and suggested that rules be adopted designed to expedite business, to have open deliberation and to encourage residents to address the Council with responsible comments and not personal attacks or threatening remarks. He then commented on a rental home that he looked at that was in desperate need of repair and said that he heard that there was a particular resident that was told by a City employee that because his hours, pay and benefits were cut that he no longer had the time, patience or desire to pursue such complaints to address the residents concerns on the disrepair of this home. Lastly he stated that the Financial Oversight Committee should be disbanded now that the budget and its concerns have been addressed.

Councilwoman Sawicki asked if the Financial Oversight Committee would be disbanded tonight or at a later date. (The Mayor then mentioned that while most of the business has been addressed, there still is the matter that the acting City Manager's contract expires at the end of December and there will be some decisions to be made and also Mr. Leidlein's leave of absence will still need to be addressed in the future and that may need to be done by the Financial Oversight committee. He offered to meet with both the acting City Manager and Mr. Leidlein to resolve the standing issues.)

Councilwoman Costantino agreed that the issues before Council relative to Mr. Leidlein and the acting City Manager are more of a personnel matter and that disbanding the Financial Oversight Committee would be a good idea.

CM 11-140-11

DISBAND FINANCIAL OVERSIGHT COMMITTEE

MOTION by Sawicki, SUPPORTED by Costantino:  
To Disband the Financial Oversight Committee

MOTION CARRIED UNANIMOUSLY

Mayor Poynter then asked if there would be any disagreement with setting up a meeting between Mr. Leidlein and himself to discuss the medical leave matter and also with setting up a meeting with the acting City Manager to discuss future plans with his contract that will be expiring December 31, 2011.

Councilwoman Costantino stated that she was in agreement with this arrangement as long as the Mayor got information back to the full Council on a more timely basis, so that they would have more of an opportunity to make decisions.

Councilwoman Sawicki agreed with a resident that suggested that rental property owners rent dumpsters during the eviction process of a tenant and asked that this be looked at. She also asked that the annual fee for rental property owners that was suggested earlier be looked at also.

Councilman Flanagan thanked all of his supporters for his election to the City Council. He then mentioned in response to Mr. Selburn, that the outside interest group that assisted him in his campaigning was his family, friends and coworkers. He then related how the City of Detroit currently handles squatters and that the process is relatively quick and it can be resolved with the police department. Lastly he mentioned that the City can create an endowment program as a means to generate revenue. He suggested initiating an entity to solicit and accept donations.

Councilwoman Costantino thanked Representative Bledsoe for his support and assistance in allowing us opportunity to collect the first portion of the EVIP money that initially was denied

us due to missing the initial requirement of having the dashboard available for the community. She then stated that DTE should be called directly when a streetlight is out. DTE is able to investigate the streetlight outage based on the address that is associated with the telephone number that is used to call DTE. She also related her experiences as a rental property owner in Harper Woods including the fees and registration process that is required. She then encouraged any and all residents to call the City if their neighbors are violating any ordinances in order to get them resolved.

Councilman Palmer reminded the acting City Manager and the acting City Clerk to be sure to call the property owner of the proposed parking lot first thing to advise him that his request was tabled until the next City Council meeting.

Mayor Poynter then wished everyone a Happy Thanksgiving.

CM 11-141-11

EXECUTIVE SESSION -  
COLLECTIVE BARGAINING MATTER

RESOLUTION by Monaghan, SUPPORTED by Sawicki:

BE IT RESOLVED to adjourn to executive session for the purpose of discussing a collective bargaining matter.

ROLL CALL VOTE

YES: Monaghan, Palmer, Sawicki, Szymanski, Poynter, Costantino and Flanagan.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

The City Council adjourned to Executive Session at 8:40 p.m. and reconvened at 9:41 p.m.

CM 11-142-11

APPROVAL OF LETTER OF AGREEMENT - HARPER  
WOODS COMMAND OFFICERS ASSOCIATION OF  
MICHIGAN AND HARPER WOODS POLICE OFFICERS  
ASSOCIATION OF MICHIGAN, PATROL,  
DETECTIVES AND DISPATCHERS UNIT

RESOLUTION by Costantino, SUPPORTED by Monaghan:

BE IT RESOLVED to approve the Letter of Agreements dated November 16, 2011 between the City of Harper Woods and the Harper Woods Command Officers Association and the Harper Woods Police Officers Association, Patrol Officers, Detectives and Dispatchers Unit and further to authorize the Mayor and acting City Clerk to sign the Letters of Agreement.



ROLL CALL VOTE

YES: Flanagan, Monaghan, Palmer, Sawicki, Szymanski, Poynter, Costantino

NO: None.

CM 11-143-11

ADJOURNMENT

MOTION by Monaghan, SUPPORTED by Sawicki:

That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 9:45 p.m.

MOTION CARRIED UNANIMOUSLY

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KENNETH A. POYNTER, MAYOR

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LESLIE M. FRANK, ACTING CITY CLERK

CITY OF HARPER WOODS  
CITY COUNCIL  
NOVEMBER 14, 2011

SPECIAL MEETING MINUTES

The special City Council meeting was called to order by Mayor Kenneth A. Poynter at 8:00 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem John M. Szymanski, Councilperson(s) Cheryl A. Costantino, Hugh Marshall, Michael P. Monaghan, Daniel S. Palmer, and Vivian M. Sawicki.

ABSENT: None.

OTHERS PRESENT: Acting City Manager Randolph Skotarczyk, and Acting City Clerk Leslie M. Frank.

PRESENTATION TO COUNCILMAN HUGH MARSHALL

Mayor Poynter presented a plaque to outgoing City Councilman, Hugh Marshall, in recognition of his years of service on City Council.

OATH OF OFFICE - MAYOR

The Acting City Clerk administered the oath of office to the newly re-elected Mayor, Kenneth A. Poynter.

OATH OF OFFICE - CITY COUNCIL MEMBERS

The Acting City Clerk administered the oath of office to the following newly re-elected Council Members: Cheryl A. Costantino, Michael P. Monaghan and newly elected Council member Charles Flanagan.

CM 11-132-11

ELECTION OF MAYOR PRO TEM

RESOLUTION by Szymanski, SUPPORTED by Sawicki:

WHEREAS, Section 4.3 of the City Charter, as amended, requires the City Council to elect the Council member receiving the highest number of votes at the most recent City election to serve as Mayor Pro tem, and

WHEREAS, Cheryl A. Costantino is the Council member receiving the highest number of votes.

NOW, THEREFORE, BE IT RESOLVED, that the City Council does hereby elect Cheryl A. Costantino to the Office of Mayor Pro tem for the term expiring at the first Council meeting following the next regular City election.

ROLL CALL VOTE:

YES: Costantino, Flanagan, Monaghan, Palmer, Szymanski, Poynter and Sawicki

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 11-133-11

ADJOURNMENT

MOTION by Monaghan, SUPPORTED by Palmer:

That the agenda of the special City Council meeting having been acted upon, the meeting is hereby adjourned at 8:10 p.m.

MOTION CARRIED UNANIMOUSLY

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Kenneth A. Poynter, Mayor

Leslie M. Frank, Acting City Clerk

CITY OF HARPER WOODS  
CITY COUNCIL  
NOVEMBER 7, 2011

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:00 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem John M. Szymanski, Councilperson(s) Cheryl A. Costantino, Hugh Marshall, Michael P. Monaghan, Daniel S. Palmer, and Vivian M. Sawicki.

ABSENT: None.

OTHERS PRESENT: Acting City Manager Randolph Skotarczyk, City Attorney J. Russell LaBarge and Acting City Clerk Leslie M. Frank.

CM 11-119-11

MINUTES

MOTION by Monaghan, SUPPORTED by Palmer:

To receive, approve and file the minutes of the regular City Council meeting held October 17, 2011, and the special City Council meeting held October 24, 2011 and furthermore receive and file the minutes of the Planning Commission meeting held October 19, 2011 and the Library Board meeting held October 20, 2011.

MOTION CARRIED UNANIMOUSLY

CM 11-120-11

CONSENT AGENDA

RESOLUTION by Costantino, SUPPORTED by Monaghan:

BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 95592 through 95777 in the amount of \$903,657.49 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.
2. To receive and file for the audit, the 3<sup>rd</sup> quarter financial statement.

CITY OF HARPER WOODS, MICHIGAN  
REGULAR CITY COUNCIL MEETING

NOVEMBER 7, 2011  
PAGE 2

3. Approve payment to Oakland County Information Technology in the amount of \$7,601.75 for fees relative to the CLEMIS computer system utilized by the Police Department.
4. Approve payment to Statewide Security Transport in the amount of \$7,484.25 for prisoner lodging and maintenance for the month of September 2011.
5. Approve payment to Guardian Sewers in the amount of \$15,600.00 for their assistance with various water main breaks and stop box repairs in the City.

ROLL CALL VOTE

YES: Costantino, Marshall, Monaghan, Palmer, Sawicki, Szymanski and Poynter.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 11-121-11

2012 BUDGET - OPEN PUBLIC HEARING

MOTION by Szymanski, SUPPORTED by Monaghan:

To open the Public Hearing on the 2012 Budget.

MOTION CARRIED UNANIMOUSLY

PUBLIC HEARING

Ms. Paiz commented that she thought that the Budget had to be submitted to the State today and asked for clarification. (The acting City Manager responded that the City is required by Charter to adopt the budget tonight.)

Ms. Marshall asked for clarification that even though this budget is being adopted tonight, it is not set in stone and that changes can be made to it. (The acting City Manager responded that modifications can be made after it is adopted tonight.)

Ms. Uhl commented on the storm drain charge being adjusted to \$210.00 and asked what the charge is currently. (The acting City Manager responded that it is currently \$190.00.)

Mr. Selburn commented on the ballot proposal for the Headlee Amendment and asked where are the designated funds that the residents approved. (The acting City Manager stated that those funds go into the general fund.) He then asked if the 9.5 mills are included in the budget that is being adopted tonight. He also asked for clarification on the current levy and the 2012 levy. Lastly he commented on the approximate amount he would have to pay if the Council approves the 9.5 assessment.

Ms. Marshall asked if the 9.5 mills are assessed, is it true that 10% of the property owners could petition the City to have that put to a vote of the people. She also asked if the City has a backup plan if the assessment doesn't pass. She also commented that according to the budget documents that she were on line, the combined costs of the Parks and Recreation department, the streetlights and Dial-A-Ride service total approximately \$1.1 million and that maybe we should do without them for a year or so to save money as they only service a small portion of the residents. (The acting City Manager responded that the dial-a-ride service was eliminated last year).

Mr. Kien commented on how the 9.5 mill assessment will personally affect his property tax. He also commented that he believes that this assessment should not be imposed without a vote of the people.

Ms. Paglia asked what would happen if a homeowner failed to pay the assessment in the event that it is passed. (The acting City Manager responded that it becomes a lien on the tax roll.)

Ms. Marshall remarked that it is her understanding that if the EMS is outsourced that there could be no layoffs in the fire department during the time that it is outsourced. She then asked if the extra cost of hiring an ambulance company for EMS has been looked at as it is her understanding that would cost more and asked if that would be budgeted for.

Ms. Bellomo asked if the City Manager still has a vehicle or a vehicle allowance, and stated that she doesn't feel that anyone should be afforded these types of allowances right now.

Ms. Marshall asked why there is a public hearing on the budget if we have to adopt it tonight anyway. (The Mayor responded that the budget is a work in progress and that the City Council is required by Charter to adopt a budget tonight.)

Ms. Bellomo asked if there have been deadlines set for negotiating with the unions. (The acting CM said that he has negotiated with each of the units and he stated that he is encouraged that there will be a positive outcome.)

Mr. Selburn asked if there would be a vote by the people or the City Council on the 9.5 mill assessment. (The Mayor explained that two public hearings would have to be held prior to any vote and that the vote could be done by either the people or the City Council.)

Ms. Uhl stated that a specific deadline should be imposed for the unions to make concessions. (The acting City Manager stated that all employee groups have been advised that if we do not have agreements by January 1 then the difference will be made up with layoffs.) She also asked when the residents would know how many mills that City plans to impose and when. (The acting City Manager responded that as soon as he finishes the negotiations with the employee groups and it is determined how many mills are needed to make up the difference.)

Ms. Paiz asked what percentage of property owners are not residents.

Ms. Beaubien asked for clarification on the difference of the City incorporating a 9.5 mill assessment in the budget and an Emergency Financial Manager imposing 10 mills. (The acting City Manager stated that it is the same solution. He further stated that the City is obligated to protect its residents. The City is also obligated to provide police protection service and fire service to the residents and that protection has to be funded and that the EFM, if appointed, would make sure that those needs are met also in one fashion or another.)

Ms. Marshall questioned why the City is trying to prevent layoffs. As an employer the City should have the residents best interest in mind and the loyalty should be to the citizens and not the employees. She encouraged the City to do whatever needs to be done to balance the budget, including layoffs.

Mr. Cadotte commented that the reason Harper Woods and other cities today are in financial trouble is because when times were good the defined pension plans and fringe benefits were overly generous and that something needs to be done about these defined benefit plans to rectify the shortfall the City is experiencing.

Mr. Decoster commented that as an employee of the City, he has not had a pay increase in five years.

Ms. Bellomo stated that she is against all layoffs and does not want to see any employee laid off if it isn't necessary. She continued by saying that she would not be opposed to a tax assessment if it would mean that employees in the police and fire departments would not lose their jobs.

Ms. Uhl asked if the 9.5 mill assessment would guarantee current staffing levels in the police and fire departments. (The acting City Manager responded yes, for 2012.) She also stated that she felt it is unfair that all employee groups, including those that haven't had a pay increase in five years, are forced to take the same pay cut as other groups.

Mr. Selburn asked if the 9.5 mill assessment would prevent any reductions in the fire department.

Ms. Marshall questioned if the City planned to hire any fire fighters in 2012 to fully staff the fire department to cut overtime costs. (The acting City Manager said that no plans were discussed to hire any employees in 2012.)

Mr. Kien asked if the City planned to continue operating the ambulance service the same way in 2012.

CM 11-122-11                    2012 BUDGET - CLOSE PUBLIC HEARING

MOTION by Monaghan, SUPPORTED by Palmer:  
That having received public comment, the Public Hearing on the 2012 Budget is hereby closed.

MOTION CARRIED UNANIMOUSLY

CM 11-123-10   ADOPTION OF TAX LEVY RESOLUTION - 2012 BUDGET

RESOLUTION by Monaghan, SUPPORTED by Marshall:  
BE IT RESOLVED adopt the Tax Levy Resolution hereby establishing the following tax rate for 2012.  
WHEREAS, Act 5 of the P.A. of 1982, as amended requires that a notice be given and that a public hearing be held and that the proposed millage rate will be a subject of review at the hearing, and  
WHEREAS, The City of Harper Woods has complied with these provisions of the Act by publishing a Notice of Public Hearing in a newspaper of general circulation on October 27, 2011 and held said public hearings on November 7, 2011, and  
WHEREAS, The City Council has complete authority to establish the millage rates necessary to support the City's proposed budget.  
NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Harper Woods does hereby approve the City's tax levy for 2012 as follows:

GENERAL	20.0000
REFUSE	2.5000
LIBRARY	1.9168
DEBT	4.0000
TOTAL	28.4168

BE IT FURTHER RESOLVED, that the City Assessor for the City of Harper Woods is hereby directed to spread upon the Taxable Valuation of all real and State Equalized Valuation of all personal property within the corporate limits of the City of Harper Woods, the above established millage rate.

ROLL CALL VOTE

YES: Marshall, Monaghan, Palmer, Sawicki, Szymanski, Poynter and Costantino.  
NO: None.

RESOLUTION ADOPTED UNANIMOUSLY



CM 11-124-11

ADOPTION OF BUDGET ADOPTION AND  
APPROPRIATION RESOLUTION - 2012 BUDGET

RESOLUTION by Marshall, SUPPORTED by Szymanski:

BE IT RESOLVED to approve the Budget Adoption and Appropriation Resolution, thereby adopting the 2012 Budget as presented.

WHEREAS, The City Manager of the City of Harper Woods has presented to the City Council a proposed budget for the City’s operating and debt funds for the period January 1, 2012, through December 31, 2012; and

WHEREAS, The proposed Budget has been reviewed and found to be in accordance with the general fiscal and budgetary policies as established by the City Council; and

WHEREAS, A Public Hearing was held on the Budget submission on November 7, 2011, at 7:00 p.m. in the City Council Chambers of the City of Harper Woods, Michigan and a public notice of this hearing was made on October 27, 2011, advising of the hearing and that a copy of the proposed budget was available for public inspection, in accordance with Section 9.3 of the City Charter; and

WHEREAS, This Budget Document is on file in the official records of the City of Harper Woods, Michigan.

NOW, THEREFORE, BE IT RESOLVED that the City Council, under the authority granted by the City Charter and the State of Michigan does hereby approve and adopt the 2012 Budget as submitted and appropriate the following sums for the purposes set forth herein:

GENERAL	\$12,052,500
MAJOR STREET	\$671,200
LOCAL STREET	\$442,400
WATER & SEWER UTILITY	\$2,945,220
VEHICLE & EQUIPMENT	\$389,425
STORM DRAINAGE	\$1,983,120
REFUSE COLLECTION	\$889,100
LIBRARY	\$571,000
DEBT RETIREMENT	\$1,436,700
SELF INSURANCE	\$100,000
SEPARATION PAY	\$0
MUNICIPAL IMPROVEMENT	\$400,000
DRUG LAW ENFORCEMENT	\$20,100
TOTAL	\$21,900,765

ROLL CALL VOTE

YES: Monaghan, Palmer, Sawicki, Szymanski, Poynter, Costantino and Marshall.  
NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 11-125-11      2012 STORM WATER UTILITY RATE RESOLUTION

RESOLUTION by Monaghan, SUPPORTED by Palmer:

BE IT RESOLVED that in accordance with Chapter 27, Article V, Sections 27-120 and 27-15 of the Code of Ordinances, a rate of \$210.00 per residential equivalent unit is hereby established for the storm water utility charge to be billed December 1, 2011.

ROLL CALL VOTE

YES: Palmer, Sawicki, Szymanski, Poynter, Costantino, Marshall and Monaghan.  
NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 11-126-11      CROSS CONTROL CONNECTION PROGRAM  
ORDINANCE - SECOND READING AND ADOPTION

RESOLUTION by Sawicki, SUPPORTED by Monaghan:

BE IT RESOLVED to Place for Second Reading and Adoption Ordinance No. 2011-02 entitled "An Ordinance Regulating Cross Connections with the Public Water Supply System, to Prevent a Connection or Arrangement of Piping or Appurtenances Through Which Water of Questionable Quality, Wastes or Other Contaminants Can Enter the Public Water Supply System" and further to direct the City Clerk to publish a notice of this in accordance with City Charter requirements. (Attachment #1)

ROLL CALL VOTE

YES: Sawicki, Szymanski, Poynter, Costantino, Marshall, Monaghan and Palmer.  
NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 11-127-11

CROSS CONNECTION CONTROL  
INSPECTION SERVICE AGREEMENT

RESOLUTION by Marshall, SUPPORTED by Monaghan:

BE IT RESOLVED to authorize the Acting City Manager to sign and enter into the proposed three-year Professional Service Agreement with Hydro Design to perform Cross Connection Control Inspections for the City of Harper Woods and to authorize the Acting City Manager to work with the contractor to recommend an appropriate administrative fee with consultation with the vendor to be reviewed for City Council approval at a later date.

ROLL CALL VOTE

YES: Szymanski, Poynter, Costantino, Marshall, Monaghan, Palmer and Sawicki.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 11-128-11

PROPOSED PARKING LOT AT 20830  
LOCHMOOR - SCHEDULE PUBLIC HEARING

MOTION by Monaghan, SUPPORTED by Palmer:

To schedule a public hearing to consider a request for a proposed parking lot in a residential area at 20830 Lochmoor in accordance with an ongoing development behind the businesses on Harper between Hunt Club and Lochmoor to be held on November 21, 2011 at 7:00 p.m.

MOTION CARRIED UNANIMOUSLY

CM 11-129-11 TRANSFER TO 2010 WINTER TAX ROLL - DELINQUENT  
WATER, SEWER, GRASS CUTTING AND COMMERCIAL REFUSE BILL

RESOLUTION by Monaghan, SUPPORTED by Costantino:

BE IT RESOLVED to Approve the transfer of \$146,735.76 in delinquent Water and Sewer Bills, \$162,380.42 in Miscellaneous City Services and \$6,832.00 in Special Pickups and \$1,919.00 for meter replacements (total of \$317,867.18) to the 2011 Winter Tax Roll as proposed and submitted by the City Treasurer.

ROLL CALL VOTE

YES: Poynter, Costantino, Marshall, Monaghan, Palmer, Sawicki and Szymanski.

NO: None.

RESOLUTION ADOPTED

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CALL TO AUDIENCE

Mr. Bruneel reminded everyone that the Harper Woods Dads Club is selling wreaths for the holidays. He also urged everyone to thank a veteran on Veteran's Day this Friday. He then read an excerpt from a newspaper article that encouraged giving a gift to "Uncle Sam" and that taxpayers this year gave back approximately 2.4 billion dollars. He then presented the Mayor with his monthly donation.

Ms. Paiz questioned if the City was able to recoup the \$90,000 that was lost by not having met the dashboard requirements that the State has recently imposed. (The acting City Manager stated that we have the support of our State Representative and he is trying to assist us in getting this funding as we have met all of the other requirements for the dashboard.) She also questioned if the company that was approved tonight for the cross connection program is the same company that is responsible for the flooding in the Grosse Pointes. (The acting City Manager responded that this company provides a completely different type of service.)

Ms. Uhl asked how the City planned to recoup ambulance fees if the City discontinues the ambulance service and Medstar becomes the only service for the residents. She also stated that she is upset that the City has spent tens of thousands of dollars on the cross training of police officers, gave them raises, paid attorney costs for a lawsuit and now we have nothing to show for it and now the City is asking for an additional 9.5 mills from the residents.

Ms. Southers commented that the ambulance does bring in revenue and felt that it would be beneficial to continue utilizing two ambulances to generate additional revenue. She also stated that the reason she was opposed to a public safety concept is due to the City's lack of a plan.

Ms. Paglia passed out copies of a recent FOIA request that she recently gave to the City regarding the Open Meetings Act. She then stated that her request was denied based on the fact that the documents she requested were subject to attorney/client privilege. She continued by saying that it is the City's right to release those documents if they choose to do so and asked if the City has nothing to hide, then why can't these documents be released. (The City Attorney agreed with Ms. Paglia that the privilege is the City's and can be waived at any time and then he requested that this be discussed in closed session to determine if these documents should be released.)

Ms. Marshall commented that with regard to the streetlights, there should be a vote of the people to determine if the City should continue to keep them on, along with a vote for the 9.5 mill assessment. She then continued by saying that she would like to encourage those unions in negotiation to not agree to any pay cuts without a guarantee that there will not be any layoffs for the duration of the contract. She also questioned why the only department the City is willing to outsource is the fire department.

Ms. Bellomo thanked the Mayor and the acting City Manager for meeting with her a couple of weeks ago. She further commented that she feels that the City has a personal vendetta with regard to the Fire department and is angry about it and just wants it to stop.

Mr. Micallef wished all the candidates luck in the election tomorrow. He then thanked the Mayor and Councilwoman Costantino for meeting with him and mentioned that he feels it's important to have open dialogue. He then stated that he wants the City to do well, as he has a vested interest in this City and it's important for it to do well. He then mentioned the Great Lakes Burn Center fundraiser that was held recently and approximately \$ 1,700 was raised. He then shared a personal experience while attending a camp for the Muscular Dystrophy Association.

Ms. Beaubien questioned the use of "small town community" and "bedroom community" on campaign literature she recently received from the Mayor as she felt that this did not accurately describe Harper Woods. She stated that Harper Woods is a rapidly changing diverse community. (The Mayor stated that based on the population being under 15,000 residents, it is his opinion that this is considered a small town.) She then related her experiences with the use of the ambulance on several occasions this year.

Mr. Selburn questioned when the alternate budgets were presented to Council as he was not aware of any other budget. (The acting City Manager clarified that there were a couple of different decision packets that were given to council for review during the budget sessions and each of them reflected the various assessment scenarios that the Council discussed.) He continued by saying that if the City chooses to assess the 9.5 mills to the current tax levy, then it would increase taxes approximately 33.4%. He then stated that he feels that the Council does not want to listen to the residents and that they are inaccessible and choose to ignore the residents.

Ms. Kindle commented that she feels that the worst thing that could happen to the City would be an emergency financial manager taking over as they would do whatever it takes to correct the budget. They will also take rights away from the residents of the community and the residents would not have the opportunity to change anything that they have done for two years after they leave. She continued by saying that the City Council is elected and if residents don't like what it is they are doing, then they should be sure to vote them out. She then commented that the Emergency Financial Manager law is the worst law that was created by the State of Michigan.

Mr. Selburn stated that the Emergency Financial Manager could not assess whatever they want to and he clarified his statement that he doesn't believe an EFM taking over would be good for the City or its residents.

Ms. Marshall stated that she believes that the emergency financial manager could be the person currently running the city and she hopes that whoever is appointed would be loyal to the city and the residents.

CALL TO COUNCIL

Mayor Poynter reminded everyone to vote tomorrow.

Ms. Sawicki commented on an email that she received from a resident who asked that the on-street parking situation on her street be looked into and she suggested that the City charge \$500 for an on street parking permit. She also asked what could be done about the entrances to and the parking lot at Eastland Mall and that perhaps we could fine Eastland for not fixing the street.

Ms. Costantino stated that the City should not only freeze what we spend for employees, but also freeze and possibly roll back what is spent on vendors, including the city attorney, the city engineers and others.

CM 11-130-11

EXECUTIVE SESSION -  
COLLECTIVE BARGAINING MATTER

RESOLUTION by Monaghan, SUPPORTED by Marshall:  
BE IT RESOLVED to adjourn to executive session for the purpose of discussing a collective bargaining matter.

ROLL CALL VOTE

YES: Costantino, Marshall, Monaghan, Palmer, Sawicki, Szymanski and Poynter.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

The City Council adjourned to Executive Session at 9:10 p.m. and reconvened at 9:58 p.m.

CM 11-131-11

ADJOURNMENT

MOTION by Monaghan, SUPPORTED by Szymanski:  
That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 9:58 p.m.

MOTION CARRIED UNANIMOUSLY

ORDINANCE NO. 2011-02

AN ORDINANCE REGULATING CROSS CONNECTIONS  
WITH THE PUBLIC WATER SUPPLY SYSTEM, TO PREVENT  
A CONNECTION OR ARRANGEMENT OF PIPING OR  
APPURTENANCES THROUGH WHICH WATER OF  
QUESTIONABLE QUALITY, WASTES OR OTHER  
CONTAMINANTS CAN ENTER THE PUBLIC  
WATER SUPPLY SYSTEM.

Be it ordained by the City of Harper Woods, State of Michigan:

Section 1. That the City of Harper Woods adopts by reference the Water Supply Cross Connection Rules of the Michigan Department of Environmental Quality being R325.11401 to R325.11407 of the Michigan Administrative Code.

Section 2. That it shall be the duty of the City of Harper Woods to inspect all properties served by the public water supply where cross connections with the public water supply is deemed possible. The frequency of inspections and re-inspections based on potential health hazards involved shall be as established by City of Harper Woods and as Approved by the Michigan Department of Environmental Quality.

Section 3. That the representatives of the City of Harper Woods shall have the right to enter any property served by a connection to the public water supply system of Harper Woods for the purpose of inspecting the piping system or systems thereof for cross connections. On request, the owner, lessees, or occupants of any property so served shall furnish to the inspection agency any pertinent information regarding the piping systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connection.

Section 4. That the City of Harper Woods is hereby authorized and directed to discontinue water service after reasonable notice to any property wherein all connection in violation of this ordinance exists and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water supply system. Water service to such property shall not be restored until cross connection(s) has been inspected and found to be in compliance with the provisions of this ordinance.

Section 5. That all testable backflow prevention assemblies shall be tested at the time of installation or relocation and after any repair. Subsequent testing of devices shall be conducted at a time interval specified by the City of Harper Woods and in accordance with Michigan Department of Environmental Quality requirements. Only individuals that hold a valid Michigan plumbing license and have successfully passed an approved backflow testing class

shall perform such testing. Each tester shall also be approved by the City of Harper Woods. Individual(s) performing assembly testing shall certify the results of his/her testing.

Section 6. The potable water supply made available on the property served by the public water supply shall be protected from possible contamination as specified by this ordinance and by the state and city plumbing code. Any water outlet which could be confused for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as: **WATER UNSAFE FOR DRINKING**

Section 7. That this ordinance does not supersede the state plumbing code and city plumbing ordinance, but is supplementary to them.

Section 8. That any person or customer found guilty of violating any of the provisions of this ordinance or any written order of the City of Harper Woods, in pursuance thereof, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$100.00 nor more than \$500.00 for each violation. Following notification, each day for which a violation of the provisions of this act shall occur shall be deemed a separate and additional violation for the purposes of this ordinance.

Section 9. Repeal All other ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

Section 10. Severability If any article, section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance, it being the intent of the Council of the City of Harper Woods and this ordinance shall stand, notwithstanding the invalidity of any article, section, subsection, sentence, clause, phrase or portion thereof.

Section 11. Effective Date This Ordinance shall take effect ten (10) days after enactment as provided by the City Charter.

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Kenneth A. Poynter, Mayor

Leslie M. Frank, Acting City Clerk



CITY OF HARPER WOODS  
CITY COUNCIL  
OCTOBER 24, 2011

SPECIAL MEETING MINUTES

The special City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:00 p.m.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem John M. Szymanski,  
Councilperson(s) Cheryl Costantino (7:05), Hugh Marshall, Michael P.  
Monaghan, Daniel S. Palmer and Vivian M. Sawicki.

ABSENT: Cheryl Costantino.

OTHERS PRESENT: Acting City Manager Randolph Skotarczyk, Finance Dir.  
Laura L. Stowell and Acting City Clerk Leslie M. Frank.

BUDGET SESSION

The acting City Manager and City Council reviewed and discussed the proposed General fund for 2012.

CALL TO AUDIENCE

Ms. Marshall commented that she does not feel that 5% is too much to ask for from each employee. She suggested that more be taken from the employees before the City imposes a 9.5 mills assessment.

Ms. Paiz agreed with Ms. Marshall and continued saying that all Unions should be willing to give at least that and more. She also suggested that the City Council reduce their salary or give it back completely. She also asked if all employee groups are being looked at for layoffs.

Mr. Selburn commented that he is not on board with the special assessment that is being discussed. He said it is his belief that the City is in this position because of the raises that were given to the police officers. He also suggested that the City consider the elimination and/or privatization of some

departments as a means to realize savings. He then suggested that the City consider a different attorney to negotiate with the Unions.

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SPECIAL CITY COUNCIL MEETING

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Mr. Dritsas asked if the public will be voting on the assessment or if it will be imposed by City Council.

Ms. Clinard suggested that the City enforce the noise and pollution ordinances as a means to raise revenue.

Ms. Paiz asked if the assessment will have to be requested each year. She continued by asking if it is possible that the City may only need to impose the assessment for one year.

#### CALL TO COUNCIL

Mayor Poynter mentioned that during his recent office hours he met with Mr. Selburn and they discussed ways that the City and School District can work together. It was suggested that a Diversity festival be held in the near future as a way to bring the district and City together in a positive way.

Councilwoman Costantino spoke of a recent meeting that she attended where it was discussed that the City get involved with the other Grosse Pointe communities to consolidate our resources.

Councilman Monaghan stated that the City is doing everything possible to balance the budget by asking for concessions and asking for support from all departments.

Councilman Szymanski mentioned that there are alternative ways of saving money and suggested a new governance approach to manage the day to day operations.

Councilwoman Sawicki responded to Ms. Paiz saying that the Local Officers Compensation Commission sets the salary for Mayor and Council and that Council can only reject any raises, not the entire salary.

CM 10-119-11

#### ADJOURNMENT

MOTION by Monaghan, SUPPORTED by Szymanski:

That the agenda of the special City Council meeting having been acted upon, the meeting is hereby adjourned at 8:48 p.m.

MOTION CARRIED UNANIMOUSLY

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KENNETH A. POYNTER, MAYOR

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LESLIE M. FRANK, ACTING CITY CLERK

CITY OF HARPER WOODS  
CITY COUNCIL  
OCTOBER 17, 2011

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:00 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem John M. Szymanski, Councilperson(s) Cheryl A. Costantino, Hugh Marshall, Michael P. Monaghan, Daniel S. Palmer, and Vivian M. Sawicki.

ABSENT: None.

OTHERS PRESENT: Acting City Manager Randolph Skotarczyk, City Attorney Sharon DeWaele, Finance Director Laura L. Stowell and Acting City Clerk Leslie M. Frank.

PRESENTATION - COUNTY COMMISSIONER

The County Commissioner, Tim Killeen, was present to discuss and update the Mayor and City Council and the public on the issues facing the County.

CM 10-113-11

MINUTES

MOTION by Monaghan, SUPPORTED by Szymanski:

To receive, approve and file the minutes of the regular City Council meeting held October 3, 2011 and furthermore receive and file the minutes of the Planning Commission meeting held September 28, 2011 and the Election Commission meeting held October 11, 2011.

MOTION CARRIED UNANIMOUSLY

CM 10-114-11

CONSENT AGENDA

RESOLUTION by Costantino, SUPPORTED by Monaghan:

BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 95483 through 95591 in the amount of \$244,014.46 as submitted by the Acting City Manager and Finance Director, and further, authorize the Mayor and Acting City Clerk to sign the listing.
2. Approve the request from the Fire Chief to repair the impeller shaft assembly on Engine 1 in the amount of \$10,609.09 to J & J Fire Truck Repair, and that competitive bidding be waived as this is one of the only companies that perform this type of service and because the pump is taken completely apart and the engine is not drivable.
3. Approve payment to Nu Appearance Maintenance, Inc. in the amount of \$6,591.00 for contractual lawn cutting and weed maintenance in various areas of the City, including the Community Center, DPW, City Hall annexes, the parks and various residential homes that were not in compliance with the City's ordinance.
4. Approve payment to Badger Meter, Inc. in the amount of \$7,401.95 for the purchase of 24 new 5/8" Orion automatic read water meters and 24 Orion water meter tops.

ROLL CALL VOTE

YES: Costantino, Marshall, Monaghan, Palmer, Sawicki, Szymanski and Poynter.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 10-115-11

MILK RIVER - PRINCIPAL AND INTEREST

RESOLUTION by Szymanski, SUPPORTED by Costantino:

BE IT RESOLVED to approve payment in the amount of \$56,960.72 to Wayne County for the Milk River Drain principal and interest payment on the 1999 Series Bond; \$54,416.74 principal and \$2,543.98 interest.

ROLL CALL VOTE

YES: Marshall, Monaghan, Palmer, Sawicki, Szymanski, Poynter and Costantino.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 10-116-11                    PAVEMENT JOINT AND CRACK SEALING  
   #180-089/094/104/108/114/139 2005 - 2009  
   CHANGE ORDER NO. 5

RESOLUTION by Marshall, SUPPORTED by Monaghan:  
BE IT RESOLVED to authorize a change order in the amount of \$10,657.50 to Scodeller Construction Inc. for the 2005-2009 Joint and Crack Sealing project, #180-089/094/104/108/114/139.

ROLL CALL VOTE

YES: Monaghan, Palmer, Sawicki, Szymanski, Poynter, Costantino and Marshall.  
NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 10-117-11                    ADDENDUM TO AGENDA

MOTION by Monaghan, SUPPORTED by Szymanski:  
To add to the Agenda the Deficit Reduction Plan for Equipment Funds for the State of Michigan.

MOTION CARRIED UNANIMOUSLY

CM 10-118-11                    VEHICLE AND EQUIPMENT FUND  
   DEFICIT REDUCTION PLAN

MOTION by Szymanski, SUPPORTED by Monaghan:  
To adopt the Deficit Reduction Plan as outlined on the attached spread sheet for the State of Michigan Treasury Department. (Attachment #1)

MOTION CARRIED UNANIMOUSLY

CALL TO AUDIENCE

Mr. Bruneel reminded everyone that the Lion's Club annual pasta dinner will be on Wednesday and that the Harper Woods Goodfellows will be selling their newspapers on November 28 to help feed 30-40 families in need. Mr. Bruneel then presented the Mayor with a donation of \$100.00 from the Lion's Club.

A resident commented on a group home that is in his neighborhood and asked what could be done with the noise and other problems he is experiencing. (The acting City Manager asked that he get with him after the meeting for the location of this group home and he would try to assist him).

Ms. Paiz questioned an item on the check register and asked what the item was. She also asked for clarification on the status of Engine 1 and if it had been repaired yet. She also questioned if negotiations had begun and how many unions the City has. (The acting City Manager replied with two police unions, Command unit and Patrol, Detectives and Dispatchers unit, the Fire union, the Public Works unit and the Clerical unit.)

Ms. Marshall commented that she felt it would be difficult for the City to open the Police contracts and if they can't be opened, when would the layoffs begin. She also questioned an item that was discussed at the last budget meeting about a front loader being purchased and why not an ambulance. (The acting City Manager said it was mentioned at that meeting that the Public Works department is in need of one, but that we will repair the one we have instead, due to there being limited funding in the vehicle and equipment fund.) She also asked if that could be something we could share with the Grosse Pointe communities. She also mentioned that she felt that a 5% wage concession wouldn't be enough and that perhaps 10% would be reasonable. She then suggested that we sell some of our unusable equipment to add revenue. Lastly, she offered as a means to set an example, a reusable water container instead of bottled water at City Council meetings and said that it all makes a difference.

Ms. Uhl asked for clarification of the finalization of the 2010 Clerical and DPW contracts. (The acting City Manager said that they have not been signed or approved by City Council and he is working on finalizing them now.) She then asked if the City has chosen the 80/20 or the hardcap plan for the City employees healthcare and if the retirees will be contributing toward their health care costs. (The acting City Manager responded that the City has not yet determined which plan we will be adopting and that we are looking into all aspects of saving money with healthcare.)

Mr. Selburn read a section of the Open Meetings Act and then remarked that he does not feel as though something sinister is going on in the closed meetings, but still believes that the City should follow the law. He also stated that he believes that citing HIPAA as a valid reason for needing a closed meeting is wrong. He continued by referencing a recent article that claims that the houses being sold today are at a 1995 market rate and how unfortunate that is and how people do not want to move here and he feels we do not have a lot to offer to make our city favorable to new comers. He also mentioned that some of City Council's actions are not helping the schools, citing such things as the closing of the Dial-A-Ride service, eliminating the Police liaison from the high school, closing the parking lot fence in front of the high school and by not passing an ordinance to make fighting at school a civil infraction. He finished by saying that in order to get property values up the residents and the City Council need to do their part.

A resident expressed her displeasure with the rubbish company and said they are not doing a very

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REGULAR CITY COUNCIL MEETING

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good job, explaining that her cans are always dented and thrown about and that pieces of rubbish are left behind on her property and she wanted to know what could be done about it. She also mentioned that there are kids that play basketball in the street and the police will not do anything about it.

Mr. Kien asked if the five minute rule during Call to Audience was adopted by the Council. He also mentioned that the Open Meetings Act requires that reasonable accommodations during public meetings must be made, but during the last budget meeting held there were not enough chairs provided for those in attendance and asked that that be rectified tonight.

Mr. Flanagan said that he agrees that a time limit should be enforced during the Call to Audience portion of the meeting and that five minutes is reasonable. He also disagreed with a previous statement made by a resident and said that citing HIPAA as a reason for a closed meeting is allowable.

Kolby Miller from Medstar wished to address some of the criticisms that were in a recent news article. He outlined the services that they provide to the citizens of Harper Woods and then provided statistical information on their response times to various ambulance runs in the City.

Mr. Micallef commented that he disagreed with the statistics provided by Medstar.

Ms. Southers thanked Mr. Flanagan and Mr. Selburn for their comments regarding the Open Meetings Act and agreed with them that the Council should follow the law and not to use the "blanket" statement that the Council uses for their reasons to hold closed sessions of "on the advice of their attorney." She continued by saying the reason that she voted to keep the police and fire departments separate is because she felt the City had no plan in place. She then asked if the city would be assessing the cost effectiveness of buying or fixing a second ambulance versus using Medstar. She also suggested that the City reassess all vendor contracts as a means to find some savings. Lastly she asked if the City could revisit the idea of having the Council meetings broadcast on the local cable access channel for those that are unable to attend.

Mr. Campbell asked if the City planned to decide on the 9.5 tax assessment or if it would go to the vote of the people. (The Mayor responded that it hasn't been determined yet, but two public hearings would have to be held.)

Ms. Paglia stated that she was upset that she had to stand at the last Budget meeting and asked that accommodations be provided for tonight's meeting. She also inquired about her recent FOIA request and asked why almost immediately a request for an extension was submitted to her in response. She asked if this was the standard procedure for these requests. Lastly, she questioned

why there was a need to have a closed meeting when discussing the City Manager's request for a leave of absence, when all the Council needed to do was either agree to the leave or not and that could have been done in an open meeting.

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Ms. Marshall inquired what the part-time ordinance enforcement officer's wage is and instead of fining people for leaving out their recycling or rubbish bins, couldn't he just move them for the homeowner.

Ms. Southers asked when leaf pickup begins. (The acting City Manager responded that it begins this week with the regular rubbish pickup.) She also asked if the Assessor/ Building Inspector, DPW Superintendent and the Housing Inspector were part-time or full-time employees.

#### CALL TO COUNCIL

Mayor Poynter commented on the excellent job that WOW Cable and the Recreation Department did on the Movie Night in the Park last week. He also said that he would like to form a better relationship between the City and the school district and perhaps meet with the Superintendent to discuss mutual concerns and ideas. He then mentioned that he will continue his City Hall office hours on the 1<sup>st</sup> and 3<sup>rd</sup> Wednesday of each month from 10 a.m. until 12 p.m. He stated he is also willing to meet with residents who are unable to meet during those hours.

Councilman Szymanski thanked Mr. Miller from Medstar for providing the City with the information about the ambulance services they are providing and said that they do a wonderful job.

Councilwoman Sawicki questioned the need to combine precincts as stated in the Election Commission minutes and said she was concerned that it might make the lines longer than necessary on Election night. (The acting City Clerk said that the combining of the precincts is regularly done before smaller elections and that long lines wouldn't be an issue.) She also asked when the contracts for the grass cutting services would expire. Lastly, she agreed with the Mayor that she would also be interested in working more closely with the school district on any mutual issues.

Councilman Marshall commented that it seems to him that the same issues are continually revisited and that most of these issues are differences of opinion. What matters now is that the City must make some difficult decisions to balance the budget. He then suggested that all departments work together.

Councilwoman Sawicki wanted to announce the program "All Things Homeownership" that is being sponsored by Wayne County Community College district will be held on October 25 from 3:00 p.m. until 7:30 p.m.



Councilwoman Costantino commended the League of Women Voters for the nice job they did holding a voters' forum for Grosse Pointe School Board candidates. She also mentioned a Danbury Lane Homeowners meeting that was held recently and said that even though it is called the Danbury Lane Homeowners, it is open to all residents.

Councilman Monaghan explained what, in his opinion, makes people come to the City, good schools, good services and a safe community. He mentioned that we need to keep our home values and our small town atmosphere. Additionally, he directed a question to Commissioner Killeen and asked that he look into the possibility of eliminating the need for an appraisal of a home prior to a homeowner attempting to refinance a mortgage loan and if he could take that to the federal level.

Councilman Szymanski stated that he disagrees with comments made previously that the Council is not sharing in helping with the fiscal crisis. He said that the Council only makes \$2400 per year and that the money he receives he uses to donate to various Harper Woods organizations like the Lion's Club and Booster organizations and the Little League program. He continued saying that they are doing something by keeping that money in the community.

Mayor Poynter also mentioned that 100 percent of his salary is donated to high school scholarships. He also reiterated the need for concessions from all employees and suggested that there is a need to change our service model and possible consider consolidation with other communities. He then mentioned that help from other communities is limited. The Grosse Pointe communities aren't willing to help because we do not have a public safety department. Eastpointe and St. Clair Shores aren't willing because we do not have a fully staffed fire department. He further stated that Wayne County is struggling as are 80 percent of all cities in Michigan as well as the State itself. He continued saying that the City tried to keep business as usual for as long as we could, but that now we need concessions by November in order to balance our budget, or layoffs will be necessary.

CM 10-117-11

BUDGET WORKSHOP SESSION

MOTION by Szymanski, SUPPORTED by Costantino:  
To adjourn to the conference room for a Budget Workshop Session.

MOTION CARRIED UNANIMOUSLY

City Council recessed at 9:00 p.m. and reconvened in the Conference Room at 9:10 p.m.

BUDGET WORKSHOP SESSION

The Acting City Manager and Finance Director reviewed and discussed with City Council various funds for the proposed 2012 budget.

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CM 10-118-11

ADJOURNMENT

MOTION by Monaghan, SUPPORTED by Szymanski:

That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 10:10 p.m.

MOTION CARRIED UNANIMOUSLY

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KENNETH A. POYNTER, MAYOR

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LESLIE M. FRANK, ACTING CITY CLERK

CITY OF HARPER WOODS  
CITY COUNCIL  
OCTOBER 3, 2011

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:00 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem John M. Szymanski, Councilperson(s) Cheryl A. Costantino, Hugh Marshall, Michael P. Monaghan, Daniel S. Palmer, and Vivian M. Sawicki.

ABSENT: None.

OTHERS PRESENT: Acting City Manager Randolph Skotarczyk , and Acting City Clerk Leslie M. Frank.

CM 10-104-11

MINUTES

MOTION by Monaghan, SUPPORTED by Costantino:

To receive, approve and file the minutes of the regular City Council meeting held September 19, 2011 and furthermore receive and file the minutes of the Library Board meeting held September 15, 2011.

MOTION CARRIED UNANIMOUSLY

CM 10-105-11

CONSENT AGENDA

RESOLUTION by Costantino, SUPPORTED by Monaghan:

BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 95393 through 95482 in the amount of \$729,437.67 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.
2. Approve payment to Statewide Security Transport in the amount of \$5,775.00 for prisoner lodging and maintenance for the month of August, 2011.

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3. Approve payment to Nu Appearance Maintenance, Inc. in the amount of \$6,993.12 for lawn restorations and lawn cutting at various residential homes that were not in compliance with the City's ordinance.

ROLL CALL VOTE

YES: Costantino, Marshall, Monaghan, Palmer, Sawicki, Szymanski and Poynter.  
NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 10-106-11                    CROSS CONTROL CONNECTION PROGRAM  
ORDINANCE - INTRODUCTION AND FIRST READING

RESOLUTION by Marshall, SUPPORTED by Szymanski:  
BE IT RESOLVED To introduce and place for first reading an ordinance entitled "An Ordinance Regulating Cross Connections with the Public Water Supply System," and further, to direct the Acting City Clerk to publish a notice of this in accordance with City Charter requirements.  
(Attachment #1)

ROLL CALL VOTE

YES: Marshall, Monaghan, Palmer, Sawicki, Szymanski, Poynter and Costantino.  
NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 10-107-11                    GENERAL OBLIGATION TAX ROAD  
BONDS - PRINCIPAL AND INTEREST

RESOLUTION by Sawicki, SUPPORTED by Monaghan:  
BE IT RESOLVED To approve payment to the Bank of New York in the amount of \$639,862.50 for the annual principal and interest payments on the 1995, 1999 and 2001 Tax Road Bonds and the Library Improvement Bond; \$510,000.00 principal and interest on the 1995 Series Bond; \$61,000.00 interest on the 1999 Series Bond; \$14,525.00 interest in the 2001 Series Bond and \$54,337.50 interest on the Library Improvement Bond.

ROLL CALL VOTE

YES: Monaghan, Palmer, Sawicki, Szymanski, Poynter, Costantino and Marshall.

NO: None.

CITY OF HARPER WOODS, MICHIGAN  
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RESOLUTION ADOPTED UNANIMOUSLY

CM 10-108-11

APPOINTMENT OF CITY CLERK

RESOLUTION by Szymanski, SUPPORTED by Monaghan:

BE IT RESOLVED to appoint Leslie M. Frank as acting City Clerk for the City of Harper Woods as outlined in the attached agreement. (Attachment #2)

ROLL CALL VOTE

YES: Monaghan, Palmer, Sawicki, Szymanski, Poynter, Costantino and Marshall.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CALL TO AUDIENCE

Mr. Bruneel reminded everyone that the Harper Woods Lions Club will be holding its annual pasta dinner on October 19 at the community center. He presented the Mayor with a \$50.00 donation.

Mr. Regal commented on Councilman Marshall's recent marathon participation in Berlin, Germany and asked what his time was. He also questioned the Milk River Drain Bond payment and if the fees would still be required to be paid by residents. (Acting City Manager Skotarczyk explained that the bonds would likely be reissued for continual infrastructure repairs.)

Ms. Paglia commented on the recent appointment of Deputy Chief Burke to Police Chief and questioned if this appointment actually took place. (Acting City Manager Skotarczyk stated that the appointment was not made due to his recommendation to the City Council. He did not want this appointment to interfere with the negotiation process with the collective bargaining units.) She then inquired if the payment to the Retirement Fund was made. She also asked if the Council has asked for a legal opinion on the alleged violations of the Open Meetings Act. (The Mayor stated that the Council acts on the advice of the City Attorney and that he is looking into any possible wrongdoing. He also stated that there is no intent on the City Council's part to withhold

any information.) Lastly she asked if the public would be allowed to ask questions during the Budget session.

Ms. Uhl asked for clarification regarding the Acting Police Chief being retired or not. (Acting City Manager Skotarczyk said that he did not retire.) She also inquired if the budget workbook information would be made available for the residents. She also asked if any of the suggestions that were made at the Town Hall meeting have been looked into or acted upon and she gave specific examples.

CITY OF HARPER WOODS, MICHIGAN  
REGULAR CITY COUNCIL MEETING

OCTOBER 3, 2011  
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Ms. Marshall mentioned that she felt her comments at the last meeting were misunderstood and clarified her statement. She also related an incident that happened recently and felt she was mistreated by the police officer that responded (Acting City Manager Skotarczyk suggested she file a complaint and it would be looked into.)

Mr. Selburn questioned the 30 day ruling regarding the retirement and rehiring of employees and if MERS rules apply to City employees. (Acting City Manager Skotarczyk stated that MERS rules do not apply to the City.) He also brought up the alleged Open Meeting violations and how he feels that there should be more transparency and that information is being hidden from the public.

Mr. Kien commented on his recent filing of a complaint regarding the alleged violations of the Open Meetings act and he read from the State of Michigan's website that explains the Open Meetings Act and its intent.

Ms. Bellomo commented on the quick response of the paramedics that were called to her neighbors house recently and what a wonderful job they did. She also inquired if the contract negotiations with the fire or police unions have taken place. She also suggested that a second ambulance be purchased with any rainy day funds that are available.

Ms. Paiz inquired if any City retirees are eligible for a second pension (Acting City Manager Skotarczyk said that none of our retirees are eligible.) She also asked if a resolution was prepared in response to the redistricting of the Grosse Pointes. She then asked if at any point will jobs for the current acting positions be made public in the event permanent positions are sought. She then questioned if time limitations could be imposed for the call to audience portion of these meetings. (City Attorney LaBarge stated that according to the Open Meetings Act the City Council can set reasonable rules and regulations pertaining to the time limitations for public comment.)

Ms. Kindle asked if a resolution would be adopted regarding the Emergency Financial Manager bill. She also asked what could be done with residents leaving their trash cans and recycling bins out past their pickup days and suggested that those residents be ticketed. Lastly she commented on the Planning Commission's intent to work with the City to update the City's Master Plan.

CALL TO COUNCIL

The Mayor commented on the Homecoming Parade and said that while the weather wasn't favorable, there were many people who lined the streets to watch. He also stated that with the budget session being scheduled, the key to balancing this budget is concessions and the hope is to not have to lay off any personnel.

Councilwoman Sawicki referenced a resolution regarding Schools of Choice that was recently adopted by the Harper Woods School Board that will be voted on in Lansing in the next several days and she questioned why the school board has not brought it to the City's attention sooner. She

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also said that the claim that the City is repeatedly violating the Open Meetings Act is inaccurate. She also stated that the School Board could better educate the City regarding items that affect the school district by alerting the City of them sooner.

The Mayor then clarified that the School Board did forward a copy of the resolution, but was unaware of the time limitations on it. He said that it would be up to the Council to add this resolution to the agenda tonight.

Councilwoman Costantino stated that she is in agreement with the resident that spoke of the garbage/recycling containers left out past pickup day and asked if we could look into this further. She also commented on her experience at a Detroit City Council meeting and their procedures pertaining to the Call to Audience portion of their meetings. She then commented on the Open Meetings Act and assured the public that the City does adhere to the rules and regulations as set forth in the Act and thanked the public for bringing the matter up to be discussed.

Councilwoman Sawicki requested clarification and insight from the School Board regarding the Resolution opposing the School of Choice legislation. Mr. Kien then gave a brief explanation of the School of Choice legislation. Councilwoman Sawicki then asked that it be added to the agenda tonight and acted upon accordingly.

CM 10-109-11

ADDENDUM TO AGENDA

MOTION by Sawicki, SUPPORTED by Costantino:

To add to the agenda the adoption of a resolution in opposition to the state's School of Choice Mandate.

MOTION CARRIED UNANIMOUSLY

CM 10-110-11

ADOPT RESOLUTION OPPOSING THE STATE'S SCHOOL  
OF CHOICE MANDATE

RESOLUTION by Sawicki, SUPPORTED by Monaghan:  
BE IT RESOLVED to adopt the resolution in opposition of the State's School of Choice Mandate and further, that a copy of this resolution be sent to the Governor, members of the Michigan House and Senate and current State Representative and Senator. (Attachment #3)

ROLL CALL VOTE

YES: Costantino, Marshall, Monaghan, Palmer, Sawicki, Szymanski, Poynter  
NO: None

RESOLUTION ADOPTED UNANIMOUSLY

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Mayor Pro tem Szymanski asked that the significant activity reports again be provided to them as soon as practical.

The Mayor mentioned that the League of Women Voters will be holding their candidates' forum on Wednesday, October 5 at 7:30 p.m. at the Harper Woods Community Center.

CM 10-111-11                      2012 BUDGET WORKSHOP SESSION

MOTION by Marshall, SUPPORTED by Costantino:

To adjourn to the Budget Workshop Session.

MOTION CARRIED UNANIMOUSLY

City Council recessed at 8:25 p.m. and reconvened in the Conference Room at 8:30 p.m.

2012 BUDGET WORKSHOP SESSION

The City Manager and Finance Director presented and discussed with City Council the draft of the 2011 budget.

CM 10-112-11                      ADJOURNMENT

MOTION by Monaghan, SUPPORTED by Szymanski:  
That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 9:35 p.m.

MOTION CARRIED UNANIMOUSLY



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KENNETH A. POYNTER, MAYOR

---

LESLIE M. FRANK, ACTING CITY CLERK

CITY OF HARPER WOODS  
CITY COUNCIL  
SEPTEMBER 19, 2011

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:00 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem John M. Szymanski, Councilperson(s) Cheryl A. Costantino, Hugh Marshall, Michael P. Monaghan, Daniel S. Palmer and Vivian M. Sawicki .

ABSENT: None.

OTHERS PRESENT: City Attorney J. Russell LaBarge, Finance Director Laura L. Stowell and City Clerk Mickey D. Todd.

PRESENTATIONS

Mayor Poynter joined Lieutenant Robert Hunter in presenting Safety Patrol awards to David Bahr of Poupard Elementary School, Ashley and Alesha Mills of Chandler Park Academy and John Barnes of Tyrone Elementary School.

MOTION by Monaghan, SUPPORTED by Szymanski :

To receive, approve and file the minutes of the regular City Council meeting held August 8, 2011, the Special City Council meeting held August 29, 2011 and the Special City Council held September 12, 2011 and furthermore receive and file the minutes of the Board of Trustees Employees Retirement System meeting held on August 8, 2011 and the Library Board meeting held on August 18, 2011.

MOTION CARRIED UNANIMOUSLY

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RESOLUTION by Costantino, SUPPORTED by Monaghan:

BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 95063 through 95392 in the amount of \$1,949,940.99 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.
2. Approve payment to the City of Grosse Pointe Farms in the amount of \$6,300.19 for Harper Woods' proportionate share of the Inter-municipal Radio System for the period January 1 through June 30, 2011.
3. Approve payment to Nu Appearance Maintenance, Inc. in the amount of \$23,839.00 for contractual lawn cutting and weed maintenance in various areas of the City, including the Community Center, DPW, City Hall annexes, the parks and various residential homes that were not in compliance with the City's ordinance.
4. Approve payment to Anderson, Eckstein & Westrick, Inc. in the amount of \$5,035.20 for professional services during the month of August 2011 for the following projects: 2011 Emergency Concrete Pavement Repair Project, #180-136 and the 2011/2012 CDBG ADA Ramp Replacement Project, #180-138.
5. Approve payment to Greater Detroit Heating and Cooling in the amount of \$6,477.24 for the urgent repair needed for the air-conditioning compressor at City Hall.
6. Accept the proposal from Duro Construction Company in the amount of \$13,365.00 for the immediate repairs following water main, water service box and sewer repairs in several locations within the City.
7. Approve the request from the Harper Woods Secondary School to hold their annual homecoming parade on Friday, September 30, 2011 at 6:00 p.m.

ROLL CALL VOTE

YES: Costantino, Marshall, Monaghan, Palmer, Sawicki, Szymanski and Poynter.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 09-94-11

CONFIRM APPOINTMENT OF POLICE CHIEF

RESOLUTION by Monaghan, SUPPORTED by Sawicki:

BE IT RESOLVED to confirm the Financial Oversight Committee's appointment of Deputy Chief James Burke as Police Chief for the City of Harper Woods and further, approve the employment agreement between Chief Burke and the City of Harper Woods.

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ROLL CALL VOTE

YES: Marshall, Monaghan, Palmer, Sawicki, Szymanski, Poynter and Costantino.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 09-95-11

MILK RIVER - PRINCIPAL AND INTEREST

RESOLUTION by Marshall, SUPPORTED by Szymanski:

BE IT RESOLVED to approve payment in the amount of \$648,134.37 to Wayne County for the Milk River Drain principal and interest payments; \$462,033.19 principal and interest on the 1991 Series Bond, \$62,404.04 principal and interest on the 1992 Series Bond and \$123,697.14 principal and interest on the 1993 Series Bond.

ROLL CALL VOTE

YES: Monaghan, Palmer, Sawicki, Szymanski, Poynter, Costantino and Marshall.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 09-96-11

MILK RIVER - OPERATIONS AND MAINTENANCE

RESOLUTION by Palmer, SUPPORTED by Costantino:

BE IT RESOLVED to approve payment to Wayne County in the amount of \$175,377.75 for the operation and maintenance of the Milk River Drain for the fourth quarter of FY2011.

ROLL CALL VOTE

YES: Palmer, Sawicki, Szymanski, Poynter, Costantino, Marshall and Monaghan.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 09-97-11

ADOPT 2012 BUDGET SCHEDULE

MOTION by Monaghan, SUPPORTED by Szymanski:

To approve the 2012 Budget Meeting Schedule with workshops to be held at regular and special meetings on October 3, October 17 and October 24 and further, to hold a public hearing on the 2012 Budget on November 7, 2011.

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MOTION CARRIED UNANIMOUSLY

CM 09-98-11 CONDEMNATION RESOLUTION - 19316 BEACONSFIELD

RESOLUTION by Sawicki, SUPPORTED by Costantino:

BE IT RESOLVED to adopt the resolution on Condemnation of Dwelling and Abatement of Public Nuisance recommended by the City Attorney to proceed with condemnation of the property at 19316 Beaconsfield. (Attachment #1)

ROLL CALL VOTE

YES: Sawicki, Szymanski, Poynter, Costantino, Marshall, Monaghan, and Palmer.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CALL TO AUDIENCE

Mr. Binder spoke about an incident on the Detroit side of Kingsville where the mail carrier witnessed two men removing a water heater from a home and her 911 call came through to Harper Woods but the dispatcher referred her to Detroit. He felt this was an improper response and asked that this be looked into. (The City Clerk responded that he will ask the Police Chief to look into the situation.)

Mr. Bruneel announced the Lions Club is hosting their annual pasta dinner on Oct. 19<sup>th</sup> at the Community Center and encouraged the public to purchase tickets at only \$5.00. He then notified council that the Dads Club donated \$100.00 to the City to help with the deficit, and personally presented the City with a \$50.00 donation saying he hopes to start a trend to assist the City.

Ms. Paiz wondered if there was any follow up on her suggestions that she made at the town hall meeting. (The Mayor responded that they will be taken into consideration during the budget meetings.) She then asked about employee concessions and questioned if any of the Council members, besides the mayor, have taken a cut in pay. (The City Clerk informed her that the council can't cut salary and that only the Local Officers Compensation Commission has that authority.) She then asked the Mayor if he is a member of the Michigan Association of Mayor's and asked what boards he serves on. (The Mayor responded that he is not a member due to time constraints but if re-elected would consider joining, and is presently a member of the Eastside Council for Wayne County Community College and the Retirement Board.)

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Ms. Paglia asked for a call to audience prior to business being conducted since she had a question on a new business item, then she proceeded to ask for an explanation of the selection process by the finance committee for police chief. (The mayor said in the absence of the City Manager, who intended to appoint Deputy Chief Burke, the finance committee continued the process of preparing a contract which was discussed in closed session at his request & was submitted for approval tonight.) She then asked if the City Manager can make an appointment. (The City Attorney explained that the City Manager can make a recommendation but only Council can make an appointment.) She then asked about tonight's closed session and what would be discussed. (The City Attorney explained the agenda was incorrect and that the purpose of tonight's closed session was to review a candidate for public office and the requested City Manager's leave of absence.)

Ms. Southers stated that she feels closed sessions are a violation of the Open Meeting Act but added that she would not sue because it would be a financial burden to the community. She then asked what happens to condemned properties. (The City Clerk explained that they are typically sold.) She then stated that in her opinion most of the City's ordinances are antiquated, and suggested they could be updated by reviewing those of neighboring communities. She then said that she suspects the assessments are way off and the \$2.8 deficit is actually much higher than what is being represented. Lastly, she expressed her disapproval of the City Manager's salary.

Ms. Uhl inquired about publicly recognizing fire fighters and mentioned that a request to do so was denied. (The City clerk agreed to look into the circumstances with the Fire Chief.) She then brought up pending legislation regarding the possible elimination of personal property tax and asked what the City's response would be to replace that income. (The Clerk said that during the upcoming budget sessions the city will work toward financial solutions in an effort to obtain a more efficient service model.) She next inquired about redistricting and asked for the City's position and plan of action. (The Mayor stated they will proceed with a resolution opposing the plan). She inquired about how the City will comply with Senate Bill 7 which requires public employees to contribute to health care premiums. (The City Clerk responded that this issue will be addressed in upcoming collective bargaining sessions.) She then spoke about the need for a

new ambulance and the agreement with a private ambulance service and what she considers their unacceptable response times. (The Clerk responded that the city will work through budget issues with the various unions in the best interest of the public and for the safety of the residents. ) She then asked about the pension fund payments. (The City Clerk explained the money is coming from the Capital Improvement fund and mentioned the various acceptable uses for this fund.) She questioned a recent special meeting and closed session and asked how HIPAA rules applied. (The City Attorney clarified that medical information regarding a leave of absence was private and any action on the information would be done in an open meeting.) She then spoke about possible legal action regarding what she considers violations of the Open Meeting Act. (The Mayor responded that Council must follow the advice of their attorney when considering whether or not to go into a closed session.)

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Ms. Stopinski stated that certain members of the audience do not speak for all the public. She then inquired if Council will save the City money by not replacing the position of Deputy Police Chief. (The Mayor responded by saying the City will save in salary and benefits.) She continued saying this is for the greater good of the City.

Ms. Marshall asked questions regarding the salary of the Police Chief and the savings incurred by combining positions. She then spoke about a suspicious house on her street and what she considered the insufficient response of the police possibly because of the dispatcher. She asked where the City now stands on hiring more firefighters. She then suggested that we need firefighters rather than a Recreation Department. Lastly, she spoke about her disappointment in the government's preparedness for the events of 9/11.

Mr. Campbell mentioned that the Deputy Chief's position was created four years ago and now is being eliminated, and questioned how this saves money.

Ms. Kindle suggested that City Council adopt a resolution in opposition to the emergency financial manager's law. (The Mayor directed her to the City Clerk). She also told City Council that she would like some resolution on planning commission issues.

Ms. Bellomo asked if there is a deadline for fire fighter negotiations. (The Mayor responded that the budget is the deadline and concessions are needed to prevent layoffs.) She stated that the police and fire departments should be spared of any budget cuts. Next, she commented on the fire pit issue saying that it is a health hazzard and a nuisance and the public should be aware of it and take this issue seriously.

Mr. Cadotte stated that legislation for school of choice would have a negative effect on the Grosse Pointe School district property values and suggested that the City adopt a resolution opposing it. (The Mayor suggested that the school district should address this issue.) He then questioned the Milk River fee, and asked if the City can convert this to a tax so it can be a deduction.

Mr. Selburn pointed out that the Grosse Pointe School district did pass a resolution against the school of choice legislation and the Harper Woods School district has the issue on the next School Board meeting agenda.

Ms. Uhl asked questions regarding Chief Burke's health insurance and whether he would have to pay for a portion of his insurance when he retires. She wondered if the savings could be used to purchase an ambulance.

Mr. Micallef announced that Local 1188 is having a bowling fund raiser to benefit Great Lakes Burn Camp on October 28 at 9:00 p.m. at Total Sports. He then commented on Med Star

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response times. Then he expressed frustration that the fire fighters had been negotiating with the City Manager since May and the Council rejected the tentative agreement. Lastly, he wished the City Manager good health.

Mr. Dritsas asked which unions took pay raises and how that would effect concessions. (The Mayor said the police and fire fighters had pay raises but concessions would be necessary from all the unions.)

Ms. Paiz asked if the appointed manager will take over negotiations. (The Mayor said yes.) She then questioned if there is a conflict of interest since the negotiator is an employee. (The City Attorney pointed out that Council has final approval so there is no conflict.) She then asked how Senate Bill 7 relates to the fire fighters union. (The City Clerk explained it will effect all union contracts entered into after September.)

Ms. Southers commented on council turning down the tentative fire union contract, and said what is of most importance to the public is the police and fire departments as they pointed out by their vote in the May Election.

Ms. Marshall said that she does not believe bringing back retired employees saves the City money. She then said that residents continue to repeat questions because they want more progress and information from Council.

Mr. Schenburn stated the financial problems rest with Lansing and urged the audience to focus their attention there.

Ms. Paglia asked if the person to be appointed acting City Manager has experience in contract negotiations. (The Mayor assured her the candidate is well qualified)

Ms. Bellomo asked who the acting City Manager candidate is. (The Mayor said the residents will be informed prior to appointments in an open session. She also asked the length of various employment contracts and why the rainy day fund couldn't be used to buy an ambulance.

Mr. Dritsas asked if the ex police chief will be appointed acting City Manager.

Ms. Uhl asked where we stand on the Cul-de-sac issue. (The City Clerk explained that spending priorities will depend on the budget and determine whether or not cul-de-sacs will be built.)

Ms. Paiz stated the public's frustration lies with not understanding procedures and since she has experience with web sites she volunteered her services in the future to clarify how these procedures work on the City's web site.

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REGULAR CITY COUNCIL MEETING

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Judge LaRose commended the Council for listening to the public and stated he is glad the same rules of public participation do not apply in court. He further stated that clarification of what major concessions means is necessary, but that the Court employees are willing to work with the City on this matter.

CALL TO COUNCIL

The City Clerk informed the public that the Police Department now has a facebook page which will take the place of our former Nixle service.

CM 09-99-11

EXECUTIVE SESSION -  
COLLECTIVE BARGAINING MATTER

RESOLUTION by Palmer, SUPPORTED by Monaghan:  
BE IT RESOLVED to adjourn to executive session for the purpose of discussing a collective bargaining matter.

ROLL CALL VOTE

YES: Szymanski, Poynter, Costantino, Marshall, Monaghan, Palmer, and Sawicki.  
NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

The City Council adjourned to Executive Session at 8:52 p.m. and reconvened at 9:27 p.m.

CM 09-100-11

ADDENDUM TO AGENDA

MOTION by Palmer, SUPPORTED by Szymanski:



To add to the agenda the adoption of an agreement for a leave of absence for the City Manager, and the acceptance of an agreement for an acting City Manager.

MOTION CARRIED UNANIMOUSLY

CITY OF HARPER WOODS, MICHIGAN  
REGULAR CITY COUNCIL MEETING

SEPTEMBER 19, 2011  
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CM 09-101-11                    CITY MANAGER - LEAVE OF ABSENCE

RESOLUTION by Monaghan, SUPPORTED by Sawicki:  
BE IT RESOLVED to approve the agreement for a leave of absence for City Manager James E. Leidlein effective September 19, 2011, and furthermore, authorize the Mayor and City Attorney to sign the agreement on behalf of the City. (Attachment #2)

ROLL CALL VOTE

YES: Poynter, Costantino, Marshall, Monaghan, Palmer, Sawicki and Szymanski  
NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 09-102-11                    APPOINTMENT OF ACTING CITY MANAGER

RESOLUTION by Szymanski, SUPPORTED by Costantino:  
BE IT RESOLVED to appoint Randolph Skotarczyk to the position of acting City Manager effective September 19, 2011 through December 31, 2011, further, to authorize the Mayor and City Attorney to sign the agreement on behalf of the City. (Attachment #3)

ROLL CALL VOTE

YES: Costantino, Marshall, Monaghan, Palmer, Sawicki, Szymanski and Poynter.  
NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 09-103-11                    ADJOURNMENT

MOTION by Monaghan, SUPPORTED by Palmer:  
That the agenda of the regular City Council meeting having been acted upon, the meeting

is hereby adjourned at 9:33 p.m.

MOTION CARRIED UNANIMOUSLY

\_\_\_\_\_  
KENNETH A. POYNTER, MAYOR

\_\_\_\_\_  
MICKEY D. TODD, CITY CLERK

CITY OF HARPER WOODS  
CITY COUNCIL  
SEPTEMBER 12, 2011

SPECIAL MEETING MINUTES

The special City Council meeting was called to order by Mayor Kenneth A. Poynter at 6:01 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem John M. Szymanski, Councilperson(s) Cheryl Costantino, Hugh Marshall, Michael P. Monaghan and Vivian M. Sawicki.

ABSENT: Councilman Daniel S. Palmer.

OTHERS PRESENT: City Attorney J. Russell LaBarge, Finance Director Laura L. Stowell and City Clerk Mickey D. Todd.

CM 09-89-11

EXCUSE COUNCILMAN PALMER

MOTION by Monaghan, SUPPORTED by Szymanski:  
To excuse Councilman Daniel S. Palmer from tonight's meeting because of a prior commitment.

ABSENT: Palmer.

MOTION CARRIED

CITY MANAGER REQUEST FOR LEAVE OF ABSENCE

The City Manager requested via a telephone conference call that City Council consider this matter in a Closed Session, and the City Attorney concurred that it could be discussed in a Closed Session.

CITY OF HARPER WOODS, MICHIGAN  
SPECIAL CITY COUNCIL MEETING

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CITY'S PENSION CONTRIBUTION

The City Manager via a telephone conference advised City Council that he will direct the Finance Director to make a \$100k contribution to the retirement system as soon as possible.

CALL TO AUDIENCE

Ms. Paglia asked the City Attorney what sections of the Open Meetings Act he was citing when authorizing a closed session to discuss the City Manager's request for a leave of absence and the personnel matter that is on the agenda. (The City Attorney said that the City Manager's request for a leave could be discussed in closed session because it is a HIPPA matter, and cited section (E) of the Open Meetings Act as the reason for allowing the personnel matter to be discussed in closed session.)

Ms. Paiz asked why the City did not have a retirement dinner or recognition ceremony for the ex police chief Randolph Skotarczyk.

CALL TO COUNCIL

Mayor Poynter said that he attended the memorial service for Bob Comfort at Johnston Park on Sunday where he gave a eulogy in his honor. He then announced that he learned in his capacity as a member of Wayne County Community College Advisory Board that Ferris State will now join a list of quality universities that will be offering extension courses to the students at WCCC. Lastly, he said that he received a phone call from County Commissioner Killeen advising him that the City will be receiving a \$70k grant for capital improvements to the city parks.

Councilwoman Sawicki asked the City Clerk if he knew when the State will complete the work that they are doing on the freeway. (The City Clerk said he would find out and report back.)

CM 09-90-11

EXECUTIVE SESSION

RESOLUTION by Monaghan, SUPPORTED by Marshall:

BE IT RESOLVED to adjourn to Executive Session for the purpose of 1) discussing the request from the City Manager for a leave of absence; 2) discuss legal strategy re: the Eastland Tax Appeal; and 3) to discuss a personnel matter.

ROLL CALL VOTE

YES: Costantino, Marshall, Monaghan, Sawicki, Szymanski and Poynter.

CITY OF HARPER WOODS, MICHIGAN  
SPECIAL CITY COUNCIL MEETING

SEPTEMBER 12, 2011  
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NO: None.

ABSENT: Palmer.

RESOLUTION ADOPTED

The City Council adjourned to Executive Session at 6:15 p.m. and reconvened at 7:35 p.m.

CM 09-91-11

ADJOURNMENT

MOTION by Monaghan, SUPPORTED by Szymanski:

That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 7:37 p.m.

ABSENT: Palmer.

MOTION CARRIED

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KENNETH A. POYNTER, MAYOR

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MICKEY D. TODD, CITY CLERK

CITY OF HARPER WOODS  
CITY COUNCIL  
AUGUST 29, 2011

SPECIAL MEETING MINUTES

The special City Council meeting was called to order by Mayor Kenneth A. Poynter at 6:00 p.m.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem John M. Szymanski,  
Councilperson(s) Cheryl Costantino, Hugh Marshall, Michael P.  
Monaghan, Daniel S. Palmer and Vivian M. Sawicki.

ABSENT: None.

OTHERS PRESENT: City Manager James E. Leidlein, Finance Dir. Laura L.  
Stowell and City Clerk Mickey D. Todd.

CM 08-87-11

EXECUTIVE SESSION

RESOLUTION by Monaghan, SUPPORTED by Palmer:  
BE IT RESOLVED to adjourn to Executive Session for the purpose of discussing the status of  
labor contract negotiations with the various City employee unions.

ROLL CALL VOTE

YES: Costantino, Marshall, Monaghan, Palmer, Sawicki, Szymanski and Poynter.  
NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

The City Council adjourned to Executive Session at 6:03 p.m. and reconvened at 6:40 p.m.

CITY OF HARPER WOODS, MICHIGAN  
SPECIAL CITY COUNCIL MEETING

AUGUST 29, 2011  
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CALL TO COUNCIL

Councilwoman Sawicki asked the City Manager if the bridge work on the I-94 pedestrian overpasses will be completed before school starts. (The City Manager said that he believes the work will be completed but will verify it with MDOT.) She also said that she would like to find a replacement for the City's Nixle alert system.

CALL TO AUDIENCE

Ms. Kaleniecki asked Council why her taxes recently went up. (The City Manager suggested that she contact the Treasurer's Office tomorrow to learn about her situation, and added that her taxes should not have gone up because there has not been a tax increase.)

Ms. Southers asked what Council's closed session was about. (The Mayor said it was about discussing labor negotiation strategy with the various employee unions.) She then commented on complaints she has heard from residents about our Garage Sale Ordinance prohibiting signs from being posted on street corners saying that that is not a fair regulation and should be repealed.

Ms. Bellomo suggested that the City save money by reducing City Hall work hours to three ten hour work days a week, and use the savings to retain the existing police and fire fighters because she does not want to see any layoffs in those departments.

CM 08-88-11

ADJOURNMENT

MOTION by Monaghan, SUPPORTED by Palmer:  
That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 6:52 p.m.

MOTION CARRIED UNANIMOUSLY

\_\_\_\_\_  
KENNETH A. POYNTER, MAYOR

\_\_\_\_\_  
MICKEY D. TODD, CITY CLERK

CITY OF HARPER WOODS  
CITY COUNCIL  
AUGUST 8, 2011

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:30 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

\_\_\_\_\_  
PRESENT: Mayor Kenneth A. Poynter, Councilperson(s) Cheryl Costantino, Hugh Marshall, Michael P. Monaghan and Daniel S. Palmer.

\_\_\_\_\_  
ABSENT: Mayor Pro tem John M. Szymanski and Councilwoman Vivian M. Sawicki.

OTHERS PRESENT: City Manager James E. Leidlein, City Attorney J. Russell LaBarge and City Clerk Mickey D. Todd.

CM 08-81-11

EXCUSE COUNCILPERSONS

MOTION by Monaghan, SUPPORTED by Palmer:  
To excuse Mayor Pro tem John M. Szymanski and Councilwoman Vivian M. Sawicki from tonight's meeting because of a prior commitment.

ABSENT: Sawicki and Szymanski.

MOTION CARRIED

CM 08-82-11

MINUTES

MOTION by Monaghan, SUPPORTED by Palmer:

To receive, approve and file the minutes of the regular City Council meeting held on July 11, 2011, and furthermore, receive and file the minutes of the Harper Woods Board of Review meeting held on July 19, 2011.

ABSENT: Sawicki and Szymanski.

MOTION CARRIED

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CM 08-83-11

CONSENT AGENDA

RESOLUTION by Costantino, SUPPORTED by Monaghan:

BE IT RESOLVED to approve the Consent Agenda Items 1 through 8, as follows, in the amount of \$692,342.54.

- 1) approve the Accounts Payable listing for Check Numbers 94823 through 95062 in the amount of \$625,558.54 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.
- 2) receive and file for the audit, the 2<sup>nd</sup> quarter financial statement.
- 3) approve payment to the City of Grosse Pointe Farms in the amount of \$13,143.18 for Harper Woods' proportionate share of the Inter-municipal Radio System for the period July 2010 through December 2010.
- 4) approve payment to Nu Appearance Maintenance, Inc. in the amount of \$16,406.00 for contractual lawn cutting and weed maintenance in various areas of the City, including the Community Center, DPW, City Hall, the parks and various residential homes that were not in compliance with the City's ordinance.
- 5) approve payment to Oakland County Information Technology in the amount of \$7,525.75 for fees relative to the CLEMIS computer system utilized by the Police Department.
- 6) approve payment to Statewide Security Transport in the amount of \$7,420.39 for prisoner lodging and maintenance for the month of June 2011.
- 7) approve payment to Wayne County in the amount of \$5,056.48 for services performed on the tax rolls and for the traffic signals.
- 8) approve payment in the amount of \$17,232.20 to Grosse Pointe Woods for the City's pro-rata portion of the operating and maintenance of the Torrey Road Pump Station for the period January 2011 through June 2011.

ROLL CALL VOTE

YES: Costantino, Marshall, Monaghan, Palmer and Poynter.

NO: None.

ABSENT: Sawicki and Szymanski.



RESOLUTION ADOPTED

CM 08-84-11      TRANSFER CLASS C LIQUOR LICENSE - 20912 HARPER

RESOLUTION by Marshall, SUPPORTED by Monaghan:

BE IT RESOLVED that the request to transfer ownership of 2011 Class C Licensed business located at 20912 Harper Avenue, Harper Woods, MI 48225 Wayne County, from Ugly Duckling Saloon to D & Z LLC be considered for approval and that it is the consensus of City Council that the application be recommended for issuance. (Attachment #1)

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ROLL CALL VOTE

YES: Marshall, Monaghan, Palmer, Poynter and Costantino.

NO: None.

ABSENT: Sawicki and Szymanski.

RESOLUTION ADOPTED

CALL TO AUDIENCE

Mr. Cadotte asked the City Manager if he had found out how three liquor stores can be located so close to each other, saying that he thought there was a distance rule between businesses, and a numerical limit on the number of liquor licences that can be issued in a community. (The City Manager said that he did look into the matter and found that the law has been changed, and he suggested that he speak with our State Representative about the matter as the Liquor Control Commission is a State agency.)

Ms. Uhl asked the City Manager a series of questions regarding the City's experience with the arbitration process as it relates to collective bargaining.

Mr. VanPoucker advised Council that there is graffiti on the Lochmoor overpass that needs to be removed. He then told Council that they need to recognize that the Public Safety debate is over and they need to accept the election results and end this discussion. He suggested that the Council should consider raising taxes so that both police and fire services can be maintained.

Mr. Micallef, President of IAFF 1188 presented a \$2k check to a representative from the Muscular Dystrophy Association on behalf of the Harper Woods Fire Fighters.

Mr. Bruneel advised Council that he will be donating \$100 to the City and \$50 a month to the City for the rest of the year, saying that he wanted to give back to the City for taking care of all

the citizens for the last 60 years, and added that he hoped others in the community would follow his example and help the City in these difficult financial times.

Ms. Piaz complimented Mr. Bruneel on his generosity. She then asked the City Manager for a clarification on his comment at the last meeting regarding the Retirement Board possibly suing the City for failing to make the required contributions to the system, saying that he characterized the potential lawsuit as “friendly” and asked if the City had planned on this lawsuit in lieu of making the contributions. (The City Manager said that he did not intentionally plan the lawsuit, adding that the City just does not have the money to contribute to the retirement system.) She then asked what the impact will be on the retirement system’s assets now that the nation’s credit rating has been down graded. (The City Manager said that he thought the down grading of the

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nation’s credit rating would have a negative affect on the retirement system’s assets, but added that it should not affect the City’s finances.)

Ms. Uhl asked if City Council is exploring the idea of raising taxes to maintain police and fire services. (The Mayor said that it is being discussed.) She then asked if there will be a Council meeting after Labor Day. (The Mayor said that meeting after Labor Day has been cancelled, and that the next meeting will be September 19.)

Ms. Southers commented on the property valuations in the City, saying that she recently purchased a home and found out that the property was way over valued and asked if homeowners have to wait for the March Board of Review meeting before challenging the assessment. (The City Manager said that she would have to wait for the March Board of Review meeting.) She then suggested that the \$2.8 million dollar deficit projected for next year is grossly underestimated given the property values and asked if there are any plans to deal with the coming problem. (The City Manager agreed with her and said that we will have to find a way to raise revenue or we will have to cut services.) She then commented on two recent events involving the fire department’s emergency medical service, and suggested that had the city been using MedStar in these instances, the individuals would have probably died. Lastly, she told Council that police and fire services are the last thing that should be cut in the budget, and stressed that fire services are just as important as police services to her.

#### CALL TO COUNCIL

Mayor Poynter congratulated the Police Department and other law enforcement agencies for the outstanding job they did on the National Night Out. He also complimented the Recreation Department and Little League for the successful State Tournament that they recently held at Johnston Park saying that he heard nothing but compliments from all the participants. Lastly, he urged Council members to review the resolution from the City of Grosse Pointe Woods regarding the recent redistricting and decide if we should adopt a similar resolution.

CM 08-85-11

EXECUTIVE SESSION

RESOLUTION by Monaghan, SUPPORTED by Palmer:

BE IT RESOLVED to adjourn to Executive Session for the purpose of discussing the status of collective bargaining with various employee unions.

ROLL CALL VOTE

YES: Monaghan, Palmer, Poynter, Costantino and Marshall.

NO: None.

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ABSENT: Sawicki and Szymanski.

RESOLUTION ADOPTED

The City Council adjourned to Executive Session at 7:26 p.m. and reconvened at 7:44 p.m.

CM 08-86-11

ADJOURNMENT

MOTION by Monaghan, SUPPORTED by Palmer:

That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 7:44 p.m.

ABSENT: Sawicki and Szymanski.

MOTION CARRIED

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KENNETH A. POYNTER, MAYOR

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MICKEY D. TODD, CITY CLERK

CITY OF HARPER WOODS  
CITY COUNCIL  
JULY 11, 2011

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:00 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem John M. Szymanski, Councilperson(s) Hugh Marshall, Michael P. Monaghan, Daniel S. Palmer and Vivian M. Sawicki.

ABSENT: Councilwoman Cheryl A. Costantino.

OTHERS PRESENT: City Manager James E. Leidlein, City Attorney J. Russell LaBarge, Finance Director Laura L. Stowell and City Clerk Mickey D. Todd.

CM 07-71-11 EXCUSE COUNCILWOMAN CHERYL A. COSTANTINO

MOTION by Monaghan, SUPPORTED by Palmer:  
To excuse Cheryl A. Costantino from tonight's meeting because of a prior commitment.

ABSENT: Costantino.

MOTION CARRIED

CM 07-72-11

MINUTES

MOTION by Monaghan, SUPPORTED by Szymanski:

To receive, approve and file the minutes of the regular City Council meeting held June 20, 2011, and furthermore, receive and file the minutes of the Library Board meeting held June 16, 2011, and the Planning Commission meeting held June 22, 2011.

ABSENT: Costantino.

MOTION CARRIED

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CM 07-73-11

CONSENT AGENDA

RESOLUTION by Monaghan, SUPPORTED by Marshall:

BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 94706 through 94822 in the amount of \$678,807.10 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.
2. Approve payment to Nu Appearance Maintenance, Inc. in the amount of \$6,448.00 for grass cutting in various residential areas of the City.
3. Approve payment to J & J Fleet and Fire Truck Service in the amount of \$5,958.19 for the transmission repair of Engine 1.
4. Approve payment to Badger Meter, Inc. in the amount of \$8,369.54 for the purchase of 48 new 5/8" Orion automatic read water meters and transmitters.

ROLL CALL VOTE

YES: Marshall, Monaghan, Palmer, Sawicki, Szymanski and Poynter.

NO: None.

ABSENT: Costantino.

RESOLUTION ADOPTED

CM 07-74-11

2010 AUDIT PRESENTATION

RESOLUTION by Szymanski, SUPPORTED by Marshall:

BE IT RESOLVED To Receive and File the 2010 Audit/Financial Report as submitted by the City's Auditors, Plante and Moran and also receive and file their management report. (The Audit is available at [www.harperwoodscity.org](http://www.harperwoodscity.org).)

ROLL CALL VOTE

YES: Monaghan, Palmer, Sawicki, Szymanski, Poynter and Marshall.

NO: None.

ABSENT: Costantino.

RESOLUTION ADOPTED

Mr. David Herrington, Senior Partner at Plante Moran along with Vince Mannino and Michael Thomas presented the 2010 audit and answered any questions.

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PRESENTATION BY AMBULANCE SERVICE PROVIDERS

The following ambulance providers gave presentations to the City Council regarding their services and answered any questions:

Beaumont Medical Transportation presented by Doug Gruenwald  
Universal Macomb Ambulance Service presented by Brian Walker  
Community EMS presented by Chuck Kearns  
Medstar Ambulance presented by Kolby Miller

CM 07-75-11      RESOLUTION - CHARITABLE GAMING LICENSE  
DETROIT INTERNATIONAL JAZZ FESTIVAL FOUNDATION

RESOLUTION by Monaghan, SUPPORTED by Marshall:  
BE IT RESOLVED that the request from the Detroit International Jazz Festival Foundation of Harper Woods, County of Wayne, asking that they be recognized as a non profit organization operating in the community for the purpose of obtaining charitable gaming licenses, be considered for approval. (Attachment #1)

ROLL CALL VOTE

YES: Palmer, Sawicki, Szymanski, Poynter, Marshall and Monaghan.  
NO: None.  
ABSENT: Costantino.

RESOLUTION ADOPTED

Ms. Elizabeth Berry, representing the petitioner was present to explain the request and answer any questions.

CM 07-76-11 EXTENSION OF METRO ACT PERMIT - AT&T MICHIGAN

RESOLUTION by Marshall, SUPPORTED by Monaghan:

BE IT RESOLVED to approve the Metro Act Right-of Way permit Extension request submitted by Michigan Bell Telephone Company d/b/a AT&T Michigan for a three-year term expiring July 31, 2014. (Attachment #2)

ROLL CALL VOTE

YES: Sawicki, Szymanski, Poynter, Marshall, Monaghan and Palmer.

NO: None.

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\_\_\_\_\_ ABSENT: Costantino.

RESOLUTION ADOPTED

CM 07-77-11

MICHIGAN DEPARTMENT OF  
TRANSPORTATION - PROGRESS BILLING

RESOLUTION by Monaghan, SUPPORTED by Szymanski:

BE IT RESOLVED approve payment to the Michigan Department of Transportation in the amount of \$26,573.86 for the Beaconsfield Traffic Signal Upgrade project.

ROLL CALL VOTE

YES: Szymanski, Poynter, Marshall, Monaghan, Palmer and Sawicki.

NO: None.

ABSENT: Costantino.

RESOLUTION ADOPTED

CM 07-78-11

MICHIGAN MUNICIPAL LEAGUE WORKER'S  
COMPENSATION FUND - ELECTION OF FUND TRUSTEES

RESOLUTION by Monaghan, SUPPORTED by Palmer:

BE IT RESOLVED to cast the City's vote for the following persons to serve on the Board of Trustees of the Michigan Municipal Worker's Compensation Fund: Frank Brock, Mayor, Lathrup Village; Larry Nielsen, Manager, Paw Paw; Daniel Reszka, President, Elk Rapids; Amy Roddy, City Manager, Durand; Thomas Winarski, Mayor, Gladwin.

ROLL CALL VOTE

YES: Poynter, Marshall, Monaghan, Palmer, Sawicki and Szymanski.

NO: None.

ABSENT: Costantino.

RESOLUTION ADOPTED

CALL TO AUDIENCE

Ms. Uhl commented on the tragic accident at Kroger over the weekend and told Council of a rollover accident that occurred on the freeway a couple of weeks ago that they probably didn't hear about, pointing out that these types of accidents will occur on the freeway which is why the

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city needs to train and be prepared for them. She further said that these types of incidents are also why the city needs to maintain a fire department instead of eliminating them as has been discussed over the past couple of Council meetings because of the City's financial situation, adding that she is tired of the Fire Department being given the same budget consideration as leaf pick-up and Little League. She continued saying that this isn't a game and we need to figure out a way to keep our police/fire and ambulance service. She said we need concessions from the employees and cuts wherever they can be made. Lastly, she said that she heard the city has the ability to have a special assessment for emergency services and she urged Council to consider this option because she would rather pay more taxes and have the services than pay more in homeowners insurance.

Mr. Regal agreed with the comments made about how dangerous the bend is on I-94 near 8 Mile saying that that area is an accident always waiting to happen.

Mr. Cadotte commented on the auditors report saying that he noticed the City's legacy cost is 28% of the budget, and said that he does not know why the City did not convert their retirement plans to a defined contribution plan like all other government agencies have done over the years. He further said that he believes the legacy cost are not sustainable and something has to give. Lastly, he asked if the City has factored into future budget considerations the affect that property tax appeal awards may have on the City's future revenue picture.

Mr. Dritsas asked if there would be any other cost to the City if a private ambulance service was used rather than our existing ambulance service. (The City Manager said that it would depend on how any agreement with the private ambulance service is structured.) He then asked why the city doesn't maintain our ambulance service and realize the revenue from it rather than contract with a private service saying if they can make a profit why can't the city. (The City Manager said the City can't realize a profit because of the employee cost to the city for maintaining the service.) Lastly, he asked how the fire fighters will be used if we eliminate the ambulance service.

Mr. Selburn said that he noticed that the City of Eastpointe uses reserve police officers to do some of the duties that are not required of sworn officers and suggested that the City consider



adopting a similar program as a cost saving measure. (The Mayor asked the City Manager to check with Eastpointe to see how their reserve officer program works to see if it is something we could do here.) He then commented on the voter approved Headlee override last fall where it was represented by the city that the money raised from this override would be used for police/fire and ambulance service, saying he wants to know what will happen with that money if the ambulance service is contracted out.

Ms. Anderson commented on the possibility of the city adopting a multi year budgeting process, rather than a year-by-year budget, and suggested that consideration be given to adopting a five year budget because of the auditor's projection that property taxes will not increase for at least

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five years, and because a five year budget would coincide with the City Council members terms of office and would provide a budget road map that will show the direction that Council intends on going. She added that Council needs to look at ways to bring in additional revenue because only so much can be cut. Lastly, she commented on the consideration being given to contracting out our EMS suggesting that it would be preferable if we could just supplement our existing service rather than doing away with it.

Ms. Paiz said that at last week's Town Hall meeting she asked about the possibility of the City pursuing a street light fee as previously discussed, and was told that it was found to be politically unacceptable so it wasn't pursued. She then suggested that Council should pursue the light fee again, but prior to doing so, she suggested that Council show some leadership by taking a pay cut then have the employees take a pay cut, then perhaps the residents would support a street light fee. Then she commented on an email she sent the City Manager where she suggested that the city adopt a "bag tax" like communities in Oregon have done, and asked if this is possible. (The City Manager said that the City does not have the authority to tax retail stores for their bags, saying this is not allowed in Michigan.) She then chastised the Council for not funding the pension fund for the past two years, but still gave the police raises, and asked what Council was thinking. (The City Manager said Council hoped to get both the police and fire fighters to agree to adopt a different service model in exchange for a raise, but only the police agreed. He added that regarding the pension contributions, the city just doesn't have the money in the General Fund to make the contribution.) She then said that she read in the Retirement Board minutes that the Board is considering suing the City for not making the required contributions and asked if that is correct. (The City Manager said that this type of lawsuit has been done in a couple of other cities, and he thought that the City should explore this avenue so that the payments could be made. He said this is called a "friendly lawsuit" whereby the courts would order the required pension contribution to be spread on the tax rolls. He added that one of the reasons the payments aren't being made is because of the sharp decrease in property tax revenue.)

Ms. Kindle, speaking as the Secretary of the Planning Commission, asked the City Manager if he has had an opportunity to review the Zoning Ordinance, or address the medical marijuana zoning issue. (The City Manager said that he started looking at the Zoning Ordinance, but because of

the budget problems he has not made much progress. He then commented on the medical marijuana zoning issue saying he would be happy to meet with anyone on the Commission to discuss the matter, and added that he has issued an internal order under his authority that no permit is to be issued for any illegal activity and that marijuana is illegal.)

Mr. Micallef, President of IAFF 1188, thanked and publically commended all the emergency personnel who assisted in the I-94/Kroger incident over the weekend, saying that a couple of his guys had to deal with some of the worst case situations in this particular incident.

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Mr. Foleta told Council that he missed the last couple of meetings because he wanted to see how other City Councils operated so he went to council meetings in St. Clair Shores and Eastpointe and said there is a big difference. He then reminded the Mayor that he said that if the May Charter proposal failed that the City would have to hire 4-7 fire fighters, and he asked the Mayor what changed since the vote in May because nobody has been hired. (The Mayor said that that is a bargaining issue that the City Manager deals with, and the City Manager confirmed that that issue is currently being discussed.) He then asked the City Manager if he would typically go to the city's unions and ask them if someone should be hired. (The City Manager said that he would not under normal conditions.) Then he asked how much of the \$5.8 million that the City spends on public safety is spent on the fire department. (The City Manager said that it is approximately \$1.2 million.) He then commented on the poor condition of the stores and businesses on Kelly road, and was critical of Council for not frequenting the businesses there. He was further critical of the City for using Wayne County Economic Development to assist in bringing businesses to the area and spoke critically of the types of businesses currently located on Kelly, and suggested that the type of businesses there are largely the fault of the City using Wayne County and getting out of the Metro East Chamber of Commerce. (The City Manager said that Wayne County Economic Development has nothing to do with the types of businesses going in on Kelly Road, and said that none of the businesses in the area have elected to join the Metro East Chamber of Commerce.) He continued discussing the appearance and condition of Kelly Road and suggested that maybe the police department and Reverend Harville could go back up there and clean it up, because it looks terrible since the last clean-up. Then he criticized the Council for not getting the 19 breeches in the freeway fence on Harper repaired. (The City Manager said that he has asked MDOT, since it is their responsibility, to repair their fence.) He then commented on the police contract and asked why dispatchers were given the same raise and why we sometimes use a police officer to do dispatching, and questioned the cost effectiveness of this practice. Then he advised City Council that 11 of the 14 closest cities to Harper Woods have fire sponsored ambulance service, and added sarcastically that he can't wait for the other cities to follow Harper Woods in privatizing because it must be a great way to save money. He then commented on the poor condition of our fire apparatus and was critical of City Council for providing such poor equipment. Lastly, he said that he recently had a conversation with two

Retirement Board members who told him that all the city has to do is make a small payment to the retirement system in order to head off a potential intervention by an Emergency Financial Manager and asked if this is correct. (The City Manager said that he did not know if this would be enough for the State Treasury to appoint an Emergency Financial Manager.)

Mr. Webster commented on the City's budget problems saying that pay raises given to the police need to be returned, and the other employee contracts need to be opened so that additional concessions of 10-15% can be made. He also commented on the suggestion for a special assessment for police and fire services saying the public will not support this if raises are being given.

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Ms. Dritsas asked if Plante Moran comes in every year. (The City Manager said that they do.) She then asked what happened for the past couple of years when our auditors told us we were in trouble financially. (Mayor Poynter said that that is why we had a Headlee Override and a proposed Charter Amendment.) She asked what else the City has done over this time, and said she was amazed by the comment made by a member of the City Council that future council's would follow a similar blueprint for decision making, and asked why anyone new would follow this Council's blueprint because Council has ravaged the city. Then she asked questions about how a private ambulance would be used in the city and asked why residents would continue to be taxed for an ambulance service if the city is not paying for it. (The City Manager pointed out that both private ambulance companies and the City ambulance bill residents for using the service.) She then asked questions of the City Manager regarding the city changing to a private ambulance service including the various costs associated with changing to this service. Then she urged the city to meet with all the union representatives in one setting to negotiate changes to their contracts for the necessary concessions so that services can be maintained. She suggested that the city and the union representatives meet non-stop until this is accomplished and an agreement can be made that is acceptable to everybody.

Ms. Uhl commented on ambulance response times by the private ambulance companies being inconsistent with what has been represented, and expressed concern over how these companies use their dispatchers to address life threatening emergencies and dispatch their ambulances in a timely fashion. She then asked if someone could explain to her why the city would knowingly lose the revenue from the ambulance if they still are going to incur the costs of maintaining a fire department. (The City Manager said that he has been candid that if we lose the ambulance, we will lose the money, but we won't have to buy a new ambulance and we would no longer have to pay the medic premium to the fire fighters.) She then asked specific cost information on how much money is being bought in, and asked if the city will benefit financially from privatizing the ambulance service.

Ms. Beaubien said that she heard one of the ambulance presenters say that there is a state law that would require any licensed ambulance service to respond to our emergencies should we make the request. (The City Manager said that there is such a law and that they would have to respond if requested.)

Mr. Foleta said that he recently had a conversation with the Fire Chief who advised him that the City has applied for a grant to purchase a new ambulance at no cost to the city, and that there is a strong likelihood that we will be successful, and he asked the City Manager if that is correct. (The City Manager said that that is correct.) He then commented on various service scenarios where he believes that the city will be able to make additional revenue if we were to purchase a second ambulance.

Mr. Paiz asked for a clarification on the auditors statement that the city is not allowed to make a

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profit from fees charged, but can charge fees for services, and asked if that means the city can start charging fees for services that are already being provided like police services. (The City Manager said that some communities do that and it is allowable, but that he is opposed to doing that.)

Mr. Selburn said he is astounded by the discussion of privatizing the ambulance because it will not save the city money and will in fact cause the city to lose revenue. He told Council that they have wasted the City Manager's time pursuing this all because of the vendetta Council has against the fire fighters union. He said the people in the community need to know about this, and assured Council that they will. Then he said that when he hears that the auditors have advised Council of the impending financial problems over two years ago, and that the only thing Council has done since that time is put a Charter amendment before the voters in February, saying that that is unconscionable. He then asked the City Manager about his statement that the reason he hasn't hired anyone is because it is a collective bargaining issue, and his statement that he has been able to balance the budget because he hasn't hired anyone, saying that hiring either is or isn't a collective bargaining issue and can't be both ways. (The City Manager said that it has been made a collective bargaining issue and unfortunately he can't go into details.) He then said that the Council and the City Manager need to stop hiding behind the collective bargaining as a reason for not answering questions, and pointed out that the Traverse City School Board posts on line both the union and school board's bargaining positions. (The City Manager said that that is against the law unless it is agreed to ahead of time by both parties.) He then commented on the negotiation process commenting on how times are different now saying that it might be possible to get everyone in the same room and agree to some changes to help the city and avoid layoffs.

Ms. Dritsas asked for confirmation if the city did in fact apply for a grant to purchase a new ambulance, and if true, when would the city learn if they will get the grant. (The City Manager said that he believes it will be sometime around February.) She then asked Councilman Monaghan about his intentions behind pursuing a privatized ambulance service. (Councilman

Monaghan said that he wants to examine providing a service without having to use city funds, citing the current EMS causing overtime expenses and duty related injuries as examples of the cost savings.) Then she asked Mayor Pro tem Szymanski about a slide from the auditor projecting property values. (Mayor Pro tem Szymanski responded and addressed how significant the revenue shortfalls will be as a result of the declining property values, and the associated issue of obtaining concessions from the unions and the process that that involves, and the impact on the city's budget.)

### CALL TO COUNCIL

Mayor Poynter commended both the police and fire departments for their response to the I-94/Kroger incident over the weekend, and the neighboring communities that provided additional

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assistance. He also commended the police department on the outstanding job they did over the weekend handling an incident on Roscommon. Then he thanked the Finance Director and City Manager on the job they did at the recently held Town Hall meeting, saying that he thought it was excellent and a lot of good points were made. He then announced that he will not be available this Wednesday for his normal office hours, but will be available as usual after that.

Councilwoman Sawicki commented on the comments from the public that suggested Council has done nothing for the past couple of years after being told by the auditors that the city is in financial trouble, saying that both the Headlee Override and the Charter proposal allowing for the creation of a public safety department were done in response to the auditor's information. She added that Council has taken additional action by eliminating positions and making some full-time positions part-time, so she resents the idea that Council has done nothing since being advised of the city's impending financial trouble saying that that is unfair. She suggested that the City's financial trouble has come to the forefront now because there is nowhere else to go, and pointed out that the auditors indicated that the City has very little arbitrary money in the budget which means that the budget has been used very well. She added that the city has done a lot behind the scenes that residents have not felt until now, so it is a grave oversight and disservice to say that we have somehow ravaged the city, and it smacks of not being aware of what is going on. She then commented on the ambulance situation saying that her heart is with the employees and the community she respects greatly. Then she commented on why she moved to Harper Woods citing the City's excellent services and because it was a nice place to raise a family. She then commented on the ambulance service and how she would love to see the residents get together and purchase a new ambulance, but added that the city run ambulance does not make money like a private ambulance company does because private companies serve numerous communities so they have a lot of sources of income, whereas our ambulance would be dedicated to just our city and therefore does not generate the same level of income. Then she commented on the ambulance presentations that were given and said that she hoped the public heard that these companies can assist us and work with us any way desired, so her question is

how can we work with these companies to improve our service? She then changed topics saying that it appears the bridge overpasses are finally being worked on and asked the City Manager if that was correct. (He said that he would find out and let her know. Then she asked Council if they would be willing to amend the Handbill Ordinance so vacant houses will not have to be posted as vacant because of the potential for criminal activity to occur once it is known that a house is vacant. Lastly, she suggested that perhaps a volunteer committee could be formed to explore the possibility of having a community wide garage sale at Salter Park with fees being charged to participants and perhaps some of the proceeds could be donated to the city also.

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CM 07-79-11

EXECUTIVE SESSION -  
COLLECTIVE BARGAINING MATTER

RESOLUTION by Monaghan, SUPPORTED by Marshall:  
BE IT RESOLVED to adjourn to executive session for the purpose of discussing a collective bargaining matter.

ROLL CALL VOTE

YES: Marshall, Monaghan, Palmer, Sawicki, Szymanski and Poynter.

NO: None.

ABSENT: Costantino.

RESOLUTION ADOPTED

The City Council adjourned to Executive Session at 9:58 p.m. and reconvened at 10:48 p.m.

CM 07-80-11

ADJOURNMENT

MOTION by Szymanski, SUPPORTED by Monaghan:  
That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 10:48 p.m.

ABSENT: Costantino

MOTION CARRIED

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KENNETH A. POYNTER, MAYOR

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MICKEY D. TODD, CITY CLERK

CITY OF HARPER WOODS  
CITY COUNCIL  
JUNE 20, 2011

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:00 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem John M. Szymanski, Councilperson(s) Cheryl A. Costantino, Hugh Marshall, Michael P. Monaghan and Daniel S. Palmer.

ABSENT: Councilperson Vivian M. Sawicki .

OTHERS PRESENT: City Manager James E. Leidlein, City Attorney J. Russell LaBarge, Finance Director Laura L. Stowell and City Clerk Mickey D. Todd.

CM 06-57-11

EXCUSE COUNCILPERSON SAWICKI

MOTION by Monaghan, SUPPORTED by Palmer:

To excuse Councilperson Vivian M. Sawicki from tonight's meeting because of a prior commitment.

ABSENT: Sawicki.

MOTION CARRIED

CM 06-58-11

MINUTES

MOTION by Monaghan, SUPPORTED by Palmer:

To receive, approve and file the minutes of the regular City Council meeting held June 6, 2011 and furthermore receive and file the minutes of the Board of Trustees Employees Retirement System meeting held June 6, 2011.

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ABSENT: Sawicki.

MOTION CARRIED

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CM 06-59-11

TABLED ITEM MOVED TO OLD BUSINESS

MOTION by Monaghan, SUPPORTED by Palmer:

To remove item CM 06-51-11 Ordinance No. 2011-01 - An Ordinance Requiring Handbill Distributors to Obtain a License and to Register with the Police Department from Tabled and Pending Items and Place under Old Business 1.

ABSENT: Sawicki.

MOTION CARRIED

CM 06-60-11

CONSENT AGENDA

RESOLUTION by Costantino, SUPPORTED by Palmer:

BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 94502 through 94618 in the amount of \$551,907.28 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.
2. To receive and file for the audit, the 1<sup>st</sup> quarter financial statement.



3. Approve payment to Plante & Moran in the amount of \$7,270.00 for the professional services performed in conjunction with the 2010 audit.
4. Approve payment to Nu Appearance Maintenance, Inc. in the amount of \$10,210.00 for contractual lawn cutting and weed maintenance in various areas of the City, including the Community Center, DPW, City Hall, the parks and various residential homes that were not in compliance with the City's ordinance.

ROLL CALL VOTE

YES: Costantino, Marshall, Monaghan, Palmer, Szymanski and Poynter.

NO: None.

ABSENT: Sawicki.

RESOLUTION ADOPTED

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CM 06-61-11      SECOND READING AND ADOPTION ORDINANCE  
NO. 2011-01 AN ORDINANCE REQUIRING HANDBILL  
DISTRIBUTORS TO OBTAIN A LICENSE AND  
TO REGISTER WITH THE POLICE DEPARTMENT

RESOLUTION by Szymanski, SUPPORTED by Costantino:

BE IT RESOLVED to Place for Second Reading and Adoption Ordinance No. 2011-01 entitled "An Ordinance Requiring Handbill Distributors to Obtain a License and to Register with the Police Department; Providing for Exceptions and Days and Hours for Distribution and Penalties for Violations" and further to direct the City Clerk to publish a notice of this in accordance with City Charter requirements.(Attachment #1)

ROLL CALL VOTE

YES: Marshall, Monaghan, Palmer, Szymanski, Poynter and Costantino.

NO: None.

ABSENT: Sawicki.

RESOLUTION ADOPTED

CM 06-62-11      MILK RIVER - OPERATION AND MAINTENANCE

RESOLUTION by Marshall, SUPPORTED by Costantino:

BE IT RESOLVED to approve payment to Wayne County in the amount of \$175,377.75 for the operation and maintenance of the Milk River Drain for the third quarter of FY2011.

ROLL CALL VOTE

YES: Monaghan, Palmer, Szymanski, Poynter, Costantino and Marshall.

NO: None.

ABSENT: Sawicki.

RESOLUTION ADOPTED

CM 06-63-11 TRANSFER OF CLASS C LIQUOR LICENSE - 19520 KELLY

RESOLUTION by Monaghan, SUPPORTED by Palmer:

BE IT RESOLVED that the request to transfer ownership of 2011 Class C Licensed business with Dance-Entertainment Permit, located at 19520 Kelly, Harper Woods, MI 48225 Wayne County, from Craig Wedgle Enterprises, Inc. to HFTFA, Inc. be considered for approval.

(Attachment #2)

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ROLL CALL VOTE

YES: Palmer, Szymanski, Poynter, Costantino, Marshall and Monaghan.

NO: None.

ABSENT: Sawicki.

RESOLUTION ADOPTED

Ms. Linda Mayer, attorney representing the petitioner, and the petitioner Ms. Anfrila Gjini, were present to answer any questions.

CM 06-64-11 FIRST READING AND ADOPTION - ORDINANCE NO.  
2011-2 AN ORDINANCE CONFIRMING CREATION OF  
THE CITY OF HARPER WOODS PLANNING COMMISSION

RESOLUTION by Marshall, SUPPORTED by Monaghan:

BE IT RESOLVED to Place for First Reading and Adoption Ordinance No. 2011-02 entitled "An Ordinance Confirming Creation of the City of Harper Woods Planning Commission" and due to the technical restraints enabling state legislation that this ordinance have immediate effect and further to direct the City Clerk to publish a notice of this in accordance with City Charter requirements. (Attachment #3)

ROLL CALL VOTE

YES: Szymanski, Poynter, Costantino, Marshall, Monaghan and Palmer.

NO: None.  
ABSENT: Sawicki.

RESOLUTION ADOPTED

CM 06-65-11                      APPOINTMENT OF TREASURER

RESOLUTION by Szymanski, SUPPORTED by Costantino:  
BE IT RESOLVED to confirm the City Manager's appointment of Laura L. Stowell as City Treasurer for the City of Harper Woods in accordance with Section 4.5 of the City Charter.

ROLL CALL VOTE

YES: Poynter, Costantino, Marshall, Monaghan, Palmer and Szymanski.  
NO: None.  
ABSENT: Sawicki.

RESOLUTION ADOPTED

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CM 06-66-11                      2010 ADA RAMP REPLACEMENT  
   #180-126 - PROGRESS PAYMENT NO. 2

RESOLUTION by Palmer, SUPPORTED by Costantino:  
BE IT RESOLVED to approve payment to C & L Enterprizes, Inc. in the amount of \$9,071.93 for Progress Payment No. 2 on the 2010 ADA Ramp Replacement Project, #180-126.

ROLL CALL VOTE

YES: Costantino, Marshall, Monaghan, Palmer, Szymanski and Poynter.  
NO: None.  
ABSENT: Sawicki.

RESOLUTION ADOPTED

CM 06-67-11                      RECEIVE AND FILE - MANAGEMENT REPORT  
   CONTRACTING POLICE AND FIRE SERVICES

MOTION by Monaghan, SUPPORTED by Szymanski:  
To receive and file the Management Report on the contracting of Police and Fire Services for the City of Harper Woods as submitted by the City Manager. (Attachment #4)

ABSENT: Sawicki.

MOTION CARRIED

CM 06-68-11

ADDENDUM TO AGENDA

MOTION by Monaghan, SUPPORTED by Szymanski:

To add to the agenda an amendment to the Resolution adopted at the June 6, 2011 meeting (CM 06-56-11) regarding Ambulance Service Proposals.

ABSENT: Sawicki.

MOTION CARRIED

CM 06-69-11

AMEND AMBULANCE SERVICE PROPOSAL RESOLUTION

RESOLUTION by Monaghan, SUPPORTED by Szymanski:

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BE IT RESOLVED to direct the City Manager to have ready for the July 11 City Council meeting a presentation to Council on private ambulance services, including presentations from interested private ambulance companies that would provide an overview of their services.

ROLL CALL VOTE

YES: Marshall, Monaghan, Palmer, Szymanski, Poynter and Costantino.

NO: None.

ABSENT: Sawicki.

RESOLUTION ADOPTED

CALL TO AUDIENCE

Mr. Regal asked if the newly appointed City Treasurer is going to be bonded. (The City Manager said that she is already bonded.)

Mr. Dick thanked the police for doing the best they can in dealing with the noise pollution problems in the city. He continued saying that with summer here he is now able to open his windows and the bass noise from the boom boxes disturbs him, but rather than calling the police all the time he now writes down license plate numbers and plans on turning them over to the police. He added that he wants Council to promote ordinance enforcement for noise violators and for individuals who litter, suggesting that if these individuals are ticketed perhaps the

problem could be remedied. He then commented on the liquor license transfer that Council approved tonight for Charlie's Saloon saying that he hopes the new ownership will resolve the issue of on going police calls and other issues that were prevalent under the former management. Lastly, he thanked City Council for doing the best they can with the funds that are available to the city.

Ms. Bellomo commented on the statement made at the last meeting where it was said that Council will stand behind the police department, saying that she takes offense to that comment because it is divisive and pits departments against one another. She then commented on her ongoing issue with the city over allowing recreational fire pits, and her problems with getting the District Attorney to enforce the city ordinance in this regard. She advised Council that she is going to pursue this issue in small claims court, and warned that if the situation is not addressed at that time, that she will be taking the city to court downtown and it will be a big lawsuit.

Mr. Dritsas commented on a comment that Councilman Marshall made a couple of meetings ago where he stated that Council members don't always agree on everything and that he does his own research when deciding an issue, and then said that he researched past Council minutes and found that in October 2008, Councilman Marshall said that he relies on the City Manager and his

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administration to make informed decisions, and he asked Councilman Marshall which side of the fence he is on. (Councilman Marshall said that he is on both sides, depending on the issue. He suggested that he can listen to the City Manager and also do his own independent investigations. Then he asked Mr. Dritsas what his issue is.) Mr. Dritsas said his issue is why would Council give a raise to the police in 2008 when the whole country was going backwards. He then asked Mayor Pro tem Szymanski how he can serve on a Board or be objective after making the statement at the last meeting that the City will probably be out of the ambulance and fire business by January. (Mayor Pro tem Szymanski said that these questions are getting to be like a carnival atmosphere and said that while he will answer any legitimate question, he will not get involved in an argument. He added that he did say he is behind the police one-hundred percent, and that he highly doubts the city will have fire services.) Then he asked if the city has considered cutting the benefit costs to employees as a way of saving money. (Mayor Pro tem Szymanski pointed out that cutting the benefit costs is subject to collective bargaining and cannot be changed arbitrarily, and added that since Mr. Dritsas is a candidate for City Council he should know this information.) He then asked why NuAppearance charges so much to mow lawns and asked if we put this information out for bids. (The City Manager said the cost is more for two reasons. First, the City charges double because we don't want to cut their lawns, we want them to take care of their own lawn, and second, the cost is also more because usually the grass is eight inches or higher and is harder to mow. He added that the city takes proposals for residential lawn cutting and not bids.) Then he asked if the residents pay for this service when the city does it. (The City Manager said that if they don't pay it, it will go on their tax bill.) Lastly, he asked how many

fires and homicides we had last year. (The City Manager said 11 fires and 2 homicides.) He then said that if he used the same math that the City uses in determining the number of fire fighters that are needed, then given the number of homicides we had last year then we would only need four police officers, and added that using this information to determine staffing size is ludicrous.

Ms. Paiz asked for clarification on the City Treasurer's retirement, wanting to know if she is coming back on a part time basis and if she does come back, will the city have someone to assume these duties when she isn't here. (The City Manager said that the retired City Treasurer will become a part-time Deputy Treasurer, and added in the big picture she will be taking the place of a full time clerical worker who retired earlier this year.)

Ms. Uhl commented on Mayor Pro tem Szymanski's comment from the last meeting saying that in the minutes he said: 'you do not believe the city will be in the fire business after January 1<sup>st</sup>, and you know we won't be in the ambulance business.' She said that she found that statement to be disturbing because at that same meeting the City Manager was asked to find out about contracting out police and fire services, and said those statements were made before it was found out if it could be done without violating any existing contracts or the City Charter. She added further that Council took this action without having determined whether this would have a beneficial or detrimental effect on the City either financially or in terms of providing services.

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She then commented on the ambulance service saying that it is a business and pointed out that the City of Warren recently purchased four new ambulances and pointed out the amount of revenue they will be realizing by increasing this service, and said that she is disturbed that the City is considering contracting this service out and throwing away the revenue that could be brought in from providing this service without considering anything else. She added that this city needs money and the fire department is one of the few departments that actually brings money in, and feels that Council is making an emotional decision in this regard rather than a fact based decision. Then she said she heard the City has contracted out our second ambulance and asked if that was correct. (The City Manager said that was not correct, but added that we have asked Medstar to back up our ambulance and they have agreed to do so.) She then asked where the Medstar ambulance would be located, if they would have paramedics, what their response time would be and what their pick-up fees are. She also inquired as to whether the City will be contracting with them. (The City Manager said that Medstar will be used for a few weeks to help offset the need to call for mutual aid ambulance runs. He added that they will have paramedics and that their response time will be within four minutes. He further said that he believes their fees are similar to ours, and said that we do not have a signed contract with them.) She then asked the City Manager if the Fire Chief gave him any opinions regarding using Medstar. (The City Manager said that they did discuss using Medstar as a viable alternative.) Then she urged Council to make sure all of the items that she mentioned above are included in any contract that the City enters into with Medstar. (The City Manager said that at this point he does not intend on

entering into a contract with Medstar. He added that we do not require our mutual aid partners to enter into a contract with us, and pointed out that communities throughout the state that use a private ambulance service don't necessarily enter into a contract with them.) She then asked if the City decided to replace the City's ambulance service, would the City enter into a contract with a private ambulance service. (The City Manager said that if the City decided to discontinue our existing ambulance service, State law requires private ambulances to respond.) Lastly, she commented on some comments made by the public that was critical of the City Manager and City Council in regard to how they participated in providing information to the public on the May 3 Charter Amendment, saying that she disagreed with that criticism and thought that both the City Manager and City Council acted within what could legally be done.

Mr. Cadotte commented on two quality of life issues in his neighborhood, complaining about people burning garbage in their incinerators causing foul odors, and people playing loud music or having loud parties. He urged Council to consider requiring permits for parties that are too large as a way to address this situation. Lastly, he asked how the BP/Subway station on Harper/Vernier obtained a license to sell liquor. (The City Manager said that this is regulated by the State.)

Mr. Binder said that the city must be doing well because when he called the police to report an illegally parked car they came out and told the person to move the car, rather than ticketing them. He was critical of the police for not issuing a ticket given the fact that the city needs the money.

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He further commented that we need to discontinue this 'kinder, gentler attitude' or this 'sissy attitude' that the police have about issuing tickets. (The City Manager said that the police do write tickets and pointed out that they issued approximately \$900k in tickets last year.) He continued saying that he did speak to the Deputy Chief about this and was told that the police do issue about \$1 million in citations, but feels that if they can write \$1 million, then they should be able to write \$2 million. He cited noise complaints and kids wearing their pants low as examples of ordinances that could be enforced to raise additional revenue, and said that this city is going to go to hell in the next five years if Council doesn't get something done by the police department.

Ms. Marshall commented on how aggressive the Grosse Pointe's are in ticketing ordinance and traffic violators, and cited a personal example of her being ticketed and suggested that we should take the same approach. Then she commented on an incident her neighbor had when he confronted a speeder and was threatened by that speeder, and then when the police were called they were unable to do anything. She pointed out that not only will the city realize additional revenue by more aggressively enforcing traffic violators, but it will also make Harper Woods a safer place to live.

Ms. Southers commented on the City's property values saying that she just purchased a home in the city and discovered that the assessed value was much higher than the appraised value, and

said that she would like to know how many more properties in the city have a higher assessed value than the appraised value. Then she asked how many full-time non union employees there are. (The City Manager said that there are five full-time non union employees that work for the City and nine full-time employees that work for the District Court. He added that the rest of the non-union employees are part-time, including several department managers and inspectors.) She then commented on the City's history of not being transparent saying that she spoke with Patrick Boland, who ran for City Council in 2005, and was advised by him that when he ran the only communities without a website back then were Harper Woods and Oak Park, and she also pointed out that Harper Woods is the only community in the area that does not televise the Council meetings. Then she commented on the Council Finance Committee meetings being closed to the public saying she is going to research the legality of this, and if she finds out that these are being held illegally then she will pursue legal action against the city. She also commented on the need to increase the City's ambulance service as a way of raising additional revenue saying that it just makes sense, and Council's actions to pursue a private service defies logic.

Mr. Kien thanked City Council for passing the Handbill Ordinance and asked if there is anything that can be done to prohibit the individuals who distribute these handbills from walking across lawns and looking in houses. (The City Attorney said that if a homeowner posts a no solicitation and no handbills sign on their property, solicitors can be prevented from going to that house and added that if the signs are ignored the solicitor can be cited for trespassing.) He asked where

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these signs would have to be posted. (The City Attorney said somewhere by the front door.) Mr. Kein pointed out that that would be too late because they wouldn't see the sign until they walked across the lawn, so he asked if something could be added to the ordinance to address this situation. Then he commented on a comment that was made by a couple of Council members at the last meeting where they said that they were disappointed that the people who complain about a lack of transparency leave the meeting when Council begins speaking, saying that he was one of those people, and said that he leaves because it is very frustrating to listen to them. He further said that when the public speaks Council interrupts them or corrects them and they are not allowed to fully speak, and pointed out that two meetings ago Ms. Uhl was cut off and not allowed to finish and it wasn't fair. He also said that whenever Council speaks they say the same thing over and over. Then he said that he has heard that he has been brain washed by the Fire Department because he didn't support the Charter Amendment, and said that is false because he doesn't agree with them on a lot of things and his problem with the proposal was the City's approach to the proposal and the lack of information about the City's plan to change to public safety. He concluded saying that he does not have a problem with any City employees or the police department, and added that he has always gotten a good response from the police when he called them.



Ms. Dritsas asked when the Finance Committee will be meeting again to discuss next years' budget. (Mayor Poynter said the committee will not be meeting again until the City Manager meets with the unions to discuss negotiations.) She then asked when negotiations are scheduled with the Fire and Police unions. (The City Manager said that he is meeting with the fire fighters tomorrow and that the police contract does not expire until December 2013, but he has approached them about re-opening their contract.) Then she asked when he will be meeting the Public Works employee union and the clerical union. (The City Manager said that he will be meeting with the Public Works employee union on Thursday.) She asked if the clerical union includes court employees. (The City Manager said that it does not include court employees, and that there are only four people in the clerical union.) She asked for a clarification of the status of court employees, and further clarification of the total number of employees in the city and different units they are in. Then she asked about the format for next week's Town Hall meeting on the City's financial situation, and asked how it will be conducted. (The City Manager said that he and the Finance Director will be seeking input from the residents on how to solve the City's budget problem. Mayor Poynter added that he found out the other day from a real estate agent that he has known over the years that the highest selling property in Harper Woods this year was \$87k, and that that property used to go for over \$200k.) Ms. Dritsas said she was please to hear that the City is starting to listen to what the residents have to say, and added that she thinks it is important that we try to be proactive in dealing with the budget problems. She added that the City can't be lazy about this and suggested that all ideas have to be considered because they can potentially add up to a significant savings. Then she read a statement pertaining to an EMS incident she was involved in recently in the City of Roseville.

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Mr. Selburn pointed out that in the last city election for Mayor and Council only 20% of the eligible voters voted, then commented on the Mayor's comment at the last meeting where he pointed out that only 24% of the eligible voters voted and where he suggested that perhaps the other 76% who didn't vote didn't care about the outcome, saying that if the Mayor's comment about the public not caring about the May 3 election outcome is true, then wouldn't it also be true that 80% of the public did not care who was elected Mayor in the last city election. He further commented on the May 3 election saying several members of Council still complain about the outcome and blame the public, and read an email that he received which implied that Council brought the problems of implementing public safety on themselves because they did not consult with the public, and he reminded Council that they work for the public and that the public is their boss, and that in most work situations he knows the employee listens to the boss or moves on. He advised Council that if they can't accept what the public wants then maybe its time for them to move on.

Ms. Bellomo told the Mayor and City Manager that she appreciated both of them taking the time to meet with her last week. Then she commented on Mayor Pro tem Szymanski's comments at the last meeting about the Fire Department saying that it appears he has a personal vendetta against the fire fighters and suggested that no matter what the concessions they agree to, it

wouldn't be good enough. She reminded the Council that they work for her and told them that the voters spoke on May 3 and they want their fire fighters and they want their ambulances.

Ms. Marshall advised Council that she has it straight from a Parks & Recreation employee that on Sunday's they have no work to do whatsoever, but they have people working and all they do is play games back and forth. She said they play a game where they are divided up into two teams and take turns hiding items in other city parks and seeing how long it takes to find the item. She said that she didn't know their work requirements, but suggested this needs to be looked into. Lastly, she suggested that consideration be given to consolidating the Parks & Recreation Department with another department and demolish the trailer that they currently use.

Ms. Uhl asked the City Manager if the public is supposed to bring their ideas for dealing with the budget issues to the Town Hall meeting or submit them in advance. (The City Manager said that either way would be fine with him.)

Mr. Micallef, IAFF 1188 Union President, commented on the fire fighters being notified that they are now required to call Medstar for a second ambulance and his reactions to the comments in the minutes about the fire department. He told Council that the public told them what to do on May 3 about keeping the police and fire departments separate, and reminded them that they are supposed to do what the public wants and not engage in their own vindictive agenda.

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CALL TO COUNCIL

Councilwoman Costantino said that she heard some unique fund raising ideas tonight regarding ticketing and said that the possibility of issuing tickets for noise, littering and fire pits should be something Council should look into. She then commented on the allegation that the Finance Committee is meeting illegally because their meetings are closed is false because the committee consists of only three members from Council and that is not a quorum. Then she said that she got a letter from a DPW employee who indicated that he is willing to go part time and asked if this is being looked into. (The City Manager asked her not to discuss this issue as it is a collective bargaining matter.) She then responded to the criticism that Council doesn't listen to the residents, saying that a lot of things Council does is unseen and cited a couple of instances where she has assisted residents with problems they are having and assured the public that Council is listening to them.

CM 06-70-11

ADJOURNMENT

MOTION by Monaghan, SUPPORTED by Szymanski:

That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 8:34 p.m.

ABSENT: Sawicki.

MOTION CARRIED

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KENNETH A. POYNTER, MAYOR

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MICKEY D. TODD, CITY CLERK

CITY OF HARPER WOODS  
CITY COUNCIL  
JUNE 6, 2011

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:00 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem John M. Szymanski, Councilperson(s) Cheryl A. Costantino, Michael P. Monaghan, Daniel S. Palmer and Vivian M. Sawicki .

ABSENT: Councilman Hugh Marshall.

OTHERS PRESENT: City Manager James E. Leidlein, J. Russell LaBarge and  
City Clerk Mickey D. Todd.

CM 06-46-11 EXCUSE COUNCILMAN HUGH MARSHALL

MOTION by Monaghan, SUPPORTED by Palmer:  
To excuse Councilman Hugh Marshall from tonight's meeting due to the passing of his father.

ABSENT: Costantino and Marshall.

MOTION CARRIED

CM 06-47-11 MINUTES

MOTION by Monaghan, SUPPORTED by Szymanski:  
To receive, approve and file the minutes of the regular City Council meeting held May 16, 2011,  
and furthermore, receive and file the minutes of the Board of Trustees Employees Retirement  
System meeting held on May 23, 2011 and the Planning Commission meeting held on May 25,  
2011.

ABSENT: Marshall.

MOTION CARRIED

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CM 06-48-11 CONSENT AGENDA

RESOLUTION by Monaghan, SUPPORTED by Costantino:

BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 93762 through 93881 from our former check printing system and Check Numbers 94415 through 94501 from our new check printing system (93882 through 94414 have been destroyed) in the amount of \$1,006,888.97 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.
2. Approve payment to Anderson, Eckstein & Westrick, Inc. in the amount of \$8,401.70 for professional services during the month of April 2011 for the following projects: Traffic Signal Upgrades, #180-124; Handicap Ramp Upgrades, #180-126; 2010 Emergency Concrete Pavement Repair, #180-129; 2011 Emergency Concrete Pavement Repair, #180-136 and Johnston Park Tennis Courts, #180-096.

3. Approve payment to Nu Appearance Maintenance, Inc. in the amount of \$6,448.00 for grass cutting in various residential areas of the City.
4. Approve the appointment of Ms. Nicole Jackson to the Planning Commission to fill an unexpired term as recommended by the Council sub-committee on Boards/Commissions.

ROLL CALL VOTE

YES: Costantino, Monaghan, Palmer, Sawicki, Szymanski and Poynter.

NO: None.

ABSENT: Marshall.

RESOLUTION ADOPTED

CM 06-49-11      DISCONTINUATION OF DIAL-A-RIDE BUS SERVICE

RESOLUTION by Szymanski, SUPPORTED by Palmer:

BE IT RESOLVED to receive and file the transcript of a Public Hearing held by the City of Harper Woods and the Suburban Mobility Authority for Regional Transportation (SMART) on April 12, 2011 and to accept the recommendation of the City Manager as set forth in the February 2011 Management Report that the City's Dial-A-Ride service be discontinued effective July 1, 2011.

ROLL CALL VOTE

YES: Monaghan, Palmer, Sawicki, Szymanski and Poynter.

NO: Costantino.

ABSENT: Marshall.

RESOLUTION ADOPTED

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CM 06-50-11

MICHIGAN DEPARTMENT OF  
TRANSPORTATION - PROGRESS BILLING

RESOLUTION by Palmer, SUPPORTED by Monaghan:

BE IT RESOLVED to approve payment to the Michigan Department of Transportation in the amount of \$7,834.96 for the Beaconsfield Traffic Signal Upgrade project.

ROLL CALL VOTE

YES: Monaghan, Palmer, Sawicki, Szymanski, Poynter, and Costantino.

NO: None.

ABSENT: Marshall.



ABSENT: Marshall.

RESOLUTION ADOPTED

CM 06-54-11      CANCELLATION OF FIRST MEETING IN SEPTEMBER

MOTION by Sawicki, SUPPORTED by Szymanski:

That the Regular City Council meeting scheduled for Wednesday, September 7, 2011 be cancelled.

ABSENT: Marshall.

MOTION CARRIED

CM 06-55-11                      ADDENDUM TO AGENDA

MOTION by Monaghan, SUPPORTED by Sawicki:

To add to the agenda discussion and/or action on directing the City Manager to prepare proposals for a private ambulance service, and furthermore, explore the possibility of contracting out our Police and Fire services as a means of addressing the City's financial situation with each item voted upon separately.

ABSENT: Marshall.

MOTION CARRIED

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CM 06-56-11                      AMBULANCE SERVICE PROPOSALS

RESOLUTION by Monaghan, SUPPORTED by Szymanski:

BE IT RESOLVED to direct the City Manager to prepare proposals for a private ambulance service for the July 11 Council meeting for City Council's review and consideration.

ROLL CALL VOTE

YES: Szymanski, Poynter, Costantino, Monaghan, Palmer and Sawicki.

NO: None.

ABSENT: Marshall.

RESOLUTION ADOPTED

MOTION by Monaghan, SUPPORTED by Szymanski:

To direct the City Manager to prepare a report by the next meeting that provides City Council with options for contracting out Police and Fire Services, and the financial impact these changes, if pursued, would have on the budget.

NO: Costantino.

ABSENT: Marshall.

MOTION CARRIED

Councilwoman Costantino qualified her no vote saying: "I wanted to find out if there is a conflict first prior to researching this."

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CALL TO AUDIENCE

Mr. Condino, with the Associated Food and Petroleum Dealers, thanked City Council for tabling action on the proposed Handbill Ordinance so that he could have the opportunity to work with the City Attorney to ensure that his client's first amendment rights are honored in the proposed ordinance.

Mr. Lynch, President of the Harper Woods Police Officer Association, advised City Council that he was flabbergasted and embarrassed to learn second hand that it is the City's intention to gut the police department by 50%. He said that he was surprised by this action given the fact

that the police have continually done everything the city has asked of them, and added that even though he recognizes that cuts are a matter of collective bargaining, he asked for an explanation in view of the fact that at least a dozen people knew of this plan before him. He further asked why the Mayor and Council would support these proposed cuts despite the fact that the police have always supported the city. (Mayor Poynter said that he doesn't believe Council is gutting the police department, saying that the 2012 budget has not been adopted and will not be finalized until November. He added that as far as he was concerned he thought the dissemination of this information was handled poorly and that the City Manager should have met with each union individually. He also said that he does not want to gut the police department, nor does he think Council wants to, but he pointed out that the financial reality of the situation is that the city is 2.8



millions dollars short for next year and the no vote won in May. He further said that even if the yes vote had passed, the city would still need major concessions, but we wouldn't have faced having to layoff so many people. He concluded saying that he could not add anything further until Council discusses their bargaining strategy in closed session.) Mr. Lynch then said that that was a fair enough answer, but pointed out that the decision packages given to the union was not bargaining, but rather it was a slap in the face. He further pointed out that the City is an employer that provides for his and other police employees families, and pointed out that the public needs their presence. He then suggested that the city has the opportunity to take a different approach than what is being presented in the decision packages provided by the City Manager, and encouraged the Council members to contact him so this matter can be resolved. He said that if the decision packet information was provided prematurely, then this issue can be fixed, but if it is the intention of Council to gut the Police Department then he and his fellow employees will not sit idly by and watch the community fall by the wayside. In closing he encouraged whoever is in charge to contact him so this situation can be resolved. (The Mayor advised him that he will speak to him about anything but emphasized that he is not the bargaining agent.) Mr. Lynch said that he appreciated the Mayor's sentiment, then repeated his earlier comment that he was shocked by how this information was presented to him given the nature of his relationship with City Council. (The City Manager took full responsibility for how the information was provided saying that City Council had nothing to do with disseminating this information.) He said that he respects him for owning up to that, but added that the leaders of the community should have been made aware of what was being given to the representative of the largest block of employees. (Mayor Pro tem Szymanski said that the financial information that was given to him showing the decline in revenues is accurate, and added that all the unions in the city have a job to do between now and November to address our financial situation. He further added that nobody disrespects the job the police officers do in this community, saying that he believes they do an outstanding job. Then he urged him to keep in mind that for some of the Council members this is the first time that they have seen the financial graph of the City's financial condition which clearly shows that the money is not here. He continued saying that Council wants to keep the police, but as the situation stands the city can no longer afford to keep both the police and fire departments at their current staffing levels, and said the alternatives are we either have diluted police and fire departments with layoffs, or we eliminate one department

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and fully staff the other. He insisted that there is no other way to address our financial situation because the money isn't there, and added that he appreciates the fact that this will be difficult to accept, because Council also found it hard to accept at first. He suggested that he give this situation some time to set in and urged him to come to the bargaining table seriously, like he knows they will, and he will be met with a serious proposal and consideration. He stressed that Council wants all the police officers to remain in place.) Mr. Lynch assured Mayor Pro tem Szymanski that he is always serious at the bargaining table, and added that if the financial information in these decision packets weren't serious, then he would hold Council responsible. He further added that if the City knew that this situation was going to be this drastic, then they should have addressed it when the auditors brought it to their attention several years ago. He concluded saying that he will be available to work with the City to address this situation.

Mr. Grace asked why there is a minimum water bill charge when a house is empty. (The City Manager said that there has always been a charge and that is because there is a cost to be connected to the system.) He then asked if the city could look at the house on Woodcrest two houses from Beaconsfield that is having their basement walls dug up, saying that it has been almost two months and that the area around the house should have a safety fence because it is a safety hazzard to the kids in the area.

Mr. Flannagan said it seems like deja vu from the last meeting when Council directed the City Manager to prepare some private ambulance proposals, and he indicated he would try, and today Council is asking him the same thing. He then reiterated his previous comments about how he believes the City Manager should be terminated because of his neutrality on the City's Charter Amendment, saying that his first and foremost responsibility is to the citizens because the City Manager and Council works for the citizens, and cited the State's preamble to the constitution to support his point. He further said that the City Council and City Manager have failed in their most basic responsibility, whether its through incompetence, ignorance, apathy or a combination of those factors, and believes that three years of deliberations, litigation and a half hearted attempt at a Charter Amendment is more evidence of this failure. He then said he heard Council direct the City Manager at the last meeting to obtain bids for EMS service and to arrange a meeting with representatives from the State Treasury Office, but neither item was accomplished, and said that this is totally unacceptable and begs the question of who is running the city. He further added that since the last meeting he spoke at length to the decision makers at both Universal Ambulance and MedStar Ambulance about their services. Then he spoke critically of the decision packets given to the Unions, and questioned how the Council Finance Committee could work on a budget without financial information from the City Manager. He then said that he personally believes the City is waiting for an Emergency Financial Manager to deal with the projected \$2.8 million dollar deficit, and added that he believes this situation could have been avoided if the fire fighters, who fought just eight fires last year, would have just supported the change. He then asked who should suffer financially as a result of not cooperating with the city, should it be the police officers who cooperated with the city and cross trained or

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the fire fighters who didn't cooperate and earned six figures with all their overtime. Then he was critical of the City Manager volunteering to cut his pay to \$90k, suggesting that the city can't afford this salary with our declining property values and revenue picture. He then commented on the decision packet that calls for having just ten patrol officers, saying that if that comes to pass it will be just what the predators across the city's border, in what is arguably the most violent city in America want to hear. He pointed out that our neighboring community to the north, Eastpointe, recently had to lay off police officers and that resulted in a 26% increase in violent crime. He continued saying that if the city proceeds with just ten officers, that will result in having just one officer per shift, reducing police visibility, traffic control and other essential

activities to pro active policing, and added that just one DUI arrest will take that officer out of service for the rest of the shift leaving no police protection available. He warned City Council that if they follow through on this proposed plan of cutting the police, they will see a tsunami of crime hit the city and a pattern of deterioration similar to Detroit's eastside which he witnessed first hand. He also said the City can't count on Wayne County government for help. Then he summed up his comments, saying that the City Manager should be fired, out source EMS and make a conversion to a volunteer fire department like a number of communities in the area.

Ms. Uhl thanked the City Clerk for providing her with documents from her FOIA request. Then she commented on the various decision packages from the Finance Committee saying she recognizes that package #1 was not practical, and asked where there was an increase in insurance cost for packages #2 and #3, and asked where the idea came from in package #2 to hire eleven more people in the fire department. (The City Manager said he didn't recall the reason for the increased insurance cost, and said the increase of eleven people in the fire department in package #2 would bring the staffing level to that of the early 1990's.) She then asked if the revenue projections in the packages are accurate. (The City Manager said that they are within 5%.) She further commented on the various decision packages saying that she didn't understand if these are reasonable proposals, and questioned various cost estimates of the information provided. She also questioned the revenue assumptions for ambulance fees and ticket revenues. (The City Manager agreed that those revenue assumptions are probably high.) Then she commented on Council's last goal setting session where the subject of the Recreation Department came up, and how Council wanted to see which programs are sustainable on their own, because she noticed that \$300k is still included in the decision packages for Recreation. (The City Manager said most of our fee based programs are sustainable, but the bulk of the budget is for park maintenance.) She then asked what the status is of cul-de-sacing the streets. (The City Manager said that he has not heard back from the apartment owner who was interested in pursuing the matter.) Then she commented on how Bloomfield Hills was provided with a staffing assessment and efficiency analysis by Plante Moran, and asked if the city has ever been interested in having them do something similar for us, and if not, is that something the city would consider. (The City Manager said that that has not been something the city has looked at, but added that he spent three hours with a Plante Moran partner today and went over the packages and revenue projections, and he concurred that something has to give in the budget.) She then commented

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on how the Governor plans on rewarding communities with additional revenue sharing funds for communities that share services and asked the City Manager if he has met with representatives from Eastpointe, St. Clair Shores and Roseville to discuss joining their new combined 911 dispatch center. (The City Manager said that he did meet with them and learned that it would cost twice as much to run the same service that we currently provide.) She further commented on the Governor's plan to reward cities with revenue sharing funds, asking if the City plans on setting up the dashboard of information for the public as a means of enhancing the City's transparency. (The City Manager said that he intends to fully comply with the dashboard requirement.) She then asked how the contractors were selected to clear snow from residential properties, and cut high grass for residential properties. (The City Manager said he would find out and let her

know.) Lastly, she commented on the fire engine being out of service and needing repair, and asked if the Fire Chief has made any recommendations on how to deal with this situation. (The City Manager said that the Chief has recommended replacing both fire engines.)

Mr. Dritsas said that Council says they are concerned about both police and fire, but it appears from comments made to the Police Union representative that Council is pitting police and fire against one another, because the City can't balance their books. He continued, asking how Council could have given the police a raise when they had to know that the City was going to experience financial difficulties. (Mayor Pro tem Szymanski suggested that maybe he should be on the committee along with all the other Council critics and tell City Council what to cut, because the City is in downsizing mode no matter how you look at it.) Mr. Dritsas suggested that Council start their cuts with Parks and Recreation, and suggested that we don't need a library open everyday since there are computers, and he also suggested that City Hall does not need to be open everyday. He continued saying that we all need police, fire and EMS services and that cuts need to start somewhere other than these three services. He commented on attending today's Retirement Board and asked why the City Manager wasn't there. (The City Manager said that he wasn't there because what they were discussing may result in him being a defendant in a lawsuit, so he didn't think it was appropriate.) He asked if the lawsuit would be filed because the City Manager wasn't paying the bills. (The City Manager said that it is much more complex than that, saying that an alternative to paying the City's contribution to the Retirement System is to look for a consent judgement, similar to what other City's have done, because the City does not have the money due to the decline in revenue. He further added that he knows the public is frustrated and said that he shares their frustration, but he has never seen times like these, and further said that if City Council feels he is incompetent then they should take a vote tonight and fire him. He said he just doesn't have the answers when you go from \$7 million in revenue to \$5 million unless there are staffing reductions.) He then asked if the City's revenue picture would improve if we hired two fire fighters and purchased another ambulance. (The City Manager said that that is a bargaining issue.) He continued asking questions about staffing levels in the fire department and bringing revenue in through ambulance fees.

Ms. Paglia asked what is going to happen to the house on Old Homestead that currently houses the Dial-A-Ride staff. (The City Manager said that he told PAATS that they could use it as long as they pay the city \$1 a year and pay for the utilities.) She then commented on the fire truck that is out of service and asked if it is the City's intention to repair it, or will another be bought. (The City Manager said that it will be repaired.) Then she commented on the suggestion by one of the council members that the public should join a committee to make budget suggestions, and said that every time she tried to attend a committee meeting she was denied because it wasn't an open meeting. She said that Council asks for the public's suggestions, but the meetings are closed off

to the public. Then she said that she was surprised to hear that some of the Council members did not have the financial information that Ms. Uhl had, saying that that is inexcusable. (The City Manager said that that was untrue, saying that all the Council members received the same information that Ms. Uhl has. Councilman Monaghan added that the information Ms. Uhl has are decision packages that will be used to help put the budget together this fall, and are not actual budget numbers.) She asked why the Council does not devise and discuss these decision packages together at a meeting. (Mayor Pro tem Szymanski said it was Council's decision to form a committee, which is done for different types of issues, to summarize the detail and bring the information to Council but ultimately the whole Council will decide the budget.) She then asked how the information packets went public before City Council saw them. (Mayor Pro tem Szymanski said that they did not go public before City Council saw them.)

Ms. Southers commented on the City's lack of transparency and how citizens have to FOIA anything they want to know, and cited as an example how Ms. Uhl had to file a FOIA to obtain a copy of the City's decision packages. She then commented on the decision packets and her opinion of how the City Manager developed them. Then she announced that she is now a homeowner in Harper Woods, and is very proud to have a home here, and likes both the police and fire departments and said that she does not want her property value to bottom out because of a lack of public safety. She then commented on proposed budget cuts saying that she has researched the City Manager's salary and found out that he is the second highest paid City Manager in Michigan. (The City Manager said that that is not true.) She said that if that is not true then the City Manager is at least one of the top ten highest paid City Managers in Michigan and is here two years past his retirement date. She then commented on the appearance of Council being surprised by this economic crisis, saying that she was in prison for 20 years and knows more about the situation than they do. Lastly, she commented on the accounts payable listing being vague, and said that there are a lot of checks going on and no balances, which is why we are having the problems that we have now.

Mr. Cherry asked who was responsible for putting out the literature for the May 3 yes vote. (Mayor Poynter said it was the Residents for A Safer Harper Woods.) He then spoke critically of vote yes literature saying it was not done well, and said if Council really wanted the yes vote to pass then they should have worked harder. Then he said he was disappointed in how the yes vote campaign was done and said that if this issue should ever be put up for a vote in the future,

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Council needs to really go after the yes vote more aggressively.

Ms. Kindle said that she wished the gentlemen who were interested in working on the Handbill Ordinance with the City were still at the meeting, because she wanted to tell them about the new program the Post Office has where they will deliver handbills for just fourteen cents per address, which she thinks is far cheaper than what they currently pay.

Mr. Selburn said that he was disappointed that the gentlemen who are interested in working on the Handbill Ordinance with the City were no longer at the meeting, and added that he is even

more disappointed that City Council has not adopted the ordinance saying that it has been going on for months and appears that Council is stalling. Then he commented on Council directing the City Manager to prepare proposals for a private ambulance service without even discussing the issue. He added that it appears Council is spanking the community because the ballot proposal failed. Then he criticized the three Council members who sit on the Retirement Board for meeting in a closed door session at today's meeting, and read the section of the Open Meeting Act that allows for closed door sessions, and suggested that the Retirement Board did not meet the criteria for going into a closed session so the Council members should have declined to do so. He then commented on Mayor Pro tem Szymanski's comment that residents should be on a committee to make budget cutting suggestions, saying that Council should just open up their committee meetings so the public can be heard. He added that he believes the closed Council committee meetings are illegal and that they are setting themselves up for a whole lot of do overs. Then he commented on Mayor Pro tem Szymanski's statement that the budget requires the City to decide between keeping either the fire or police department, and asked if those are the only two departments in the City, and said that those two departments should be the last to go. He then commented on the budget information that was discussed earlier and the statement made that some members of Council are seeing this information for the first time, saying that if that is correct then that is inexcusable. Then he asked for a clarification of when the August Council meeting will be held. He then asked what is going to happen in November, saying that Council keeps referring to something happening in November. (The Mayor said City Council must adopt the 2012 budget at the first meeting in November.) Lastly, he criticized Council for cutting off Ms. Uhl, and giving others more time to speak. (Mayor Poynter said that Ms. Uhl wasn't cut off, saying she was given ten minutes to speak.)

Ms. Tompkins said that the biggest issue to her has been Council pitting the police and fire departments against each other, saying that she needs both departments, and asked Council what they plan on giving up. Then she volunteered her time to help out with clerical duties, and volunteered her kids to help cut grass as needed. She then urged Council to cut other departments in the City that need cutting before cutting police and fire services so the City can stay intact.

Ms. Dritsas asked if the three decision packages that are being referenced came out of Council's Finance Committee. (Mayor Poynter said that that is correct.) She then asked the City Manager what the status is of the vacant house at Newcastle and Tyrone. (The City Manager said that he hasn't gotten a report back on that so he couldn't answer her question.) She then asked if Council is going to consider her suggestion to hire more fire fighters and buy an ambulance as a way to address the budget problems. Then she commented on Council's private ambulance proposals and the associated costs of pursuing this versus hiring additional fire fighters. She then asked what happened at the meeting with Grosse Pointe Woods regarding our mutual aid

agreement. (The City Manager said they discussed using a private ambulance service as the City's backup.) She continued saying that she is trying to work out something for both police and fire services, because if we don't nobody will want to live here. Then she asked that several items be included in the private ambulance proposal. She urged Council to think out of the box to address the budget issues.

A resident complained about the condition of 20307 Country Club and asked if the City could do something about it. (The City Manager said that he is familiar with it and will have the inspectors look at it.) She then asked if the trees are going to be trimmed this year. (The City Manager said that we will be doing it sporadically.)

Mr. Micallef, President of the Fire Fighters Union, commented on how disappointed he was with decision package #2 which calls for hiring additional fire fighters and laying off police officers. He added that he will not participate in pitting one department against another and has no intention of selling out the fire fighters. He then addressed the misinformation being stated at Council meetings about the fire fighter's income and the number of fire runs they had last year saying that this information is untrue, and added that critics forgot to mention the 1,570 EMS runs that they had last year. Lastly, he advised Council that the Fire Department cannot take more cuts and said that Macomb County does not want us because our department has been decimated.

#### CALL TO COUNCIL

Mayor Poynter commented on the City's home values being down to December 1994 levels which does not bode well for our financial situation. He pointed out that when the residents approved of the Headlee Override last November Council told the residents that even with the override the city will still be a million dollars short, which is why the city needed the flexibility to merge departments by having the May Charter Amendment pass. Then he responded to critics who say he didn't work hard enough to get the charter proposal passed saying that he takes exception to that criticism because he knocked on doors and did numerous newspaper, television and radio interviews. He commented further on the May election results saying that even though only 24% of the eligible voters decided to go to the polls, the people did speak, but that means to

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him that the other 76% of the voters couldn't care less if we have a full time fire department, or a full time police department or if we have a public safety department. Then he agreed with the comment that the city needs concessions from the employee groups, and added that he is getting tired of one employee group not cooperating unless the other employee groups agree to concessions, and said that he will start the concessions out tonight by agreeing to take a 25% pay cut immediately and will write a check back to the city every month. He added that he

recognizes that this is a meager amount and will only hurt the kids scholarships that he donates his salary to, but said he hopes the city employees will see that he has started the process and will get busy making concessions because the city needs to fill a \$2.8 million dollar shortage. He continued saying that the police deserved their raise, and said that he could not understand why some people who want their police protection, and more eyes and ears on the road decided to vote no on May 3, and convinced others to vote no, because a yes vote would have put more eyes and ears on the road instead of having people sitting around the fire hall. He then commented on the buzz words used during the election to defeat the Charter Amendment like "No Plan," which he said that anybody who came to a meeting or read a newspaper knew there was a plan, even though it was unwritten it was Council's intention to rely on the professionalism of our police officers, fire fighters and cross trained officers to successfully implement a plan to address our public safety needs. Then he commented on the other buzzword that is constantly heard and that is "transparency," saying that he has been Mayor for 14 years and during that time less than twenty people ever took the time to attend either a budget meeting or goal setting session, and yet Council is criticized for a lack of transparency. He then commented on the roles of the three Council members who serve on the Retirement Board saying that they adjourned to a closed door session at today's meeting at the direction of the Board's Attorney, then reconvened in a public forum and took action. He added that Council takes the advice of their attorney, and said that tonight City Council will be going into a closed door session to discuss bargaining strategies for the City unions. Then he said that he has asked the City Manager to schedule a Town Hall meeting in the near future, where our Finance Director will be present, to receive the public's input on what they think should be done to address our budget situation. He added that he thought the public had some good ideas in the last meeting but urged caution in evaluating them citing the criticism of what the City pays for an oil change and the need to use community groups or prisoners to wash police cars, saying that we need to listen to those most familiar with the situation before changing course. Then he commented on the City Council, saying that he is very proud to be a part of them, and while the public may not always agree with them, they always want what is best for the City and as a group they are well educated, have excellent jobs and are involved in community activities. He urged the public to work positively with City Council because debating and name calling will not get us anywhere if we want to move forward. Then he took exception to a comment that was made at the last meeting, saying he wanted to address it then but wasn't feeling well. He continued saying that the allegations made against him at the last meeting, where it was represented by a friend of a Mayoral candidate that a city official came to her house and attributed words and reactions to him concerning the November election, which he said is totally untrue. He continued saying that how dare someone

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misrepresent themselves as a city official and say things he never said, or reacted in a way that he never did, because he never had communication with that alleged city official. He continued saying that he will no longer use the term city official when describing this person because it wasn't a city official, and said that he resents the fact that that official was trying to discredit him and for trying to manipulate the democratic process because everyone has a right to run for an elective position. He added that that person had no business attempting to do this, and is certain that that individual acted in concert with others who may be running for public office. He said in



simple terms this act was cowardly, deceitful, arrogant and just wrong. He further said that he knows who this person is saying that several people have told him who this person is and who this person is acting with. He said it was not a city official but rather a school official attempting to manipulate an election, and added that he was concerned about how that person's monologue ended that night because it said the 'Mayor has yet to pay for his crimes'. He continued saying that you could lock him in jail and throw the key away if his crimes are dedication, commitment, being involved in this community and being a part of Harper Woods for a lifetime, and said that he has always attempted to conduct the Office of Mayor with dignity and respect, and always attempted to build positive relations with whoever he interacts with either officially or unofficially. He also said that he does not appreciate the attempts to destroy his reputation from the official who spoke, or from the speaker who brought forth the allegation at the last meeting. Lastly, he said that logic and reality have to prevail in this budget crisis, and that we have to recognize that our decisions will be criticized by some, while there will be those who will be angry by the decisions, and still others who will be happy by the decisions, but we still have to work together and move forward and represent the interests of the entire City and not just a particular group, a particular department or someone's special agenda given the constraints of what we have to work with.

Mayor Pro tem Szymanski said that he was initially disgruntled by Officer Lynch's comments, but said he understood exactly why he said what he said. He continued saying that he honestly cannot see how the City can afford the police department that we have now, and the fire fighters that we have now, saying that the dollars are not there to support it any longer. He further said that he has always said that he will stand by the police officers, and if he had to make a choice between having a fully staffed police department and not being in the fire business - saying he wants to make his sentiments very public - that's where he stands because he does not think the City will be in the fire service business after January 1<sup>st</sup>. He continued saying that it is time for the City to look into consolidating fire services with a neighboring community, and commented on the sentiment expressed by some in the public that the City should hire more fire fighters saying that he does not believe that they understand the real cost of doing this. He suggested, and said that he hopes Council agrees, that come November they too will agree to maintain the police department at the current staffing level provided contractual concessions are agreed to. He commented further on the need for employee concessions, saying that some of the proposals he has seen from some of the other bargaining units show a lack of understanding of the City's financial situation, and added that he was not necessarily including the police union in that group.

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He continued repeating his earlier comment that he does not believe that the City will be in the fire service business after January 1, and said that he knows that we will no longer be in the ambulance business, so we need to go with our strengths and go along with the State's goal of consolidating services. He stated that the city can no longer continue to do the same thing we are doing today and expect a different result. He reiterated his previous comment that it is his intention to stick with the police officers because they have worked with the Council, and will

not pursue a popular decision or consensus decision, but rather, it is his intention to do what is right for this community. He further said that we should layoff all the fire fighters and contract this service with another community to fight the three to eight fires that we have a year. Lastly, in an unrelated comment, he publicly thanked Councilwoman Sawicki's husband Michael for doing an outstanding job of singing the national anthem at the Memorial Day Service when the scheduled singer failed to appear.

Councilwoman Sawicki commented on the decision packages that were prepared by the Finance Committee and received by Council last Friday saying that she agreed with the union representatives that this information was not presented to them in the best way possible, but added that at least the financial information is out there for everyone to see. She continued saying that she is frustrated by the fact that she hasn't been able to talk about what we are going to do next, because she hasn't had a chance to sit down and ask questions and discover things. She then encouraged the city union's to take a hard look at what we can do here, because she sincerely hopes that we do not have to pit one against the other, or choose one over the other, that instead she hopes our departments can come to Council and say 'this is what we need,' 'this is what we can get by on.' She continued saying that Council may have to gut other areas of the budget, but health, safety and property have to be the priority. She then suggested that we need to look at what the minimum number of people are needed at City Hall, saying Council really needs to determine what our bare minimums are. She further commented that if Council does look at privatization, she doesn't want to be locked into it if at all possible, because we could end up burning bridges that we won't be able to cross again, and she does not want the City to be put in that position because we know what works well here. She then said she is sure that the residents, like Council, are feeling overwhelmed with what the future might bode, but she wants to get the discussion going and start looking at some real numbers as they relate to employee concessions, privatization and other relevant information. She said that she supports Council having special meetings to address these issues so we can address this situation now.

Councilwoman Costantino agreed with a lot of Councilwoman Sawicki's comments. Then she commended Mr. Sawicki for the outstanding job he did singing the National Anthem at the Memorial Day Service, saying people came up to her afterwards and said that he should be the person selected to sing every year. She further commented on the Memorial Day Service saying that she was disappointed that our State Senator and State Representative failed to show up, but noticed that our former State Representative, Ed Gaffney, was there. Then she commented on how ironic it is that the people who criticize Council for not being transparent get up and leave

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when it is Council's turn to talk. She continued saying that she listens and takes notes on everyone's comments and commended those still in the audience for staying to listen to what Council has to say. Then she commented on the decision packages that were prepared by the Finance Committee saying they were represented as being the best and worst possible scenarios, but she has always thought that there would be a middle ground for these decisions. She continued her comments about the decision packages saying she was unsettled by the fact the

union representatives saw this information before she did, and said that while she has tremendous respect for both the City Manager and members on the Financial Committee, she is concerned that this information was put out giving the impression that things were going to happen without her seeing it first and asked both the City Manager and the Finance Committee members not to do this again. (The Mayor said that was not the intent, and the City Manager said her comments were not accurate saying that Council was provided with this information in their packets the day after the committee meeting, and that he did not share this information with the unions until the following Tuesday.) She then said she feels like she has a lot of ideas, along with others, to address the budget situation. She added that it's time for the city to get moving with the unions on addressing concessions and suggested that concessions be made for only those employees who make over a certain threshold. She continued saying that we need to look at ways to use our existing employees, rather than laying off our police officers and hiring fire fighters, she suggested that we use our cross trained police officers to address this situation. Then she agreed with Councilwoman Sawicki's suggestion to look at the staffing levels and hours of operation at City Hall as a cost saving measure, and said that while all her ideas may not work she wants to talk about them along with any other ideas from the Financial Committee and the public as a means of addressing the City's financial situation. Lastly, she said that she appreciates the effort by the Finance Committee and all the work they put into these decision packets, but added that she has not made any decisions in reference to these decision packages and will not make a decision until she receives more information.

CM 06-55-11

EXECUTIVE SESSION -  
COLLECTIVE BARGAINING MATTER

RESOLUTION by Palmer, SUPPORTED by Costantino:  
BE IT RESOLVED to adjourn to executive session for the purpose of discussing a collective bargaining matter.

ROLL CALL VOTE

YES: Poynter, Costantino, Monaghan, Palmer, Sawicki, and Szymanski.

NO: None.

ABSENT: Marshall.

RESOLUTION ADOPTED

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The City Council adjourned to Executive Session at 9:28 p.m. and reconvened at 10:28 p.m.

CM 06-56-11

ADJOURNMENT

MOTION by Palmer, SUPPORTED by Szymanski:

That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 10:28 p.m.

ABSENT: Marshall.

MOTION CARRIED

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KENNETH A. POYNTER, MAYOR

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MICKEY D. TODD, CITY CLERK

CITY COUNCIL  
MAY 16, 2011

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:30 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem John M. Szymanski, Councilperson(s) Cheryl Costantino, Hugh Marshall, Michael P. Monaghan, Daniel S. Palmer and Vivian M. Sawicki.

ABSENT: None.

OTHERS PRESENT: City Manager James E. Leidlein, City Attorney J. Russell LaBarge and City Clerk Mickey D. Todd.

CM 05-41-11

MINUTES

MOTION by Monaghan, SUPPORTED by Marshall:

To receive, approve and file the minutes of the regular City Council meeting held May 2, 2011, and furthermore, receive, approve and file the minutes of the Library Board meeting held on April 14, 2011 and the Board of Canvassers meeting held on May 4, 2011.

ABSENT: Costantino

MOTION CARRIED

CM 05-42-11

CONSENT AGENDA

RESOLUTION by Monaghan, SUPPORTED by Palmer:

BE IT RESOLVED to approve the following items on the Consent Agenda:

- 1) to approve the Accounts Payable listing for Check Numbers 93638 through 93761 in the amount of \$360,619.38 as submitted by the City Manager and Finance Director, and

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- 2) further, authorize the Mayor and City Clerk to sign the listing.  
to approve payment to BS&A Software in the amount of \$9,010.00 for the cost to upgrade our assessing software and for the annual service and support fee for the tax system and the personal property system.

- 3) to approve payment to Plante & Moran in the amount of \$32,000 for the professional services performed in conjunction with the 2010 audit.

ROLL CALL VOTE

YES: Costantino, Marshall, Monaghan, Palmer, Sawicki, Szymanski and Poynter.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 05-43-11

MILK RIVER OPERATIONS & MAINTENANCE

RESOLUTION by Palmer, SUPPORTED by Sawicki:

BE IT RESOLVED to approve payment to Wayne County in the amount of \$350,755.50 for the operation and maintenance of the Milk River Drain for the first and second quarter of FY2011.

ROLL CALL VOTE

YES: Marshall, Monaghan, Palmer, Sawicki, Szymanski, Poynter and Costantino.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 05-44-11

GROSSE POINTE - HARPER WOODS PUBLIC  
SAFETY RADIO SYSTEM

RESOLUTION by Szymanski, SUPPORTED by Monaghan:

BE IT RESOLVED to approve the participation of the City of Harper Woods in the upgrade of the Grosse Pointe-Harper Woods Public Safety Radio System with the City's pro-rata cost sharing in the estimated amount of \$59,382.42.

ROLL CALL VOTE

YES: Monaghan, Palmer, Sawicki, Szymanski, Poynter, Costantino and Marshall.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

Ms. Bellomo commented on the Tuesday's election results where the Charter Amendment was defeated saying she would like to thank the IAFF President for all his work in defeating this amendment, and added that she thinks we have the best fire department in the state and that we need to hire more fire fighters to fully staff the department and purchase a new ambulance. She further stated that the City needs to let the public safety issue go, because we are spending too much money on this. She then asked when the City plans on asking the employees for concessions, and made some cost cutting suggestions like reducing the number of hours City Hall is open and getting back the raises that were given to the police. She concluded saying that she plans to be at every meeting and will continue to address these issues until something is done.

Mr. Flanagan said that he has commented on the possible consolidation of police and fire services a couple of years ago at a Council meeting, and as a 26 year veteran of the Detroit Police Department he has witnessed the deterioration of the eastside, and cited the spreading of this problem along Kelly road as an example of the deterioration now affecting Harper Woods. He added that during this time our city government has been slow to react. He further commented that he is for consolidation, and was critical of City Council for not getting out to support the Charter Amendment. He then commented on the work load in the fire department saying that he can't blame the fire fighters for wanting to keep their jobs, but said the proposal was sabotaged by the City Manager who remained neutral on the amendment, saying that this amounts to non-feasance, which is the same as insubordination, and therefore in his opinion the City Manager should be fired. Then he was critical of the Mayor's comment that the voters have spoken, saying that in his opinion the low turnout is not representative of the voters speaking, and was critical of City Council for putting this proposal on an election date that draws a small turnout. He then commented on the fire service in Michigan saying of the 746 fire departments only 82 are paid departments, with 470 being volunteer departments, 194 are paid on-call with the rest being a combination of both on-call and volunteer, and cited the effectiveness of Troy and Farmington Hills and Clawson as examples of successful fire service options. He concluded that in his opinion the continued existence of a safe Harper Woods requires the following: increase the police presence by combining both police and fire departments, or using a volunteer fire department headed by the Chief; fire the City Manager; and suggested that the existing City Council needs to decide if they want to fight this battle, and if not, then they need to resign so someone else can do the job that they have failed to do.

Mr. Dritsas asked hypothetically if there is any other places beside police and fire that can be cut, or is the City purposefully pitting police and fire against one another. He then commented on how St. Clair Shores did a nationwide search for a City Manager and hired one for \$80k, and said that maybe we can do something similar. He said that he recognizes he has only attended meetings for a month but urged Council to look somewhere else besides police and fire to cut the budget. Then he suggested that Council consider televising the meeting to better inform the

public. Lastly, he said he disagreed with Councilwoman Costantino's characterization that she was treated badly at the vote no meeting.

Mr. Broadstone asked what the status is of the City's plan to cul-de-sac some streets in the city. (The City Manager said that he is waiting to hear from an apartment owner who is evaluating the cost of the cul-de-sacs.)

Ms. Piazz asked what happened to the City's Nixle service. (The City Manager said that it has been discontinued because their fees were too much.) She then said that she was in agreement with much of what Mr. Flanagan said, and added that she has been on the fence about public safety for the past couple of years which is why the fire fighters did not endorse her the last time she ran for City Council. She further added that she is somebody who could have been convinced that public safety could work, but it didn't appear that the Council members fully supported the recent Charter Amendment because they weren't out knocking on doors and getting the word out, and showing the residents their plan.

Mr. Binder told of how he called the police on a neighbor who parks across the sidewalk, and said that the officer responded and advised the person not to park over the sidewalk, and that while the officer advised this person not to park over the sidewalk, another neighbor came and did the same thing in the house across the street, but the officer ignored it and got into her car and left. He continued saying that he had to call the police again, and said the dispatcher advised him that the officer probably had another run to go on, but he suggested that it was only common sense for the officer to notice the situation and address it right away. He questioned the officers actions and asked Council if this is what we gave them raises for, and added that giving those raises was putting the cart before the horse along with the money wasted to cross train, because that money could have been used to hire another officer or fire fighter. He told Council that while they may listen, they do not act.

Ms. Uhl said that while she didn't intend on speaking tonight, she did feel obligated to respond to the Mayor's comment at the last meeting when he said that he thinks the police officers are being vilified while the fire fighters are not, saying that she wants to make it perfectly clear that she never thought the police didn't deserve the raise, it was just a matter of whether or not the City could afford it. She added that she thinks the police do a wonderful job, and deserve, and has her utmost respect, citing in particular the patrol officers. She further said that any critical comments that she has made have been directed at City Council for their handling of the issues and their decisions. She concluded saying that she hopes these types of comments would stop because they are decisive and pit people and departments against one another.

Mr. Kenkowski who lives on Woodside, says that while he thinks the police do a good job, and believes we need more police officers, citing his experience as a crime victim this past March when he was robbed by two teens on Woodcrest who had a Mac10.



Mr. Foleta commented on last week's election results saying that we are still in the same boat that we were in before the election, and criticized the city for wasting money saying this situation should have been approached differently. He then commented on an exchange that his wife had with one of our police officers after she told the officer that she voted no, saying that the officer responded saying that she hoped she never needed 911, and he said that he thought this was very unprofessional. He then commented on the police department deploying undercover officers, suggesting that this is not an efficient use of manpower. Then he commented on the number of runs our fire department does annually, saying that our department has approximately 200 fewer runs than all the Grosse Pointes combined on an annual basis, and he asked the City Manager when the meeting is with Grosse Pointe Woods to discuss our mutual aid overuse of their ambulance. (The City Manager said that the meeting is this week.) Then he commented on the poor condition of our fire equipment and the City's financial condition and the lack of anything being done.

Ms. Dritsas reported on a study she did on the city's ambulance fees, and reviewed her findings with City Council.

Ms. Paglia said that she was surprised that there wasn't an agenda item to discuss what course of action the City plans on taking in light of last week's ballot proposal failing. (The City Manager said that he is doing an analysis of the situation and will be presenting budget alternatives to the City Council Financial Committee.) She then asked where the meeting information for the Financial Committee will be posted so that residents can attend. (The City Manager said that committee meetings of the City Council are not open meetings so they are not posted. He added that the City Attorney has concurred that these are not open meetings because a quorum of the Council is not present.)

Mr. Selburn said maybe it's time for someone to take Council to court for not posting the Council committee meetings, which he believes is a violation of the Open Meetings Act. He then asked if Council plans on bringing the issue of Public Safety to the voters again. (Mayor Poynter said that it can't be done again for two years.) Then he commented on how the Harper Woods School District included various stake holders in the community to participate on a committee to develop plans for a new high school and renovations to two other schools, saying initially the committee was made up of a small group of hand selected people and the proposal failed, but after including anyone who wished to participate, the proposal passed and a new school was built and renovations were made to the other schools. He suggested that City Council could learn from this when it comes to the police/fire and public safety issue, and perhaps we could develop a consensus and succeed at finding a solution to this issue.

Ms. Rutledge said that since the residents cannot attend the committee meeting, when will they be able to learn of the committee's recommendations and proposed future action. (The Mayor said the committee's recommendation will be submitted to City Council for consideration after the committee meets, which will probably be the next couple of meetings.) She further said

that she would like to have the residents notified, regardless of whether these budget recommendations are made at a regular meeting or a special meeting so that they can attend. (The Mayor agreed and said that it may be necessary to have a special meeting just to discuss this issue.)

Ms. Southers said that it is unfortunate that she had to appear before Council tonight, saying that this past Friday at 1p.m. a City Official, who she did not want to identify, came to her house in an attempt to persuade her to persuade her fiancée, Scott Campbell, not to run for Mayor. She said this individual told her that when the Mayor heard Scott Campbell was going to run he laughed out loud and said that he won, and added that since it was a three person race it cemented his victory further. Then she said that what this has to do with her is that this City Official told her that the Mayor was prepared to use her history as a convicted felon against her fiancée in the Mayor's race. She then proceeded to say that her former name was Michelle Bazzetta and her legal name is now Michelle Southers. Then she said that in 1983, when she was 25 years old, she was convicted of 2<sup>nd</sup> degree murder and served 21 years in prison and has been out for two years. She further added that while incarcerated she received three college degrees and participated in a prison organization that advised the State Legislature on ways to save prison costs. She continued saying that she was one of 10 woman who waited 16 years to come forward and participate in a historical \$100 million dollar settlement against the State of Michigan for the male prison guards raping them in the 1990's, adding that she was the only one who was brave enough to come forward to make that settlement happen which resulted in getting the male guards out of the prison and to pay restitution to the injured victims. She further added that as a result of her participation in this lawsuit she was asked to work at the State Capital, but because of gas prices and travel distances she had to resign. She said that if you Google the name Bazzetta you can verify the information, and concluded saying that she is not afraid of a smear campaign because she believes in transparency and has fought much harder battles in life. (Mayor Poynter said that he is totally taken aback by her comments, because the allegations are totally false. He added further, that that is not something he would do, and that that type of behavior is not representative of who he is. He continued saying that he has spent a lifetime in the community and has tried to build a good reputation and has tried to treat everyone with respect and dignity and totally denies any allegations that were said.)

Mr. Webster reported that the vacant house on Newcastle and Tyrone has a camper stored in the back of the house with wood stacked up on the ground nearby causing a rat problem in the area, and asked to have a City Inspector look at the situation. He added that the city is always cutting the grass at this house too. (The Mayor said it would be looked at tomorrow.)

Mr. Kien commented on the City Charter proposal failing saying that he was both disappointed and happy with the results. He said that he was disappointed because he believed that we could have found a way to make a Public Safety Department work, but Council's approach to the situation was wrong because a plan should have been submitted for the residents to consider. He

further added that after hearing tonight that we have to wait two more years to consider consolidation again makes him more upset and admonished Council for not having a plan. Then he commented on how he believes Council treats the public during Call to Audience, saying that they are selective in responding to questions, and for people who oppose Council, they are either interrupted or not allowed to speak, but yet when it is Council's turn to speak they do so uninterrupted, and said that this is not fair. He continued saying that he read the minutes from the last meeting and commented on a comment made by a member of Council who characterized the vote yes informational meeting format as being identical to how the League of Women Voters conduct their public forums, saying that he disagreed because when the League of Women Voters conduct a public forum they allow opposing points of view. Lastly, he talked about Council's lack of transparency as it relates to the Council Finance Committee, and asked what is being discussed at their meetings and why can't these meetings be open to the public, because it looks like the City is attempting to hide something, so he encouraged Council to have these meetings at a regular Council meeting. (Mayor Poynter said that the City Manager will present the committee with several possible scenarios for their consideration in dealing with the City's financial situation, then it will be discussed at a Council meeting or perhaps even a town hall meeting.)

Ms. Paglia asked how the City Council is compliant with the Open Meetings Act when budget items are being discussed in a committee meeting that is closed to the public. (The City Attorney said that the Open Meetings Act does not apply to committee meetings when there is less than a quorum (4) of City Council. He further added that decisions of City Council can only be made by a quorum of City Council at an open meeting.) She asked where the Council Finance Committee has the statutory authority under the Open Meetings Act to have closed meetings. (The City Attorney repeated his earlier statement that the Open Meetings Act does not apply to committee meetings when there is less than a quorum (4) of City Council present.) She then asked what are the committee members going to discuss in private that they can't discuss in public, saying that she doesn't understand why this matter isn't discussed at a Council meeting where the public can take part. (Mayor Poynter said that the information discussed at the committee meeting may include items that can only be discussed in a closed session, but ultimately all the information will be presented at a regular Council meeting and the public will have access to the same information that Council receives. He added that having these committee meetings also allows for uninhibited discussions without creating unnecessary anxiety among those employee groups and departments that may experience cuts.)

Mr. Flanagan reiterated his earlier comment that the City administration sabotaged the Yes Vote by not advocating for its passage. Then he responded to a comment made earlier about how the city should discontinue participating in police undercover saying that the Detroit Police do work with our undercover officers and they perform quite well as they try to keep the predators out of Harper Woods. He further said that it is the Detroit Police Department that is largely responsible for filling the State's prisons, and added further that no one who fights one fire every 6.5 weeks

in his career should even call themselves a fireman.

Ms. Uhl asked which Council members are on the Finance Committee. (Mayor Poynter said that the committee consists of himself, Mayor Pro tem Szymanski and Councilman Monaghan.)

Mr. Webster said that the problem with the City is all about communication, saying that nobody is explaining the issues.

Mr. Micallef, President of IAFF Local 1188, said that he emailed the Council members after the election in an effort to develop a line of communication with them, and thanked the three who responded. He further said that it was not his goal to negotiate with them, but just to sit down and talk. He then said that he wanted to clear up some misinformation about the number of fire runs the department had last year saying that the correct number of runs was 324, with an additional 1,570 EMS runs. Then he responded to comments being made about the fire fighters working only 9 days a month saying that in his case he hasn't worked less than 180 hours in a pay period because of overtime, so the 9 days a month is incorrect. Lastly, he said that he is upset about the possible layoffs in the police department and urged Council to cut creatively before considering any layoffs.

Ms. Bellomo said that she has family members that are fire fighters and takes offense to comments about our fire fighters just sitting around and doing nothing. She further said that she does not want volunteer fire fighters. Then she volunteered her time to the City Manager to help him work through some of the issues facing the city because she does not want to see a police officer or fire fighter lose their job. She suggested that cuts need to be made from the top first. Lastly, she commented on how the City needs to make the businesses on Harper maintain the appearance of their property better through code enforcement.

Mr. Kien said that he understood City Council cannot put the Charter Amendment back on the ballot for two years, and asked if there is an exception to the two year rule if there is a citizen driven petition submitted to reconsider the amendment. (The City Attorney said that he would check on that.)

Mr. Selburn commented on a report on the 11 o'clock news last night where the Southfield Fire Department responded to a kitchen fire and were credited with putting out the fire because of their quick response time. He said that the point of this story is how fast fires spread and how a quick response to a fire can limit the damage. Then he commented on the City Attorney's position that Council committee meetings are not subject to the terms of the Open Meetings Act, saying that the school board has received advice from their legal counsel that is contrary to the City Attorney's opinion. He then said that he did not understand why these committee meetings are not open to the public, and can not understand what City Council is trying to hide by not opening them up. Finally, he cautioned Council that their lack of transparency will haunt them in

November.

Ms. Dritsas asked for a clarification of the role of the Finance Committee and how the information from their meetings is eventually passed on to the rest of City Council. She further asked how Council obtains their information for each meeting and how the items are deliberated. (The Mayor and Councilwoman Sawicki said packets of information for each meeting are sent to City Council the Friday before the meeting and the information is acted upon at the meeting. Councilwoman Sawicki added that the same information packet that Council receives is available on the City's website the Friday before at [www.harperwoodscity.org](http://www.harperwoodscity.org) Mayor Pro tem Szymanski also added all the items voted on by Council are accompanied by recommendations from the City Administration and Department Heads.)

Mr. Dritsas asked how Councilwoman Costantino could have voted to approve the consent agenda items tonight because she just walked in when the item was being voted on. He then asked when Council gets together to review the items that they are being asked to approve, because it seems like Council just does whatever is recommended and never disagrees on anything. (The City Manager explained that the accounts payable items are routine expenditures that have to be paid, and added that he is questioned about the items from time to time, and further added that nothing is paid until approved by City Council.)

Ms. Southers commented on the accounts payable listing saying that she believes the city spends too much money on oil changes, because she spends half the amount that the city does.

Ms. Marshall commented on how her employer, Northwest Airlines/Delta, has had to make extreme budget cuts to save money, and when she looks at some of the things that the city spends money on like bottled water or car washes, then she doesn't believe the city is in trouble. She told of ways her employer saved money and urged Council to start making the little changes and before you know it all these small savings will be substantial. She suggested that people bring their own water bottles and that the city find another way to wash the police cars, like using the Boy Scouts, or just letting the grass grow a little longer as ways of saving money. She also suggested that we take some weight out of the police cars or sell the houses behind City Hall.

Ms. Uhl asked when the City Manager will be meeting with City Council to discuss the Finance Committee's recommendations. (Mayor Poynter said that it would be at a Council meeting.)

Ms. Beaubian commented on the results of the ballot proposal saying that there was no plan for a yes vote, and it appears there is no plan for a no vote, and asked if Council's plan is leave it up to the Finance Committee. (The Mayor said that all budget options will have to be examined by the Finance Committee and added that all future Council's will have some very difficult decisions to make.) She added that when she tried to get answers from City Council on how Public Safety would work, she felt like she was being talked to by her parents when she was a

child because she only heard that it will work because Council said so.

Ms. Sommers commented on the defeat of the City's ballot proposal saying that the Yes Vote only meant that Council would get carte blanche to use the cross trained police officers, and do whatever they want, whereas, the No Vote was a rejection by the public of letting the Council tell them what to do without seeing a plan. She added that she wasn't against the police or fire department, she just wanted to know what Council's plan was.

Mr. Flanagan commented on how we wouldn't be reinventing the wheel if we changed over to a Public Safety Department, and cited the success of the Grosse Pointe's as an example. He added that he believes property values and revenue sharing will continue to decline in the city, and the two million dollar budget shortfall will continue to grow. He further said that Council's hard decisions don't have to be that difficult when you realize that only slightly more than ten percent of the fire fighters in this state are paid fire fighters.

Ms. Southers reiterated a previous suggestion that she made at the last meeting that the City Council request that offenders sentenced to community service by the Judge be required to wash police cars or pick-up handbills on the porches of abandoned houses.

Mr. Foleta said that he couldn't wait for Council to look at the Grosse Pointe Woods Public Safety model saying they have three less medics and less employees with a higher budget. He then pointed out that only one of our cross trained officers is a trained paramedic and one other is an EMT. Then he said the top five employees in Grosse Pointe Woods, the City Manager, the Public Safety Director and top three officers were told to retire, whereas our City Manager, Police Chief and Deputy Police Chief are all eligible to retire and are still on the job. He then asked the City Manager if he could get a copy of the report he authorized for \$2k that investigated an apartment fire in the city last year. (The City Manager said that he could get the report.) Lastly, he said he left a phone message for the City Manager a few months ago for him to call because he had some very disturbing news for him that he received from a Detroit Fire Department photographer along with some signed affidavits from some Detroit Fire Fighters attesting to witnessing some rogue Harper Woods Police Officers showing up at Detroit fires six to eight miles out of the city. He continued saying that the City Manager called him back, and added that he may or may not have recorded that conversation, depending on whether or not it is legal, and said that the City Manager asked for a couple of days to take care of the problem and he asked him if he did take care of it. (The City Manager said that he investigated his allegations and asked him for proof but did not receive any.) Mr. Foleta said that he was not asked for proof but would give it to him, and added that he will also give the news media copies of the pictures and affidavits.

Ms. Dritsas asked how the findings and recommendations of the Financial Committee will be made available to the public. (The Mayor said the information will be made available to the

public at the same time it is made available to the Council.) Lastly, she said that she thought there were a lot of good ideas that came out of tonight's meeting.

Ms. Tomkins said that she hopes City Council believes her house here in Harper Woods is just as valuable as anyone's in Grosse Pointe.

Mr. Selburn suggested that maybe Council could find some local kids to wash the police cars as a way of saving money and employing local kids. He then commented on the payment approved to Plante Moran tonight asking if the City had bid this service out. (The City Manager said the contract to Plante Moran was approved by City Council earlier this year, and that it was not bid out.) He continued saying that the school board bid out their auditing contract and realized a cost savings, and said that he didn't hear Council discuss this matter. (The City Manager added that Plante Moran did reduce their fees, and said that this is a professional service and cheaper doesn't always mean better.)

Ms. Paglia commented on her tenure on the school board saying that school board members had access to the Michigan Association of School Boards as an information resource, and asked if City Council has something similar. (Mayor Poynter said that Council has access to the Michigan Municipal League.) She then asked if the Finance Committee meetings are posted. (The City Manager said that it is not posted.) Then she asked if the budget meetings are posted. (The City Manager said that it is posted.)

Mr. Dritsas asked when the Plante Moran contract expires. (The City Manager said that it is either next year or the following year.)

Ms. Bollomo asked the City Manager if he has given any thought of working with her and receiving her input. (The City Manager said that he would welcome it.)

#### CALL TO COUNCIL

Mayor Poynter asked the City Manager if he has had an opportunity to set up a community survey to get resident input on issues affecting the city. (The City Manager said that he tried to get someone from U of M Dearborn and that wasn't going to work, and added that he has not heard back from Wayne State University yet.) He then mentioned that he attended a successful Mayor's Prayer Breakfast where Channel 4 Weatherman Chuck Gaidica was the guest speaker, and that Harper Woods High School Senior Pat McTighe was awarded a scholarship. Then he commented on his experience at career day at Chandler Park Academy. Then he complimented the recently held Teen Forum at Harper Woods High School saying it was received well and the guest speaker, Kim Worthy, did an outstanding job. He then announced that the Moross Greenway Project will be taking place on June 4 between Harper and Mack, where volunteers

will be working on improving the appearance of the islands.

Councilman Monaghan asked the City Manager if he has scheduled meetings with the different collective bargaining units in the city to discuss concessions. (The City Manager said that he has one meeting scheduled so far.) He then asked the Manager when the others will be scheduled. (The City Manager said that he wants to get the financial alternatives developed before meeting with the unions.) He continued saying that he would like to see what concessions are going to be made because it would assist him in making the final decisions for budget reductions. He added that he feels that the housing market is not going to correct itself anytime soon, and while we may be able to nail down next year's budget, continued deterioration of property values will bring the same issue back to us in future budget sessions. He continued saying that he would really like to see our expenditures be less than our revenues so that we can have a positive trend going forward, and added that he thinks that eventually the housing market will correct itself citing conversations with other bankers who have represented to him that the day of the short sell is over thereby stopping the free fall of property values. Then he commented on the ambulance fees and asked the City Manager if he knew how much the ambulance generates in fees on average over the last five years. (The City Manager said that without looking he wouldn't know. He added however, that the issue is not ambulance fees but manpower saying that he has admitted that the Fire Department is significantly understaffed.) He asked if it would be fair to say that in a good year the ambulance service would generate \$250k. (The City Manager said that that is probably accurate.) Then he advised the City Manager that as a member of the Finance Committee he will be available to meet as often as necessary so that the decision packets can be developed for City Council's consideration. He continued saying that he knows the employees are concerned about this situation, and said that he has lived through something similar in his position and recognizes that this is not a pleasurable place to be, so he wants to resolve this situation as soon as possible. Then he said that after the election he was contacted from representatives from Grosse Pointe Woods who expressed concern over continually covering our ambulance runs, and asked what is the City's plan to address this situation. He also said he received a call from the owner of the Edgefield Apartments regarding the cul-de-sac plan for his street saying that it looked a little pricey and wanted to look at other proposals, and he implied that he might be willing to assist in paying for it. (The City Manager asked him to have the owner give him a call.) Lastly, he commented on how the reliance on our neighboring communities for ambulance service is putting a huge stress on our mutual aid partners and suggested that we consider privatization as a way to address the problem, and asked if we could find out what the cost to the City would be to pursue this alternative.

Mayor Poynter added to Councilman Monaghan's comments saying that not only do we need union concessions, we need concessions from everybody that is employed by the City including City Council.

Mayor Pro tem Szymanski followed Councilman Monaghan's comment regarding privatizing the



ambulance service saying that he would like to meet with a company like Med Star, to review the type of services they offer and perhaps get some bids on what it would cost to service our community. Also, he asked the City Manager to schedule a meeting with officials from the State Treasury and Finance Committee or the whole City Council to discuss the City's financial situation. (The City Manager said that he will attempt to schedule the meeting.)

Councilwoman Sawicki encouraged the Finance Committee to meet as often as possible so that the various proposals can be presented for consideration to City Council. She then commented on the composition of the Finance Committee advising the public that the three members of Council selected to participate on the committee were selected because of their financial experience. She added that using the committee format was desirable because it provided uninhibited discussion of all possible scenarios. Then she commented on the City no longer using the Nixle community alert service, and suggested that we seek out another cost effective method of continuing this service, and mentioned that it may be possible to use Facebook as an alternative. (The City Manager said he would look into it.) She then commented on Saturday's Beautification Plant Exchange saying that despite the rain people appreciated it, saying she heard people say that they like to come to Harper Woods because the people are friendly. Then she commented on her email response to the Fire Union President. Then she also asked the fire fighters to keep their eyes open for grants, particularly for ambulances. She further commented on the privatization of ambulance service issue saying that the things she has read on this subject are that it only works when it is initiated by the department affected and can be seen to benefit the community. She concluded saying that she knows we are all committed to seeking the best solutions for our community, and hopes that that is a solution all parties could come to in a way that will work for everybody.

Councilman Marshall said that he believes he has a duty to the residents of the city alone, and not outside interest, special groups or non residents, and that he takes this very seriously. He then commented on the criticism by some members of the public that Council always agrees on everything, saying that while some people may scoff at his view, he assured everyone that each Council member is an independent voice and acts independently by doing their own investigations and research which allow each member of Council to come to their own conclusions and vote in what they believe is in the best interest of the city. He continued saying that some of the actions Council takes are pro forma and routine, but added that there is a lot of discussion and thought that goes on when deciding an issue. He further said that he does not take a pre-established position on any issue, and added that he does not believe the other Council members do either. He said that Council's role is to be open minded on each issue, search for the truth and come up with the best possible solution for the city, adding that solutions can change based upon available information and how that information evolves. He cited the possible privatization of the ambulance service as an example of what he is talking about saying that he will take this issue seriously, and that he will be open minded and look at all information from any source. He further pointed out that the only difference in his approach to issues is when

it involves collective bargaining issues, and cited the recent email from the Fire Fighters Union President, saying that after consulting the City Manager and City Attorney he was advised not to respond. He continued saying that other than the above exception anyone can approach him and give him information on any issue, and said that he feels he can speak for the Council when he says that we take our job seriously and try the best we can, but ultimately decisions have to be made.

Councilwoman Costantino said that she takes the initiative on quite a few things and tries to be an independent person, citing her votes against the budget and the increase in taxi cab fees as examples. She added that she researches agenda items by questioning sources or visiting sites as necessary, pointing out that she went out to look at the house that the city wanted to condemn before voting on it at a meeting. She further said that to be an effective Council member you have to know the difference between what is routine and what isn't. Then she said she was in agreement with the criticism directed at Council that they could be more transparent, saying that while Council feels they are being transparent because items are discussed at a meeting, some residents who aren't at the meeting feel left out. She continued saying that she is open to new ideas and complimented the residents on some of the ideas she heard today and said she enjoyed hearing them. She further said that the Financial Advisory Committee is just as much a mystery to her as it is to the public because she does not serve on it, but added that the members of the Council who do serve on it have a lot of financial experience and she does trust them. She then said that she would also like to have an exchange with the residents to discuss the City's budget situation and follow up on any ideas, and perhaps hold a goal setting session in conjunction with this meeting. She further commented that she has been hearing from the community that they want separate police and fire departments and don't want to lose staff, and said that we have to concentrate on both the future and the issues in front of us like the EMS crisis that needs to be resolved. She continued saying that we need to work on fair and equitable staff concessions, and other budget related issues while working together. Lastly, she commented on her earlier statement that she made about how she was treated at the Vote No meeting saying that she does not remember saying she was treated violently at that meeting, and wanted to say that at the last meeting she felt she was treated well by the residents and Mr. MiCallef.

Councilman Palmer said that he disagreed with the statement made tonight that City Council did not act strongly, or work hard for the passage of the Charter Amendment. He added that he and other Council members did go door-to-door and were at the polls advocating its passage. He further said he understood the criticism directed toward Council over the manner in which it was done, but said there is no question that Council was one-hundred percent for it, and he himself is still for it to this day, but now the city has to move forward and meet the challenges in front of us. He continued saying that he believes Public Safety is still an option for the future, and would like to see if a public imitative is still an option. (The City Attorney said that he has researched that question during the meeting and is of the opinion that that is not an option for two years.)

CM 05-45-11

ADJOURNMENT

MOTION by Monaghan, SUPPORTED by Szymanski:

That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 9:20 p.m.

MOTION CARRIED UNANIMOUSLY

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KENNETH A. POYNTER, MAYOR

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MICKEY D. TODD, CITY CLERK

CITY OF HARPER WOODS  
CITY COUNCIL  
MAY 2, 2011

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:00 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem John M. Szymanski, Councilperson(s) Cheryl A. Costantino (7:07 p.m.), Hugh Marshall, Michael P. Monaghan, Daniel S. Palmer and Vivian M. Sawicki.

ABSENT: None.

OTHERS PRESENT: City Manager James E. Leidlein, City Attorney J. Russell LaBarge and City Clerk Mickey D. Todd.

CM 05-35-11

MINUTES

MOTION by Monaghan, SUPPORTED by Szymanski:

To receive, approve and file the minutes of the regular City Council meeting held April 18, 2011, provided the Mayor's comment about the Annual SOC awards on page 8 are corrected to reflect that this event took place this year, and not last year, and furthermore, receive and file the minutes of the Planning Commission meeting April 27, 2011.

ABSENT: Costantino.

MOTION CARRIED

CM 05-36-11

CONSENT AGENDA

RESOLUTION by Monaghan, SUPPORTED by Marshall:

BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 93539 through 93637 in the amount of \$566,922.65 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.

2. Approve the request to repair the DPW garage ground hoist in the amount of \$11,369.00 which includes removal of the old and replacement of a new in-ground cylinder assembly by the Oscar W. Larson Company.

ROLL CALL VOTE

YES: Marshall, Monaghan, Palmer, Sawicki, Szymanski and Poynter.

NO: None.

ABSENT: Costantino.

RESOLUTION ADOPTED

Councilwoman Costantino arrived at 7:07 p.m.

CM 05-37-11

HANDBILL ORDINANCE -  
INTRODUCTION AND FIRST READING

RESOLUTION by Szymanski, SUPPORTED by Palmer:

BE IT RESOLVED to introduce and place for first reading "An Ordinance Requiring Handbill Distributors to Obtain a License and to Register with the Police Department; Providing for Exceptions and Days and Hours for Distribution and Penalties for Violations" as a substitute for an ordinance regulating handbills as introduced and placed for first reading on March 21, 2011. (Attachment #1)

ROLL CALL VOTE

YES: Monaghan, Palmer, Sawicki, Szymanski, Poynter, Costantino and Marshall.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 05-38-11

UNLIMITED GENERAL OBLIGATION TAX  
ROAD BONDS - PRINCIPAL AND INTEREST

RESOLUTION by Marshall, SUPPORTED by Sawicki:

BE IT RESOLVED to approve payment to the Bank of New York in the amount of \$854,287.50 for the annual principal and interest payments on the 1995, 1999 and 2001 Tax Road Bonds and the Library Improvement Bond; \$10,000.00 interest on the 1995 Series Bond; \$571,625.00 principal and interest on the 1999 Series Bond; \$116,675.00 principal and interest in the 2001 Series Bond and \$155,987.50 principal and interest on the Library Improvement Bond.

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ROLL CALL VOTE

YES: Palmer, Sawicki, Szymanski, Poynter, Costantino, Marshall and Monaghan.  
NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 05-39-11      JOHNSTON PARK TENNIS COURT RENOVATIONS  
#180-096 - PROGRESS PAYMENT NO. 5

RESOLUTION by Sawicki, SUPPORTED by Palmer:  
BE IT RESOLVED to approve payment to Cortis Brothers Trucking and Excavating in the amount of \$4,480.00 for Progress Payment No. 5 on the Johnston Park Tennis Court Renovation Project, #180-096.

ROLL CALL VOTE

YES: Sawicki, Szymanski, Poynter, Costantino, Marshall, Monaghan and Palmer.  
NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CALL TO AUDIENCE

Mr. Condino, attorney for the Associated Food and Petroleum Dealers, commented on the First Reading of the Handbill Ordinance, thanking the City Attorney, City Manager and City Council for revising the ordinance. He then said that he hoped that the ordinance will be clarified so that it is “shall issue” permit (meaning you have to issue it), and that permit cost are reasonable. He also stressed how important these handbills are to the businesses in the area.

Mr. Dritsas asked what the impact of tomorrow’s vote will have on the budget, and why the City just doesn’t hire two more fire fighters to off set the overtime cost. (The City Manager said that the budget situation is much more complicated than what happens tomorrow, and added that hiring two fire fighters would not be cost efficient because it would not significantly impact the overtime cost. He added that the fire department is under staffed, and that in order to minimize overtime we would have to have eighteen fire fighters.)

Mr. Grace commented on the proposed Handbill Ordinance and the 6 p.m. time limit it would place on distribution, saying that this would have a detrimental impact on community service groups like the Boy Scouts, who distribute their flyers in the evening and asked if there are going to be any allowed exceptions. (The City Manager said that the City will work with the

Mr. Frattini asked if the City can require the distribution of handbills through the mail, rather than allowing them to be thrown on porches. He suggested this requirement would prevent these handbills from accumulating on porches and blowing around the neighborhoods. Then he commented on the “vote yes” flyer that was put on his door over the weekend, questioning the accuracy of the promises and assumptions made, saying that the information was a joke.

Mr. Kien thanked City Council for acting on adopting a Handbill Ordinance, but added that he would like to have a provision included that would require solicitors to abide by a sign posted by residents, that would ban handbills and solicitations. He further commented saying that he wants these solicitors to keep off his lawn, not because he has a great lawn, but because they walk across his lawn and look into his house. He stressed that he does not want them banned, he just wants them to follow the rules, and added that any registration fee requirement should cover the City’s associated cost. Then he commented on tomorrow’s election and the vote on the proposed City Charter Amendment, saying that he hopes it fails. He added that if it does fail he hopes the City will get to work on pursuing the issue again because he thinks a Public Safety Department can work in the city, but the public needs to see a plan that will take into account realistic scenarios.

Ms. Bellomo commented on her disappointment with the informational meeting on the Charter Amendment last Thursday, citing specific issues she had with the format and the way it was conducted. She added that she believes we should have separate police and fire departments, but need more fire fighters.

Ms. Uhl corrected a statement she made to the Mayor previously regarding the Headlee Override. Then she commented on last Thursday’s informational meeting on the Charter Amendment saying she was shocked to hear the Mayor say that the reason the City did not have a Public Safety plan was because it was so simple. She then said she has done her research on Public Safety and has found three different delivery models, and four different service delivery methods that fit in those three models, and yet the city has not told the residents which model they intend to follow if the Charter Amendment proposal passes tomorrow. Then she commented on the problem Council has with our fire fighters not allowing our cross trained police officers to assist on fire runs, saying that she doesn’t have a problem with this, but said she does have a problem with the contradictory information about the City’s plan and can’t trust Council. She then commented on a comment that Councilman Palmer made at the last meeting, when he said that he wasn’t concerned about the communities where Public Safety failed because he was sure it would work here, adding that it is important to research why these departments failed so that we don’t make the same mistakes because restructuring the city’s emergency services is not simple. Then she commented on the various yes vote flyers and the inconsistencies in the promises by the citizens group and City Council.

Ms. Southers commented on the proposed Handbill Ordinance and the problem of these handbills piling up on the porches of vacant homes, suggesting that City Council request the Judge to have people who are sentenced to community service to clean up these porches.

Ms. Kingston commented on the problem of handbills piling up on the porches of vacant homes or blowing around in the neighborhood, saying that both she and her husband take it upon themselves to pick them up and throw them away. She added that she believes it is the responsibility of every resident to pick these up and keep their neighborhood and city clean.

Mr. Webster commented on tomorrow's ballot proposal saying that he is opposed to creating a public safety department because the knowledge and psychological requirements for police and fire professionals are different, so blending the two won't work.

Ms. Paiz commented on Council being inconsistent in representing whether or not there will be any layoffs of police officers or fire fighters. She then commented on the Police contract language where it mandates cross training if enough officers do not volunteer to cross train, saying this is inconsistent with Council's representation that cross training is strictly voluntary. Then she said that she will be voting no tomorrow because she is disappointed in how this has been handled by Council and the Mayor, citing overcompensation to the police department, training costs and equipment and court costs. She added that doing these things before consulting the public shows poor judgement on the City's behalf, so she no longer trusts the City to do the right thing. She further added that she could still be possibly swayed to support a public safety department, but feels let down by the city. She concluded saying that in the future if the city wants her yes vote then she will need to see a plan showing how it will work.

Ms. Porter asked who in the city is responsible for recruiting new businesses to the city, and suggested that the city begin using our disadvantages to our advantages, citing for example, that federal grant monies are available to communities for building fire academies. She added that pursuing such a grant and collaborating with the school could benefit the city by providing a career track for non-college bound students while getting extra fire fighting help, and keeping children off the streets. She then commented on how disappointed she is in the quality of the businesses in the city, saying she actually feels like she lives in Detroit again. She further stated that even the former Mayor of Detroit, Kwame Kilpatrick, was able to bring businesses into Detroit by networking, citing the Battle of the Bands as an example. Lastly, she commented on there being an increasing number of stray dogs in the city, and said that this morning she had a stray pit bull on her porch and thanked the police for promptly dealing with the dog. (The City Manager said that the City does not have a Community Development Director any longer, so we work with Wayne County Department of Economic Development.)

Ms. Kindle, Secretary of the Planning Commission, asked the City Manager when they can expect the City to act on adopting the new Zoning Ordinance. (The City Manager said that he

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plans on addressing it soon.) She then told of her neighbors witnessing a person passing out vote no flyers, saying this person went behind her condominium complex and placed the flyers on the windshields of the cars and back doors, and said nobody is supposed to do that because that is a private driveway. Then she commented on the handbills that are left on porches saying that where she lives all the neighbors pick up these handbills and dispose of them. Lastly, she



commented on tomorrow's City Charter Amendment saying that she is sorry about the Public Safety issue because it is dividing our community and added that we cannot survive as a community if we are divided.

A lady who lives on Lennon told City Council of a problem she has with her neighbor leaving his trash cans out after garbage pick-up, or in plain sight from the street, saying that the City's ordinance needs to be strengthened to address this situation.

Mr. Campbell asked what the cost was to the City to litigate the public safety issue with the fire fighters union, and suggested that the City could have saved money in court cost if the residents would have been allowed to vote on this issue before going to court. (The City Manager said it was about \$20k.) He added that it was his belief that combined services could work under the right circumstances, but residents are never consulted because things like this are done behind closed doors unless there is a lawsuit and then the residents have to be consulted. He further said that is a complaint of a lot of residents who are for combined services, but will be voting no tomorrow because they were not consulted.

Mr. Regal asked if the principle and interest payment that Council approved tonight for the General Obligation Bonds is an annual payment. (The City Manager said that it was not, saying that principal is paid annually and interest is paid bi-annually.) He then asked Councilman Marshall how he did in the Boston Marathon two weeks ago. (Councilman Marshall said that he did pretty good, adding that he beat his previous time by nine minutes.)

Mr. Selburn commented on the proposed Handbill Ordinances and suggested that it is defective and cited the specific areas of the ordinance that he felt needed strengthening. He then commented on tomorrow's City Charter proposal saying that he initially came to the Council meetings with an open mind on the issue, but since the City has failed to provide answers to residents questions on what would happen if this change is approved, he cannot support the amendment. Then he commented on the Charter Amendment informational meeting last Thursday, saying that he thought it was supposed to be neutral but it turned out to be a Yes Vote meeting, and added that as far as he is concerned this meeting was a violation of the Open Meetings Act because all seven of the Council members were present and participated. He further added that he believes City Council has violated the Open Meetings Act on a number of occasions by not posting committee meetings. Then he commented on the content of the flyers regarding tomorrow's election and the money being spent on fire fighter overtime, and the alleged sum of money that the fire fighters union are spending on the election. He suggested that

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there is a credibility problem with Council on all of these issues. He then commented on being disappointed that the Mayor did not attend Saturday nights informational meeting at the high school, and compared the formats of the Thursday and Saturday meetings. (The Mayor pointed out that he had a previous commitment and could not attend Saturday's meeting. Councilwoman Sawicki said that she was unaware of the meeting and did not receive an invitation to it.)

Ms. Hoffman commented on tomorrow's election saying that originally she was going to vote yes on the Charter amendment, but changed her mind after learning about the litigation cost, training cost, and taking our police officers off the streets to fight fires.

Mr. Mervyn commented on the money being spent by the IAFF television ads against Public Safety Departments pointing out that they are not exclusive to Harper Woods, saying that the ads are intended for a number of communities who are considering changing over from separate Police and Fire Departments to a Public Safety Department. He then commented on how he believes the city has acted fiscally irresponsible by giving the police a five year contract with 5% raises each year, saying this is unheard of and did not understand how the city could do this.

Mr. Casari said that nobody is talking about the 800lb gorilla in the room - namely that the psychological profile of police and fire fighters are different, and each job is unique and can't be done by one person.

Mr. Frattini commented on Thursday's informational meeting on tomorrow's Charter Amendment saying that the moderator, who is also the City's Police Chaplin, was biased and asked why this person was selected to serve in this capacity.

Ms. Bellomo said that she heard at Thursday's informational meeting that City employees will be taking pay cuts, and asked when this will happen. (The Mayor said that he is not aware of anyone having taken a pay cut, but said that that will be occurring in the near future, and added that the unions are going to have to make some serious concessions if they wish to maintain the existing services.) She then commented on how disappointed she was with the format of Thursday's informational meeting.

Mr. Foleta asked the City Council questions about political ads; the cost savings the City will realize if the ballot proposal passes; why there haven't been any concessions by the city employees; why can't the city bring back retired fire fighters to work; why the city sent a fire fighter to the police academy; why City Council does not list their phone numbers; why doesn't the City televise City Council meetings; and who provides Hazmat Services for the city.

Ms. Uhl commented on the raise the fire fighters received and paraphrased the comments the arbitrator made when awarding the raise.

Ms. Paglia commented about her tenure on the School Board and how the School Board members made themselves available by phone or email, and how they televised all their meetings because they were open to everything. She then urged the City Council not to admonish the members of the public when it is their turn to speak, as it seems to be Council's practice, because it is not nice. Then she said that the city has lost her family's vote for tomorrow, saying they were originally going to vote yes. She added that when a financial manager is appointed to oversee the city, it will be City Council's fault, and not the fire fighters or public's fault. She

continued saying that when the proposal fails tomorrow, it will show that the community no longer trusts the opinion and judgement of City Council.

Mr. Selburn asked the City Manager if it is true that the City's failure to properly fund the pension is a trigger for the State to appoint an emergency financial manager. (The City Manager said that that is a trigger, and added that the State is aware of the City's situation but has not talked about bringing a manager in.) Mr. Selburn said that the State's website says it is a trigger to appoint a emergency financial manager, and said that we are already there. He then commented on the fire fighters arbitration award and disagreed with the Mayor's characterization of the award. Then he asked if Reverend Harville has been appointed as the Police Chaplin, and asked who makes the appointment and if it is a paid position. (The Mayor said that the Police Department makes the appointment and that it is not a paid position.) Lastly, he commented on the raise given to the police and the City's response that we had the money, saying that just because the City had the money when times were good, did not mean that it should have been spent.

Ms. Porter asked if the new Handbill Ordinance could be amended to limit distribution time to just one hour a day, or just in the evenings when more residents are home and can monitor them. (The City Attorney said that the City could not limit handbill distribution to one hour because the courts have ruled that any regulations must provide for a reasonable time, place and manner, and one hour would not be considered reasonable in his opinion.)

Ms. Tomkins commented on tomorrow's ballot proposal saying that she resents having to choose between taking the side of either the police or fire. She added that she moved here because of our city services, saying that she has used both police and fire services and likes them. She said that she thinks we need to work together as a community to maintain our current quality of services.

Ms. Bellomo commented on the raises the city gave to the police saying that she can't imagine the city agreeing to this, because when she worked for the Big 3 she never got raises like that.

Mr. Micallef, Union President for the Harper Woods Fire Fighters, thanked Councilwoman Costantino for attending Saturday night's informational meeting on the proposed City Charter amendment.

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#### CALL TO COUNCIL

Mayor Poynter prefaced his comments saying that City Council appreciates the job that both the police officers and fire fighters do when called upon. He commented further saying that it seems like the police are being vilified, while the fire fighters are not, and assured the public that City Council fully stands behind the police department. Then he pointed out that we all live in the community and want what is best, so regardless of how tomorrow's ballot proposal turns out, we all have to get along and make the most of whatever situation we're in. He then commented on

the negative tone of the public comments directed toward City Council, and added that he has too much invested in the community to see it go down. Then he commented on a vote no flyer that was placed on his door that used a comment that he made in 2008 out of context as it relates to retaining manpower in both the police and fire departments. He added that the flyer did not take into account the City's negative financial situation which resulted in City Council pursuing the establishment of a public safety department. He then commented on the people who attend the meetings and continually espouse the no vote saying that they do not want to listen to the real facts. Then he said that this whole situation could have been avoided if the fire fighters would have cooperated. He then pointed out that he agreed with the message on the Vote No signs that say less services and greater cost, because if the amendment fails there will be less services and greater cost. He then said a yes vote is for the good of the city, and a no vote is for the good of one department within the city.

Councilwoman Sawicki said that one thing that the people need to understand is that the current system will not and cannot continue, which is why the City needs to use our cross trained police officers. She added that there are no plans to cross train additional officers, and pointed out that our cross trained officers are fully trained and certified fire fighters that have fought fires outside of the city but have been prohibited from doing so here. She further commented saying that City Council believed they could create a separate department of public safety in accordance with the City Charter, but the courts did not agree. She concluded saying that whether it's a yes vote or a no vote everything changes, and pointed out a yes vote will allow the city to use our cross trained police officers, whereas, a no vote means we have to layoff existing employees to make room to hire fire fighters. She added that the money the City has been saving to purchase a new ambulance would have to be used to pay for new personnel so the City may have to turn to a private ambulance service. She concluded saying that Council really wants to use our cross trained personnel and maintain our services, but the City's financial situation will determine how our services are provided.

Mayor Pro tem Szymanski said that despite all the emotional comments made tonight, the fact is that we will still be in the same financial situation tomorrow that we are in today, and we have to be able to make our expenditures equal our revenues. He agreed with the Mayor and Councilwoman Sawicki that after tomorrow things are going to change, and added that if anyone believes that voting no will keep things the same, then they are under the wrong impression. He

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continued, saying that a no vote will probably require the City to pick between being in the police service or the fire service, because we will not be able to use our cross trained police officers. He said that he himself is committed to the police department because they have stepped up to the challenges and changes in the city and have negotiated with us instead of just saying no and hiding behind collective bargaining language that guarantees overtime privileges and enshrining their protections in the City Charter, because that is not good government. He repeated that a no vote will not leave things the same, saying that he does not want to live in a community where there are bars on the windows of our homes, or where the Wayne County Sheriff is our primary law enforcement agency, even though our Fire Union President said that using the Sheriff would be an acceptable alternative just so they can keep their union membership at an all time high. He

said that that is what is at stake in tomorrow's election, and if the public cannot see through this, then they will after tomorrow because things are not going to stay the same. He continued saying that the city is running a deficit and by law it has to be closed, because we do not want an emergency financial manager taking over the city and deciding our future.

Councilman Monaghan said he was disappointed that the individuals in the audience who lambasted Council did not stick around to listen to Council's comments. Then he responded to one of the questions in the audience about how much money the city will save if tomorrow's ballot proposal passes, saying that we really won't know until we go back to the employee union's and find out what we can get in both wage and benefit concessions. He added that a yes vote tomorrow will allow to use our police and fire personnel efficiently, and said that while we would like to keep both our police and fire departments, the city's financial ability to do so won't be known until we know how much money there will be to work with. Then he said that the best thing we can do is budget efficiently and hope that property values do not continue to plummet. He then pointed out that the Grosse Pointe's have used the Public Safety service model very effectively for years and they have not burned down, and added that, unlike large cities like Detroit, we do not have a lot of fires saying that fortunately there were only eight last year and three the year before that. He further commented on using a Public Safety Department in lieu of separate police and fire departments saying that the comment made at previous Council meetings that our home owners insurance premiums would go up is false.

Councilman Marshall commented on the fire fighters motivation perhaps being to keep their seniority, overtime, jobs and way of life, and said that while that may be understandable, the Council's motivation is to keep the City's services the best that we can with the money that we have. He added that Council has no hidden agendas, no special interest, no backroom deals and no secrets. He said that the city only has so much money and can do only so much with that money, so combining services is a simple solution that can help us for the foreseeable future given our financial circumstances.

Councilwoman Costantino commented on her attendance at Saturday's informational meeting, saying that she was the recipient of a lot of criticism and verbal attacks, and despite that she did

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hear some valid points and good ideas. She also commented on the various questions and issues that were and were not discussed at the meeting. She then commented on the public criticism that Council receives because they are last to speak at a meeting, saying that City Council made the change to speak last at the request of the public last year. Then she commented on the criticism from the public about being able to contact Council members, saying that she is in the phone book and welcomes any calls. She then commented on the City's HAZMAT preparations, saying that we are covered by the Eastern Wayne County Response Team. Then she commented on the resident who asked to have the City's trash can ordinance revised so that it will require the cans to be left out of sight saying that that is something she plans on pursuing. She then commented on the public comment that said fire fighters are meant to be fire fighters and police officers are meant to be police officers, and agreed that that may be true of a lot of people, but it

is also true that there are people that can do both. She added that in the case of the City, cross training was voluntary. She urged people to expand their thought process in this regard, and urged everyone to vote yes tomorrow, because she does not want to layoff any police officers.

Councilman Palmer urged everyone to vote yes, saying that he has faith in the community and believes it will pass. He cited the last City Council election where the change over to a Public Safety Department was the primary issue, and the subsequent election of the current Council that supported this change for the reason he believes tomorrow's proposal will pass. He concluded saying that changing over to a Public Safety Department is the right thing for the city despite all the scare tactics that are being employed by the no vote advocates.

Councilwoman Sawicki commented on Thursday's informational meeting on the proposed charter amendment, saying she was surprised that there was not going to be any representation from the fire department until she was told that it was an opportunity for the public to ask questions of Council. She also said that she was surprised that people complained about the format in which questions could be asked because it is the same format that the League of Women Voter's use whenever they host a forum.

Mayor Poynter reiterated Mayor Pro tem Szymanski's comments concerning how appreciative City Council is of the cooperation the Police Department has given to the city in an effort to help with the financial problems. He then announced that the Mayor's Prayer Breakfast will be held on Thursday at the Grosse Pointe Yacht Club, and the guest speaker will be Channel 4 weatherman Chuck Gaidica, and he added that all proceeds go towards a scholarship fund for area high schools. He then announced that he and Councilman Monaghan, will be participating in the Moross Greenway Project on June 4 where volunteers will be participating in a planting project between Harper and Mack, and added that they are still looking for volunteers, so the public is welcome to participate. Then he commented on how nice the 57<sup>th</sup> Little League Opening Day, and recognized the late Bob Comfort who served as the President of Little League, and who was also a part of Little League for 53 years. He then announced that he will be appearing on the History Channel in the next couple of weeks, and even though he can't say what

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it is about, he assured everyone it would not be about public safety. Lastly, he said he recognized that there are going to be disagreements between us, but said we have to get along so we should all attempt to disagree agreeably.

CM 05-40-11

ADJOURNMENT

MOTION by Monaghan, SUPPORTED by Palmer:

That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 9:38 p.m.

MOTION CARRIED UNANIMOUSLY

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KENNETH A. POYNTER, MAYOR

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MICKEY D. TODD, CITY CLERK

ATTACHMENT #1

ordinance no. \_\_\_\_\_

**AN ORDINANCE REQUIRING HANDBILL DISTRIBUTORS TO OBTAIN A LICENSE AND TO REGISTER WITH THE POLICE DEPARTMENT; PROVIDING FOR EXCEPTIONS AND DAYS AND HOURS FOR DISTRIBUTION AND PENALTIES FOR VIOLATIONS**

**THE CITY OF HARPER WOODS ORDAINS:**

**SECTION 1. PURPOSES.** To protect the residents of the City against the nuisance of the promiscuous distribution of handbills with the resulting detriment and danger to Public health and safety, the public interest, convenience and necessity require the regulation thereof, and to that end the purposes of this Chapter are specifically declared to be as follows:

- (a) To protect local residents against trespassing by handbill distributions upon the private property of such residents if they have given reasonable notice that they do not wish to be solicited by such persons or do not desire to receive handbills;

- (b) To protect the people against the health and safety menace and the expense incident to the littering of streets and public places by the promiscuous and uncontrolled distribution of handbills; and
- (c) To preserve to the people their constitutional right to receive and disseminate information not restricted under ordinary rules of decency, good morals and public order, by distinguishing between the nuisance created by the promiscuous distribution of handbills and the right to deliver handbills to persons who are willing to receive the same.

**SECTION 2. HANDBILL DISTRIBUTIONS – COMPLIANCE WITH ORDINANCE PROVISIONS.**

No person shall distribute or cause to be distributed within the City of Harper Woods any commercial or non-commercial handbill as defined in Section 13.01 of the City of Harper Woods Code of Ordinances upon any street or public place or any private property unless such person has complied with the provisions of this Ordinance, and all other relevant laws and regulations.

**SECTION 3. EXCEPTIONS.** The provisions of this Ordinance shall not be applicable to the distribution of any newspaper or magazine; the delivery of mail; the delivery of any matter that the owner or occupant of the premises has requested to be delivered at the premises; or to the distribution of any literature that is political in nature and that pertains to any candidate for public office or to any proposition or question in any election; or to the distribution of any literature that is religious; or to any person advertising his or her business or activity upon his or her own premises if such business or activity is regularly established and at a definite location in the City and also to the distribution of any matter if a license has been obtained therefor, as required under the terms of any other applicable law or ordinance.

**SECTION 4. LICENSE APPLICATION.** Any person desiring to engage as principal, in the business of distributing handbills for hire shall make application to, and receive from the City Clerk, a license to do so. Such application shall contain the following information: Name, business address and telephone number of the applicant and a brief description of the business to be conducted.

**SECTION 5. REGISTRATION WITH POLICE DEPARTMENT.** Prior to the time any distribution program is carried in the City, the agent or other person in charge shall register with the Police Department and provide such Department with the following information: the license number; the agent's name, address and telephone number at which he or she can be reached during the period of distribution; the number of handbill distributors at work in the City, together with their names and addresses; the length of time required to complete the distribution; the nature of the material being distributed; and such other information as may be required by the Department from time to time to properly enforce this Chapter.

The Chief of Police or his or her delegate shall furnish a certificate to every person identified as a handbill distributor under this Section. This Certificate must be displayed on demand to any homeowner or to any police officer.

**SECTION 6. HOURS OF DISTRIBUTION.** It shall be unlawful for any person to distribute commercial or non-commercial handbills as defined in Section 13.01 of the City of Harper Woods Code of Ordinances before the hour of 9:00 a.m. and after the hour of 6:00 p.m. or at any time on Sundays and the following holidays: New Year's Day, Memorial Day, 4<sup>th</sup> of July, Labor Day, Thanksgiving Day, Christmas Day.

**SECTION 7. HANDBILL DISTRIBUTORS' LICENSE REVOCATION CONDITIONS.** Without excluding other just grounds for revocation the Chief of Police or his or her delegate may revoke any license obtained under an application containing a false or fraudulent statement knowingly made by the applicant with the intent to obtain a license by means of false or fraudulent representations, or for a violation of this Ordinance or other relevant laws and regulations, or on any grounds specified by law. No license under this Ordinance shall be transferrable.



SECTION 8. CERTAIN EXISTING ORDINANCES NOT AFFECTED. This Ordinance shall not be deemed to repeal, amend or modify any ordinance ever ordained, either prohibiting, regulating or licensing any person, using the public streets or places or private property for any private business or enterprise or for commercial sales not covered herein including, but not limited to, the Sections of 13.9 through 13.14 of the City of Harper Woods' Code of Ordinances governing the distribution of handbills so as not to cause a littering of any street, alley, park or other public place or of any private property.

SECTION 9. PENALTY. Each violation of this Ordinance shall be a civil infraction punishable by a civil fine of not less than \$100 and up to \$500 plus costs and all other remedies by statute. Each day of violation shall be a separate violation. The City Council may establish by resolution the amount of a civil fine for a municipal civil infraction that may be paid at the City's Violations Bureau.

SECTION 10. REPEAL. All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 11. SEVERABILITY. If any article, section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance, it being the intent of the Council of the City of Harper Woods that this ordinance shall stand, notwithstanding the invalidity of any article, section, subsection, sentence, clause, phrase or portion thereof.

SECTION 12. EFFECTIVE DATE. This Ordinance shall take effect ten (10) days after enactment as provided by the City Charter.

CITY OF HARPER WOODS  
CITY COUNCIL  
APRIL 18, 2011

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:00 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem John M. Szymanski,  
Councilperson(s), Michael P. Monaghan, Daniel S. Palmer and Vivian M.  
Sawicki.

ABSENT: Councilperson(s) Cheryl A. Costantino and Hugh Marshall

OTHERS PRESENT: City Manager James E. Leidlein, City Attorney J. Russell LaBarge and

City Clerk Mickey D. Todd.

CM 04-29-11      EXCUSE COUNCILPERSONS COSTANTINO & MARSHALL

MOTION by Szymanski, SUPPORTED by Palmer:

To excuse Councilperson(s) Cheryl A. Costantino, and Hugh Marshall from tonight's meeting because of a prior commitment.

ABSENT: Costantino and Marshall.

MOTION CARRIED

CM 04-30-11                                      MINUTES

MOTION by Monaghan, SUPPORTED by Sawicki:

To receive, approve and file the minutes of the regular City Council meeting held April 4, 2011 and furthermore receive and file the minutes of the Library Board meeting held on February 17, 2011, the Board of Review meeting held on March 14, 2011, the Planning Commission meeting held on March 23, 2011, and the Election Commission meeting held on April 12, 2011.

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ABSENT: Costantino and Marshall.

MOTION CARRIED

CM 04-31-11                                      CONSENT AGENDA

RESOLUTION by Szymanski, SUPPORTED by Monaghan:

BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 93428 through 93538 in the amount of \$187,680.68 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.
2. Approve payment to Oakland County Information Technology in the amount of \$7,525.75 for fees relative to the CLEMIS computer system utilized by the Police Department.
3. Approve payment to Statewide Security Transport in the amount of \$5,026.50 for prisoner lodging and maintenance for the month of March 2011.

ROLL CALL VOTE

YES: Monaghan, Palmer, Sawicki, Szymanski and Poynter.

NO: None.

ABSENT: Costantino and Marshall.

RESOLUTION ADOPTED

CM 04-32-11

WIDE OPEN WEST MICHIGAN,LLC -  
LOCAL FRANCHISE AGREEMENT

RESOLUTION by Palmer, SUPPORTED by Sawicki:

BE IT RESOLVED to approve the Uniform Video Service Local Franchise Agreement with Wide Open West Michigan, LLC WOW! of Madison Heights, and further, to authorize the City Manager to sign the Agreement. (Attachment #1)

ROLL CALL VOTE

YES: Palmer, Sawicki, Szymanski, Poynter and Monaghan,.

NO: None.

ABSENT: Costantino and Marshall.

RESOLUTION ADOPTED

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04-33-11

ADOPT A RESOLUTION TO ESTABLISH  
A RECEIVING BOARD FOR ELECTIONS

RESOLUTION by Palmer, SUPPORTED by Sawicki:

BE IT RESOLVED to authorize the City Clerk to establish one Receiving Board for the May 3, August 2 (if necessary) and the November 8 elections, and appoint at least two individuals to serve on said Board, consistent with Michigan Election Law, Act 116 of 1954, as amended, 168.679a, Section 679a(1).

ROLL CALL VOTE

YES: Sawicki, Szymanski, Poynter, Monaghan and Palmer

NO: None.

ABSENT: Costantino and Marshall.

RESOLUTION ADOPTED

CALL TO AUDIENCE

The City Manager reported that he is working on the Handbill Ordinance and will be meeting with the Police Chief and City Clerk to review it before bringing it to City Council for a second reading at the May 2 Council meeting.

Ms. Bellomo commented on the upcoming ballot proposal that if passed would create a Public Safety Department, saying that she is opposed to it. She added that the City does not have enough fire fighters now, and said that we need to maintain separate departments. She then commented on the City Manager's car allowance, saying that she is opposed to it.

Ms. Uhl commented on several statements in the flyer put out by the Residents for a Safer Harper Woods, saying that several of the issues stated are untrue. Specifically, she refuted statements made concerning who brought lawsuit against the City, saying it wasn't the fire fighters. Then she disputed the statement about the number of fire fighters the City would have to hire if the proposal fails. Then she said the City does not have any bid specs available for the purchase of a new ambulance as represented in

the flyer. She then expressed concern over how our residents would be kept safe if this ballot proposal passes and police officers have to be pulled off the street to fight fires. Lastly, she commented on the potential layoffs and the possibility of laying off all of the fire fighters.

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Mr. Foleta said he had a problem with council members not listing their email address and phone number. (Councilman Palmer corrected him saying that email addresses for City Council are listed on the City's website.) He then commented on the Mayor's comment at the last meeting about outsiders coming in to assist the fire fighters in defeating the ballot proposal, saying that the police are using outsiders to assist in the yes vote, and pointed out that the Mayor received 70% of his financial support from outsiders when he ran for State Representative in 2008, and wanted to know what he had to say about that. He then commented on the City Manager's salary saying that he is the highest paid City Manager in the area, with the terms and conditions of his contract. Then he commented on the City re-hiring three retired administrators suggesting that doing this is equivalent to a DROP program, and pointed out that the City turned down the fire fighters request for a DROP program. He then said that he did not understand why the City could not hire two fire fighters with the \$225k that is brought in from ambulance fees. (The City Manager clarified that the re-hired administrators are part-time and do not belong to a DROP program.)

Mr. Wagner commented on the City's plan to adopt a Handbill Ordinance, saying that he is concerned that the City would do anything to harm Vegas Super Market on Kelly or Fresh Foods Market on Harper by banning their advertisements. He agreed that it may be appropriate for the City to regulate the distribution of handbills, but pointed out that the handbills are important to their business and banning them would be harmful. He also said he does not want to see all the workers who distribute these handbills suffer over a couple of bad employees.

Ms. Sommers asked is she could give her five minutes to Mr. Foleta. (The Mayor said she could not.)

Mr. Bruneel thanked everyone who went to the Lion's Club Pancake Breakfast. Then he wished everyone a Happy Easter.

Mr. Selburn commented on the story Channel 4 did last night about the upcoming election and the City's ballot proposal, saying that he is disgusted by what Council has done to divide the community because they failed to sit down at the table with all the stake holders and arrive at a solution, rather than trying to force things on the community and the unions. He then commented on the Mayor's 2008 run for State Representative saying that he looked up his campaign contributions and found that 56% of his contributions came from PACS and organizations outside of Harper Woods, and another 13% came from individuals living out of Harper Woods, and cautioned him to be careful about talking about outside interest helping a campaign. Then he commented on the new WOW Franchise Agreement, and how concern was raised over the public access channels, and said he found that interesting because the City still does not televise their meetings. (Mayor Poynter said that when he ran for State Representative it was natural for outside interests to participate in his campaign since his district was not just Harper Woods. He further added that State Representatives represent the interest not only of their district but the

whole state, so campaign donations from outside interest is normal. He further added that a number of his campaign donors were unions.)

Ms. Carlson commented on how elections have always pitted neighbors against neighbors, saying that that is typical of the process.

Mr. Micallef, President of the Harper Woods Fire Fighters Local 1188, commented on the Channel 4 news story on the City's upcoming election and ballot proposal, saying he disagreed with how the story was characterized.

A gentleman asked City Council how they could vote for a 30 percent raise for anyone if they knew the City was in financial trouble. (The City Manager said that when that contract was negotiated the City's taxable value was almost double what it is today, and nobody could have predicted the drop in property values that we have experienced since then.)

A lady asked City Council why they think it is a good idea to get rid of the police and fire departments. (The Mayor said he will answer that during Call to Council.)

Ms. Uhl responded to the City Manager's previous comment about the City's revenue picture being positive when the contract giving the police a 30% raise was approved, saying she communicated with him after this and he represented the City's revenue picture as being in a negative position and cited the numerous reductions in revenue the City was experiencing. She added that Harper Woods has been in financial trouble for a long time, and our situation is nothing new.

Mr. Shenburn said that as a lifelong resident he understands what is going on and pointed out that there is a misconception about the May 3 election that we will be losing our fire and police services, and saying that isn't so because they can become public safety officers. He said that he did not like the information the fire fighters are putting out. Then he commented on the City of Troy having a successful volunteer Fire Department, and how the Grosse Pointe's have successful Public Safety Departments. He concluded by urging everyone to work together.

Mr. Campbell asked when the requirement to reside in the city ended for City employees. (The Mayor said it was about ten years ago.)

Ms. Southers said she has been doing research on the City's attempt to introduce a Public Safety Department, and it losing in court, saying that the City's complaints about the fire fighting overtime is unwarranted since most of their positions have been eliminated. She added that she is on the side of the fire fighters, and said that this issue should have been put before the voters before cross training the police officers. (The Mayor said that City Council believed that the City Charter allowed them to create a separate department and that is why they took that action. He

then commented on the overtime cost in the Fire Department saying that the City can no longer afford it.) She then commented on the City Manager's compensation package being greater than the Grosse Pointe City Manager. (The City Manager then explained his compensation package and the history behind it.)

Ms. Bellomo commented on the City's longevity and deferred retirement plans. Then she commented on how she feels City Council is not listening to the public, and said that changes on City Council need to be made. She then commented on how she wants to maintain separate police and fire departments.

Mr. Campbell asked City Council if the City Attorney approved of City Council's decision to create a separate Public Safety Department. (The Mayor said that the City Attorney did approve of that decision.)

Ms. Sommers commented on the Vote Yes signs, which say save police, fire and EMS, saying they are confusing and deceptive and asked what they mean. (The Mayor said he will comment on that under Call to Council.)

Ms. Carlson asked if the cross trained police officers receive the same training as our fire fighters. (The Mayor said that they do receive the training.)

A lady commented on the arguments being made by the pro and anti-public safety department factions, saying that both sides are delusional because with decreased property values and revenue something needs to be done, and ultimately the situation is going to be decided by how much we have and what we can afford.

A gentleman asked if the police are busier now than they have been. (The Mayor said the Annual Police Report is on the City's website and it gives detailed information on the activity of the police department and 911 operations.)

Mr. Selburn commented on Council's attempt to create a third department, saying the City just tried to bulldoze it through rather than working with the effected parties and letting the voters decide the issue. He added that if Council had done this we wouldn't be in the situation that we are in today where we are pitting neighbor against neighbor, and having to have a police officer at the Council meeting to keep order. Then he criticized the City Manager for saying that the City gave a 30% raise to the police because at the time the money was available, saying that that is a poor excuse, because the City should always economize regardless of the economic times. Then he commented on the proposed Handbill Ordinance and the recent story that the Free Press did about it saying that they pointed out three communities that currently have effective Handbill Ordinances, and added that a provision in those ordinances allows residents to post signs prohibiting their delivery or face a fine, and said that he wants that added to our proposed

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ordinance. (The City Manager said that that is in the draft ordinance. The City Attorney added that there is a provision already in our ordinances that bans solicitors and peddlers from residences where it is posted no solicitors.) Lastly, he responded to the Mayor's comment to the public that he will respond to questions raised by the public during Call to Council, saying that that is because he wants to have the last word. (The Mayor said that he chooses to respond to public comments during Call to Council because he is usually the first speaker. He also added that it is not uncommon for a police officer to be in attendance at a Council meeting.)

Ms. Bellomo asked what the purpose is of having a police officer here at the meeting. (The Mayor said that he is here to keep order.)

Mr. Kien said that basically Council is saying that a police officer needs to attend the meeting to protect themselves from the public, and suggested that this is a waste of resources. He then commented on the

upcoming ballot proposal saying while he is for Public Safety, he can't vote yes because the City has not shown what the plan is and he can't get any answers. (The Mayor said that the answer, which has been said a number of times, is that the City is in negotiations to resolve this situation, and that resolving issues like this in collective bargaining is not uncommon.) Mr. Kien suggested that that is a cowardly response, and asked Council to tell the public what their plans are so that the public can make an informed decision. He added that he does not believe Council needs to hide behind that excuse. Then he commented about Council's decision not to put out information about the ballot proposal because it might be challenged legally, saying that Council didn't have that same concern about being legally challenged over violating the Charter. (The Mayor said that there was not a concern by Council when they attempted to create a Public Safety Department because they did not feel they were violating the Charter.)

Ms. Bellomo commented on Council's decision to create a Public Safety Department, then having the courts rule against it, saying she does not understand why the City Manager did not anticipate the decisions of the court. (The City Manager said that there is a provision in the City Charter that allows City Council to create different departments, and that is why we proceeded, but obviously when it was challenged by the fire fighters union, we lost.)

Ms. Southers commented on the upcoming ballot proposal saying that she believes that most of the people attending these meetings are trying to get answers about the City's plan. Then she added to a couple of previous public comments saying that she was in agreement that the Public Safety question should have been discussed beforehand with all the stake holders so that a common solution could have been found then voted upon by the residents. She also commented on how impressed she is with the police department.

A lady said that she too is impressed with our police department. Then she said that regardless of the vote, City Council is still going to have to discuss the money issues, and said she would

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like to have this discussion prior to the vote and more progress in arriving at a solution.

Ms. Uhl commented on the ballot proposal saying that she cannot support something without seeing a plan, and even though she believes in having separate fire and police departments, she also believes that it is possible to create a public safety department that will work in the city. She added that it is not asking a lot for City Council to tell residents what the plan is so residents can see what kind of impact this proposal will have.

#### CALL TO COUNCIL

Mayor Poynter said he had the pleasure last year of being invited to the Annual Senior Awards Program for Services for Older Citizens (SOC), and was honored to present Harper Woods resident Pauline Grace, with an award in recognition of her 14 years of volunteer service, and added that she is a wonderful lady. He then announced that the Mayor's Prayer Breakfast will be on Thursday, May 5, at 7:30 a.m. at the Grosse Pointe War Memorial, and this year's guest speaker will be Channel 4 Weatherman Chuck Gaidica. He added that tickets are available for \$20 in the City Manager's Office. Then he announced that the Harper Woods Little League will be having their 56th Opening Day Parade on Saturday, April 30<sup>th</sup>, and added that the absence of Little League President Bob Comfort, who passed away, will be sad as Bob was a real catalyst for the Little League and the community. He then commented on the Channel 4 news story on the City's upcoming election and ballot proposal, saying that he was interviewed for about twenty minutes, as was the Chairperson for the Yes campaign, and only about 15 seconds of his interview

was aired, and the Chairperson's interview was not shown at all. He added that he did not like the context of how the story was presented, as neighbor versus neighbor and police versus fire, because stories like this can cause divisiveness. He suggested that the story could have been handled much better, and could have been more thorough regardless of whether you are a yes or no supporter. Then he said what saddens him over the ballot proposal is the fact that this situation could have been avoided had the fire fighters union cooperated with the City. He explained saying that City Council was initially led to believe that both the police and fire employees were going to cooperate with the City in forming a Public Safety Department, but it turned out that only the police employees were cooperative despite the fact that the fire fighters were given job security assurances and told that they would not have to cross train if they didn't want too. He agreed with critics of public safety that the City Charter provides for separate police and fire departments, but said the City Charter also provides City Council with the authority to create separate departments as they see fit, but obviously the courts did not agree with the City's position. He further said that it was the City's intention to negotiate these changes with both the police and fire unions, which is allowed under state law, but only the police union cooperated. Then he commented on the effect of a no vote, saying that there will be more cost, less services and more problems, and added that the criticism that the City has no plan is false, saying that the plan has been stated two weeks ago and it is stated in the flyer by the Residents for A Safer Harper Woods. He then commented on the effect of a yes vote, saying

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that there would be no layoffs, that we would save our police and fire fighters along with the EMS service. He said it is Council's goal to maintain the current staffing of our police/fire and EMS, and does not want to get rid of any of these services, and added that that is what will happen with a yes vote because we will be able to have a status quo plus. He pointed out that the problems will occur with a no vote, because the money is not there to maintain the situation. He said that this vote is about what is best for the entire city, and not just one department, and said that Council has to do what is best for the whole community. He concluded saying that a yes vote will allow the City to retain all the current police/fire employees, whereas the no vote will throw the City into a crisis.

Mayor Pro tem Szymanski commented on the City's financial situation being very real, and added that City Council has to close a \$1.2 million dollar deficit this year. He pointed out that the May 3 election will provide City Council direction on how to address the deficit. Then he commented on the Channel 4 news story on the City's upcoming election and ballot proposal, saying that it shed some light on a confusing campaign, by making it simple and clear, because if a yes vote prevails the City will use city employees for the delivery of police and fire services, whereas, if a no vote prevails the City will probably have to rely on our mutual aid partners to fight fires and probably layoff all the existing fire fighters. He pointed out that Council may not have any other options. He further said Council is fully committed to backing our full compliment of police officers, and are just as committed to ensuring that an Emergency Financial Manager is not appointed to manage the City's operations. He said that none of the Council members, and no one in the public wants to live with bars on their windows, so tough choices are going to have to be made, and the May 3 vote will be one part, but a big part, of the tough choices that will be made to address the City's budget situation. He added that Council intends on working with the Governor's Office and take advantage of the new laws intended to aid communities with their budget difficulties, regardless of whether or not we become a test case. He continued saying that this is where we are at financially, this is reality, and all the emotion, all the politics and back biting are not going to put dollars in the City's coffers, because property values will not be coming back for years so the ability to tax is not there. He concluded saying that City Council is going to take this crisis head on, because we need a community that is safe and sound, and where you can raise a family.

Councilman Palmer commented on the Channel 4 news story on the City's upcoming election and ballot



proposal, saying that even though he is a strong supporter of the yes vote, he agreed with the comments of the person supporting the no vote when that person said let the facts speak for themselves. He further said that he knows that public safety can work, saying that it works in many other communities, and pointed out that the Governor, who received 60% of the vote, is supportive of communities consolidating their services and making them more efficient. He added that City Council is not doing anything that has not been tried and proven successful in other communities. Then he commented on how important it is to let the facts decide the May 3

ballot proposal, and not threatening businesses or senior citizens that you will not support them if they support the yes vote. He said that that type of behavior is pitting neighbor versus neighbor CITY OF HARPER WOODS, MICHIGAN APRIL 18, 2011 REGULAR CITY COUNCIL MEETING PAGE 10

and does not let the facts speak for themselves, and expressed hope that this issue could be talked about and discussed without fear of being personally attacked.

Councilwoman Sawicki agreed with Councilman Palmer's comments, saying that she has received emails from residents who have felt threatened for expressing their point of view, and agrees that it is unfortunate that people don't feel safe to express their opinion. She then commented on Mayor Pro tem Szymanski's comment about impending budget cuts, agreeing that significant cuts are going to have to be made, and added that she is confident in saying that Council's goal is to maintain the health and safety of our residents.

Councilman Monaghan agreed that while Council will have to see how the ballot proposal goes, we will still need to get concessions from our employee groups if the budget is going to be balanced. He then commented on the City's plan, saying that the public safety delivery model is out there now and works everyday in the Grosse Pointes, and even though Council has heard criticism of these public safety officers fire fighting abilities at Council meetings, it is working very well and has for over twenty years. Then he commented on the vote no flyer where it represents the fire fighters as being willing to take concessions, and asked the City Manager if he has negotiated with them or any other bargaining unit, because he would be open to any of their suggestions. (The City Manager said that he has informally met with the two police units, and formally with the fire fighters, clerical and public works units, but no progress has been made.) He continued saying that if the bargaining units will come to the table and negotiate in good faith, he believes that a good majority, if not all of our employees, can be retained.

Councilwoman Sawicki said that a couple of people came to her in church and asked her if there is a union that will cover public safety officers, because they were told that the City is trying to get rid of the union. She added that it is her understanding that there is a union that covers public safety officers, but that the IAFF does not. (The City Manager said that there are unions that will cover public safety officers, and agreed that the IAFF will not cover public safety officers.) She added that she would expect our public safety officers to be covered by a union.

CM 04-34-11

ADJOURNMENT

MOTION by Monaghan, SUPPORTED by Palmer:

That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 8:37 p.m.

ABSENT: Costantino and Marshall.

MOTION CARRIED

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KENNETH A. POYNTER, MAYOR

MICKEY D. TODD, CITY CLERK

CITY OF HARPER WOODS  
CITY COUNCIL  
APRIL 4, 2011

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:00 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem John M. Szymanski, Councilperson(s) Cheryl A. Costantino (7:17 p.m.), Hugh Marshall, Michael P. Monaghan, Daniel S. Palmer and Vivian M. Sawicki.

ABSENT: None.

OTHERS PRESENT: City Manager James E. Leidlein and City Clerk Mickey D. Todd.

PRESENTATION

Mr. Ed Frederickson, and Mr. Brian Graves, Trustees for the Grosse Pointe Library District were present and gave an informational presentation on the Board's plan to put forth a proposed millage increase on the November 8 General Election ballot to offset lost tax revenue from reduced property values.

CM 04-46-11

MINUTES

MOTION by Monaghan, SUPPORTED by Costantino:  
To receive, approve and file the minutes of the regular City Council meeting held March 23, 2011.

MOTION CARRIED UNANIMOUSLY

CM 04-47-11

CONSENT AGENDA

RESOLUTION by Costantino, SUPPORTED by Monaghan:  
BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 93335 through 93417 in the amount of \$528,022.97 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.

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2. Approve payment to Anderson, Eckstein & Westrick, Inc. in the amount of \$7,139.53 for professional services during the month of February 2011 for the following projects: EB Harper Resurfacing, Vernier to Eight Mile, #180-106; EB Harper Resurfacing, Manchester to Vernier, #180-109; 2009 Emergency Concrete Repair, #180-116; Traffic Signal Upgrade, #180-124; 2010

Emergency Concrete Pavement Repair, #180-129; I-94 Bridge Overlay project, #180-134 and 2013 Federal Aid Call for Projects, #180-135.

ROLL CALL VOTE

YES: Costantino, Marshall, Monaghan, Palmer, Sawicki, Szymanski and Poynter.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CALL TO AUDIENCE

Mr. Condino, Legal Counsel and Vice President for the Associated Food and Petroleum Dealers, commented on the first reading of the Ordinance banning the distribution of handbills in the city. He said that he has spoken to the City Attorney about the first reading of the ordinance being illegal as it bans commercial speech, and said that the City Attorney agrees with him. He added however, that he is in agreement that this practice can be regulated, and indicated that he would be willing to meet with City representatives in an effort to arrive at a constitutional way of regulating this practice. He advised City Council that retailers rely heavily on the distribution of handbills for their businesses. Then he introduced the manager of the Family Food Market in Harper Woods. (The City Manager said that he has spoken to the City Attorney about the ordinance and intends on taking a different approach which will regulate handbills and not ban them.)

The manager of Family Food Market on Harper advised City Council that the distribution of handbills is vital to his business, and apologized for any problems this has caused in the city. He further indicated that he would like to work with the City to put something in place to help regulate this practice so that all parties involved will be satisfied. (The Mayor indicated that City Council has received complaints from residents about some of these individuals who distribute these flyers stealing from their homes or vehicles, and that is why this ordinance is being discussed. He concluded saying that he hopes something can be worked out.)

Mr. Selburn advised City Council that he has a soaking wet flyer on his driveway now, and said that he is disappointed that there is nothing on the agenda tonight addressing the handbill ordinance or giving an indication of what is going on with the proposed ordinance. He then commented on the Manager of the Family Food Market's comments, and emphasized that the manager can insist on having the company that hires these individuals to hire honest people, and

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added he would rather not have these handbills delivered to his house.

Mr. Kien stated that City Council is well aware of the problems he has had with the individuals who distribute handbills, and added that he spoke to the manager of the Family Food Market before the meeting about this problem, and was advised by this person to purchase a security system for his house to deal with this problem. He then proceeded to explain that he has had these solicitors walk by his front window across his grass and look into his house to see what he has, while on other occasions they were seen urinating in public, and said something has to be done about this. He suggested that if the City can't ban this activity, then these individuals should be licensed so they are easily identified, and that the licensing process should include background checks so criminals are not licensed.

Mr. Bruneel reminded everyone that the Lion's Club will be having their 23<sup>rd</sup> Annual Pancake Breakfast at the Community Center, with tickets still just \$5.

Ms. Marshall told City Council about a recent visit she made to City Hall where she had to walk through some individuals smoking before she entered the building, saying that it agitated her asthma, and suggested that the City adopt a policy allowing for only once entrance to be used by smokers. She then commented on how she could not get the police to assist her with a lost dog when she brought it to City Hall because they said they were too busy, so she just gave it to a person in the lobby, who liked the dog. She added that when she left City Hall she saw two Police cars just sitting on Beaconsfield doing nothing.

Ms. Piaz said she attended the informational meeting for residents about the upcoming ballot proposal at the Life Ministries Church, and asked several questions about some of the things that were said there. First, she asked if it is practical for us to have a volunteer fire department coupled with improved fire prevention services, and added that should the Charter Amendment pass would our fire preventative services increase. (The City Manager said that a volunteer fire department is not practical for a city our size, and increasing fire preventative services is something we can look at.) Two, she asked if it is true that public safety officers do not enter a building to fight a fire, whereas, fire fighters do enter buildings to fight a fire. (The City Manager said that he knows this a criticism by fire fighters of Public Safety Departments, but he does not agree with it.) Third, she asked if the Charter Amendment does pass, is it the long term goal of the City to phase out both the police and fire departments and have just a Department of Public Safety. (The City Manager said that that will continue to be evaluated.)

Ms. Uhl said that at the last meeting she asked the City Manager about the City's collective bargaining positions with the Fire Union, and was told he did not comment on these things publically, but noticed that during Call to Council the Mayor commented on bargaining issues and she asked what the official rules are in this regard. (The City Manager said that as the lead

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bargaining representative for the City he does not publically comment on bargaining issues, however, it does not prevent elected officials or residents from publically discussing these issues.) She then commented on the comment made under Call to Council at the last meeting where a reference was made to outside forces coming into the city and attempting to influence the outcome of the May 3 election, saying she assumes the reference is being made that these forces are the Fire Fighters Union, and pointed out that this is no different than candidates running for office and receiving outside funding. She further added that if it wasn't for this particular outside influence, then the voters in Harper Woods would not be getting the opportunity to vote on the question of maintaining separate police and fire departments or having a public safety department. She then commented on the raise that was given to the police officers saying that while they may deserve it, the question is whether the City can afford it, and she disagreed with the characterization of the City's financial condition when the raise was given and what the final percentage was. Then she commented on the reference made at the last meeting to Troy's volunteer Fire Department saying she has personal experience with their response and can say that it was scary. She then commented on the Governor's plan for how cities will obtain revenue sharing dollars, citing examples of what other communities are doing, and asked what the City's plans are in this regard. Then she commented on City Council's continued threats of laying off police if the ballot proposal does not pass, saying that is not leadership but bullying. She then commented on Councilwoman Sawicki's comment at the last meeting about people being afraid of change, saying that she is afraid of this proposed change because she doesn't know the City's plan. Lastly, she asked why the City is saying they will have to hire four to five fire fighters if this proposal fails, saying that this seems very curious.

Mr. Frattini asked what the City's contingency plan is if the May 3 Charter Amendment fails. He then commented on some problems he has been having in his neighborhood lately, and said that every time he calls the police for assistance he feels like he is being laughed at, because they asked him why he can't take care of the problem himself. He said that is a Detroit mentality, not Harper Woods. He further commented about his concerns of criminal activity in his neighborhood, and said that he could not remember the last time he saw a police car on his street.

Mr. Mervyn, who resides on Woodside, said that he is a fire fighter for the City of Battle Creek, and has previously worked as a public safety officer in Ironwood. He then advised Council of his various certifications and his opinion that public safety departments do not train adequately for fire fighting. Lastly, he commented on his opinion that private ambulance services do not have the same level and quality of care that fire department based ambulance service does.

Mr. Stewart, who resides on Kenmore, said that as a Detroit Fire Fighter it is his opinion that public safety only works in cities that are not busy. He cited the Country Club fire in Grosse Pointe as an instance where the Detroit Fire Department was called on to assist rather than Harper Woods because we are too busy. He added that it is his opinion that both our fire and police departments are top notch. Lastly, he commented on last years "fire storm" in Detroit

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when suburban fire departments were called in to assist the DFD, saying the Harper Woods Fire Department was one of those departments called in and said they did an outstanding job. He concluded saying that police and fire are two separate jobs, and that having one person do two jobs will just burn them out. (Mayor Poynter pointed out that at the Detroit fire it was our public safety officers who assisted in putting out the fire.)

Ms. Paglia commented on the Family Food flyers that were delivered today in her neighborhood, saying that a number of them are already blowing around the yards, and she asked why these flyers can't be delivered in the mail like Kroger and Fresh Foods. She then commented on the upcoming May 3 election saying that she doesn't know how to vote because the City has not put out any information on the proposal. (The Mayor said that the Fire Fighters Union and Residents for a Safer Harper Woods have put out informational flyers on the proposed Charter Amendment, and added that members of City Council have provided input to the Residents for a Safer Harper Woods in support of a yes vote.) She suggested that the City put out a fact sheet about the Charter Amendment. (The City Manager said that the City cannot put out an informational sheet on the Charter Amendment on the advice of legal counsel, who said tax dollars cannot be used for campaigning purposes.) She pointed out that the School District put out a fact sheet on their bond proposal without a problem. (The City Manager pointed out that the ballot proposal is obviously controversial, and even though the City Council wanted him to prepare a fact sheet, he did not do it because he felt it would expose the City to too much liability. He added that the Fire Union and citizens should undertake the advocacy of this proposal one way or another.) She responded saying that it appears that the City wants this proposal to fail, so you could do anything you want. She said that it doesn't seem like City Council is making an effort to help the citizens decide this issue, adding that a lot of people don't know what is factual or not factual, and that City Council does know what is going to happen and you should tell us what that is. (Mayor Poynter said that the Residents for a Safer Harper Woods have considerable input from City Council for their flyers.) She asked if the City has a plan on how they will proceed if the Charter Amendment passes. (Mayor Poynter said that City's plan is reflected in the flyer by the Residents for a Safer Harper Woods.) She said she did not understand why the City isn't putting out their plan, especially if it is factual, instead of using a citizens group.

Ms. Kindle advised City Council that as Secretary of the Planning Commission she will be reporting to them at their next meeting on the Commission's Annual Report, with some items that require City Council attention.

Mr. Stewart, who resides on Kenmore, and is a Detroit Fire Fighter clarified his earlier comment about DFD receiving help from the HWFD at last years "fire storm" in Detroit, saying that the PSO's sent from Harper Woods were just standing there watching all the fire fighters do the work. He continued saying the PSO's really didn't do anything and can't be expected to do anything.

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Mr. Foleta commented on how he has lived here his whole life and served as a Harper Woods Fire Fighter for 33 years and recently retired. He then commented on how Harper Woods has one of the oldest fleet of fire equipment in the area , with the average age of 20 years old, and added that the City does not have a ladder truck. He then commented on how the City gave a five year contract to the police without negotiations, and how the other three bargaining units in the City had to negotiate for three years before they settled. Then he commented that the flyer prepared by the Residents for a Safer Harper Woods did not represent the facts of upcoming proposed Charter Amendment. He also commented on the age of the City's ambulances and how they are constantly in disrepair, which has resulted in our ambulances being out of service, and how this has resulted in the City being dropped from mutual aid with St. Clair Shores and Eastpointe, and the City losing revenue from lost runs. Then he commented on the differences between PSO's and fire fighters citing examples of fires where fire fighters are clearly superior to PSO's. He then commented on some FOIA's requested from the City and how the City Clerk gave him incomplete information for one request, and overcharged him for a second request. Then he commented on the pension fund being underfunded with the City being behind by \$1 million dollars. He then commented on the City not having an equipment fund like other cities. Then he commented on the City Manager's annual salary, and pointed out that St. Clair Shores City Manager makes less and how other area City Manager's have taken pay cuts or merged offices. He further commented on how this economic crisis have department manager's and employees in other communities retiring or taking concessions, while Harper Woods has not done anything to save money.

Ms. Marshall commented on the City Clerk saying that she thought he was retired. She then commented on her attempt to become an election worker but was told by the City Clerk that he would not hire her because only good, trustworthy and honest citizens are selected.

Mr. Mervyn asked when the Council members are up for re-election. (The Mayor said that he and three others are up this year, and specific information is available on the City's website and in the City calendar.)

Mr. Selburn asked if the City will be challenging the 2011 census numbers like some other communities are doing. (The City Manager said that he is looking into that.) He then commented on the two flyers about the Charter Amendment in the upcoming election, saying that there are no cite references to determine the accuracy of information. Then he said he thought he heard the Mayor say that one of the flyers is from the fire department, and said he believes it is from the Fire Union. (The Mayor agreed that the flyer is from the Fire Union.) He then commented on the public comments being made about contract negotiations with the Fire Union saying that he agrees with the City Manager that he cannot publically comment on the specifics, but added that he is concerned about some of the comments being made by City Council members because their information could have only come from closed sessions, and that information is not supposed to be disclosed.

CALL TO COUNCIL

Mayor Poynter commented on the flyer that the Residents for a Safer Harper Woods have put out saying that he assisted in developing the flyer, and added that it is very simple, straight forward, factual and does not contain any scare tactics. He also said that he hopes everyone realizes that everything is on the table, and that City Council has made a number of changes over the years which resulted in a saving of several million dollars, and added that the list of changes was read into the minutes previously. Then he commented on how the Residents for a Safer Harper Woods have not resorted to scare tactics, and have respected the roles of both police and fire fighters. Then he repeated his previous comment that City Council has respect for both Police and Fire Fighters when called upon, but said that our situation is bigger than what one department wants, and pointed out that our entire city is at stake, with an Emergency Financial Manager looming in the background. He continued saying that City Council has tried very hard not to lay anyone off in these difficult times, and is confused by the Vote No signs because when the discussion of Public Safety started City Council understood that not all fire fighters wanted to cross train so the promise of no layoffs was made. He added that even though he was originally against PSO, times are different now and we need PSO to save money. Then he said that nobody will be forced to be a PSO, and that City Council wants to retain our current Fire Fighters. He said that lawn signs should say, "Save Police, Fire and EMS - Vote Yes," because City Council wants to maintain the status quo our police officers, fire fighters and para-medics, and added that if the status quo is maintained we could add 16 cross trained Fire Fighters to help with fire suppression. He emphasized that this situation is not about one department, but an entire city. Then he repeated a previous comment about outside forces coming into the city in an attempt to help defeat the Charter Proposal saying that he is in possession of an email confirming this fact, and added that the fire fighters want to control to the City. He concluded saying that he had hoped that this election could be done with respect and dignity.

Mayor Pro tem Szymanski said that he agreed with the Mayor's comments, and added that the City's money problems are real and that the operating deficit has to be closed, and City Council intends on closing it this year.

Councilwoman Sawicki commented on how she thinks the Residents for a Safer Harper Woods need to put out more in depth information on the Charter Amendment, even though they are on a limited budget. She further added that there is some truth in the law signs urging residents to vote no, and to save fire and EMS, because if this fails that's all that will be left. Then she commented on the criticism that Council receives about laying off police, pointing out that all the cuts that can be made, have been made, so the bottom line is if we can't combine our Police and fire services to utilize our public safety trained personnel, then some major financial decisions will have to be made. She then commented on the comments being made by the fire fighters where they have represented to the public that they are willing to take cuts in their contract, and urged the public to take these comments with a grain of salt and use reasoning

because it is very one sided. She cited tax bills as an example of how much money the City receives saying that the average taxpayer can tell just by looking at their tax bill that the City has to operate with less money.

CM 04-48-11

ADJOURNMENT

MOTION by Costantino, SUPPORTED by Marshall:

That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 8:55 p.m.

MOTION CARRIED UNANIMOUSLY

\_\_\_\_\_  
KENNETH A. POYNTER, MAYOR

\_\_\_\_\_  
MICKEY D. TODD, CITY CLERK

CITY OF HARPER WOODS  
CITY COUNCIL  
MARCH 21, 2011

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:00 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag. Mayor Poynter dedicated this meeting to long time Harper Woods resident and Little League President, Robert Comfort, who passed away last week.



ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem John M. Szymanski,  
Councilperson(s) Cheryl A. Costantino, Hugh Marshall, Michael P. Monaghan  
and Vivian M. Sawicki .

ABSENT: Councilman Daniel S. Palmer.

OTHERS PRESENT: City Manager James E. Leidlein, City Attorney J. Russell LaBarge and  
City Clerk Mickey D. Todd.

CM 03-37-11

EXCUSE COUNCILMAN PALMER

MOTION by Monaghan, SUPPORTED by Szymanski:  
To excuse Councilman Daniel Palmer from tonight's meeting because of a family medical emergency.

ABSENT: Palmer.

MOTION CARRIED

CM 03-38-11

MINUTES

MOTION by Monaghan, SUPPORTED by Costantino:  
To receive, approve and file the minutes of the regular City Council meeting held March 7, 2011, and  
furthermore, receive and file the minutes of the Board of Zoning Appeals meeting held March 9, 2011.

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ABSENT: Palmer.

MOTION CARRIED

CM 03-39-11

CONSENT AGENDA

RESOLUTION by Costantino, SUPPORTED by Sawicki:  
BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 93207 through 93334 in the amount of \$349,463.72 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.
2. Approve payment to Nu Appearance Maintenance in the amount of \$21,423.60 for residential and commercial sidewalk salting and snow removal in various areas of the City.

ROLL CALL VOTE

YES: Costantino, Marshall, Monaghan, Sawicki, Szymanski and Poynter.  
NO: None.  
ABSENT: Palmer.

RESOLUTION ADOPTED

CM 03-40-11

2011 COMMUNITY DEVELOPMENT  
BLOCK GRANT - OPEN PUBLIC HEARING

MOTION by Sawicki, SUPPORTED by Marshall:  
To open the Public Hearing on the 2011 Community Development Block Grant program.

ABSENT: Palmer.

MOTION CARRIED

PUBLIC HEARING

The City Manager stated that the City is required to annually hold a public hearing for the proposed use of Community Development Block Grant monies, and that notice of this hearing was published as required. He then reviewed the proposed use of this year's funds and answered any questions.

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Ms. McCarthy commented on what a good program this has been for the City, saying that it is run well and that it is money well spent.

Mr. Regal commented on the CDBG monies being designated for Kelly Road over the years saying that Kelly should be paved with gold by now. (The City Manager agreed that a lot of money has been designated over the years to Kelly Road, but added that it meets the spending requirements for the CDBG funding, whereas other parts of the community do not.)

CM 03-41-11

2011 COMMUNITY DEVELOPMENT  
BLOCK GRANT - CLOSE PUBLIC HEARING

MOTION by Szymanski, SUPPORTED by Monaghan:  
To close the Public Hearing on the 2011 Community Development Block Grant program.

ABSENT: Palmer.

MOTION CARRIED

CM 03-42-11

ADOPTION OF 2010 COMMUNITY  
DEVELOPMENT BLOCK GRANT PROGRAM

RESOLUTION by Marshall, SUPPORTED by Costantino:  
BE IT RESOLVED to adopt the 2011 Community Development Block Grant Program as follows:

Administration	\$ 9,700
SOC Minor Home Repairs	\$16,000
SOC Chore Program	\$ 9,220
Street Improvements	\$52,860
Concrete, Landscape & Electrical - Census Tract 5516003 (Kelly Rd.)	

Pointe Area Assisted Transit Svc. (Handicapped Transportation)	\$ 9,220
TOTAL	<u>\$ 97,000</u>

ROLL CALL VOTE

YES: Marshall, Monaghan, Sawicki, Szymanski, Poynter and Costantino.  
NO: None.  
ABSENT: Palmer.

RESOLUTION ADOPTED

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CM 03-43-11

AN ORDINANCE TO PROHIBIT THE  
DISTRIBUTION OF COMMERCIAL HANDBILLS -  
INTRODUCTION AND FIRST READING

RESOLUTION by Costantino, SUPPORTED by Sawicki:

BE IT RESOLVED to introduce and place for first reading an ordinance entitled "An Ordinance to Amend Chapter 13 by Adding a New Section 13-19 to Prohibit the Distribution of Commercial Handbills Within the City of Harper Woods," and further, to direct the City Clerk to publish a notice of this in accordance with City Charter requirements. (Attachment #1)

ROLL CALL VOTE

YES: Monaghan, Sawicki, Szymanski, Poynter, Costantino and Marshall.  
NO: None.  
ABSENT: Palmer.

RESOLUTION ADOPTED

CM 03-44-11

2003-2009 CONCRETE PAVEMENT REPAIR  
PROGRAM #180-076/081/088/092/101/105/116  
PROGRESS PAYMENT NO. 20

RESOLUTION by Sawicki, SUPPORTED by Monaghan:

BE IT RESOLVED approve payment to Galui Construction Company, Inc. in the amount of \$12,733.15 for Progress Payment No. 20 on the 2003 - 2009 Concrete Pavement Repair Program, #180-076/081/088/092/101/105/116.

ROLL CALL VOTE

YES: Sawicki, Szymanski, Poynter, Costantino, Marshall and Monaghan.  
NO: None.  
ABSENT: Palmer.

RESOLUTION ADOPTED

CALL TO AUDIENCE

Mr. Bruneel thanked the City Council for dedicating the meeting to the late Robert Comfort, and added that his passing will leave a terrible void in the community. He then announced that the Lion's Club will be having their Annual Pancake Breakfast on Sunday, April 17<sup>th</sup> at the

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Community Center, with tickets just \$5, and all proceeds will go to help the needy in the community.

Ms. McCarthy commented on a brochure she recently received from a fire fighter who visited her house and urged her to vote no on the May 3 Public Safety Charter Amendment, saying that this person indicated that the fire fighters are willing to take a pay cut and reduce their pension costs but the City rejected their offer, and she asked if this was correct. (The City Manager said that as the bargaining officer for the City he is precluded from discussing specific bargaining issues, however, he added that there are other conditions that that fire fighter failed to mention when making those comments, and said that those conditions would not benefit the City or the residents.)

Mr. Kein thanked City Council for taking action on adopting an ordinance prohibiting the distribution of handbills door-to-door, and added that if the City finds it cannot completely ban them, then consideration should be given to screening or licensing these individuals. He added that the City of Eastpointe bans this practice and suggested that we look at their ordinance. He then commented on a brochure he recently received from a fire fighter who visited his house and urged him to vote no on the May 3 Public Safety Charter Amendment, saying that he plans on voting no unless the City presents their Public Safety plan in writing which explains how the department will operate. (The City Manager said that the City Attorney has advised him that the City cannot put out any literature on this subject as it will be construed as being political literature. He added however, that there is a citizens committee that will be putting out information advocating passage of the Charter Amendment proposal.)

Ms. Paiz asked if the City has any idea how the Governor's plan will effect the City regardless of how the ballot proposal fares. (The City Manager said that he has not read the Governor's Plan yet so he did not know what impact it will have.) She also asked if there are any assurances that the City will receive additional revenue sharing monies if we share or consolidate services with another community. (The City Manager said that he not aware of any guarantees.)

Ms. Uhl asked the City Manager to clarify a comment that he made earlier this year when he said there is no plan for PSO, because tonight it sounds like there is a plan, and she asked if there is or isn't a plan, and if there is one she asked for a copy. (The City Manager said that she could have a copy of his plan.) She then mentioned that she looked at the State of Michigan's website today and it looks like Harper Woods is projected to receive \$352k in revenue sharing for next year. She then commented on the ordinance that Council is considering that if adopted, would ban handbill distribution in the city, saying that she understands Council's concerns about the impact this would have on local businesses, and said that the City does not have the resources to do background checks on these individuals and that this would be costly to the businesses. She added that it would probably be more cost efficient if these businesses just paid to have their flyers delivered in the newspaper. Lastly, she asked if it is still the City's intention to have a

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separate Public Safety Department, Police Department and Fire Department if the Charter

Amendment passes. (The City Manager said that in the long run that may be the objective, but not right now.) She then asked if we are still looking at a core Fire Department of 9-12 people. (The City Manager said that contractually the City has too.) She then asked some questions related to the fire fighters bargaining positions as it relates to the size of a core Fire Department, and advised the City Manager that they may be willing to discuss this issue further. (The City Manager said that he does not publically discuss contractual negotiations, but added that he will be meeting with the fire fighters union this week.)

Mr. Szolach thanked both the Police and Fire Departments for their quick response to Bob Comfort's house last Wednesday even though he had already passed away. He also thanked the Recreation Department for their assistance with Mr. Comfort's vigil at the park. He then commented on what a good person Mr. Comfort was and how much he cared about the community.

Mr. Selburn said that he was glad to see City Council taking some kind of action on adopting an ordinance banning handbills, even if it is probably illegal as the City Attorney suggests. He added that he would still urge Council to adopt some type of handbill regulation so that residents can feel safe. He then commented on the comment that was made a couple of Council meetings ago when it was suggested that the fire fighters were improperly using City facilities, and that the City Manager was going to investigate the matter and report back, and he asked what the outcome was of that investigation. (The City Manager said that he did not conduct a formal investigation, but learned that the fire fighters used the fire station as a staging point to attend a rally in Lansing.) Then he commented on the word "unfortunate" that was used as it relates to cooperation from the fire fighters union so the City could use cross trained police officers to fight fires, saying that he didn't think this was possible because it is prohibited in the City Charter and the prohibition was upheld in court. (The City Manager said the context of that word was used to describe how the fire union had the opportunity to negotiate the issue of using crossed trained police officers with the City, and that collective bargaining agreements do supercede the City Charter. The Mayor added that the City Charter does give the City the latitude to create other departments as needed and that is why Council tried to create a Public Safety Department.) Lastly, he urged City Council to stop blaming the fire fighters for the City's troubles, because blaming them is not making progress or solving the problems of the City.

Mr. Freeman commented on the Handbill ordinance that Council is considering and the potential problems of adopting this ordinance. He then asked who is the highest paid salaried employee in the City. (Mayor Poynter said technically it is the City Manager, but there are fire fighters and police officers that make more with overtime. The City Manager said that the Police Chief has the highest base salary, but that he makes more with buy-backs, allowances and longevity.) He then asked if there are any plans for the employees to take concessions. Lastly, he commented on how homeowner insurance rates will be affected if Council keeps messing with police and fire services.

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Ms. Uhl commented on the City's characterization of the number of fires the Fire Department responds to every year being very low, saying that is not true. She then asked if the fire union could still resolve their contract differences with the City regardless of the outcome of the May Charter Amendment proposal. (The City Manager said collective bargaining agreements supercede City Charter language.) Then she commented on how she has attempted to work with the City to develop a Public Safety Plan over the last couple of years, and nobody has been willing to do this and now we are facing a make or break situation because of our financial situation and the upcoming ballot proposal. She added that in her view the only way the City can realize any cost savings is through cuts in services or major employee concessions.

Ms. Paiz asked if the possible changing over to a Public Safety Department would affect homeowners insurance rates. (The City Manager pointed out the Grosse Pointe's have either the same or better insurance rating than we do and they have Public Safety Departments.)

Ms. Uhl said that her homeowners insurance representative told her that her homeowners insurance rates would go up if the City went to a Public Safety Department.

Mr. Selburn commented on the Harper Woods School Board being in contract negotiations and how the administrative employees took a 6% pay cut to set an example for the teacher's union. He then commented on the City Manager's characterization of the problems the City is having with the fire fighters saying that the real issue is with the fire union and not the fire fighters. (The City Manager agreed.) Lastly, he disagreed that the May ballot proposal is make it or break it, because regardless of the outcome the City will still face a deficit and only concessions or a reduction in services will make the City solvent.

### CALL TO COUNCIL

Mayor Poynter commented on the Film Festival the Library held last Friday at the High School saying it was extremely successful for a first time event, and understands they plan on having one next year. He then commented on the gigantic loss the community suffered when life long resident, Bob Comfort, passed away last week, saying Bob served the community as the Little League President and always worked for the betterment of the community. He added that over 400 showed their respect for Bob by attending a vigil in the park the day he passed, and that the funeral home was standing room only. He then announced that he will be delivering Meals-On-Wheels this Wednesday as part of a national effort to bring attention to this important program. Then he commented on a group that has been formed in the community called, "Residents For A Safer Harper Woods," who will be getting information out on the upcoming May 3 City Charter Amendment and urging a yes vote. He added that this group has the support of City Council. He also said that this group will be having two residents only meetings to answer questions about the ballot proposal on Thursday, March 31 at 9:00 a.m., and another meeting is going to be

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scheduled in late April in the evening, and that both meetings will be held at New Life Ministries Church in Harper Woods. He further added that these two informational meetings are for residents only because outside forces are trying to control the outcome of this election for the city, saying that these individuals going around in the community now urging a no vote do not live here. He also commented on a public comment made today that the City needs to stop knocking the fire fighters, saying that this works both ways, because he is hearing from residents that these individuals going door-to-door are knocking City Council. He pointed out that City Council has always wanted to work in a spirit of cooperation with the fire fighters union, and despite the fact that the City has offered job security, they have rejected offers of cooperation. He further pointed out that he has been a long time union supporter, and even served as a representative, but said there comes a time when common sense has to prevail and they have to realize that concessions need to be made and that they should be thankful for their jobs. He then commented on the misinformation being put out regarding the ballot proposal saying that the flyer coming out by the Residents For A Safer Harper Woods will address this situation and present accurate information so our residents can make an informed decision. He stressed that he is bothered by the fact that outside forces are trying to tell us what to do when a majority of our fire fighters live in communities with a volunteer fire department and a private ambulance service, and is tired of hearing about all of these emergency

scenarios being raised as a way to scare people into voting no saying that Public Safety Departments are fully capable of handling these situations. He further added that communities like Troy do a great job of fire suppression with just a volunteer Fire Department. He also commented on the misleading comments made by union representatives about the police contracts, and the Governor's plan for consolidation of services. Lastly, he emphasized that he wants this election to be conducted with respect and integrity, and that while he respects the fire fighter's job, the community needs Public Safety.

Mayor Pro tem Szymanski commented on some of the changes the Governor is proposing for cities like merging police/fire services, changing PARA laws and arbitration laws, and eliminating minimum staffing rules, saying that these changes will give local communities more options to respond to the current budget problems. He added that the Governor's plan will also reward communities financially who adopt his proposed changes. He commented on how the existing contracts, Charter and a host of other regulations have worked against the City from making the necessary changes that need to be made, and said the Governor's plan will enable the City to bargain for changes that will benefit the community. He then said he is tired of hearing uninformed comments that our cross trained police officers are not real fire fighters, saying that these individuals received the same training as our existing fire fighters, and at the same time they can fight a fire in every community in Michigan except Harper Woods because of a court order, which was sought by the fire union. Lastly, he commented on the ballot campaign by the fire union, saying residents have told him of instances where ridiculous comments are being made by their representatives in an effort to get people to vote no, and added that he senses that the residents will see through this and vote yes for the Charter Amendment.

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Councilwoman Sawicki pointed out that a number of communities have Public Safety Departments and they are very effective.

Councilman Monaghan commented on the issue of consolidating services and using a Public Safety Department instead of separate departments, saying he believes it will save money and get more eyes on the street. He added that given the Governor's recent plan for changing the way cities operate, that if we don't change, we stand to lose future funding and possibly face having an emergency financial manager who will make the difficult choices that we should make. He then commented on being approached by some Council members in some adjoining communities about the possibility of sharing services including 911 Dispatch services. He advised the Mayor and City Manager that they will be receiving invitations to participate in these discussions soon, and added that he supports this concept. He further added that we were told several years ago by our auditors that we need to make some structural changes in how we deliver our services, and this is a good start. He also said that the City needs to pursue wage and benefit concessions from our employees. Then he discussed the option of using a private ambulance service as a cost saving measure as other communities have. He commented on the City's financial condition saying that it is his understanding that the City is running a deficit of \$1 million this year, with that number to grow in 2012. (The City Manager agreed with the dollar amount and plans to confirm the amount by the end of the week.) He expressed disappointment over the comments that are being made by the "vote no" campaigners to our seniors. He concluded saying that he fully supports the Charter Amendment, and as someone who lives here he wants what is best for the community and does not want to see an emergency financial manager come in and make drastic cuts that won't be good for any us. He said that he would like to see the unions come to the table with proposals that will work for the City.

Mayor Pro tem Szymanski commented on the criticism leveled against the Council by the fire union for giving the police raises in their last contract to cross train as public safety officers. He said that he is

proud of that contract because both sides came away from that agreement as winners, and pointed out that we negotiated in good faith. He added that we have a good group of police officers who are young career minded professionals. He further added that he has been complimented by the Prosecutor's Office on how well prepared our officers are in the court room, and how well our department is run. He suggested that the fire union has a problem with the contract because they couldn't get a similar deal, and they couldn't get a similar deal because they would not compromise, whereas the police did compromise and agreed to do more work. He pointed out that it is no longer the way of the world to give additional compensation to people for doing the same job and not taking on additional responsibility.

Councilwoman Costantino commented on how difficult these times are relating her personal experience and how she makes a fraction of what public employees make while being asked to do more, and despite all this, she is happy to have her current job. She spoke of the contributions she makes to have insurance and pointed out that in these times we need to do more with less.

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She pointed out that our police officers are willing to do more and did not understand why the fire fighters won't agree to do more. She commented on the impact a no vote will have on our police and fire services. She also said that she would support a voluntary pay reduction if our employees would agree to it, especially for employees who make over a certain amount of money, and added that she does not have a lot of sympathy for employees who make double or triple of what she makes and refuse to work harder for it. She added that her personal experience has been good for her in the sense that it puts her in touch with people as many of them have gone through the same thing. Lastly, she said she attended the Residents for A Safer Harper Woods Committee meeting last week where they were working very hard to get information out to the residents on the Charter Amendment, and said she was quite excited about what they are doing.

Councilwoman Sawicki said that she fully supports the Charter Amendment and really thinks the people in the community need to get the information from Residents for A Safer Harper Woods to make their decision. She added that she recognizes people are afraid of change, but added that there are a lot of good Public Safety models that we could adopt. She further said that she is confident we are taking the right steps with the Public Safety proposal, and adopting this change will make us stronger as a community and financially. She also commented on response times under Public Safety saying that there should be no change to our current response times. Then she asked the City Manager if the Financial Committee will be recommending any changes now in lieu of the changes coming out of Lansing, and if so, when will Council be made aware of these recommendations. (The City Manager said that he is working with the Finance Director and Finance Committee diligently and hopes to have something for City Council after the Committee reviews the information.) She suggested that we begin making changes now rather than wait. She then said that she has not been able to attend meeting of the Residents for A Safer Harper Woods, because of the restrictions of the Open Meetings Act, but has communicated with the committee and is anxious to get this information out to the community because she thinks the residents are ready for this change. Lastly, she thanked the Library Board and in particular Rob St. Mary for the outstanding job they did with the film festival.

Councilman Marshall commented on how the issue before City Council may seem complicated with all the discussion of Charter Amendments, lawsuits, 312 Arbitration, pensions and a host of other issues, but on the other hand it is simple because we have shrinking revenues and the responsibility of providing core services to our residents. He further said that while addressing this challenge within the required legal framework and in a creative way, he could assure people that City Council has no hidden agenda, and that as residents City Council is doing what it thinks is in the best interest of the City given the legal



restrictions that are imposed on us and our current financial condition

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CM 03-45-11

ADJOURNMENT

MOTION by Monaghan, SUPPORTED by Szymanski:

That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 8:46 p.m.

ABSENT: Palmer.

MOTION CARRIED

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KENNETH A. POYNTER, MAYOR

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MICKEY D. TODD, CITY CLERK

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND CHAPTER 13 BY ADDING  
A NEW SECTION 13-19 TO PROHIBIT THE  
DISTRIBUTION OF COMMERCIAL HANDBILLS  
WITHIN THE CITY OF HARPER WOODS

THE CITY OF HARPER WOODS ORDAINS:

**SECTION 1.** That a new section 13-19 be and is hereby added to the Code of Ordinances of the City of Harper Woods to read as follows:

**Sec. 13-19 Distribution of Commercial Handbills Prohibited**

\_\_\_\_\_ The distribution of any and all commercial handbills as defined in Sec. 13-1, on any private or public property within the corporate limits of the City of Harper Woods is hereby expressly prohibited.

**SECTION 2. REPEAL** All other ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

**SECTION 3. SEVERABILITY** If any article, section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance, it being the intent of the Council of the City of Harper Woods that this ordinance shall stand, notwithstanding the invalidity of any article, section, subsection, sentence, clause, phrase or portion thereof.

**SECTION 4. EFFECTIVE DATE** This Ordinance shall take effect ten (10) days after enactment as provided by the City Charter.

\_\_\_\_\_  
Kenneth A. Poynter, Mayor

\_\_\_\_\_  
Mickey D. Todd, City Clerk

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:00 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem John M. Szymanski,  
Councilperson(s) Cheryl A. Costantino, Hugh Marshall, Michael P. Monaghan,  
Daniel S. Palmer and Vivian M. Sawicki .

ABSENT: None.

OTHERS PRESENT: City Manager James E. Leidlein and City Clerk Mickey D. Todd.

CM 03-29-11

MINUTES

MOTION by Monaghan, SUPPORTED by Costantino:

To receive, approve and file the minutes of the regular City Council meeting held February 23, 2011, and furthermore, receive and file the minutes of the Library Board meeting held January 20, 2011 and the Board of Zoning Appeals meeting held February 9, 2011.

MOTION CARRIED UNANIMOUSLY

CM 03-30-11

CONSENT AGENDA

RESOLUTION by Costantino, SUPPORTED by Palmer:

BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 93111 through 93206 in the amount of \$523,975.02 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.

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2. Approve payment to Badger Meter, Inc. in the amount of \$8,365.95 for the purchase of 48 new 5/8" Orion automatic read water meters and transmitters.

ROLL CALL VOTE

YES: Costantino, Marshall, Monaghan, Palmer, Sawicki, Szymanski and Poynter.  
NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 03-31-11

MILK RIVER INTEREST

RESOLUTION by Szymanski, SUPPORTED by Monaghan:

BE IT RESOLVED to approve payment in the amount of \$14,442.71 to Wayne County for the Milk River Drain interest payments; \$9,145.52 interest on the 1991 Series Bond, \$965.79 interest on the 1992 Series Bond and \$4,331.40 interest on the 1993 Series Bond.

ROLL CALL VOTE

YES: Marshall, Monaghan, Palmer, Sawicki, Szymanski, Poynter and Costantino.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 03-32-11

LEASE OF PATROL VEHICLES

RESOLUTION by Marshall, SUPPORTED by Costantino:

BE IT RESOLVED to approve the lease of two (2) 2011 Ford Crown Victoria vehicles in the amount of \$40,714.00, and \$9,834.00 for the changeover of equipment and installation, and interest in the amount of \$3,422.30 for a total of \$53,970.30 in three annual payments of \$17,990.10, through the Macomb County Extended Purchasing Agreement, and further, in that these vehicles were competitively bid by Macomb County that the City's formal competitive bidding process be waived.

ROLL CALL VOTE

YES: Monaghan, Palmer, Sawicki, Szymanski, Poynter, Costantino and Marshall.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

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03-33-11

2011 COMMUNITY DEVELOPMENT BLOCK  
GRANT - SCHEDULE PUBLIC HEARING

MOTION by Sawicki, SUPPORTED by Costantino:

To hold a Public Hearing on March 21, 2011 at 7:00 p.m. for the purpose of receiving public input and comment on the 2011 Community Development Block Grant Program. (Attachment #1)

MOTION CARRIED UNANIMOUSLY

CALL TO AUDIENCE

Mr. Toussaint asked what the Milk River Drain is that Council approved an interest payment for. (The City Manager said that it is a storm water retention basin and pumping station funded by Harper Woods, Grosse Pointe Woods, St. Clair Shores and Wayne County.) He then asked how many police cars the city owns. (The City Manager said that he did not know the exact number, but thought it was around 12.)

Then he asked how long the Police Department plans on leasing their police cars. (The City Manager said the lease is for three years.) Lastly, he asked how he could learn more about the upcoming CDBG public hearing and how the proposed funds will be used. (The City Manager encouraged him to contact his office for all the information he needs.)

Mr. Kien commented on how he had to call the police on a person who was going through his work truck in his driveway this morning, saying that the individual was arrested by the police and it was determined that he was handing out flyers door-to-door in the neighborhood. He added that this is the second time he has been victimized by these door-to-door solicitors, and said that the first time this happened he asked Council to adopt an ordinance prohibiting these door-to-door solicitors and the Ordinance Committee agreed but nothing has been done. He said that he didn't understand why it takes so long to get something done, and said that it looks like City Council doesn't care and doesn't plan on doing anything about it. (The City Manager said that he has spoken to the Police Department about this issue and believes that our current ordinances gives us the authority to stop the distribution of these door-to-door solicitors. He added that he proposes to ban them entirely, and added that he has a draft of an ordinance to do just that.)

Mr. Selburn cautioned City Council not to assume that the public is not interested in what is going on just because there are so few residents in the audience, saying that he knows people are paying attention to what is going on. He then commented on the lack of ordinance enforcement when it comes to residents who fail to shovel their sidewalks, or for those people who park their cars over night on the street. (The City Manager said that the City shoveled the sidewalks of approximately 150 homes and billed them for this service during the last snow storm. He added that for the most recent snow storm we may not have shoveled those properties that failed to

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shovel because the snow was expected to melt, and said that it is a judgement call. He also said that the police regularly issue tickets to cars parked illegally overnight on the street.) He then questioned the City Manager's statement in justifying the lease of new police cars when he said that you can double the mileage and wear and tear on police cars because the cars spend a lot of time idling, and said that the City should re-evaluate the amount of idle time being spent in lieu of the increased gas prices. He then commented on Mr. Kien being victimized again by the door-to-door solicitors saying that City Council is aware of this situation and that members of the Ordinance Committee and City Council need to speak up and do something. Then he asked if the City Manager responded to City Council about the issue raised at the last meeting of the fire fighters inappropriately using the building for union related business. He also commented on the comments made at the last meeting by the City that budget reductions will result in the layoff of police officers and suggested that the City should explore other options like cutting the fully staffed Recreation Department. Lastly, he commented on a statement made at the last meeting by a member of Council during Call to Council, saying that it was very distressful to hear a member of City Council saying that it was unfortunate that the public has to vote on changing the Charter, and implied that it appears the Council did not want to follow the democratic process because they wanted to do an end around by negotiating the issue of public safety rather than letting the public decide. (Mayor Poynter responded saying that he was the one that used the word unfortunate, but not in the context mentioned, but rather in the context that City Council wanted cooperation from the Fire Union via contract negotiations to support the use of cross trained police officers to supplement the Fire Department. He pointed out that it was unfortunate that the matter could have been resolved with cooperation from the Fire Department, rather than the City absorbing the cost of an election. He then commented on the fact that at the last meeting several fire fighters were sitting in the audience rather than working, which resulted in only two fire fighters covering the station that night. He also pointed out that

he is at City Hall on a regular basis to discuss issues of concern with the City Manager and the public. He emphasized that if there was cooperation we would not have to spend money on an election.)

Pastor Matthew Roman of Eastside Church advised City Council that he has spoken to several of our fire fighters and is left with the impression that they feel they are not being listened to, and he encouraged Council members to sit down with them and talk the problem out. He concluded, saying that he knows City Council is doing the best they can, but just wanted to bring this issue to their attention. (The Mayor said that he understands what he is saying and pointed out that at the last Council meeting he said that he wants to approach the upcoming election with integrity and respect. He added that he believes this is the best way to approach any situation even if both parties are in disagreement, because if both parties take this approach a reasonable conclusion can be reached. He further said that he and the rest of City Council are always available to speak to any employee, but said that they will not act as a bargaining agent for the City.)

Mr. Kien commented on the City's upcoming May 3 City Charter ballot proposal, saying City Council has not given the public information on what is being voted on, and what the City's plan

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will be if it passes or fails, and said that if information is not given to the public the proposal will fail and it will be the fault of City Council. (Mayor Poynter said that there is a committee working on getting information out to the residents about the ballot proposal.)

#### CALL TO COUNCIL

Mayor Poynter complimented the DPW on behalf of City Council for the excellent job they have done on snow removal. He then commented on the meeting that he attended with the City Manager and Dial-A-Ride Director at Park Place where they met with seniors to discuss the future of the bus service. He said that the meeting went well and the seniors said that they were glad that the City Officials came to Park Place to discuss the matter, because they did not want to come out at night to attend a Council meeting. Lastly, he announced that SMART will expand their service to compensate for the loss of the Dial-A-Ride service.

Councilman Monaghan asked that Council go right into the Goal Setting session, rather than recessing.

Councilwoman Sawicki asked the City Manager if he could provide any information on the Public Hearing by SMART to discuss the future of our Dial-A-Ride service. (The City Manager said that the public hearing will be April 12<sup>th</sup> from 4 p.m. to 6 p.m. in the City Council chambers, and that SMART officials will be available along with the Dial-A-Ride Director to hear public input.) She then commented on the discussion about passing an ordinance prohibiting the door-to-door handbill solicitation, saying that she would be in favor of such an ordinance and asked if the rest of the Council would support such an ordinance. (By consensus the Council members directed the City Manager to prepare an ordinance prohibiting door-to-door handbill solicitation, and the City Manager said that he would have the ordinance for them at their next meeting.) Lastly, she said she recently read where the City of Grosse Pointe Woods is considering using a water storage tank as a means of offsetting the increased water rates from the City of Detroit, and asked the City Manager if he could look into this and determine if this is something we should be doing.

Councilwoman Costantino said that she had planned on bringing up the issue of adopting a handbill

ordinance and parental responsibility ordinance at the goal setting session. She then commented on the comment made about how Council members should sit down and talk to the fire fighters, saying that she has done that and found that many of their comments and concerns were not realistic, and added that they were not living in the same world as everyone else. She did however say that we still have to consider each issue they raise. She stressed that things are different now and that the City needs the option of tailoring our services to our needs and financial resources, so she is glad that the Charter Amendment is on the ballot. She commented that our method of operation is archaic and it is very frustrating to her because she wants to get

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things done.

Councilwoman Sawicki announced that our Library Director has asked the public to contact their representatives and ask them to oppose the library cuts proposed by Governor Snyder, which if approved, would eliminate all funding for libraries and library co-operatives. She agreed that this is an important issue and urged the public to support libraries.

Councilman Marshall asked the City Manager if we have the money to fill pot holes and repair the cracks in our roads. (The City Manager said that we do have the resources to address our pot hole problems, and said that we are applying for grant monies to perform joint and seal repair of our roads.)

CM 03-34-11

2011 GOAL SETTING SESSION

MOTION by Monaghan, SUPPORTED by Sawicki:  
To adjourn to the Conference Room for the 2011 Goal Setting Session.

MOTION CARRIED UNANIMOUSLY

The City Council recessed at 7:56 p.m. and reconvened in the Conference Room at 8:00 p.m.

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2011 GOAL SETTING SESSION

The Mayor, Council members and City Manager reviewed and discussed Goal Setting and Strategic Planning for the year. Among the items discussed were:

- the City's financial situation, and the possible options that could be pursued to address the revenue shortfall;
- developing future budgets where expenses are equal to revenues;
- employee concessions and reductions in retiree health care cost;
- preparing a community brochure;
- using CDBG monies for cul-de-sacs; lighting on Kelly Road and surveillance cameras;
- develop information for the public on the upcoming May 3 ballot proposal; and
- pursue adopting a handbill ordinance and parental responsibility ordinance.

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CALL TO AUDIENCE

Mr. Selburn commented that City Council spent too much time focusing on the difficulties the

City has dealing with the fire fighters. He added that he understands the City is facing down bankruptcy, but said Council needs to focus on cutting something else and that their priorities should be police/fire and ambulance service.

Ms. Kindle pointed out that the City cannot be operated like a business because it does not operate for profit. She added that she was glad to hear the City is hiring a grant writer because she said resources are available. Lastly, she urged Council to get out of the mode of its us versus them, because nobody can go it alone so we all need to be on the same page in facing these difficulties.

CM 03-35-11

EXECUTIVE SESSION -  
COLLECTIVE BARGAINING MATTER

RESOLUTION by Marshall, SUPPORTED by Sawicki:  
BE IT RESOLVED to adjourn to executive session for the purpose of discussing a collective bargaining matter.

ROLL CALL VOTE

YES: Palmer, Sawicki, Szymanski, Poynter, Costantino, Marshall and Monaghan.  
NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

The City Council adjourned to Executive Session at 8:50 p.m. and reconvened at 8:59 p.m.

CM 03-36-11

ADJOURNMENT

MOTION by Monaghan, SUPPORTED by Palmer:  
That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 8:59 p.m.

MOTION CARRIED UNANIMOUSLY

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KENNETH A. POYNTER, MAYOR

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MICKEY D. TODD, CITY CLERK

**ATTACHMENT #1**

CITY OF HARPER WOODS  
WAYNE COUNTY, MICHIGAN  
NOTICE OF PUBLIC HEARING  
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM  
19617 HARPER AVENUE  
WAYNE COUNTY, MICHIGAN



A public hearing is scheduled before the Mayor and City Council on Monday, March 21, 2011 at 7:00p.m. In the City Council chambers off the Municipal Building, 19617 Harper Avenue for the purpose of:

**Receiving comments or suggestions regarding the 2011 Community Development Block Grant (CDBG) Program. These suggestions must identify and benefit community development or housing needs of low and moderate residents.** The City of Harper Woods expects to receive approximately \$97,000. The primary objectives of the Community Development Program are to assist low to moderate income families, preserve neighborhoods, assist in replacing the urban infrastructure and to assist in meeting special needs of seniors and physically disabled wherever possible.

<u>LOCATION</u>	<u>POTENTIAL PROJECTS ACTIVITIES</u>	<u>AMOUNT</u>
Kelly Road Census tract 5516 Blocks	Streetscape improvements: Concrete, landscape, electrical	\$52,860
City Wide	SOC minor home repairs: Assistance to elderly and handicapped based on income	16,000
City Wide	SOC Chore Program	9,220
City Wide	Pointe Area Assisted Transit: Handicapped transportation based on income	9,220
City Wide	Administration: Program Management	<u>9,700</u>
<b>TOTAL</b>		<b>97,000</b>

The City of Harper Woods will apply for housing rehabilitation funds estimating the amount to be \$30,000, which will be administered by Services for Older Citizens.

Please write or call the Office of Community Development, 19617 Harper Avenue, Harper Woods, Michigan 48225 313-343-2518

Mickey D. Todd  
City Clerk

Publish: March 3, 2011  
Posted: March 3, 2011

CITY OF HARPER WOODS  
CITY COUNCIL  
FEBRUARY 23, 2011

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:00 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem John M. Szymanski, Councilperson(s) Cheryl A. Costantino, Hugh Marshall, Daniel S. Palmer, and Vivian M. Sawicki.

ABSENT: Councilman Michael P. Monaghan.

OTHERS PRESENT: City Manager James E. Leidlein, City Attorney J. Russell LaBarge and City Clerk Mickey D. Todd.

CM 02-19-11 EXCUSE COUNCILMAN MICHAEL P. MONAGHAN

MOTION by Palmer, SUPPORTED by Sawicki:

To excuse Councilman Michael P. Monaghan from tonight's meeting because of illness.

ABSENT: Monaghan.

MOTION CARRIED

CM 02-20-11 MINUTES

MOTION by Szymanski, SUPPORTED by Palmer:

To receive, approve and file the minutes of the regular City Council meeting held February 7, 2011, and furthermore, receive and file the minutes of the Board of Trustees Employees Retirement System meeting held February 7, 2011.

ABSENT: Monaghan.

MOTION CARRIED

CITY OF HARPER WOODS, MICHIGAN  
REGULAR CITY COUNCIL MEETING

FEBRUARY 23, 2011  
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CM 02-21-11 CONSENT AGENDA

RESOLUTION by Costantino, SUPPORTED by Palmer:

BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 92990 through 93110 in the amount of \$266,363.93 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.
2. Approve payment to Nu Appearance Maintenance in the amount of \$18,766.80 for sidewalk salting and snow removal in various areas of the City.
3. Approve payment to Guardian Sewers in the amount of \$9,100.00 for their assistance with various water main breaks in the City.
4. Approve payment to Statewide Security Transport in the amount of \$6,214.50 for prisoner lodging and maintenance for the month of January 2011.

ROLL CALL VOTE

YES: Costantino, Marshall, Palmer, Sawicki, Szymanski and Poynter.

NO: None.

ABSENT: Monaghan.

RESOLUTION ADOPTED

CM 02-22-11

OPEN PUBLIC HEARING - REQUEST  
FOR TAXICAB FARE RATE INCREASE

MOTION by Palmer, SUPPORTED by Sawicki:

To open the Public Hearing on a proposed fare increase by Shamrock Cab Company.

ABSENT: Monaghan.

MOTION CARRIED

PUBLIC HEARING

The City Manager stated that City Ordinance 24-5 requires City Council to have a Public Hearing before taking action on a request from a Cab Company to increase fares. He then reviewed the fare request and answered any questions.

Ms. Kindle asked what the reasons were for the requested increased fares, and suggested that consideration be given to granting a lesser increase.

CITY OF HARPER WOODS, MICHIGAN  
REGULAR CITY COUNCIL MEETING

FEBRUARY 23, 2011  
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Ms. McCarthy said that she understood that the cab company needed to increase their rates in 2008 because of gas prices, but said she didn't understand why they needed to increase rates now.

Ms. Carlson suggested that the increased gas cost may not be the sole reason for the proposed increase in cab rates, saying that increases in insurance costs and other maintenance related costs are probably the reason for the request.

Ms. Kingston commented on the cab service being reliable and understands the request since insurance rates have gone up over the last couple of years.

Mr. Finazzo, owner of Shamrock Cab, explained the reasons for his request and answered any questions.

CM 02-23-11

CLOSE PUBLIC HEARING - REQUEST  
FOR TAXICAB FARE RATE INCREASE

MOTION by Palmer, SUPPORTED by Sawicki:

To close the Public Hearing on a proposed fare increase by Shamrock Cab Company.

ABSENT: Monaghan.

MOTION CARRIED

CM 02-24-11

SHAMROCK CAB COMPANY  
TAXICAB RATE FARE INCREASE

RESOLUTION by Sawicki, SUPPORTED by Szymanski:

BE IT RESOLVED to approve the following fares for Shamrock Cab Company:

Flag Throw	\$3.00
Per Mile Charge	\$2.50
Wait Time/Traffic Delay Time	\$36.00

ROLL CALL VOTE

YES: Marshall, Palmer, Sawicki, Szymanski and Poynter.

NO: Costantino.

ABSENT: Monaghan.

RESOLUTION ADOPTED

CITY OF HARPER WOODS, MICHIGAN  
REGULAR CITY COUNCIL MEETING

FEBRUARY 23, 2011  
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CM 02-25-11

2010 ADA RAMP REPLACEMENT - CDBG  
FUNDED #180-126 - PROGRESS PAYMENT NO. 1

RESOLUTION by Marshall, SUPPORTED by Szymanski:

BE IT RESOLVED to approve payment to C & L Enterprizes, Inc. in the amount of \$47,299.97 for Progress Payment No. 1 on the 2010 ADA Ramp Replacement Project, #180-126.

ROLL CALL VOTE

YES: Palmer, Sawicki, Szymanski, Poynter, Costantino and Marshall.

NO: None.

ABSENT: Monaghan.

RESOLUTION ADOPTED

CM 02-26-11

DIAL- A- RIDE TRANSIT SERVICE -  
RECEIVE AND FILE MANAGEMENT REPORT

MOTION by Sawicki, SUPPORTED by Szymanski:

To receive and file the Management Report on the City's Dial-A-Ride Transit Service as submitted by the City Manager.

ABSENT: Monaghan.

MOTION CARRIED

CM 02-27-11

RESOLUTION - CHARITABLE GAMING LICENSE  
HARPER WOODS CIVIC FOUNDATION

RESOLUTION by Szymanski, SUPPORTED by Sawicki:

BE IT RESOLVED that the request from the Harper Woods Civic Foundation of Harper Woods County of Wayne, asking that they be recognized as a non profit organization operating in the community for the purpose of obtaining charitable gaming licenses, be considered for approval.

ROLL CALL VOTE

YES: Sawicki, Szymanski, Poynter, Costantino, Marshall and Palmer.

NO: None.

ABSENT: Monaghan.

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RESOLUTION ADOPTED

CITY OF HARPER WOODS, MICHIGAN  
REGULAR CITY COUNCIL MEETING

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CALL TO AUDIENCE

The City Manager suggested that the Goal Setting Session be rescheduled for the next meeting since Councilman Monaghan was not present, and added that he felt it would be more productive at that time because he will have updated financial information for Council to consider.

Ms. Kingston asked if the monies raised for the Harper Woods Civic Foundation have to be used in the city. (The City Manager said that that is the intent, but added that the City does not have any control on how the funds are expended, and that distributions must be made consistent with IRS regulations and the State of Michigan.) She then asked what the rental guidelines are for Park Place of Harper Woods and asked if the City has any say so in the guidelines. (The City Manager said that Park Place of Harper Woods is State and Federally subsidized housing that is operated by National Church Residences in Columbus, Ohio. He further added that the City does not have any oversight or authority in the day-to-day operations of the complex.) Lastly, she asked if the City issues tickets to residents who fail to shovel their walks. (The City Manager said that we hire a contractor to clear the walk then send the homeowner a bill for the service.) She suggested that we ticket the violators and also suggested that during the summer months the City Inspector should ride a bike to look for violations as a means of being more thorough.

Ms. Carlson asked if the Police Department still enforces the overnight parking ordinance saying that there has been a car covered with snow on Damman near Harper that has been parked on the street for a while, and it has not been ticketed. She also said that she has a neighbor who drives a cab and parks his car on the street who is rarely ticketed, and when he is ticketed, he just throws the tickets away. (The City Manager assured her that tickets are issued on a regular basis to people who leave their car parked overnight on the street, and added that he would advise the Police about this situation.)

Ms. Rutledge commented on Council's approval of the Harper Woods Civic Foundation saying that Council should have been given more information on what will become of the money before recommending approval of the license.

Mr. Selburn asked if the City has a cable agreement with AT&T Uverse cable television, saying that he knows it is available in parts of the city, but not where he lives. (The City Manager said that the City does not have an agreement with AT&T Uverse and that cable television is regulated by the Federal Government.) He then asked if the City Charter Amendment has been approved by the Governor's Office so that it can appear on the May 3 ballot. (The City Manager said that the City received approval yesterday from the Governor's Office to place the proposal before the voters in May.) Then he commented on the gentlemen who spoke on behalf of the Harper Woods Civic Foundation and said that

he wished someone from City Council would have encouraged him to consider creating a scholarship fund to the Harper Woods School District, and not just the Grosse Pointe School District as he indicated. He then commented on

CITY OF HARPER WOODS, MICHIGAN  
REGULAR CITY COUNCIL MEETING

FEBRUARY 23, 2011  
PAGE 6

the Dial-A-Ride Management Report and said that the City Manager's characterization of the students using this service to be a small percentage is a relative term, because you would not feel that way if you were one of the students. (The City Manager said that he met with both School Superintendents to discuss this matter, and further pointed out that the schools have a bus that they could use to transport students.) Then he commented on how unfortunate it was that the seniors from Park Place were not able to come over and express their concerns about the Dial-A-Ride buses being eliminated. He suggested that perhaps the City should consider reducing the subsidy to the Dial-A-Ride service rather than eliminating it all together, and added that Council needs to stop threatening the public with the layoff of police officers as the only alternative, and suggested that they consider laying off the Recreation Director instead.

Ms. Kingston commented on the Harper Woods Civic Foundation saying that this is the first time she ever heard of them, and said she believes any money raised by them should be donated in the city. She also asked if anyone was aware of any money being donated from this organization to any city related project or cause in the past.

Ms. McCarthy passed out brochures on the latest planned activities for the Life Long Learning Center at St. Peter's Church. She then asked the two Council women if they plan on attending the League of Women Voters workshop on March 25 that promotes civic interest among young women in the community. (Both Councilwoman Costantino and Sawicki said that they didn't know if they could get that day off of work, but would let her know.) Lastly, she said she had the opportunity to witness one of our Police Officers interacting with some kids at the high school recently and said she was really impressed by how well he connected with the students, and this made her proud.

Ms. Larrew announced an upcoming Film Festival that the Library will be having in March as a fund raiser and urged City Council to attend.

Mr. Selburn said that the police officer Ms. McCarthy was speaking about is probably Charles Walker, and added that it is too bad that he still can't be assigned to the High School because he did such a wonderful job when he was there. He then asked the City Manager what the time frame is for a vehicle in Harper Woods to be declared abandoned. (The City Manager said that it is 72 hours.)

Mr. Shenburn said that he noticed in the minutes that Nu Appearance is paid quite a bit of money for snow removal and asked if it wouldn't be more efficient to hire someone part-time at a lesser rate to do the same thing. (The City Manager said that part-timers could not handle the work load.) He then said that he heard some communities are charging bank owned properties maintenance fees and asked if the City is considering this. (The City Manager said that he is looking into adopting a new ordinance that would require bank owned properties to pay the City an annual maintenance fee.) Lastly, he commended the Police Department on receiving

CITY OF HARPER WOODS, MICHIGAN  
REGULAR CITY COUNCIL MEETING

FEBRUARY 23, 2011  
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some good press lately.

### CALL TO COUNCIL

Mayor Poynter congratulated the Department of Public Works employees on the fine job they have done of keeping our streets plowed. He then announced that the State of Michigan will be doing repairs and resurfacing on I-94 and the overpasses beginning this spring with a scheduled completion date in November.

Mayor Pro tem Szymanski said that he understands that the fire fighters used our facilities today to help IAFF members organize a protest rally in Lansing. He further stated that while he is not anti-union, he takes exception as a taxpayer to them using a City facility for this activity. He pointed out that the other employee unions would not be allowed to do this, and asked the City Manager if there is a City policy that addresses this matter, and if the union had the City's permission to use our facilities. (The City Manager said that he would inquire about the situation.)

Councilwoman Costantino commented on the City of Allen Park laying off all their fire fighters, and said that City Council is trying to avoid this situation from happening here by exploring other alternatives. She added that she hoped alternatives could be found in the upcoming Goal Setting Sessions, and further added that she wants to provide residents with all the information they need to make an informed choice on the upcoming May 3 Public Safety Ballot Proposal.

Mayor Poynter also commented on the May 3 Public Safety Ballot Proposal, saying that Council wants to be transparent and factual in presenting information to the residents, and plans to approach this issue with integrity and respect. He added that he did not see any other course of action for the City to take in this matter.

Councilwoman Sawicki said she is concerned about Councilman Szymanski's comments in reference to the union using City facilities to organize a rally in Lansing, and asked the City Manager to investigate this situation and report back. She added that this type of activity should not be taking place on City property and is counter productive and should stop.

CM 02-28-11

### ADJOURNMENT

MOTION by Marshall, SUPPORTED by Szymanski:  
That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 8:24 p.m.

CITY OF HARPER WOODS, MICHIGAN  
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ABSENT: Monaghan.

MOTION CARRIED

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KENNETH A. POYNTER, MAYOR

MICKEY D. TODD, CITY CLERK

**CITY OF HARPER WOODS  
OFFICE OF THE CITY MANAGER  
MANAGEMENT REPORT  
DIAL-A-RIDE TRANSIT SERVICE**

**James E. Leidlein  
City Manager  
February 2011**



## INTRODUCTION AND BACKGROUND

In the City's 2011 Calendar/Fiscal year budget we proposed the discontinuation of our Dial-A-Ride Transit service effective July 1, 2011. This is just one of many reductions in services the City must undertake in light of unprecedented reductions in tax revenue due to plummeting property values and sizable decreases in state revenue sharing.

The purpose of this report is to provide an overview and background of our DART service and its current financial impact on the City's budget.

At the outset, it should be noted that this report does not analyze the Pointes Area Assisted Transit Service (PAATS). This service is a jointly funded and operated one with Harper Woods and the five Grosse Pointes. It appears to cover its costs mostly the result of Community Development Block Grant Funds contributed by the cities of Harper Woods and Grosse Pointe Woods, municipal and community credits and state specialized service funds.

PAATS has a much larger service area than our DART services. There are two primary differences between the two services:

- 1) Anyone can use DART. In order to use PAATS, the rider must be sixty or older, disabled and a resident of Harper Woods or one of the Grosse Pointe communities.
- 2) DART is an on-demand service. A rider needs only request a bus and one will be dispatched almost immediately. For PAATS, riders need to make an appointment, currently thirty-six hours in advance.

PAATS is governed by a separate entity comprising of representatives from each of the six cities. In 1991, the PAATS Board contracted with the City of Harper Woods to manage and operate their system. Although the services are separate, they do at times intermingle. In fact, they are to a degree duplicated services, especially as to seniors and handicapped individuals. None of the Grosse Pointes Communities have separate DART service.

## HISTORY OF HARPER WOODS DART / CONNECTOR SERVICE

Our commuter service began in May of 1975 with two twelve-passenger vans.<sup>1</sup> A key word is "connector" as the original purpose and intent was to connect to fixed route service on Harper Avenue. This allowed commuters to use public transportation from their homes to their place of employment, mostly downtown Detroit.

Our service area is Kelly Road to the west, Eight Mile to the north, Mack to the east and Moross to the south. Thus, service is provided to a portion of Grosse Pointe Woods and the City of Detroit with no financial contribution from either municipality.

Today we have four eighteen-passenger buses serving the City five days a week from 7:00 a.m. to 5:00 p.m. While we still have some riders who use DART as a connector service, typical riders are senior citizen women who either have never driven or due to health or age reasons

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<sup>1</sup>Both then and now the busses are provided to the City at no cost by SMART or its predecessor SEMTA. The City annually enters into a written agreement with SMART to operate the Connector service.

can no longer drive. They are transported to grocery stores, drug stores, beauty shops, other shopping and the like.

We also provide a “Gratiot Loop” service once a week. This includes Macomb Mall, Meijers, Sam’s Club, Home Depot and other stops in the vicinity. Additionally, daily trips are provided to K-Mart at Nine Mile and Harper. Once a month trips to Wal-Mart at M-59 and I-94 and Nino Salvaggio’s on M-59 are also offered. On a daily basis DART transports eight mentally impaired adults to workshops on Van Dyke.

Dial-A-Ride also provides special day trips at special fares to the Fox Theater, Somerset Mall, Port Huron, Ikea and other similar destinations.

**FARES**

The current fare structure each way for DART is as follows:

Seniors and Handicap	\$1.00
Children 5-12	\$1.00
Students 13-18	\$1.50
Full Fare	\$2.00
Gratiot Loop	\$4.00 (total)
Wal-Mart; Nino’s	\$7.00 (total)

The most common fare collected is \$1.00

**DART SCHOOL TRANSPORTS**

As has been discussed publicly, we have not always utilized our Dial-A-Ride services to transport students to or from school. We began this perhaps ten years ago mostly as an additional revenue source.

This issue may be somewhat of a red herring in the discussion of terminating our Dial-A-Ride service. Critics have voiced their concern over the dramatic impact this will have on the school children in this community. In reality, we serve only a very small percentage of students in both the Harper Woods and Grosse Pointe School District.

As shown in Table 1, out of 2,343 students, approximately 144 or six percent use our Dial-A-Ride service. We are limited in capacity by the number of busses and their capacity to transport students. The waiting list is only about fifty. Thus, the vast majority of our student residents do not rely on or need (or have requested) Dial-A-Ride service.

Table 1				
<u>SCHOOLS</u>	<u>TOTAL ENROLLMENT</u>	<u>APPROX. # USING DART</u>	<u># NOT USING</u>	<u>% USING</u>
HW High/Middle School	704	36	668	5%
Tyrone	261	36	225	14%
Beacon	304	36	268	12%
Parcells/Poupard	1074	36	1038	3%
<b>TOTALS</b>	<b>2343</b>	<b>144</b>	<b>2199</b>	<b>6%</b>

We have discussed this with both of the School Superintendents and we believe it unlikely that they will provide alternative transportation for their students.

While not an overly significant concern, there is the safety issue in utilizing our busses as school busses. They are not the proper color and warning devices are not as pronounced as on a school bus. Traffic laws requiring cars to stop in both directions for a school bus do not apply to our Dial-A-Ride busses.

Granted, some students (and their parents) will be inconvenienced by the discontinuation of service, but the number of affected students is relatively small.

**RIDERSHIP**

Table 2 provides a five-year summary of ridership on our Dial-A-Ride service.

	<u>2006</u>	<u>2007</u>	<u>2008</u>	<u>2009</u>	<u>2010</u>
<b>RIDERS</b>	37,726	34,382	39,793	39,372	41,513

We average about 37,500 riders per year. However, this number has to be kept in context. Most are round trip rides thus counting one rider twice. Additionally, a fair majority of these are regular customers.

With four busses operating approximately 250 days per year daily ridership per bus is approximately 35. But, again, most of these are round trips and, thus the actual number of riders, per bus is closer to 20. These ridership averages are significantly skewed by students during the school year. Ridership figures drop significantly during the summer months.

**DART'S FINANCIAL IMPACT**

Table 3 shows the revenues and expenses of our Dial-A-Ride service for the past five years.

	<u>2006</u>	<u>2007</u>	<u>2008</u>	<u>2009</u>	<u>2010</u>
<b><u>REVENUES</u></b>					
<b>Fares</b>	\$33,354	\$36,104	\$41,646	\$43,569	\$45,519
<b>SMART Subsidy</b>	\$35,433	\$32,556	\$29,314	\$40,370	\$34,603
<b>TOTAL</b>	\$68,787	\$68,660	\$70,960	\$83,939	\$80,122
<b><u>EXPENSES</u></b>					
<b>Wages and Fringes</b>	\$250,798	\$258,169	\$262,509	\$265,505	\$231,422
<b>Fuel</b>	\$18,341	\$19,442	\$29,671	\$18,387	\$24,868
<b>Other *</b>	\$22,135	\$18,599	\$19,132	\$21,684	\$18,976

TOTAL	<u>\$291,274</u>	<u>\$296,210</u>	<u>\$311,312</u>	<u>\$305,576</u>	<u>\$275,266</u>
LOSS	<u>(\$222,487)</u>	<u>(\$227,550)</u>	<u>(\$240,352)</u>	<u>(\$221,637)</u>	<u>(\$195,144)</u>

Collectively since 2006, the DART Service has cost the City in excess of \$1.1 million or an annual average loss in excess of \$220,000.

Using the ridership figures shown in Table 2 and cost figures from Table 3, the cost per ride can be calculated. This data is presented in Table 4.

	2006	2007	2008	2009	2010
Cost per Rider	\$8.90	\$8.62	\$7.82	\$7.76	\$6.63

Five Year Average - \$7.95

On average the cost per ride is \$8.00. With most fares paid being \$1.00, the City's General Fund is subsidizing an average of \$7.00 per ride.

#### ALTERNATIVES TO AND EFFECTS OF DISCONTINUATION OF DART SERVICE

One alternative to consider is to increase fares to cover our costs. However, this is not viable and the fares would be so high that a dramatic change in ridership would most surely occur. Paying \$8.00 for a short one-way bus trip is not feasible.

As another alternative, we will continue to work with SMART to provide some form of Connector service as they do for, we believe, Eastpointe, Roseville and St. Clair Shores. Those systems, however, all require advance reservations.

Mostly affected by discontinuation of service will be students. However, as this report has shown, that is a relatively small number of all students. Others will be our full fare riders who do use DART to either connect to the fixed routes or to work or visit in our service area.

Senior citizens and handicapped residents will be affected but not as seriously as some fear. Some adjustments will be required but service will still be available through PAATS. They will have to plan their trips and outings accordingly as advance reservations are required, unlike DART which is basically on-demand.

We truly regret having to discontinue our Dial-A-Ride Transit service. We know that it has been a valuable service to many of our residents over the years.

However, given our current and future financial challenges, we can no longer afford to subsidize this service.

James E. Leidlein  
City Manager

CITY OF HARPER WOODS  
CITY COUNCIL  
FEBRUARY 7, 2011

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:00 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Councilperson(s) Cheryl A. Costantino (7:04 p.m.), Hugh Marshall, Michael P. Monaghan, Daniel S. Palmer, and Vivian M. Sawicki

ABSENT: Mayor Pro tem John M. Szymanski.

OTHERS PRESENT: City Manager James E. Leidlein and City Clerk Mickey D. Todd.

CM 02-14-11 EXCUSE MAYOR PRO TEM JOHN M. SZYMANSKI

MOTION by Monaghan, SUPPORTED by Palmer:

To excuse Mayor Pro tem John M. Szymanski from tonight's meeting because of a prior commitment.

ABSENT: Costantino and Szymanski.

MOTION CARRIED

CM 02-15-11 MINUTES

MOTION by Monaghan, SUPPORTED by Palmer:

To receive, approve and file the minutes of the regular City Council meeting held January 19, 2011, and furthermore, receive and file the minutes of the School District of Harper Woods Election Coordinating Committee meeting held January 17, 2011, the Local Officers Compensation Commission meeting held January 31, 2011, and the Board of Trustees Employees Retirement System meeting held January 31, 2011.

CITY OF HARPER WOODS, MICHIGAN  
REGULAR CITY COUNCIL MEETING

FEBRUARY 7, 2011  
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ABSENT: Szymanski.

MOTION CARRIED

Councilwoman Sawicki commented on the Local Officers Compensation Commission minutes where it was suggested that City Council may want to consider taking a reduction in pay as an example to the City employees, and requested to have the City Attorney review the Compensation ordinance to see if this is possible.

CM 02-16-11

CONSENT AGENDA

RESOLUTION by Monaghan, SUPPORTED by Sawicki:

BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 92885 through 92989 in the amount of \$226,228.30 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.
2. Approve payment in the amount of \$19,713.36 to Grosse Pointe Woods for the City's pro-rata portion of the operating and maintenance of the Torrey Road Pump Station for the period July 1 through December 31, 2010.
3. Approve payment to Nu Appearance Maintenance in the amount of \$9,993.55 for sidewalk salting and snow removal in various residential and commercial areas of the City.
4. Approve payment to Statewide Security Transport in the amount of \$7,397.73 for prisoner lodging and maintenance for the month of December 2010.

ROLL CALL VOTE

YES: Costantino, Marshall, Monaghan, Palmer, Sawicki and Poynter.

NO: None.

ABSENT: Szymanski.

RESOLUTION ADOPTED

CM 02-17-11

2010 MISCELLANEOUS CONCRETE PAVEMENT  
REPAIR PROGRAM #180-129 - PROGRESS PAYMENT NO. 2

RESOLUTION by Costantino, SUPPORTED by Marshall:

BE IT RESOLVED to approve payment to Zuniga Cement Construction, Inc. in the amount of \$4,072.88 for Progress Payment No. 2 on the 2010 Miscellaneous Concrete Pavement Repair Program, #180-129.

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ROLL CALL VOTE

YES: Marshall, Monaghan, Palmer, Sawicki, Poynter and Costantino.

NO: None.

ABSENT: Szymanski.

RESOLUTION ADOPTED

CALL TO AUDIENCE

The City Manager suggested and City Council concurred, to cancel the scheduled Goal Setting session for tonight because all the Council members were not present.

Mr. Zavorski identified himself as the homeowner of the property on Anita that City Council adopted a condemnation resolution for at the last Council meeting. He requested that the City give him more time to

remedy his situation, saying that he was told by the Building Inspector that he would have at least a year to address the fire damage and represented that he intends to rebuild the house. He added that the other property that City Council condemned at the last meeting was given more time to repair their fire damage, which occurred in 2008, and wanted to know why he isn't being given the same opportunity. (The City Manager asked him for his phone number saying that he would talk to him about it and attempt to work something out, and assured him that the condemnation proceedings would not go forward for now.)

Ms. Uhl thanked Councilman Marshall for meeting with her after the last meeting to discuss her concerns. She then commented on the invoice that Council approved for payment tonight to NuAppearance for snow removal on residential properties and asked if most of those properties were vacant. (The City Manager said it is a fair number of them but estimated that it is less than half.) Then she asked if the Public Safety Ballot proposal language has been approved by the Attorney General's Office and it is still going to be on the May 3 ballot. (The City Manager said that the language has been approved by the Attorney General, and that once the Governor gives his final approval it will be put on the May 3 ballot.)

Mr. Regal commended the Department of Public Works for the outstanding job they are doing of plowing the snow.

Mr. Bruneel commented on Valentine's Day coming up and suggested to everyone that they show more love and compassion.

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#### CALL TO COUNCIL

Mayor Poynter, on behalf of City Council, commended the Department of Public Works for the outstanding job they have done plowing our streets. He then read the following list of budget reductions the City Council has made:

- have not filled seven vacant positions in the Fire Department - annual savings of \$700k;
- have not filled four vacant positions in the Police Department - annual savings of \$400k;
- eliminated the Community Development Director Position - annual savings of \$85k;
- eliminated the Sport Dir. Position - annual savings of \$75k
- eliminated two Maintenance positions in Parks and Recreation - annual savings of \$85k;
- made the Dial-A-Ride Director part-time - annual savings of \$30k;
- made the Assessor/Building Inspector part-time - annual savings of \$40k;
- made the City Clerk part-time - annual savings of \$35k;
- will be making the City Treasurer part-time - annual savings of \$35k;
- made the Police Chief Secretary part-time - annual savings of \$30k;
- have not filled three vacancies in DPW - annual savings of \$125k;
- offered early retirement to two police detectives - annual savings of \$150k;
- reduced Finance Director's staff by three - annual savings of \$100k;
- reduced annual pavement repair program - cost savings of \$50k;
- reduced Beautification Dinner and Boards and Commissions Dinner - annual savings of \$10k;
- reduced Police overtime by approximately \$50k;
- increased traffic fine revenue by about \$180k.

He concluded saying that that is the current state of budget cuts, and added that the City needs that yes vote for Public Safety in May to continue some cost saving measures. Lastly, he wished everyone a Happy Valentine's Day.

Councilwoman Sawicki said that she was startled by the number of properties the City's snow removal contractor had to shovel, and asked the City Manager if this is a higher number than normal. (The City Manager said that it is consistent with the past couple of years, and is a reflection of the economic climate.) She then asked the City Manager if the cost of the snow removal will be placed on the homeowner's tax bill. (The City Manager said that the City will be reimbursed from the property owners for this expense.) Then she commented on the list of budget cuts that the Mayor referenced in his comments, and asked the City Manager how much more needs to be cut in our current General Fund. (The City Manager said that he did not have the numbers for 2012 yet, but added that he is meeting with representatives from the County later this month where they will share our future property value projections. He said that he

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anticipates a further reduction in property values of 15%, or \$1.5 million dollars in property tax revenue. He further added that this reduction when added to the previous year's reductions will culminate in a total reduction in property values of approximately 40%.) Lastly, she asked Councilman Monaghan, since he is involved with home loans in his capacity as a banker, his opinion of the housing market and whether or not he thinks the market is coming back.

Councilman Monaghan commented on some home sale information he was aware of saying that while he is concerned over another projected wave of foreclosures for this year, it appears that overall some positive things are happening with some properties starting to sell at retail prices. He added that until the foreclosed properties and short sale are off the market, values will not return. He further added that the impact of the reduced property valuations will have a negative impact on the City's ability to raise property tax revenue because of the restrictions imposed by Proposal A and the Headlee. (The City Manager added that because of the reduced property values and the restrictions imposed by Proposal A and Headlee, the City will not be able to recover to the funding levels of 2007 until 2025-27 at the earliest.)

Councilwoman Sawicki expressed concern about the City's future budgets and asked the City Manager if he will be able to give City Council a definitive revenue projection and budget forecast by next month. (The City Manager said that he anticipates providing City Council with a budget outlook through 2013.) She repeated her concern over the budget saying she just doesn't know where City Council will find another \$1.5 million to cut.

Councilman Marshall commented on the City's budget difficulties and reductions in property values, saying that this situation is not exclusive to Harper Woods. He cited two examples in his law practice, saying that he represented two divorcing couples from the Grosse Pointe's in the past year who had to sell their houses as part of the divorce and both couples received less than 50% of what they originally paid. He then commented on the City's snow removal contractor, saying he was glad to see that nobody on his street was ticketed, but added that he was disappointed that Home Depot was ticketed because they obviously have the employees and the snow removal equipment in their store to shovel their walks.

Councilman Monaghan congratulated the DPW on the good job they did with snow removal.



CM 02-18-11

ADJOURNMENT

MOTION by Monaghan, SUPPORTED by Marshall:  
That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 7:25 p.m.

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ABSENT: Szymanski.

MOTION CARRIED

\_\_\_\_\_  
KENNETH A. POYNTER, MAYOR

\_\_\_\_\_  
MICKEY D. TODD, CITY CLERK

CITY OF HARPER WOODS  
CITY COUNCIL  
JANUARY 19, 2011

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:00 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem John M. Szymanski, Councilperson(s) Cheryl A. Costantino (7:04 p.m.), Hugh Marshall, Michael P. Monaghan, Daniel S. Palmer and Vivian M. Sawicki .

ABSENT: None.

OTHERS PRESENT City Manager James E. Leidlein, City Attorney J. Russell LaBarge and City Clerk Mickey D. Todd.

CM 01-05-11

MINUTES

MOTION by Monaghan, SUPPORTED by Palmer:

To receive, approve and file the minutes of the regular City Council meeting held January 3, 2011, and furthermore, receive and file the minutes of the Special Board of Trustees Employees Retirement System meeting held on January 3, 2011.

ABSENT: Costantino

MOTION CARRIED

CM 01-06-11

CONSENT AGENDA

RESOLUTION by Palmer, SUPPORTED by Monaghan:

BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 92759 through 92884 in the amount of \$893,640.09 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.
2. Approve the payment to Northern Data Systems in the amount of \$6,570.00 for the

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annual maintenance for the period February 1, 2011 through January 31, 2012 for the City's PC server.

3. Approve payment to Oakland County Information Technology in the amount of \$7,525.75 for fees relative to the CLEMIS computer system utilized by the Police Department.

4. Approve the appointments to the various boards and commissions as listed on the attached memorandum from the City Clerk.

ROLL CALL VOTE

YES: Costantino, Marshall, Monaghan, Palmer, Sawicki, Szymanski and Poynter.  
NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 01-07-11                      CONDEMNATION RESOLUTION - 19969 ANITA

RESOLUTION by Marshall, SUPPORTED by Sawicki:  
BE IT RESOLVED to adopt the resolution on Condemnation of Dwelling and Abatement of Public Nuisance recommended by the City Attorney to proceed with condemnation of the property at 19969 Anita. (Attachment #1)

ROLL CALL VOTE

YES: Marshall, Monaghan, Palmer, Sawicki, Szymanski, Poynter and Costantino.  
NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 01-08-11                      CONDEMNATION RESOLUTION - 20231 DAMMAN

RESOLUTION by Szymanski, SUPPORTED by Costantino:  
BE IT RESOLVED to adopt the resolution on Condemnation of Dwelling and Abatement of Public Nuisance recommended by the City Attorney to proceed with condemnation of the property at 20231 Damman. (Attachment #2)

ROLL CALL VOTE

YES: Monaghan, Palmer, Sawicki, Szymanski, Poynter, Costantino and Marshall.  
NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

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CM 01-09-11                      PROPOSED CITY CHARTER  
AMENDMENT - PUBLIC SAFETY

RESOLUTION by Sawicki, SUPPORTED by Monaghan:  
BE IT RESOLVED to approve and place the following City Charter amendment proposal on the May 3, 2011 ballot:

Section 4.5 provides for a Police Department and a Fire Department which shall not be combined. Section 4.5 also provides for a Chief of Police and a Fire Chief, which offices may not be combined or held by the same person. It is proposed that Section 4.5 be amended to give City Council the authority to: 1) combine the Police Department and the Fire Department into a

Department of Public Safety, and 2) combine the offices of the Chief of Police and Fire Chief or permit the same person to hold both offices.

Shall the Amendment as proposed be adopted?

Yes

No

If approved Section 4.5 of the City Charter will read as follows:

Sec. 4.5 Employees defined; regulations; administrative officers; appointment, term and compensation.

The administrative officers of the city shall be the clerk, treasurer, assessor, attorney, chief of police and fire chief and if the council deems necessary an engineer, superintendent of water and superintendent of public works. The council may by ordinance create additional administrative offices and may by resolution combine any administrative offices in any manner it deems necessary or advisable for the proper and efficient operations of the city. The offices of chief of police and fire chief may be combined and one person can serve as the chief of police and fire chief.

There shall be maintained both a police department and a fire department unless combined by the City Council into a Department of Public Safety.

(Remainder of Section 4.5 is unchanged)

ROLL CALL VOTE

YES: Palmer, Sawicki, Szymanski, Poynter, Costantino, Marshall and Monaghan.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 01-10-11 MICHIGAN MUNICIPAL LEAGUE - CAPITAL CONFERENCE

RESOLUTION by Monaghan, SUPPORTED by Palmer:

BE IT RESOLVED to authorize those Council members interested to attend the Michigan

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Municipal League's Annual Legislative Conference on April 5, 2011, with the City paying all necessary and related expenses.

ROLL CALL VOTE

YES: Sawicki, Szymanski, Poynter, Costantino, Marshall, Monaghan and Palmer.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 01-11-11 TAXI CAB RATE INCREASE - SCHEDULE PUBLIC HEARING

MOTION by Sawicki, SUPPORTED by Szymanski:

To hold a Public Hearing on February 23, 2011 at 7:00 p.m. for the purpose of considering a request from the Shamrock Cab Company to increase their taxicab fare rates in accordance with Sec. 24-5 of the City's Code of Ordinances.

MOTION CARRIED UNANIMOUSLY

CALL TO AUDIENCE

Mr. Bruneel announced that the Harper Woods Dad's Club will be having their Annual Pancake Breakfast on Sunday, February 6 at Harper Woods High School with all proceeds benefitting the athletic department.

Ms. White asked if it is true that the City intends to discontinue the Dial-A-Ride service. (The City Manager said that the adopted budget calls for the Dial-A-Ride service to be discontinued at the end of June, but added that he intends to explore every avenue of funding in an effort to keep the service. He also said that he is preparing a management report for City Council that will be available in late February that will present an analysis of the situation and recommendations.) She expressed concern over the children in the community losing this service to go to and from school.

Ms. Anderson requested that the three Council members who do not have biographical or contact information on the City's web page, add this information so that the residents can be fully informed about their background. She then commented on the student who was struck by a car last week on Beaconsfield by the high school, saying that she brought up this situation before and the need for the City to open the fence on Beaconsfield to provide students with an alternative way to access the school. She said that this is everyone's problem and that this situation needs to be addressed. (The City Manager said that he met with the school Superintendent last week about this situation, and suggested that we have AAA review the situation and recommend a

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course of action.) She said that it seems like the City is moving in the wrong direction, and suggested that Council form committees to obtain input and ideas from the residents to create a new vision for the city and keep people happy. She also emphasized the need to attract senior citizens and families with kids to the city, and said that the City should not discontinue the Dial-A-Ride service.

Ms. Uhl thanked City Council for putting a proposed Charter Amendment on the ballot that could create a Public Safety Department. She then pointed out several problems that need to be addressed so that residents can make an informed vote on this issue. First, she said that residents need to see the City's Public Safety Plan. Second, the City needs to negotiate with the fire fighters on this issue, and third, what is going to happen if the proposal fails. She then stressed the need for the City to come together with all the interested parties in an effort to answer any questions about this proposal, because time is running out on resolving this issue.

Ms. Greene advised City Council that they need to seriously consider what the impact on the children and senior citizens will be if the bus service is eliminated. She urged City Council to not eliminate the bus service and find another way to address the budget shortfall.

Mr. Sarkari of Grosse Pointe Woods, said that he is a regular user of the City's Dial-A-Ride service, and commented on what an important service this is to the seniors in the community. He also said that some of the drivers told him that their supervisor advised them not to comment on this situation at the Council meetings, and said that this is wrong because the drivers should be able to comment without getting in trouble.

Ms. Paglia urged City Council not to use the threat of laying off police officers whenever budget cuts are being discussed, saying that there must be other areas that can be cut. (The City Manager explained that the City has thirteen funds and that all but a couple of those funds are doing okay. He pointed out that the police and fire departments are paid out of the General Fund, which is under the most distress because of dropping property values and reductions in State Revenue Sharing, and added that they constitute approximately 75% of this fund. He further added that the money in the other funds can only be used for their designated purpose and cannot be used to fund police and fire services.) She then said that she doesn't understand why City Council does not meet more often to resolve the budget situation, saying that the fifteen minute Council meetings are not enough because this needs to be publicly discussed. She said that Council is giving the appearance that they don't care and are not transparent. Lastly, she asked if the planned elimination of the Dial-A-Ride buses will also include the PAATS buses. (The City Manager commented on the planned elimination of the Dial-A-Ride buses saying that Council reviewed this in their budget sessions, and added that the PAATS buses are funded by all the Grosse Pointe's and should be able to remain in service.)

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Ms. Porter agreed that the Council members biographical information needs to be added to the City's website. She also said that the City's website looks unorganized. Then she commented on the student who was hit by a car on Beaconsfield, suggesting that perhaps volunteers could be used to put a path through the park to alleviate the pedestrian safety problem. Lastly, she said that she is dissatisfied with the expectation of City Council, because all she hears is budget cutting, and said that she would like to hear plans for attracting new businesses and other improvements.

Ms. Price asked how many police and fire fighters the City has. (The City Manager said that we have 34 police officers and 11 fire fighters.) She then commented on what a hardship it will be if the City eliminates the Dial-A-Ride buses for parents who use this service to get their kids to and from school. She said that she has three kids who attend Harper Woods Schools and use this service, and said that she hopes the City is sincere when they say they will really try to keep the service.

Ms. Palus complained about a neighbor who keeps their trash cans out after pick-up day and asked that something be done about it. (The Mayor said that it will be looked into.)

Mr. Szolach commented on the student being hit by a car near the school saying that he is ashamed that this happened. He suggested that kids need to be taught the correct way of crossing to avoid future incidents like this.

Ms. Kindle asked if our ordinances allow for more than one cab company in the City. (The City Manager said that it does allow for more than one cab company.) She then complained about the lack of ordinance enforcement when it comes to residents shoveling their sidewalks, and asked that something be done about it. (The City Manager said that he will address the situation.)

Ms. White commented on what a great police and fire department we have. Then she suggested that we have a public meeting to discuss the future of the Dial-A-Ride system in an effort to come up with some ideas to retain this service. (The City Manager said that this can be done.)

A lady suggested that the City look into having a fire fighter training academy at the high school as an added resource to the residents in the area, saying that her son, who is in a fire academy, has to drive all the way to Southfield now.

Mr. Dick commented on what a great bus service we have, and suggested that the City consider cutting back the hours of the service instead of eliminating it outright. He then commented on the police and fire services saying that he appreciates them equally, and added that he is against Public Safety.

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Ms. Uhl commented on what a great job the DPW does with snow removal saying that she works in Troy and there is not a community between Harper Woods and Troy that even comes close to keeping the streets clear of snow like we do. (Mayor Poynter agreed and added that he travels to Lapeer and says that nothing compares between here and there either.)

Ms. Hemmen urged City Council not to eliminate the Dial-A-Ride buses, saying that she and others rely on it regularly.

Ms. Anderson said that some of the responses from the City Council to the residents at this meeting are offensive and not appropriate and said that she hoped Council understands that when people are addressing them they are passionate about their concerns because they care about the city. (The City Manager apologized to anyone who felt offended by any of his responses.)

Mr. Sosnowski commented on the need to retain the Dial-A-Ride buses pointing out that eliminating this service will have a detrimental impact on the children in the community that need this service to get to school, and the impact it will have on seniors who rely on it to maintain their independence.

A lady pointed out that the bus service is very child friendly and hoped that it will be retained. She added that she would like to see the school district take this service over. Lastly, she asked what is the bare minimum budget that the city could run on.

#### CALL TO COUNCIL

Mayor Poynter announced that he is participating on the Moross Gateway Project, whose goal it is to clean up the area between Mack and Harper. He then asked the Council members to advise the City Manager when they would be available for the annual Goal Setting Session. Then he expressed his appreciation to the Fire Chief for graduating from the Police Academy and being cross trained. He then announced that he plans on being at City Hall the first and third Monday of each month from 10:00 a.m. to noon to meet with residents and address any concerns they may have. Then he commented on budget difficulties the City is facing and pointed out that some very big decisions need to be made, and stressed that no one wants to see the City fail and that we all need to work together to that end. He then commented on the student being struck by a car on Beaconsfield and reiterated that it was a joint decision by City and School representatives to keep the fence locked in that area. Then he commented on the planned elimination of the Dial-A-Ride service saying that all the Council members are sensitive to the impact this will have, and stressed that they will explore every possible funding avenue before proceeding. He then agreed with the public's comments that all the Council members should have their bio's on the City's website. Lastly, he reiterated his lifelong commitment to the community, and said that it doesn't make sense that he would want to see it go down. He urged people to stop and talk to

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him when they see him out in the community, saying that Harper Woods needs to retain the small town atmosphere where we can all talk freely about our disagreements.

Mr. Monaghan said that he recently met with the owner of the Pointe Gardens Condominium complex on Rockcastle, who told him that he would be willing to share the cost and participate in a pilot program with the City to cul-de-sac Rockcastle near Kingsville, so he arranged for him to meet with the City Manager to pursue this matter. He then said that he was pleasantly surprised to learn that currently there are only forty foreclosed and government owned properties listed in the city, which suggests that while we may not have turned the corner, things are starting to look up. He then commented on the City's financial situation saying that while he appreciates the residents voting for the Headlee override, the City still faces a reduction in property tax revenue. He emphasized that services will need to be delivered more efficiently in the future. And that as a resident and taxpayer he would love to see the city flourish like it did twenty years ago, but the unprecedented economic situation that we presently face will make it difficult to achieve, but in spite of this situation he assured the public that City Council is doing everything it can to keep the City above water.

Councilman Marshall agreed with the comments from the Mayor and Councilman Monaghan and said that the residents can rest assured that Council is doing everything it can, saying that they too have a vested interest in the community. He pointed out that he is a homeowner and that his kids go to school here and emphasized that he wants this community to succeed. He added that Council does listen to the public and takes their ideas into account when deciding an issue, and said that he can't stress enough that Council is elected by the public and listens to the public. He further added that it is the duty and constitutional mandate for Council to do what is best for the city. Then he admitted that he is one of the Council members who does not have a bio on the City's website and promised to get one on there soon. Lastly, he commented on all of the un-shoveled sidewalks in the city, saying that as a runner he has different routes around the city and because of the un-shoveled sidewalks he has had to run in the streets. He added that this year is worse than ever, and that the City needs to be more aggressive in enforcing the snow removal ordinance.

Councilwoman Sawicki asked when the City Manager's Dial-A-Ride Management Report will be available, and suggested that we hold a meeting to address the future of the service and answer any questions that the public has about this service. (The City Manager said that he anticipates having the report completed by the February 23<sup>rd</sup> Council meeting. The Mayor added that when the report is completed it will be available on line and at City Hall.) She then responded to the comment made by a resident that Council needs to discuss the budget issues before the public, and asked the City Manager when Council could expect to receive the reports from the budget committee. (The City Manager said that the committee is preparing some decision packages for Council's consideration and they will be available soon.) She then pointed out the various staff reductions that have been made over the years and other budget cuts that have been made, and

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said that Council needs to do a better job of communicating this information to the public.

Councilwoman Costantino commented on the concerns expressed by the public. First, regarding the planned elimination of the Dial-A-Ride Service, she said that she voted against this year's budget because of this. Second, she suggested that if the Public Safety Ballot Proposal passes the City could save enough money to fund the Dial-A-Ride Service this year by combining the Chief's positions. She then commented on the fence on Beaconsfield by the school saying that she has always hated that fence. Then she said that she was glad we are giving the voters a



chance to vote on the Public Safety issue. She then said that she is another one of the Council members who does not have a bio on the City website but will get one on there soon. Then she commented on the need to retain the Dial-A-Ride service saying that she has a vested interest in keeping it because she wants her daughter to use the bus when she goes to Parcels. She then commented on the City's cul-de-sacing plan saying that she would like to have a public hearing on this in March. (The City Manager suggested that we pursue this on a trial basis on Rockcastle for now, before proceeding with any other areas of the city.) Then she asked Council to change the starting times of the meetings from 7:00 p.m. saying that with her new job she will never be on time. Lastly, she said that she would like to have the Mayor review the budget cuts publicly.

Councilman Palmer commented on the Dial-A-Ride Management Report asking the City Manager if he could break the rider ship information down by user, so that Council can see how many school children use the service by school district and how many senior citizens use the service. (The City Manager said that that would be part of his report.) Lastly, he asked if there is anything else that needs to be done before the ballot proposal is finalized. (The City Manager said that approval from both the Attorney General's Office and Governor's Office is required.)

Mayor Pro tem Szymanski said that he is sensitive to the level of frustration being expressed by the public, and assured the public that Council is doing the best they can with what they have. He then discussed the difficulty Council faces with having to make additional budget cuts, and discussed the need to get concessions in the union contracts and various work rule changes so that overtime cost can be reduced. He asked residents to detach themselves from the various personalities and allow Council to make the necessary changes so that programs and services can be retained. He emphasized that we need to be more efficient, and need to change the way we operate. He then discussed the budgeting restrictions facing Council and how designated funding cannot be used for anything other than what is allowed. Lastly, he pointed out that the housing markets collapse was out of Council's control, and hopes that the public will accept and understands the need for service alternatives and changes in the way we do business.

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CM 01-12-11

EXECUTIVE SESSION -  
COLLECTIVE BARGAINING MATTER

RESOLUTION by Monaghan, SUPPORTED by Szymanski:  
BE IT RESOLVED to adjourn to executive session for the purpose of discussing a collective bargaining matter.

ROLL CALL VOTE

YES: Szymanski, Poynter, Costantino, Marshall, Monaghan, Palmer and Sawicki.  
NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

The City Council adjourned to Executive Session at 8:48 p.m. and reconvened at 9:13 p.m.

MOTION by Monaghan, SUPPORTED by Szymanski:  
That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 9:15 p.m.

MOTION CARRIED UNANIMOUSLY

\_\_\_\_\_  
KENNETH A. POYNTER, MAYOR

\_\_\_\_\_  
MICKEY D. TODD, CITY CLERK

ATTACHMENT #1

**RESOLUTION ON CONDEMNATION OF DWELLING  
AND ABATEMENT OF PUBLIC NUISANCE**

The City Manager of Harper Woods, James E. Leidlein, has determined that the dwelling at the following described location, and for the following reasons, presents an immediate and continuous danger and hazard to the health, safety, and welfare of the residents of the City of Harper Woods, namely:

- A. 19969 Anita - This residential dwelling suffered extensive fire damage on AUGUST 15, 2010.
- B. To date, no action of any kind has been taken to restore the residential dwelling to a safe and habitable condition.
- C. The existence of the above described dwelling in its present condition is a present, immediate and continuous danger and hazard to the health, safety and welfare of the residents of the City of Harper Woods, and said dwelling is unfit for human habitation and must be condemned and removed;

**IT IS HEREBY RESOLVED:**

- 1. The dwelling at the aforesaid described location and for the aforesaid described reasons is a present, immediate and continuous danger and hazard to the health, safety and welfare of the residents of the City of Harper Woods, and said dwelling is unfit for human habitation and must be condemned and removed.
- 2. The dwelling and aforesaid premises is hereby declared a public nuisance and ordered that said dwelling be demolished and removed.
- 3. The Attorney for the City of Harper Woods is hereby authorized to commence

all necessary legal proceedings to abate said public nuisance; the all costs incurred by the City of Harper Woods to abate said nuisance, plus interest at seven percent (7%) per annum, shall become a lien for the benefit of the City of Harper Woods on all or part of the real property where the condemned dwelling is located, and such lien shall be of the same character and effect as created by the Harper Woods City Charter for city taxes.

Dated: January 19, 2011

\_\_\_\_\_  
Kenneth A. Poynter, Mayor

ATTESTED:

I, Mickey D. Todd, Clerk of the City of Harper Woods, Wayne County, Michigan, do hereby certify that the above Resolution was adopted by the City Council of Harper Woods, in regular session assembled on JANUARY 19, 2011.

\_\_\_\_\_  
Mickey D. Todd, City Clerk

**ATTACHMENT # 2**

**RESOLUTION ON CONDEMNATION OF DWELLING  
AND ABATEMENT OF PUBLIC NUISANCE**

The City Manager of Harper Woods, James E. Leidlein, has determined that the dwelling at the following described location, and for the following reasons, presents an immediate and continuous danger and hazard to the health, safety, and welfare of the residents of the City of Harper Woods, namely:

A. 20231 Damman - This residential dwelling suffered extensive fire damage on MARCH 20, 2008.

B. To date, no action of any kind has been taken to restore the residential dwelling to a safe and habitable condition.

C. The existence of the above described dwelling in its present condition is a present, immediate and continuous danger and hazard to the health, safety and welfare of the residents of the City of Harper Woods, and said dwelling is unfit for human habitation and must be condemned and removed;

IT IS HEREBY RESOLVED:

1. The dwelling at the aforesaid described location and for the aforesaid described reasons is a present, immediate and continuous danger and hazard to the health, safety and welfare of the residents of the City of Harper Woods, and said dwelling is unfit for human habitation and must be condemned and removed.

2. The dwelling and aforesaid premises is hereby declared a public nuisance and ordered that said dwelling be demolished and removed.

3. The Attorney for the City of Harper Woods is hereby authorized to commence all necessary legal proceedings to abate said public nuisance; the all costs incurred by the City of Harper Woods to abate said nuisance, plus interest at seven percent (7%) per annum, shall become a lien for the benefit of the City of Harper Woods on all or part of the real property where the condemned dwelling is located, and such lien shall be of the same character and effect as created by the Harper Woods City Charter for city taxes.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Kenneth A. Poynter, Mayor

ATTESTED:

I, Mickey D. Todd, Clerk of the City of Harper Woods, Wayne County, Michigan, do hereby certify that the above Resolution was adopted by the City Council of Harper Woods, in regular session assembled on January 19, 2011.

Mickey D. Todd, City Clerk

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CITY OF HARPER WOODS  
CITY COUNCIL  
JANUARY 3, 2011

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:00 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem John M. Szymanski, Councilperson(s) Cheryl A. Costantino (7:04 p.m.), Hugh Marshall, Michael P. Monaghan and Vivian M. Sawicki.

ABSENT: Councilman Daniel S. Palmer.

OTHERS PRESENT: City Manager James E. Leidlein and City Clerk Mickey D. Todd.

CM 01-01-11

EXCUSE COUNCILMAN DANIEL S. PALMER

MOTION by Monaghan, SUPPORTED by Szymanski:

To excuse Councilman Daniel S. Palmer from tonight's meeting because of a prior commitment.

ABSENT: Costantino and Palmer.

MOTION CARRIED

CM 01-02-11

MINUTES

MOTION by Monaghan, SUPPORTED by Marshall:

To receive, approve and file the minutes of the regular City Council meeting held December 20, 2010, and furthermore, receive and file the minutes of the Library Board meeting held November 18, 2010.

ABSENT: Costantino and Palmer.

MOTION CARRIED

CM 01-03-11

CONSENT AGENDA

RESOLUTION by Szymanski, SUPPORTED by Monaghan:

BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 92662 through 92758 in the amount of \$478,941.71 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.
2. Approve payment to Nu Appearance Maintenance, Inc. in the amount of \$9,603.75 for assistance with leaf pickup and fall maintenance in various areas of the city, including the community center, DPW, Kelly Road and the parks.
3. Approve payment to J & J Fleet and Fire Truck Service in the amount of \$5,914.50 for the transmission repair of Engine 1.
4. Approve payment to Statewide Security Transport in the amount of \$9,344.50 for prisoner lodging and maintenance for the month of November 2010.

ROLL CALL VOTE

YES: Marshall, Monaghan, Sawicki, Szymanski and Poynter.

NO: None.

ABSENT: Costantino and Palmer.

RESOLUTION ADOPTED

CALL TO AUDIENCE

Ms. Piaż wished everyone a happy New Year. Then she thanked both the Police and Fire Departments for their assistance with a downed power line in her yard on New Year's morning. Lastly, she complimented the D.P.W. on the fine job they do with keeping our streets cleared of snow and ice, saying that the streets in Harper Woods are much safer than the adjoining communities.

Ms. Henry commented on the Dial-A-Ride service being an invaluable service to the community.

Mr. Hammes, representing County Commissioner Killeen, passed out calendars from the Commissioner, and advised that the County's informational resource brochure is always available in City Hall and the Library.

Councilwoman Costantino arrived at 7:04 p.m.

Mr. Regal asked the City Manager what the likelihood is of having the freeway fences repaired and replaced this year. (The City Manager said that he is not confident that they will be fixed

this year, saying representatives from the County have not given him any assurances.)

Mr. Hammes said that repairing the fences are not the responsibility of the County, but rather the State. (The City Manager said that County officials will tell you it is the State's responsibility and State officials will tell you it is the County's responsibility.)

Ms. Uhl wished everyone a happy New Year. Then she asked what the status is of the City's planned ballot proposal regarding Public Safety for the May election. (The City Manager said that he met today with the City Attorney and they revised the ballot language and forwarded it to the Attorney General's office for approval.) She then said that she obtained a copy of the Police union contract where it states the City's intention to transition into a Public Safety Department saying that this conflicts with the City's public comments about retaining separate police and fire services and creating a third public safety department. (The City Manager said that he has attempted to negotiate these changes with the Fire union, but has not been successful.) Then she asked if the City has an actual written plan for a Public Safety Department. (The City Manager said that there is no written plan.) She then asked what the status is of the proposed ordinances that the Ordinance Committee was working on, and if they will be coming to Council for a vote. (The City Manager said that he will bring the ordinances before Council when four Council members direct him to do so.) Then she asked if there was anything new to report on the cul-de-sac plan the City has prepared. (The City Manager said that taking action on that plan will be discussed in Council goal setting sessions.) She then asked if the City has a contract with a company for sidewalk snow removal for those properties where the owner does not remove the snow themselves. (The City Manager said that there is no contract, but that he does have a contractor available when the need arises.) Lastly, she asked if the City has been asked, or has considered asking the Grosse Pointes if we could participate in the central 911 dispatch center that they are considering. (Councilman Monaghan said that he was told by a Council member in one of the Grosse Pointe's that we would not be asked to join because we are not Public Safety. The City Manager added that it may not be politically feasible for us to join, and he also commented on our call volume being much larger than the Grosse Pointe's.)

Mr. Bruneel announced that the Lion's Club will be holding their annual Super Bowl pancake breakfast in February and urged people to continue supporting this important community fund raiser. He then announced that his grandson, who is a Marine, is being sent to Afghanistan and asked people to keep him in their prayers.

Mr. Cadotte said that he was reading the budget information in the new City Calendar and noticed that 30% of the budget is going toward fringe benefits, and asked Council if our government exists for the employees or residents. He pointed out that this is out of line compared to the private sector, and pointed out that if we go bankrupt all the contracts would be void and the benefit package could be modified so that it is consistent with the private sector.

CITY OF HARPER WOODS, MICHIGAN  
REGULAR CITY COUNCIL MEETING

JANUARY 3, 2011  
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Ms. Paglia asked the Council members if any of them intend on pursuing the adoption of the ordinances that were discussed in the Ordinance Committee meeting. (The Mayor said that he is sure that they will be pursued by a couple of Council members.) She then asked when Council is going to begin discussions on where to cut the additional one million dollars from the budget that needs to be cut this year. (The City Manager said that the Council finance committee will be meeting with representatives from the State's Treasury Department to discuss the matter and develop a plan.)

Mr. Como thanked City Council and the public for their continued support of the Dad's Club fund raisers.

Mr. Selburn said that he was surprised by the City Manager's comment that he would not bring a new ordinance before City Council unless four Council members requested it, saying that he thought he heard

the Mayor say he would like to see something done. (The City Manager explained that he works for the majority of City Council and not just one or two members.) He then apologized to the Mayor for his comment that he made at a November meeting when he suggested that no one from City Council thanked the residents for approving of two City ballot proposals, saying that he noticed in the minutes of the last Council meeting that the Mayor pointed out that he did in fact thank the residents for their support. (The Mayor repeated his response from the last meeting and told Mr. Selburn that he had wished he would have responded at the time this was brought up.) He then advised City Council that when he appears before them he is doing so as a citizen and not as a School Board member. He further pointed out that his comments about the gate by the school were made as a citizen. (The Mayor pointed out that the acting Superintendent of the Schools concurred with closing the gate as a pedestrian safety measure. The City Manager added that he will be revisiting this issue with the School Superintendent.) Lastly, he commented on Councilwoman Sawicki's comment at the last meeting where she suggested that the City ask the school district for assistance with funding the Dial-A-Ride service, saying that any comments he made in support of Dial-A-Ride were made as a citizen and not a School Board member.

Ms. Paglia asked City Council how they could serve in both capacities as Council member and Retirement Board Trustee, while representing both interests separately. (The City Manager said that the way the system was set up presents a conflict for both the Council members and the employee representatives who serve on the Retirement Board. He added that this type of structure is fairly common for Retirement Boards throughout the state.) She then commented on the resolution that the Retirement Board passed tonight which, is basically putting the City on notice that they have to make their contribution to the system, and will put the Council members who serve on that Board in a conflicting position when trying to resolve this matter from the City's position. (The Mayor pointed out that as a Retirement Board Trustee he is responsible for making decisions that are in the best interest of the retirees. Councilman Monaghan pointed out that the Closed Session that was held by the Retirement Board was done at the direction of their

CITY OF HARPER WOODS, MICHIGAN  
REGULAR CITY COUNCIL MEETING

JANUARY 3, 2011  
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legal counsel. Mayor Pro tem Szymanski agreed that they are two distinct roles, and pointed out that decisions by City Council will have to be made by the whole City Council. Councilwoman Sawicki commented that the City Council members who do not serve on the Retirement Board will be relying on the information provided by the Council members who do serve on the Board when deciding any issue relative to the Board.) Ms. Paglia repeated her concern about the potential for a conflict of interest by the Council members who serve on the Retirement Board. (The City Manager pointed out that this problem is systemic, and that City Council and the Retirement Board have dealt with conflicts in the past.)

Mr. Selburn commented on the Retirement Board going to a Closed Session saying that from his reading of the Open Meetings Act, the Board did not meet the requirement to go into a closed session. (The Mayor pointed out that the Retirement Board went into closed session at the recommendation of the Board's legal counsel.) He added that he is concerned about the conflict expressed by the Council members on the Retirement Board and how they would resolve this internally among themselves. (Councilman Monaghan pointed out that the resolution the Retirement Board adopted requested that the Board's legal counsel prepare a letter expressing concern over the City's lack of contributions to the system and request that the situation be remedied.)

Ms. Henry commented on the conflicting role that the Council members who serve on the Retirement Board face, saying that there needs to be an assumption that there is a division of roles, one as a Board member and one as a Council member.

Mr. Cadotte asked if the City is still pursuing the idea of charging the residents for street lighting. (The City Manager said that that is a dead issue.)

Mr. Hammes asked for a follow up report on the Dial-A-Ride Committee. (The City Manager said that there is no committee, and that he is preparing a report for Council with the assistance of the Dial-A-Ride Director and the Finance Director, that will fully inform Council of the costs associated with maintaining the service.) Mr. Hammes said that he was under the impression that the future of Dial-A-Ride was going to be examined by a committee. He then asked when will a decision be made on whether the service will continue. (The City Manager said that the 2011 budget calls for it to be discontinued as of July 1. Mayor Poynter added that the City is going to pursue every possible avenue to keep this service.)

Mr. Grace pointed out the difference between the SMART bus and the PAATS bus, saying that it is his understanding that the PAATS service will continue after July, and asked if that is correct. (The City Manager said that it appears the PAATS service will have the funding available to continue because it is funded with the Grosse Pointes, and does not require exclusive funding by the City like the SMART service does.)

CITY OF HARPER WOODS, MICHIGAN  
REGULAR CITY COUNCIL MEETING

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CALL TO COUNCIL

Mayor Poynter wished everyone a happy New Year, and congratulated the DPW on the fine job they did with snow removal.

Councilwoman Sawicki said that she received a call from a resident who was upset about Kroger closing the south entrance of the store, and the lack of parking there is in the north parking lot of the store. (The City Manager said that Kroger had to close the south entrance for security reasons, and that while they do meet the parking requirements, they may have experienced problems over the holiday, but overall they should not have a problem. He suggested that anyone with a complaint should contact the store manager.)

Mayor Pro tem Szymanski advised the City Manager that areas of Beaconsfield between Vernier and Old Eight Mile need some cold patch.

Councilman Marshall commented on the increasing cost for prisoner transport services and asked if there is any way we could privatize this service. (The City Manager said the service is already privatized, and that the real problem is the increase in the number of prisoners, and the fact that our jail does not meet the requirements to house prisoners for more than 24 hours.) He then commented on the outstanding job the DPW did clearing our streets of snow, but said a number of sidewalks were not cleared and that this needed to be addressed. (The City Manager said that we will be more aggressive with enforcement for future snowfalls.)

CM 01-04-11

ADJOURNMENT

MOTION by Monaghan, SUPPORTED by Szymanski:

That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 7:53 p.m.



ABSENT: Palmer.

MOTION CARRIED

\_\_\_\_\_  
KENNETH A. POYNTER, MAYOR

\_\_\_\_\_  
MICKEY D. TODD, CITY CLERK

CITY OF HARPER WOODS  
CITY COUNCIL  
JANUARY 4, 2010

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:00 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem John M. Szymanski, Councilperson(s) Cheryl A. Costantino, Hugh Marshall, Michael P. Monaghan, Daniel S. Palmer, and Vivian M. Sawicki .

ABSENT: None.

OTHERS PRESENT: City Manager James E. Leidlein and City Clerk Mickey D. Todd.

CM 01-01-10

MINUTES

MOTION by Monaghan, SUPPORTED by Costantino:  
To receive, approve and file the minutes of the regular City Council meeting held December 21, 2009, and furthermore, receive and file the minutes of the Library Board meeting held on December 17, 2009.

MOTION CARRIED UNANIMOUSLY

CM 01-02-10

CONSENT AGENDA

RESOLUTION by Costantino, SUPPORTED by Monaghan:

BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 89496 through 89603 in the amount of \$241,796.11 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.
2. Approve payment to Nu Appearance Maintenance in the amount of \$9,160.00 for fall maintenance in various areas of the city, including the community center, DPW and the parks.

CITY OF HARPER WOODS, MICHIGAN  
REGULAR CITY COUNCIL MEETING

JANUARY 4, 2010  
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ROLL CALL VOTE

YES: Costantino, Marshall, Monaghan, Palmer, Sawicki, Szymanski and Poynter.  
NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CALL TO AUDIENCE

Mr. Bruneel announced that the Harper Woods Dad's Club will be having their Annual Super Bowl Pancake Breakfast on Sunday, February 7<sup>th</sup> at Harper Woods High School, and that tickets are still just \$5.

Ms. Sommers asked if the owner of the house on Roscommon/Beaconsfield has been told to repair or replace their fence. (The City Clerk said that the owner has been cited, and that if the problem is not corrected then the City will remove the fence.)

Mr. VanPoucker commented on City Council's newly adopted public participation guidelines saying that he was not in agreement with the sixty minute limitation placed on public comment, and asked if the time limit was flexible. (Mayor Poynter said that he did not recall a time when everyone who wanted to speak didn't have that chance, and suggested that that will be the case in the future.) He then commented on the problem of pedestrians walking in the streets rather than using the sidewalks, saying that this has been a constant complaint by the residents, and that the police need to write tickets for this violation. He added that he recently saw a child being pushed in a carriage down the middle of the street several times and nothing was done about it. (The Mayor said that the police are aware of the problem and are addressing it.)

Ms. Uhl asked if the City has contracted with a company to shovel the walks of residents or homeowners who do not clear their sidewalks. (The City Manager said that we have not entered into any contract yet.)

Ms. Paiz commented on how she has to take her Styrofoam to Detroit to get recycled because our recycling company does not take Styrofoam, and she volunteered to work with someone in the

City to alter the recycling contract so that Styrofoam can be collected. (The City Manager said that he will look into the matter.)

Mr. Binder said that his house was one of the houses that was broken into over the holidays, and he complimented the Police Department on their prompt response and professional investigation. He specifically cited Officer Lynch for his professional demeanor and assistance with this situation. He then suggested that he believes the perpetrators are students at the high school who

CITY OF HARPER WOODS, MICHIGAN  
REGULAR CITY COUNCIL MEETING

JANUARY 4, 2010  
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lack proper parental supervision, and suggested that perhaps parenting classes could be taught at the school.

#### CALL TO COUNCIL

Mayor Poynter announced that because the Martin Luther King Holiday falls on Monday, January 18, the next Council meeting will be held on Wednesday, January 20.

Councilwoman Costantino introduced Auburn Hills Councilman Bob Kittle, who she met at the last MML Conference. She said that she thought Mr. Kittle had some great ideas and could help Harper Woods, and she asked him to attend one of our meetings to provide some insight on the problems that the City faces.

Councilman Marshall said that he read an article in the paper over the holidays where the State of Michigan is considering the possibility of eliminating a separate yard waste collection requirement, and he urged City Council to consider this issue and decide if it is something the City should support or oppose.

Mayor Pro tem Szymanski asked the City Manager to contact the County and ask them to repair the damaged freeway fences. (The City Manager said that he will contact the County.)

Councilman Monaghan commented on the memo that City Council received from the City Manager to the Police Chief directing him to prepare a plan of blocking egress streets from the City on a trial basis as a crime deterrent, saying that he hopes this idea is pursued.

Mayor Pro tem Szymanski commented on the proposed blocking of egress streets from the City as a crime deterrent pointing out that the all areas of the City will be considered for this purpose.

CM 01-03-10

#### ADJOURNMENT

MOTION by Monaghan, SUPPORTED by Marshall:  
That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 7:17 p.m.

MOTION CARRIED UNANIMOUSLY

KENNETH A. POYNTER, MAYOR

MICKEY D. TODD, CITY CLERK

CITY OF HARPER WOODS  
CITY COUNCIL  
JANUARY 20, 2010

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:00 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem John M. Szymanski, Councilperson(s) Cheryl A. Costantino, Hugh Marshall, Michael P. Monaghan, Daniel S. Palmer, and Vivian M. Sawicki .

ABSENT: None.

OTHERS PRESENT: City Manager James E. Leidlein, City Attorney J. Russell LaBarge and City Clerk Mickey D. Todd.

CM 01-04-10

MINUTES

MOTION by Monaghan, SUPPORTED by Costantino:  
To receive, approve and file the minutes of the regular City Council meeting held January 4, 2010.

MOTION CARRIED UNANIMOUSLY

CM 01-05-10

CONSENT AGENDA

RESOLUTION by Costantino, SUPPORTED by Monaghan:

BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 89604 through 89735 in the amount of \$895,484.76 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.
2. Approve payment in the amount of \$6,400.00 to Guardian Sewers for their assistance in repairs to the City's main sanitary line in various locations.

3. Approve payment in the amount of \$20,669.59 to Grosse Pointe Woods for the City's pro-rata portion of the operating and maintenance of the Torrey Road Pump Station for the period July 1 through December 31, 2009.

CITY OF HARPER WOODS, MICHIGAN  
REGULAR CITY COUNCIL MEETING

JANUARY 18, 2010  
PAGE 2

4. Approve payment to Anderson, Eckstein & Westrick, Inc. in the amount of \$5,532.10 for professional services during the month of December 2009 for the following projects: Johnston Park Tennis Courts, #180-096; EB Harper Vernier to 8 Mile, #180-106; EB Harper Manchester to Vernier, #180-109; 2009 Pavement Joint/Crack Sealing, #180-114; 2009 Emergency Concrete Pavement Repair, #180-116 and the Traffic Signal Upgrades, #180-124.
5. Approve the request from the Shamrock Cab Company for taxicab licenses covering the cabs listed on the attached application for 2010.
6. Approve the appointments to the various boards and commissions as listed on the attached memorandum from the City Clerk.

ROLL CALL VOTE

YES: Costantino, Marshall, Monaghan, Palmer, Sawicki, Szymanski and Poynter.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 01-06-10

LEASE OF NEW POLICE VEHICLE

RESOLUTION by Marshall, SUPPORTED by Costantino:

BE IT RESOLVED to approve the purchase of one (1) Ford Crown Victoria Police Interceptor vehicle from Signature Ford in the amount of \$25,547.49 to be purchased under the Macomb County Purchasing Program, and further, in that these vehicles were competitively bid by Macomb County that the City's formal competitive bidding process be waived.

ROLL CALL VOTE

YES: Marshall, Monaghan, Palmer, Sawicki, Szymanski, Poynter and Costantino.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 01-07-10 MICHIGAN MUNICIPAL LEAGUE - CAPITAL CONFERENCE

RESOLUTION by Monaghan, SUPPORTED by Palmer:

BE IT RESOLVED to authorize those Council members interested to attend the Michigan Municipal League's Annual Legislative Conference with the City paying all necessary and related expenses.

ROLL CALL VOTE

YES: Monaghan, Palmer, Sawicki, Szymanski, Poynter, Costantino and Marshall.  
NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CALL TO AUDIENCE

Mr. Comfort announced that the Harper Woods Dad's Club will be having their Annual Super Bowl Pancake Breakfast on Sunday, February 7<sup>th</sup> at Harper Woods High School, and that tickets are \$5 and are available for purchase.

Mr. Como, representing the Dad's Club, said that he is soliciting names for the Pancake Breakfast place mat at a cost of \$10. He then said that he is a new subscriber to ATT Cable Television and noticed that they do not post local community announcements, and asked if there are any plans to start putting community announcements on their public access channel. (The City Manager said that the City will be able to post community announcements on ATT Cable in the near future.)

Mr. Shenburn commented on tonight's meeting being on Wednesday rather than Monday saying that he would like to see meeting nights vary so that people who can't make it on Mondays will have a chance to attend a meeting. He then commented on how the City of Detroit amended their curfew ordinance from 10 p.m. to 9 p.m. and suggested that Harper Woods consider following suit in an effort to address the problems that we are having with youth crime. He also complained about people walking in the streets rather than using sidewalks, saying that the police need to ticket these people. Lastly, he complained about cars going the wrong way in the alley at Woodcrest and Kelly and said that more enforcement needs to take place there.

Mr. Dick said that he agrees with the previous comments about the problems with youth crime in the city, and he urged the Police to not forget about the people who live near Kelly and need their protection because crime is getting worse. He said he understands that the City is having financial problems but hoped that the police patrols would not be cut back. Lastly, he thanked City Council for the 2010 calendar saying that it is very informative, and thinks that it will be very useful to new residents.

Ms. Uhl asked for a clarification of Councilman Szymanski's comment at the last meeting where he indicated that the city is exploring cul-de-sacing a number of egress streets as a crime prevention measure and asked if the streets being considered are just in the Kelly road area. (The City Manager said that consideration is being given to all bordering streets and that it is not exclusive to the Kelly road area.)

## CALL TO COUNCIL

Mayor Poynter said that he participated in a presentation before the Harper Woods School Board with the Dad's Club who are trying to raise money to provide a rubberized surface on the new track. He commended the Dad's Club for all their philanthropic contributions to the city and said that this is another example of their many contributions to the community. Lastly, he said that he was very impressed with the school's programming and staffing saying that he thinks they are outstanding.

Councilman Monaghan informed the public that he and Councilman Marshall attended a Grosse Pointe Clinton Refuse Authority meeting at the library, and said that he learned that there is a Michigan House bill being considered that if passed, would increase the City's refuse cost by approximately \$35k annually, and said that he would like to monitor the legislation and if necessary have Council adopt a resolution either in support of, or opposition to the legislation. Lastly, he indicated that Councilman Marshall will be replacing him on the Board as the City's representative.

Councilman Szymanski commended the Police Department on apprehending several suspects who were stealing air conditioning units in his neighborhood. He then commented on crime in general saying that it is a problem everywhere citing his brother's neighborhood in Rochester Hills as an example, where they are experiencing an increase in home invasions. Then he reminded the public that City Council is committed to addressing our crime situation by increasing the number of police officers in the City. Lastly, he commented on an email that he received advising him of a rumor that Pointe Fitness on Harper was moving out of the city, and said that he spoke to the owner who said that that is not true.

Mayor Poynter added to Councilman Szymanski's comments regarding the Police Department saying that he too is proud of our Police Department, and congratulated them on the apprehension of two home invasion suspects that were victimizing the community.

Councilman Marshall commented on all the hard work he sees our police officers doing saying that on his daily four mile run through the city he always sees the police having someone pulled over, and thanked them for being out there working for us.

CM 01-08-10

### 2010 GOAL SETTING SESSION

MOTION by Monaghan, SUPPORTED by Szymanski:  
To adjourn to the Conference Room for the 2010 Goal Setting Session.

MOTION CARRIED UNANIMOUSLY

The City Council recessed at 7:25 p.m. and reconvened in the Conference Room at 7:30 p.m.

2010 GOAL SETTING SESSION

The Mayor, Council members and City Manager reviewed and discussed Goal Setting and Strategic Planning for the year. Among the items discussed were:

- Declining property values and the impact it will have on the City's revenue;
- Implementing a Streetlight Utility Fee;
- Reducing or Eliminating Special Events like the Boards and Commissions Dinner, Beautification Dinner, City Hall Open House, Tree Lighting Ceremony and Employee Holiday Luncheon;
- Seasonal Park Closures.

CM 01-09-10

EXECUTIVE SESSION -  
COLLECTIVE BARGAINING MATTER

RESOLUTION by Monaghan, SUPPORTED by Szymanski:  
BE IT RESOLVED to adjourn to executive session for the purpose of discussing a collective bargaining matter.

ROLL CALL VOTE

YES: Palmer, Sawicki, Szymanski, Poynter, Costantino, Marshall and Monaghan.  
NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

The City Council adjourned to Executive Session at 8:00 p.m. and reconvened at 8:42 p.m.

CM 01-10-10

ADJOURNMENT

MOTION by Monaghan, SUPPORTED by Szymanski:  
That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 8:42 p.m.

MOTION CARRIED UNANIMOUSLY

\_\_\_\_\_  
KENNETH A. POYNTER, MAYOR

\_\_\_\_\_  
MICKEY D. TODD, CITY CLERK

CITY OF HARPER WOODS  
CITY COUNCIL



FEBRUARY 1, 2010

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:00 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem John M. Szymanski, Councilperson(s) Cheryl A. Costantino, Hugh Marshall, Michael P. Monaghan, Daniel S. Palmer, and Vivian M. Sawicki .

ABSENT: None.

OTHERS PRESENT: City Manager James E. Leidlein and City Clerk Mickey D. Todd.

CM 02-11-10

MINUTES

MOTION by Monaghan, SUPPORTED by Costantino:

To receive, approve and file the minutes of the regular City Council meeting held January 20, 2010, provided they are corrected to reflect under Mayor Pro tem Szymanski's comments West Bloomfield should replace Rochester Hills, and furthermore, receive and file the minutes of the Board of Trustees Employees Retirement System meeting held on January 25, 2010.

MOTION CARRIED UNANIMOUSLY

CM 02-12-10

CONSENT AGENDA

RESOLUTION by Costantino, SUPPORTED by Monaghan:

BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 89736 through 89870 in the amount of \$315,102.35 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.
2. Approve payment to Statewide Security Transport in the amount of \$6,753.04 for prisoner lodging and maintenance for the month of December 2009.

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ROLL CALL VOTE

YES: Costantino, Marshall, Monaghan, Palmer, Sawicki, Szymanski and Poynter.  
NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 02-13-10

PLANTE & MORAN – AUDITING SERVICE

RESOLUTION by Marshall, SUPPORTED by Palmer:

BE IT RESOLVED to accept the proposal dated January 14, 2010 submitted by Plante and Moran for auditing services in the amount of \$46,200 for the 2009 audit.

ROLL CALL VOTE

YES: Marshall, Monaghan, Palmer, Sawicki, Szymanski, Poynter and Costantino.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CALL TO AUDIENCE

Mr. Regal complimented the City Manager on the article the Detroit News did about him collecting Michigan Manuals, saying that it was nicely done. He then asked when the County plans on getting around to repairing the downed fences along I-94. (The City Manager said that technically the repair work is the responsibility of the State, and that it is his understanding that bids will be taken and awarded in the spring to address the situation.)

Mr. Bruneel announced that the Harper Woods Dad's Club will be having their Annual Super Bowl Pancake Breakfast on Sunday, February 7<sup>th</sup> at Harper Woods High School. He also thanked everyone who purchased a ticket for their continued support of the Dad's Club. He then advised City Council that he is the feature of a you Tube Video and urged them go online to see it. Lastly, he wished everyone a Happy Valentine's Day.

Mr. Szolach asked if the new law that was adopted prohibiting text messaging while driving applies to drivers in Harper Woods. (The City Manager said that it does apply to drivers in Harper Woods.) He then related an incident where he was cut off by a driver who was texting, so he is glad that it is now prohibited.

Ms. Summers asked the City Manager what the status is of the City's attempt to roll back the raises that the Police were given. (The City Manager said that the contract is being honored and

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that the police union has agreed to open the contract up next year.)

Mr. VanPoucker commented on the graffiti on the freeway overpass still being there, and asked that it be removed. He pointed out that the same type of graffiti has been removed already from the Nine Mile overpass but not here. (The City Manager said that he will bring it to the attention

of the County again, and pointed out to Mr. VanPoucker that this is a good example of the differences between how work gets done in Wayne versus Macomb County.)

Ms. Uhl asked why the fire fighters were forced to remove their union logo from the department's vehicles, saying that they have always been there. (The City Manager said that he did not notice that the union logo was on the vehicles until it was recently brought to his attention, and he directed that it be removed, pointing out that the other unions in the city do not have their logo on other city vehicles, so the policy is being equally enforced.) She added that the area where the logo's were removed looks scratched up and in need of repair. (The City Manager said that he would have it looked at.)

Ms. Kindle, representing the Planning Commission, asked that City Council to proceed with adopting the revised Zoning Ordinance that was sent to them several years ago for review and adoption. (The City Manager said that he would review the matter.)

Ms. Marshall said that she has been told by the Recreation Department that open swim is for residents only, and that bringing a guest is prohibited, and she asked City Council to reconsider the issue. (The City Manager said that that policy is being re-evaluated.)

#### CALL TO COUNCIL

Mayor Poynter announced that the next Council meeting will be held on Wednesday, February 17, instead of Monday, February 15 because of President's Day and the City Offices will be closed.

Mayor Pro tem Szymanski commented on the draft report from the Police Chief regarding placing cul-de-sacs in various egress streets in parts of the city as a means of combating criminal activity. He added that he found the draft report to be bold in scope saying that it seems to be the right approach even though it may be controversial to some people. He then said that he was contacted by a resident who asked if water billing information for individual households is public information and asked the City Manager if it is. (The City Manager said that he did not know but would get an answer for him.)

Councilman Marshall commented on the current regulatory discussion taking place in various communities regarding medical marijuana, and asked the City Manager if this is something

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City Council should be discussing so that an appropriate ordinance or policy is put in place to address this issue. (The City Manager said that he would discuss the matter with the police chief and report back.)

Councilman Monaghan also commented on the Police Chief's draft report on cul-de-sacing saying that he wants a number of informational meetings on this matter before any plan is implemented. The other Council members agreed.

Councilwoman Sawicki also commented on the Police Chief's draft report on cul-de-sacing asking if the Council members will have an opportunity to ask question of the Chief regarding this report, and if other affected department heads will have an opportunity to provide feedback on the report. (The City Manager said that the draft report is intended to create discussion and questions, and said that he would gladly take any questions back to the Chief and respond accordingly.) She added that the proposed cul-de-sacing has the potential to anger some residents while pleasing others.

Mayor Pro tem Szymanski commented further on the Police Chief's report saying he understands that if approved, the cul-de-sac plan would be rolled out in stages and modified as needed. He also suggested that the City needs a plan to address any media inquiries once the plan is officially made available to the public to fully inform the public of the purpose of the plan.

Mayor Poynter stressed that the cul-de-sac plan is a draft plan only at this time.

CM 02-14-10

2010 GOAL SETTING SESSION

MOTION by Monaghan, SUPPORTED by Szymanski:  
To adjourn to the Conference Room for the 2010 Goal Setting Session.

MOTION CARRIED UNANIMOUSLY

City Council recessed at 7:25 p.m. and reconvened at 7:30 p.m. in the Conference Room.

2009 GOAL SETTING SESSION

City Council reviewed and discussed various cost saving measures for the budget and various goals for 2010, however, no action was taken.

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CM 02-15-10

ADJOURNMENT

MOTION by Monaghan, SUPPORTED by Szymanski:  
That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 8:00 p.m.

MOTION CARRIED UNANIMOUSLY

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KENNETH A. POYNTER, MAYOR

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MICKEY D. TODD, CITY CLERK

CITY OF HARPER WOODS  
CITY COUNCIL  
FEBRUARY 17, 2010

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:00 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem John M. Szymanski, Councilperson(s) Cheryl A. Costantino, Hugh Marshall, Michael P. Monaghan and Vivian M. Sawicki .

ABSENT: Councilman Daniel S. Palmer.

OTHERS PRESENT: City Manager James E. Leidlein, City Attorney J. Russell LaBarge and City Clerk Mickey D. Todd.

CM 02-19-10

EXCUSE COUNCILMAN PALMER

MOTION by Marshall, SUPPORTED by Sawicki:

To excuse Councilman Daniel S. Palmer from tonight's meeting because of a prior commitment.

ABSENT: Palmer.

MOTION CARRIED

CM 02-20-10

MINUTES

MOTION by Monaghan, SUPPORTED by Szymanski:

To receive, approve and file the minutes of the regular City Council meetings held February 1, 2010, and February 10, 2010, and furthermore, receive and file the minutes of the Library Board meeting held January 21, 2010, and the Planning Commission meeting held January 27, 2010.

ABSENT: Palmer

MOTION CARRIED

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CM 02-21-10

CONSENT AGENDA

RESOLUTION by Costantino, SUPPORTED by Monaghan:

BE IT RESOLVED to approve the following items on the Consent Agenda:

1. To approve the Accounts Payable listing for Check Numbers 89871 through 89998 in the amount of \$171,290.17 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.
2. To receive and file for the audit, the 4<sup>th</sup> quarter financial statement.
3. Approve the payment to Northern Data Systems in the amount of \$6,380.00 for the annual maintenance for the period February 1, 2010 through January 31, 2011 for the City's PC server.

4. Approve payment to Martin, Arrington, Desai & Meyers, P.C. in the amount of \$5,250.00 for professional services in conjunction with the PAATS audit for 2008.
5. Approve payment to Oakland County in the amount of \$7,405.75 for fees relative to the CLEMIS computer system utilized by the Police Department.
6. Approve payment to Badger Meter, Inc. in the amount of \$8,083.11 for the purchase of 54 new 5/8" automatic read water meters and transmitters.

ROLL CALL VOTE

YES: Costantino, Marshall, Monaghan, Sawicki, Szymanski and Poynter.

NO: None.

ABSENT: Palmer.

RESOLUTION ADOPTED

CM 02-22-10

SCHEDULE PUBLIC HEARING - 2010  
COMMUNITY DEVELOPMENT BLOCK GRANT

MOTION by Marshall, SUPPORTED by Costantino:

To hold a Public Hearing on March 1, 2010 at 7:00 p.m. for the purpose of receiving public input and comment on the 2010 Community Development Block Grant Program.

ABSENT: Palmer.

MOTION CARRIED

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CM 02-23-10      RESOLUTION - OPPOSITION TO HB5558 AND HB5559

RESOLUTION by Sawicki, SUPPORTED by Monaghan:

BE IT RESOLVED to adopt the resolution in opposition of HB 5558 and HB 5559, and further, that a copy of this resolution be sent to the Governor, and members of the Michigan House and Senate. (Attachment #1)

ROLL CALL VOTE

YES: Marshall, Monaghan, Sawicki, Szymanski, Poynter and Costantino.

NO: None.

ABSENT: Palmer.

RESOLUTION ADOPTED

## CALL TO AUDIENCE

Mr. Comfort said that as a fifty-four year resident of the city, he said that he loves the city and respects both the police and fire fighters. He then read a statement regarding the recent fire at the Edgefield apartments, and the Fire Department's response to it, saying that their response was unsafe and unacceptable. Specifically, he suggested that the HWFD's decision to call for assistance from EPFD and SCSFD, which have a greater distance to travel to the scene, instead of GPWFD, which is less than a mile away was unsafe and unacceptable and endangered the lives of the residents. He urged the fire fighters to make decisions based on what is good for the residents and not the union.

Mr. Shenburn said that he watched news coverage of the Edgefield apartment fire and it was reported that the City was going to give residents money to relocate, and asked where this money was coming from. He then asked City Council when they intend on introducing a new Parental Responsibility Ordinance and Juvenile Curfew Ordinance as previously discussed. (Mayor Poynter said that he hopes to see these ordinances adopted within the next ninety days if not sooner.) Lastly, he urged City Council to send out a community survey to the residents as a means of gathering input on how to deal with the impending budget cuts, saying that other communities like Livonia have done this with success.

Mr. Binder commented on the need to add "teeth" to the ordinances prohibiting abandoned vehicles and walking in the street, saying that the existing penalties are not effective because they are being ignored and skirted by the violators.

Ms. Calhoun said that she hoped any increased penalties against individuals who walk in the street would also include those who jog in the street. She also said that she was surprised to find

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out that anyone could access her tax bill without showing identification. (The City Manager said that tax bills are a public record and anyone can have access to them.)

Ms. Boykins, Special Assistant to Congressman John Conyers, said that she recently returned from Haiti where she witnessed the devastation caused by the earthquake firsthand, and said that she has put together a video of her trip that she would like to share with the public for informational purposes. (Mayor Poynter suggested that she contact both the Library and War Memorial as a means of sharing her video.)

Ms. Uhl commented on how refreshing it was to see the positive news coverage that Harper Woods received recently from New4 when they did a story on Fire Cpt. Charles Randles helping save a child from choking when he was vacationing on a cruise. She then commented on the problem the Fire Department had with radio communications with Grosse Pointe Woods during the Edgefield fire saying that it is her understanding that the problem has been corrected. Lastly, she asked the City Manager to speak with NuAppearance, who does snow removal of residential



properties for the city when a homeowner does not clear their sidewalk, asking him to have them be more careful saying that they put tire tracks across her lawn when shoveling her neighbors walk.

### CALL TO COUNCIL

Mayor Poynter made the following comment: "I would like to say a few things. I do have the utmost respect for our fire fighters and all our City employees. But I must admit that I was rather disgusted with the Fire Department, and disappointed with the Fire Department concerning the Edgefield fire. Put yourself in the situation...your house is on fire and there is an option. You call a fire department that's very close to put out that fire, or because... perhaps of a union issue, or some convoluted argument about Macomb radio, you call two Fire Departments that are far away. And what happens to maybe your life? A loved ones life? A valuable possession? Maybe a dog or cat. Think about that. And think about the terribly poor decision making that was done, when all that person had to do was call dispatch here at Harper Woods City Hall. A call would have been made to Grosse Pointe Woods, and maybe, just maybe there wouldn't have been such a loss. Fortunately nobody was injured or killed to my knowledge. It's also extremely unfortunate....when perhaps our fire fighters get so obsessed with not working with Public Safety Officers, who have had the same fire fighting training as what they have had. And it is also sad to think that we had Public Safety Officers from Harper Woods available for that fire, but because of a court case, issued by our own Fire Department and a resident, they had to stand by and watch it burn. Now that is disgusting. And again, oh, it didn't happen to anybody here! And it's an unfortunate situation for those poor people.....put yourself in that situation! Who do

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you want to have called Eastpointe, St. Clair Shores or Grosse Pointe Woods which is just around the corner? A stupid decision! A stupid decision! And quite frankly, I want to go on record as saying this, I don't want any of our fire fighters to become Public Safety Officers. We already have sixteen that are well trained. Why can't our fire fighters work with those Public Safety Officers when those Public Safety Officers have had the equal amount of training as what our own fire fighters have. I am still trying to figure out what's wrong with my logic. And I have been trying to figure it out for a couple years now. As our fire fighters refuse to work with Public Safety Officers. And could it be....could it be a union issue? They are afraid of losing members from the IAFF. Well guess what? What did the Mayor just say? I don't even want any of them to become Public Safety Officers. I want those fire fighters to be able to fight alongside our Public Safety Officers, and just maybe it is going to save lives. It might even save property. It might save possessions. And I'd like to know what's wrong with that thinking. And I'm now going to get into a debate about it. But anytime you want to talk to me about it, feel free, let's talk one-on-one about it - verbally - face-to-face. Not just some anonymous email, or not something....let's talk face-to-face one-on-one about it and tell me what's wrong with that logic. Set up an appointment anytime you want."

Mayor Pro tem Szymanski made the following comment: "I have a few comments to make too. I was very disappointed with the Captain that made that decision. Had that been his family in that building he would have never, never called a fire department on Ten and a half and Harper or Nine Mile and Gratiot, when there was a fire station a few blocks away. And as sick as that sounds I am very disappointed in our Fire Chief, because things that I have been seeing, ATV Raffles, T-Shirt sales, City phone numbers being used to solicit tickets. All of these things are happening. This signals a department that is out of control, and frankly, a Fire Chief that can't detach himself from one-of-the-boys. I'm asking that the City Manager terminate the Fire Chief. It starts at the top. It starts at the top. We need to make changes - fire them. Put a policy out, if this happens again - god forbid - whatever fire fighter makes that decision deserves to be fired! Fired and prosecuted!"

Councilwoman Costantino made the following comment: "I really think now is the time for a public vote regarding a Charter Amendment and Public Safety. The amendment doesn't need to be a lot. But there are just one or two sentences in our Charter that could relieve this entire situation if they were eliminated and the Charter were changed." The City Manager responded saying: "Can I comment on that because I totally disagree with you. They've said that publically if the people vote for it, they will do it. The IAFF and State Fire Fighters Association helps fund any effort to do those things by suing cities, by public relations campaigns, whether the people vote for it or not. They are still not going to go along with it even though we have told them, as you well know.....as the Mayor just said we are not asking any existing fire fighters to cross train. We've just asked them to allow us to use the sixteen or seventeen that we have cross trained. Because, at that fire on Edgefield six of our police officers stood there - after they at first evacuated the building before the Fire Department got there by the way - in the smoke filled

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halls, and did all those things - but Fire Fighters Unions are adamantly opposed to any form of Public Safety regardless of what a City Charter says, what people vote on. I don't think it will make any difference quite frankly." Councilwoman Costantino responded that she disagreed with his comments, and the City Manager said that it was his opinion, and they agreed to disagree.

Councilwoman Sawicki made the following comment: "I too am very upset about the situation that took place at the Edgefield apartment. A girlfriend of mine lives in an adjacent apartment, and she said that she was in her home, in her apartment, watching television that afternoon and was not aware of the situation until she noticed a number of flashing lights and that sort of thing, and by the time she got to her window and looked out, three different fire departments were already there. And she took note of the fact that flames were already shooting out of the roof by five or six feet. Now this is with three....I am assuming that by this time they were already working the fire. She indicated that they were working rather hard on this fire, but my concern is the fact that we could have gotten there faster, that we could have called people in more quickly than what we did. And for the life of me I cannot understand why you wouldn't call the closest department or everyone else! These are honest to goodness lives at risk at this point. It's not a game. Not that I am suggesting that anyone would feel that it was a game. But it is ridiculous that we wouldn't do everything in our power to get as many fire fighters at the scene as we could.

And quite frankly I am put out at our inability to move on this issue. And I am totally... as far as I'm concerned....fire everyone and let's get some people in here who take the job seriously and do the job that's expected by our community.”

Mayor Pro tem Szymanski made the following comment: “I have a comment to make. If the Council does not object, I would like to direct the City Manager to make a complete and thorough investigation as to what happened - and heads are going to roll on this one.” Mayor Poynter indicated that there were no objections from City Council so the investigation will go forward.

Councilman Monaghan made the following comment: “I also want to express my displeasure with the way things have been going on in the Fire Department. We got a copy of a memorandum that was sent to the local IAFF President asking for some information regarding an ATV Raffle and a t-shirt sale...and asking where the funds were going to when there was.....was asked to have a written response by January 8<sup>th</sup> . Then there was a follow-up memo sent on the 22<sup>nd</sup> asking for a response from the memo from the 6<sup>th</sup>. It was asked to be...to have a response by January 25<sup>th</sup>. And what part of respond in writing by January 8<sup>th</sup> is misunderstood here. Again, as far as the information that was requested, it was asking where the proceeds from the raffle were going. And the response was that it was going to their general fund to fund certain charitable contributions and other activities that go on within the fund.....that some of our funds could go for, like I said, charity raising issues. Some of it could go toward legal defense. And I think it was implied that they were having the raffle here to raise money to basically sue the

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City and to further their cause. Not that they are not entitled to have a raffle, but doing it on City property, using City (phone) numbers, basically implies that the City is backing and supporting this thing. In their response, I believe it was the last page of the fund raiser....that questioned the legal services it says, ‘however ...the legal services that we have received, such as in connection with the Public Safety issue was paid for by the State or its International Union.’ So, as Mr. Leidlein had indicated that he disagrees that we need to put this on, because they will come in and flood their coffers with cash from the International Union and from the State Union to fight the Public Safety the way its been going on since before I was born, when houses were appreciating and not depreciating, significantly as they are right now.....that this is what you should be up against. Like I say, as far as the response, it's just as John said, the Department is out of control. It has no respect for the command. It has no respect for the authority that this body has. In regards to the Edgefield apartment fire, the question is to why the Captain in charge there did not call Grosse Pointe Woods. The comment here was that it was a poor tactical decision. I hate to say this, but poor tactical decisions are not acceptable. People die when you make bad decisions, especially in a life and death situation like a fire or ambulance. One further comment, I was out with my staff on Friday evening at the Village Grill in Grosse Pointe Park, and was approached by a couple of residents there that said that they had heard that the dispatch had gone out, that it said, garbled on the radio, that do not call Grosse Pointe Woods. And if that is the case, then heads need to roll. That this is just unacceptable....(audience interruption).....like I said poor decisions. This is not acceptable. People approached me and basically it gives our city

a bad reputation, a bad name, that this has got to stop. And if we need to re-organize the Fire Department as far as who is in charge, then that's what we got to do."

Councilwoman Sawicki made the following comment: "I just had a resident ask a question of me that I couldn't answer and that was in regard to Homeland Security, that it was his understanding that radio systems between different entities were supposed to be uniform, that one of the focus' of Homeland security was to allow that to happen. Is there a reason why we are having this discussion at all? I mean concerning the radio..." The City Manager said: "the Grosse Pointe's and Harper Woods share the Grosse Pointe's Harper Woods Municipal Radio System. We're all on the same frequency. We can communicate on separate group. We can communicate among.....each community can communicate with the others. For some historical reason we have always been part of the South Macomb Mutual Aid pact, which has a different radio system, and when we respond to, or get responses from St. Clair Shores or Eastpointe, we switched to the South Macomb radio system, which the Grosse Pointe's are not on, okay? And the Chief has expressed concern to me over the past couple of years, we do not have four radios for Grosse Pointe Woods. They're portable radios that would be on the South Macomb frequency. That said....that goes to the core of the issue - so what! Why would you not call...I have no problem with them calling St. Clair Shores and Eastpointe, but why as you said ....they didn't call Grosse Pointe Woods regardless of any radio issue. You needed manpower and equipment there now, and we didn't communicate with Grosse Pointe Woods. Our radios are compatible with theirs, because I have one of them in my office and at home and if I listen to it, I hear all the Grosse

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Pointes and all of Harper Woods communicating with each other all day long."

Mayor Poynter made the following comment: "The further irony becomes, I suppose, although it hasn't happened yet, if there was a fire in the Grosse Pointe's our Public Safety Officers could fight a fire in the Grosse Pointe's, but because of a court ruling brought about by our fire fighters, our Public Safety Officers here, who are trained to fight fires, could not fight a fire in Harper Woods. Again, all we have to do is put ourselves in this situation. What if your house was on fire? Do you want St. Clair Shores or Eastpointe called, or would you rather have Grosse Pointe Woods called along with Harper Woods? And wouldn't it be nice if those Public Safety Officers in Harper Woods could help fight that fire?"

Mayor Pro tem Szymanski made the following comment: "I just heard the City Manager say it was convoluted as to the direction of the radios as to who should contact who...common sense should prevail.... and there is no excuse for that, and I am really tired of making excuses based on childish games here....in this investigation that you're going to do, can we have the policies of what is supposed to happen, and we sure need to have enforcement of those policies. And I really mean, heads have got to roll if that policy is not adhered to. It does not take a rocket scientist....you don't have to be a genius to figure out that you have a fire department a few blocks away, and you call one at Ten and a half and Harper....especially when someone who made a comment about fires doubling a couple minutes or whatever...(interruptions) .....and we have a fire department that's a few blocks away and we're calling one miles away, miles away. And again, if their family was in that building I don't think that decision would have been made, and that is not

acceptable, and somebody needs to be fired. That's how you cure it. You fire them. They can grieve after. You fire them first. That's what we have to do."

Councilwoman Sawicki commented on a unrelated topic announcing that long time resident, Walter Laitner, who attended meetings regularly, passed away last month.

CM 02-24-10 2010 GOAL SETTING SESSION

MOTION by Monaghan, SUPPORTED by Szymanski:  
To adjourn to the Conference Room for the 2010 Goal Setting Session.

ABSENT: Palmer.

MOTION CARRIED

The City Council recessed at 7:53 p.m. and reconvened in the Conference Room at 8:03 p.m.

CITY OF HARPER WOODS, MICHIGAN  
REGULAR CITY COUNCIL MEETING

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2010 GOAL SETTING SESSION

The City Manager discussed and reported on the various items that City Council had discussed previously. No action was taken.

CM 02-25-10 ADJOURNMENT

MOTION by Monaghan, SUPPORTED by Costantino:  
That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 8:24 p.m.

ABSENT: Palmer.

MOTION CARRIED

KENNETH A. POYNTER, MAYOR

MICKEY D. TODD, CITY CLERK

**ATTACHMENT #1**

**THE CITY OF HARPER WOODS  
RESOLUTION OF OPPOSITION TO  
STATE OF MICHIGAN HOUSE BILL 5558 &  
HOUSE BILL 5559**

**WHEREAS, the City of Harper Woods has demonstrated leadership and best practices in solid waste management, recycling and composting, and has instituted many programs which reduce waste and increase recycling and composting, and**

**WHEREAS, the City of Harper Woods fully supports the value of recycling, including the conservation of energy and resources, reduced demand on Michigan's existing landfill capacity, economic development and reduction of greenhouse gasses, and**

**WHEREAS, while House Bill 5558 states an intent to support recycling across Michigan, no analysis has been conducted to determine whether the proposed level of funding created by House Bill 5558 and the design of the funding mechanism in House Bill 5559 and House Joint Resolution MM are appropriate to promote access to recycling programs and growth of recycling programs, and will result in the recycling improvements envisioned in House Bill 5558, and**

**WHEREAS, the proposed landfill surcharge of \$7.50 per ton will have an adverse impact on the City of Harper Woods, and no analysis has been performed to determine the extent of that adverse impact, especially on the level of employment in the State of Michigan,**

**NOW THEREFORE BE IT RESOLVED, that the City of Harper Woods opposes House Bills 5558 and 5559 for the following reasons:**

- \* The surcharge likely represents a violation of tests established by the Michigan Supreme Court that clarifies a fee versus a tax, Subjecting local governments to legal consequences.**
- \* Inviting the State of Michigan to place a surcharge on services that are provided by local government as a means of generating dependable, predictable revenues for local governments is poor policy.**
- \* The fee will increase costs for many local governments at a time when they can least afford it.**
- \* Even if a local government receives these funds when they are dispersed, use of the funds is restricted in the law.**

**BE IT FURTHER RESOLVED THAT a copy of this resolution be sent to the Governor, as well as to members of the Michigan House and Senate.**

CITY OF HARPER WOODS  
CITY COUNCIL  
MARCH 1, 2010

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:00 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem John M. Szymanski, Councilperson(s) Cheryl A. Costantino, Hugh Marshall, Michael P. Monaghan, Daniel S. Palmer, and Vivian M. Sawicki .

ABSENT: None.

OTHERS PRESENT: City Manager James E. Leidlein, City Attorney Sharon A. DeWaele and City Clerk Mickey D. Todd.

MOTION by Monaghan, SUPPORTED by Costantino:  
To receive, approve and file the minutes of the regular City Council meeting held February 17, 2009, and furthermore, receive and file the minutes of the Election Commission meeting held February 25, 2010.

MOTION CARRIED UNANIMOUSLY

CM 03-27-10

CONSENT AGENDA

RESOLUTION by Costantino, SUPPORTED by Monaghan:  
BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 89999 through 90083 in the amount of \$546,334.44 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.
2. Approve payment to Statewide Security Transport in the amount of \$9,735.78 for prisoner lodging and maintenance for the month of January 2010.

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3. Approve payment to Nu Appearance Maintenance in the amount of \$7,663.60 for snow removal and salting of sidewalks in various areas of the city.
4. Approve the appointment of Robert St. Mary to the Library Board for the unexpired term ending January, 2012.

ROLL CALL VOTE

YES: Costantino, Marshall, Monaghan, Palmer, Sawicki, Szymanski and Poynter.  
NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 03-28-10

2010 COMMUNITY DEVELOPMENT  
BLOCK GRANT - OPEN PUBLIC HEARING

MOTION by Palmer, SUPPORTED by Sawicki:  
To open the Public Hearing on the 2010 Community Development Block Grant program.

MOTION CARRIED UNANIMOUSLY

PUBLIC HEARING



The City Manager stated that the City is required to annually hold a public hearing for the proposed use of Community Development Block Grant monies, and that notice of this hearing was published as required. He then reviewed the proposed use of this year's funds and answered any questions.

CM 03-29-10                      2010 COMMUNITY DEVELOPMENT  
BLOCK GRANT - CLOSE PUBLIC HEARING

MOTION by Szymanski, SUPPORTED by Palmer:  
To close the Public Hearing on the 2010 Community Development Block Grant program.

MOTION CARRIED UNANIMOUSLY

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CM 03-30-10                      ADOPTION OF 2010 COMMUNITY  
DEVELOPMENT BLOCK GRANT PROGRAM

RESOLUTION by Sawicki, SUPPORTED by Costantino:  
BE IT RESOLVED to adopt the 2010 Community Development Block Grant Program as follows:

Administration	\$ 9,700	
SOC Minor Home Repairs		\$16,000
SOC Chore Program		\$ 9,220
Street Improvements		\$52,860
Concrete, Landscape & Electrical - Census Tract 5514005 & 5516003 (Kelly Rd & Beaconsfield)		
Pointe Area Assisted Transit Svc. (Handicapped Transportation)		<u>\$ 9,220</u>
	TOTAL	<u>\$ 97,000</u>

ROLL CALL VOTE

YES: Marshall, Monaghan, Palmer, Sawicki, Szymanski, Poynter and Costantino.  
NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 03-31-10                      MILK RIVER - OPERATION & MAINTENANCE

RESOLUTION by Marshall, SUPPORTED by Monaghan:

BE IT RESOLVED to approve payment to Wayne County in the amount of \$300,646.50 for the operation and maintenance of the Milk River Drain for the first and second quarter of FY2010.

ROLL CALL VOTE

YES: Monaghan, Palmer, Sawicki, Szymanski, Poynter, Costantino and Marshall.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CALL TO AUDIENCE

Mr. Bruneel announced that the Lion's Club will be having their Annual Pancake Breakfast on Palm Sunday, March 28, at the Community Center from 9:00 a.m. to 1:00 p.m., and that tickets are \$5.

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Ms. Uhl thanked the Mayor for taking time to meet with her last week, saying that they had a nice conversation and agreed to disagree on some issues.

Mr. Como said he was disturbed after reading the minutes from the last Council meeting regarding our Fire Department's decision not to call for assistance from Grosse Pointe Woods Public Safety before calling Eastpointe or St. Clair Shores Fire Departments in response to the Edgefield apartment fire. He asked if the Fire Department has called Grosse Pointe Woods in the past for assistance, and if a situation like this can be avoided in the future. (The City Manager said that they have called Grosse Pointe Woods in the past for assistance, and that this situation will be avoided in the future.) He said that this seems like a union issue and requested the address of the union so he could write to them. (The City Manager said that he could mail it to the Fire Department and that it would be forwarded to the union.)

Mr. Frattini said that he read the City Council minutes from the last meeting, and said the Council members should be ashamed of themselves for the comments they made about the Fire Department's response to the Edgefield Apartment fire. He said that he could not believe that Council members would question the decision of an incident commander at a fire, suggesting that unless they have gone to the fire academy that they were not qualified to question the tactics and decisions of the incident commander. He added that nobody questioned the command tactics of Gen. MacArthur or Gen. Patton during WWII. He then suggested that the Incident Commander, Cpt. Randles, should be recognized by the City for his recent life saving response while on a cruise when he saved a child from choking. He said that he would like to see our fire fighters receive recognition like our police officers have in the past. Lastly, he commented on the recent house fire on Beaconsfield saying that the Eastpointe Fire Department's response time was three minutes, just like Grosse Pointe Farms.

## CALL TO COUNCIL

Mayor Poynter advised that he was part of a forum at the Grosse Pointe War Memorial that discussed how cities are attempting to respond to the current economic crisis. He said that he emphasized the negative impact that falling property values, decreased revenue sharing and interest earnings on City investments were having on the City's revenue picture, and the need for everything to be on the table for discussion when deciding on future cuts to the budget, including attrition, downsizing, consolidation, privatization, public safety, taxes and grants. He added that Council intends to do what is best for the community and not for any particular individual or department. He also pointed out that we are not alone in facing this difficult situation, saying that the budget struggles and proposed cuts in Royal Oak, Eastpointe and Ferndale have recently been in the news. He then changed topics saying that he will be one of three speakers this Saturday at WCCD that will be giving a presentation on the history of this area in the 1800's, and invited the public to attend. Then he said that he had the pleasure of attending Harper Woods

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Scout Pack's 273 Blue and Gold Banquet over the weekend, and was glad to visit with all of the good kids and their parents that participate in scouting. Lastly, he wished Councilman Monaghan a happy 13<sup>th</sup> birthday (leap year birthday).

Mayor Pro tem Szymanski congratulated former Harper Woods resident and USA Hockey team member Angela Ruggiero, on her recent performance in the Winter Olympic Games. He listed her impressive list of accomplishments and suggested that Council present her with a proclamation in recognition of her recent performance.

Mayor Poynter commented on Ms. Ruggiero being recognized by City Council after the 2006 Winter Olympic Games, saying that he was impressed with the fact that she did not appear to be affected by her stardom, and was in fact a very genuine and down to earth person.

Councilwoman Sawicki commented on the City's outdoor information sign not working, and asked the City Manager if it was turned off to save money. (The City Manager said that there is a problem with the connection to the sign, and said that he hopes to have it fixed and running in the next few days.) She then said that a resident contacted her and suggested that the City save money by turning off a number street lights on Harper, and asked the City Manager to look into the matter.

Councilwoman Costantino responded to Mr. Frattini's comments saying that she can speak with authority on the fire incident issue, as she has gone through the fire academy and has been an incident commander. She added that as far as Council recognizing the performance of our fire fighters, that is an issue the Fire Chief must bring forward, and said that she hopes he does in the future.

Councilman Marshall commented on an article that appeared in freep.com that said property values in Harper Woods dropped by seventy-five percent, and asked the City Manager if that was

true, and if so, what impact this would have on the City's finances. (The City Manager said that freep.com cited the median home value, which is not the average, and said that if it is correct, we could see a reduction in tax revenues by as much as forty-percent.)

Councilman Monaghan commented on the impact foreclosed properties have on median home values in the city, saying that many of the foreclosed homes were purchased by investors for 15k-25k, and are not representative of our actual home sales. He added that he raised this issue last year and the need for the State of Michigan to address the impact this will have on local governments ability to raise revenue to provide adequate services. Lastly, he said that he believes home values will return, but the City's ability to recover lost tax revenue will not, unless the law is changed to address this situation.

Councilwoman Costantino pointed out that the median drop in property values is not

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representative of the average decrease in property values in the city, because the average home value is a lot higher.

Mayor Pro tem Szymanski asked the City Manager what impact, if any, the sale prices of the foreclosed homes will have on tax appeals before the Board of Review. (The City Manager said that it depends on who asks, so the answer is yet to be determined.)

CM 03-32-10

ADJOURNMENT

MOTION by Monaghan, SUPPORTED by Szymanski:  
That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 7:33 p.m.

MOTION CARRIED UNANIMOUSLY

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KENNETH A. POYNTER, MAYOR

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MICKEY D. TODD, CITY CLERK

CITY OF HARPER WOODS  
CITY COUNCIL  
MARCH 15, 2010

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:00 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem John M. Szymanski, Councilperson(s) Cheryl A. Costantino, Hugh Marshall, Michael P. Monaghan, Daniel S. Palmer and Vivian M. Sawicki .

ABSENT: None.

OTHERS PRESENT: City Manager James E. Leidlein and City Clerk Mickey D. Todd.

CM 03-33-10

MINUTES

MOTION by Monaghan, SUPPORTED by Szymanski:  
To receive, approve and file the minutes of the regular City Council meeting held March 1, 2010.

MOTION CARRIED UNANIMOUSLY

CM 03-34-10

CONSENT AGENDA

RESOLUTION by Costantino, SUPPORTED by Monaghan:  
BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 90084 through 90215 in the amount of \$703,062.03 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.
2. Approve payment to Anderson, Eckstein & Westrick, Inc. in the amount of \$11,766.98 for professional services during the month of February 2010 for the following projects: 2012 Wayne County Call for Project, #180-125; Handicap Ramp Upgrades, #180-126; EB Harper - Vernier to 8 Mile, #180-106; EB Harper - Manchester to Vernier, #180-109; I-94 Fence/Guardrail Maintenance by MDOT, #180-123; 2009 Emergency Concrete Pavement Repair, #180-116 and Traffic Signal Upgrades, #180-124.

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ROLL CALL VOTE

YES: Costantino, Marshall, Monaghan, Palmer, Sawicki, Szymanski and Poynter.  
NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 03-35-10

CARSON & BARNES CIRCUS -  
APPROVAL OF REQUEST

RESOLUTION by Marshall, SUPPORTED by Costantino:

BE IT RESOLVED to approve the request from Carson and Barnes Circus to hold an event at Eastland Center from July 22 through July 24, 2010.

ROLL CALL VOTE

YES: Marshall, Monaghan, Palmer, Sawicki, Szymanski, Poynter and Costantino.  
NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 03-36-10

MILK RIVER - INTEREST

RESOLUTION by Palmer, SUPPORTED by Monaghan:

BE IT RESOLVED to approve payment in the amount of \$21,464.22 to Wayne County for the Milk River Drain interest payment on the 1991, 1992 and 1993 Series Bonds.

ROLL CALL VOTE

YES: Monaghan, Palmer, Sawicki, Szymanski, Poynter, Costantino and Marshall.  
NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

## CALL TO AUDIENCE

Mr. Bruneel announced that the Lion's Club will be having their Annual Pancake Breakfast on Palm Sunday, March 28, at the Community Center from 9:00 a.m. to 1:00 p.m., and that tickets are \$5. He added that all proceeds benefit the residents of the community, and thanked everyone for their past support.

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Ms. Mercer, Harper Woods Little League Secretary, said that the Little League Board is interested in developing a partnership with the city to help recycle the plastic bottles that are sold at the concession stand, and asked if they could have the Recreation Department employees assist them with this matter. (Mayor Poynter told her to make an appointment with the City Manager to make the necessary arrangements.)

Ms. Paiz asked for a clarification of the previous City Council minutes where the Edgefield Apartment fire was discussed, asking if the Grosse Pointe Woods Public Safety Department was called to help with the fire. (The City Manager said that the incident is under investigation with a report forthcoming.) She also said that she saw on the news that a Harper Woods Fire Captain was recently suspended because of an incident where a fire hose struck and broke a window at City Hall during testing. (The City Manager confirmed that the Fire Captain was suspended.)

Ms. Uhl commented on the four recent newspaper articles that cast the Fire Department in a negative light, and the various other articles that have appeared in the paper over the months regarding car jackings and robberies, saying that it is no wonder that people are not flocking to move into the city. She added that it seems like the city is bent on destroying itself, and that she is disappointed and disgusted with the whole situation and the ongoing battle between the Fire Department and the City. She said that this problem is the fault of City Council for not putting a Charter Amendment before the voters so the question of cross training and public safety can be decided. She suggested that the issue be put before the voters and that both sides be invited to a Town Hall meeting to present their points of view, because this issue is destroying the city.

Mr. Binder said that he recently walked down Beaconsfield picking up empty juice boxes that the kids at school are given and returned the empties to the School Superintendent and asked him to do something about the litter. He added that the Superintendent said that he would address the problem. He also suggested that the police start issuing litter tickets to these kids as a means of addressing this problem.

Ms. Marshall commented on the litter being dropped by students on Beaconsfield, saying that she raised this issue with the Principal and Asst. Principal and was told that once the kids leave school property it is no longer a school problem. She then commented on being concerned about allowing her son to walk to school in the morning after a student was robbed last month while walking to school, saying that she was told by the police department that they are changing shifts at that time of day and cannot provide officers to watch that area at that time. She then commented on the recent suspension of a fire command officer, and asked what became of the

Recreation Department employee who allowed teenagers to drink at a party at her house, wondering if this person was suspended without pay. (The City Manager said that she was suspended and eventually terminated, and that her termination is being appealed in court.) Then she commented yhat the fire and police issue is getting old, and how it is a waste of time coming to Council meetings because discussion is not allowed between the Council and the public.

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Ms. Paiz said that she heard that the St. Clair Shores City Council is reviewing a fire mutual aid agreement, and asked if Harper Woods would be a part of this agreement. (The City Manager said that he is not aware of the content of the agreement that they are considering.)

Mr. VanPoucker commented on kids loitering and fighting at Beacon school and asked what can be done about it. (The Mayor suggested that he contact the School Board.) Lastly, he agreed with previous comments about the need to get the fire department issue resolved.

#### CALL TO COUNCIL

Mayor Poynter said that he spent an enjoyable day last Saturday giving a presentation at Wayne County Community College on the history of Harper Woods in the 1800's. He then agreed with members of the public regarding the police/fire issue growing old, and repeated his previous comment that he doesn't want the existing fire fighters to cross train, he just wants to be able to use the sixteen cross trained police officers to fight fires with the Fire Department. He added that it is ironic that our cross trained police officers can be called to assist other communities with fire suppression, but are not allowed to help fight fires in Harper Woods because of a lawsuit brought by the fire fighters. He further added that he agrees that the City Charter requires separate police/fire services, but cross training is a way of saving money.

Councilwoman Sawicki asked the City Manager to send the School District a letter expressing concern over the students littering on Beaconsfield. (The City Manager said that he would look into the matter and report back.)

Mayor Pro tem Szymanski said that it has been brought to his attention that the Census forms for Harper Woods residents are labeled "Detroit 48225" and asked the City Manager if this is an error. (The City Manager said that he spoke to a staff member in Sen. Stabenow's office regarding this and was advised that it will not effect the responses from Harper Woods because the Census tract numbers are encoded in the bar code on the form. He added that residents can still cross off Detroit and write Harper Woods if they want to.)

Councilwoman Costantino urged residents to complete the census form because it is important to our future funding and elected representation. She added that she worked as a Census worker during the last census and urged people to complete the mailer to avoid having a Census worker come out to their house. She said that once they come out to your house they gather much more information than you might want, so it is best to complete the mailer and remain anonymous.



Councilwoman Sawicki asked the City Manager to look into the comment made by a member of the public that suggested there is a gap in our police coverage during the morning hours when children are walking to school, to see if that is correct. She added that there should not be any

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gaps in police coverage. (The City Manager said that he would look into the matter and report back.)

Councilwoman Costantino announced that the AMVETS will be having a corned beef dinner on Wednesday, St. Patrick's Day from 4-7 p.m. She also announced the passing of long time community activist, Robert Queller, who passed away earlier in the week, saying that Mr. Queller was very active in the community and he will be missed.

Councilman Marshall said that he recently attended a Grosse Pointe/Clinton Refuse Authority meeting where the Board voted unanimously to oppose Senate Bill 5750, which if adopted would increase our refuse charges. He added that the Board is also monitoring similar legislation and will oppose it too if it is brought to the Senate floor. He also said that the Board voted against hiring a lobbyist in reference to this legislation, and that he would report further on these issues at a future meeting.

Councilwoman Sawicki commented that Senator Scott sent a letter recognizing City Council's opposition to S.B. 5750, and that she would consider Council's opposition.

Mayor Poynter announced that he had been approached to run for Senator Scott's term limited seat but has declined to run.

CM 03-37-10

ADJOURNMENT

MOTION by Monaghan, SUPPORTED by Szymanski:  
That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 7:37 p.m.

MOTION CARRIED UNANIMOUSLY

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KENNETH A. POYNTER, MAYOR

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MICKEY D. TODD, CITY CLERK

CITY OF HARPER WOODS  
CITY COUNCIL  
APRIL 5, 2010

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:00 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem John M. Szymanski, Councilperson(s) Hugh Marshall, Michael P. Monaghan, Daniel S. Palmer, and Vivian M. Sawicki .

ABSENT: City Councilwoman Cheryl A. Costantino.

OTHERS PRESENT: City Manager James E. Leidlein, City Attorney J. Russell LaBarge and City Clerk Mickey D. Todd.

CM 04-38-10

EXCUSE COUNCILWOMAN COSTANTINO

MOTION by Monaghan, SUPPORTED by Sawicki:  
To excuse Councilwoman Cheryl A. Costantino from tonight's meeting because of a prior commitment.

ABSENT: Costantino.

MOTION CARRIED

CM 04-39-10

MINUTES

MOTION by Monaghan, SUPPORTED by Szymanski:  
To receive, approve and file the minutes of the regular City Council meeting held March 15, 2010 and furthermore receive and file the minutes of the Library Board meeting held March 18, 2010, the Board of Review held March 23, 2010 and the Planning Commission meeting held March 24, 2010.

ABSENT: Costantino.

MOTION CARRIED

CM 04-40-10

CONSENT AGENDA

RESOLUTION by Palmer, SUPPORTED by Marshall:

BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 90216 through 90353 in the amount of \$622,894.83 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.
2. Approve payment to Statewide Security Transport in the amount of \$8,079.34 for prisoner lodging and maintenance for the month of February 2010.
3. Approve payment to Nu Appearance Maintenance, Inc. in the amount of \$9,400.30 for snow removal and salting of sidewalks in various areas of the city.
4. Approve payment to Anderson, Eckstein & Westrick, Inc. in the amount of \$11,538.70 for professional services during the month of February 2010 for the following projects: EB Harper Resurfacing - Vernier to 8 Mile, #180-106; EB Harper Resurfacing - Manchester to Vernier, #180-109; Traffic Signal Upgrade - Beaconsfield, #180-124; Handicap Ramp Upgrades - Beaconsfield, #180-126 and Poupard Elementary Parking Lot, #180-128.
5. Approve payment in the amount of \$3,676.64 to Wayne County for the Milk River Drain interest payment on the 1999 Series Bond.

ROLL CALL VOTE

YES: Marshall, Monaghan, Palmer, Sawicki, Szymanski and Poynter.

NO: None.

ABSENT: Costantino.

RESOLUTION ADOPTED

CM 04-41-10

PARK RESERVATION FEES

MOTION by Szymanski, SUPPORTED by Palmer:

To table and refer the proposed amendment to the Park Reservation Fees back to the City Manager for further review and recommendation.

ABSENT: Costantino.

MOTION CARRIED

RENEWAL OF WATER SERVICE  
CONTRACT - CITY OF DETROIT

RESOLUTION by Marshall, SUPPORTED by Monaghan:

BE IT RESOLVED to approve the Water Service Contract between the City of Detroit, a municipal corporation by its Water and Sewerage Department and Board of Water Commissioners and the City of Harper Woods, a municipal corporation, and further, authorize the City Manager and City Clerk to sign the contract. (Attachment #1)

ROLL CALL VOTE

YES: Monaghan, Palmer, Sawicki, Szymanski, Poynter and Marshall.

NO: None.

ABSENT: Costantino.

RESOLUTION ADOPTED

CALL TO AUDIENCE

Mr. Binder commented on a water leak on his street that he advised the City about months ago, saying that nothing was done about it until recently when the Police were working a crime scene at an adjacent property. He said the water ran for three to four weeks until it was shut off.

Mr. VanPoucker asked if there has been any progress made in the police/fire cross training issue. (The City Manager said that there is nothing new to report.)

Mr. Szolach said that he heard a rumor that the Chandler Park Academy is going to purchase the old Notre Dame High School and use it for a high school, and asked if the city heard this. (The City Manager said that he is unaware of any proposed purchase.)

CALL TO COUNCIL

Mayor Poynter said that he and Mayor Pro tem Szymanski recently had the opportunity to meet with Wayne County Sheriff Benny Napoleon, and was pleased to report that the Sheriff intends to continue picking up prisoners with no cost to the City. He then commented on the Board of Review minutes and expressed concern over the reductions given to 154 properties, pointing out that the lower assessments go the harder it will be to provide the same level of services that our residents expect. Lastly, he congratulated the Police Chief on the Department's 2009 Year End Report, saying that he did an outstanding job and that the report is very informative.

Councilman Monaghan commented on the number of similar names that appeared in this year's

and last year's Board of Review minutes, saying that he hoped improvements are made to the properties that received reductions so that future values will increase. He also said that he is bothered by the investors who are buying foreclosed properties at an extremely low cost and then the Board of Review are reducing their assessments.

Councilwoman Sawicki announced that the Harper Woods Police Department 2009 Year End Report is available on the City's internet site at [www.harperwoodscity.org](http://www.harperwoodscity.org) She then commented on a letter City Council received from the Harper Woods Superintendent of Schools in response to the concerns raised at the last meeting from a resident about students littering on Beaconsfield, saying that he agrees it is a problem, and that he will work to address the situation. Lastly, she urged residents who are concerned about this situation to continue complaining to the School District until the problem is resolved.

CM 04-43-10

ADJOURNMENT

MOTION by Monaghan, SUPPORTED by Palmer:

That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 7:13 p.m.

ABSENT: Costantino.

MOTION CARRIED

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KENNETH A. POYNTER, MAYOR

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MICKEY D. TODD, CITY CLERK

APRIL 19, 2010

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:00 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem John M. Szymanski, Councilperson(s) Cheryl A. Costantino, Michael P. Monaghan, Daniel S. Palmer and Vivian M. Sawicki .

ABSENT: Councilman Hugh Marshall.

OTHERS PRESENT: City Attorney J. Russell LaBarge, City Manager James E. Leidlein and City Clerk Mickey D. Todd.

CM 04-44-10

EXCUSE COUNCILMAN MARSHALL

MOTION by Palmer, SUPPORTED by Costantino:  
To excuse Councilman Hugh Marshall from tonight's meeting because of a prior commitment.

ABSENT: Marshall.

MOTION CARRIED

CM 04-45-10

MINUTES

MOTION by Costantino, SUPPORTED by Monaghan:  
To receive, approve and file the minutes of the regular City Council meeting held April 5, 2010, and furthermore, receive and file the minutes of the Election Commission meeting held April 12, 2010.

ABSENT: Marshall.

MOTION CARRIED

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REGULAR CITY COUNCIL MEETING

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CM 04-46-10

CONSENT AGENDA

RESOLUTION by Costantino, SUPPORTED by Monaghan:

BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 90215 and 90354 through 90482 in the amount of \$220,680.90 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.
2. Approve payment to Plante & Moran in the amount of \$23,000 for the professional services performed in conjunction with the 2009 audit.

ROLL CALL VOTE

YES: Costantino, Monaghan, Palmer, Sawicki, Szymanski and Poynter.

NO: None.

ABSENT: Marshall.

RESOLUTION ADOPTED

CM 04-47-10

FIREARMS AUTOMATED TRAINING  
SYSTEM - EQUIPMENT PURCHASE

RESOLUTION by Palmer, SUPPORTED by Monaghan:

BE IT RESOLVED to approve the purchase of the Firearms Automated Training System from MPRI in the amount of \$21,099.03, with \$15,601 to be funded with the 2009 JAG grant award, and further, that competitive bidding be waived as this has been quoted under Federal Bid GOVWIN #4825.

ROLL CALL VOTE

YES: Monaghan, Palmer, Sawicki, Szymanski, Poynter and Costantino.

NO: None.

ABSENT: Marshall.

RESOLUTION ADOPTED

CM 04-48-10

GENERAL OBLIGATION TAX ROAD  
BONDS - PRINCIPAL & INTEREST

RESOLUTION by Sawicki, SUPPORTED by Szymanski:

BE IT RESOLVED Approve payment to the Bank of New York in the amount of \$674,762.50 for the annual principal and interest payments on the 1995, 1999 and 2001 Tax Road Bonds and

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REGULAR CITY COUNCIL MEETING

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the Library Improvement Bond; \$19,500.00 interest on the 1995 Series Bond; \$378,000.00 principal and interest on the 1999 Series Bond; \$118,775.00 principal and interest in the 2001 Series Bond and \$158,487.50 principal and interest on the Library Improvement Bond.

ROLL CALL VOTE

YES: Palmer, Sawicki, Szymanski, Poynter, Costantino, and Monaghan.

NO: None.

ABSENT: Marshall.

RESOLUTION ADOPTED

CM 04-49-10

PROPOSED STREET LIGHT UTILITY FEE

RESOLUTION by Monaghan, SUPPORTED by Szymanski:

BE IT RESOLVED Whereas, the City of Harper Woods continues to see a dramatic decrease in General Fund revenue due to an increasingly eroding property tax base, and

Whereas, it is the desire of the City Council to maintain essential services of the residents of the City of Harper Woods in light of these restrained revenue resources, and

Whereas, the cost of maintaining and operating a municipal street lighting system represents a significant cost in excess of \$450,000 per year, and

Whereas, it is the determination of the City Council of the City of Harper Woods that it is in the best interest of the residents to operate a streetlight system to promote the general health, safety and welfare of residents of and visitors to the City.

Now, therefore be it resolved, that the City Manager and City Attorney are hereby directed to prepare for City Council approval an ordinance to implement a Street Lighting Utility Charge to defray the cost of the City's municipal street lighting system.

ROLL CALL VOTE

YES: Sawicki, Szymanski, Poynter, Costantino, Monaghan and Palmer.

NO: None.

ABSENT: Marshall.

RESOLUTION ADOPTED

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CALL TO AUDIENCE

Ms. Marshall asked how much the proposed street lighting fee would raise, and how much the raise given to the Police Officers is costing the city. (The City Manager said that the proposed street lighting fee would raise approximately \$450k, which is approximately what it costs the



City. He added that he did not know offhand what the cost of the police raise is to the City.) She suggested that the City look at other services to cut rather than coming to the taxpayers for more money.

Ms. Paiz said that she is fine with the street lighting fee being added to the water bill, but is concerned about the street lighting proposal being voted in as an ordinance versus a ballot proposal.

Ms. Collias said that she is concerned that the city is dying especially after the recent homicide, and asked what she and her neighbors can do to help. (The Mayor suggested that she speak with the Police Chief to form a neighborhood watch with her neighbors.) She also asked what the City's plan is if the police and fire departments cannot be combined. (The Mayor said that the issue will be discussed by Council after the court rules on the Fire Fighters lawsuit.) She then suggested that the City is not enforcing the property maintenance codes aggressively. (The Mayor said that warnings and citations are issued continuously.) Then she asked when Macy's lease is up. (The Mayor said Macy's owns the building.) Lastly, she asked Council if they had read the article in the Macomb Daily a couple of weeks ago about the City's fire mutual-aid pact with St. Clair Shores. (The Mayor said that City Council did read the article.)

Mr. Grace asked if the proposed streetlight assessment is a fee or a tax, and pointed out that another city in Michigan attempted this and it was found to be illegal. (The City Attorney said that City Council is authorized to establish fees under section 12.1 of the City Charter.)

Mr. Binder commented on a neighbor being billed \$400 for using the ambulance, saying that he always thought it was free and part of paying taxes, so he was surprised by this. He added that a friend of his up north told him that they had to only pay \$10 if they used the ambulance. (The City Manager said that residents typically pay less and the City excepts whatever a users insurance pays.) Lastly, he asked what the status is of the proposed cul-de-sacing of some city streets as a crime deterrent. (The Mayor said that the Police Department is still reviewing the plan.)

Mr. Stickney of Eastwood complained about people walking in the streets and urged the City to adopt a zero-tolerance policy and start ticketing all offenders.

Mr. McGigor says that he watches his neighborhood all the time and sometimes walks in the street.

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Mr. Bruneel commended the administration for keeping services up over the years, and said that he hoped that they will be able to maintain these services in the future.

Ms. Calhoun asked what the status is of the apartment fire investigation. (The Mayor said that an outside consultant was hired to investigate the fire and that the results should be available soon.)

Ms. Paiz said that she was pleased to find the additional agenda information being posted on the City's website ([www.harperwoodscity.org](http://www.harperwoodscity.org)), saying that it shows transparency on the City's part. Lastly, she asked what the City's response was to the City of St. Clair Shores over the fire mutual aid pact. (The Mayor read the City Manager's letter in response to this situation that was sent to the City of St. Clair Shores.)

Mr. Binder commented on the City cross training Police Officers saying that he did not understand how this would increase the number of police officers on the streets.

Ms. Marshall spoke on behalf of her neighbor who is upset with some of the students at the Chandler Park Academy for urinating in her back yard. She then commented on cross trained police officers and the deficiencies they have when it comes to emergency medical responses, and changing for a fire response. She added that it is her understanding that Grosse Pointe Woods PSO's are not allowed to enter burning structures. She said that she preferred to have experienced fire fighters, and said that residents want to know the details of what the City is proposing and they want to vote on it.

#### CALL TO COUNCIL

Mayor Poynter said that he had the honor of presenting the Services for Older Citizens (SOC) awards at their annual awards banquet, and was pleased by all the compliments our PAATS service received. He also said that he attended Friday's Dinner and Jazz concert at Harper Woods High School saying that he had a nice evening. Lastly, he reminded everyone that Saturday at 11:00 a.m. is the Little League Parade followed by the Opening Day Ceremony.

Councilwoman Sawicki commented on a memo that City Council received from the Public Works Superintendent, he advised that those giant "X's" being painted on the service drive are reference points for aerial photos that MDOT intends on taking that will ultimately be used for GPS data. She then asked the City Manager to contact MDOT once again about the condition of the Woodland pedestrian overpass and the potential hazard it presents with the loose and crumbling cement decking.

Mayor Pro tem Szymanski asked the City Manager if he has gotten a response from the County about repairing the freeway fences, and if not, then he asked him to send another letter requesting

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that the fences be repaired.

Councilwoman Costantino commented on the concerns expressed about youths walking in the streets and curfew violations, and suggested that perhaps signs be posted and that our police officer who serves as a liaison to the schools, speak to the kids about this problem.

Mayor Poynter asked the City Manager to contact the City of Detroit about repairing the pot holes on Beaconsfield from Kingsville south.

CM 04-50-10

ADJOURNMENT

MOTION by Szymanski, SUPPORTED by Monaghan:

That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 7:52 p.m.

ABSENT: Marshall.

MOTION CARRIED

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KENNETH A. POYNTER, MAYOR

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MICKEY D. TODD, CITY CLERK

CITY OF HARPER WOODS  
CITY COUNCIL  
MAY 3, 2010

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:00 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Councilperson(s) Cheryl A. Costantino, Hugh Marshall, Michael P. Monaghan, Daniel S. Palmer, and Vivian M. Sawicki

ABSENT: Mayor Pro tem John M. Szymanski.

OTHERS PRESENT: City Manager James E. Leidlein and City Clerk Mickey D. Todd.

CM 05-51-10 EXCUSE MAYOR PRO TEM SZYMANSKI

MOTION by Monaghan, SUPPORTED by Palmer:  
To excuse Mayor Pro tem John M. Szymanski from tonight's meeting because of a prior commitment.

ABSENT: Szymanski.

MOTION CARRIED

CM 05-52-10 MINUTES

MOTION by Monaghan, SUPPORTED by Costantino:  
To receive, approve and file the minutes of the regular City Council meeting held April 19, 2010, and furthermore, receive and file the minutes of the Library Board held April 15, 2010.

ABSENT: Szymanski.

MOTION CARRIED

CITY OF HARPER WOODS, MICHIGAN  
REGULAR CITY COUNCIL MEETING

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CM 05-53-10 CONSENT AGENDA

RESOLUTION by Costantino, SUPPORTED by Monaghan:

BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 90483 through 90586 in the amount of \$438,694.69 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.
2. Approve payment to Statewide Security Transport in the amount of \$ 7,398.81 for prisoner lodging and maintenance for the month of March 2010.

3. Approve payment to Oakland County Information Technology in the amount of \$7,405.75 for fees relative to the CLEMIS computer system utilized by the Police Department.
4. Approve payment to J & J Truck Auto Marine in the amount of \$8,099.07 for the multiple repairs to Engine 1.
5. Approve the reappointment of Michele Stopinski as the city's representative on the Grosse Pointe Library Board with a term ending on June 30, 2014 and the appointment of Edwin Frederickson as the At-Large representative with a term ending on June 30, 2014.

ROLL CALL VOTE

YES: Costantino, Marshall, Monaghan, Palmer, Sawicki and Poynter.

NO: None.

ABSENT: Szymanski.

RESOLUTION ADOPTED

CM 05-54-10

PURCHASE OF NEW IN-CAR VIDEO SYSTEM

RESOLUTION by Marshall, SUPPORTED by Costantino:

BE IT RESOLVED approve the purchase of ten in-car video camera systems and related equipment in the total amount of \$68,595.70 from Instrumental Police Technologies, Inc. of Tulsa, Oklahoma, with the utilization of \$51,637 in federal grant funds and \$16,958.70 in drug forfeiture funds and further, whereas the purchase is under a federally competitive bid contract that the City's competitive bid process be waived.

ROLL CALL VOTE

YES: Marshall, Monaghan, Palmer, Sawicki, Poynter and Costantino.

NO: None.

ABSENT: Szymanski.

RESOLUTION ADOPTED

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CM 05-55-10

LEASE OF NEW PATROL VEHICLE

RESOLUTION by Monaghan, SUPPORTED by Sawicki:

BE IT RESOLVED to approve a three-year annual lease of \$27,693.91 for three 2010 Ford Crown Victoria police vehicles and equipment from Signature Ford of Owosso, Michigan and Ford Motor Credit, and, whereas these were completely bid through Macomb County Cooperative Purchasing Program that the City's competitive bid process be waived.

ROLL CALL VOTE

YES: Monaghan, Palmer, Sawicki, Poynter, Costantino and Marshall.

NO: None.

ABSENT: Szymanski.

RESOLUTION ADOPTED

CALL TO AUDIENCE

A Berden street resident presented City Council with a petition signed by eleven other residents requesting that the City have the property owner at 19274 Berden remove a six foot high tree stump and its roots from the yard because it is an eyesore to the area. (The City Manager said that he would have an inspector go out there tomorrow and advise the property owner to have the stump removed.)

Ms. Campbell said that she received a ticket on her rental property and has attempted to get the property re-inspected before her scheduled court date, but has been unable to make arrangements with the City to have it inspected and asked for assistance. (The City Manager asked her to call his office tomorrow and said that he would assist her.)

Ms. Uhl asked a series of questions about the City's proposal to add a street lighting charge to their water bill as a means to pay DTE the approximately \$460k street lighting bill that the City pays annually. She specifically wanted to know if the street lighting charge will be considered a fee or a tax. (The City Manager said that the City Attorney will be providing an answer to that question in the next couple of weeks.)

Mr. Wummel said that he and his neighbors attempted to clean up the property on Newcastle where a house was vacated, and they placed the trash at the street for pick-up and were told that the City would not pick up the trash, and he requested assistance in having the trash picked up. (The City Manager told him to call his office with the address of the house and he would have the trash picked up.)

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Mr. Kangas pointed out that if the City charges residents for street lighting on the water bills instead of through property taxes, then the charge would not be tax deductible.

Ms. Marshall commented on the street lights asking if the City could change bulbs for better efficiency resulting in lower utility costs. (The City Manager said that he is working on a plan with DTE to change our lighting so that they will be more efficient and cost effective.)

Mr. Binder complained about the litter on Kelly road saying that the City should stay on the business owners about cleaning up, and ticket the people who litter.

CALL TO COUNCIL

Mayor Poynter commented on the annual Little League Parade and Opening Day this past Saturday saying that it was outstanding, and that State Representative Bledsoe and Wayne County Executive Ficano were in attendance. He then said that the Annual Mayor's Prayers Breakfast is this Thursday and that proceeds from the breakfast go to local scholarship funds. Then he mentioned that the tank that used to sit at Johnston Park is now on display at West Point and that the City Manager's Office has pictures of it if any one is interested. Lastly, he congratulated Police Chief Randolph Skotarczyk on being named Police Chief of the year by the Police Officers Association of Michigan, and Deputy Chief James Burke and Police Officer Jason Sakowski for being named Police Officers of the Year.

Councilwoman Costantino commented on the tank that used to be at Johnston Park that is now at West Point saying that she saw it there, and that it looks really good. She then commented on the street lighting issue and the possibility of adding a charge to the water bills to pay for the lighting cost, saying that she has attended a workshop on street lighting and how cities can save costs, and assured the public that Council is exploring all possible options in this regard.

CM 05-56-10

EXECUTIVE SESSION -  
COLLECTIVE BARGAINING MATTER

RESOLUTION by Palmer, SUPPORTED by Monaghan:

BE IT RESOLVED to adjourn to executive session for the purpose of discussing a Collective Bargaining Matter.

ROLL CALL VOTE

YES: Sawicki, Poynter, Costantino, Marshall , Monaghan and Palmer.

NO: None.

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ABSENT: Szymanski.

RESOLUTION ADOPTED

The City Council adjourned to Executive Session at 7:20 p.m. and reconvened at 7:59 p.m.

CM 05-57-10

ADJOURNMENT

MOTION by Marshall, SUPPORTED by Monaghan:

That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 7:59 p.m.

ABSENT: Szymanski.

MOTION CARRIED

\_\_\_\_\_  
KENNETH A. POYNTER, MAYOR

\_\_\_\_\_  
MICKEY D. TODD, CITY CLERK

CITY OF HARPER WOODS  
CITY COUNCIL  
MAY 17, 2010

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:00 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem John M. Szymanski, Councilperson(s) Cheryl A. Costantino, Hugh Marshall, Michael P. Monaghan, Daniel S. Palmer and Vivian M. Sawicki .

ABSENT: None.

OTHERS PRESENT: City Manager James E. Leidlein and City Clerk Mickey D. Todd.



CM 05-58-10

MINUTES

MOTION by Monaghan, SUPPORTED by Costantino:

To receive, approve and file the minutes of the regular City Council meeting held May 3, 2010, and furthermore, receive and file the minutes of the Board of Canvassers meeting held May 5, 2010 and the Board of Trustees Employees Retirement System meeting held May 10, 2010.

MOTION CARRIED UNANIMOUSLY

CM 05-59-10

CONSENT AGENDA

RESOLUTION by Costantino, SUPPORTED by Monaghan:

BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 90587 through 90738 in the amount of \$315,377.01 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.
2. To receive and file for the audit, the 1<sup>st</sup> quarter financial statement.
3. Approve payment to the City of Grosse Pointe Farms in the amount of \$15,644.47 for Harper Woods' proportionate share of the Inter-municipal Radio System for the period July 2009 through December 2009.

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4. Approve payment to Martin, Arrington, Desai & Meyers, P.C. in the amount of \$7,950.00 for professional services in conjunction with the PAATS audit 2009.

ROLL CALL VOTE

YES: Costantino, Marshall, Monaghan, Palmer, Sawicki, Szymanski and Poynter.  
NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 05-60-10

ADA ACCESSIBLE RAMP  
REPLACEMENT - AWARD OF BID

RESOLUTION by Marshall, SUPPORTED by Szymanski:

BE IT RESOLVED to accept the low bid submitted by C & L Enterprizes, Inc. in the amount of \$67,098.50 for the ADA Accessible Ramp Replacement project on Beaconsfield.

ROLL CALL VOTE

YES: Marshall, Monaghan, Palmer, Sawicki, Szymanski, Poynter and Costantino.  
NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 05-61-10

LETTERS OF AGREEMENT - EARLY  
RETIREMENT INCENTIVES - POAM PATROL  
OFFICERS, DETECTIVE AND DISPATCHERS UNIT

RESOLUTION by Szymanski, SUPPORTED by Palmer:

BE IT RESOLVED to approve the Agreements with the Police Officers Association of Michigan - Patrol Officers, Detectives and Dispatchers Unit, as applied to retirement for Detectives Timothy Matouk and David Sheill.

ROLL CALL VOTE

YES: Monaghan, Palmer, Sawicki, Szymanski, Poynter, Costantino and Marshall.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

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CM 05-62-10

RESOLUTION - EARLY RETIREMENT  
FOR ADMINISTRATORS

RESOLUTION by Palmer, SUPPORTED by Szymanski:

BE IT RESOLVED to adopt the following resolution amending the employment contracts of the City Clerk and DPW Superintendent regarding retirement eligibility.

Whereas, as the City has entered into written employment contracts with certain administrative employees of the City; and

Whereas, the City wishes to amend these contracts by adding certain language regarding retirement eligibility to those employment contracts.

Now, Therefore be it resolved, that the following be added to the written employment agreements for City Administrators as follows: This employee, who, as of January 1, 2010 has twenty-five (25) years of service and has attained the age of fifty(50) shall be eligible for a normal retirement provided the employee elects to do so prior to September 1, 2010.

ROLL CALL VOTE

YES: Palmer, Sawicki, Szymanski, Poynter, Costantino, Marshall and Monaghan.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CALL TO AUDIENCE

Mr. Regal asked what the high bid was for the ADA cement work. (The City Manager said it was \$99k) He then complimented the City Manager on his Municipal Street Lighting System Management Report saying that it was very informative.

Mr. Krass commented on the City's proposed street lighting cost being added to the quarterly water bill saying that this has never been a consideration before, and asked why the City is not doing what other cities are doing to save money like pay freezes/cuts and furlough days for employees. He said that the City could raise additional money a number of ways, and suggested that ticketing people who walk in the street could be one way.

Mr. Smith, representing the Brush family, appealed to City Council for help and support in getting the word out on a fund raiser they are having for their daughter, Lauren, who has been diagnosed with a form of brain cancer. He spoke about how vibrant Lauren is and how they need the fund raiser to help with medical bills, and thanked everyone in advance for their support. (Mayor Poynter announced that the fund raiser will be held at the Barrister House on Thursday, June 3 from 5-9 p.m.)

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A lady who lives on Country Club complained about the condition of the house at 20307 saying that it is vacant and in disrepair, and that something needs to be done. (Mayor Poynter said that the Building Inspectors and Code Enforcement Officers are aware of the house, and they will continue to tag the house as necessary. The City Manager added that this is a problem that all communities are having with vacant houses, and assured her that the Building Inspectors and Code Enforcement Officers will check the house. Councilwoman Costantino suggested that the City begin condemnation proceedings on some of these houses.)

Mr. Fradeneck asked the City Manager how many Police and Fire runs there have been since the last Council meeting, and of these runs how many were for Police, and how many for Fire? (The City Manager said that he did not know the exact number, but would estimate that ninety percent of the calls were for police.)

Mr. Krass complained about the length of time it took the City to cut the high grass at a house on Newcastle.

#### CALL TO COUNCIL

Mayor Poynter congratulated Officer Gerald Koch for being named Harper Woods Police Officer of the Year, and added that everyone on City Council is proud of the Police Department.

Councilman Monaghan reminded the public that there will be a Memorial Day Service at Johnston Park at 10:15 a.m. on May 31.

Councilwoman Sawicki commented on how well attended Saturday's Beautification Commission's Perennial Plant Exchange was, and how they also discussed the possibility of partnering with Eastpointe and St. Clair Shores for a fall Perennial Plant Exchange.

CM 05-63-10

ADJOURNMENT

MOTION by Monaghan, SUPPORTED by Szymanski:

That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 7:25 p.m.

MOTION CARRIED UNANIMOUSLY

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KENNETH A. POYNTER, MAYOR

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MICKEY D. TODD, CITY CLERK

CITY OF HARPER WOODS  
CITY COUNCIL  
JUNE 7, 2010

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:00 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem John M. Szymanski, Councilperson(s) Cheryl A. Costantino, Hugh Marshall, Michael P. Monaghan and Vivian M. Sawicki .

ABSENT: Councilman Daniel S. Palmer.

OTHERS PRESENT: City Manager James E. Leidlein, City Attorney J. Russell LaBarge and City Clerk Mickey D. Todd.

CM 06-64-10

EXCUSE COUNCILMAN PALMER

MOTION by Monaghan, SUPPORTED by Sawicki:

To excuse Councilman Daniel S. Palmer from tonight's meeting because of a prior commitment.

ABSENT: Palmer.

MOTION CARRIED

CM 06-65-10

MINUTES

MOTION by Monaghan, SUPPORTED by Costantino:

To receive, approve and file the minutes of the regular City Council meeting held May 17, 2010 and furthermore receive and file the minutes of the Library Board meeting held May 20, 2010.

ABSENT: Palmer.

MOTION CARRIED

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CM 06-66-10

CONSENT AGENDA

RESOLUTION by Costantino, SUPPORTED by Monaghan:

BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 90739 through 90970 in the amount of \$1,018,839.60 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.
2. Approve payment to Nu Appearance Maintenance in the amount of \$9,279.00 for contractual lawn cutting and weed maintenance in various areas of the city, including the community center, annexes, DPW and the parks.
3. Approve payment to Statewide Security Transport in the amount of \$6,579.28 for prisoner lodging and maintenance for the month of April 2010.
4. Approve payment to Plante & Moran in the amount of \$23,200.00 for the professional services performed in conjunction with the 2009 audit.
5. Approve payment to Anderson, Eckstein & Westrick, Inc. in the amount of \$5,220.00 for professional services during the month of April 2010 for the following projects: EB Harper Resurfacing, Vernier to 8 Mile, #180-106; EB Harper Resurfacing, Manchester to Vernier, #180-109; 2009 Emergency Concrete Pavement Repair Project, #180-116; Handicap Ramp Upgrades, #180-126 and the 2010 Emergency Concrete Pavement Repair Project, #180-129.
6. Approve payment to Greater Detroit Heating and Cooling, Inc. in the amount of \$8,273.17 for the repairs to the leaking galvanized plumbing in the ceiling of the lower level of City Hall.

ROLL CALL VOTE

YES: Costantino, Marshall, Monaghan, Sawicki, Szymanski and Poynter.

NO: None.

ABSENT: Palmer.

RESOLUTION ADOPTED

CM 06-67-10            MILK RIVER - OPERATION AND MAINTENANCE

RESOLUTION by Marshall, SUPPORTED by Sawicki:  
BE IT RESOLVED to approve payment to Wayne County in the amount of \$150,323.25 for the operation and maintenance of the Milk River Drain for the third quarter of FY2010.

ROLL CALL VOTE

YES: Marshall, Monaghan, Sawicki, Szymanski, Poynter and Costantino.  
NO: None.

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\_\_\_\_\_ ABSENT: Palmer.

RESOLUTION ADOPTED

CM 06-68-10            MICHIGAN MUNICIPAL LEAGUE WORKERS’  
COMPENSATION INSURANCE POLICY RENEWAL

RESOLUTION by Monaghan, SUPPORTED by Costantino:  
BE IT RESOLVED to approve payment to Michigan Municipal League Worker’s Compensation Fund in the amount of \$213,416.00 for workers’ compensation insurance from July 1, 2010 through June 30, 2011, and further, in that this is self insurance pooled funds, that competitive bidding be waived in accordance with City policy.

ROLL CALL VOTE

YES: Monaghan, Sawicki, Szymanski, Poynter, Costantino and Marshall.  
NO: None.  
ABSENT: Palmer.

RESOLUTION ADOPTED

CALL TO AUDIENCE

Ms. Fuller, who lives on Kenosha complained about the rental property at 19154 saying that the tenants are loud, the dog barks continuously, the property is not kept up and the police are there frequently. She said that she has attempted to contact the owner without success, and asked for assistance in finding out who it is. She also suggested that City Council consider adopting an ordinance that would charge rental owners and renters a fee for excessive police calls to their house, because there is nothing in place to protect homeowners and the City from the decaying

rental properties. She added that our police officers are doing a fine job, but we need to get this riff raff out of the City. (The Mayor thanked her for bringing the situation to Council's attention and asked her to leave her phone number with the City Manager who will look into this situation.)

Mr. VanPoucker complained about receiving an automated phone call from the Police Department at 1:18 a.m. on Sunday morning regarding a missing child, saying that this is a ridiculous time to call. (The City Manager said that he would look into it.)

Mr. Binder complained about receiving the same automated phone call from the Police Department saying that if they are going to call at this time then he wants his phone number

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taken off the list of people to be called. He further commented about the Police Department's approach to ordinance violations saying that they need to stop the "touchy feely" approach and start ticketing violators.

Ms. Calhoun commented on a neighbor of hers who puts a skate board ramp in the street, which causes a safety hazard, and said that when she called the police they came out and told him to remove it, but it eventually goes right back out in the street, and she wanted to know at what point will the police give them a ticket? (The City Manager said that he will look into the matter.)

Ms. Uhl asked for an update on the City's plan to cul-de-sac some streets in the City. (The City Manager said that he is still looking at the plan and hopes to have something before City Council this summer.) She then asked for an update on the City's plan to place a streetlight charge on the water bills. (The City Attorney said that he has researched the issue, and it appears that it could be interpreted as being a tax and not a fee, so at this time no further action is being considered.) Ms. Uhl suggested that the City look at placing a tax increase on the ballot so that we can get through these difficult financial times.

Mr. Bruneel announced that he is on a committee that is working to make the City's July 21st Concert In The Park a success. He outlined the various activities that are being planned and said that this is going to be a fun event.

Ms. Fuller further commented on the tenant/rental problem issue of properties not being maintained to community standards saying that she knows of other communities where police charge for ordinance infractions, saying that we need to adopt these types of ordinances so that Harper Woods can gain some of its exclusivity back. (Mayor Poynter agreed saying that she made a good point.)

A lady on Country Club asked if it is permissible to have all stones or plants in your front yard instead of grass. (Mayor Poynter said that that is acceptable) She asked that the City Inspectors look at the property at 20409 Country Club for high weeds growing in the rocks.

CALL TO COUNCIL

Mayor Poynter commented on how nice the City's Memorial Day Service was, saying that it was well attended on a nice day and that he was happy to be a part of it.

Mayor Pro tem Szymanski commented on a letter Council received from a resident regarding the street lighting issue and the novel recommendation that the resident had to solve the problem of paying for the lighting. He said that the resident suggested that the City pursue a police grant to

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REGULAR CITY COUNCIL MEETING

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fund street lighting since there is a correlation between crime and lighting, and added that he hopes we pursue this as a funding possibility.

Councilwoman Sawicki also commented on the automated phone call that residents received from the Police Department at 1:18 a.m. on Sunday morning regarding a missing child, saying that several people approached her in church about it and were upset with being called this late.

Councilwoman Costantino commented on how she and the Mayor attended the fund raiser for Lauren Brush, a Parcells student who is fighting brain cancer. She said the fund raiser went well, and was well attended. She added that the Police/Fire Departments were also present and contributed to the fund raiser. The Mayor also commented on the fund raiser saying that he had an opportunity to meet Lauren Brush and found her to be a bright, sweet young girl, and he wished her all the best.

CM 06-69-10

EXECUTIVE SESSION - LITIGATION

RESOLUTION by Monaghan, SUPPORTED by Szymanski:  
BE IT RESOLVED to adjourn to executive session for the purpose of discussing a litigation matter.

ROLL CALL VOTE

YES: Sawicki, Szymanski, Poynter, Costantino, Marshall and Monaghan.

NO: None.

ABSENT: Palmer.

RESOLUTION ADOPTED

The City Council adjourned to Executive Session at 7:25 p.m. and reconvened at 7:44 p.m.

CM 06-70-10

WEED v CITY OF HARPER WOODS

RESOLUTION by Sawicki, SUPPORTED by Costantino:



**BE IT RESOLVED to accept the Mediation Tribunal Association case evaluation award in the amount of \$22,500 in the matter of Weed v. City of Harper Woods, et. al. in the Third Judicial Circuit of Michigan to resolve any and all claims and avoid future litigation costs with clearly no admission of responsibility or liability on the part of or on the behalf of the City of Harper Woods.**

**ROLL CALL VOTE**

**YES:** Sawicki, Szymanski, Poynter, Costantino, Marshall and Monaghan.

**CITY OF HARPER WOODS, MICHIGAN  
REGULAR CITY COUNCIL MEETING**

**JUNE 7, 2010  
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**NO:** None.

**ABSENT:** Palmer.

**RESOLUTION ADOPTED**

**CM 06-71-10**

**ADJOURNMENT**

**MOTION by Monaghan, SUPPORTED by Costantino:**

**That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 7:45 p.m.**

**ABSENT:** Palmer.

**MOTION CARRIED**

\_\_\_\_\_  
**KENNETH A. POYNTER, MAYOR**

\_\_\_\_\_  
**MICKEY D. TODD, CITY CLERK**

CITY OF HARPER WOODS  
CITY COUNCIL  
JULY 12, 2010

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:00 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem John M. Szymanski, Councilperson(s) Cheryl A. Costantino, Michael P. Monaghan, Daniel S. Palmer, and Vivian M. Sawicki .

ABSENT: Councilman Hugh Marshall.

OTHERS PRESENT: City Manager James E. Leidlein, City Attorney J. Russell LaBarge and City Clerk Mickey D. Todd.

CM 07-72 -10

EXCUSE COUNCILMAN MARSHALL

MOTION by Palmer, SUPPORTED by Szymanski:  
To excuse Councilman Hugh Marshall from tonight's meeting because of a prior commitment.

ABSENT: Marshall.

MOTION CARRIED

CM 07-73-10

MINUTES

MOTION by Monaghan, SUPPORTED by Costantino:  
To receive, approve and file the minutes of the regular City Council meeting held June 7, 2010.

ABSENT: Marshall.

MOTION CARRIED

CITY OF HARPER WOODS, MICHIGAN  
REGULAR CITY COUNCIL MEETING

JULY 12, 2010  
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CM 07-74-10

CONSENT AGENDA

RESOLUTION by Costantino, SUPPORTED by Monaghan:

BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listings for Check Numbers 90971 through 91093 in the amount of \$591,60.73 and Check Numbers 91094 through 91248 in the amount of \$350,203.96 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listings.
2. Approve payment to Nu Appearance Maintenance in the amount of \$15,519.00 for contractual lawn cutting and weed maintenance in various areas of the city, including the community center, DPW, the annexes and some residential areas.
3. Approve payment to Wayne County in the amount of \$6,405.00 for prisoner lodging and maintenance for the months of March and April 2010.
4. Approve payment to Statewide Security Transport in the amount of \$6,736.28 for prisoner lodging and maintenance for the month of May 2010.

ROLL CALL VOTE

YES: Costantino, Monaghan, Palmer, Sawicki, Szymanski and Poynter.

NO: None.

ABSENT: Marshall.

RESOLUTION ADOPTED

CM 07-75-10

AUDIT PRESENTATION 2009

RESOLUTION by Monaghan, SUPPORTED by Palmer:

BE IT RESOLVED To Receive and File the 2009 Audit/Financial Report as submitted by the City's Auditors, Plante and Moran and also receive and file their management report.

ROLL CALL VOTE

YES: Monaghan, Palmer, Sawicki, Szymanski, Poynter and Costantino.

NO: None.

ABSENT: Marshall.

RESOLUTION ADOPTED

CM 07-76-10

ADOPT A RESOLUTION TO ESTABLISH  
A RECEIVING BOARD FOR ELECTIONS

RESOLUTION by Sawicki, SUPPORTED by Costantino:

BE IT RESOLVED to authorize the City Clerk to establish one Receiving Board for the August 3rd and November 2nd elections, and appoint at least two individuals to serve on said Board, consistent with Michigan Election Law, Act 116 of 1954, as amended, 168.679a, Section 679a(1).

ROLL CALL VOTE

YES: Monaghan, Palmer, Sawicki, Szymanski, Poynter and Costantino.

NO: None.

ABSENT: Marshall.

RESOLUTION ADOPTED

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CALL TO AUDIENCE

Mr. Binder commented on the audit saying that last year the City was told by the auditors to make drastic changes because of impending budget shortfalls, and wanted to know what has been done, and what is being planned to address the situation. (The Mayor said that the City Manager will be presenting suggestions on dealing with the budget situation during the Pre-Budget Workshop at the end of today's meeting.)

Two homeowners who reside on Lancaster requested that City Council adopt an ordinance prohibiting fire pits and outdoor burning saying that they have a neighbor who regularly uses a portable fire pit and it causes them a great deal of distress because they have breathing related health issues. They said that they have complained about it to the City and police but nothing can be done. They added that they recognize the neighbor is not breaking any laws, but their health is adversely affected by this burning so an ordinance needs to be established to prohibit it.

Mr. Szolach said that he heard a rumor that the City intends on laying off ten police officers because of the budget situation, and said that he thinks this would be a big mistake. He suggested that the City raise revenue by having the police ticket people walking in the streets and people that park on the street overnight illegally. He stressed that the City will not be safe if these layoffs take place. He added that City Council cannot let the unions run the City and that they need to do what is best for residents.

Ms Uhl read a prepared statement where she commented on the retirement of one of our fire fighters and the City's dismissal from the mutual aid fire agreement with St. Clair Shores. She

then commented on the City's budget difficulties saying that the City Council was warned of this situation last year by the auditors and nothing has been done. She added that the City has spent money on fighting the fire union instead of having a vote on Public Safety, obtaining concessions from employees, restructuring the employee benefit and retirement packages. She concluded saying that City Council needs to stop thinking that they are the only ones that can solve these problems and need to listen to what the public wants done.

Mr. Grace advised City Council that the new early warning tornado sirens are too quiet and cannot be heard throughout the city when activated. (The City Manager said that he is aware of the situation and that it is going to be addressed.) He then commented on a house fire on Elkhart over the weekend saying that Grosse Pointe was first to respond, and even though they put it out, they told him afterward that they are tired of being the first responder to Harper Woods and may opt to get out of our mutual aid agreement.

Ms. Piaz commented on the concern that residents have expressed regarding outdoor fire pits, and related instances where she has smelled smoke at her house. She also commented on the recent layoffs of four fire fighters saying that it appears to be punitive given the City's recent relationship with the fire union, and is concerned that this may open the City up to a lawsuit. She added that she hoped the City Manager will address this situation tonight in his budget presentation.

A gentleman who lives in the southwest part of the city agreed with the comments made previously regarding smoke odors saying that people in his neighborhood have incinerators in their houses and when they burn their trash the whole neighborhood smells terrible. He added that he has called the police regarding this problem and was told that they can't help.

A gentleman commented on the recent layoffs of four fire fighters saying that he is against it, because of the outstanding job they did in assisting him with his late wife. He added that whenever he called for their assistance they were prompt and professional, and he would hate seeing this service diminished in the community.

Mr. Shenburn said that even though he is a union man, he agreed with a previous comment that the unions need to be flexible in dealing with the budget crisis. He said that while he is appreciative of what they do, and understands that they are just trying to maintain their livelihood, he urged them to pull together with the City for the benefit of the community by taking any necessary cuts or restructuring. He then suggested that the City could realize additional revenue by having our police enforce the speed limit on I-94 with a part time police officer. He said that the St. Clair Shores Police are always on the freeway ticketing drivers, and this works for them. Lastly, he urged Council to listen to the public more because everybody is mad and is talking recall.

Ms. Calhoun said that she appreciates both the police and fire departments and agrees that we all need to pull together to get past this budget crisis. She said that where she works she has had to take furlough days so she understands the problem. Lastly, she asked if the fire fighters that have been laid off could come back as public safety officers.

Ms. Tomkins asked if PSO's are fully trained paramedics. (The Mayor said that they can be trained as paramedics.)

A resident who works at the Credit Union across from City Hall told City Council how they had to call 9-1-1 for an ambulance last week because a customer had a heart attack in the lobby, and said that our Fire Department had to call for mutual aid from Grosse Pointe Farms, and it took them twenty-five minutes to get there. She said that something needs to be done to address this situation.

Ms. Marshall compared her experiences as a flight attendant since the terrorist attack on 9/11 to that of our fire department saying that the pilots and flight attendants knew the airline industry was vulnerable to attack but nobody would listen, and our fire fighters are warning of our lack of protection and nobody is listening. She asked the City Council to put aside any personal issues with the fire department because this is playing with the public safety. She suggested that pay cuts and benefit changes need to be made so money can be provided for fire service.

A lady who lives on Kenmore said that she was raised in a fire fighter household and knows the importance of having fire fighters available to respond to emergencies, because when there is trouble fire fighters will be the only ones who will run to it instead away from it. She then related instances in her neighborhood where our paramedics provided life saving service.

Mr. Nelson who lives on Washtenaw advised City Council that our paramedics saved his life on four occasions after suffering a heart attack. He told City Council that he would have died without their assistance.

A local ER nurse who does not reside in the city but has dealings with our paramedics told City Council that laying off fire fighters is negligent and makes the community unsafe because fewer fire fighters will increase critical response time.

Ms. Davis who lives on Eastwood expressed concern over the number of kids wearing "sagging" pants in the community and wants the police to ticket them. She also complained about a neighbor who continually parks on his lawn and is not ticketed by the police. She said that she does not want the police to be afraid of issuing tickets. Lastly, she complained about the conduct of the children in the schools and urged City Council to do something about it. (The Mayor advised her that City Council is not responsible for the school district and that she should address the School Board with those concerns.)

Mr. Davis also commented on the disarray and bad conduct in the schools.

Mr. Binder pointed out the School Board President to the Ms. Davis who was sitting in the audience. He then commented on the manner in which the police issue tickets saying that there should not be selective enforcement, they should just enforce the law.

Deputy Chief Burke pointed out that the Police Department is busy serving the community having responded to over 20,000 calls for service, issuing approximately 6,000 citations and 1,400 overnight parking tickets. He pointed out the police are not against the fire department, and said that he hopes City Council keeps in mind the amount of work they are doing when deciding on budget cuts.

Ms. Binder complimented the police department on a situation they assisted her with earlier today.

A gentleman who lives on Eastwood said that he is appreciative of the City Manager and City Council and recognizes the difficult job they have. He then commented on the recent action the City of St. Clair Shores took in removing Harper Woods from their fire mutual aid pact. He added that he knows we run a bare bones fire department, and thinks it is a facade, and suggested that our fire department fails to meet the OSHA and NFPA requirements, and if inspected they would shut this place down. He said City Council needs to focus on core services for the residents and that a fire department with a reliable ambulance service should be part of that core service.

#### CALL TO COUNCIL

Mayor Poynter said that he had the honor of being asked to represent Harper Woods in recognizing one of our residents, , who received an award from the Power of One for overcoming a series of difficulties to obtain a Master's Degree and obtain a teaching position. He then reminded the public of next Wednesday's "Fun-In-The-Park" at Johnston Park saying that there will be fun for the whole family and urged everyone to attend. Then he recognized the City Clerk, who is retiring for his 26 years of service to the community. He then responded to the comments from the public regarding the City's budget situation saying that what is happening in Harper Woods is happening everywhere and that we need to use common sense in dealing with this situation. He said that we need to work together and decide where the money will come from to pay for the services we need. He pointed out that we have lost over a hundred-million dollars in assessed property values which has resulted in a corresponding reduction in the City's ability to raise revenue for the services residents want. He complimented both the Police and Fire Departments and said that we need to pull together for the benefit of the community instead of bashing each other.

Mayor Pro tem Szymanski pointed out that the reason we are in such poor financial condition is because of the Michigan economy, and said that not only does City Council have to provide police

and fire services, but they must also provide for our Parks, Public Works, Bus Service, Senior Services and all the other departments. He added that all departments will have to take cuts and reviewed the cuts that have been made. Then he said that Public Safety is the path that will be pursued for the benefit of the resident's safety. Lastly, he said that we may be down, but we are not out, and that we will have to stick together to get through this difficult time.

Councilwoman Costantino said that she hears and feels what the public is saying. She said she realizes that we need more police/fire and ordinance enforcement, but the challenge is providing these services while experiencing reduced property tax and revenue sharing monies, and increased health and retirement costs. She added that they do not want to layoff workers, but it isn't that simple because changes cannot be made without adhering to union contract language. She then spoke about the difficulties her family has been going through since losing her job and health insurance, saying that she has to work four part-time jobs just to pay for health insurance. She concluded saying the budget crisis is affecting everyone and assured the public that Council will fight for them during this time.

Councilwoman Sawicki commented on previous cuts that City Council has made going unnoticed because things were running smoothly on a day-to-day basis, but said that it is important for the public to realize that Council does not have the ability to change City operations as quickly as changes are made in the private sector because the process for change is more deliberative in the public sector with more parties involved in the decision making. She asked that the residents hear the City Manager out on his proposed changes and assist with finding ways to maintain our funding so that we can continue providing the services our residents expect. She emphasized that she does not want reductions in police and fire services, and noted that we have seen a dramatic reduction in b&e's and car theft because of the aggressive work of the police. She concluded saying that it will be difficult to maintain services when many residents will not support an increase in taxes.

Councilman Monaghan commented on the auditors report and the loss of money the City is experiencing as a result of reduced property values and State revenue sharing, saying that the solution to the problem lies with the State Legislature adopting legislation to provide additional revenue for local governments. He added that Council's main concern is to make sure we have a safe community and assured the public that they will not be left unprotected.



To adjourn to the conference room for a pre-budget session.

ABSENT: Marshall.

MOTION CARRIED

The City Council recessed at 8:45 p.m. and reconvened in the Conference Room at 8:50 p.m.

PRE-BUDGET SESSION

The City Manager, Finance Director and City Council reviewed and discussed a series of suggested budget cuts, which including eliminating or consolidating departments, and positions in the city. No action was taken, however, a budget committee consisting of Mayor Poynter, Mayor Pro tem Szymanski and Councilman Monaghan were given the task of reviewing additional financial information and report back to the full Council for further action.

CM 07-78-10

ADJOURNMENT

MOTION by Monaghan, SUPPORTED by Costantino:

That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 9:25 p.m.

ABSENT: Marshall.

MOTION CARRIED

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KENNETH A. POYNTER, MAYOR

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MICKEY D. TODD, CITY CLERK

CITY OF HARPER WOODS  
CITY COUNCIL  
AUGUST 9, 2010

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Pro tem John M. Szymanski at 7:00 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Pro tem John M. Szymanski, Councilperson(s) Cheryl A. Costantino, Hugh Marshall, Michael P. Monaghan, Daniel S. Palmer, and Vivian M. Sawicki .

ABSENT: Mayor Kenneth A. Poynter.

OTHERS PRESENT: City Manager James E. Leidlein , City Attorney J. Russell LaBarge and Administrative Assistant Leslie M. Frank.

CM 08-79-10

EXCUSE MAYOR POYNTER

MOTION by Palmer, SUPPORTED by Sawicki:  
To excuse Mayor Kenneth A. Poynter from tonight's meeting because of a prior commitment.

ABSENT: Poynter.

MOTION CARRIED

Mayor Pro tem Szymanski noted that Mayor Poynter asked to be excused from the meeting because of a commitment he made over a year ago and that this was only the fifth time he has missed a meeting in thirteen years.

CM 08-80-10

MINUTES

MOTION by Monaghan, SUPPORTED by Costantino:  
To receive, approve and file the minutes of the regular City Council meeting held July 12, 2010, and furthermore receive and file the minutes of the Election Commission meeting held July 13, 2010.

CITY OF HARPER WOODS, MICHIGAN  
REGULAR CITY COUNCIL MEETING

AUGUST 9, 2010  
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ABSENT: Poynter.

MOTION CARRIED

CM 08-81-10

CONSENT AGENDA

RESOLUTION by Costantino, SUPPORTED by Palmer:

BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 91249 through 91457 in the amount of \$835,643.93 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.
2. Receive and file for the audit, the 2<sup>nd</sup> quarter financial statement.
3. Approve payment to Nu Appearance Maintenance, inc. in the amount of \$9,073.00 for contractual lawn cutting and weed maintenance in various areas of the city, including the community center, DPW, City Hall and the parks.
4. Approve payment to Statewide Security Transport in the amount of \$7,422.32 for prisoner lodging and maintenance for the month of June 2010.
5. Approve payment to Oakland County Information Technology in the amount of \$5,187.75 for fees relative to the CLEMIS computer system utilized by the Police Department.

ROLL CALL VOTE

YES: Costantino, Marshall, Monaghan, Palmer, Sawicki, and Szymanski.

NO: None.

ABSENT: Poynter.

RESOLUTION ADOPTED

CM 08-82-10            MICHIGAN DEPARTMENT OF TRANSPORTATION  
PROGRESS BILLING - HARPER AVENUE PROJECT

RESOLUTION by Marshall, SUPPORTED by Costantino:

BE IT RESOLVED to approve payment to the Michigan Department of Transportation in the amount of \$25,994.63 for the Harper Avenue project. The first invoice is \$15,964.13 for work performed between Manchester and Vernier and the second invoice is \$10,030.50 for work performed between Vernier and Eight Mile.

CITY OF HARPER WOODS, MICHIGAN  
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ROLL CALL VOTE

YES: Marshall, Monaghan, Palmer, Sawicki, Szymanski, and Costantino.

NO: None.

ABSENT: Poynter.

RESOLUTION ADOPTED

CM 08-83-10            AWARD OF BID - 2010 MISCELLANEOUS

CONCRETE REPAIR PROGRAM, # 180-129

RESOLUTION by Monaghan, SUPPORTED by Palmer:

BE IT RESOLVED to approve the 2010 Miscellaneous Concrete Repair work with Zuniga Cement Construction of Warren, Michigan in the amount of \$49,472.50 and, whereas, this work was competitively bid in two nearby communities that the city's formal bidding process be waived.

ROLL CALL VOTE

YES: Monaghan, Palmer, Sawicki, Szymanski, Costantino and Marshall.

NO: None.

ABSENT: Poynter.

RESOLUTION ADOPTED

CM 08-84-10

EARLY RETIREMENT FOR  
ADMINISTRATORS, AMEND CM 05-62-10

RESOLUTION by Sawicki, SUPPORTED by Monaghan:

BE IT RESOLVED to amend CM 05-62-10 to change the election option date for early retirement for administrators from September 1, 2010 to December 31, 2010.

ROLL CALL VOTE

YES: Palmer, Sawicki, Szymanski, Costantino, Marshall and Monaghan.

NO: None.

ABSENT: Poynter.

RESOLUTION ADOPTED

CITY OF HARPER WOODS, MICHIGAN  
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CM 08-85-10

BALLOT PROPOSAL - HEADLEE OVERRIDE

RESOLUTION by Sawicki, SUPPORTED by Monaghan:

BE IT RESOLVED to place the attached proposal to permit the City to levy its full authorized charter millage to be used for police, fire and emergency medical services only. (Attachment #1)

ROLL CALL VOTE

YES: Sawicki, Szymanski, Costantino, Marshall, Monaghan and Palmer.

NO: None.

ABSENT: Poynter.

RESOLUTION ADOPTED

CM 08-86-10

APPOINTMENT OF CITY CLERK

RESOLUTION by Palmer, SUPPORTED by Sawicki:

BE IT RESOLVED to appoint James E. Leidlein as City Clerk for the City of Harper Woods.

ROLL CALL VOTE

YES: Szymanski, Costantino, Marshall, Monaghan , Palmer and Sawicki.

NO: None.

ABSENT: Poynter.

RESOLUTION ADOPTED

CM 08-87-10

REQUEST FOR MILLAGE BALLOT PROPOSAL -  
HARPER WOODS LIBRARY BOARD OF DIRECTORS

RESOLUTION by Monaghan, SUPPORTED by Costantino:

BE IT RESOLVED to place the attached ballot proposal on the November 2, 2010 General Election ballot requesting voter approval for an additional mill for library operations.(Attachment #2)

After discussion,

MOTION by Monaghan, SUPPORTED by Marshall:

to table the attached ballot proposal on the November 2, 2010 General Election ballot requesting voter approval for an additional mill for library operations.

CITY OF HARPER WOODS, MICHIGAN  
REGULAR CITY COUNCIL MEETING

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YES: Marshall, Mohaghan.

NO: Costantino, Palmer, Sawicki, Szymanski.

ABSENT: Poynter.

MOTION DENIED

Roll call vote on original resolution ( 08-87-10)

RESOLUTION by Monaghan, SUPPORTED by Costantino:

BE IT RESOLVED to place the attached ballot proposal on the November 2, 2010 General Election ballot requesting voter approval for an additional mill for library operations.(Attachment #2)

ROLL CALL VOTE

YES: Costantino, Monaghan, Palmer, Sawicki, and Szymanski.

NO: Marshall.

ABSENT: Poynter.

RESOLUTION ADOPTED

CALL TO AUDIENCE

Ms. Piaž commented about two Library Districts in a portion of Harper Woods and suggested they break away from the Grosse Pointe Library District.

Mr. Binder commented on other cities voting down Headlee overrides recently

Ms. Uhl questioned the difference between Headlee override and Police and Fire Millage. She also questioned why there is not a ballot question on the charter. She then asked the current status of the Court of Appeals Fire Fighter case.

Mr. Grace commented that his opinion was that the Headlee would lose and people will support the Library millage.

Mr. Kien asked about funding service alternatives and would like additional information on this.

Mr. Kennedy suggested that we implement a wage freeze for Police and Fire. He then commented on his car being stolen recently.

CITY OF HARPER WOODS, MICHIGAN  
REGULAR CITY COUNCIL MEETING

AUGUST 9, 2010  
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Ms. Kindle asked who will be the secretary on the Planning commission with the departure of the City Clerk. (The City Manager responded that he will be replacing the clerk).

CALL TO COUNCIL

Mayor Pro tem Szymanski announced that the Mayor will be holding weekly office hours to hear comments and concerns from the residents beginning in late August or early September. He also mentioned the Fun in the Park event held recently and said that it was well attended. He commented on the departure of the City Clerk and wished him a fond farewell. He briefly mentioned the finance subcommittee and said that they would have a report soon. Lastly he commented on a meeting that took place with the State Treasurer that the City Manager, his Administrative Assistant and the Finance Director attended in Lansing.

Councilmember Sawicki commented on the Headlee override that will be placed on the November ballot. She also spoke of an ordinance that Grosse Pointe Woods has regarding bank foreclosed homes. Next she brought up a residents' concerns with outdoor burning and commented on the rules and regulations that are in place. She spoke of the November ballot and the repeal of Police and Fire provisions and finally commented on the alternative revenue sources that were mentioned by a resident.

Councilmember Costantino shared her recent trip to Maine, Vermont and New Hampshire stating that there is no trash in these states and there is an abundance here in the Detroit area and suggested that we enforce trash and litter laws. She then commented on cuts that the City has made.

CM 08-88-10

ADJOURNMENT

MOTION by Monaghan , SUPPORTED by Palmer:

That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 9:14 p.m.

ABSENT: Poynter.

MOTION CARRIED

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JOHN M. SZYMANSKI, MAYOR PRO TEM

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JAMES E. LEIDLEIN,  
CITY MANAGER/ CITY CLERK

(Attachment #1)

CITY OF HARPER WOODS BALLOT PROPOSAL

A PROPOSITION TO PERMIT THE CITY TO  
LEVY ITS FULL AUTHORIZED CHARTER MILLAGE  
TO BE USED FOR POLICE AND FIRE SERVICES ONLY

In order to permit the levy of the authorized charter millage on the real and personal property in the City of Harper Woods without regard to the millage reduction required by Article IX, Section 31, of the Constitution of the State of Michigan, shall the City Council be authorized to levy a new additional millage in 2010 and thereafter to be used only for police and fire operations not to exceed 2.9668 mills on each dollar

(\$2.9668 per thousand) of taxable value which is estimated to restore \$959,818 of tax collection in the first year of collection to be disbursed to the City of Harper Woods?

YES \_\_\_\_\_  
NO \_\_\_\_\_

(Attachment #2)

PROPOSED BALLOT QUESTION:

CITY OF HARPER WOODS

LIBRARY MILLAGE PROPOSAL

Shall the City of Harper Woods, Wayne County, Michigan levy under the authority of PA 164 of 1877 up to one new additional mill (\$1.00 on each \$1,000.00 of taxable value) on all taxable real and tangible personal property within the City of Harper Woods for a period of seven (7) years (2010 through 2016 inclusive) to provide additional funds for the purpose of operating and equipping the City of Harper Woods' Public Library and for all other library purposes authorized by law?



The estimate of revenue the City of Harper Woods will collect if the millage is approved and levied by the City In the 2010 tax year is approximately \$320,293.00 to be disbursed to the City of Harper Woods Library Fund.

Yes

No

CITY OF HARPER WOODS  
CITY COUNCIL  
SEPTEMBER 8, 2010

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:00 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Councilperson(s) Cheryl A. Costantino, Hugh Marshall, Michael P. Monaghan, Daniel S. Palmer, and Vivian M. Sawicki

ABSENT: Mayor Pro tem John M. Szymanski.

OTHERS PRESENT: City Clerk Mickey D. Todd.

CM 09-89-10

MINUTES

MOTION by Monaghan, SUPPORTED by Palmer:

To receive, approve and file the minutes of the regular City Council meeting held August 8, 2010, and furthermore, receive and file the minutes of the Board of Trustees Employees Retirement System meeting held August 5, 2010.

ABSENT: Szymanski.

MOTION CARRIED

CM 09-90-10

CONSENT AGENDA

RESOLUTION by Monaghan, SUPPORTED by Costantino:

BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 91458 through 91743 in the amount of \$1,508,812.11 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.
2. Approve payment to Nu Appearance Maintenance in the amount of \$12,475.60 for contractual lawn cutting and weed maintenance in various areas of the city, including the community center, DPW and the parks.

CITY OF HARPER WOODS, MICHIGAN  
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3. Approve payment to Statewide Security Transport in the amount of \$6,198.51 for prisoner lodging and maintenance for the month of July 2010.
4. Approve payment in the amount of \$20,382.52 to Grosse Pointe Woods for the City's pro-rata portion of the operating and maintenance of the Torrey Road Pump Station for the period January 1 through June 30, 2010.
5. Approve payment to Wayne County in the amount of \$8,878.92 for prisoner lodging and maintenance, for traffic signal maintenance in April and May and for the services performed to update our tax and assessment rolls.

ROLL CALL VOTE

YES: Costantino, Marshall, Monaghan, Palmer, Sawicki, and Poynter.

NO: None.

ABSENT: Szymanski.

RESOLUTION ADOPTED

CM 09-91-10

MILK RIVER - PRINCIPAL & INTEREST

RESOLUTION by Marshall, SUPPORTED by Palmer:

BE IT RESOLVED to approve payment in the amount of \$639,357.47 to Wayne County for the Milk River Drain principal and interest payments; \$457,697.40 principal and interest on the 1991 Series Bond, \$63,018.42 principal and interest on the 1992 Series Bond and \$118,641.65 principal and interest on the 1993 Series Bond.

ROLL CALL VOTE

YES: Marshall, Monaghan, Palmer, Sawicki, Poynter and Costantino.

NO: None.

ABSENT: Szymanski.

RESOLUTION ADOPTED

CM 09-92-10

RESCIND CM 08-86-10 APPOINTMENT OF CITY CLERK

RESOLUTION by Palmer, SUPPORTED by Sawicki:

BE IT RESOLVED to rescind CM 08-86-10 and reaffirm Mickey D. Todd as City Clerk for the City of Harper Woods.

ROLL CALL VOTE

YES: Monaghan, Palmer, Sawicki, Poynter, Costantino and Marshall.

NO: None.

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ABSENT: Szymanski.

RESOLUTION ADOPTED

CALL TO AUDIENCE

Mr. Regal commented on the freeway fences needing repair and how this was brought up earlier this year, but yet nothing has been done and he wanted to know when they are going to be repaired. He then commented on all the negative news being aired about Harper Woods and wanted to know who is responsible for leaking this, because other communities are experiencing similar problems and nothing is being reported about them.

Ms. Sommers congratulated the Police Department on the outstanding job they did apprehending the burglary suspects that victimized her home.

Ms. Kaleniecki who lives on Fleetwood commented on the difficulty she is having with her neighbor over using her recreational fire pit. She said that her neighbor has complained to the

City about her fire pit and that she is now being prohibited from using it, which she feels is unfair. She suggested that her neighbor and the City are being unfair because she is not being irresponsible when using her fire pit, and is not able to live the way she wants. (The Mayor suggested that she speak to the Dep. Police Chief about this issue.)

Ms. Southers who lives behind Ms. Kaleniecki on Fleetwood spoke on her behalf saying that when she does have fires they are under control. She added that the neighbor complaining about the fire pit is mean, unreasonable and creates an unfriendly environment in the neighborhood.

Ms. Stickney who lives on Eastwood commented on the open burning occurring on her street saying that people are burning yard waste and that she thought this was against the law.

Mr. Stickney added that last night during the wind storm there was a guy burning yard waste and the flames were high. He said that he was worried that the fire would spread. (The Mayor urged him to call the Police/Fire at 343.2530 whenever this occurs.)

Mr. Bruneel announced that the Lion's Club will be having their Annual Pasta Dinner on October 20 from 4-8 p.m. at the Community Center, with all proceeds going to help families in need over the coming holiday season.

Ms. Collins asked the City to assist her with a tree about to fall on her property from a vacant house next door. She said that she has called the DPW about it but was told they could not help her. (The Mayor said that he would have someone look at it tomorrow.)

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Mr. Stickney commented on the need to ticket people who walk in the street, saying that it is going on constantly and needs to stop. He told Council of a recent incident where the police drove right past people who were walking in the street. (Dep Chief Burke said that 300 citations for walking in the street have been issued this year.)

Mr. Selburn commented on the recent rash of home invasions and suggested that the individuals who pass out the handbills may be responsible, and suggested that the City require them to obtain a business license as a way of screening the criminal element out. He added that his wife is now fearful of them and urged Council to address this situation. (The Mayor thanked him for the suggestion.) He then commented on the Police Department recently deploying officers to I-94 for speed enforcement and said that he would rather see them patrolling the neighborhoods.

Mr. Kien said that his house was one of the houses that was burglarized saying that it caught him by surprise because there is always activity at his house. He added that he agreed with Mr. Selburn's comment about the need to license the individuals who pass out handbills, as he suspects they may be involved in these burglaries. He then commented on the last Council meeting where it was mentioned that the City is looking at additional funding sources for Police and Fire services, and how he asked what they were but was not given an answer. He said that he followed up with an email but has yet to get a response. (Mayor Poynter said that the City

Attorney is exploring whether or not City Council has the authority to levy a special assessment for police and fire services, and believes that that was the reference being made to the additional funding sources.) Mr. Kien said that he was disappointed that his comments were not included in last meeting minutes.

Mr. Collins commented on the vacant house next door to him saying that he believes there is a squatter there, and that this person monitors the neighborhood, and he believes that they have criminal intentions.

Mr. Schenburn complained about the kids walking in the street and the need for the police to ticket them, and if necessary, ticket their parents so that this ends. He also told of an ongoing problem that he has with one of his neighbors.

Ms. Uhl asked if the old Notre Dame High School has been sold. (Mayor Poynter said that Chandler Park Academy purchased it.) She then asked if there is anything new to report on the City's plan to install cul-de-sacs in certain areas of the City. (Mayor Poynter said that she would have to ask the City Manager.) She then asked if the City intends on repairing the second ambulance. And she asked if the City is losing money from having other communities responding and transporting patients.

Ms. McCarthy passed out brochures for the upcoming seminars at St. Peter's Church for their senior lifelong learning program. She also passed out a flyer on an upcoming League of

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Women's Voters program encouraging bi-partisanship. Lastly, she said she heard the City's Annual Open House has been cancelled, and asked if that were true. (Mayor Poynter said that regrettably that is true, and it is due to the City's budget issues.)

Ms. Paglia pointed out that the Open House is on the City's calendar, and suggested that a cancellation notice be made public. She then commented on how unsafe she feels in the community, saying that City Council needs to address this issue now. Then she asked why the Council agenda's never have issues on them that the residents are concerned about, and asked when the issues important to the residents, like public safety, are ever discussed by Council. She added that it looks like someone is trying to take the community into receivership. She told Council that more police are needed and that she is tired of feeling like a prisoner in her own home. Lastly, she asked why the Open House was cancelled. (Mayor Poynter said that budget constraints caused its cancellation, saying that employee overtime costs made it prohibitive.) She suggested that the City use volunteers for the event.

Mr. Cadotte said that he continues to have problems with people burning trash in a home incinerator by his house, but did not know which house it comes from. (Mayor Poynter encouraged him to notify the City when he finds out.) He also spoke about loud music being played at neighborhood parties, crime, and the possibility of establishing a citizen's patrol. Lastly, he commented on the City of Ann Arbor changing their street lighting over to LED bulbs and suggested this as a possible cost saving idea for the City.

Mr. Campbell complained about being harassed by the Police Department as a result of a neighbor complaint, saying that he is not the problem, that the neighbor is the problem.

Ms. Kindle commented on how she was surprised to hear gun shots being fired in the area, because she has never heard this before.

Ms. Southers agreed with previous comments about the need to license the individuals who pass out handbills. She also commented on Mr. Campbell's neighbor agreeing with him that his neighbor and his son are a problem.

Ms. Flatt complained about kids blocking the street with their bikes near her house on Beaufait, saying that something needs to be done about this.

Mr. Collins suggested that the City require banks that have vacant houses in the city to pay a maintenance fee so the properties can be kept up.

Mr. Buscemi asked who is responsible for paying the cost of having the City maintain the vacant properties in the city. (The City Clerk said that whenever the City uses a contractor to maintain a property a lien is placed on the property and ultimately the owner of that property pays for the

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cost.)

Ms. Uhl commented on how the School Board conducts business compared to City Council saying that there is more discussion of the issues, and the concerns of the parents are addressed, whereas, at Council meetings there really isn't any discussion.

Mr. Selburn pointed out that State Law regulates bicycle traffic. He related an incident with individuals passing out handbills and how they attempt to see if a homeowner is home. Lastly, he commented on the issues that residents are bringing before City Council saying that they shouldn't even have to come before City Council because they should have been addressed by calling City Hall.

Ms. Paglia said that she will be sending an email to City Council asking them why a Charter Amendment creating a Public Safety Department was not put on the ballot and said that she would like a response.

Mr. Campbell commented on residents relying too much on the police, and urged people to take some responsibility by installing things like security lighting, or having a camera nearby that can be used to take a picture of a criminal act, so that it can be used as evidence. He said that we need to understand that the police can't be everywhere at once.

Mr. Kindle complained about a speeding mustang on Beaconsfield and Fleetwood everyday around 8:30 p.m.

Mr. Schenburn commented on the gunshots that people hear saying that they are coming from Detroit. He then commented on the need to license the individuals passing out handbills, and suggested that the City implement a reserve police officer program like Eastpointe.

Deputy Chief Burke announced that the Police Department is sponsoring a Kelly Road Clean-up on September 18 from 8:00 a.m. to noon, and they are looking for volunteers. He also announced that they will be having a Safe Senior Event on October 5 at the Community Center.

Ms. Campbell suggested that the kids caught walking the streets be required to do community service.

Ms. Paglia said that she can't believe that Council has not discussed putting the issue of creating a Public Safety Department on the ballot. She urged Council to let the voters decide the issue, and said that this should have been on the November ballot.

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#### CALL TO COUNCIL

Mayor Poynter said that he had the privilege of attending Park Place's 25<sup>th</sup> Anniversary celebration. He then advised the public that a committee to approve the upcoming Headlee Override proposals for Police/Fire Services and Library services met on Tuesday nights in the library at 7 p.m., and that they plan on having public forums on September 27, October 9 and October 20 at the library.

Councilman Monaghan, who sits on Council's finance committee, commented on the challenge facing the City given the projected revenue decline from \$7.2 million to \$3.6 million dollars in the next couple of years. He pointed out that unemployment and declining property values are major contributors to this situation, and added that many communities throughout the country are faced with the same situation. He also pointed out that homeowners would still see a decrease in their taxes if the Headlee Override passes in November. Lastly, he said that the City is negotiating with the unions in an effort to further reduce costs while continuing the existing level of services, and assured the public that City Council is doing the best they can.

Mayor Poynter pointed out that the City's taxable values have changed from a high in 2007 of approximately \$430 million to \$210 million in 2010, which is why alternative forms of raising revenue need to be explored if we are to maintain our level of services.

Councilwoman Sawicki pointed out that we should expect a further reduction in revenue as the State is considering cutting revenue sharing to the local governments. She then pointed out that door to door solicitors are already regulated in the city, but urged residents to call the non emergency police number at 343.2530 whenever they suspect any criminal behavior. Then she

said that she has recommended to the City Manager that the City start charging the banks a fee that own empty houses for property maintenance. She then pointed out to the residents that the City Manager is responsible for the day-to-day operations of the city while City Council establishes policy and oversight, so any problems should be addressed to him. Then she commented on how Council deliberates on issues facing the city saying that discussion takes place at Council meetings, budget meetings or some other public forum. She then commented on the issue of placing Public Safety before the voters saying the Council sub-committee never brought the matter before the whole City Council. Lastly, she said that she hoped the Police Department would host another safety and security meeting for the whole community.

Councilman Marshall commented on the budget issues facing the City saying that communities nation wide are facing the same issues, and that the scope of the problem is unprecedented. He pointed out that the City is being asked to do more with less and that City Council wants to do what is best for the residents. He assured the public that City Council is attempting to address this serious issue and will do the best they can with the available resources. Lastly, he welcomed

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any ideas from the public on how to address the situation.

Councilwoman Costantino assured the public that City Council is aware of the resident's concerns about the impending budget issues. She added that unlike the corporate world, government has processes and procedures to adhere to and does not have the ability to act as quickly when dealing with issues. She said that she will be attending an upcoming Michigan Municipal League workshop where she hopes to get some ideas on how to deal with our situation, and will be reporting back with her findings. Lastly, she invited everyone to attend the upcoming budget workshops so they could learn what is facing the City.

CM 09-93-10

ADJOURNMENT

MOTION by Monaghan, SUPPORTED by Marshall:

That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 8:50 p.m.

ABSENT: Szymanski.

MOTION CARRIED

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KENNETH A. POYNTER, MAYOR

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MICKEY D. TODD, CITY CLERK



CITY OF HARPER WOODS  
CITY COUNCIL  
SEPTEMBER 20, 2010

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:00 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem John M. Szymanski, Councilperson(s) Cheryl A. Costantino, Hugh Marshall, Michael P. Monaghan and Vivian M. Sawicki .

ABSENT: Councilman Daniel S. Palmer.

OTHERS PRESENT: City Manager James E. Leidlein, City Attorney J. Russell LaBarge and City Clerk Mickey D. Todd.

CM 09-94-10

EXCUSE COUNCILMAN PALMER

MOTION by Monaghan, SUPPORTED by Szymanski:  
To excuse Councilman Daniel S. Palmer from tonight's meeting because of a prior commitment.

ABSENT: Palmer.

MOTION CARRIED

PRESENTATIONS

Mayor Poynter joined Lieutenant Robert Hunter in presenting Safety Patrol awards to Skye Keith and Michaela Kirck of Poupard Elementary School, Dylan Barnes of Chandler Park Academy and Kevin Mahone of Tyrone Elementary School.

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CM 09-95-10

MINUTES

MOTION by Monaghan, SUPPORTED by Costantino:

To receive, approve and file the minutes of the regular City Council meeting held September 8, 2010, and furthermore, receive and file the minutes of the Board of Zoning Appeals meeting held September 8, 2010.

ABSENT: Palmer.

MOTION CARRIED

CM 09-96-10

CONSENT AGENDA

RESOLUTION by Costantino, SUPPORTED by Monaghan:

BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 91744 through 91859 in the amount of \$390,513.97 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.
2. Approve payment to Nu Appearance Maintenance, Inc. in the amount of \$7,864.00 for contractual lawn cutting and weed maintenance in various areas of the city, including the community center, DPW, the parks and various residential areas in the City.
3. Approve payment to Wayne County in the amount of \$5,331.11 for services performed on the tax rolls.
4. Approve payment to B & L Truck Equipment Co. in the amount of \$5,292.47 for miscellaneous parts and repairs on the DPW's 2-ton dump truck.

ROLL CALL VOTE

YES: Costantino, Marshall, Monaghan, Sawicki, Szymanski and Poynter.

NO: None.

ABSENT: Palmer.

RESOLUTION ADOPTED

CM 09-97-10

2011 BUDGET SCHEDULE

MOTION by Szymanski, SUPPORTED by Marshall:

To approve the 2011 Budget Meeting Schedule with workshops to be held at regular and special meetings on October 4, October 18 and October 25, and further, to hold a public hearing on the 2011 Budget on November 1, 2010.

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ABSENT: Palmer.

MOTION CARRIED

CM 09-98-10      BEACONSFIELD TRAFFIC SIGNAL IMPROVEMENT  
PROJECT - MDOT CONTRACT NO. 10-5648

RESOLUTION by Monaghan, SUPPORTED by Szymanski:

BE IT RESOLVED to approve and accept the following contract with the Michigan Department of Transportation for Traffic Signal and Pedestrian Signal upgrading work on Beaconsfield at Eastland Village Drive, Damman Avenue, Eastwood Drive and Woodside Drive specifically:

Control Section	STH 82609
Job Number	108664
Project	STP 1082 (161)
Federal Item No.	RR 7387
CFDA No.	20.205 (Highway Research Planning and Construction)
Contract No.	10-5648

and further, authorize James E. Leidlein, City Manager and Mickey D. Todd City Clerk to sign the contract and any and all related documents on behalf of the City of Harper Woods.

ROLL CALL VOTE

YES: Monaghan, Sawicki, Szymanski, Poynter, Costantino and Marshall.

NO: None.

ABSENT: Palmer.

RESOLUTION ADOPTED

CALL TO AUDIENCE

Ms. Kaleniecki commented about the ongoing issue she is having with a neighbor who complains about her using her recreational fire pit, saying that she has obtained copies of the fire pit ordinances from surrounding communities and has found that our ordinance is more restrictive and outdated. She pointed out that our ordinance, which is part of the 1997 NFPA Code, should be updated to the most recent code and, if done so, the distance requirement for a recreational fire pit would change from fifty feet to twenty-five feet, which would make her fire pit compliant.

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Ms. Southers, who lives behind Ms. Kaleniecki, said that she does not have a problem with Ms. Kaleniecki's fire pit, and suggested that this whole issue stems from a problem with a neighbor. She added that the current ordinance is not fair to neighbors with smaller yards and needs to be changed.

Ms. Kirsten commented on the outstanding job the police have done catching criminals and keeping the community safe. Then she said she was disturbed by a rumor she heard that the City is planning to layoff ten police officers because of budget problems, and asked if it were true. (The Mayor said that with the City's impending budget shortfalls everything is on the table for consideration, but emphasized that they don't want to layoff police officers. He then reviewed the budget shortfalls facing the City and the need for the Headlee Override to pass in the November election.) She added that while she appreciates the difficult budget situation that the City faces, the laying off of police officers is unacceptable, and urged Council to find other items to cut first. She further stated that if the City does layoff police officers it will cause her to fear for her family's safety, and that she will seriously consider walking away from her house if that happens. Lastly, she asked why City Council did not put the issue of creating a Public Safety Department on the ballot, so that we can get more police presence. She added that times have changed and the city is too small to have a separate police and fire department. (Mayor Poynter said that the issue of Public Safety is in court right now, which is why it is not on the ballot.)

Mr. Campbell commented on why the City can't combine the police and fire departments, saying that it is because of the existing employment contract with the Fire fighters and the provision in the City Charter. He commented on how it will be increasingly difficult to maintain the level of police officers with the impending budget cuts, and urged residents to take more responsibility for their safety by doing things like adding additional security lighting and working with their neighbors to look after each others properties.

Ms. Spears said that she cannot afford to add security lighting or any other security procedures. She added that she is extremely proud of our police department and related an incident when she called the police, and they appeared at her door before she got off the phone with the dispatcher. Lastly, she said that if the City lays off police officers she will be moving.

Mr. Hauler introduced himself as the Republican candidate for Congress and invited the public to meet with him in the lobby to discuss any issues they have with the federal government.

Ms. Uhl asked for a clarification of the City's Police/Fire ballot proposal this fall, asking if it is approved will all the monies be used exclusively for Police/Fire and EMS services and payroll expenses. (Mayor Poynter said that it will be used exclusively for Police and Fire services.) She then commented on the discussion that took place at the last Council meeting, where consideration is being given to levying a special assessment for Police/Fire services, asking if there is anything new to report in this regard. (Mayor Poynter said that the City Attorney is

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reviewing the matter to see if the City has the authority to levy a special assessment for Police/Fire services, and the City Manager added that he did not have a projected dollar amount that would be needed if levying a special assessment is even a possibility. He did say however, that Police/Fire Services comprise approximately 75% of the General Fund's budget and that the City of Ecorse levied 12 mills for these services. He added that cities around the country are facing the same problem, and that it is his intention to present several choices to City Council soon on the City's options in dealing with this situation. Mayor Poynter added to the City Manager's comments, saying that in today's Detroit News there is an article about the financial plight that the suburbs are facing and the difficult budget choices that the various local governments are facing.) Lastly, Ms. Uhl said that she recently ran into a local business owner who asked her why the City does not give preference to local businesses for purchases or services. (The City Manager said that the City always tries to get the best price for any purchases or services, but added that they always consider a local business if possible.)

Ms. Calhoun asked if having a Public Safety Department would be a cost savings to the City, and asked if the pending lawsuit the Fire Union has against the City for wanting to use cross trained police officers for firefighting prohibits the City from putting this on the ballot. (The City Manager said that cross training would save the City about \$1.3 million.)

Mr. Bruneel announced that the Lion's Club will be having their Annual Pasta Dinner on October 20 from 4-8 p.m. at the Community Center, with all proceeds going to help families in need over the coming holiday season

Mr. Regal asked the City Manager if he had any idea how long it would be before the freeway fences are repaired. (The City Manager said that he has contacted MDOT about this situation over the past year, but is under the impression that they are out of funds so he doesn't know when they will be repaired.)

Mr. Selburn asked the Mayor if the City is prohibited from putting a Public Safety Charter Amendment on the ballot because of the lawsuit the firefighters have against the City. (The Mayor said that the City is not prohibited from putting it on the ballot because of the lawsuit.) He then asked if the City could provide the taxpayers with an approximate cost of any special assessment for police/fire services so that individual homeowners could budget for it. (The City Attorney said that it is not certain that the City has the authority to levy a special assessment. The Mayor asked the City Attorney to advise City Council at the next meeting if City Council has the authority to levy a special police/fire assessment.) He then commented on the Beaconsfield traffic

signal upgrade that was approved tonight and asked if any consideration was given to moving the light at Damman and Beaconsfield to the driveway entrance at the high school and Beaconsfield to assist with after school traffic. (The City Manager said that that was considered, but MDOT was only approving upgrades to existing lights and not new projects, so it was a matter of taking advantage of the program or losing access to the grant monies.) Mr.

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Selburn pointed out that there is a program call "Safe Routes" which provides monies to areas by school routes, and that we may be able to obtain this money to move the Damman/Beaconsfield traffic light. He urged the City to explore this possibility saying that a number of other communities currently take advantage of this program.

Ms. Kindle asked what the City's curfew time is, saying that recently there were several young children roaming through her condo's parking lot, and even though they left before the police arrived she wanted to know what the ordinance was. (Dep. Chief Burke said it is 10 p.m. for minors under 15, and midnight for under 18.)

Ms. Aaron commented on how nice the Kelly Road clean-up was Saturday, but was disgusted with the business owners lack of interest in maintaining their property. (Mayor Poynter agreed and added that the Police Chief is scheduled to visit with the individual business owners this week to remind them of their responsibility for keeping their property clean, and said that afterwards tickets will be issued to those that fail to comply.) Ms. Aaron agreed that they should be ticketed, and said that the clean up should occur once a month. She then advised City Council that there are some garage doors on Eastwood that are hanging off, and the Housing Inspector should cite them. (The Mayor asked her to call City Hall with the addresses so the Housing Inspector can inspect the garages.) Lastly, she commented on the party store next to Chandler Park Academy being victimized by theft by students from the Academy, and suggested that someone talk to representatives at the Academy about their students doing this so that it can be stopped.

Ms. Spears said that she also participated in the Kelly Road clean up and said that it seems to her that the City is a lot more aggressive in enforcing ordinances in the neighborhoods than they are on Kelly road, and both should be enforced equally.

#### CALL TO COUNCIL

Mayor Poynter commended the Police Department for organizing the Kelly Road Clean up on Saturday. He added that it was well attended and that it was a pleasure working with all the volunteers.

Councilman Marshall advised City Council and the public that he attended a Refuse Authority Meeting, where they decided to retain the funds they had on hand for future expenses, rather than return them to the participating communities. He said that this discussion took place because the Refuse Authority will dissolve in three years, so a decision on what to do with the money had to

be made. He then commented on the Kelly Road clean-up, saying that he enjoyed participating but was disappointed in the number of liquor bottles that had to be picked-up.

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Councilwoman Sawicki asked if the Committee that is working to pass the City's Headlee Override proposals this fall has the informational material ready for public distribution. (Mayor Poynter said that it is his understanding that an informational flyer will be in next weeks' Eastside Advertiser. He added that the committee meets every Tuesday night at 7 p.m. in the library, and that there will be public forums on the 27<sup>th</sup> this month at 7 p.m., and October 9 at 2 p.m. and October 20 at 7 p.m.) She said that she hoped everyone reads the information so that they can be fully informed on the proposals.

Councilman Monaghan commented on the Headlee Override saying that he hopes the public understands that the City is attempting to make up for the projected two million dollar deficit, and that the City is just trying to recover tax money that has been lost as a result of property tax assessments being reduced.

Mayor Pro tem Szymanski said he wanted to clear up any confusion the public may have about the tax proposals, saying that he is not in favor of increasing the taxes overall to be a burden for our residents. He added that he fully understands that people are hurting financially, so he will work to create efficiencies in our services, and that he supports having a sunset provision on the Headlee Override proposals.

Councilwoman Sawicki asked the City Manager to provide information on whether City Council has the authority to levy a special assessment for police/fire services by the next Council meeting.

Councilwoman Costantino thanked the Police Department for sponsoring the Kelly Road Clean-up and apologized for not being there, saying that she had to attend a military auxiliary drill. She then commented on the informational millage flyer saying that they look nice and are very informative. She then commented on the importance of maintaining our services and related an incident where our police department apprehended someone stealing her car, saying they caught the individual before he got to the end of her block, and said she wants to keep this type of excellent service. Then she expressed concern that City Council was moving too slow over the cul-de-sac issue saying that she wants to move forward with having a public hearing, and she also wants an Ordinance Committee meeting scheduled for Thursday, October 7 at 7:30 p.m. (The City Manager said that he would schedule the Ordinance Committee meeting.) She then suggested that it is about time City Council uses e-packets for their meeting rather than the existing paper format. Then she commented on the Headlee Override and possible special assessment for police/fire services, saying that she would not be in favor of doing both. She then commented on the possibility of putting the Public Safety Issue on the ballot saying that if the Court does not render a decision by December that she would be in favor of putting this issue and some other Charter revisions on the ballot.

Councilwoman Sawicki commented on the cost of having a Charter Commission to review the City Charter versus having the voters just vote on an amendment, saying that Charter Commissions are very costly.

City Attorney LaBarge pointed out the difference between having a Charter Amendment versus having a Charter revision, saying the revision would require having a Charter Commission, which is costly, whereas individual amendments can be acted upon less expensively.

Councilwoman Costantino then advised Council and the public that she had an opportunity to meet with our State Representative where she told him that the City could not afford any additional revenue sharing cuts and urged him not to support any such cuts. Lastly, she advised that she will be attending a Michigan Municipal League Conference this week in Dearborn where she hopes to pick-up other cost saving ideas for the City, and will report back at the next meeting.

CM 09-99-10

ADJOURNMENT

MOTION by Monaghan, SUPPORTED by Marshall:  
That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 8:25 p.m.

ABSENT: Palmer.

MOTION CARRIED

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KENNETH A. POYNTER, MAYOR

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MICKEY D. TODD, CITY CLERK



CITY OF HARPER WOODS  
CITY COUNCIL  
OCTOBER 4, 2010

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:00 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Councilperson(s) Cheryl A. Costantino, Hugh Marshall, Michael P. Monaghan, Daniel S. Palmer and Vivian M. Sawicki

ABSENT: Mayor Pro tem John M. Szymanski.

OTHERS PRESENT: City Manager James E. Leidlein, City Attorney J. Russell LaBarge, Finance Dir. Laura L. Stowell and City Clerk Mickey D. Todd.

CM 10-100-10                      EXCUSE MAYOR PRO TEM SZYMANSKI

MOTION by Monaghan, SUPPORTED by Palmer:  
To excuse Mayor Pro tem John M. Szymanski from tonight's meeting because of a prior commitment.

ABSENT: Szymanski

MOTION CARRIED

CM 10-101-10                      MINUTES

MOTION by Monaghan, SUPPORTED by Costantino:  
To receive, approve and file the minutes of the regular City Council meeting held September 22, 2010, and furthermore, receive and file the minutes of the Special Library Board meeting held August 6, 2010, the Library Board meeting held August 19, 2010, the Planning Commission meeting held September 22, 2010, and the Election Commission meeting held September 28, 2010.

ABSENT: Szymanski.

MOTION CARRIED

CM 10-102-10

CONSENT AGENDA

RESOLUTION by Costantino, SUPPORTED by Monaghan:

BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 91860 through 91960 in the amount of \$498,987.41 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.
2. Approve the request from the Harper Woods Secondary School to hold their annual homecoming parade on Friday, October 8, 2010 at 6:00 p.m.

ROLL CALL VOTE

YES: Costantino, Marshall, Monaghan, Palmer, Sawicki, and Poynter.

NO: None.

ABSENT: Szymanski.

RESOLUTION ADOPTED

CM 10-103-10

ELECTION OF BOARD OF DIRECTORS -  
MI MUNICIPAL LEAGUE LIABILITY & PROPERTY POOL

RESOLUTION by Marshall, SUPPORTED by Monaghan:

BE IT RESOLVED to cast the City's vote for the following persons to serve on the Board of Directors of the Michigan Municipal League Liability and Property Pool:

Penny Hill - Manager, Village of Kalkaska  
Lester Hoogland - Mayor, City of Zeeland  
Richard Mack - Mayor, City of Manistee  
Richard Root - Mayor, City of Kentwood  
Michelle Van Wert - Mayor, City of Williamston  
John Archocosky, Manager, City of Iron River

ROLL CALL VOTE

YES: Marshall, Monaghan, Palmer, Sawicki, Poynter and Costantino.

NO: None.

ABSENT: Szymanski.

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RESOLUTION ADOPTED

CM 10-104-10

GENERAL OBLIGATION UNLIMITED TAX  
ROAD BONDS - PRINCIPAL AND INTEREST

RESOLUTION by Sawicki, SUPPORTED by Marshall:

BE IT RESOLVED to approve payment to the Bank of New York in the amount of \$638,787.50 or the annual principal and interest payments on the 1995, 1999 and 2001 Tax Road Bonds and the Library Improvement Bond; \$494,500.00 principal and interest on the 1995 Series Bond; \$71,625.00 interest on the 1999 Series Bond; \$16,675.00 interest in the 2001 Series Bond and \$55,987.50 interest on the Library Improvement Bond.

ROLL CALL VOTE

YES: Monaghan, Palmer, Sawicki, Poynter, Costantino and Marshall.

NO: None.

ABSENT: Szymanski.

RESOLUTION ADOPTED

CM 10-105-10 SUBURBAN MOBILITY AUTHORITY FOR REGIONAL  
TRANSPORTATION (SMART) SERVICE CONTRACT RENEWAL

RESOLUTION by Sawicki, SUPPORTED by Marshall:

BE IT RESOLVED Approve the Service Contract with SMART for the City's Connector Operations covering the period from July 1, 2010 through June 30, 2011.

ROLL CALL VOTE

YES: Palmer, Sawicki, Poynter, Costantino, Marshall and Monaghan.

NO: None.

ABSENT: Szymanski.

RESOLUTION ADOPTED

CALL TO AUDIENCE

Ms. Kaleniecki asked if City Council is going to act on the information she provided them at the last meeting regarding updating the ordinance governing outdoor recreational fire pits. (The Mayor said that Council did read the information she provided and invited her to attend the CITY OF HARPER WOODS, MICHIGAN  
REGULAR CITY COUNCIL MEETING

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Ordinance Committee meeting this Thursday at 7:30 p.m. where this item will be reviewed and considered.)

Mr. Bruneel announced that the Lion's Club will be having their Annual Pasta Dinner on October 20 from 4-8 p.m. at the Community Center, with all proceeds going to help families in need over the coming holiday season.

Ms. McCarthy said that she knew of the City Attorney's involvement in the preservation of the Great Lakes, and asked him if he attended the conference in Buffalo a couple of weeks ago regarding the issues facing the Great Lakes. (The City Attorney said that he did not attend the conference.)

Ms. Paglia commented on how her son said that he feels safer on the campus of Wayne State than he did in Harper Woods. She then commented on various issues that have come before City Council that she felt should have been acted on, and urged Council to act on these issues. She also asked if it is legal for the Headlee Override monies to be strictly dedicated for Police/Fire services.

Mr. Kien questioned the City's explanation that a proposed Charter Amendment to combine police and fire services was not put on the ballot because of a lawsuit brought by the fire fighters union which is still in court. He also asked why there was not a time limitation placed on the Police/Fire Headlee Override proposal. (The City Manager said that it was accidentally left off, and added that it is the intent of City Council for the Headlee Override not to exceed five years. He added that during this time Council will set the millage rate annually.) Lastly, he commented on his inability to trust City Council because nobody can get answers to their questions, and said that Council needs to regain the public's trust.

#### CALL TO COUNCIL

Mayor Poynter commented on having the pleasure of meeting the President of Albania at the Islamic Center last week. He then informed the public that there will be another public forum on the upcoming Headlee Overrides for both the police/fire services proposal and the library proposal. Then he commented on this past Sunday's Band-O-Rama at Harper Woods High School where seventeen high school marching bands played, saying that it was a great event and that it is good for the city. He then announced that the Harper Woods Homecoming Parade is this Friday at 6 p.m. on Beaconsfield. He also announced that the Ordinance Committee will be meeting this Thursday at 7:30 p.m. Then he responded to some of the comments made by the public and his intention to always remain positive about the city and the schools.

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Ms. Sawicki commented on her daughter's experience with crime at Wayne State saying that she feels safe there because of the excellent police response time, just like it is here in Harper Woods. She then asked the City Manager about getting the freeway fence repaired near the bridge by Queen of Peace saying that it poses a safety hazard for the children walking to school.

in that area. (The City Manager said that the County is supposed to repair the fence but they ran out of funds. He added that he will have the DPW make a temporary repair.)

Councilwoman Costantino thanked the City Manager for scheduling the Ordinance Committee meeting this Thursday. She then asked what is the status of the public hearings to consider cul-de-sacing areas of the city as a crime prevention measure. (The City Manager said that the cul-de-sacing report from the Police Chief was provided to City Council earlier this year, and that a public hearing on the issue could be scheduled in the next month or two.) She added that the biggest obstacle to acting on this matter has been the lack of having a public hearing. Then she reported on her attendance at last week's Michigan Municipal League conference in Dearborn, and the various workshops she attended, adding that she picked up a lot of good ideas and invited residents to see her if they had any questions, or if they would like to review her notes or handout materials.

Councilwoman Sawicki commented on the Headlee Override, asking the City Manager that if it passed would it be subject to a yearly rollback. (The City Manager said that it would be subject to rollback annually.) She then spoke of the need to get more information to the residents about the Headlee Override proposal before election day, so that they could be fully informed of why it is needed.

Councilman Monaghan pointed out that residents would still see a tax decrease even if the Headlee Override passes because of the reduction in property values. He spoke of the need for City Council to urge the State Legislature to adopt a moratorium on home foreclosures as a means to stabilize property values until market conditions improve. (The Mayor and City Council agreed and asked the City Manager to prepare a resolution for adoption that would urge the State Legislature to adopt a moratorium on home foreclosures.)

CM 10-106-10

EXECUTIVE SESSION -  
COLLECTIVE BARGAINING MATTER

RESOLUTION by Monaghan, SUPPORTED by Marshall:

BE IT RESOLVED to adjourn to executive session for the purpose of discussing a collective bargaining matter.

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ROLL CALL VOTE

YES: Sawicki, Poynter, Costantino, Marshall, Monaghan and Palmer.

NO: None.

ABSENT: Szymanski.

RESOLUTION ADOPTED

The City Council adjourned to Executive Session at 7:50 p.m. and reconvened at 8:10 p.m. in the conference room.

CM 10-107-10                    PRICKLES, LLC v CITY OF HARPER WOODS

RESOLUTION by Monaghan, SUPPORTED by Marshall:

**BE IT RESOLVED to approve the settlement of Prickles, LLC v. City of Harper Woods et.al., in Wayne County Circuit Court, case number 10-000578-CZ, under the terms and conditions as recommended by the City Attorney and upon receipt of a full settlement and release of all claims signed by the plaintiff.**

ROLL CALL VOTE

YES: Poynter, Costantino, Marshall , Monaghan, Palmer and Sawicki.

NO: None.

ABSENT: Szymanski.

RESOLUTION ADOPTED

2011 BUDGET WORKSHOP SESSION

The City Manager and Finance Director presented and discussed with City Council the draft of the 2011 budget. No specific action was taken.

CM 10-108-10                    ADJOURNMENT

MOTION by Monaghan, SUPPORTED by Palmer:

That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 8:28 p.m.

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ABSENT: Szymanski.

MOTION CARRIED

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KENNETH A. POYNTER, MAYOR

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MICKEY D. TODD, CITY CLERK

CITY OF HARPER WOODS  
CITY COUNCIL  
OCTOBER 18, 2010

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:00 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem John M. Szymanski, Councilperson(s) Cheryl A. Costantino, Hugh Marshall, Michael P. Monaghan, Daniel S. Palmer, and Vivian M. Sawicki .

ABSENT: None.

OTHERS PRESENT: City Manager James E. Leidlein and City Clerk Mickey D. Todd.

CM 10-109-10

MINUTES

MOTION by Monaghan, SUPPORTED by Costantino:

To receive, approve and file the minutes of the regular City Council meeting held October 4, 2010, and furthermore, receive and file the minutes of the Board of Zoning Appeals held October 13, 2010.

MOTION CARRIED UNANIMOUSLY

CM 10-110-10

CONSENT AGENDA

RESOLUTION by Costantino, SUPPORTED by Monaghan:

BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 91961 through 92065 in the amount of \$259,032.63 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.
2. To receive and file for the audit, the 3<sup>rd</sup> quarter financial statement.
3. Approve payment to Michigan Municipal Worker's Compensation Fund in the amount of \$8,025.00 for the adjustment in our premium for the period July 1, 2009 through June 30, 2010.

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4. Approve payment to Oakland County Information Technology in the amount of \$6,925.25 for fees relative to the CLEMIS computer system utilized by the Police Department.
5. Approve payment to Nu Appearance Maintenance, Inc. in the amount of \$7,428.00 for contractual lawn cutting and weed maintenance in various areas of the city, including the community center, DPW and the parks.
6. Approve payment to Anderson, Eckstein & Westrick, Inc. in the amount of \$28,242.90 for professional services during the month of September 2010 for the following projects: Traffic Signal Upgrades, #180-124; EB Harper - Vernier to 8 Mile, #180-106 and 2010 Emergency Concrete Pavement Repair, #180-129.



ROLL CALL VOTE

YES: Costantino, Marshall, Monaghan, Palmer, Sawicki, Szymanski and Poynter.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 10-111-10            MILK RIVER - OPERATIONS & MAINTENANCE

RESOLUTION by Marshall, SUPPORTED by Szymanski:

BE IT RESOLVED to approve payment to Wayne County in the amount of \$150,323.25 for the operation and maintenance of the Milk River Drain for the 4<sup>th</sup> quarter of FY2010.

ROLL CALL VOTE

YES: Marshall, Monaghan, Palmer, Sawicki, Szymanski, Poynter and Costantino.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 10-112-10            MILK RIVER - PRINCIPAL & INTEREST

RESOLUTION by Sawicki, SUPPORTED by Monaghan:

BE IT RESOLVED to approve payment in the amount of \$54,582.62 to Wayne County for the Milk River Drain principal and interest payment on the 1999 Series Bond; \$50,905.98 principal and \$3,676.64 interest.

ROLL CALL VOTE

YES: Monaghan, Palmer, Sawicki, Szymanski, Poynter, Costantino and Marshall.

NO: None.

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RESOLUTION ADOPTED UNANIMOUSLY

CM 10-113-10 RESOLUTION - MORATORIUM ON HOME FORECLOSURES

RESOLUTION by Monaghan, SUPPORTED by Costantino:

BE IT RESOLVED to adopt the following resolution:

WHEREAS, the City of Harper Woods is very concerned over the continuing crisis of home foreclosures, and

WHEREAS, the growing home foreclosure crisis has adversely impacted property values in the City of Harper Woods, and

WHEREAS, the resultant dramatic loss in property tax revenues threatens the ability of the City of Harper Woods to provide basic essential municipal services most notably police, fire and EMS, and

WHEREAS, the City of Harper Woods feels strongly that the State of Michigan should work closely with mortgage and other financial institutions to place in effect a one-year moratorium on home foreclosures,

NOW THEREFORE BE IT RESOLVED, the City of Harper Woods recommends that the State of Michigan immediately implement such a moratorium, and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to State Senator Martha Scott, State Representative Timothy Bledsoe, and Governor Jennifer Granholm requesting their favorable consideration.

ROLL CALL VOTE

YES: Palmer, Sawicki, Szymanski, Poynter, Costantino, Marshall and Monaghan.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 10-114-10

ADDENDUM TO AGENDA

MOTION by Szymanski, SUPPORTED by Palmer:

To add to the agenda the adoption of a resolution that would place a five year sunset provision on the two City Headlee Override proposals that are on the November 2, 2010 General Election ballot.

MOTION CARRIED UNANIMOUSLY

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CM 10-115-10 HEADLEE OVERRIDE SUNSET PROVISION RESOLUTION

RESOLUTION by Szymanski, SUPPORTED by Monaghan:

BE IT RESOLVED to amend the ballot authorization language for two City Headlee Override proposals that are on the November 2, 2010, General Election ballot to include a five (5) year sunset provision.

ROLL CALL VOTE

YES: Sawicki, Szymanski, Poynter, Costantino, Marshall, Monaghan and Palmer.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

## CALL TO AUDIENCE

Mr. Cadotte complained about the noise from Band-O-Rama and the public address system at Harper Woods High School, saying that it is inappropriate next to a residential area. He also complained about the noise landscaping companies make when they use multiple motorized equipment at once, which exceeds the City's noise ordinance. (Mayor Poynter commented on Band-O-Rama saying that it is a positive event for the city and the school district.) Mr. Cadotte agreed that Band-O-Rama is a positive event, but said it should be done elsewhere and added that the Police need to enforce the noise ordinance. He then commented on the proposed Headlee Override saying that it looks like it is open ended with no sunset provision and said that that could cost the City some votes. Then he commented on how the City employees enjoy a level of benefits that the residents do not saying that they are out of line with current economic realities, and that the City needs to look into changing this before asking residents to approve of a Headlee Override.

(Mayor Poynter said that the City is currently in negotiations with the employee groups and are seeking concessions.)

Mr. Campbell advised City Council that he feels the police are harassing him at the request of one his neighbors, and that should this continue he will be filing charges against the police in federal court. (Mayor Poynter thanked him for making City Council aware of the situation.)

Ms. Paglia asked what the \$30k settlement check was for that was approved in the Check Register. (The City Manager said that it is part of a court ordered settlement that was sealed by the court so he could not comment on it.) She then asked why the Council's budget meeting was only eighteen minutes long after the last Council meeting, given the City's budget situation. (Mayor Poynter said that the budget situation will be unclear until we find out if the residents approve of the two Headlee Overrides that are on the ballot, adding that once these proposals are

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decided City Council will act accordingly.) She then expressed concern over the City's plan to terminate the Connector bus service as part of the planned budget cuts. Lastly, she thanked Councilman Szymanski for bringing up the resolution encouraging a sunset provision of five years for the Headlee Override ballot proposals.

Mr. VanPoucker asked if the Library and Police/Fire Millages were together on one proposal or were separate proposals. (Mayor Poynter said that they were separate proposals.) He then asked if he could have his name removed from the Police Department's Amber Alert System. Lastly, he said that he appreciated everyone that participated in the Kelly Road clean-up and said that he hoped to participate the next time.

Ms. Uhl thanked Mayor Pro tem Szymanski for pursuing the addition of a sunset provision to the two Headlee Overrides on November's ballot. She also pointed out that EMS service should have

been included in the Police/Fire Headlee Override. Lastly, she asked the City Manager if he had anything new to report on the City's cul-de-sacing plan. (The City Manager said that he is waiting for additional information before proceeding.)

Mr. Selburn commented on the City's last budget hearing saying that he was disappointed that he was not able to contribute to the discussion. (The Mayor apologized and said that he was unaware of his desire to make a comment, saying that he would have welcomed his input.) He then commented on the City's plan to eliminate the Connector service in the upcoming budget, saying that this would hurt all the kids who use this service to get to school. Then he commented on the last meetings minutes saying that he saw where the City entered into a settlement agreement, and said that he was here and did not witness Council taking this action and asked when it was done. (The Mayor said that the conference room door was opened after the Executive Session and City Council adopted the resolution authorizing the settlement agreement.) Then he commented on how the City wants to work with the school district but questioned why the City took the full-time youth officer out of the school, and why the City padlocked the parking lot in the park that leads to Beaconsfield which causes kids to leave through heavy traffic. (The Mayor pointed out that both the schools and the city have historically worked together for the common good and need to continue to work together in these financially challenging times.) He then commented on the resolution that Council adopted tonight placing a sunset provision on the Headlee Override should it pass saying that he did not believe this would be enforceable. And he also said that he listened to an audio tape of the August Council meeting when the Headlee Override was approved to go on the ballot and according to the audio tape EMS should have been included in the proposal. (The City Manager pointed out that should the Headlee Override pass the monies from the override can be used for EMS services.)

Mr. Kien thanked City Council for adopting the resolution placing a sunset provision on the Headlee Override proposals, and added that he intends on voting for both overrides. He then commented on the relationship between the school district and the city saying that he too wants it

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to remain positive, but pointed out that we still need to be willing to talk about any negative issues that either are facing. Then he commented on the issue of trust between Council and the public as he still has questions about the City's plan for public safety services, but added that he is not opposed to a blended service. He also added that he is looking forward to this issue being placed on the ballot. (The Mayor said that he hopes we have confidence in our City Manager, Police and Fire Chief's to provide specific answers on the issue of public safety that would be beneficial to everyone in the community.) Mr. Kien said that he would like to see the detailed plan of any new public safety service ahead of time.

Ms. Uhl asked if there is an actual plan for revising our public safety services or it is just a concept that is being discussed. She then proceeded to ask the City Manager questions about the plan and several emergency scenarios, which he answered.

Ms. Sommers thanked the City Manager for providing answers about the City's plan for public safety services.

Ms. Paglia commented on the Band-O-Rama being a positive event for the city, and said that it has been an annual event for a number of years. She then asked what time the City's noise ordinance regulates. (The City Manager said it is between the hours of 10 p.m. and 7 a.m.)

Ms. Southers advised City Council that she had a gathering at her house on Saturday for Congressional candidate John Hauler and urged everyone to learn more about his candidacy at [www.johnhaulerforcongress.com](http://www.johnhaulerforcongress.com).

### CALL TO COUNCIL

Mayor Poynter commented on the President of Albania's visit to the Albanian Islamic Center, saying he was pleased to be present when he visited and he complimented our Police Department and other law enforcement agencies on the outstanding job they did of providing security for this visit. He added that the Albanian Islamic Center is a good neighbor and has been a credit to the community since 1962. He then commended the Police Department on the fine job of hosting Senior Safety Day. Then he commented on how successful the Harper Woods Homecoming Parade was and the large crowd that it drew. He then reminded everyone of Wednesday's Headlee Override forum at the library, and the Lion's Club Pasta Dinner which is also this Wednesday at the Community Center. Then he announced the passing of Mary Bruneel, wife of John Bruneel, saying that many people know them throughout the community and he wanted everyone to know so that they could pay their respects. He then announced that he has been appointed to an advisory board for Wayne County Community College, and advised that the enrollment has grown from 12k to 72k, and added that 75% of our Juniors and Seniors are enrolled at the college. Lastly, he commended the library for having the Pride and Passion

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exhibit, which is an exhibit about the African American baseball experience, and added that former Detroit Tiger Willie Horton will be a special guest on Monday at 6 p.m.

Councilwoman Costantino said that she too enjoyed the Pride and Passion exhibit at the library, and said that it is her understanding that our library is one of the first to have this exhibit in Michigan. She also commented on the recent Homecoming activities saying that she enjoyed them. Then she reviewed the items that were discussed at the recently held Ordinance Committee meeting reporting that they discussed a Parental Responsibility Ordinance and amending the curfew for youths under 18 one week prior to Halloween. A discussion ensued among the Council members about amending the curfew ordinance.

MOTION by Sawicki, SUPPORTED by Costantino:

To add to the agenda the adoption of an emergency ordinance amending the curfew for youths under 18 one week prior to Halloween.

NO: Monaghan and Palmer.

MOTION CARRIED

CM 10-117-10      EMERGENCY ORDINANCE - ORDINANCE 2010-01  
CURFEW TO ESTABLISH SPECIAL CURFEW HOURS AND CONDITIONS

RESOLUTION by Sawicki, SUPPORTED by Costantino:

BE IT RESOLVED to adopt, as an emergency ordinance, Ordinance No. 2010-01 as shown below, and further, that this ordinance is hereby declared an emergency ordinance, as provided for in Section 8.3 of the City Charter, which is immediately necessary for the preservation of public peace, health and safety of the community, and therefore shall take effect on October 19, 2010, and furthermore, direct the City Clerk to publish a notice of this in accordance with City Charter requirements.

**AN ORDINANCE TO AMEND CHAPTER 14 MISCELLANEOUS  
PROVISIONS AND OFFENSES, ARTICLE IV, SECTION 14-77,  
CURFEW TO ESTABLISH SPECIAL CURFEW HOURS AND  
CONDITIONS FOR MINORS UNDER THE AGE OF 18  
DURING THE PERIOD OCTOBER 24, 2010 THROUGH  
OCTOBER 31, 2010**

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**THE CITY OF HARPER WOODS ORDAINS:**

**SECTION 1. That Section 14-77 of the Code of Ordinances of the City of Harper Woods is hereby amended to read by adding the following subsection (c).**

**(c) Notwithstanding (a) and (b) above, the following special curfew conditions shall apply for the period October 24, 2010 through October 31, 2010:**

**No minor under the age of eighteen (18) shall loiter, idle, congregate or engage in any door-to-door “trick or treating” in or on any public street, highway, alley, park or public or private school property after the hours of 8:00 p.m. Minors may be in direct transit from an approved school function or a bonafide employment engagement, with appropriate**

documentation on their person provided said minor is accompanied by a parent or guardian who has legal responsibility for the minor's welfare.

"Trick or Treating" after the hours of 8:00 p.m. is strictly prohibited.

**SECTION 2. REPEAL** All other ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

**SECTION 3. SEVERABILITY** If any article, section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance, it being the intent of the City Council of the City of Harper Woods that this ordinance shall stand, notwithstanding the invalidity of any article, section, subsection, sentence, clause, phrase or portion thereof.

**SECTION 4. EFFECTIVE DATE** - Whereas the City Council of the City of Harper Woods has determined that this is necessary due to an immediate threat to the health, safety and welfare of the community, this ordinance shall have immediate effect.

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Kenneth A. Poynter, Mayor

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Mickey D. Todd, City Clerk

ROLL CALL VOTE

YES: Szymanski, Poynter, Costantino, Marshall and Sawicki.

NO: Monaghan and Palmer..

RESOLUTION ADOPTED

CITY OF HARPER WOODS, MICHIGAN  
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CALL TO COUNCIL

Councilwoman Costantino continued her report on the Ordinance Committee meeting saying that they discussed adopting ordinances that would regulate handbill distributors; make it an ordinance violation for parents to misrepresent their residency status as a means of getting their children enrolled in the school district; adopt an anti bullying ordinance and continue working on adopting an ordinance regulating recreational outdoor fire pits.

Councilwoman Sawicki commented on the recreational outdoor fire pit ordinance and the ongoing neighbor dispute saying that it is her understanding that these neighbors will be going to mediation to resolve their dispute.

Mayor Pro tem Szymanski commented on the need to amend the handbill ordinance. (The City Manager said that he would recommend banning handbills entirely.

The City Council decided not to hold the scheduled budget session at the recommendation of the City Manager, who indicated that a balanced budget would be submitted for City Council approval at the November 1 meeting, and added that until the outcome of the Headlee Overrides are known, no further action can be taken.

CM 10-118-10

ADJOURNMENT

MOTION by Monaghan, SUPPORTED by Palmer:

That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 8:40 p.m.

MOTION CARRIED UNANIMOUSLY

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KENNETH A. POYNTER, MAYOR

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MICKEY D. TODD, CITY CLERK

CITY OF HARPER WOODS  
CITY COUNCIL  
NOVEMBER 1, 2010

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:00 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL



PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem John M. Szymanski, Councilperson(s) Cheryl A. Costantino, Hugh Marshall, Michael P. Monaghan, Daniel S. Palmer and Vivian M. Sawicki.

ABSENT: None.

OTHERS PRESENT: City Manager James E. Leidlein and City Clerk Mickey D. Todd.

CM 11-119-10

MINUTES

MOTION by Monaghan, SUPPORTED by Palmer:

To receive, approve and file the minutes of the regular City Council meeting held October 18, 2009, provided they are corrected to reflect that CM 10-108-10, an emergency ordinance amending the curfew did not pass because it did not receive six votes which is required to pass an emergency ordinance, and furthermore, receive and file the minutes of the Library Board meeting September 16, 2010.

MOTION CARRIED UNANIMOUSLY

CM 11-120-10

CONSENT AGENDA

RESOLUTION by Costantino, SUPPORTED by Monaghan:

BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 92066 through 92178 in the CITY OF HARPER WOODS, MICHIGAN  
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amount of \$675,657.84 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.

2. Approve payment to Statewide Security Transport in the amount of \$10,150.44 for prisoner lodging and maintenance for the month of September 2010.
3. Approve payment to Wayne County in the amount of \$5,285.00 for prisoner lodging and maintenance for the month of August 2010.
4. Approve payment to the City of Grosse Pointe Farms in the amount of \$8,346.05 for Harper Woods' proportionate share of the Inter-municipal Radio System for the period January through June 2010.

ROLL CALL VOTE

YES: Costantino, Marshall, Monaghan, Palmer, Sawicki, Szymanski and Poynter.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

MOTION by Szymanski, SUPPORTED by Sawicki:  
To open the Public Hearing on the 2011 Budget.

MOTION CARRIED UNANIMOUSLY

PUBLIC HEARING

The City Manager said that the budget before City Council has been prepared in accordance with State and local regulations, and that City Council has reviewed the budget in budget workshops. He added that the submitted budget assumes the passage of the City's ballot proposals tomorrow and the increased funding that this would represent. Then he reviewed the budget hi-lights and answered any questions.

Mr. Selburn asked the City Manager where the funds for the City's Capital Improvement program come from. (The City Manager said that they were from the sale of the City's share of the former cable system that the City owned with the Grosse Pointe's, and the money from the sale of the cell towers.) He then urged City Council not to proceed with eliminating the Dial-A-

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Ride service in the upcoming budget as a number of school children rely on it to get to and from school.

Mr. Kein asked for an explanation of the planned increase in the bond debt levy. (The City Manager said that it was discussed in the budget workshops, and the proposed increase is the result of the reduction in property values.) He then asked if the City has a budget plan in the event the Headlee Override does not pass tomorrow. (The City Manager said that there are plans, and added that City Council would be addressing the situation after the election.)

Mr. Regal asked why the budget information given to the public this year did not include a break down showing the cost of police and fire. (The City Manager said that he changed the format this year, but advised that police and fire comprise approximately 70% of the General Fund budget.)

Mr. Selburn asked if the budget includes a 5% raise for the police. (The City Manager said that it does, however, he said the budget submitted tonight assumes a pay reduction for the last two years of their contract and other wage and benefit concessions from all employee groups.)

MOTION by Monaghan, SUPPORTED by Palmer:  
That having received public comment, the Public Hearing on the 2011 Budget is hereby closed.

MOTION CARRIED UNANIMOUSLY

CM 11-123-10 ADOPTION OF TAX LEVY RESOLUTION - 2011 BUDGET

RESOLUTION by Marshall, SUPPORTED by Monaghan:  
BE IT RESOLVED adopt the Tax Levy Resolution hereby establishing the following tax rate for 2011.

WHEREAS, Act 5 of the P.A. of 1982, as amended requires that a notice be given and that a public hearing be held and that the proposed millage rate will be a subject of review at the hearing, and

WHEREAS, The City of Harper Woods has complied with these provisions of the Act by publishing a Notice of Public Hearing in a newspaper of general circulation on October 21, 2010 and held said public hearings on November 1, 2010, and

WHEREAS, The City Council has complete authority to establish the millage rates necessary to support the City's proposed budget.

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NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Harper Woods does hereby approve the City's tax levy for 2011 as follows:

FUND	2011 LEVY
GENERAL	* 20.0000
REFUSE	2.5000
SUBTOTALS	\$ 22.5000
LIBRARY	** 1.9168
DEBT	4.0000
TOTALS	\$ 28.4168

*Increase (Decrease) From 2010 Tax Rate: 5.2168 mills*

BE IT FURTHER RESOLVED, that the City Assessor for the City of Harper Woods is hereby directed to spread upon the Taxable Valuation of all real and State Equalized Valuation of all

personal property within the corporate limits of the City of Harper Woods, the above established millage rate.

\*Subject to an affirmative vote of the electorate on November 2, 2010 approving a restoration to the City Charter Limit of 20 Mills; if not approved, the 2011 General Tax Levy shall be 17.0332.

\*\*Subject to an affirmative vote of the electorate on November 2, 2010 approving a 1.0 Mill addition for Library purposes; if not approved, the 2011 Library Tax Levy shall be .9168.

ROLL CALL VOTE

YES: Marshall, Monaghan, Palmer, Sawicki, Szymanski and Poynter.

NO: Costantino.

RESOLUTION ADOPTED

CM 11-124-10

ADOPTION OF BUDGET ADOPTION AND  
APPROPRIATION RESOLUTION - 2011 BUDGET

RESOLUTION by Palmer, SUPPORTED by Monaghan:

BE IT RESOLVED approve the Budget Adoption and Appropriation Resolution adopting the

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2011 Budget.

WHEREAS, The City Manager of the City of Harper Woods has presented to the City Council a proposed budget for the City's operating and debt funds for the period January 1, 2011, through December 31, 2011; and

WHEREAS, The proposed Budget has been reviewed and found to be in accordance with the general fiscal and budgetary policies as established by the City Council; and

WHEREAS, A Public Hearing was held on the Budget submission on November 1, 2010, at 7:00 p.m. in the City Council Chambers of the City of Harper Woods, Michigan and a public notice of this hearing was made on October 21, 2010, advising of the hearing and that a copy of the proposed budget was available for public inspection, in accordance with Section 9.3 of the City Charter; and

WHEREAS, This Budget Document is on file in the official records of the City of Harper Woods, Michigan.

NOW, THEREFORE, BE IT RESOLVED that the City Council, under the authority granted by the City Charter and the State of Michigan does hereby approve and adopt the 2011 Budget as submitted and appropriate the following sums for the purposes set forth herein:

GENERAL	\$11,916,850
MAJOR STREET	\$929,500
LOCAL STREET	\$462,400

WATER & SEWER UTILITY	\$2,903,600
VEHICLE & EQUIPMENT	\$375,000
STORM DRAINAGE	\$1,752,200
REFUSE COLLECTION	\$1,125,500
LIBRARY	\$652,440
DEBT RETIREMENT	\$1,500,375
SELF INSURANCE	\$100,000
SEPARATION PAY	\$100,000
MUNICIPAL IMPROVEMENT	\$515,000
DRUG LAW ENFORCEMENT	\$21,500
TOTAL	\$22,354,365

ROLL CALL VOTE

YES: Monaghan, Palmer, Sawicki, Szymanski, Poynter and Marshall.

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NO: Costantino.

RESOLUTION ADOPTED

CM 11-125-10      2011 STORM WATER UTILITY RATE RESOLUTION

RESOLUTION by Sawicki, SUPPORTED by Palmer:

BE IT RESOLVED that in accordance with Chapter 27, Article V, Sections 27-120 and 27-15 of the Code of Ordinances, a rate of \$190.00 per residential equivalent unit is hereby established for the storm water utility charge to be billed December 1, 2010.

ROLL CALL VOTE

YES: Palmer, Sawicki, Szymanski, Poynter, Costantino, Marshall and Monaghan.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CALL TO AUDIENCE

Mr. Campbell asked if absentee ballots can be turned in on Election Day. (The Mayor said that absentee ballots can be turned in on Election Day until 8 p.m.)

Mr. Szolach asked what the City is doing about the house in his neighborhood that burned last year. (The City Manager said that he did not know, but would look into it.) He then congratulated the Department of Public Works on the fine job they are doing with leaf pick-up, and the Police Department on the fine job they are doing with traffic enforcement on Beaconsfield. Lastly, he wished the City good luck with tomorrow's ballot proposals.

Mr. Selburn commented on City Council adopting the emergency curfew ordinance at the last meeting and the subsequent comments from City Officials in the Eastside Advertiser which reported that the City decided not to proceed with the ordinance, and suggested that it appeared that the City had another meeting to nullify the ordinance. (Mayor Poynter said that the ordinance was nullified the next day when it was discovered that six votes were necessary for passage of an emergency ordinance, rather than the five votes that the ordinance received.) He then commented on the Council minutes saying that the resolution Council adopted agreeing to a five year time line on the Headlee Override was represented for both the City's proposal and the Library Proposal is incorrect, and added that information like this clouds the issue for the voters. Lastly, he commented on a response that he received from the City Attorney's Office regarding a

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FOIA request that he filed requesting information on the Prickles lawsuit that the City settled, saying that it has been misrepresented by the City and that the City Attorney's response was a bunch of nonsense, and he took exception to it.

Mr. Kien asked when the City discussed increasing the Bond Debt Levy saying that while he is not opposed to it, tonight is the first time he heard about it, and it bothers him by not knowing about this in advance.

Ms. Calhoun asked for a clarification of what debt levy Mr. Kien was speaking about.

Mr. Binder commented on the disrepair and poor appearance of the rental properties in his neighborhood, and suggested that City Council adopt a rental property inspection ordinance that would require a yearly, or bi-yearly inspection as a means to address this problem. He suggested that we will go the way of Detroit if City Council does not act.

#### CALL TO COUNCIL

Mayor Poynter thanked Officer Lynch for leading the literature drop to the residents over the weekend which informed our residents on the importance of supporting the City's two ballot proposals. He then announced that he plans on continuing to meet with the community coalition. Then he complimented the Library on the Pride and Passion Exhibit saying that we are fortunate

to have it. Lastly, he read a note from longtime resident John Bruneel thanking City Council for all their support and their attendance at his late wife's memorial service.

Councilwoman Sawicki encouraged everyone to get out and vote tomorrow, and to support the City's ballot proposals.

Councilwoman Costantino asked the residents to support the City ballot proposals tomorrow, and added that she recognizes that the employee groups will also have to contribute by agreeing to cuts in salary and benefits. She then commented on Mr. Selburn's comment about the implication that City Council had another meeting to negate the emergency ordinance saying that that was not the case, that she learned of the ordinances adoption being negated by a phone call from the City after it was discovered that six votes, and not five votes, were necessary for the passage of an emergency ordinance. She added however, that it is her intention to continue monitoring the need to amend the curfew ordinance and may bring this matter up again.

Mayor Poynter commented on Council's action at the last meeting where they adopted an emergency ordinance amending the youth curfew, saying that he regretted his vote afterward, and suggested that it would be wise for City Council to deliberate more thoroughly in the future when considering an emergency ordinance. And he stressed that any emergency ordinance

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should only be considered in the context of the immediate impact it would have on the health, safety and welfare of the city. He added that he should have listened to the City Manager who cautioned Council that this was not an emergency situation. Lastly, he commented on how he had about 250 kids participate in Halloween at his house and how they were all respectful and happy, and it was very nice to see their smiling faces.

Mayor Pro tem Szymanski echoed the Mayor's comments about Council's action toward adopting the emergency curfew ordinance at the last meeting, saying that he too regretted his vote, and that this whole matter taught him a lesson, saying that in the future he will be sure to do his due diligence before proceeding on any issue.

CM 11-126-10

ADJOURNMENT

MOTION by Monaghan, SUPPORTED by Palmer:

That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 7:49 p.m.

MOTION CARRIED UNANIMOUSLY

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KENNETH A. POYNTER, MAYOR

MICKEY D. TODD, CITY CLERK

CITY OF HARPER WOODS  
CITY COUNCIL  
NOVEMBER 15, 2010

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:00 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem John M. Szymanski, Councilperson(s) Cheryl A. Costantino, Hugh Marshall, Michael P. Monaghan, Daniel S. Palmer and Vivian M. Sawicki .

ABSENT: None.

OTHERS PRESENT: City Manager James E. Leidlein and City Clerk Mickey D. Todd.

PRESENTATIONS

Mayor Poynter joined the Beautification Commission members in presenting our annual Beautification Awards to Duane and Donna Murphy of 19410 Old Homestead, Hope McEvoy of



19341 Woodside, Daniel and Ann Starinsky of 20606 Woodcrest, Art and Caroline Koscinski of 20396 Eastwood, Gary and Christine Rhoton of 19718 Lochmoor, Kevin and Dian Knott of 20607 Lancaster, Timothy and Jennifer Madigan of 20942 Lochmoor, Scott Kettler of 21237 Parkcrest, Michael and Jessica Coyro of 21444 Broadstone, Henrietta Kotula of 21412 Prestwick and Michael Ghesquiere of Ghesquiere Plastic Testing at 20450 Harper Avenue. Ten outstanding homes in our community and one place of business were chosen from the many nominated. The landscaping, maintenance and presentation contributed to the selection of the homes & business by the Beautification Commission. The award winners were presented with a commemorative plaque.

CM 11-127-10

MINUTES

MOTION by Monaghan, SUPPORTED by Szymanski:

To receive, approve and file the minutes of the regular City Council meeting held, November 1, 2010, and furthermore, receive and file the minutes of the Board of Canvassers meeting held November 3, 2010.

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MOTION CARRIED UNANIMOUSLY

CM 11-128-10

CONSENT AGENDA

RESOLUTION by Costantino, SUPPORTED by Monaghan:

BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 92179 through 92353 in the amount of \$216,170.45 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.
2. Approve payment to Badger Meter, Inc. in the amount of \$5,992.31 for the purchase of 42 new 5/8" automatic read water meters and transmitters.
3. Approve payment to Anderson, Eckstein and Westrick, Inc. for engineering services in the amount of \$11,429.20 during the month of October 2010 for the following projects: EB Harper - Vernier to 8 Mile, #180-106, EB Harper Resurfacing, Manchester to Vernier, #180-109, Traffic Signal Upgrades, #180-124, Handicap Ramp Upgrades, #180-126, Emergency Concrete Pavement Repair, #180-129, and Amvets Water Tap, #180-132.
4. Approve payment to Wayne County Department of Public Health in the amount of \$7,371.00 for inspection services in the Cross Connection Control Program for the period January through September 2010.

ROLL CALL VOTE

YES: Costantino, Marshall, Monaghan, Palmer, Sawicki, Szymanski and Poynter.

NO: None.



the service. He further emphasized that City Council is going to explore every funding avenue available in an effort to continue the service, and that there will be no immediate changes.)

Mr. Bruneel announced that the Harper Woods Dad's Club is selling Christmas wreaths for \$20, and that proceeds from the sale are given back to the community.

Mr. Hammes said that the County Commissioner's Office has received a number of phone calls from users of the Dial-A-Ride service expressing concern over the City's plans to discontinue this service. He then asked if the City would be required to hold a public hearing on this matter before taking any final action. (The City Manager said that he was not sure if having a Public Hearing is required but assured him that the City would do what is required.) Lastly, he urged City Council to form a committee to address this situation. (The Mayor said that he would ask the Finance Committee to include this matter in their review of the budget.)

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A representative from the Harper Woods Band Boosters announced that the Jazz Band will be having a concert on December 3, at 6:30 p.m. with tickets just \$8. He added that there will be snacks and dessert served and that the theme of the concert is "Jazz by Candlelight."

Ms. Paglia announced that there will be a fund raiser at the high school on December 17, to assist the family of a former Harper High School student that recently passed away. She then commented on an anonymous email that she received which said that the City's pension fund is not being funded properly and asked if this is true. (The City Manager said that the pension fund receives funding from the employees as required by their contract and the City. He said that the City's contribution rate is determined by an actuary, who reviews the funds status every year, and added that the City has not made payments the last couple of years because of the City's financial condition, and that the fund is owed approximately \$1.4 million. He further added that the Retirement Board may have to take action against the City to address this situation.) She then asked how much of a liability the Community Center is to the City's Budget. (The City Manager said that it costs the City approximately \$40k a year to keep the Community Center open, but added that he is concerned about the HVAC system because it is very old, and should it break down it would be very costly.)

Mr. Selburn urged City Council to appoint someone from the School District to any Council committee that explores the Dial-A-Ride situation, because a large number of kids depend on this service for transportation to and from school everyday.

Ms. Jackson complained about some barriers that were recently put up in the Sloan Drive area, and asked if the City could do something about them. (The Mayor asked her to see the City Manager after the meeting and he would attempt to assist her.)

CALL TO COUNCIL

Mayor Poynter said that he wants the Council Finance Committee to meet before the next Council meeting to review the City's budget situation and consider any restructuring ideas of the City services. He also asked the City Manager to provide City Council with information on the process that needs to be followed and the time frame that needs to be followed for a possible charter amendment that would address our Public Safety needs. Lastly, he reminded the public that the City's Tree Lighting Ceremony is Wednesday at 6:30 p.m. in front of City Hall.

Councilman Marshall said that he recently attended a meeting of the Refuse Authority where he had to excuse himself from considering a request from an individual who is being represented by our City Attorney to purchase some property as an easement that the Authority owns. He said that he excused himself from considering this situation because he did not want to give the impression that there would be a conflict of interest even though he didn't think there would be.

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Then he commented on recently having the opportunity to speak to the Danbury Homeowners Association about the City's financial situation, saying that the residents were surprised to learn of the distress that the City is facing. He then commented on the old IHOP restaurant being converted to Rex's Deli, saying that he recently had the opportunity of meeting the owner and said that he looks forward to eating there. Lastly, he spoke on behalf of his two sons and their friends who were in attendance, requesting that the City flood the Danbury ice rink once the weather permits.

The City Manager reported that long time resident Marie Hertel passed away over the weekend. He said that Ms. Hertel was the mother of former Congressman Dennis Hertel, and former Michigan Speaker of the House Curtis Hertel and former Michigan Senator John Hertel.

CM 11-131-10

ADJOURNMENT

MOTION by Monaghan, SUPPORTED by Szymanski:  
That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 7:49 p.m.

MOTION CARRIED UNANIMOUSLY

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KENNETH A. POYNTER, MAYOR

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MICKEY D. TODD, CITY CLERK

CITY OF HARPER WOODS  
CITY COUNCIL  
DECEMBER 6, 2010

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:00 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem John M. Szymanski, Councilperson(s) Cheryl A. Costantino (7:07 p.m.), Hugh Marshall, Michael P. Monaghan and Daniel S. Palmer.

ABSENT: Councilwoman Vivian M. Sawicki.

OTHERS PRESENT: City Manager James E. Leidlein, City Attorney J. Russell LaBarge and City Clerk Mickey D. Todd.

CM 12-132-10

EXCUSE COUNCILWOMAN SAWICKI

MOTION by Monaghan, SUPPORTED by Palmer:

To excuse Councilwoman Vivian M. Sawicki from tonight's meeting because of a prior commitment.

ABSENT: Costantino and Sawicki.

MOTION CARRIED

CM 12-133-10

MINUTES

MOTION by Monaghan, SUPPORTED by Palmer:

To receive, approve and file the minutes of the regular City Council meeting held November 15, 2010, and furthermore, receive and file the minutes of the Employees Retirement System meeting held November 22, 2010 and the Library Board meeting held October 21, 2010.

ABSENT: Costantino and Sawicki.

MOTION CARRIED

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CM 12-134-10

CONSENT AGENDA

RESOLUTION by Palmer, SUPPORTED by Monaghan:

BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 92354 through 92554 in the amount of \$934,871.08 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.
2. Approve payment to Statewide Security Transport in the amount of \$8,659.36 for prisoner lodging and maintenance for the month of October 2010.
3. Approve payment in the amount of \$5,672.00 to the Michigan Municipal League for membership dues covering the period February 1, 2011 through January 31, 2012.

ROLL CALL VOTE

YES: Costantino, Marshall, Monaghan, Palmer, Szymanski and Poynter.

NO: None.

ABSENT: Sawicki.

RESOLUTION ADOPTED

CM 12-135-10

MICHIGAN MUNICIPAL LEAGUE - LIABILITY  
AND PROPERTY POOL INSURANCE RENEWAL

RESOLUTION by Szymanski, SUPPORTED by Costantino:

BE IT RESOLVED to renew the City's participation in the Michigan Municipal League's Liability and Property Pool for 2011 in the amount of \$207,594 for coverage as stated in their renewal proposal and, further that competitive bidding be waived in accordance with City policy.

ROLL CALL VOTE

YES: Marshall, Monaghan, Palmer, Szymanski, Poynter and Costantino.

NO: None.

ABSENT: Sawicki.

RESOLUTION ADOPTED

CM 12-136-10      2010 MISCELLANEOUS CONCRETE PAVEMENT  
REPAIR PROGRAM #180-129 - PROGRESS PAYMENT NO. 1

RESOLUTION by Marshall, SUPPORTED by Monaghan:

BE IT RESOLVED to approve payment to Zuniga Cement Construction, Inc. in the amount of

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\$52,044.72 for Progress Payment No. 1 on the 2010 Miscellaneous Concrete Pavement Repair Program, #180-129.

ROLL CALL VOTE

YES: Monaghan, Palmer, Szymanski, Poynter, Costantino and Marshall.

NO: None.

ABSENT: Sawicki.

RESOLUTION ADOPTED

CM 12-137-10      BALLOT PROPOSAL - POLICE AND FIRE SERVICES

MOTION by Monaghan, SUPPORTED by Palmer:

To Table the calling of a Special Election for February 22, 2011, for the purpose of putting forth a ballot proposal requesting a Charter Amendment regarding the City's Public Safety services, until the City Attorney and City Manager can review the ballot language with a representative from Attorney General's Office.

ABSENT: Sawicki.

MOTION ADOPTED

CM 12-138-10      GROSSE POINTE WAR MEMORIAL GOVERNMENTAL  
AND EDUCATIONAL (PEG) PROVISIONS AND  
FEES - MEMORANDUM OF UNDERSTANDING

RESOLUTION by Marshall, SUPPORTED by Monaghan:

BE IT RESOLVED to approve the Memorandum of Understanding and Agreement for Provision of Access, Education and Government Television Programming between the Cities of Grosse Pointe, Grosse Pointe Farms, Grosse Pointe Park, Village of Grosse Pointe Shores, Grosse Pointe Woods and Harper Woods and the Grosse Pointe War Memorial Association.

ROLL CALL VOTE

YES: Palmer, Szymanski, Poynter, Costantino, Marshall and Monaghan.

NO: None.

ABSENT: Sawicki.

RESOLUTION ADOPTED

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CALL TO AUDIENCE

Ms. Paglia asked what is going to become of the Public Safety Ballot Proposal that was tabled. (The City Manager said that a representative from the Attorney General's Office advised the City Attorney this evening that the proposed Charter Amendment ballot language that City Council was going to consider is not acceptable, so it was tabled. He added that he and the City Attorney will conference call with this person tomorrow in an attempt to arrive at some acceptable ballot language that can be placed on the ballot for consideration by the voters. Mayor Poynter added that if acceptable ballot language is agreed to, City Council may call a special meeting to approve of the language and call for a Special Election for February 22, because the cut off date for calling a Special Election is December 14.)

Ms. Anderson asked if the City could open the fence on Beaconsfield by the High School so that an additional entrance and exit can be provided to the students, and provide for a safer situation for the students and parents that use the area. (The City Manager said that the City has opened before and there were problems, and added that he will re-visit the matter. He also suggested that she contact the School Board and urge them to work with Eastland Center to open Eastland Village Drive as an additional entrance and exit.)

Ms. Uhl commented on how she was disturbed by the recent shootings at Eastland Center, and commended both the Police and Fire Departments for their response to this incident. She then thanked both Council members Costantino and Szymanski for responding to her e-mails. Then she asked about one of the ambulances being out of service and one of the fire trucks, and asked if the City plans on replacing the ambulance. (The City Manager said that there has not been a decision made on whether the ambulance will be replaced, but added that the fire truck is being repaired.) She then related a medical run that she heard about today, where only a medic responded saying that that is not acceptable, and she also said that she heard the Fire Department needs a Life Pak, and asked the City Manager if he is going to approve of the purchase. (The City Manager said that he just received the request and will be evaluating it.) Lastly, she asked if the City has taken the necessary actions to maintain our fire insurance ratings. (The City Manager said that we have and that our rating is unchanged.)

Mr. Wilson expressed concern over the rumor that the City is planning on eliminating the Dial-A-Ride Service as part of the next year's budget cuts, saying that a lot of people rely on this service and asked why it would be cut. (The City Manager said that reductions in revenue and the need to cut our budget may bring this about, but added that a decision will not be made until after the current school year in June.)



Mr. Grace commented on the Fire Department having to use mutual aid for ambulance runs since we have only one ambulance, saying that it looks like the City has lost approximately \$21k as a result of not having a second ambulance. He then commented on the proposed elimination of

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REGULAR CITY COUNCIL MEETING

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Dial-A-Ride and how it would affect the school children, saying that when he was a kid he always walked to and from school.

Ms. Paglia commented on the proposed elimination of the Dial-A-Ride service and the impact it will have on the children who use it to go to and from school saying that circumstances and society has changed over the years, and that it is not safe for children to walk to and from school like it once was.

Mr. Selburn said that he was surprised that at the last meeting none of the Council members thanked the voters for passing the millage requests, adding that he hoped that this was an oversight and not the attitude of Council. He then commented on the gate being locked on Beaconsfield which prohibits the kids at the middle and high school from using a safer route when walking to and from school, saying that the City has been told about this dangerous situation before and is now being put on notice about it. He added that the only reason why it is locked is because of litter issues and that is not a good reason. Lastly, he commented on City Council agreeing to put the creation of a Public Safety Department on the ballot, saying that he was surprised to see this because he was told that this could not be done because the matter was being decided in court. He added that he did not understand why the voters have not been allowed to decide this issue before.

Mr. Shenburn commented on the gate issue on Beaconsfield suggesting that the gate be changed to just a pedestrian gate as a way to solve the traffic/pedestrian problem after school. He then introduced his Boy Scout Troop that was in attendance and advised that they had recently collected 230 cases of food and approximately \$800 in bottle/can money that has, or will be, donated to the area food kitchens. He added that in addition the Scout Troop plans on adopting two families in the City to help them during the Christmas Holiday. Then he thanked the residents for their generous donations. Lastly, he expressed his support for the Police Department and the fine job they do in the community.

Ms. Wilson commented on the Dial-A-Ride Service saying that it is a valuable service that students and the seniors use and is very much needed in the community. (Mayor Poynter said that the City Manager is going to do everything he can to try to find the money so that the service can be retained, but added that the City has to make some tough financial choices to maintain a solid financial structure.)

Ms. Kindle pointed out that there is a food pantry in Harper Woods at Pastor Harville's New Life Ministries.

Ms. Uhl asked if there is a scheduled election in February and how much it would cost. (The City Manager said there is not a scheduled election and the City Clerk said that an election would cost approximately \$8k.) She then asked if there is an election scheduled in May. (The City

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Clerk said the Harper Woods School District has a School Board Election.) She suggested that we wait until May to vote on the Public Safety Ballot proposal as a way of saving money. Lastly, she asked that City Council hold a public forum to answer any questions the residents may have about changing over to a Public Safety Department.

Mr. Selburn said that he thinks the City is underestimating the cost of the special election because the School District pays just as much to have their election, and the special election would cover a larger area. Lastly, he urged City Council to explain to the public why this change needs to be made so the voters can be fully informed about this issue.

#### CALL TO COUNCIL

Mayor Poynter said that he had a good experience with McDonald's representatives last week at the McDonalds on Vernier, saying that he was pleased to hear of their future plans for the area. He then said he had the opportunity to attend both the Santa Breakfast and the Tree Lighting ceremony saying both were very successful and that the Recreation Department did an outstanding job of planning both events.

City Attorney LaBarge commented on the pending lawsuit the City has with the Fire Fighters Union saying that he was not pleased with the court's response to the City's position.

Councilman Monaghan asked the City Manager if the residents who used the mutual aid ambulance service experienced any problems. (The City Manager said that he was not aware of any problems.)

Mayor Pro tem Szymanski responded to some comments made by the public in reference to City services, saying that the funding constraints being placed on City Council will require Council to explore alternatives to the way services are provided and the structure of our departments. He added that a number of options will be explored to make up for our revenue loss including concessions by employee unions, department consolidation and other cuts including layoffs. He stressed that he did not want to take any police off the streets or fire fighters out of service, but added that the City is required to balance the budget and has to make do with the money we have, and that we can't keep operating like we have in the past.

Mayor Poynter commented on the shooting at Eastland Center saying that he was on his way over there when it occurred and still shopped at Macy's even though the rest of the Mall was closed.

Councilman Marshall commented on a brochure Council received regarding a recycling project whereby residents receive credits for recycling, and ultimately a cost reduction for services and asked the City Manager if this is something that the City should look into. (The City Manager

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said that he would look into it.)

Councilwoman Costantino apologized for being late saying that she gets out of work at 6:30 and will be hard pressed to make it on time for future meetings. She then commented on the concerns residents have raised about keeping the Dial-A-Ride service saying she intends to monitor this situation closely. She then commented on the issues that the Ordinance Committee discussed saying that she was waiting for the City Attorney to return before pursuing them.

CM 12-139-10

EXECUTIVE SESSION -  
COLLECTIVE BARGAINING MATTER

RESOLUTION by Monaghan, SUPPORTED by Palmer:

BE IT RESOLVED to adjourn to executive session for the purpose of discussing a collective bargaining matter.

ROLL CALL VOTE

YES: Szymanski, Poynter, Costantino, Marshall, Monaghan and Palmer.

NO: None.

ABSENT: Sawicki.

RESOLUTION ADOPTED

The City Council adjourned to Executive Session at 7:48 p.m. and reconvened at 8:08 p.m.

CM 12-140-10

ADJOURNMENT

MOTION by Monaghan, SUPPORTED by Costantino:

That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 8:08 p.m.

ABSENT: Sawicki.

MOTION CARRIED

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KENNETH A. POYNTER, MAYOR

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MICKEY D. TODD, CITY CLERK

CITY OF HARPER WOODS  
CITY COUNCIL  
DECEMBER 20, 2010

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:00 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem John M. Szymanski, Councilperson(s) Hugh Marshall, Michael P. Monaghan, Daniel S. Palmer and Vivian M. Sawicki .

ABSENT: Councilwoman Cheryl A. Costantino.

OTHERS PRESENT: City Manager James E. Leidlein and City Clerk Mickey D. Todd.

CM 12-141-10            EXCUSE COUNCILWOMAN COSTANTINO

MOTION by Sawicki, SUPPORTED by Palmer:  
To excuse Councilwoman Cheryl A. Costantino from tonight's meeting because of a prior commitment.

ABSENT: Costantino.

MOTION CARRIED

CM 12-142-10            MINUTES

MOTION by Monaghan, SUPPORTED by Palmer:  
To receive, approve and file the minutes of the regular City Council meeting held December 6, 2010.

ABSENT: Costantino.

MOTION CARRIED

CM 12-143-10

CONSENT AGENDA

RESOLUTION by Palmer, SUPPORTED by Monaghan:

BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 92555 through 92661 in the amount of \$522,518.79 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.
2. Approve payment to Anderson, Eckstein & Westrick, Inc. in the amount of \$17,510.55 for professional services during the month of November 2010 for the following projects: Traffic Signal Updates, #180-124; Handicap Ramp Upgrades, #180-126; 2010 Emergency Concrete Pavement Repair, #180-129; EB Harper, Vernier to 8 Mile, #180-106; EB Harper, Manchester to Vernier, #180-109 and the 2008 Pavement Joint and Crack Sealing, #180-108.
3. Approve the request from the Shamrock Cab Company for taxicab licenses covering the cabs listed on the attached application for 2011.

ROLL CALL VOTE

YES: Marshall, Monaghan, Palmer, Sawicki, Szymanski and Poynter.

NO: None.

ABSENT: Costantino.

RESOLUTION ADOPTED

CM 12-144-10 YEAR END GENERAL FUND BUDGET ADJUSTMENTS

RESOLUTION by Szymanski, SUPPORTED by Monaghan:

BE IT RESOLVED approve the year end budget adjustments to the 2010 Budget as attached submitted by the Finance Director and the City Manager.

ROLL CALL VOTE

YES: Monaghan, Palmer, Sawicki, Szymanski, Poynter and Marshall.

NO: None.

ABSENT: Costantino.

RESOLUTION ADOPTED

CM 12-145-10

AUDIT PROPOSAL - PLANTE & MORAN

RESOLUTION by Marshall, SUPPORTED by Sawicki:

BE IT RESOLVED to accept the proposal dated December 2, 2010 submitted by Plante and Moran for auditing services in the amount of \$39,270 for 2010 and \$39,270 for the 2011 audit.

ROLL CALL VOTE

YES: Palmer, Sawicki, Szymanski, Poynter, Marshall and Monaghan.

NO: None.

ABSENT: Costantino.

RESOLUTION ADOPTED

12-146-10            ANNUAL PERMIT TO WORK ON COUNTY ROADS

RESOLUTION by Monaghan, SUPPORTED by Palmer:

BE IT RESOLVED to adopt the Performance and Indemnification Resolution related to the City's Permit to Work on County Roads. (Attachment #1)

ROLL CALL VOTE

YES: Sawicki, Szymanski, Poynter, Marshall and Monaghan and Palmer.

NO: None.

ABSENT: Costantino.

RESOLUTION ADOPTED

12-147-10            ANNUAL PERMIT TO WORK ON STATE HIGHWAYS

RESOLUTION by Monaghan, SUPPORTED by Palmer:

BE IT RESOLVED to adopt the Performance and Indemnification Resolution related to the City's Annual Permit to Work on State Highways.

ROLL CALL VOTE

YES: Szymanski, Poynter, Marshall, Monaghan and Palmer and Sawicki.

NO: None.

ABSENT: Costantino.

RESOLUTION ADOPTED

## CALL TO AUDIENCE

None.

## CALL TO COUNCIL

Mayor Poynter responded to a couple of comments that were made at the last Council meeting under call to the audience where a resident suggested that City Council did not thank the residents for approving the November millage, and where that same person put the City on notice regarding the fence being closed at Johnston Park, saying that he wanted to correct these comments. First, in reference to the comment about Council not thanking the residents for voting the millage overrides, he said that he remembered saying that he did publicly thank the residents and appreciated living in a supportive community and the tremendous show of trust in the City Council by the community. Second, he commented on the fence at Johnston Park being closed to pedestrian traffic, saying that the inference that it was closed was because of a litter problem was a secondary reason and not the primary reason, adding that both the Acting School Superintendent and the Recreation Director agreed to close the fence for pedestrian safety reasons. Lastly, he wished everyone a Merry Christmas and Happy New Year.

Councilwoman Sawicki asked the City Manager for an update of the ballot language for a Charter Amendment regarding Public Safety. (The City Manager said that the Attorney General's Office, which is who would approve the language, has not responded to the City Attorney's recent calls.) She suggested that the Council sub-committee meet again to decide on some language, because the previous ballot language was confusing.

The Council members then discussed the ballot language issue and agreed to have the sub-committee meet again to revisit the issue to ensure that this is put before the voters in the May election.

Councilwoman Sawicki then apologized for missing the last meeting, saying that she was too ill to attend, but did read the minutes where several residents expressed concern over the possible elimination of the Dial-A-Ride service, and added that she was approached by several people at church who expressed similar concerns. Additionally, she was asked the difference between Dial-A-Ride and PAATS, and if the county wide SMART millage helps with our funding, and lastly she requested that a public information meeting be held to discuss the future of Dial-A-Ride. Lastly, she suggested that we approach the school district for funding since concern by some Board members has been expressed about the possible discontinuance of the Dial-A-Ride service. (The City Manager explained that PAATS provides door-to-door service and the coverage area in the Grosse Pointe's and Harper Woods, whereas Dial-A-Ride provides curb-to-curb service and covers a larger service area. He added that funding for PAATS is stable, but the

City subsidizes Dial-A-Ride by approximately 200k, with the county wide SMART millage providing about 40k towards operations. He further added that it is his intention to meet with a SMART representative next month in an effort to secure funding and that he intends to explore all funding avenues in an effort to retain the Dial-A-Ride service including approaching the school district for funds so that the children that currently use the service to go to and from school can continue to have a source of transportation.) Lastly, she wished everyone a Merry Christmas.

All the Council members wished everyone a Merry Christmas and Happy New Year.

CM 12-148-10

ADJOURNMENT

MOTION by Monaghan, SUPPORTED by Palmer:

That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 7:26 p.m.

ABSENT: Costantino.

MOTION CARRIED

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KENNETH A. POYNTER, MAYOR

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MICKEY D. TODD, CITY CLERK



## MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:30 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

### ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem Cheryl A. Costantino, Councilperson(s) Hugh Marshall, Michael P. Monaghan, Daniel S. Palmer and Vivian M. Sawicki.

ABSENT: Councilperson John M. Szymanski.

OTHERS PRESENT: City Manager James E. Leidlein, City Attorney J. Russell LaBarge and City Clerk Mickey D. Todd.

CM 01-01-09

### EXCUSE COUNCILMAN SZYMANSKI

MOTION by Monaghan, SUPPORTED by Sawicki:

To excuse Councilperson John M. Szymanski from tonight's meeting because of a prior commitment.

ABSENT: Szymanski.

### MOTION CARRIED

CM 01-02-09

### MINUTES

MOTION by Monaghan, SUPPORTED by Costantino:

To receive, approve and file the minutes of the regular City Council meeting held December 15, 2008 and furthermore, receive and file the minutes of the Planning Commission meeting held December 17, 2008 and the Library Board meeting held December 18, 2008.

ABSENT: Szymanski.

### MOTION CARRIED

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CM 01-03-09

### CONSENT AGENDA

RESOLUTION by Costantino, SUPPORTED by Monaghan:

BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 86134 through 86356 in the amount of \$1,125,449.53 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.
2. Approve payment to Statewide Security Transport in the amount of \$6,001.13 for prisoner lodging and maintenance for the month of November 2008.
3. Approve payment to Douglass Safety Systems, LLC in the amount of \$14,349.42 for the purchase of turnout gear for the new cross trained officers and for two fire fighters.
4. Approve payment to Anderson, Eckstein & Westrick, Inc. in the amount of \$13,819.90 for professional services during the month of November 2008 for the following projects: 2007 Sewer Cleaning & TV Inspection, #180-100; Kelly Road Sidewalk - Alley CDBG, #180-102; 2008 Concrete Pavement Repair, #180-105; EB Harper Resurfacing - Manchester to Vernier, #180-109 and the SRF Project Plan Preparation, #180-113.
5. Approve payment to Care's Youth Assistance in the amount of \$15,827.66 for our City's proportionate share of the funding of the Grosse Pointe/Harper Woods Youth Assistance Program for 2009.

ROLL CALL VOTE

YES: Costantino, Marshall, Monaghan, Palmer, Sawicki, and Poynter.

NO: None.

ABSENT: Szymanski.

RESOLUTION ADOPTED

CM 01-04-09                      2007 SEWER CLEANING & CCTV INSPECTION  
#180-100 - PROGRESS PAYMENT NO. 13

RESOLUTION by Marshall, SUPPORTED by Palmer:

BE IT RESOLVED to approve payment to AAA Pipe Cleaning Corp. in the amount of \$48,911.71 for Progress Payment No. 13 on the 2007 Sewer Cleaning and CCTV Investigation Project, #180-100.

ROLL CALL VOTE

YES: Marshall, Monaghan, Palmer, Sawicki, Poynter and Costantino.

NO: None.

ABSENT: Szymanski.

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RESOLUTION ADOPTED

CM 01-05-09                      ANNUAL PERMIT TO WORK ON STATE HIGHWAYS

RESOLUTION by Monaghan, SUPPORTED by Costantino:

BE IT RESOLVED to adopt the Performance and Indemnification Resolution related to the City's Annual Permit to Work on State Highways.

ROLL CALL VOTE

YES: Monaghan, Palmer, Sawicki, Poynter, Costantino and Marshall.

NO: None.

ABSENT: Szymanski.

RESOLUTION ADOPTED

CALL TO COUNCIL

Mayor Poynter wished everyone a Happy New Year. Then he reported on attending the City Airport Christmas celebration for needy children, and helping pass out presents to children. He said that it was a very enjoyable experience and hopes to do it next year. He added that the event was attended by Detroit's Mayor and was organized by Beverly Kindle, sister of Planning Commissioner Valerie Kindle. Lastly, he asked the City Attorney to report on the status of the lawsuit being brought against the City, and the two pending condemnation proceedings that the City has for houses on Anita and Bournemouth.

City Attorney LaBarge reported on the lawsuit against the City from the Fire Fighters saying that a hearing is scheduled for Friday, and that the City will be asking for it to be dismissed. He added that the essence of the lawsuit is that the Fire Fighters allege that the City's cross training of police officers is intended to create a Public Safety Department which is a violation of the City Charter, and that the City's position is that a separate department can be created because there will still be separate Police and Fire Departments. He further stated that he did not anticipate this matter being resolved Friday because it is his understanding that the lawsuit is going to be amended. He then reported on the two condemnation proceedings that the City has been pursuing, saying that the City received a favorable judgement for the Bournemouth property which will allow us to proceed with demolition. He added that the former owner of the property has asked for one more week to remedy the situation, and that he would accommodate him because it is not the goal of the City to tear down the house, and that whenever possible, we will work with the homeowner. Then he commented on the condemnation proceedings that the City is pursuing on the Anita house saying that he is having trouble locating the correct mortgage

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company, so he is having trouble pursuing this condemnation. He added that he is in contact with the homeowner who is attempting to remedy the situation so the house does not have to be torn down. He concluded saying that he will provide further updates on these situations as information becomes available.

CALL TO AUDIENCE

Mr. Bruneel wished everyone a Happy New Year. Then he reported on the donations that the Lion's Club received to help needy families in Harper Woods over the holidays, saying that they had enough to help forty families in the City, and he recognized Kroger and Target for their generous contributions. He also recognized City Council and the regular attendees for their generous contributions. Lastly, he said that he was honored by the Lion's Club by being named Lion of the year for 2008.

Ms. McCarthy passed out winter programs for the Lifelong Learning Center at St. Peter's Church, and reviewed the various activities and programs available.

Mr. Grace complimented the Public Works Department for the good job they do plowing the streets, but said that he had one problem with how they do it. He said that during the last snowfall his wife was shoveling the front walk when the plow truck came by and that the driver was driving so fast that the snow was pushed up to the sidewalk and knocked her off balance and suggested that this is dangerous. He concluded saying that he appreciates the fine work they do, but urged them to slow down a little while plowing.

Mr. VanPoucker commented on the ice rink at Johnston Park saying that he thinks it is a great idea and hopes that some times could be set aside for hockey players. He also asked how long the ice rink has been around. (The City Manager said that this is the first year in some time.) He urged the City to continue maintaining the rink and to consider putting in rinks at other parks. Lastly, he advised City Council that he is opposed to cross training the Police Officers.

Ms. Kindle wished everyone a Happy New Year. Then she thanked the Mayor on behalf of her sister for his participation in the Detroit City Airport Association Christmas giveaway. Lastly, she thanked City Council for their service to the community.

Ms. Uhl wished everyone a Happy New Year. Then she said that her comments in the December 15 Council minutes were not recorded accurately, saying that the minutes reflect her saying that she wanted City Council to amend their resolution regarding the cross training of Police Officers to require them to be EMT's, when it should have said Paramedics. She then asked if the City plans on advertising the January 26 Public Forum on Police and Fire services, and wanted to know who the experts will be that will be addressing the public. (The City Manager said that it

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will be advertised in the Eastside Advertiser, and that she should contact the Police Chief to find out who the speakers will be.)

Mr. Wummel asked if the City is responsible for the cost of demolishing a house once it is condemned. (The City Attorney said the condemnation cost is placed as a lien on the property and once it is purchased the City's costs are reimbursed.) He then said that he is considering starting a non-profit organization that would work on abandoned houses with proceeds going to local groups, and asked the City Attorney if he thought the banks that own the foreclosed and

abandoned houses would donate them. (The City Attorney said that it is possible and that he should contact them to find out.)

Mr. Cracchiolo asked if the taxes had been paid on the two houses that the City condemned. (The City Attorney said that the taxes were not paid.)

Ms. McCarthy said that she was in Seattle over Christmas where they experienced heavy snowfall, and said that they do not shovel or salt the streets, so we should be thankful for our snow plowing.

Mr. Szolach congratulated the Fire Department for the good job they did of putting out the house fire on Washtenaw and Beaconsfield over the weekend.

CM 01-06-09

ADJOURNMENT

MOTION by Monaghan, SUPPORTED by Marshall:

That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 7:51 p.m.

ABSENT: Szymanski.

MOTION CARRIED

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KENNETH A. POYNTER, MAYOR

\_\_\_\_\_  
MICKEY D. TODD, CITY CLERK

CITY OF HARPER WOODS  
CITY COUNCIL  
JANUARY 21, 2009

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:30 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem Cheryl A. Costantino, Councilperson(s) Hugh Marshall, Michael P. Monaghan, Daniel S. Palmer, Vivian M. Sawicki and John M. Szymanski.

ABSENT: None.

OTHERS PRESENT: City Manager James E. Leidlein, City Attorney J. Russell LaBarge and City Clerk Mickey D. Todd.

CM 01-07-09

MINUTES

MOTION by Monaghan, SUPPORTED by Palmer:

To receive, approve and file the minutes of the regular City Council meeting held January 5, 2009 and furthermore, receive and file the minutes of the Local Officers Compensation Commission meeting held January 13, 2009.

MOTION CARRIED UNANIMOUSLY

CM 01-08-09

ADDENDUM TO AGENDA

MOTION by Sawicki, SUPPORTED by Costantino:

To add to the agenda, under New Business item two, discussion and/or action on the proposed raises for Mayor and City Council that the Local Officers Compensation recommended for 2009-10.

MOTION CARRIED UNANIMOUSLY

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CM 01-09-09

CONSENT AGENDA

RESOLUTION by Costantino, SUPPORTED by Monaghan:

BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 86357 through 86489 in the amount of \$1,170,547.45 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.
2. Approve payment in the amount of \$6,291.00 to the Michigan Municipal League for membership dues covering the period February 1, 2009 through January 31, 2010.
3. Approve the request from the Shamrock Cab Company for taxicab licenses covering the cabs listed on the attached application for 2009.
4. Approve the appointments to the various boards and commissions as listed on the attached memorandum from the City Clerk.

ROLL CALL VOTE

YES: Costantino, Marshall, Monaghan, Palmer, Sawicki, Szymanski and Poynter.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 01-10-09      MILK RIVER - OPERATION AND MAINTENANCE

RESOLUTION by Marshall, SUPPORTED by Costantino:

BE IT RESOLVED to approve payment to Wayne County in the amount of \$145,568.00 for the operation and maintenance of the Milk River Drain for the second quarter of FY2009.

ROLL CALL VOTE

YES: Marshall, Monaghan, Palmer, Sawicki, Szymanski, Poynter and Costantino.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 01-11-09      RECOMMENDED PAY RAISES - MAYOR/COUNCIL PAY RAISES

RESOLUTION by Sawicki, SUPPORTED by Costantino:

BE IT RESOLVED to reject the proposed pay increases, consistent with section 2-244 of the Code of Ordinances, of \$100 per year for 2009-10 for Mayor and City Council as recommended by the Local Officers Compensation Commission. City Council cited the difficult economic times that are confronting our residents and the City for rejecting the proposed pay increase.

CITY OF HARPER WOODS, MICHIGAN  
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ROLL CALL VOTE

YES: Monaghan, Palmer, Sawicki, Szymanski, Poynter, Costantino and Marshall.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CALL TO COUNCIL

Mayor Poynter urged the public to attend Monday's Town Hall Meeting at 7:00 p.m. to discuss the future of Police and Fire services. He said that both the Police Chief and Fire Chief will be there along with other experts in the field of law enforcement and fire services to answer any questions about the future of police and fire services in the City.

Councilman Monaghan commented on the robbery of a neighboring financial institution where he works saying that he always thought that the location was one of the safest areas around, pointing out that this incident is indicative of today's economic climate. He added that he anticipates the next year to be a tough year economically.

Councilwoman Sawicki commented on an article in today's Advertiser Times where a resident is developing a web site that would encourage children to participate in community service projects, and asked the City Manager if the individual developing the site would be required to pass a background check like teachers and other individuals that work with children. (The City Manager said that City programs require individuals that work with children to pass a background check, but the City does not have the authority to require background checks for programs out of the City's purview. He added however, that there may be a State law addressing this situation and he would look into it and report back.)

Councilman Marshall asked for a clarification on the inspection and licensing procedures of taxi cabs in the city.

#### CALL TO AUDIENCE

Mr. Como announced that the Dad's Club will be having their Annual Super Bowl Pancake Breakfast on Sunday, February 1<sup>st</sup> at the Harper Woods Community Center from 9:00 a.m. to 1:00 p.m. and tickets are just \$5, with all proceeds going to the community.

Mr. Buscemi added that the Dad's club is also soliciting advertisers for their place mats, saying that the cost is \$10.

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Mr. Szolach complained about people blowing snow back into the streets after they are plowed and said that he would like to see them get warned about it, and if necessary ticketed.

Ms. Marshall asked if the increased cab rates that were approved by City Council last year would now be reduced because gas is not as expensive as it was last year. (The City Manager said that the rate increase that was approved last year was contingent on gas being over \$3 a gallon.)

CM 01-12-09

#### ADJOURNMENT

MOTION by Monaghan, SUPPORTED by Palmer:

That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 7:47 p.m.

MOTION CARRIED UNANIMOUSLY



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KENNETH A. POYNTER, MAYOR

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MICKEY D. TODD, CITY CLERK

CITY OF HARPER WOODS  
CITY COUNCIL  
FEBRUARY 2, 2009

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:30 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem Cheryl A. Costantino, Councilperson(s) Hugh Marshall, Michael P. Monaghan, Daniel S. Palmer, Vivian M. Sawicki and John M. Szymanski.

ABSENT: None.

OTHERS PRESENT: City Manager James E. Leidlein and City Clerk Mickey D. Todd.

CM 02-13-09

MINUTES

MOTION by Monaghan, SUPPORTED by Sawicki:

To receive, approve and file the minutes of the regular City Council meeting held January 21, 2009, and furthermore, receive and file the minutes of the School District of Harper Woods Election Coordinating Committee meeting held on January 28, 2009.

MOTION CARRIED UNANIMOUSLY

CM 02-14-09

CONSENT AGENDA

RESOLUTION by Costantino, SUPPORTED by Monaghan:

BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 86490 through 86625 in the amount of \$229,219.22 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.
2. Approve payment to Statewide Security Transport in the amount of \$7,084.17 for prisoner lodging and maintenance for the month of December 2008.

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3. Approve payment to Anderson, Eckstein & Westrick, Inc. in the amount of \$9,844.70 for professional services during the month of December 2008 for the following projects: 2007 Sewer Cleaning & TV Inspection, #180-100; Kelly Road Sidewalk, #180-102; 2008 Concrete Pavement Repair, #180-105 and the 2009 Pavement Joint & Crack Sealing, #180-114.

ROLL CALL VOTE

YES: Costantino, Marshall, Monaghan, Palmer, Sawicki, Szymanski and Poynter.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 02-15-09

SCHEDULE PUBLIC HEARING - 2009  
COMMUNITY DEVELOPMENT BLOCK GRANT

MOTION by Marshall, SUPPORTED by Costantino:

To hold a Public Hearing on February 18, 2009 at 7:30 p.m. for the purpose of receiving public input and comment on the 2009 Community Development Block Grant Program.

MOTION CARRIED UNANIMOUSLY

CALL TO COUNCIL

Mayor Poynter reminded the public that the next City Council meeting will be on Wednesday, February 18, instead of the usual Monday date because of President's Day. He then commented on last Monday's Town Hall meeting on Police and Fire Services saying that he appreciated the comments that were made from people that were familiar with the public safety service model. He then commented on the serious economic crisis that the City is facing and how we may have to rethink how we will be providing City services in the future. He cited his workplace as an example where employees cross trained in order to make themselves more valuable and able to do more with less. He said that City Council wants to avoid employee layoffs, but with the economy going the way it is, he doesn't know what is going to happen.

Councilman Monaghan said that he appreciated the comments from the residents at last Monday's Town Hall meeting on Police and Fire Services. He added that as a resident of the city his interests are with the taxpayers who want quality City services. He said that he was disappointed with the union officials who spoke out at the Town Hall meeting against the direction City Council is taking toward providing Police and Fire services, saying that the vast majority of those individuals live in communities with volunteer Fire Fighters and private

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ambulance service. He added that as a resident he enjoys the various services provided by the City like leaf pick-up and snow plowing and wants to continue providing these services. Lastly, he commented to the City Manager that the lawsuit by the Fire Union and Mr. Wummel appears to be dragging on and he would like to see it concluded so that the City can move forward.

Councilwoman Sawicki said that she was in agreement with the previous comments made about the Town Hall meeting. Then she commented on how she attended the Dad's Club Pancake Breakfast at the High School on Sunday and noticed that the on duty fire fighters were there, and asked the City Manager if they had their turnout gear with them so they could respond to an emergency, or if they would have to go back to the station. (The City Manager said that they have their gear with them to respond to an emergency.) Lastly, she commented on a suicide that took place last week downtown, and asked the City Manager if there is a resource our residents can turn to if they are feeling overwhelmed, saying that she wants people to know that help is available. (The City Manager said that Wayne County Mental Health can assist individuals in need of help.)

Councilman Szymanski commented on the significant revenue shortfall the City is facing given the reduction in assessments, revenue sharing and the overall economy, and that City Council will be facing some difficult budget decisions in the coming months. He added that City Council will

have to look at all of the mandated functions and services the City is required to provide, and consolidate and cross train where possible just to make it through next year.

Mayor Pro tem Costantino announced that she has Girl Scout cookies for sale.

### CALL TO AUDIENCE

Mr. Bruneel congratulated the Town Hall panel and the moderator, saying that he thought they did a good job. He then commented on the Dad's Club Pancake Breakfast saying that it was a financial success.

Mr. Frattini informed City Council and the City Manager of a response to an e-mail that he sent out regarding the Town Hall meeting, that was disparaging and threatening to him and his family. He said that he suspects the e-mail was sent by someone in City Hall and wants it investigated and the responsible individual disciplined. He added that his e-mail expressed his opinion on the Town Hall meeting, and as a citizen he should have a right to express his opinion without fear of reprisals against him or his family.

Ms. Uhl commented on the threatening e-mail Mr. Frattini received saying that it is ridiculous because people should be allowed to respectfully disagree on policy decisions. She urged City Council to find the source of this e-mail and discipline this person. She then commented on how

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she was disappointed with the Town Hall meeting because there were no details provided about the City's plan for Police and Fire services, how it would work, and what kind of changes would be made. Then she commented on the raise that was given to the police saying that no other communities have given out raises like that, and that City Council should be ashamed for having done this.

Mr. Szolach said that he thought the Town Hall meeting went great, but added that the non-residents that spoke should not be listened to because they do not live here. He then commented on the threatening Frattini e-mail saying that he is sorry to hear about this, and that the individual responsible should be disciplined. He added that this is pretty low behavior and that it doesn't have to be like this.

Mayor Poynter told of threats that he has received ever since Council began discussing cross training of Police Officers.

Ms. Uhl suggested that both sides of the cross training debate issue a joint press release condemning any harassing or threatening behavior against individuals participating in this debate.

Mayor Pro tem Costantino told of threats that she has received in an event that she attended in Pontiac over the cross training of Police Officers. She added that this is routine for people in the public eye.

Mr. Wummel said that he agrees that people should not be harassed or threatened for expressing their opinions. He added that people need to learn how to disagree. Then he said that he was in agreement with Councilman Monaghan that the lawsuit that he and the Fire Fighters have against the City is taking too long and needs to be resolved. He then commented on the Town Hall meeting saying that he appreciated it, but added that he thought it would have been better if an opposing point of view was offered. Then he discussed the proposed cross training issues.

Deputy Police Chief Burke assured the public that both the police and fire departments will respond in a professional manner to all emergency calls made to the city. He then commented on the flyer that was distributed by the fire union prior to the Town Hall meeting. Then he commented on how crime is the biggest issue facing the City and in order to reduce crime we need to increase the number of police officers available for service. He added that it is not fair to continue sending our officers out in one person cars.

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CM 02-16-09

2009 GOAL SETTING SESSION

MOTION by Monaghan, SUPPORTED by Palmer:  
To adjourn to the Conference Room for the 2009 Goal Setting Session.

MOTION CARRIED UNANIMOUSLY

The City Council recessed at 8:25 p.m. and reconvened in the Conference Room at 8:35 p.m.

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2009 GOAL SETTING SESSION

The Mayor and Council members reviewed the previous year's goals and generally discussed goals for this year. They agreed to continue the Goal Setting session after the next Council meeting.

CM 02-17-09

ADJOURNMENT

MOTION by Palmer, SUPPORTED by Szymanski:

That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 8:47 p.m.

MOTION CARRIED UNANIMOUSLY

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KENNETH A. POYNTER, MAYOR

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MICKEY D. TODD, CITY CLERK

CITY OF HARPER WOODS  
CITY COUNCIL  
FEBRUARY 18, 2009

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:30 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem Cheryl A. Costantino (7:33 p.m.), Councilperson(s) Hugh Marshall, Michael P. Monaghan, Daniel S. Palmer, Vivian M. Sawicki and John M. Szymanski.

ABSENT: None.

OTHERS PRESENT: City Manager James E. Leidlein, City Attorney J. Russell LaBarge and City Clerk Mickey D. Todd.

CM 02-18-09

MINUTES

MOTION by Monaghan, SUPPORTED by Szymanski:

To receive, approve and file the minutes of the regular City Council meeting held February 2, 2009 and furthermore, receive and file the minutes of the Board of Trustees Employees Retirement System held February 2, 2009.

ABSENT: Costantino.

MOTION CARRIED

CM 02-19-09

CONSENT AGENDA

RESOLUTION by Monaghan, SUPPORTED by Sawicki:

BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 86626 through 86732 in the amount of \$488,609.89 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.

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2. To receive and file for the audit, the Treasurer's quarterly investment report.
3. Approve payment to Nu Appearance Maintenance in the amount of \$12,938.25 for sidewalk salting and/or snow removal in various areas of the City.
4. Approve payment in the amount of \$19,828.06 to Grosse Pointe Woods for the City's pro-rata portion of the operating and maintenance of the Torrey Road Pump Station for the period through July through December 2008.
5. Approve payment to Oakland County Information Technology in the amount of \$6,612.25 for fees relative to the CLEMIS computer system utilized by the Police Department.

ROLL CALL VOTE

YES: Marshall, Monaghan, Palmer, Sawicki, Szymanski and Poynter.

NO: None.

ABSENT: Costantino.

RESOLUTION ADOPTED

CM 02-20-09

2009 COMMUNITY DEVELOPMENT  
BLOCK GRANT - OPEN PUBLIC HEARING

MOTION by Szymanski, SUPPORTED by Costantino:

To open the Public Hearing on the 2009 Community Development Block Grant program.

MOTION CARRIED UNANIMOUSLY

PUBLIC HEARING

The City Manager stated that the City is required to annually hold a public hearing for the proposed use of Community Development Block Grant monies, and that notice of this hearing was published as required. He then reviewed the proposed use of this year's funds and answered any questions.

CM 02-21-09                      2009 COMMUNITY DEVELOPMENT  
BLOCK GRANT - CLOSE PUBLIC HEARING

MOTION by Marshall, SUPPORTED by Costantino:  
To close the Public Hearing on the 2009 Community Development Block Grant program.

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MOTION CARRIED UNANIMOUSLY

CM 02-22-09                      ADOPTION OF 2009 COMMUNITY  
DEVELOPMENT BLOCK GRANT PROGRAM

RESOLUTION by Marshall, SUPPORTED by Monaghan:  
BE IT RESOLVED To adopt the 2009 Community Development Block Grant Program as

follows:	Administration	\$ 9,500
	SOC Minor Home Repairs	\$16,000
	Kelly Road Improvements	\$51,450
	Pointe Area Assisted Transit Svc. (Handicapped Transportation)	<u>\$ 9,025</u>
	TOTAL	<u><u>\$ 95,000</u></u>

ROLL CALL VOTE

YES: Monaghan, Palmer, Sawicki, Szymanski, Poynter, Costantino and Marshall.  
NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 02-23-09                      LEASE OF NEW POLICE VEHICLES

RESOLUTION by Sawicki, SUPPORTED by Monaghan:



BE IT RESOLVED To approve the lease of two (2) 2009 Ford Crown Victoria vehicles in the amount of \$63,157.05, in 3 annual payments of \$21,052.35, through the Macomb County Extended Purchasing Agreement, and further, in that these vehicles were competitively bid by Macomb County that the City's formal competitive bidding process be waived.

ROLL CALL VOTE

YES: Palmer, Sawicki, Szymanski, Poynter, Marshall, Monaghan, .  
NO: Costantino.

RESOLUTION ADOPTED

CALL TO COUNCIL

Mayor Pro tem Costantino said that she voted no on leasing the police vehicles because she is not comfortable with the mileage issue, however, she added that she might change her mind if

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additional information regarding the lease was provided.

CALL TO AUDIENCE

Mr. Frattini commended the Fire Department on the good job they did this morning in assisting Grosse Pointe Woods with a fire in their community this morning. He then asked the City Manager when Engine One in the Fire Department, which is having repair work done to it, will be returning to service. (The City Manager said that he did not have that information.) Lastly, he asked the City Manager if he had anything to report on regarding the threatening e-mail that was directed at him by what he believes, is someone in City Hall. (The City Manager said that the origin of the e-mail could not be determined.)

Mr. Cracciola asked the City Attorney to report on the condemnations of the houses on Anita and Bournemouth. (The City Attorney said that the Bournemouth house is going to be torn down because the owner could not get financing to repair the fire damage. He added the condemnation of the house on Anita is still in progress because the ownership of the house is still being determined.) He then asked the City Attorney who will own the vacant lot after the house is torn down. (The City Attorney said that the lot will be owned by the property owner. Lastly, he asked what the outcome of the Eastland tax appeal was. (The City Manager said that there will be a conference call on this issue tomorrow, and it is appears the outcome will not be as good as he had hoped.)

A lady asked what the time period is of the invoice that Council approved tonight for NuAppearance was. (The City Manager said that it was for about a week and that it was for snow removal, and he added that the cost will be billed to the property owners where the snow was

removed.) Lastly, she said she was concerned about leasing police vehicles and asked how many cars the department already has. (The City Manager said that there are about fourteen cars.)

Mr. Binder complained about the students at Beacon and the High School littering orange juice containers on Beaconsfield, saying that he spoke to school officials about it and was told that they can only control what goes on at school and not outside of school. He asked that something be done about it. (The Mayor said that the City Manager would contact the schools about it.)

Mr. Grace asked why Public Works employees could not do the work that NuAppearance is doing. (The City Manager said that it was agreed to previously to contract this service out.) He then commented on the City's vehicles saying that idle time of one hour in a police car is equivalent to 33 miles. His point was that mileage alone on a police car is not indicative of the wear and tear on the car.

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Mr. Wummel commented on the approval of City Council to lease new police vehicles, and suggested that they should have been competitively bid separately instead of through the County bidding process. He suggested that we may have gotten a better price because of the economy. (The City Manager said that the County price is typically cheaper because they buy in a large volume.) He added that he appreciated the no vote of Mayor Pro tem Costantino on this issue. He then asked the City was paying for the survey about police and fire services that the University of Tennessee is conducting in the community. (The City Manager said that the City is paying for some of the postage costs, and other than that it is being done as a class project.)

CM 02-24-09

EXECUTIVE SESSION - LABOR  
CONTRACT NEGOTIATIONS

RESOLUTION by Monaghan, SUPPORTED by Palmer:

BE IT RESOLVED to adjourn to executive session for the purpose of discussing labor contract negotiations.

ROLL CALL VOTE

YES: Sawicki, Szymanski, Poynter, Costantino, Marshall, Monaghan and Palmer.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

The City Council adjourned to Executive Session at 7:58 p.m. and reconvened at 9:03 p.m.

2009 GOAL SETTING SESSION

City Council discussed the need to re-establish new budget priorities in view of the economic circumstances facing the City, and the process that needs to be followed to achieve a balanced budget while continuing to provide quality City services. They directed the City Manager to

prepare relevant financial information so that they could develop a plan of action as soon as possible.

CM 02-26-09

ADJOURNMENT

MOTION by Monaghan, SUPPORTED by Costantino:

That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 9:05 p.m.

MOTION CARRIED UNANIMOUSLY

\_\_\_\_\_  
KENNETH A. POYNTER, MAYOR

\_\_\_\_\_  
MICKEY D. TODD, CITY CLERK

CITY OF HARPER WOODS  
CITY COUNCIL  
MARCH 2, 2009

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:30 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem Cheryl A. Costantino, Councilperson(s) Hugh Marshall, Michael P. Monaghan, Daniel S. Palmer, and John M. Szymanski.

ABSENT: Councilperson Vivian M. Sawicki.

OTHERS PRESENT: City Manager James E. Leidlein and City Clerk Mickey D. Todd.

CM 03-26-09

EXCUSE COUNCILPERSON SAWICKI

MOTION by Costantino, SUPPORTED by Szymanski:

To excuse Councilperson Vivian M. Sawicki from tonight's meeting because of a prior commitment.

ABSENT: Sawicki.

MOTION CARRIED

CM 03-27-09

MINUTES

MOTION by Monaghan, SUPPORTED by Costantino:

To receive, approve and file the minutes of the regular City Council meeting held February 18, 2009, and furthermore, receive and file the minutes of the Library Board meeting held February 19, 2009.

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ABSENT: Sawicki.

MOTION CARRIED

CM 03-28-09

CONSENT AGENDA

RESOLUTION by Costantino, SUPPORTED by Monaghan:

BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 86733 through 86859 in the amount of \$219,072.30 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.
2. Accept the quote submitted by Argus-Hazco for the purchase of 14 SCBA masks and voice amplifiers in the amount of \$6,846.00, and further that competitive bidding be waived in accordance with city policy.
3. Approve payment to Badger Meter, Inc. in the amount of \$6,794.75 for the purchase of 36 new automatic read water meters and transmitters.
4. Approve payment to Anderson, Eckstein & Westrick, Inc. in the amount of \$12,742.40 for professional services during the month of January 2009 for the following projects: 2007 Sewer Cleaning & TV Inspection, #180-100 and the Kelly Road Sidewalk/Alley Project, #180-102.
5. Approve payment to the City of Grosse Pointe Farms in the amount of \$16,118.27 for Harper Woods' proportionate share of the Intermunicipal Radio System for the period July 2008 through December 2008.
6. Approve payment to Statewide Security Transport in the amount of \$7,237.40 for prisoner lodging and maintenance for the month of January 2009.

ROLL CALL VOTE

YES: Costantino, Marshall, Monaghan, Palmer, Szymanski and Poynter.

NO: None.

ABSENT: Sawicki.

RESOLUTION ADOPTED

CM 03-29-09

MILK RIVER - INTEREST PAYMENT

RESOLUTION by Marshall, SUPPORTED by Costantino:

BE IT RESOLVED to approve payment in the amount of \$29,442.42 to Wayne County for the Milk River Drain interest payments; \$17,939.97 interest on the 1991 Series Bond, \$2,177.00 interest on the 1992 Series Bond and \$9,325.45 interest on the 1993 Series Bond.

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ROLL CALL VOTE

YES: Marshall, Monaghan, Palmer, Szymanski, Poynter and Costantino.

NO: None.

ABSENT: Sawicki.

RESOLUTION ADOPTED

CALL TO COUNCIL

Mayor Poynter commented on residents receiving their assessment notices today and asked the City Manager to explain the assessed rate differences. (The City Manager said that there are two components to the Assessment Notice. One is the State Equalized Value, or SEV, and the other is the Taxable Value. He said that the SEV is supposed to represent fifty-percent of the value of your home, and the Taxable Value represents the value that the homeowner is taxed for. He added that this year SEV were down approximately 20%, and that homeowners with an SEV less than their Taxable Value will have a tax decrease, while those with Taxable Value less than their SEV will see a 4.4% tax increase as required by Proposal A. He said that as of now it appears that there will be a \$700k drop in taxable revenue to the City.)

CALL TO AUDIENCE

Mr. Frattini asked who the SCBA Masks were for that were approved for purchase under the Consent Agenda. (The City Manager said that they were purchased for the cross trained police officers.) He then asked if the cost of the Inter-Municipal Radio system that is shared with the Grosse Pointe's is equally shared by each community. (The City Manager said that the cost of the radio system is shared by each community on a pro-rata basis.) Then he said that he received an e-mail that said Harper Woods was not on a list of communities to receive stimulus funds, and wanted to know why the City failed to request any money. (The City Manager said that that e-

mail is false, and that the only money being appropriated so far has been for shovel ready projects.)

Councilman Szymanski left at 7:40 p.m.

Mr. Bruneel announced that the Lion's Club will be having their 21<sup>st</sup> Annual Pancake Breakfast, on Sunday, April 5 from 9 a.m. to 1 p.m. at the Harper Woods Community Center. He also announced that the Harper Woods Dad's Club will be having a Fish Fry every Friday at the High School.

Mr. Szolach complained about how the new rubbish company places the trash cans back after

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emptying them, saying that they just throw them back rather than placing them upside down by the curb. (The City Manager said that he would alert the supervisor to the problem.)

Ms. Uhl said that on the State's web site it shows a list of communities that are scheduled to receive stimulus funds for various projects and purchases and wanted to know why the City didn't apply for funds to purchase new police cars. (The City Manager said that when applications for funding becomes available the City will apply for whatever is available.) She then commented on an article that appeared in last week's Macomb Daily that discusses the possibility of a shared 911 dispatch service in southern Macomb County and Harper Woods, saying that the article indicated that only separate police and fire departments will be able to participate, and asked if this will impact the City's move toward public safety. (The City Manager said that the details of the shared dispatch concept are still being developed.)

Ms. Marshall said that she was under the impression that the police officers are going to be trained as EMT's and Paramedics, and asked what the emergency call ratio is in the Fire Department for fire and EMS runs. (The City Manager said that call ratio in the Fire Department is approximately 95% EMS to 5% fire runs.)

Ms. Head asked if the City has devised an austerity program that would reduce salaries of Administrators and other employees in view of the City's current economic circumstances. (The City Manager said that contractually the City cannot arbitrarily cut salaries of union employees, and that as a cost saving measure he has not filled a number of full time positions as they have been vacated.)

Ms. Uhl asked if the Police Officers are going to be trained as EMT's or Paramedics, and if so, how many are going to be trained. (The City Manager said that they will receive both types of training, but the outcome of the lawsuit that the Fire Fighters have against the City may affect the situation.) She then suggested that all cross training be stopped until the lawsuit is resolved.

Mr. Frattini asked which budget the money came out of to purchase the SCBA Masks for the cross trained police officers. (The City Manager said that it comes out of the General Fund.) He

then expressed concern that the lighting package on the fire trucks does not meet safety requirements, and said that he hopes money can be found to purchase the required lighting.

Mr. Wummel asked if department heads are reimbursed for mileage, and if so, does it also include the filling up of their personnel vehicles. (The City Manager said mileage reimbursement is given for city business, but under no circumstances are personal vehicles allowed to be filled up. He urged Mr. Wummel to advise him of any such instances.) Lastly, he suggested that the City's information sign announce upcoming Council meetings, and the availability of nominating petitions for City Council. (The City Manager said that the availability of nominating petitions for City Council will be put on the information sign.)

CITY OF HARPER WOODS, MICHIGAN  
REGULAR CITY COUNCIL MEETING

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Ms. Head asked why the City does not have a Fire Fighter recognition day like the Police Department has. (The Mayor said that the issue has never been brought before City Council. The City Manager added that individuals have been recognized at Council meetings in the past for assisting the Fire Department, and that any request made by the Chief would be considered.)

Mr. VanPoucker commented on a news report on Fox 2 about Rochester Hill's recycling program that rewards residents for participating, and suggested that the City consider adopting a similar program.

A lady from Roscommon asked if the City has a contract with NuAppearance for snow removal. (The City Manager said that the City does have a contract with NuAppearance for lawn service and uses them for snow removal also. He added that the lawn service contract is going to be re-bid in the coming weeks.) She suggested that the City use the DPW for snow removal rather than NuAppearance. Lastly, she commented on the Kelly Road businesses having a dirty appearance and suggested that the City cite them accordingly. (The City Manager said that businesses are routinely cited on Kelly when necessary.)

Mr. Szolach agreed that Kelly Road does look bad sometimes, but said that it is because the wind blows the litter around. He added that it looks good most of the time in the summer months.

Mr. Grace commented on the dumpsters in the Kelly Road alleys, asking why the City does not require them to be enclosed to limit the smell and control the rodent problem. (The City Manager said that the placement of the dumpsters is grandfathered, and until the use of the building changes the City cannot require them to be enclosed.)

CM 03-30-09

ADJOURNMENT

MOTION by Monaghan, SUPPORTED by Palmer:

That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 7:58 p.m.

ABSENT: Sawicki.

MOTION CARRIED

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KENNETH A. POYNTER, MAYOR

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MICKEY D. TODD, CITY CLERK

CITY OF HARPER WOODS  
CITY COUNCIL  
MARCH 16, 2009

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:30 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem Cheryl A. Costantino, Councilperson(s) Michael P. Monaghan, Daniel S. Palmer, Vivian M. Sawicki and John M. Szymanski.

ABSENT: Councilman Hugh Marshall.

OTHERS PRESENT: City Manager James E. Leidlein and City Clerk Mickey D. Todd.

CM 03-31-09

EXCUSE COUNCILPERSON MARSHALL

MOTION by Szymanski, SUPPORTED by Palmer:  
To excuse Councilperson Hugh Marshall from tonight's meeting because of a prior commitment.

ABSENT: Marshall.

MOTION CARRIED

PRESENTATION



Ms. Claudette Winslet, representing the Clinton River Watershed Council, presented the Mayor with a certificate of appreciation in recognition of the City's support over the years. Then she reviewed the history of the Watershed Council and their goals for the future, and asked for the City Council's continued support.

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REGULAR CITY COUNCIL MEETING

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CM 03-32-09

MINUTES

MOTION by Monaghan, SUPPORTED by Costantino:

To receive, approve and file the minutes of the regular City Council meeting held March 2, 2009.

ABSENT: Marshall.

MOTION CARRIED

CM 03-33-09

CONSENT AGENDA

RESOLUTION by Costantino, SUPPORTED by Monaghan:

BE IT RESOLVED to approve the following item on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 86860 through 86970 in the amount of \$468,471.63 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.

ROLL CALL VOTE

YES: Costantino, Monaghan, Palmer, Sawicki, Szymanski and Poynter.

NO: None.

ABSENT: Marshall.

RESOLUTION ADOPTED

CM 03-34-09

MDOT CONTRACT - RESURFACING OF  
NB HARPER FROM MANCHESTER TO 8 MILE

RESOLUTION by Monaghan, SUPPORTED by Costantino:

BE IT RESOLVED to approve the following contract with the Michigan Department of Transportation for the resurfacing of northbound Harper from Manchester to 8 Mile and southbound Harper from 8 Mile to Hollywood in the total amount of \$1,030,100, of which \$842,000 are federal funds and \$188,100 required City matching funds: MDOT Contract No. 08-5413; Control Section STU 82457; Job Numbers 104193 and 105124 and Project Number STP 0882(323) and STP 0982(018), and further, to authorize the City Manager and City Clerk to sign the contract.

ROLL CALL VOTE

YES: Monaghan, Palmer, Sawicki, Szymanski, Poynter and Costantino.  
NO: None.  
ABSENT: Marshall.

RESOLUTION ADOPTED

CITY OF HARPER WOODS, MICHIGAN  
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CALL TO COUNCIL

Mayor Poynter said that he recently had the honor of attending the Blue and Gold banquet for Harper Woods Scout Pack 273, and enjoyed both the awards and induction ceremonies. He then reminded Council members that the annual Boards and Commissions Dinner will be held on the 25<sup>th</sup>, urging them to attend and participate in recognizing the volunteers that serve the community. Then he announced that Wednesday is National Meals-On-Wheels recognition day, saying that he and other area Mayors will be participating by delivering meals as a way of emphasizing the importance of this program to the community. Lastly, he asked the City Manager to report on the cost to the City for cross training our Police Officers for fire service. (The City Manager said that so far thirteen Police Officers have been cross trained as fire fighters for approximately \$55k, and that two more Police Officers are scheduled to cross train at a cost of approximately \$10k.)

Councilwoman Sawicki asked the City Manager when yard waste collection begins. (The City Manager said that it begins on resident's regular trash collection day beginning the week of March 30<sup>th</sup>.) She urged him to announce this on the City's outdoor information sign.

Mayor Pro tem Costantino commented on the upcoming Little League Parade saying that Council has not received a request to close Beaconsfield yet, and asked when the Parade is scheduled. (The City Manager said that the parade request has been handled administratively for the past several years, which is why it does not come before Council. He added that the Parade is typically the last Saturday in April.)

Councilman Monaghan, who represents the City on the S.O.C. Board (Services for Older Citizens) informed City Council and the public of a proposal that the Board is considering from the old Cottage Hospital to lease a portion of the hospital for \$1 a month provided they renovate the leased area. He said that the proposed renovations are estimated to cost approximately \$2 million, and that he supports going forward with the proposal as S.O.C. provides a valuable service to the community.

CALL TO AUDIENCE

Mr. Cracchiolo asked who is responsible for repairing the pot holes by old Notre Dame High School and Home Depot. (The City Manager said that that is a County Road, and therefore, their responsibility.) He then asked when is the annual Household Hazardous Waste Drop-Off Day this year and which community is hosting it. (The Mayor said the information is in the newsletter and

on the City's web site, and that it is Saturday, May 9<sup>th</sup> at the Grosse Pointe Shores DPW yard. For more information call 886.0020.)

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Ms. McCarthy commented on the Clinton River Watershed presentation saying that she is thankful for all the people who volunteer their time for such a worthy cause, and she pointed out that our City Attorney also participates on the Lake St. Clair environmental committee. She then commented on State Representative Bledsoe holding office hours at City Hall today and asked if he plans on doing that regularly. (The City Manager said that he believes that is his intention.) Lastly, she asked if money from the Federal Stimulus package is being used for the Harper resurfacing project that was approved tonight. (The City Manager said that there is no clear answer for that question, because it depends on who you ask.)

Ms. Marshall commented on how Harper Woods needs to do more with the Grosse Pointes as far as sharing resources, pointing out that our residents do not have access to the Grosse Pointe library or some of the Neighborhood programs. She said that Harper Woods should be included with the Grosse Pointes instead of being treated like a step-sister, so that there is better cooperation and integration.

Mr. Bruneel wished everyone a Happy St. Patrick's Day. Then he announced that the Lion's Club will be having their Annual Palm Sunday Pancake Breakfast on April 5<sup>th</sup> at the Community Center with tickets just \$5.

Ms. Kindle said that she noticed on the State's Web Site that there are no requests from Harper Woods for funding, and asked why that is. (The City Manager said that the items listed on the State's Web Site is merely a 'wish list' so he did not respond to the email requesting items, however, he pointed out that when actual funding does become available Harper Woods will apply for it. He added that presently funding is only being given out to projects that are 'shovel ready' meaning that work can start on construction projects right away.) She then commented on an incident that her son had with the Police Department saying that he wants to file a complaint about how he was handled. (The City Manager suggested that he file a citizens complaint so that it can be investigated and appropriate action can be taken.)

Mr. O'Neill complained about receiving an invoice for shoveling his walk and requested that it be reconsidered. (Mayor Poynter suggested that he see the City Manager after the meeting and discuss it with him.)

Mr. Szolach advised the City Manager that the house on Beaconsfield that burned earlier this year had someone looking at it over the weekend, and asked if the City knew what was going on. (The City Manager said that he did not know why that person was looking at the house.) He then commented on the pot holes on Beaconsfield in Detroit between Kingsville and Moross and asked the City Manager if he would contact the City of Detroit and ask them to cold patch them, because

they are very large and are a hazzard. (The Mayor said that Detroit will be contacted about the situation.)

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Ms. Uhl asked for a clarification regarding Federal Stimulus monies, asking if the City can still apply for such money. (The City Manager said that the City will apply for the stimulus money as it becomes available.) She then asked about the City's request for lawn service bids, asking if the company that receives the contract will also do snow shoveling. (The City Manager said that the upcoming bid is exclusive to the City's lawn service needs, and that up until recently the City never needed to have a separate contractor for snow shoveling, but because of the foreclosure crisis bids for snow shoveling will probably be taken in the fall.)

Ms. Sommers asked why the Accounts Payable listing was not listed on the agenda. (The City Manager said it was and clarified the difference between the Accounts Payable item and the Consent Agenda.)

Mr. Wummel suggested that future office visits by the State Representative be placed on the City's outdoor information sign. He also suggested that the outdoor sign be used more often in making community announcements like Council meetings. Then he said that whenever residents bring up items that need to be addressed by other jurisdictions that the City contact those jurisdictions in order to resolve a situation. Lastly, he commented on Mayor Pro tem Costantino's comments during the Harper resurfacing project where she suggested that a left turn lane be installed on north bound Harper to accommodate the traffic trying to turn into the east entrance of the Kroger parking lot, saying that he agrees that the current traffic pattern is hazardous.

CM 03-35-09

ADJOURNMENT

MOTION by Monaghan, SUPPORTED by Szymanski:

That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 8:10 p.m.

ABSENT: Marshall.

MOTION CARRIED

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KENNETH A. POYNTER, MAYOR

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MICKEY D. TODD, CITY CLERK

CITY OF HARPER WOODS  
CITY COUNCIL  
APRIL 6, 2009

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:30 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem Cheryl A. Costantino, Councilperson(s) Hugh Marshall, Michael P. Monaghan, Daniel S. Palmer, Vivian M. Sawicki and John M. Szymanski.

ABSENT: None.

OTHERS PRESENT: City Manager James E. Leidlein, and City Clerk Mickey D. Todd.

PRESENTATION

Senator Martha G. Scott was present to update City Council and the public on various issues and answer any questions.

CM 04-36-09

MINUTES

MOTION by Monaghan, SUPPORTED by Costantino:  
To receive, approve and file the minutes of the regular City Council meeting held March 26, 2009.

MOTION CARRIED UNANIMOUSLY

CM 04-37-09

CONSENT AGENDA

RESOLUTION by Costantino, SUPPORTED by Monaghan:  
BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 86970 through 87114 in the amount of \$294,878.32 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.

2. Approve payment to J & J Truck Auto Marine Repair, Inc. in the amount of \$8,373.83 for miscellaneous repairs to Engine 1 and Alpha 1.
3. Approve payment to Statewide Security Transport in the amount of \$5,354.90 for prisoner lodging and maintenance for the month of February 2009.
4. Approve payment to Anderson, Eckstein & Westrick, Inc. in the amount of \$19,986.00 for professional services during the month of February 2009 for the following projects: General, #180-099; 2007 Sewer Cleaning & TV Inspection, #180-100; Kelly Road Sidewalk, #180-102; SRF Project Plan Preparation, #180-113 and the Safety Grant Traffic Signal Upgrade Project, #180-115.

ROLL CALL VOTE

YES: Costantino, Marshall, Monaghan, Palmer, Sawicki, Szymanski and Poynter.  
NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 04-38-09

BID AWARD - LAWN MAINTENANCE

MOTION by Palmer, SUPPORTED by Costantino:

To refer the lawn maintenance bid award to a committee consisting of Council member(s) Michael Monaghan, Vivian Sawicki and John Szymanski, to review the bid information and prepare a recommendation.

MOTION CARRIED UNANIMOUSLY

CM 04-39-09

GENERAL OBLIGATION UNLIMITED TAX  
ROAD BONDS - PRINCIPAL AND INTEREST

RESOLUTION by Marshall, SUPPORTED by Palmer:

BE IT RESOLVED to approve payment to the Bank of New York in the amount of \$673,562.50 for the annual principal and interest payments on the 1995, 1999 and 2001 Tax Road Bonds and the Library Improvement Bond; \$30,750.00 interest on the 1995 Series Bond; \$386,625.00 principal and interest on the 1999 Series Bond; \$120,825.00 principal and interest in the 2001 Series Bond and \$135,362.50 principal and interest on the Library Improvement Bond.

ROLL CALL VOTE

YES: Marshall, Monaghan, Palmer, Sawicki, Szymanski, Poynter and Costantino.  
NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

## CALL TO COUNCIL

Mayor Poynter commented on his participation in the National Mayors Meals-On-Wheels Day, where he delivered meals to residents in the program, saying that it was a very interesting experience speaking to the seniors who benefit from the program and he was pleased to report that they all had nice things to say about the city. He then commented on the successful Boards and Commissions Dinner that was held last week, saying that approximately 120 attended, and added that it is good to see so many volunteers contributing to the community in a positive way. Lastly, he announced that Harper Woods will be hosting the upcoming Mayor's Prayer Breakfast on Thursday, May 7<sup>th</sup> at 7:30 a.m. at the Grosse Pointe Yacht Club. He added that this year's featured speaker is Ms. Erika Harold, 2003 Miss America, and that tickets are \$15 and can be purchased at City Hall.

Councilman Monaghan asked for an update on the litigation with the fire fighters union and one of our residents over the cross training of our police officers and the allegation that it is in violation of the City Charter. (The City Attorney said that he just received the Judge's ruling this afternoon on some of the preliminary motions filed by the union's attorney in reference to this matter, but has not had time to review it. He added that he will report on the ruling after reviewing it, and said that the matter is scheduled for trial on April 24<sup>th</sup>.) Councilman Monaghan said that he would like to see this matter resolved so the City can move forward with this issue. He then asked the City Manager for an update on the fire fighter grievance where the City suspended a fire fighter for not responding to an EMS run. (The City Manager said that the suspension of the fire fighter was modified by an arbitrator to a seven day working day suspension.)

Councilwoman Sawicki commented on a letter City Council received from Ms. Anne Nearhood, Community Organizer for CARE, which is a non-profit community organization requesting City Council to conduct a community-wide garage sale with the permit and permit fees waived for all residents. She expressed security concerns with holding a city wide sale, and told of bad experiences that some residents have told her about with their garage sales. She suggested that if a community wide garage sale is held, then it should be done at the park or some other public area that can be monitored by the police, which she added, is what one of the Grosse Pointe's do. Councilman Monaghan suggested that City Council receive input from the Police Department before considering the city wide garage sale request.

Mayor Pro tem Costantino said that she likes the idea of having a city wide garage sale, saying that her neighbors have a block sale and it is a great way to meet neighbors. She added that rules could be put into place to ensure security, and pointed out that Royal Oak has such a sale.

Mayor Poynter asked the City Manager to review the city wide garage sale request and report back.

## CALL TO AUDIENCE

Ms. Anne Nearhood, Community Organizer for CARE, explained CARE's role in the community and the idea behind their request for a community wide garage sale. (Mayor Poynter suggested that she meet with the City Manager to discuss the request.)

Mr. Szolach thanked the City Manager and Public Works Department for filling in the pot holes on Beaconsfield between Kingsville and Moross, saying that all the residents who use that road are very thankful.

Mr. Cracciolo said the City filled in the potholes on Beaconsfield in Detroit, then why not fill in the pot holes on the Eastland Center road coming in off of Beaconsfield.

Ms. Marshall spoke in favor of having a community wide garage sale saying that it is a good way to meet your neighbors, and a good way of fostering a sense of community.

Mr. Wummel commented on the suggestion that he made at the last meeting to have a traffic study done along with the north bound Harper re-surfacing project that would address the cars turning into the east entrance of Kroger's from Harper. He suggested that consideration be given to creating a left turn lane there. (The City Manager said that the City Engineers have been advised to review the situation and provide a recommendation.)

Ms. Marshall asked where the Mayor's Prayer Breakfast tickets could be purchased. (The Mayor said that he has some for sale, or they could be purchased at any City Hall in Harper Woods or the Grosse Pointes.)

Mr. Wummel commented on the idea of having a city wide garage sale saying that he thinks that it would be a positive thing for the community. He added that his family enjoys having them, and that the concerns about security are probably not founded, because people that go to garage sales are typically not the criminal type.

CM 04-40-09

### EXECUTIVE SESSION - COLLECTIVE BARGAINING MATTER

RESOLUTION by Monaghan, SUPPORTED by Sawicki:  
BE IT RESOLVED to adjourn to executive session for the purpose of discussing a collective bargaining matter.

#### ROLL CALL VOTE

YES: Monaghan, Palmer, Sawicki, Szymanski, Poynter, Costantino and Marshall.

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NO: None.



RESOLUTION ADOPTED UNANIMOUSLY

The City Council adjourned to Executive Session at 8:00 p.m. and reconvened at 8:34 p.m.

CM 04-41-09

ADJOURNMENT

MOTION by Costantino, SUPPORTED by Palmer:

That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 8:34 p.m.

MOTION CARRIED UNANIMOUSLY

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KENNETH A. POYNTER, MAYOR

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MICKEY D. TODD, CITY CLERK

## MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:30 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

### ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem Cheryl A. Costantino, Councilperson(s) Hugh Marshall, Michael P. Monaghan, Daniel S. Palmer, Vivian M. Sawicki and John M. Szymanski.

ABSENT: None.

OTHERS PRESENT: City Manager James E. Leidlein, and City Clerk Mickey D. Todd.

CM 04-42-09

### MINUTES

MOTION by Monaghan, SUPPORTED by Costantino:

To receive, approve and file the minutes of the regular City Council meeting held April 6, 2009 and furthermore receive and file the minutes of the Board of Review meeting held March 9, 2009, the Library Board meeting held March 19, 2009 and the Election Commission meeting held April 14, 2009.

### MOTION CARRIED UNANIMOUSLY

CM 04-43-09

### CONSENT AGENDA

RESOLUTION by Costantino, SUPPORTED by Monaghan:

BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 87115 through 87244 in the amount of \$239,061.13 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.

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2. Approve payment to Plante & Moran in the amount of \$23,000 for the professional services performed in conjunction with the 2008 audit.
3. Approve payment to Anderson, Eckstein & Westrick, Inc. in the amount of \$19,109.18 for professional services during the month of March 2009 for the following projects: 2009 Emergency Concrete Pavement Repair, #180-116; 2008 Concrete Pavement Repair, #180-105; 2007 Sewer Cleaning & TV Inspection, #180-100; Kelly Road Sidewalk - Alley

- CDBG, #180-102; SRF Project Plan Preparation, #180-113; Safety Grant Application - Traffic Signal Upgrades, #180-115; and the EB Harper Resurfacing Project, #180-106.
4. Approve payment to Statewide Security Transport in the amount of \$7,535.51 for prisoner lodging and maintenance for the month of March 2009.
  5. Adjust the water tapping and water meter replacement fees as submitted by the DPW Superintendent.

ROLL CALL VOTE

YES: Costantino, Marshall, Monaghan, Palmer, Sawicki, Szymanski and Poynter.  
NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 04-44-09

BID AWARD - LAWN MAINTENANCE

RESOLUTION by Monaghan, SUPPORTED by Costantino:

BE IT RESOLVED to accept the following bids for the City's Lawn Maintenance Contract:

Cal Fleming Landscaping

City Hall - \$35.00 per cut

Library - \$35.00 per cut

Kelly Rd. Islands - \$195.00 per cut

Danbury Park - \$55.00 per cut

Vernier Rd. Island - \$50.00 per cut

I-94 Service Drive - \$200.00 per cut

Nu Appearance Maintenance

Johnston Park - \$333.00 per cut

Beacon School

Ball Diamonds - \$78.00 per cut

Salter Park - \$216.00 per cut

ROLL CALL VOTE

YES: Marshall, Monaghan, Palmer, Sawicki, Szymanski, Poynter and Costantino.  
NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

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CM 04-45-09

APPROVAL OF COLLECTIVE BARGAINING  
AGREEMENT - AFSCME LOCAL 1107

RESOLUTION by Palmer, SUPPORTED by Szymanski:

BE IT RESOLVED to approve the Collective Bargaining Agreement between the City of Harper Woods and the AFSCME Local 1107 bargaining unit covering the period January 1, 2007 through December 31, 2009.

ROLL CALL VOTE

YES: Monaghan, Palmer, Sawicki, Szymanski, Poynter, Costantino and Marshall.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 04-46-09      IDENTITY THEFT PREVENTION PROGRAM POLICY

RESOLUTION by Marshall, SUPPORTED by Costantino:

BE IT RESOLVED to adopt the City's Identity Theft Prevention Program Policy as submitted by the City Manager and City Treasurer. (Attachment #1)

ROLL CALL VOTE

YES: Palmer, Sawicki, Szymanski, Poynter, Costantino, Marshall and Monaghan.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CALL TO COUNCIL

The City Manager reported on the upcoming resurfacing of northbound Harper, saying that there will be an informational meeting for the business owners and residents on April 29<sup>th</sup> at 6 p.m. in City Hall. He added that the contractor and City Engineer will be present to take questions and address any concerns about the project. He concluded saying the project is scheduled to commence on May 11<sup>th</sup> and must be completed by August 30<sup>th</sup>.

Mayor Poynter said that he recently had the honor of presenting "Senior Friendly" business awards at an awards ceremony hosted by Services for Older Citizens, saying that it was a very nice program and he felt privileged to participate. He then announced that Harper Woods will be hosting the upcoming Mayor's Prayer Breakfast on Thursday, May 7<sup>th</sup> at 7:30 a.m. at the Grosse Pointe Yacht Club. He added that this year's featured speaker is Ms. Erika Harold, 2003

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Miss America, and that tickets are \$15 and can be purchased at City Hall. Lastly, he recognized Ms. Jackie Kalogerakos, who is the new District Coordinator for the Pointes region for Congresswoman Carolyn C. Kilpatrick.

Mayor Pro tem Costantino reported that the northbound Harper Avenue resurfacing project would include a left turn lane by Kroger which should alleviate some of the traffic problems in that area. She then urged residents to mark their calendars for the April 25<sup>th</sup> Little League Parade on Beaconsfield, and for July 22<sup>nd</sup> when the City will be hosting a concert in the Park at Salter Park.

## CALL TO AUDIENCE

Mr. Regal asked if the water tapping and meter fees that were approved by City Council on the consent agenda would affect his water bill. (The City Manager said that these fee increases are exclusive to individuals obtaining a water tap permit or a new meter, and would not affect individual water bills.)

Mr. Frattini asked why the lawn maintenance bid also covered Vernier, because he thought that was a County road. (The City Manager said that Vernier west of Harper is the responsibility of the County, and that Vernier east of Harper is the City's responsibility.) He then commented on the City's new rubbish collection contractor, Rizzo, saying that he wished we still had our old company because Rizzo starts too early and throws the cans around instead of placing them back nicely. (The City Manager said that he will pass his complaint along, and encouraged him to alert the Department of Public Works at 343.2570 with any such complaints in the future, so that they can be dealt with promptly.)

A lady commented on the difficulty she had over the weekend when she and her son attempted to enter Johnston Park by bike off Beaconsfield, saying that with the gate closed they had to cross where the football field is which presented a hazard. She asked that something be done, like opening the gate, to address this problem. (The City Manager said that the gate is closed by the school, and that they are looking at ways to address this situation.)

A gentleman suggested that the Johnston Park gate be opened after 4 p.m. as a way to alleviate the problem of accessing Johnston Park by bike.

Mr. Binder asked that something be done about the HUD house at 18997 Washtenaw where some of the aluminum siding was stripped off of the house. He also commented on how one person recently bought ten houses in his area and pays less in taxes than he does, and how unfair that is. (The City Manager agreed that the tax system as mandated under Proposal A is unfair.)

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Ms. Anne Nearhood, Community Organizer for CARE, commented on her request at the last meeting to hold a community wide garage sale, saying that she thought she would be meeting with the Mayor and City Manager to discuss her request, but instead she received a call from Lt. Snider in the Police Department saying that her request has been denied. She asked that the matter be given further consideration and was open to alternatives. (The City Manager asked her to speak to Lt. Hunter about it after the meeting. Mayor Poynter said that he would also talk to her after the meeting.)

A lady who works in Taylor said that she is familiar with the city wide garage sale in Allen Park and it is very successful.

Ms. Paiz said that as a member of the Recreation Advisory Board she would be willing to talk to the rest of the Board about assisting with a community wide garage sale. (Mayor Poynter thanked her, and because of the interest expressed in having a community wide garage sale, he asked Council members Costantino and Marshall to serve on a committee to review the matter.)

Mr. Wummel said that he was glad to see the Mayor take the initiative on the request to hold a community wide garage sale. Then he asked several questions about how homestead versus non-homestead properties are taxed and assessed.

Mr. Binder commented on the unfairness of property values.

Mr. Frattini asked how Grosse Pointe Woods has the ability to raise taxes and Harper Woods cannot. (The City Manager said that Harper Woods is at its statutory tax limit, whereas Grosse Pointe Woods is not.)

A gentleman commented on how unfair the values of the homes are and how unfairly they are assessed, and added that it seems like the Assessor is not fully informed on the matter.

Ms. Head of Clinton Township, asked if the City has applied for any federal stimulus money yet. (The City Manager said no.) She then said that several of her old neighbors would be interested in coming to a Council meeting but don't always know when they are, so she asked that the meeting information be put on the informational sign. (The City Manager said that he will have it put on.) She also asked if the City could arrange transportation to City Council meetings for seniors who cannot drive themselves. Then she asked who has jurisdiction of I-94. (The City Manager said that the State does.) She then asked if the City and the various departments have begun discussing an austerity program in view of the current economic conditions. (The City Manager said yes.) Then she asked how many unions are working without a contract. (The City Manager said that there is one union working without a contract.) She then asked if there is any consideration being given to re-negotiating existing contracts and enacting pay freezes. (The

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City Manager said that he does not publicly discuss collective bargaining strategies.) Lastly, she asked if there is any consideration being given to re-negotiating the police contract. (The City Manager said that both sides would have to agree to any re-negotiating. Mayor Poynter added that the Police were given a raise because they agreed to cross train as fire fighters which increases our fire protection capability.)

Mr. Frattini commented on the city's population and the ratio of police officers and fire fighters available for service. He also asked the Mayor what additional responsibilities the police officers have assumed since being cross trained. (The Mayor said that the police officers have been unable to perform fire fighting duties because of a lawsuit brought by the union that is currently before a Circuit Court Judge.) He said that cross training of police officers is not going to save the City money.

Ms. Kindle said that she is very concerned about the police and fire issue. She added that while she recognizes the need for fire protection she is very concerned about the increased crime in the City, particularly with the recent car-jackings, and said that she wants to feel safe and wants to see additional police officers. She commented on how some of her family members have expressed concern over her safety and how important it is to her that the City does what it needs to do to address this issue.

Ms. Paiz said that she has never commented publicly about the public safety issue before, but after a previous Council meeting she spoke to Mr. Frattini who told her that when he worked in our Fire Department he had the experience of being at a fire scene with a Grosse Pointe Woods Public Safety Officer who didn't know what an attic ladder was. She wanted to know what assurances the residents would have with a public safety department and if mutual aid would still be in effect with adjoining communities. (The City Manager said that the City would continue with the existing mutual aid agreements, which also includes public safety departments.)

A gentleman said that at a previous Council meeting he was given the impression that the City would be hiring more police officers and asked if any had been hired. (The City Manager said that no additional officers have been hired, but added that we have applied for some grant monies to hire more.) He asked why the 5% raise given to the police officers was not used to hire additional officers. (The City Manager said that that would not be enough to hire additional officers.) He then suggested that consideration be given to establish a police reserve force to assist the full time officers. (The City Manager said that that is under consideration.)

Mr. Wummel commented on the issue of needing more police and fire fighters, suggesting that we supplement both with part time fire fighters and reserve police officers. He also suggested that the City consider putting in cul-de-sacs on some of the egress streets in the City as a means of deterring crime. (The City Manager said that that is under consideration.) Lastly, he suggested establishing a citizen's committee to address the police/fire issue and said that he

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would like to serve on such a committee.

Mr. Szolach urged everyone to attend this Saturday's Little League Parade and Opening Day, saying that it is a great community event. He also commented on how nice the upcoming music in the park concert will be, and urged everyone to attend.

CM 04-47-09

ADJOURNMENT

MOTION by Monaghan, SUPPORTED by Costantino:

That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 8:29 p.m.

MOTION CARRIED UNANIMOUSLY

KENNETH A. POYNTER, MAYOR

MICKEY D. TODD, CITY CLERK

ATTACHMENT #1

**CITY OF HARPER WOODS**

**Identity Theft Policy and Adopting Resolution**

**A RESOLUTION ADOPTING AN IDENTITY THEFT POLICY**

**WHEREAS, The Fair and Accurate Credit Transactions Act of 2003, an amendment to the Fair Credit Reporting Act, required rules regarding identity theft protection to be promulgated; and**

**WHEREAS, Those rules become effective May 1, 2009, and require municipal utilities and other departments to implement an identity theft program and policy, and**

**WHEREAS, The City Council of the City of Harper Woods has determined that the following policy is in the best interest of the municipality and its citizens.**

**NOW, THEREFORE, BE IT RESOLVED that the following is hereby approved:**

**IDENTITY THEFT POLICY**



## **SECTION 1: BACKGROUND**

The risk to the municipality, its employees and customers from data loss and identity theft is of significant concern to the municipality and can be reduced only through the combined efforts of every employee and contractor.

## **SECTION 2: PURPOSE**

The municipality adopts this sensitive information policy to help protect employees, customers, contractors and the municipality from damages related to the loss or misuse of sensitive information.

This policy will:

1. Define sensitive information;
2. Describe the physical security of data when it is printed on paper;
3. Describe the electronic security of data when stored and distributed; and
4. Place the municipality in compliance with state and federal law regarding identity theft protection.

This policy enables the municipality to protect existing customers, reducing risk from identity fraud, and minimize potential damage to the municipality from fraudulent new accounts. The program will help the municipality:

1. Identify risks that signify potentially fraudulent activity within new or existing covered accounts;
2. Detect risks when they occur in covered accounts;
3. Respond to risks to determine if fraudulent activity has occurred and act if fraud has been attempted or committed; and
4. Update the program periodically, including reviewing the accounts that are covered and the identified risks that are part of the program.

## **SECTION 3: SCOPE**

This policy and protection program applies to employees, contractors, consultants, temporary workers, and other workers at the municipality, including all personnel affiliated with third parties.

## **SECTION 4: POLICY**

### **4.A: Sensitive Information Policy**

#### **4.A.1: Definition of Sensitive Information**

**Sensitive information includes the following items whether stored in electronic or printed format**

**4.A.1.a: Credit card information, including any of the following:**

- 1. Credit card number (in part or whole)**
- 2. Credit card expiration date**
- 3. Cardholder name**
- 4. Cardholder address**

**4.A.1.b: Tax identification numbers, including:**

- 1. Social Security number**
- 2. Business identification number**
- 3. Employer identification numbers**

**4.A.1.c: Payroll information, including, among other information:**

- 1. Paychecks**
- 2. Pay stubs**

**4.A.1.d: Cafeteria plan check requests and associated paperwork**

**4.A.1.e: Medical information for any employee or customer, including but not limited to:**

- 1. Doctor names and claims**
- 2. Insurance claims**
- 3. Prescriptions**
- 4. Any related personal medical information**

**4.A.1.f: Other personal information belonging to any customer, employee or contractor, examples of which include:**

- 1. Date of birth**
- 2. Address**
- 3. Phone numbers**
- 4. Maiden name**
- 5. Names**
- 6. Customer number**

**4.A.1.g: Municipal personnel are encouraged to use common sense judgment in securing confidential information to the proper extent. Furthermore, this section should be read in conjunction with the Michigan Public Records Act and the municipality's open records policy. If an employee is uncertain of the sensitivity of a particular piece of information, he/she should contact their supervisor. In the event that the municipality cannot resolve a conflict between this policy and the Michigan Public Records Act, the municipality will contact the Michigan Secretary of State.**

**4.A.2: Hard Copy Distribution**

Each employee and contractor performing work for the municipality will comply with the following policies:

1. File cabinets, desk drawers, overhead cabinets, and any other storage space containing documents with sensitive information will be locked when not in use.
2. Storage rooms containing documents with sensitive information and record retention areas will be locked at the end of each workday or when unsupervised.
3. Desks, workstations, work areas, printers and fax machines, and common shared work areas will be cleared of all documents containing sensitive information when not in use.
4. Whiteboards, dry-erase boards, writing tablets, etc. in common shared work areas will be erased, removed, or shredded when not in use.
5. When documents containing sensitive information are discarded they will be placed inside a locked shred bin or immediately shredded using a mechanical cross cut or Department of Defense (DOD)-approved shredding device. Locked shred bins are labeled "Confidential paper shredding and recycling." Municipal records, however, may only be destroyed in accordance with the city's records retention policy.

#### 4.A.3: Electronic Distribution

Each employee and contractor performing work for the municipality will comply with the following policies:

1. Internally, sensitive information may be transmitted using approved municipal e-mail. All sensitive information must be encrypted when stored in an electronic format.
2. Any sensitive information sent externally must be encrypted and password protected and only to approved recipients. Additionally, a statement such as this should be included in the email:

*“This message may contain confidential and/or proprietary information and is intended for the person/entity to whom it was originally addressed Any use by others is strictly prohibited.”*

## SECTION 5: ADDITIONAL IDENTITY THEFT PREVENTION PROGRAM

If the municipality maintains certain covered accounts pursuant to federal legislation, the municipality may include the additional program details.

### 5.A: Covered accounts

A covered account includes any account that involves or is designed to permit multiple payments or transactions. Every new and existing customer account that meets the following criteria is covered by this program:

1. Business, personal and household accounts for which there is a reasonably foreseeable risk of identity theft or

2. Business, personal and household accounts for which there is a reasonably foreseeable risk to the safety or soundness of the municipality from identity theft, including financial, operational, compliance, reputation, or litigation risks.

#### **5.B: Red flags**

5.B.1: The following red flags are potential indicators of fraud. Any time a red flag, or a situation closely resembling a red flag, is apparent, it should be investigated for verification.

1. Alerts, notifications or warnings from a consumer reporting agency;
2. A fraud or active duty alert included with a consumer report;
3. A notice of credit freeze from a consumer reporting agency in response to a request for a consumer report; or
4. A notice of address discrepancy from a consumer reporting agency as defined in § 334. 82(b) of the Fairness and Accuracy in Credit Transactions Act.

5.B.2: Red flags also include consumer reports that indicate a pattern of activity inconsistent with the history and usual pattern of activity of an applicant or customer, such as:

- \* A recent and significant increase in the volume of inquiries;
- \* An unusual number of recently established credit relationships;
- \* A material change in the use of credit, especially with respect to recently established credit relationships; or
- \* An account that was closed for cause or identified for abuse of account privileges by a financial institution or creditor.

#### **5.C: Suspicious documents**

5.C.1: Documents provided for identification that appear to have been altered or forged.

5.C.2: The photograph or physical description on the identification is not consistent with the appearance of the applicant or customer presenting the identification.

5.C.3: Other information on the identification is not consistent with information provided by the person opening a new covered account or customer presenting the identification.

5.C.4: Other information on the identification is not consistent with readily accessible information that is on file with the municipality, such as a signature card or a recent check.

5.C.5: An application appears to have been altered or forged, or gives the appearance of having been destroyed and reassembled.

#### **5.D: Suspicious personal identifying information**

**5.D.1: Personal identifying information provided is inconsistent when compared against external information sources used by the municipality. For example:**

- \* The address does not match any address in the consumer report;**
- \* The Social Security number (SSN) has not been issued or is listed on the Social Security Administration's Death Master File; or**
- \* Personal identifying information provided by the customer is not consistent with other personal identifying information provided by the customer. For example, there is a lack of correlation between the SSN range and date of birth.**

**5.D.2: Personal identifying information provided is associated with known fraudulent activity as indicated by internal or third-party sources used by the municipality. For example, the address on an application is the same as the address provided on a fraudulent application**

**5.D.3: Personal identifying information provided is of a type commonly associated with fraudulent activity as indicated by internal or third-party sources used by the municipality. For example:**

- \* The address on an application is fictitious, a mail drop, or a prison; or**
- \* The phone number is invalid or is associated with a pager or answering service.**

**5.D.4: The SSN provided is the same as that submitted by other persons opening an account or other customers.**

**5.D.5: The address or telephone number provided is the same as or similar to the address or telephone number submitted by an unusually large number of other customers or other persons opening accounts.**

**5.D.6: The customer or the person opening the covered account fails to provide all required personal identifying information on an application or in response to notification that the application is incomplete.**

**5.D.7: Personal identifying information provided is not consistent with personal identifying information that is on file with the municipality.**

**5.D.8: When using security questions (mother's maiden name, pet's name, etc.), the person opening the covered account or the customer cannot provide authenticating information beyond that which generally would be available from a wallet or consumer report.**

**5.E: Unusual use of, or suspicious activity related to, the covered account**

**5.E.1:** Shortly following the notice of a change of address for a covered account, the municipality receives a request for new, additional, or replacement goods or services, or for the addition of authorized users on the account.

**5.E.2:** A new revolving credit account is used in a manner commonly associated with known patterns of fraud patterns. For example, the customer fails to make the first payment or makes an initial payment but no subsequent payments

**5.E.3:** A covered account is used in a manner that is not consistent with established patterns of activity on the account. There is, for example:

- \* Nonpayment when there is no history of late or missed payments;
- \* A material change in purchasing or usage patterns

**5.E.4:** A covered account that has been inactive for a reasonably lengthy period of time is used (taking into consideration the type of account, the expected pattern of usage and other relevant factors).

**5.E.5:** Mail sent to the customer is returned repeatedly as undeliverable although transactions continue to be conducted in connection with the customer's covered account.

**5.E.6:** The municipality is notified that the customer is not receiving paper account statements.

**5.E.7:** The municipality is notified of unauthorized charges or transactions in connection with a customer's covered account.

**5.E.8:** The municipality receives notice from customers, victims of identity theft, law enforcement authorities, or other persons regarding possible identity theft in connection with covered accounts held by the municipality

**5.E.9:** The municipality is notified by a customer, a victim of identity theft, a law enforcement authority, or any other person that it has opened a fraudulent account for a person engaged in identity theft.

## **SECTION 6: RESPONDING TO RED FLAGS**

**6.A:** Once potentially fraudulent activity is detected, an employee must act quickly as a rapid appropriate response can protect customers and the municipality from damages and loss.

**6.A.1:** Once potentially fraudulent activity is detected, gather all related documentation and write a description of the situation. Present this information to the designated authority for determination.

**6.A.2:** The designated authority will complete additional authentication to determine whether the attempted transaction was fraudulent or authentic.

**6.B: If a transaction is determined to be fraudulent, appropriate actions must be taken immediately. Actions may include:**

- 1. Canceling the transaction;**
- 2. Notifying and cooperating with appropriate law enforcement;**
- 3. Determining the extent of liability of the municipality; and**
- 4. Notifying the actual customer that fraud has been attempted.**

## **SECTION 7: PERIODIC UPDATES TO PLAN**

**7.A: At periodic intervals established in the program, or as required, the program will be re-evaluated to determine whether all aspects of the program are up to date and applicable in the current business environment.**

**7.B: Periodic reviews will include an assessment of which accounts are covered by the program.**

**7.C: As part of the review, red flags may be revised, replaced or eliminated. Defining new red flags may also be appropriate.**

**7.D: Actions to take in the event that fraudulent activity is discovered may also require revision to reduce damage to the municipality and its customers.**

## **SECTION 8: PROGRAM ADMINISTRATION**

### **8.A: Involvement of management**

- 1. The Identity Theft Prevention Program shall not be operated as an extension to existing fraud prevention programs, and its importance warrants the highest level of attention.**
- 2. The Identity Theft Prevention Program is the responsibility of the governing body. Approval of the initial plan must be appropriately documented and maintained.**
- 3. Operational responsibility of the program is delegated to the City Finance Director.**

### **8.B: Staff training**

- 1. Staff training shall be conducted for all employees, officials and contractors for whom it is reasonably foreseeable that they may come into contact with accounts or personally identifiable information that may constitute a risk to the municipality or its customers.**

2. The City Manager is responsible for ensuring identity theft training for all requisite employees and contractors.
3. Employees must receive annual training in all elements of this policy.
4. To ensure maximum effectiveness, employees may continue to receive additional training as changes to the program are made.

**8.C: Oversight of service provider arrangements**

1. It is the responsibility of the municipality to ensure that the activities of all service providers are conducted in accordance with reasonable policies and procedures designed to detect, prevent, and mitigate the risk of identity theft.
2. A service provider that maintains its own identity theft prevention program, consistent with the guidance of the red flag rules and validated by appropriate due diligence, may be considered to be meeting these requirements.
3. Any specific requirements should be specifically addressed in the appropriate contract arrangements.

This resolution will take effect immediately upon its passage, the public welfare requiring it.

Approved by City Council this 20th day of April, 2009.

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James E. Leidlein, City Manager

Attest:

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Mickey D. Todd, City Clerk



MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:30 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem Cheryl A. Costantino, Councilperson(s) Hugh Marshall, Michael P. Monaghan, Daniel S. Palmer, Vivian M. Sawicki and John M. Szymanski.

ABSENT: None.

OTHERS PRESENT: City Manager James E. Leidlein, and City Clerk Mickey D. Todd.

CM 05-48-09

MINUTES

MOTION by Monaghan, SUPPORTED by Costantino:

To receive, approve and file the minutes of the regular City Council meeting held April 20, 2009.

MOTION CARRIED UNANIMOUSLY

CM 05-49-09

CONSENT AGENDA

RESOLUTION by Costantino, SUPPORTED by Monaghan:

BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 87248 through 87350 in the amount of \$582,682.72 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.
2. Approve payment to Badger Meter, Inc. in the amount of \$12,758.00 for the purchase of 62 new automatic read water meters.
3. Approve payment to Car-Bee in the amount of \$7,812.46 for the replacement of a ruptured tube in the heating boiler at City Hall and replacement of a defective component in the electrical control unit.

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4. Approve payment to Oakland County Information Technology in the amount of \$7,161.73 for fees relative to the CLEMIS computer system utilized by the Police Department.
5. Approve the appointments of Ms. Marianne Vukas to the Beautification Commission for an unexpired term expiring in January 2012 and Ms. April Spraggins to the Library Board for an unexpired term expiring in January 2013 as listed on the attached memorandum.

ROLL CALL VOTE

YES: Costantino, Marshall, Monaghan, Palmer, Sawicki, Szymanski and Poynter.  
NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 05-50-09            MILK RIVER - OPERATIONS AND MAINTENANCE

RESOLUTION by Palmer, SUPPORTED by Sawicki:

BE IT RESOLVED to approve payment to Wayne County in the amount of \$145,568.00 for the operation and maintenance of the Milk River Drain for the third quarter of FY2009.

ROLL CALL VOTE

YES: Marshall, Monaghan, Palmer, Sawicki, Szymanski, Poynter and Costantino.  
NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CALL TO COUNCIL

Mayor Poynter commented on the Little League Parade saying it was very nice, and that the opening day ceremony for both Little League and girl's softball was very well attended. He also thanked the Detroit Tigers Foundation for the \$22k grant which was used to build a backstop and two dugouts for Little League diamond three. Then he announced that he is serving on the Grosse Pointes/Harper Woods Futuring Committee, which is being reformed after ten years with the goal of evaluating the previous plan and developing a strategy for the future. He added that the goals in the last plan were not followed-up on, so it has been decided this time around to develop a strategic plan with fewer goals. He said that he would report on the progress as it becomes available. He then said that he recently had the privilege of being on the host committee for the annual ACCESS dinner, which is a human services organization committed to the development of the Arab American community, and the greater metro Detroit community, and that it was a very interesting and wonderful evening. Then he announced that a letter has been sent to Congresswoman Kilpatrick requesting federal stimulus money for the resurfacing of

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Beaconsfield. He then reminded the public of the Mayor's Prayer Breakfast on Thursday, May 7<sup>th</sup> at 7:30 a.m. at the Grosse Pointe Yacht Club, with the former 2003 Miss America, Erika Harold, being the featured speaker. Lastly, he announced that he brought in some chocolate cigars to share with everyone in recognition of recently becoming a Grandfather.

Councilman Monaghan said that at the last meeting he had expressed concern over the Board of Review reducing taxable values on a number of properties that were purchased by investors, and asked the City Manager what the impact of these reductions are going to have on the City's

revenue picture. (The City Manager said that he is preparing a report on this issue and expects to have it available next week.) He suggested that City Council meet once the information is available to address the anticipated loss in revenue and the impact it will have on the budget.

Councilwoman Sawicki commented on the Grosse Pointes/Harper Woods Futuring Committee, saying that she found it frustrating the last time around, but was pleased that this time they will be pursuing a strategic plan with fewer goals. She offered her assistance to the Mayor in reference to the Futuring Committee. Lastly, she urged residents to get out and vote in tomorrow's School Board Election.

Councilman Marshall commented on a problem his neighborhood is having with stray cats, and asked the City Manager if this is a common occurrence in the city. (The City Manager said that occasionally it is a problem.) He then complained about the new garbage collection company saying that they are not putting the cans back properly. (The City Manager encouraged him to contact us immediately when this happens so we can send a supervisor out to have the situation corrected.)

Mayor Pro tem Costantino commented on the stray cat situation that Councilman Marshall was talking about saying that it has been taken care of, and asked the City Manager if he is aware of a possible long term solution to this problem. (The City Manager said that it is an occasional problem, and like all stray animals, if they are captured they are turned over to the owners, and if they are not claimed then we have no other choice but to destroy them.) Lastly, she agreed with Councilman Monaghan that we need to begin our budget sessions soon to address the impending revenue loss to ensure that we make the best choices possible.

Councilman Szymanski asked the City Manager when he could expect to receive the Annual Police Report, because he would like to have it before beginning any budget sessions. (The City Manager said that it will be available this month.)

#### CALL TO AUDIENCE

Mr. Frattini congratulated the Mayor on the birth of his first grandchild. He then asked several

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questions regarding the accounts payable listing and the City's landscaping contract. Then he told of one of his neighbors calling the police around 11 a.m. today about a suspicious person in the Washtenaw/Balfour area, and said that she was concerned when the police did not follow up with her regarding the call. He then commented on the police conducting a "sting" operation on I-94 Sunday morning saying that in view of the City's crime problem they should be patrolling the neighborhoods, and he asked the City Manager if he was aware of this deployment. (The City Manager said that he was not aware of this situation.)

Mr. Bruneel congratulated the Mayor on the birth of his grandchild, and wished all the Mother's a Happy Mother's Day.

Mr. Cracchiola asked the City Manager what was the outcome of Eastland Center's tax appeal. (The City Manager said that it was settled for \$235k, which represented four years.) He then asked if the City could do something about the pot holes on Eastland Village Drive leading to the mall from Beaconsfield. (The City Manager said that it is a private road that the mall is responsible for and that he has spoken to them about it previously and will do so again.)

Mr. Szolach complained about high grass at the house on Washtenaw and Beaconsfield. (The City Manager said that City Inspectors have been tagging houses this week and that house will be tagged also.) He then announced that Harper Woods Little League is selling personalized bricks for \$50 as a fund raiser for a path leading to Little League diamond three.

Ms. Calhoun congratulated the Mayor on the birth of his grandchild. She then commented on the amount of litter in the community and asked if there are any plans for a city wide clean-up, and if not, she volunteered to organize one.

Mr. Wimbush asked the Mayor what the status is of CARE's request to hold a city wide garage sale. (The Mayor said that the committee has scheduled a meeting to review the request and perhaps select some dates.)

Harper business owners Jeffery Graham and John Maniaci addressed City Council about the resurfacing of Harper and the potential loss of the easement in front of their businesses, expressing concern that it could make their property worthless. They provided City Council with copies of documents relative to their concerns and asked to clarify the situation to ensure that the value of their property is maintained. (The City Manager discussed the situation with them and they agreed to meet and discuss the situation further.)

Councilwoman Sawicki left the meeting at 7:50 p.m.

Mr. Wummel congratulated the Mayor on the birth of his grandchild. Then he commented on the concerns of the Harper business owners over the Harper resurfacing project suggesting that a

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committee be formed to address their concerns. (The Mayor said that the City Manager will be discussing the situation with the City Engineer and MDOT representatives to review the matter and work with the business owners.)

Ms. Uhl congratulated the Mayor on the birth of his grandchild. Then she asked the City Manager what landscaping company will be responsible for cutting the grass for the houses that are tagged by the inspectors. (The City Manager said that the quotes for grass cutting were due today by five and didn't know who submitted the lowest quote, but would share that information with her in the

future.) She then commented on her attendance at a school board meeting and congratulated several residents for being recognized by the school board.

Mr. Kummer, who lives on Woodland/Beaconsfield, complained about the gangs on Beaconsfield saying that it is getting ridiculous and that we need to hire more police officers. He asked if there are any long term plans to address the situation. (The Mayor said that City Council is attempting to cross train Police and Fire personnel in an effort to have more presence on the streets.) He responded saying that public safety departments do not work, and suggested using volunteers. He said that the situation needs to be addressed and added that both Beacon and Tyrone schools are zoos.

Mr. Wahhab asked several questions about police and fire staffing, cross training and the recent raise given in the police contract, and asked that the Police Chief attend the meeting to address his questions since his questions could not be answered tonight. (Both the Mayor and City Manager attempted to respond to questions.) He asked if he could come in to review the current police contract. (The City Manager said that he could review the contract, and would meet with him to discuss it.)

Ms. Calhoun respectfully disagreed with a previous comment about gangs being on Beaconsfield saying that it is a misrepresentation of those kids. She added that just because the kids do not look like him doesn't mean they are in a gang, and suggested that he needed diversity training.

Mr. Graham, business owner on Harper, said that he is encouraged by the City's move toward creating a public safety department, saying that it is very effective where he lives and cited an example where a PSO put out a small fire negating the need to send a fire truck. He added that he believes the City will find that it will be very helpful.

Mr. Wimbush asked how many of the cross trained police officers are going to be trained as paramedics. (The Mayor said that that is still to be determined.)

Ms. Uhl asked why the cross trained police officers did not participate in the fire training exercise at Eastland Center last week.

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Mr. Maniaci suggested that the City consider using a volunteer fire department.

Mr. Frattini suggested that the City consider using reserve police officers at the schools like other communities do. He added that he does not feel he can sleep safely here anymore, because he is worried for his family's safety. He said there are fourteen fire fighters in the city who are killing themselves protecting the residents because they want to make Harper Woods safe. Then he suggested that the Police Department needs to be restructured so that the officers sitting behind the desks get out and do road patrol.

Mr. Szolach commented on the kids walking down Beaconsfield after school saying that the police do a good job patrolling the area, and added that he has only seen two fights the whole time he has lived on Beaconsfield. He added that he has never seen any gang fights on Beaconsfield and that there isn't a serious problem there.

Mr. Wummel asked how high grass has to get before a home owner is cited. (The City Manager said six inches is the max, and said that inspectors are now going through the city and tagging homes giving homeowners two days to cut their grass, or the city will do it and charge them.) He then asked for a clarification of the raises and shift differential pay in the police contract, and suggested adjusting shifts of officers to coincide with busy times. Lastly, he said that he would like to see more at the parks for our kids to do and suggested that portable basketball hoops be made available for the kids. He said that he would help with fund-raising to purchase the hoops.

A lady asked how City Council could give the police a raise when our revenues are going down and everyone else's salary is going down.

Ms. Uhl asked when the City plans on using the cross trained police officers for fire service. (The City Manager said that the issue is currently being decided in court.)

Mr. Szolach commented on the idea of having portable basketball hoops saying that the last time this was done there was nothing but trouble, and suggested that the schools indoor hoops be used rather than having them in the parks.

Mr. Kummer suggested that the parking lot by the high school entrance off Beaconsfield be fenced in and allow the portable basketball hoops there.

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CM 05-51-09

ADJOURNMENT

MOTION by Monaghan, SUPPORTED by Palmer:  
That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 8:35 p.m.

MOTION CARRIED UNANIMOUSLY

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KENNETH A. POYNTER, MAYOR

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MICKEY D. TODD, CITY CLERK

CITY OF HARPER WOODS  
CITY COUNCIL  
MAY 18, 2009

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:30 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem Cheryl A. Costantino, Councilperson(s) Hugh Marshall, Michael P. Monaghan, Daniel S. Palmer, Vivian M. Sawicki and John M. Szymanski.

ABSENT: None.

OTHERS PRESENT: City Manager James E. Leidlein, City Attorney J. Russell LaBarge and City Clerk Mickey D. Todd.

PRESENTATION - CROSSING GUARD

Mayor Poynter and Lieutenant Hunter presented a certificate of recognition to Crossing Guard Shirley Shenkowski, for serving twenty-two years as a crossing guard.

CM 05-52-09

MINUTES

MOTION by Monaghan, SUPPORTED by Costantino:

To receive, approve and file the minutes of the regular City Council meeting held May 4, 2009 and furthermore receive and file the minutes of the Board of Canvassers meeting held on May 6, 2009, and the Board of Trustees Employees Retirement System meeting held on May 11, 2009.

MOTION CARRIED UNANIMOUSLY

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CM 05-53-09

CONSENT AGENDA

RESOLUTION by Costantino, SUPPORTED by Monaghan:

BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 87351 through 87506 in the amount of \$373,588.00 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.
2. To receive and file for the audit, the Treasurer's quarterly investment report.
3. Approve payment to Anderson, Eckstein & Westrick, Inc. in the amount of \$21,052.40 for professional services during the month of April 2009 for the following projects: 2007 Sewer Cleaning & TV Inspection, #180-100; Kelly Road Sidewalk, #180-102; EB Harper Resurfacing, Vernier/8 Mile #180-106; EB Harper Resurfacing, Manchester/Vernier, #180-109; SRF Project Plan, #180-113; 2009 Emergency Concrete Pavement Repair, #180-116.



4. Approve payment to Statewide Security Transport in the amount of \$9,832.00 for prisoner lodging and maintenance for the month of April 2009.
5. Approve payment to Badger Meter, Inc. in the amount of \$5,008.44 for the purchase of 30 new automatic read water meters.
6. Approve payment to Plante & Moran in the amount of \$23,200.00 for the professional services performed in conjunction with the 2008 audit.
7. Approve payment to Wayne County Department of Public Health in the amount of \$5,678.00 for inspection services in the Cross Connection Control Program for the period October 2008 through March 2009.
8. Approve payment to General Scoreboard, LLC in the amount of \$5,535.00 for the purchase and installation of a scoreboard for the new ball field, with a donation of \$5,000.00 from the Little League.

ROLL CALL VOTE

YES: Costantino, Marshall, Monaghan, Palmer, Sawicki, Szymanski and Poynter.  
NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 05-54-09

SANITARY SEWER REHABILITATION  
PROJECT PLAN - ESTABLISH PUBLIC HEARING

RESOLUTION by Szymanski, SUPPORTED by Monaghan:

BE IT RESOLVED to hold a public hearing on June 1, 2009 at 7:30 p.m. to receive public input and comment on the Preliminary Sanitary Sewer Rehabilitation Project Plan prepared by the City

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Engineer.

ROLL CALL VOTE

YES: Marshall, Monaghan, Palmer, Sawicki, Szymanski, Poynter and Costantino.  
NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 05-55-09

ADDENDUM TO AGENDA

MOTION by Marshall, SUPPORTED by Palmer:

To add to the agenda a request to Transfer a Class C Liquor License at 17890 Vernier.

MOTION CARRIED UNANIMOUSLY

CM 05-56-09 LIQUOR LICENSE TRANSFER - CHILI'S RESTAURANT

RESOLUTION by Marshall, SUPPORTED by Sawicki:

BE IT RESOLVED that the request to transfer ownership of a 2008 Class C Liquor License, located at 17890 Vernier, Harper Woods, Michigan, 48225, Wayne County, from Brinker Michigan, Inc. (A Delaware Corporation) to Southwest Dining, Inc. (A Indiana Corporation) be considered for approval, and that it is the consensus of City Council that the application (as attachment #1) be recommended for issuance.

ROLL CALL VOTE

YES: Monaghan, Palmer, Sawicki, Szymanski, Poynter, Costantino and Marshall.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CALL TO COUNCIL

Mayor Poynter discussed several items. First, he commented on the Police Department saying that over the past several meetings they have been unjustly criticized by a few people and said that he thought the criticism is unwarranted, especially when you consider that they receive ninety-five percent of all emergency calls. He added that they are busy every minute of every day, and in addition, they have stepped up by taking on extra responsibility by cross training, because they realize the times we are in and the sacrifices we have to make. He further stated

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that he believes our current police department is the best we have ever had. Then he commented on how pleased he is that the police have stepped up and taken on added responsibility, because it shows their concern for the community and not what is best for a particular department. He added that as Mayor he always thinks in terms of "we" and not "me," and said that he thinks it is important given the current economic situation that we face, that we need to reorient our thinking to "we" and not "me". Then he recalled that the "Blend" of police and fire services was voted down fifteen years ago, and that at that time he was totally against it, because the economy was good and having separate police and fire services was affordable. He then commented on the election two and a half years ago where taxpayers rejected a proposed tax for police and fire services, saying that rejection of the tax requires Council to consider service alternatives so our police and fire needs can be met. He also said that while it is true that the Charter requires separate police and fire departments, the City is going to add another department for people who are willing to step-up and become public safety officers to meet our needs. He pointed out that the economy fifteen years ago compared to today is significantly different, saying that bad news is heard on a regular basis from layoffs, permanent job loss, to retirees losing their benefits, and said that it has never been this bad in his seven decades of living in Harper Woods. He further pointed out during this time whenever mutual aid was called, public safety officers from one of

the adjoining communities would respond and that he has never heard of anyone turning down their help, because they are well trained and have received the same certifications. He urged people to be honest with themselves when asking why public safety isn't working in Harper Woods right now, saying that it is because the fire fighters are not cooperating. He said that if they would cooperate we would have more eyes and ears on the road and more safety. Then he said that he does not want his comments misinterpreted as being disrespectful to the fire fighters, because he has never disrespected the fire fighters, and knows that when they have to do their job, they have to be on, and there is no room for error. He further said that it bothers him when considering these economic times that the fire fighters turned down a contract offer over a year ago when the City was going to guarantee no layoffs and a five percent raise in exchange for a few of them cross training as police officers. He stressed that "was" a guarantee. Then he commented on his tenure on Council saying that he is very proud to serve with this Council, and pointed out that he did not believe there was ever a layoff during this time, because Council has always tried not to lay anybody off. He then commented on being a proud union member his whole work life, including being a representative and president, and said that he would only support a unionized public safety department. Then he said that he could not understand how the City could not get a couple of fire fighters to cross train when they were being offered no layoffs, a five percent pay increase and paid cross training, and start thinking in terms of "we" as a community, rather than just themselves. He emphasized that Council thinks in terms of "we" and not in terms of one department, because they want to do what is best for the community in the long term. Lastly, he pointed out the economic distress going on today with people losing their jobs and retirees losing their benefits, saying that he is frustrated that some employees refuse to step up for the residents so more eyes and ears can be on the streets, because Council wants to do what is best for this community and not just one department.

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Councilman Szymanski said that he wanted to comment on several items. First, he complimented the Police Chief and his staff on the preparation of the annual report that has been given to Council, saying that he believes it is the third such report received by Council. He added that it is very informative and pointed out that the Police Department continues to do a fine job in spite of the economic crises, and local politics. He said that he wants the Chief and Police Officers to know how much they are appreciated, and how valued their services are to this community. He added that he was pleased to see a decrease in violent crime and car theft from the previous year, but was disappointed to see an increase in crimes of opportunity like car jackings and robbery. He further said that after reviewing this report he has come to the conclusion that we need more police officers, and is now more committed than ever that all his efforts on Council will be used to obtain the necessary staffing level to increase patrols. He added that Council's strategy to address this situation is working despite the daily obstacles that the fire fighters union put before the City. Then he commented on the Mayor's previous statement where the City attempted to negotiate with the fire fighters union. He said that he was proud of the contract the City negotiated with the police officers saying that both sides came away with a winning hand, and said that he would like the same type of agreement with the fire fighters, but any agreement has to meet the City's needs of increasing the number of police officers. He added that Council has tried to be fair with the fire fighters, but that sentiment has not been reciprocated as the union files motions to block

Council's attempt at change, while future Council candidates attempt a recall, and while that is part of being an elected official, we know that these are political schemes hatched to garner support, sometimes with bully tactics, to get their way. He said that it saddens him that we can't work together for the common good, because Council wants the fire fighter union to sit down and negotiate a contract that we can live with and accept public safety. He further said that there is plenty of room for opportunity and growth, but things have to change given the current economic crisis, and added that given the current climate Harper Woods will not be the only community making this change. Then he commented on a copy of a letter that he received from the business agent from the POAM, which represents the police officers, which essentially said that the police and command officers would not be participating in the Annual Awards ceremony as they no longer feel City Council is their ally because of criticism and outright lies that have been thrown about at Council meeting and Council failing to rebut these lies. He said that he doesn't blame them for feeling this way, and said that he would like to see the City have an awards ceremony for the officers similar to the one that the City does for the Boards and Commissions, because he wants the families of the police officers to feel proud that their family member is a police officer for the City that goes above and beyond their duty. He further added that people who are criticizing the professional standards pay for our police officers fail to recognize that they are doing anything and everything to make sure this community is safe. Lastly, he said that he understands that our neighboring cities are discussing the possibility of changing the way ambulance service is provided, and said that he thinks we should be a part of those talks, and if there are no talks taking place, then we should probably take the lead on that topic to explore possible savings and benefits to our residents. He asked that City Council authorize the City Manager to send a letter to those communities to see

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if there is a common interest in exploring this matter further. (By consensus City Council directed the City Manager to send a letter to the adjoining communities as requested.)

Councilwoman Sawicki supported the comments of both the Mayor and Councilman Szymanski about the fine work being done by our police department. She then commented on the fire department's activity logs that she asked the City Manager to provide so she could get a better idea of what is going on in the fire department, and said that after reviewing the logs she found it surprising that a fire truck is dispatched to an ems run, and asked if that is normal. (The City Manager said that they believe it is necessary, so it is not unusual.) She further added that after hearing so many comments about our fire fighters not having much down time, she found that routinely on average they have down time of nine to eleven hours where there is no activity other than housekeeping duties, which surprised her after hearing about how our fire fighters are killing themselves with the amount of work they are doing. She suggested that maybe we look at going to eight hour shifts. She then contrasted the fire activity with the police activity saying that on average the police respond to sixty-five calls a day, and last year they had thirty-six thousand calls for service. She added that these statistics lead her to believe that we need more people out on the streets, so we need to utilize our cross trained officers more efficiently and allow them to do what they were trained for, and delaying this process is taking away our ability to make the city safer. She concluded saying that her primary concern is the safety of our residents, and with our police

officers stepping up to cross train and do additional work, City Council needs to support them by getting more of them on the streets.

Mayor Pro tem Costantino commented on the fire department's activity logs provided to Council, saying that she figured out that on average they do fire fighter related work about four and half hours a day, with the remaining time being spent at home keeping like meal preparation. She added that they must have some really fine meals because on average they spend six hours a day for meal preparation and clean-up, and other than Thanksgiving, she never spends six hours on meal preparation and clean-up. She pointed out that this is the fire departments own log, and as a trained fire fighter, she can not remember spending this kind of time doing these things, and added that down time, where no activity takes place, looked like fifteen hours a day.

Councilwoman Sawicki pointed out that the fire department's activity log was for the week of May 4-13.

Councilman Monaghan announced that there will a be a committee meeting regarding the possibility of having a community wide garage sale on May 27<sup>th</sup>. He then asked the City Attorney for an update on the scheduled in chambers meeting with the judge regarding the lawsuit the fire fighters brought against the City over cross training. (The City Attorney said the meeting was asked for by the judge, and it appears to be a scheduling conference prior to the trial.) Councilman Monaghan then said he was in agreement with the previous Council member's comments regarding the police department, and added that the issue of cross

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training is a negotiable item and the money spent on this training would essentially double the size of our fire service capability if the current fire fighters would work and train with them. He then commented on a question that a resident asked at the last meeting where they wanted to know why the cross trained officers did not participate in the training exercise at Eastland Center several weeks ago, and said that he asked the Police Chief about it and was advised that the cross trained officers were not invited to participate. He added that better communication between these departments and the unions is essential, and needs to be improved for the benefit of our residents. Then he commented on the lawsuit with the fire fighters saying that it needs to get settled so we can move forward and do what is best for the residents. He pointed out that we all need to change the way we work given our economic situation, citing his own work situation, saying that four people now do the job that fifteen people use to do, which just goes to show that we need to do more with less. He further said the money spent on cross training is a bargain, and if the fire fighters union could negotiate the issue we would be able to utilize the resources that we have. He concluded saying that Council is up here to protect the residents and taxpayers by providing the best services possible.

Councilman Marshall expressed his support for the previous comments and said that the issue of providing public safety services has been discussed for some time, and wanted the public to know that Council is honestly trying to do what is best for the city, that is Council's goal and what they were elected to do. He added Council's only agenda is to provide the best possible services to the

residents while working within the various economic and legal constraints. He further said that he is not saying Council is perfect or doesn't make mistakes, but if somebody has a better idea on how to provide these services then it will certainly be considered, because this is not a closed shop, and in fact, information about all decisions is available to the public and Council members are very accessible. He concluded by reiterating his previous comment, saying that Council was elected to do the best for the citizens, and that is what they will continue to do.

Councilman Palmer said that he has spoken in the past about his support for cross training, and asked the City Manager if he could elaborate on the working environment of the fire fighters, and whether or not any of the fire fighters could volunteer to cross train. (The City Manager said that it is his understanding that all the fire fighters have been given instructions to only speak through the union.) He added that he finds it hard to believe that no one in the department, given that the needs are as great as they are, would not volunteer. He said that it bothers him that they are not allowed to participate in cross training because of their leadership.

### CALL TO AUDIENCE

Mr. Grace said that he was disappointed and insulted by the accusations that the audience is bad mouthing the police officers, saying that he attends these meeting and hears nothing but praise

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for the police officers. He asked that he be shown in the minutes of previous meetings where this bad mouthing occurs, because he believes the audience thinks the best of them. He asked for an apology, and said that they are not critical of the police department, they just want answers from Council. (Councilwoman Sawicki pointed out that Councilman Szymanski read a letter from the Police Unions Business agent which said that the police department was being attacked at Council meetings.)

Mr. Frattini said that the idea of the residents insulting the police department at Council meetings is unfounded. He pointed out that while he is outspoken when it comes to discussing the fire department, he also commends the police department for doing the job they do and at no time did he insult the police department. Then he asked the City Manager if he could confirm that the Fire Chief will be going to the Police Academy. (The City Manager said that he will be going.) He then commented on the Mayor's previous comment where he said that since being Mayor there have not been any layoffs, saying that that is incorrect because in 2005-06 after a successful grievance award by the fire union, two fire fighters were given pink slips. (The City Manager said that two fire fighters did receive layoff notices but were never laid off, and in his twenty-five years with the City no one has ever been laid off.) Then he commented on why he left the Harper Woods Fire Department saying that he felt pressure to cross train, which isn't something he can do, but that doesn't mean he does not respect those that do cross train. (The Mayor pointed out that his previous statement was correct, that there were no layoffs, and that nobody had to cross train unless they wanted to.)

Councilman Monaghan pointed out to Mr. Frattini that in the previous meeting minutes he was critical of the police doing the “sting operation” on the freeway, and that he sees that as being critical of the police.

Mr Frattini said that his comment was not meant as criticism of the police officers, but rather the way they are being deployed. He added that additional police officers are not necessary.

Ms. Uhl said that she too is disappointed that the police department did not have their awards ceremony tonight because she wanted to commend them for the fine job they do, and also commend the Chief for recognizing his officers. She added that she had a chance to review the annual police report and was pleased that there was a reduction in certain types of crimes, and at the same time she noticed an increase in minor crimes and suggested that these types of violations be dealt with by a reserve force as a means of freeing up our officers. Then she said that the city needs to think out of the box to develop alternative patrol strategies given the current economic situation that we find ourselves in, and said that she has submitted ideas to both the Mayor and Mayor Pro tem that should be considered. She then commented on the City’s cross training plan, saying that she has been asking for information on the plan, but gets the same response from the City in the form of ‘don’t worry about it, it works in other communities and you’re coming up with impossible what if scenarios’. Then she commented on the cross trained

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officers saying that they are not ready to perform the fire service function until they are medically trained like the existing fire fighters. She said the City’s plan may work, she doesn’t know for sure, but if it is as good as the City says it is then let the residents vote on it.

Councilman Szymanski urged her to look at the five Grosse Pointes if she wants to see how it will work here. He added that those are not failed communities and knows that they are fully capable of addressing the police and fire needs as required. Then he commented on the plan specifics saying that whenever information is released, a flyer is put out distorting the facts, so plan specifics have not been released, but he did assure her that Harper Woods will have a first class Public Safety Department.

Mayor Poynter said that the plan is to use our cross trained officers, and get a couple firemen to step up and cross train, but unfortunately it appears there is intimidation going on. He then said that it is important that we meet with the neighboring communities to discuss ambulance service. Lastly, he suggested that City Council consider moving the Call to Council after the Call to Audience as a way of addressing residents concerns and allowing discussion without interruption. (City Council agreed to the change by consensus.)

Mr. Cracchiolo asked what a Class C Liquor licence allows a restaurant to serve. (The City Manager said that the license approved tonight was for Chili’s restaurant, and that it allows the serving of beer, wine and liquor.) He then asked if the city has received any grants so far with the federal stimulus money. (The City Manager said that to his knowledge the federal stimulus money has not been disbursed yet.)

Mr. Szolach says that he talks to a lot of people in the community about fire and police services, and they all say that more police officers are needed on the street. He added that even though he likes both departments, the economy is bad and we can no longer afford two departments, so he favors the change to public safety. Lastly, he said that he agreed with the police officers that they do get criticized by the public at these meetings because he has heard it first hand.

Ms. Calhoun said that she supports having a public safety department, and trusts City Council to do what is best for the residents. She added that she moved to Harper Woods because it is a safe place, and that if it takes having a public safety department to keep it that way, then she is for it. Lastly, she commented on change saying that as a State employee she has had to adapt to changes in her work place as a means to keeping her job and surviving.

Councilman Szymanski stated that City Council really wants a contract with the fire fighters, saying that everything could be agreed to in one afternoon. He stressed that the door is open to a fair agreement, but these changes have to take place, and cautioned that fighting the trends will result in disappointment.

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Ms. Klempay said that as a wife of a former Harper Woods police officer and the daughter of a former Detroit police officer, she has the perspective of what it is like to be a part of the police community. She also said that she understands some people are meant to do both jobs of fire fighters and police officers, and the City needs to respect those individuals who don't want to do both.

Mayor Pro tem Costantino suggested giving fire fighters the option of doing public works jobs instead of police work for those who don't want to cross train as police/fire as a way of better using down time.

Ms. Uhl suggested that consideration be given to establishing a fire district. (The City Manager said that presently there are no fire districts in Michigan, and whenever it has been discussed nothing has come of it. He added that the only way to save money in a fire district is to have a fire taxing authority and there is no mechanism in Michigan law for one.)

Mr. Cracciolo shared an article from the Macomb Daily regarding a city wide neighborhood watch program in St. Clair Shores, and suggested to City Council that they take a look at it to see if we could do something similar here.

Mr. Kien said that he subscribed to the City's new internet and mobile phone information service and finds it interesting. He said he was surprised that he received eight messages today and asked if that would be normal. (The City Manager said that the City is just getting started with this service so it's hard to say what will be normal.) He then commented on the ongoing public safety debate saying that he supports the concept, but agrees that more information on how it will be



implemented needs to be answered. He specifically said answers regarding ambulance/medical service needs to be provided before he feels comfortable with the concept.

Mr. VanPoucker said that the City calendar does not contain contact information for City Council members, and suggested that this be corrected. (The City Manager said that they can all be contacted through his office.)

Ms. Kindle asked why the City has not received money for summer youth jobs like other communities in Wayne County. She added that SEMCA has money for this area and we need to pursue this and bring some summer youth jobs to the area. (The City Manager said that he will follow up on the issue.)

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CM 05-57-09

ADJOURNMENT

MOTION by Monaghan, SUPPORTED by Marshall:  
That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 8:56 p.m.

MOTION CARRIED UNANIMOUSLY

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KENNETH A. POYNTER, MAYOR

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MICKEY D. TODD, CITY CLERK

CITY OF HARPER WOODS  
CITY COUNCIL  
JUNE 1, 2009

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:30 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem Cheryl A. Costantino, Councilperson(s) Hugh Marshall, Michael P. Monaghan, Daniel S. Palmer, Vivian M. Sawicki and John M. Szymanski.

ABSENT: None.

OTHERS PRESENT: City Manager James E. Leidlein, City Attorney J. Russell LaBarge, Public Works Superintendent William J. Snyder and City Clerk Mickey D. Todd.

PRESENTATION - COUNTY COMMISSIONER

The County Commissioner, Tim Killeen, was present to discuss and update the Mayor and City Council and the public on the issues facing the County.

MOTION by Monaghan, SUPPORTED by Sawicki:  
To receive, approve and file the minutes of the regular City Council meeting held May 18, 2009 and furthermore, receive and file the minutes of the Library Board meeting held May 21, 2009.

MOTION CARRIED UNANIMOUSLY

CM 06-59-09

CONSENT AGENDA

RESOLUTION by Costantino, SUPPORTED by Monaghan:

BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 87507 through 87633 in the amount of \$540,855.67 as submitted by the City Manager and Finance Director, and

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2. further, authorize the Mayor and City Clerk to sign the listing.
2. Approve payment to Rodwan Consulting Company in the amount of \$8,000.000 for the valuation of our retiree OPEB (Other Post Employment Benefits) for GASB 45 reporting, in conjunction with our annual audit.
3. Approve the purchase of 3 mobile workstations from Motorola in the amount of \$14,790.00 for our patrol vehicles.
4. Approve the maintenance agreement with Motorola for the Livescan equipment and further, to authorize the City Manager to sign it.
5. Approve payment to Nu Appearance Maintenance in the amount of \$9,460.00 for contractual lawn cutting and weed maintenance in various areas of the city, including the Library, the two annexes and the Community Center.

ROLL CALL VOTE

YES: Costantino, Marshall, Monaghan, Palmer, Sawicki, Szymanski and Poynter.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 06-60-09

CLEAN WATER REVOLVING FUND PROJECT -  
SANITARY SEWER REHABILITATION PROJECT -  
OPEN PUBLIC HEARING

MOTION by Monaghan, SUPPORTED by Sawicki:

To open the Public Hearing on the Clean Water Revolving Fund Project Plan - Sanitary Sewer Rehabilitation Project.

MOTION CARRIED UNANIMOUSLY

PUBLIC HEARING

City Engineer Frank Varicalli, Project Manager for Anderson, Eckstein and Westrick, Inc., read a statement detailing the Sanitary Sewer Rehabilitation Project and answered any questions. (See attachment #1 for the complete statement)

Mr. Wummel asked if the liners that will be used to repair the sewer pipes would reduce the size of the flow in the pipes. (Mr. Varicalli said that the liners are very thin and once in place, they would increase the speed of the pipes flow increasing the efficiency of the sewer flow.) He then asked if the homeowner will be responsible of any of the cost associated with this project. (Mr. Varicalli said that homeowners would not be responsible for any of the project work as proposed,

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but added that should a homeowner have a problem with tree roots in their sewer on their property, then they would be responsible for addressing that problem.)

Mr. Frattini asked what the life expectancy is of the liners that will be used to repair the pipes. (Mr. Varicalli said that the liners are expected to last seventy-five years.)

Mr. Wummel asked what the plan is to address the problems that were identified as medium and low priorities. (The City Manager said that the medium and low project priorities have an estimated twenty more years life.)

CM 06-61-09            CLEAN WATER REVOLVING FUND PROJECT -  
                                 SANITARY SEWER REHABILITATION PROJECT -  
                                 CLOSE PUBLIC HEARING

MOTION by Palmer, SUPPORTED by Costantino:  
To close the Public Hearing on the Clean Water Revolving Fund Project Plan - Sanitary Sewer Rehabilitation Project.

MOTION CARRIED UNANIMOUSLY

CM 06-62-09            WORKERS' COMPENSATION  
                                 INSURANCE POLICY RENEWAL

RESOLUTION by Palmer, SUPPORTED by Costantino:  
BE IT RESOLVED to approve payment to Michigan Municipal League Worker's Compensation Fund in the amount of \$165,762.00 for workers' compensation insurance from July 1, 2009 through June 30, 2010 and further in that this is self insurance pooled funds, that competitive bidding be waived in accordance with City policy.

ROLL CALL VOTE

YES: Marshall, Monaghan, Palmer, Sawicki, Szymanski, Poynter and Costantino.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

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CM 06-63-09

COMMUNITY WIDE GARAGE SALE

RESOLUTION by Costantino, SUPPORTED by Marshall:

BE IT RESOLVED to approve the request from CARE to hold a community wide garage sale from 9:00 a.m. to 4:00 p.m., on September 29, 2009, on a trial basis, subject to CARE being responsible for coordinating the event.

ROLL CALL VOTE

YES: Poynter, Costantino and Marshall.

NO: Monaghan, Palmer, Sawicki and Szymanski.

RESOLUTION DENIED

Mayor Poynter suggested that the Committee meet again to find a way to assist CARE with coming up with an idea for a community event.

CALL TO AUDIENCE

Mr. Frattini commended the members of City Council who voted to have the city wide garage sale, saying that it was unfortunate the vote failed five to three. He added that the city should give the garage sale idea a try, at least on a trial basis, because it is a great way to meet your neighbors. Lastly, he urged City Council to stop being paranoid because it is holding the city down.

Mr. Wummel agreed with Mr. Frattini's comments and the effort by those members of City Council who supported having a city wide garage sale. He suggested that the members of Council that voted against having the city wide garage sale get together with the committee to work their concerns out. He also volunteered his services to help the police department monitor the garage sale if it ultimately gets approved. He added that there were a lot of good ideas for holding community events spoken about tonight, and urged Council to give them a try to see what will work best for the community.

Mr. VanPoucker said that he didn't know the Mayor was allowed to vote on issues before City Council, and asked if the Mayor has veto power. (Mayor Poynter said that Harper Woods, like the majority of cities in Michigan, has a "Manager-Council" form of government, where the Mayor is part-time and has one vote like the Council members.) He then asked the Mayor if he voted for cross training the police officers. (The Mayor said that he did vote to cross train the police officers.) Lastly, he said that he noticed the police department gives out free gun locks, and asked who pays for this. (Dep. Chief Burke said that the gun locks are provided by gun manufacturers for free.)

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Mr. Marcel agreed that there should be a community wide garage sale, or something like a combined event where the sale could take place at homes or a central location in the city.

Mr. Grace commented on the order of the Council agenda changing whereby the residents now speak before the Council members, saying that it should be changed back because the residents can no longer comment on City Council's comments.

Mr. Szolach asked the City Manager for an update on what is going on with the house that caught fire on Washtenaw and Beaconsfield. (The City Manager said that it appears someone is interested in buying it and fixing it up.) He then commented on its unkept appearance. Lastly, he said that he is not in favor of having a city wide garage sale because of the potential criminal activity that might come with it.

Mr. Cracciola asked what the Livescan Maintenance Agreement was that Council approved under the Consent Agenda. (The City Manager said that it is a maintenance agreement for the Police Department's finger printing system.) He then commented on the pot holes on the feeder roads to the mall and the need for mall management to repair them, saying that Chapter 17 of the Code of Ordinances empowers the City to require the mall management to have them repaired. (The City Manager said that he would review the matter further.)

Dep. Police Chief Burke thanked City Council on behalf of the police officers for their supportive comments that were made at the last meeting. He then announced that the Police Department, under the leadership of Lt. Eschendal, will be holding a Senior Safety Day at Salter Park on June 24<sup>th</sup> from 10 a.m. to 1 p.m., and will also be participating with Target on August 3<sup>rd</sup> for National Night Out.

Mr. Wagoner said that he is embarrassed to live in a city that is afraid to have a city wide garage sale, saying that he is aware of other communities having them without problems, and besides it's not controversial.

CALL TO COUNCIL

Mayor Poynter commented on how nice the City's Memorial Day Service was and how he enjoys it, because it allows him to reflect on how fortunate we are. He then asked Council if they wished to purchase a brick from Little League as part of a fund raiser for the new Little League field, saying the cost would be \$500. (Council members agreed to participate and will get the money to the City Manager asap.) He then commented on the next Garage Sale Committee meeting, suggesting that committee members and Council members bring any new ideas regarding community events. Lastly, he invited anyone interested, to attend a presentation that he will be giving on the Hudson motor car company on Wednesday at 7 p.m. in the library.

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CM 06-64-09

ADJOURNMENT

MOTION by Monaghan, SUPPORTED by Szymanski:

That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 8:43 p.m.

MOTION CARRIED UNANIMOUSLY

\_\_\_\_\_  
KENNETH A. POYNTER, MAYOR

\_\_\_\_\_  
MICKEY D. TODD, CITY CLERK

## ATTACHMENT #1

### City of Harper Woods SRF - Public Hearing Presentation June 1, 2009 Open Public Hearing

1. Introduction
  - Introduce key personnel
    - Frank Varicalli - Project Manager
    - Steve Siklich - Project Plan Preparation
    - James Leidlein - City Manager / Authorized Project Representative
    - William Snyder - DPW Superintendent
  - Read aloud public hearing notice (attached)
  
2. State Revolving Fund Program Overview

The clean water state revolving fund (SRF) is a low interest loan program authorized under the Clean Water Act and is set up to correct deficiencies in a community's waste water collection system. In order to receive funding, the community must demonstrate deficiencies in the system that result in, or potentially could result in environmental concerns. The SRF program is administered by the Michigan Department of Environmental Quality (MDEQ) and the Michigan Municipal Bond Authority. SRF funding is determined by a competitive process where the MDEQ ranks various projects by need. The evaluation criteria include water quality problems, number of people benefitting from the project, administrative consent orders and structural integrity of the system. The interest rate for the loan varies from year to year, but as of 2009 it is 2.5%.
  
3. S2 Program Overview

The SRF program has been around for a number of years in Michigan. Until recently, the full amount available each year was not being utilized due to the cost of studies, project planning and other documentation required to apply for an SRF loan. So, in late 2005 the State of Michigan made \$40 Million available to complete the planning, engineering and user charge systems necessary to apply for the loan. The S2 grant program would provide up to 90% of the planning costs up to \$1 Million for a community to complete the upfront work necessary to apply for a loan. The only caveat being that the community must apply for an SRF Loan



within three years of receiving the grant, or they would be required to repay the grant, plus interest.

**4. Discussion of Study Area & Sewer System**

The study area was the entire City of Harper Woods, which covers about 2.6 square miles. The sanitary sewer system within the City of Harper Woods consists of approximately 43 miles of sewers ranging in size from 6 inches to 48 inches in diameter.

**5. S2 Cleaning and Television Investigation Program**

Utilizing funding from a \$931,540 S2 Grant, the City conducted television inspection of all of the City's sanitary sewers. In addition to providing the S2 Grant, the MDEQ also determined that rehabilitation of sewers and manholes due to structural defects were now SRF eligible items. The grant was also used to inspect all of the sanitary manholes in the City and to prepare the Project Plan.

**6. Process of Obtaining SRF Loan**

The process of obtaining an SRF Loan begins with developing a Project Plan. The Project Plan must address the following issues: project background, an analysis of alternatives, the selected alternative, evaluation of environmental impacts, mitigation of environmental impacts and public participation. The project plan is submitted to the MDEQ for their review following its completion. The community must then develop a User Charge System which demonstrates that the community has the ability to fund the improvements along with the normal DPW operations associated with the sewer system. The MDEQ then ranks the Project Plans received on the Project Priority List (PPL). The highest ranking projects will then be funded until the money for the given year is exhausted.

**7. SRF Project Plan - Background**

The sewers determined in need of corrective action are shown on this exhibit. They were developed from reviewing the sewers televised and cleaned as part of the S2 Project. The selected alternative includes full-length lining of sewers, sectional lining of sewers, open excavation repairs and manhole rehabilitation. The recommended repairs were each assigned a priority of critical, high, medium or low. In addition to review of the sewers, other characteristics of the community had to be investigated. They included population, economic, environmental and cultural characteristics not only for today, but for the next 20 to 30 years. Based on the most recent estimates by the Southeast Michigan Council of Governments (SEMCOG), the current population of the City is approximately 13,877 and is expected to be 12,568 by 2035. Notifications of the project and requests for information were sent out to the State Historic Preservation Office (SHPO) and the State Tribal Historic Preservation Office including all 14 of the tribes in the State. SHPO

responded that no historic properties will be affected by this project. One of the 14 tribes contacted responded that they were not aware of any Indian traditional cultural properties, sacred sites or other significant properties in the area. The US Fish and Wildlife Service performed a Section 7 consultation in accordance with the Endangered Species Act and it was determined that the project will have no effect on federally listed species. The Michigan Department of Natural Resources (DNR) Wildlife Division was also contacted and it was determined that the project should have no impact on rare or unique natural features.

#### 8. SRF Project Plan - Analysis of Alternatives

As discussed earlier, the selected alternative includes full-length lining of sewers, sectional lining of sewers, open excavation repairs and manhole rehabilitation. In order to satisfy the requirements of the project plan, all other possible alternatives had to be researched. The first alternative is to do nothing. The do nothing alternative is a decision to postpone rehabilitation on sections of sewer that would ultimately be required because of structural failure. The deficiencies that have been identified by the S2 investigation are structural in nature. Therefore, allowing these deficiencies to continue to deteriorate would ultimately lead to sewer collapses, which can cause loss of service and sewer backups to all system users upstream of the collapsed section. A collapsed sewer requires that an emergency open excavation repair be done to restore service. Emergency repairs are more expensive than planned repairs that are made prior to a complete collapse. A proactive solution is to repair or rehabilitate the deficient areas before they collapse. This allows for more cost-effective solutions, such as trenchless rehabilitation, to be utilized. Wherever possible, trenchless technologies such as cured-in-place pipe have been selected. Cured-in-place pipe is a resin liner that is placed on the interior of the existing pipe and then cured by filling the liner with hot water or steam for a specific period of time. After curing, a robotic cutting apparatus is used to cut openings in the liner at each of the sewer services along the lined section of pipe. Where deficiencies exist at only a few short locations within a pipe segment, a sectional liner will be utilized to rehabilitate the structurally deficient portions of the pipe. Where structural deficiencies exist throughout the entire length of the segment, a full-length liner will be utilized. When compared with traditional open excavation repairs, trenchless rehabilitation requires much less disturbance and is far more cost-effective. However, where the structural deficiencies in the existing sewer are too extensive, trenchless rehabilitation cannot be used and open excavation must be performed. A present worth analysis covering the 20 year planning period was conducted for each alternative. The analysis concluded that the most cost-effective alternative is the selected alternative described above.

#### 9. Cost Summary and User Costs

The total cost of the selected alternative is estimated to be \$3,477,000. This cost includes construction cost for the various types of rehabilitations noted earlier, engineering, inspection and contingencies. Based on a twenty year loan at 2.5% the required annual debt service is estimated at \$223,000, or approximately \$43.00 per household per year. A user charge system, or DCS, is being developed consistent with EP A and MDEQ guidance. The DCS is anticipated to be allocated as a separate debt service charge proportional to the demands on the system.

**10. SRF Project Plan - Environmental Impact Evaluation**

The environment should benefit from this project because the goal of the project is to extend the useful life of the sewer system, restoring the integrity of the pipes and decreasing structural deficiencies in the system which potentially can result in collapses. Adverse impacts are related primarily to construction activities. Short term impacts will include construction related traffic congestion and delay, soil erosion and sedimentation concerns, noise and property access concerns.

**11. SRF Project Plan - Mitigation of Environmental Impacts**

To minimize the amount of noise during construction, no work will begin before 7 AM Monday through Saturday. All work shall be performed during daylight hours. There will be no work at night, on Sundays or legal holidays without written approval from the City of Harper Woods. Trenchless technologies are being utilized to the greatest extent feasible to perform the rehabilitation and limit required excavation. However, where open cut excavations will be necessary, soil erosion and sedimentation controls will be utilized. Any culturally or historically significant artifacts that are uncovered during excavations will be immediately reported to the State Historic Preservation Office and the Tribal Historical Preservation Office. If encountered, every effort will be made to not disturb any artifact until it can be reviewed by the appropriate office. Public health, safety and welfare will be maintained through site restoration, traffic control devices and advanced notice to property owners. Existing utilities will be notified through the MISS DIG system.

**12. Items Remaining to Complete SRF Loan Application**

The required public hearing is being conducted today, June 1, 2009. As a part of this meeting, the City Council will consider passage of a resolution to proceed with the project. The approved Final Project Plan, including the City Council resolution, will be turned into the MDEQ by July 1, 2009. Part I of the SRF application will be due OJ September 4, 2009 and Part II on September 25, 2009. The City of Harper Woods is on schedule for inclusion in the Fiscal Year 2010 PPL.

**13. Questions and Answers**

## 14. Close Public Hearing

CITY OF HARPER WOODS  
CITY COUNCIL  
JUNE 15, 2009

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:30 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem Cheryl A. Costantino (7:35 p.m.), Councilperson(s) Hugh Marshall, Michael P. Monaghan, Daniel S. Palmer, Vivian M. Sawicki and John M. Szymanski.

ABSENT: None.

OTHERS PRESENT: City Manager James E. Leidlein, Finance Director Laura L. Stowell and City Clerk Mickey D. Todd.

CM 06-65-09

MINUTES

MOTION by Monaghan, SUPPORTED by Szymanski:

To receive, approve and file the minutes of the regular City Council meeting held June 1, 2009 and furthermore receive and file the minutes of the Planning Commission meeting held May 27, 2009 and the Board of Trustees Retirement System meeting held June 1, 2009.

ABSENT: Costantino.

MOTION CARRIED

CM 06-66-09

CONSENT AGENDA

RESOLUTION by Palmer, SUPPORTED by Monaghan:

BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 87634 through 87737 in the amount of \$308,076.89 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.
2. To receive and file the Planning Commission's annual report.

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REGULAR CITY COUNCIL MEETING

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3. Approve payment to Anderson, Eckstein & Westrick, Inc. in the amount of \$26,494.40 for professional services during the month of May 2009 for the following projects: 2007 Sewer Cleaning and TV Inspection, #180-100; EB Harper Resurfacing, #180-106; EB Harper Resurfacing, Manchester to Vernier, #180-109 and the SRF Project Preparation, #180-113.

ROLL CALL VOTE

YES: Costantino, Marshall, Monaghan, Palmer, Sawicki, Szymanski and Poynter.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 06-67-09

RESOLUTION ADOPTING FUND PROJECT PLAN  
- SANITARY SEWER SYSTEMS IMPROVEMENT

RESOLUTION by Marshall, SUPPORTED by Monaghan:

BE IT RESOLVED to adopt the resolution adopting a final project plan for wastewater system improvements and designating the City Manager as the authorized project representative.  
(Attachment #1)

ROLL CALL VOTE

YES: Marshall, Monaghan, Palmer, Sawicki, Szymanski, Poynter and Costantino.  
NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 06-68-09                      CURBSIDE RECYCLING - AWARD OF BID

RESOLUTION by Sawicki, SUPPORTED by Szymanski:

BE IT RESOLVED to accept the low bid submitted by Rizzo Services for curbside recycling as follows:

1 <sup>st</sup> year	\$0.54 per unit
2 <sup>nd</sup> year	\$0.54 per unit
3 <sup>rd</sup> year	\$0.55 per unit

With an option to extend an additional three year as follows:

4 <sup>th</sup> year	\$0.55 per unit
5 <sup>th</sup> year	\$0.56 per unit
6 <sup>th</sup> year	\$0.57 per unit

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ROLL CALL VOTE

YES: Monaghan, Palmer, Sawicki, Szymanski, Poynter, Costantino and Marshall.  
NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 06-69-09                      2009 MISCELLANEOUS CONCRETE PAVEMENT  
REPAIR PROGRAM , #180-116 - CHANGE ORDER

RESOLUTION by Monaghan, SUPPORTED by Costantino:

BE IT RESOLVED to approve the Change Order in an amount not to exceed \$60,000.00 with Galui Construction Co. of Clinton Twp. for the 2009 Concrete Pavement Repair Program, #180-116.

ROLL CALL VOTE

YES: Palmer, Sawicki, Szymanski, Poynter, Costantino, Marshall and Monaghan.  
NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CALL TO AUDIENCE

Mr. Frattini asked the City Manager if the average cost per household for the sanitary sewer improvements would be \$45, and asked how it would be paid. (The City Manager said that \$45 annually is correct and that it would be paid as a capital improvement on the water bill for a period of twenty years.) He then asked if one of the City's ambulances is out of commission. (The City Manager said that it is currently being repaired.)

Ms. Nearhood of CARE, thanked City Council for working with CARE in an attempt to organize some community wide events. (Mayor Poynter added that the Council sub-committee will be meeting on the 25<sup>th</sup> to take up this matter.)

Ms. Hurt-Saunders said that she was disappointed in City Council turning down the City wide garage sale idea, and does not understand why it was not approved. She added that she thinks having the garage sale is a good idea, and a good opportunity for people in the community to meet one another. (The Mayor said that this issue will be addressed at the committee meeting on the 25<sup>th</sup>.)

Mr. Cracciola asked what Council thought about the Macomb Daily article that he gave them

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about St. Clair Shores developing a neighborhood watch program. (The City Manager said that residents interested in developing a neighborhood watch program should contact the Police Chief and he will work with them.)

Mr. VanPoucker commented on a police incident that he was involved in earlier this year where he was a victim of a crime, and said that he has not been advised by the police department of what the outcome was with the suspect. (The City Manager said that the individual responsible for the incident has been spoken to by the police.)

Ms. Murray, who lives near the house on Anita that caught fire last year and is boarded up, asked what the City is doing to about having this house repaired or taken down, because nothing has been done and it is a blight on the neighborhood. (The City Manager said that the City is in Circuit Court attempting to condemn the house so it can be taken down, and added that he hoped to resolve the situation in the next 60-90 days.) Ms. Murray added that the process is taking too long.

Mr. Kien commented on the ongoing discussion about possibly having a community wide garage sale as a way of promoting neighbors getting to know one another, saying that even though a lot of

ideas have been discussed, the garage sale idea seems to be the best for the stated goal. He added that he does not agree with City Council's decision to turn down the requested garage sale.

Mr. Wummel asked why the City did not re-bid the change order for the miscellaneous concrete repair program that was approved tonight. He suggested that the City could have realized a cost saving like they did for other contracted items that have been bid out. (The City Manager said that in his opinion the project was small, and to prepare engineering specs for such a small project would be costly, so awarding the change order from the 2003 contract prices is more cost efficient.)

Ms. Purnell said that she attended a recent CARE meeting and heard many different ideas for hosting a community wide event that would help residents meet their neighbors, but felt the garage sale idea is probably the best. She added that she supports having the community wide garage sale. Lastly, she said she appreciates City Council communicating with the public on this issue.

Ms. Paiz asked what is CARE's relationship with the City. (The City Manager said that CARE is an organization that Harper Woods and the Grosse Pointes use for their Youth Assistance Program.)

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#### CALL TO COUNCIL

Mayor Poynter commented on the Planning Commission's first ever Annual Report saying that he appreciated the information. He then commented on attending Senator Martha Scott's Annual Breakfast, saying that it was a very nice event. Lastly, he reminded everyone of the June 25<sup>th</sup> committee meeting where members of Council, the public and representatives from CARE will discuss possible community wide events. He added that he is familiar with CARE's work in Macomb County through his employer and found them to be a fine organization.

Councilman Monaghan asked the City Manager if he was able to resolve the road construction concerns that were raised by two Harper Avenue business owners at last month's meeting. (The City Manager said that he is working with MDOT and the business owners in an attempt to resolve their concerns.)

Councilman Marshall asked who is financially responsible for the current road construction on Vernier. (The City Manager said the State of Michigan is financially responsible for this project.) He then advised the City Manager of the high grass at the vacant IHOP building and asked him to address the matter.



Mayor Pro tem Costantino commented on a recent CARE meeting that she attended where community event ideas were discussed, saying that she was very impressed with those in attendance. Lastly, she urged residents that are interested in planning a community wide event to attend the committee meeting on the 25th.

Councilwoman Sawicki said that she is all in favor of establishing a community wide event with the goal of getting residents to know one another, and suggested that consideration be given to having a community garage sale at Salter Park, where residents could bring their items there for sale. Then she commented on the Planning Commission's Annual Report saying that she found it to be informative, but expressed concern over the reference in the report to establishing policies on "conditional re-zoning," saying that this type of re-zoning needs to be closely monitored to avoid any potentially negative impact on the community.

Councilman Palmer commented on his no vote when the issue of having a community wide garage sale came before City Council, saying that he essentially followed the Police Department's recommendation against the sale. He added that he hoped that a representative from the Police Department would be present at next week's committee meeting to listen to, and comment on, any of the suggestions being considered. (Mayor Poynter said that a Police representative will be at the meeting.)

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CM 06-70-09

BUDGET SESSION

MOTION by Monaghan, SUPPORTED by Szymanski:  
To adjourn to the Budget Workshop Session.

MOTION CARRIED UNANIMOUSLY

City Council recessed at 8:03 p.m. and reconvened in the Conference Room at 8:10 p.m.

BUDGET SESSION

The City Manager, Finance Director and City Council reviewed and discussed the preliminary information and analysis for the 2010 budget. No action was taken.

CM 06-71-09

ADJOURNMENT

MOTION by Marshall, SUPPORTED by Szymanski:  
That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 8:40 p.m.

MOTION CARRIED UNANIMOUSLY

\_\_\_\_\_  
KENNETH A. POYNTER, MAYOR

\_\_\_\_\_  
MICKEY D. TODD, CITY CLERK

ATTACHMENT #1

**A RESOLUTION ADOPTING A FINAL PROJECT PLAN FOR WASTEWATER SYSTEM  
IMPROVEMENTS AND DESIGNATING AN AUTHORIZED PROJECT REPRESENTATIVE**

**WHEREAS**, the City of Harper Woods recognizes the need to make improvements to its existing wastewater collection system; and

**WHEREAS**, the City of Harper Woods authorized **Anderson, Eckstein and Westrick, Inc.** to prepare a Project Plan, which recommends construction of the City of Harper Woods Sanitary Sewer Rehabilitation Projects; and

**WHEREAS**, said Project Plan was presented at a Public Hearing held on June 1, 2009 and all public comments have been considered and addressed;

**NOW THEREFORE BE IT RESOLVED**, that the City of Harper Woods formally adopts said Project Plan and agrees to implement the selected alternative (Alternative No. 2A).

**BE IT FURTHER RESOLVED**, that the **City Manager**, a position currently held by **James E. Leidlein**, is designated as the authorized representative for all activities associated with the project referenced above, including the submittal of said Project Plan as the first step in applying to the State of Michigan for a revolving fund loan to assist in the implementation of the selected alternative.

Yeas: Costantino, Marshall, Monaghan, Palmer, Sawicki, Szymanski and Poynter.

Nays: None.

Abstain: None.

Absent: None.

I certify that the above Resolution was adopted by the Harper Woods City Council on June 1, 2009.

BY: \_\_\_\_\_  
Mickey Todd, City Clerk  
City of Harper Woods

\_\_\_\_\_ Date

CITY OF HARPER WOODS  
CITY COUNCIL  
JULY 13, 2009

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Pro Tem Costantino at 7:00 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Pro tem Cheryl A. Costantino, Councilperson(s) Hugh Marshall, Michael P. Monaghan, Daniel S. Palmer, and Vivian M. Sawicki .

ABSENT: Mayor Kenneth A. Poynter and Councilman John M. Szymanski.

OTHERS PRESENT: City Manager James E. Leidlein, Finance Director Laura L. Stowell and City Clerk Mickey D. Todd.

CM 07-72-09 \_\_\_\_\_ EXCUSE MAYOR POYNTER  
& COUNCILMAN SZYMANSKI

MOTION by Palmer, SUPPORTED by Sawicki:

To excuse Mayor Kenneth A. Poynter and Councilman John M. Szymanski from tonight's meeting because of prior commitments.

ABSENT: Poynter and Szymanski.

MOTION CARRIED

The Mayor asked the City Clerk to mention that he has only missed four meetings during his tenure, and tonight's absence is due to a commitment that he made four years ago.

CM 07-73-09

MINUTES

MOTION by Monaghan, SUPPORTED by Sawicki:

To receive, approve and file the minutes of the regular City Council meeting held June 15, 2009 and furthermore, receive and file the minutes of the Board of Trustees Retirement System meeting held June 15, 2009, the Library Board meeting on June 18, 2009, and the Planning Commission meeting held June 24, 2009.

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REGULAR CITY COUNCIL MEETING

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ABSENT: Poynter and Szymanski.

MOTION CARRIED

CM 07-74-09

CONSENT AGENDA

RESOLUTION by Monaghan, SUPPORTED by Marshall:

BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 87738 through 87988 in the amount of \$882,169.03 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.
2. Approve payment to Statewide Security Transport in the amount of \$6,533.79 for prisoner lodging and maintenance for the month of May 2009.
3. Approve payment to the Michigan Department of Transportation in the amount of \$19,290.17 for the Harper Avenue project. The first invoice is \$15,416.24 for work performed between Manchester and Vernier and the second invoice is \$3,873.93 for work performed between Vernier and Eight Mile.
4. Approve payment to Anderson, Eckstein & Westrick, Inc. in the amount of \$33,288.75 for professional services during the month of June, 2009 for the following projects: 2007 Sewer Cleaning & TV Inspection, #180-100; EB Harper Resurfacing - Vernier to 8 Mile, #180-106, EB Harper Resurfacing - Manchester to Vernier, #180-109; SRF Project Plan Preparation, #180-113 and the 2009 Emergency Concrete Pavement Repair, #180-116.

5. Approve payment in the amount of \$5,100.00 to Guardian Enterprises, Inc. for their assistance in repairs to the City's main sanitary line at 19960 Lancaster, 19425 and 18625 Eastwood.
6. Approve payment to Nu Appearance Maintenance in the amount of \$22,851.00 for miscellaneous residential lawn cutting and the contractual lawn cutting and weed maintenance in various areas of the city, including City Hall, the Library, DPW and the I-94 service drive.

ROLL CALL VOTE

YES: Costantino, Marshall, Monaghan, Palmer and Sawicki.

NO: None.

ABSENT: Poynter and Szymanski.

RESOLUTION ADOPTED

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REGULAR CITY COUNCIL MEETING

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CM 07-75-09

2008 AUDIT PRESENTATION

RESOLUTION by Monaghan, SUPPORTED by Palmer:

BE IT RESOLVED to receive and file the 2008 Audit/Financial Report as submitted by the City's Auditors, Plante and Moran and also receive and file their management report. (A copy of the report is available in the City Offices or at [www.harperwoodscity.org](http://www.harperwoodscity.org))

ROLL CALL VOTE

YES: Marshall, Monaghan, Palmer, Sawicki and Costantino.

NO: None.

ABSENT: Poynter and Szymanski.

RESOLUTION ADOPTED

Mr. David Herrington and Mr. Randy Surratt of Plante & Moran gave an informational presentation on the 2008 Audit and answered any questions. Mr. Herrington further advised City Council that the economic down turn will negatively affect the City's revenue picture beginning next year, and that it is estimated that the City's revenue will decrease by an estimated thirty percent over the next two years. He pointed out that numerous communities in Michigan and throughout the country are facing this impending financial crisis, and like these other communities, Harper Woods must begin planning some significant restructuring of the City's service delivery model to address the change in revenue. He warned that failure to significantly restructure will result in the City facing receivership in an estimated eighteen months.

## CALL TO AUDIENCE

Mr. Binder asked if the City is planning on any cuts in the Police and Fire Departments. (The City Manager said that he is working on a plan.) He then asked how many fires there have been in the city this year compared to home invasions. (The City Manager said that he believes there have been just two house fires this year, and said that he could not estimate the number of home invasions, but said that there were quite a few.) He then asked if there are enough cross trained police officers to fight fires. (The City Manager said that there are fifteen cross trained police officers, but the Fire Fighters Union challenged the City's plan in court to use these officers to help with fire fighting and won, so they cannot be used.) Mr. Binder suggested that the city cut back to one fire fighter per shift, and said that more police are needed to address the crime problem in the city. (The City Manager said that he is reviewing possible alternatives.)

Mr. Cadotte complained about the music at the church on Lochmoor being too loud, saying that appears to be a clear violation of the noise ordinance, and asked if something could be done. (The Mayor Pro tem said that someone from the City will talk to them about it.) He then

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commented on the LED signs that are used by numerous businesses, saying that the flashing of messages/images is distracting, and urged City Council to regulate these signs to prohibit flashing messages/images.

Mr. Bruneel thanked the Mayor Pro tem for donating yarn to make lap robes for our veterans. Then he announced that the Lion's Club will be holding their annual mint sale starting this Friday.

Mr. Dick commented on increased crime on Kelly road, and the problem of loud car stereos, and asked that the police issue tickets to these drivers. He also commented on the overflowing trash bins at the Zoom gas station and the litter that blows down Eastwood as a result of the overflowing trash bin.

Ms. Summers asked if there is any discussion with the police union about giving the annual 5% percent raise back since the City lost the cross training issue in court. (The Mayor Pro tem said that this issue will be taken up with the union.) She then commented on the response some Council members gave to the news media in reference to losing the court case to the fire fighters, saying that their comments were a bit disconcerting, and that she would like to see a willingness to work together with the fire union.

A resident on Country Club asked to have some speed enforcement in the area of Duprey and Country Club in evening hours, saying that there are a lot of kids in the area and traffic is moving too fast. (The City Manager said that he would advise the Police Chief.) Lastly, she commented on her daughter's edition of C&G news in St. Clair Shores, saying that they give a lot more information on crime in that city, and asked why our edition of the paper did not do the same thing. (The Mayor Pro tem suggested that she speak to the reporter who covers Harper Woods, April Lehmbeck (586.498.1043), and ask her that question.)

Mr. Cracciola asked if the City plans on appealing the ruling against the City in reference to police cross training. (The City Manager said that an appeal is being filed.)

Ms. Summers said that appealing the lawsuit is not good business sense.

Ms. Uhl asked how much the City Attorney is paid. (The City Manager said that the City Attorney is paid a flat fee for all of the District Court work, and all items, like Circuit Court are billed separately.) She asked the City Manager if he knew how much has been spent so far in the fire fighter's lawsuit against the City. (The City Manager said that he did not know but he could get that information for her.)

Mr. Binder asked if information about police calls and incidents are available to the public, including which part of the city has the most crime. (The City Manager said that the annual

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police report gives detailed information including a map showing where crimes have been reported, and said that it is available at City Hall or at our website at [www.harperwoodscity.org](http://www.harperwoodscity.org).)

Deputy Chief Burke commended the City Council for their foresight in recognizing what is going on in the community, saying that cross training fifteen of our officers will ultimately provide additional fire service. He added that our police officers have been very busy this year, pointing out that year-to-date they have made four thousand traffic stops, fifteen-hundred arrests, but unfortunately, during this time the City has experienced over one-hundred and seventy-five cars stolen year-to-date, which points to the need for additional police officers. He concluded saying that the Police Officers appreciate City Council's support.

Mr. Wummel said that he was also part of the lawsuit with the Fire Fighters against the City, and added that he does not fault the City for appealing. He said that his disagreement with the City is the approach to making changes without a vote of the people. He also agreed with the Deputy Chief's comment about needing more police officers. Lastly, he said the City needs to share information on their plan for police/fire services.

Ms. Uhl said that she agrees with the Deputy Chief on the need for more police officers, and suggested that City Council form a committee, like they did with the garage sale issue, to review the City's plan for police/fire services. She asked why the City can't work with the residents to form a committee and resolve this situation. She added that it is wrong for the City to force fire fighters to cross train if they didn't want to. (The City Manager said that the City did not ask the fire fighters to cross train, and in fact, the City only requested that the fire fighters not contest any changes that the City wanted to make in developing a third division of our public safety model to include cross trained personnel, but the fire fighters would not and will not cooperate.)

CALL TO COUNCIL

Ms. Sawicki suggested that in light of the recent court ruling against the City regarding cross training, that a committee of City Council be formed for the purpose of developing ballot language for a charter amendment that would allow the city more flexibility in providing police/fire services.

CM 07-76-09

ADDENDUM TO AGENDA

MOTION by Monaghan, SUPPORTED by Marshall:

To add to the agenda discussion and/or action on establishing a City Council subcommittee to devise ballot language that would amend the City Charter allowing the City more flexibility in providing police/fire services and related departments.

CITY OF HARPER WOODS, MICHIGAN  
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ABSENT: Poynter and Szymanski.

MOTION ADOPTED

CM 07-77-09

CITY COUNCIL BALLOT LANGUAGE COMMITTEE

MOTION by Palmer, SUPPORTED by Sawicki:

To appoint a City Council subcommittee consisting of Mayor Poynter, Councilwoman Sawicki and Councilman Palmer, to devise ballot language that would amend the City Charter allowing the City more flexibility in providing police/fire services and related departments.

ABSENT: Poynter and Szymanski.

MOTION ADOPTED

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CALL TO COUNCIL

Councilwoman Sawicki asked when the next garage sale committee meeting is. (The City Manager said that he is working on scheduling a meeting.) She then commented on some of the pedestrian overpasses having broken or crumbling concrete and asked the City Manager if he is aware of any plans MDOT has to address this situation. (The City Manager said that he has brought this matter to MDOT's attention before and will do so again.)

Councilman Monaghan commented on the auditor's presentation saying that they confirmed that the city is headed down a path of financial destruction that will culminate in the City turning the keys over to the State, unless City Council makes serious structural changes in the way we operate. He also commented on crime increasing in the city, including a recent carjacking that occurred in his neighborhood, saying that we clearly need more police officers. Then he



commented on how our two police unions have stepped up to help the City, but our fire union still refuses to step up in this time of need. He said that he found it odd that our fire fighters accept the help of the Grosse Pointe Public Safety Officers, but refuse to work with our own cross trained officers. He then commented on the Circuit Court ruling which prohibited our cross trained police officers from working with the fire fighters to suppress fires, saying that he was very disappointed in the ruling, and added, that a charter amendment may be the City's only way out of this situation.

Councilwoman Sawicki commented on the court ruling and the judges comments, saying that it appears our current Charter language would prohibit anything Council attempts to do with modifying police/fire services. She emphasized that Council's goal is to keep our citizens safe

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and maintain our quality of life in the community. She speculated that Council will face conflict on this issue and foresees sweeping objections to any changes, however, she said Council cannot sit back any longer and must make changes so that our residents feel safer and we have more police officers on the streets.

Mayor Pro tem Costantino commented on the economic situation saying that she recently lost her job, and that cut backs are everywhere and the city is not immune from this situation. She added that a tax increase is not possible.

CM 07-78-09

ADJOURNMENT

MOTION by Monaghan, SUPPORTED by Marshall:

That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 8:10 p.m.

ABSENT: Poynter and Szymanski.

MOTION CARRIED

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CHERYL A. COSTANTINO, MAYOR PRO TEM

MICKEY D. TODD, CITY CLERK

CITY OF HARPER WOODS  
CITY COUNCIL  
AUGUST 10, 2009

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:00 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem Cheryl A. Costantino, Councilperson(s) Michael P. Monaghan, Daniel S. Palmer, Vivian M. Sawicki and John M. Szymanski.

ABSENT: Councilman Hugh Marshall.

OTHERS PRESENT: City Manager James E. Leidlein, City Attorney J. Russell LaBarge and City Clerk Mickey D. Todd.

CM 08-79-09 EXCUSE COUNCILMAN MARSHALL

MOTION by Monaghan, SUPPORTED by Palmer:  
To excuse Councilman Hugh Marshall from tonight's meeting because of a prior commitment.

ABSENT: Marshall.

MOTION CARRIED

CM 08-80-09 MINUTES

MOTION by Monaghan, SUPPORTED by Costantino:

To receive, approve and file the minutes of the regular City Council meeting held July 13, 2009, and furthermore, receive and file the minutes of the Board of Review held on July 21, 2009.

ABSENT: Marshall.

MOTION CARRIED

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CM 08-81-09

CONSENT AGENDA

RESOLUTION by Costantino, SUPPORTED by Monaghan:

BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 87989 through 88248 in the amount of \$1,059,977.39 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.
2. To receive and file for the audit, the 1<sup>st</sup> and 2<sup>nd</sup> quarter financial statements.
3. Approve payment to Statewide Security Transport in the amount of \$7,429.82 for prisoner lodging and maintenance for the month of June 2009.
4. Approve payment to Badger Meter, Inc. in the amount of \$8,577.78 for the purchase of 60 new automatic read water meters and transmitters.
5. Approve payment in the amount of \$23,538.70 to Grosse Pointe Woods for the City's pro-rata portion of the operating and maintenance of the Torrey Road Pump Station for the period through January through June 2009.
6. Approve payment to Bell Equipment Company in the amount of \$5,107.82 for necessary repairs and preventive maintenance on our Elgin street sweeper.
7. Approve payment to Oakland County Information Technology in the amount of \$7,440.75 for fees relative to the CLEMIS computer system utilized by the Police Department.
8. Approve payment to the Michigan Department of Transportation in the amount of \$39,569.86 for the Harper Avenue project. The first invoice is \$23,069.15 for work performed between Manchester and Vernier and the second invoice is \$16,500.71 for work performed between Vernier and Eight Mile.
9. Approve payment to Anderson, Eckstein & Westrick, Inc. in the amount of \$47,795.45 for professional services during the month of July 2009 for the following projects: 2007 Sewer Cleaning & TV Inspection, #180-100; EB Harper Resurfacing, Vernier to 8 Mile, #180-106; EB Harper Resurfacing, Manchester to Vernier, #180-109; SRF Project Plan Preparation, #180-113 and the 2009 Emergency Concrete Pavement Repair, #180-116.

ROLL CALL VOTE

YES: Costantino, Monaghan, Palmer, Sawicki, Szymanski and Poynter.

NO: None.

ABSENT: Marshall.

RESOLUTION ADOPTED

CM 08-82-09

2003-2009 CONCRETE PAVEMENT REPAIR  
PROGRAM #180-076/081/088/092/101/105/116  
PROGRESS PAYMENT NO. 17

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RESOLUTION by Palmer, SUPPORTED by Monaghan:

BE IT RESOLVED to approve payment to Galui Construction Company, Inc. in the amount of \$41,958.05 for Progress Payment No. 17 on the 2003 - 2009 Concrete Pavement Repair Program, #180-076/081/088/092/101/105/116.

ROLL CALL VOTE

YES: Monaghan, Palmer, Sawicki, Szymanski, Poynter and Costantino.

NO: None.

ABSENT: Marshall.

RESOLUTION ADOPTED

CM 08-83-09

MILK RIVER - OPERATIONS AND MAINTENANCE

RESOLUTION by Szymanski, SUPPORTED by Costantino:

BE IT RESOLVED to approve payment to Wayne County in the amount of \$145,568.00 for the operation and maintenance of the Milk River Drain for the fourth quarter of FY2009.

ROLL CALL VOTE

YES: Palmer, Sawicki, Szymanski, Poynter, Costantino and Monaghan.

NO: None.

ABSENT: Marshall.

RESOLUTION ADOPTED

CM 08-84-09

COMCAST CABLE - LOCAL  
FRANCHISE AGREEMENT

RESOLUTION by Sawicki, SUPPORTED by Monaghan:

BE IT RESOLVED to approve the following documents related to the franchise agreement with Comcast:

- 1) The Uniform Video Service Local Franchise Agreement
- 2) Mutual Settlement Agreement and Release

and further, that the City authorize Comcast to make payment of PEG fees due and owing under Section VII of the Uniform Video Service Local Franchise Agreement directly to the Grosse Pointe War Memorial Association; and that the City Manager is hereby authorized to execute these and any necessary related documents on behalf of the City. (Attachment #1)

ROLL CALL VOTE

YES: Sawicki, Szymanski, Poynter, Costantino, Monaghan and Palmer.  
NO: None.  
ABSENT: Marshall.

RESOLUTION ADOPTED

CM 08-85-09                      SUBURBAN MOBILITY AUTHORITY FOR  
   REGIONAL TRANSPORTATION (SMART)  
   SERVICE CONTRACT RENEWAL

RESOLUTION by Palmer, SUPPORTED by Sawicki:  
BE IT RESOLVED to approve the Service Contract with SMART for the City's Connector Operations covering the period from July 1, 2009 through June 30, 2010. (Attachment #2)

ROLL CALL VOTE

YES: Szymanski, Poynter, Costantino, Monaghan, Palmer and Sawicki,  
NO: None.  
ABSENT: Marshall.

RESOLUTION ADOPTED

CM 08-86-09                      MICHIGAN MUNICIPAL LEAGUE -  
   DESIGNATION OF VOTING DELEGATES

RESOLUTION by Sawicki, SUPPORTED by Monaghan:  
BE IT RESOLVED to designate Mayor Poynter as the City's official delegate, and the Mayor Pro tem as the alternate delegate at the Michigan Municipal League's Annual Meeting to be held on September 22-25, 2009.

ROLL CALL VOTE

YES: Poynter, Costantino, Monaghan, Palmer , Sawicki and Szymanski.  
NO: None.  
ABSENT: Marshall.

RESOLUTION ADOPTED

CALL TO AUDIENCE

Mr. Bruneel commended the Recreation Department and the volunteers for the great job they did with the concert in the park, saying that he thought everyone did a great job considering the weather. (Mayor Poynter added that he was very proud of the job that everyone did, and said that he received a number of compliments on the program.) He then announced that the Lion's Club fund raiser is currently going well, and reminded the public that all proceeds go to helping the needy over the holidays.

Mr. Cracciola said that he has had conversations with the Public Works Superintendent regarding a problem with the street by his house that needs to be repaired, and hopes that the concrete pavement program is not over this year so that the repair can be done. (The City Manager said that he is aware of the situation.)

Mr. Szolach commented on how well the Little League Tournament went, saying that the visiting teams were very impressed with our facilities and the Recreation Department for all the hard work they did in preparing and maintaining the fields. He then said that he heard a rumor that the City may close the Recreation Department because of budget constraints and said that he hopes it is false, because they are such an important part of the community. He complimented the department and its staff for all the work they do year around. He then commented on another rumor that the City may have to layoff some police officers because of budget constraints, and said that he hopes that this isn't true, because they are doing a good job and deserve a lot of credit for all that they are doing. (Mayor Poynter said that City Council is very proud of both the police and Recreation Department.)

CALL TO COUNCIL

Mayor Poynter announced that a part of the movie "Red Dawn" is going to be filmed in Harper Woods this fall and that they are seeking out extras. He said more information regarding this event will be coming out soon. (The City Manager added that the extras will be required to sit in the bleachers at the old Notre Dame football field from 10 p.m. to 6 a.m. for a couple days in September and December.) Mayor Poynter then reminded the public that the next Council meeting will be the Wednesday after Labor Day at 7 p.m., then the regular meeting schedule of the first and third Monday's of the month will take affect.

Councilman Szymanski asked the City Manager when the Harper Avenue road construction is due to be completed. (The City Manager said that the project is scheduled to be completed in mid September.)

Councilwoman Sawicki asked the City Manager when the southbound lanes on Harper by Kroger

to the overpass will be opened up. (The City Manager said that he anticipates it will be opened up within a week.) She then commented on representing the City at a ceremony with other City and County Officials where we accepted two new SMART buses this past month, saying that they will be a good addition to our fleet. Then she commented on attending the “National Night Out” event at Johnston Park, saying that it was well attended and a number of community organizations participated. She added that while she was there she encouraged residents to sign up for our Nixle notification service at our website ([www.harperwoodscity.org](http://www.harperwoodscity.org)) so they can receive current city news and announcements. Then she said that a number of residents talked to her about increasing the City’s swim program at the high school during the summer months, including increasing accessibility for family members. Lastly, she advised the City Manager that the parking lot markings at Salter Park are fading and need to be redone.

Mayor Pro tem Costantino commented on the City’s swim program saying that it ended too soon and suggested that it be extended next summer. She also suggested that there should be some open swim times in the evening to accommodate people who work during the day. Lastly, she requested to have an Ordinance Committee meeting soon and have it open to the public. (Mayor Poynter suggested that she work a date out with the City Manager.)

CM 08-87-09

ADJOURNMENT

MOTION by Monaghan, SUPPORTED by Palmer:

That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 7:38 p.m.

ABSENT: Marshall.

MOTION CARRIED

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KENNETH A. POYNTER, MAYOR

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MICKEY D. TODD, CITY CLERK

CITY OF HARPER WOODS  
CITY COUNCIL  
SEPTEMBER 9, 2009

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:00 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem Cheryl A. Costantino, Councilperson(s) Hugh Marshall, Michael P. Monaghan, Daniel S. Palmer, Vivian M. Sawicki and John M. Szymanski.

ABSENT: None.

OTHERS PRESENT: City Manager James E. Leidlein, City Attorney J. Russell LaBarge and City Clerk Mickey D. Todd.

CM 09-88-09

MINUTES

MOTION by Monaghan, SUPPORTED by Costantino:

To receive, approve and file the minutes of the regular City Council meeting held August 10, 2009, and furthermore, receive and file the minutes of the Library Board meeting held June 18, 2009; the Board of Trustees Employees Retirement System meeting held August 10, 2009; the Board of Zoning Appeals meeting held August 12, 2009; the Planning Commission meeting held August 26, 2009; and the Election Commission meeting held August 27, 2009.

MOTION CARRIED UNANIMOUSLY

CM 09-89-09

CONSENT AGENDA

RESOLUTION by Costantino, SUPPORTED by Monaghan:

BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 88249 through 88474 in the amount of \$1,301,512.32 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.



2. Approve payment to Nu Appearance Maintenance in the amount of \$5,914.00 for contractual lawn cutting and weed maintenance in various areas of the city.
3. Approve payment to Hoekstra Truck Equipment in the amount of \$8,035.12 for miscellaneous parts and carbide blades purchased for the leaf season equipment.
4. Approve payment to HydroDynamics, Inc. in the amount of \$6,341.51 for the emergency repair to the Vernier sewage lift station.
5. Approve payment to Anderson, Eckstein & Westrick, Inc. in the amount of \$23,032.30 for professional services during the month of August 2009 for the following projects: 2007 Sewer Cleaning & TV inspection, #180-100; EB Harper Resurfacing, Vernier to 8 Mile, #180-106; EB Harper Resurfacing, Manchester to Vernier, #180-109 and the 2009 Emergency Concrete Pavement Repair, #180-116.

ROLL CALL VOTE

YES: Costantino, Marshall, Monaghan, Palmer, Sawicki, Szymanski and Poynter.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 09-90-09

2010 BUDGET SCHEDULE

MOTION by Szymanski, SUPPORTED by Palmer:

To approve the 2010 Budget Meeting Schedule with workshops to be held at regular and special meetings on October 5, October 19 and October 26 and further, to hold a public hearing on the 2010 Budget on November 2, 2009.

MOTION CARRIED UNANIMOUSLY

CM 09-91-09

PROPOSED LOT SPLIT AT 20488 DANBURY  
LANE - SCHEDULE PUBLIC HEARING

MOTION by Marshall, SUPPORTED by Costantino:

to schedule a public hearing at 7:30 p.m. on September 21, 2009 to consider a request from the property owner at 20488 Danbury Lane to split a portion of Lot 13 of the Danbury Lane Subdivision.

MOTION CARRIED UNANIMOUSLY

CM 09-92-09

MILK RIVER - PRINCIPAL AND INTEREST

RESOLUTION by Palmer, SUPPORTED by Monaghan:

BE IT RESOLVED to approve payment in the amount of \$629,781.88 to Wayne County for the Milk River Drain principal and interest payments; \$453,273.85 principal and interest on the 1991 Series Bond, \$61,859.87 principal and interest on the 1992 Series Bond and \$114,648.16 principal and interest on the 1993 Series Bond.

ROLL CALL VOTE

YES: Marshall, Monaghan, Palmer, Sawicki, Szymanski, Poynter and Costantino.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 09-93-09

2009 SIDEWALK REPLACEMENT PROGRAM

RESOLUTION by Marshall, SUPPORTED by Costantino:

BE IT RESOLVED to accept the low bid submitted by C & V Cement in an amount not to exceed \$35,000 for the 2009 Sidewalk Replacement Program, with approximately \$26,000 being billed to homeowners for these services.

ROLL CALL VOTE

YES: Monaghan, Palmer, Sawicki, Szymanski, Poynter, Costantino and Marshall.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 09-94-09

HARPER AVENUE RESURFACING  
PROJECT - PROGRESS PAYMENTS

RESOLUTION by Sawicki, SUPPORTED by Costantino:

BE IT RESOLVED to approve payment to the Michigan Department of Transportation in the amount of \$32,153.75 for the Harper Avenue project. The first invoice is \$18,695.65 for work performed between Manchester and Vernier and the second invoice is \$13,458.10 for work performed between Vernier and Eight Mile.

ROLL CALL VOTE

YES: Palmer, Sawicki, Szymanski, Poynter, Costantino, Marshall and Monaghan.

NO: None.

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RESOLUTION ADOPTED UNANIMOUSLY

## CALL TO AUDIENCE

Mr. Bruneel announced that the Lion's Club will be having their Annual Pasta Dinner on October 21<sup>st</sup> at the Community Center, with tickets only \$5 and proceeds from the dinner going back to the community.

Dr. DiLoreto, who has an office at Vernier and Harper, expressed concern over the increasing crime in the area, saying that it is a problem that needs be addressed. He added that he respects both the police officers and fire fighters for all the work they do, but said that crime is clearly more of a problem and services should be adjusted accordingly. He suggested that Harper Woods is at a tipping point where if the crime problem is not addressed businesses will start moving out and property values will drop. He urged Council to add more Police Officers to fight the crime problem and avoid business and property value losses.

Ms. Johnson said that she is having a problem with her neighbor's children who keep on destroying her yard, and asked if there is an ordinance that would assist her in dealing with this problem. (The City Manager urged her to call the police whenever this occurs, and the City Attorney added that if she witnesses any property destruction, there are ordinances that can be used to address this situation.)

Ms. Kingston agreed with the comments Dr. DiLoreta made and added that she is concerned about the recent increase of crime in her neighborhood including a recent rash of home invasions, and asked what the status is of the City converting to a Public Safety Department in order to increase police patrols. (The City Manager said that the Fire Fighters Union won a lawsuit prohibiting the City from pursuing a Public Safety Department, but added that the City is appealing the ruling. Mayor Poynter added that it is ironic that our firefighters work with neighboring Public Safety Departments to fight fires, but refuse to allow the City's cross trained public safety officers to assist in fighting any fires here.) Ms. Kingston requested that additional patrols be assigned to her neighborhood to address the home invasion problem.

Ms. Summers asked if the City has a Parental Responsibility Ordinance. (The City Manager said that we do not, but that it has been discussed in the past and it was decided not to proceed because it is difficult to enforce.) She then asked if the Council sub-committee on developing ballot language for the November election in reference to police and fire services met, and if language has been agreed to and approved for the November election. (The City Manager said that the sub-committee did meet, and that the City Attorney felt that more research on the issue should be done before proceeding, so there will be no ballot proposal this fall. He added however, that the issue of public safety can still be addressed in collective bargaining.) Lastly,

she asked if the restaurant at the Monastery on Old Homestead is permissible under the Zoning Ordinance. (The City Manager said that under a federal law religious institutions are granted certain exemptions of local zoning laws.) She then asked if the Monastery pays taxes on the

homes that they own adjacent to the Monastery. (The City Manager said that they do pay taxes on those homes.)

Mr. Cracciola complained about the potholes on Eastland Center's parking lot, and asked what good are ordinances if they are not enforced. (The City Manager said that Eastland Center has been working to fill in the pot holes this week.)

Mr. Szolach said that he has a neighbor with a pit bull that jumps the fence in the yard and asked if the City has an ordinance banning pit bulls. (The City Manager said that the City does not have an ordinance that bans pit bulls, however, there is an ordinance that bans vicious dogs and encouraged him and the public to alert the police to any dogs that are dangerous or vicious.) He then told Council about an abandoned car that has been parked on Woodside and Landsdowne for sometime now, and asked that something be done about it. (The Mayor asked him to provide Lt. Eschental with the specific location of the car after the meeting.) Lastly, he encouraged everyone to look at the new brick paver work done on Diamond 3 at Johnston Park, saying that it is very impressive.

#### CALL TO COUNCIL

Mayor Poynter said that he was recently invited to attend the opening of the Greek Festival at Assumption Center on Marter Road in St. Clair Shores, saying that that was quite an honor. He added that while he was there he spoke to the Mayor of St. Clair Shores, and suggested that the City Council's of St. Clair Shores, Eastpointe and Harper Woods get together to discuss issues of common interest, and the Mayor of St. Clair Shores concurred. He said if there were no objections from City Council the City Manager would work to schedule such a meeting. He then encouraged the public to attend the City's Open House this Saturday between 11 a.m. - 2 p.m. at City Hall. Lastly, he said he had the honor of participating in the opening ceremony for the new Harper Woods High School football field, saying that it was very nice ceremony and added that it is an excellent facility.

Councilman Szymanski commented on the issue of needing a larger police presence saying that the residents are fortunate that there is an experienced City Council, because during the upcoming budget meetings some tough decisions are going to have to be made to restore the confidence of the business owners and residents. He assured the public that City Council has a plan to address this situation, and said that while litigation by the Fire Fighters Union has slowed the plan down, everyone on City Council is dedicated to making sure there are enough police officers in the city so that Harper Woods is a safe and desirable community. He concluded

saying that residents and business owners can be assured that City Council is dedicated to doing the right thing for the community.

Councilman Palmer asked the City Manager to comment on the letters that Council received in their packet from the City of Eastpointe and St. Clair Shores in response to his letter asking for an explanation of why Harper Woods was not included in the recently approved automatic fire response agreement between Eastpointe, Roseville and St. Clair Shores. He specifically asked if he thought the response and tone of the letters would have been different if we were allowed to include the use of cross trained police officers. (The City Manager said that he had approached these cities in the past in an attempt to establish a similar agreement, but was rejected, and after he learned of the recent agreement between the communities he wrote to them asking why we were not included, and was advised that it was because of a lack of staffing and millage dedication towards fire service. He added that he suspects that there may have been some union influence in this decision because our intention to use crossed trained police officers .)

Mayor Pro tem Costantino commented to Ms. Summers and Ms. Johnson regarding the possibility of establishing a Parental Responsibility Ordinance, saying that this is an issue that she intends on bringing up with the Ordinance Committee. She added that several police officers have told her that they are in favor of such an ordinance, and added that all sides of adopting such an ordinance should be fully considered before taking action. She further commented on the Police Department saying she was very glad to see that we are getting grant money to hire two more police officers to add to our department, and complimented the police officers for doing an outstanding job. Lastly, she thanked the residents for raising the issue of adopting a Parental Responsibility Ordinance, and encouraged them to continue bringing issues of concern before City Council.

Councilwoman Sawicki announced that filming for the re-make of the movie “Red Dawn” is scheduled for tonight and tomorrow night, so residents near the old Notre Dame football field and Harper Woods High School may be awakened by noise from the filming. She then apologized to the Harper Woods School Board for any comments that she made at the last meeting regarding swimming pool usage that they may have taken exception to, saying that it was not her intention to cause any offense. Then she suggested to parents with teenagers to consider viewing a public service announcement that Great Britain has been airing about the hazzards of texting while driving. She said the public service announcement can be found on the internet, and despite the fact that it is rather graphic, parents may find it helpful in educating their children on how dangerous it is to text and drive. Lastly, she commented on an article that appeared in the New York Times over the weekend about how steel debris from the World Trade Center is being made available to communities throughout the country who are willing to use the material to build a memorial recognizing the events of September 11, 2001, and said that she would like to see us pursue this idea and perhaps build such a memorial here.

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Councilman Szymanski asked the City Manager about the possibility of intervening on behalf of our residents with State Officials in reference to a contractor who failed to pick-up their construction signs along M-102. (The City Manager said that he would contact representatives from the State to resolve this issue.)

Councilman Monaghan said that he was in agreement with Dr. DeLoreto and Ms. Kingston's comments concerning the crime issue in the City, and commented on the recent increase in crime in his neighborhood and said that he is very concerned about this and speaks to the City Manager regularly about it. He assured the public that City Council is here to provide quality police protection and other services as needed to the community.

Mr. Palmer said that the Sunday paper had an article about communities that are in financial distress, and asked the City Manager to comment on it. (The City Manager said that the article seemed to repeat the same information as previously reported, and added that many of the assumptions used to determine a communities financial conditions were erroneous.)

CM 09-95- 09

ADJOURNMENT

MOTION by Monaghan, SUPPORTED by Palmer:

That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 7:54 p.m.

MOTION CARRIED UNANIMOUSLY

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KENNETH A. POYNTER, MAYOR

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MICKEY D. TODD, CITY CLERK

CITY OF HARPER WOODS  
CITY COUNCIL  
SEPTEMBER 21, 2009

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:00 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem Cheryl A. Costantino, Councilperson(s) Hugh Marshall(7:15 p.m.), Michael P. Monaghan, Daniel S. Palmer, Vivian M. Sawicki and John M. Szymanski.

ABSENT: None.

OTHERS PRESENT: City Manager James E. Leidlein and City Clerk Mickey D. Todd.

PRESENTATIONS

The City Clerk swore in new police officers Thomas Dionne and Jeremy France. Then Mayor Poynter joined Lieutenant Robert Hunter in presenting Safety Patrol awards to Markael Butler from Poupard Elementary School, Darshelle Ridgell from Tyrone Elementary School and Robert Kelly from Chandler Park Academy.

CM 09-96-09

MINUTES

MOTION by Monaghan, SUPPORTED by Szymanski:  
To receive, approve and file the minutes of the regular City Council meeting held September 9, 2009.

ABSENT: Marshall.

MOTION CARRIED

CITY OF HARPER WOODS, MICHIGAN  
REGULAR CITY COUNCIL MEETING

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CM 09-97-09

CONSENT AGENDA

RESOLUTION by Costantino, SUPPORTED by Monaghan:  
BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 88475 through 88597 in the amount of \$506,468.92 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.

2. Approve payment to Nu Appearance Maintenance in the amount of \$5,179.00 for contractual lawn cutting in various areas of the city, including City Hall, the Library, DPW and the I-94 service drive and also miscellaneous cuttings that were needed when residents were not in compliance.
3. Approve payment to the City of Grosse Pointe Farms in the amount of \$8,381.59 for Harper Woods' proportionate share of the Inter-municipal Radio System covering the period from January 1 through June 30, 2009.
4. Approve payment to Wayne County in the amount of \$5,915.00 for prisoner lodging and maintenance for the months of June and July 2009.

ROLL CALL VOTE

YES: Costantino, Monaghan, Palmer, Sawicki, Szymanski and Poynter.

NO: None.

ABSENT: Marshall.

RESOLUTION ADOPTED

CM 09-98-09            STREETSCAPE IMPROVEMENTS; KELLY ROAD -  
#180-102 PROGRESS PAYMENT NO. 2 (FINAL)

RESOLUTION by Monaghan, SUPPORTED by Costantino:

BE IT RESOLVED to approve payment to Lacaria Concrete Construction in the amount of \$2,500.00 for Progress Payment No. 2 (Final) on the Streetscape Improvement Project CDBG, #180-102.

ROLL CALL VOTE

YES: Monaghan, Palmer, Sawicki, Szymanski, Poynter and Costantino.

NO: None.

ABSENT: Marshall.

RESOLUTION ADOPTED

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CM 09-99-09            2007 SEWER CLEANING AND CCTV INSPECTION,  
#180-100 PROGRESS PAYMENT NO. 14

RESOLUTION by Monaghan, SUPPORTED by Sawicki:

BE IT RESOLVED to approve payment to Evergreen National Indemnity Company in the amount of \$13,500.00 for Progress Payment No. 14 (Final) on the 2007 Sewer Cleaning & CCTV Inspection, #180-100.



ROLL CALL VOTE

YES: Palmer, Sawicki, Szymanski, Poynter, Costantino and Monaghan.

NO: None.

ABSENT: Marshall.

RESOLUTION ADOPTED

CALL TO AUDIENCE

Mr. Bruneel announced that the Lion's Club will be having their Annual Pasta Dinner on October 21<sup>st</sup> at the Community Center, with tickets only \$5 and proceeds from the dinner going back to the community.

Mr. Szolach asked the City Manager if he knows what is going on with the house on Washtenaw that burned and is boarded up, saying that there have been people going in and out of the house. (The City Manager said that he believes the house was sold to a contractor that plans on refurbishing the house and selling it, but he would check to be certain and let him know.)

Mr. Binder commented on the crime in his neighborhood and the recent car-jackings, and suggested that perhaps a mini station should be put in the area to address the problem, and patrols in the area could be increased. (The City Manager commented on the car-jackings saying that it appears to be the same perpetrators in both incidents, and added that the problem of crime is not exclusive to Harper Woods.) He then asked if the City could be more aggressive with the businesses on Kelly and make them clean up their litter and store fronts. (The City Manager said that the businesses on Kelly are cited regularly for not picking up their litter, and that our inspectors are continually monitoring the area.)

Councilman Marshall arrived at 7:15 p.m.

Ms. Kindle complimented the police department for their quick response to a problem she had in her neighborhood yesterday. She then asked if either of the new police officers live in the city, and was told that they do not. Then she commented on how she has noticed more people walking in the streets instead of using the sidewalks, and said someone is going to get hurt. She

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urged City Council to increase public awareness about the dangers of walking in the street, and that violators can be ticketed and fined.

Mr. Szolach commented about the problem of people walking in the streets instead of using the sidewalks saying that he has seen the police order people off the street and said that as soon as the police leave, they return to the street. He suggested that Harper Woods do what other communities are doing like ticketing parents of the offenders after the second offense.

Ms. Johnson thanked Mayor Pro tem Costantino and the Police Department for their assistance in helping with a neighbor problem.

### CALL TO COUNCIL

Mayor Poynter commented on how nice the City's Open House was this year, saying that there was a large turnout on a beautiful day, and he thought it was a very successful event.

Councilman Monaghan commented on the problem of people walking in the street instead of using the sidewalks, suggesting that it is time to start ticketing these offenders until the problem stops.

Councilwoman Sawicki also commented on the problem of people walking in the street saying that residents have told her that this is increasingly a problem, and suggested that perhaps we could use our Police Department's liaison officer to educate the kids in the community that walking in the street is hazardous and against the law.

Mayor Poynter commented on the problem of people walking in the street saying that to a degree he understands why, because when he was a candidate for the Michigan House last year he found that in certain parts of Detroit where he was campaigning walking in the street was safer, because of loose pit bulls, but added that in Harper Woods this is not a problem.

Mayor Pro tem Costantino said that CARE is having an Open House on October 7 and suggested that this would be a good opportunity to educate the public about the problem of walking in the street, and the need to use sidewalks. She then commented on the discussion Council has had over the years about blocking some of the egress streets from the city as a means to stop car theft, saying that she would like to see this done. (The City Manager said that he will discuss the matter with the Police Chief and report back.) Then she commented on how the community is changing in so many ways on different issues, and urged Council to be forward thinking in their approach to this changing situation by adopting new ordinances and working toward making the city safer. Lastly, she commented on a suggestion made a previous meeting by Councilwoman Sawicki where she suggested adopting an ordinance prohibiting texting while driving, saying that

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she would be in favor of adopting such an ordinance, or as an alternative, Council could adopt a resolution urging the State to adopt such a law.

Councilwoman Sawicki asked the City Manager if we could sponsor a Kelly Road clean up day, then perhaps the participants would ensure that it stays clean afterwards. (The City Manager said that the Police Department attempted to sponsor such an event earlier this year, but failed to get the volunteers. He added that they are going to try to do it again in the spring.)

Mayor Pro tem Costantino asked if there are trash receptacles on Kelly Road that the public can use. (The City Manager said that there are trash receptacles available and that they are emptied a couple times a week.) She then asked if the fines for littering can be increased. (The City Manager said that that is up to the judge.) Lastly, she said a resident approached her about the possibility of having a “shredding day” at City Hall where a commercial shredder is rented for a day and residents can shred sensitive documents, and she asked the City Manager if that is possible. (The City Manager said that he is considering that for this spring.)

Councilman Szymanski asked the City Manager if he had contacted a representative from MDOT about picking up the construction signs on eight mile. (The City Manager said that he has a call into a MDOT official who is supposed to get back to him this week.)

Councilman Palmer asked the City Manager if the payment that was approved tonight for CCTV Inspection of Sewers was indirectly related to our grant request, which we did not receive, to repair some of our sewer lines. (The City Manager said that it is indirectly related, and that we may be able to use the video from this project for future sewer grant repair projects.)

Councilman Marshall apologized for being late, saying that he forgot about the new starting times for the meetings, and assured the public that he was not being disrespectful or taking his duties lightly.

CM 09-100-09

ADJOURNMENT

MOTION by Monaghan, SUPPORTED by Marshall:

That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 7:39 p.m.

MOTION CARRIED UNANIMOUSLY

\_\_\_\_\_  
KENNETH A. POYNTER, MAYOR

\_\_\_\_\_  
MICKEY D. TODD, CITY CLERK

CITY OF HARPER WOODS  
CITY COUNCIL  
OCTOBER 5, 2009

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:00 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem Cheryl A. Costantino, Councilperson(s) Hugh Marshall, Michael P. Monaghan, Daniel S. Palmer, Vivian M. Sawicki and John M. Szymanski.

ABSENT: None.

OTHERS PRESENT: City Manager James E. Leidlein, City Attorney J. Russell LaBarge, Finance Director Laura L. Stowell and City Clerk Mickey D. Todd.

CM 10-101-09

MINUTES

MOTION by Monaghan, SUPPORTED by Sawicki:

To receive, approve and file the minutes of the regular City Council meeting held September 21, 2009 and furthermore receive and file the minutes of the Library Board meeting held September 17, 2009.

MOTION CARRIED UNANIMOUSLY

CM 10-102-09

CONSENT AGENDA

RESOLUTION by Costantino, SUPPORTED by Monaghan:

BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 88598 through 88723 in the amount of \$318,114.84 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.

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2. Approve payment to Statewide Security Transport in the amount of \$9,289.47 for prisoner lodging and maintenance for the month of August 2009.
3. Approve the request from the Harper Woods Secondary School to hold their annual homecoming parade on Friday, October 16, 2009 at 6:00 p.m.

ROLL CALL VOTE

YES: Costantino, Marshall, Monaghan, Palmer, Sawicki, Szymanski and Poynter.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 10-103-09

PROPOSED LOT SPLIT AT 20488  
DANBURY LANE - OPEN PUBLIC HEARING

MOTION by Palmer, SUPPORTED by Costantino:

To open the Public Hearing on the requested lot split of Lot 13 of the Danbury Park Subdivision commonly known as 20488 Danbury Lane.

MOTION CARRIED UNANIMOUSLY

PUBLIC HEARING

The City Manager reviewed the proposed lot split request, and stated that the Planning Commission has reviewed the request and concurred with the Planning Consultant recommendation to approve it as submitted.

No comments from the public were made.

CM 10-104-09

PROPOSED LOT SPLIT AT 20488  
DANBURY LANE - CLOSE PUBLIC HEARING

MOTION by Szymanski, SUPPORTED by Palmer:

That having held the Public Hearing on the requested lot split of Lot 13 of the Danbury Park Subdivision commonly known as 20488 Danbury Lane, the hearing is hereby closed.

MOTION CARRIED UNANIMOUSLY

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CM 10-105-09

LOT SPLIT - 20488 DANBURY LANE

RESOLUTION by Costantino, SUPPORTED by Marshall:

BE IT RESOLVED to approve the requested lot split of a portion of Lot 13 of the Danbury Park Subdivision to Lot 12 as described in the attached survey with the correction to the legal description as noted by the City Engineer. (Attachment #1)

ROLL CALL VOTE

YES: Marshall, Monaghan, Palmer, Sawicki, Szymanski, Poynter and Costantino.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 10-106-09

GENERAL OBLIGATION UNLIMITED TAX  
ROAD BONDS - PRINCIPAL AND INTEREST

RESOLUTION by Marshall, SUPPORTED by Monaghan:

BE IT RESOLVED to approve payment to the Bank of New York in the amount of \$636,012.50 for the annual principal and interest payments on the 1995, 1999 and 2001 Tax Road Bonds and the Library Improvement Bond; \$480,750.00 principal and interest on the 1995 Series Bond; \$78,000.00 interest on the 1999 Series Bond; \$18,775.00 interest in the 2001 Series Bond and \$58,487.50 interest on the Library Improvement Bond.

ROLL CALL VOTE

YES: Monaghan, Palmer, Sawicki, Szymanski, Poynter, Costantino and Marshall.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 10-107-09

MILK RIVER - PRINCIPAL AND INTEREST

RESOLUTION by Palmer, SUPPORTED by Costantino:

BE IT RESOLVED to approve payment in the amount of \$53,883.98 to Wayne County for the Milk River Drain principal and interest payment on the 1999 Series Bond.

ROLL CALL VOTE

YES: Palmer, Sawicki, Szymanski, Poynter, Costantino, Marshall and Monaghan.

NO: None.

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RESOLUTION ADOPTED UNANIMOUSLY

CM 10-108-09

HARPER AVENUE PROJECT - MICHIGAN  
DEPARTMENT OF TRANSPORTATION PROGRESS BILLING

RESOLUTION by Costantino, SUPPORTED by Palmer:

BE IT RESOLVED to approve payment to the Michigan Department of Transportation in the amount of \$56,716.28 for the Harper Avenue project. The first invoice is \$37,447.95 for work performed between Manchester and Vernier and the second invoice is \$19,268.33 for work performed between Vernier and Eight Mile.

ROLL CALL VOTE

YES: Sawicki, Szymanski, Poynter, Costantino, Marshall, Monaghan and Palmer.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CALL TO AUDIENCE

Mr. McMullen introduced himself as a candidate for the Grosse Pointe School Board, and complimented City Council on running an efficient meeting.

Mr. Regal commented on City Council using bottled water instead of the glasses that have traditionally been there and asked if they are cutting back. (The City Manager said that the person who used to set the water out for the meetings and clean the building in the evening resigned, and her position is not being replaced, so bottled water will now be used at the meetings.)

Mr. Bruneel advised City Council that the Lion's Club did not place an ad in the paper called the "Harper Woods News." Then he announced that the Lion's Club will be having their Annual Pasta Dinner on October 21<sup>st</sup> at the Community Center, with tickets only \$5 and proceeds from the dinner going back to the community.

Mr. Bob Comfort, lifelong resident and President of Harper Woods Little League, commented on the "Harper Woods News" doing a story on Little League, saying it may have left readers with the impression that they support this paper, when in fact the unauthorized use of the Little League name was disappointing, unethical and unacceptable. He said that if the author's paper wanted to assist Little League, he would have preferred a monetary donation or a team sponsorship.

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Mr. Cracciolo said that he suggested to the Harper Woods News to do a story on Little League as a way to help them out.

Mr. Szolach complimented the Police Department on their aggressive traffic enforcement. He then commented on the Harper Woods News saying that he did not care for the paper because it failed to use last names in one of the articles and wrote about how other cities run their services, which he did not care about. Then he commented on rumors of how the Council challengers want to close the Recreation Department and terminate the City Manager and City Clerk, saying that he thinks this is wrong and added that given the economic circumstances the City has been doing a good job of maintaining services. Lastly, he complimented the Mayor for doing a great job of running the meetings.

Ms. Viviano asked what the City is doing about making sure the rental properties are properly maintained. (The City Manager said that our inspectors regularly cite homes throughout the city for maintenance issues, and urged her to give him the addresses of the houses that are in violation.)

Mr. VanPoucker said that he is proud of the Harper Woods News, and is not one-hundred percent happy with City Council.

Mr. Cracciolo commented on how the City puts articles in the Advertiser, and he didn't see the difference between that and the Harper Woods News. (The City Manager said that the City does not put articles in the Advertiser. He pointed out that the Advertiser has a reporter that covers Harper Woods, and that person decides what to write about and not the City.)

Ms. Paiz said that she was out campaigning today on Woodside and was told by several people how unhappy they are with the renters in the area. One resident told her how a neighboring renter throws empty liquor bottles in their yard, and another resident told her how they feel threatened by the kids in the neighborhood. She added that she did not believe the City could do anything about who rents, but told both residents that she would pass their concerns on to City Council. (The City Manager said that the City cannot regulate who landlords rent their property to, however, he did encourage residents to call the police or City Inspectors whenever they see a problem. He assured everyone that all calls and complaints are anonymous.)

Ms. Viviano agreed with Ms. Paiz's comment about feeling threatened by kids in the city saying that as a bike rider she was afraid to ride her bike this summer through the neighborhoods.

Mr. Dick thanked the Police Department for getting a handle on the kids on Kelly Road, saying there is a lot less hassle now. He then said that he did not understand why the City is allowing the selling of produce out of the tent at the gas station on Eastwood/Kelly. (The City Manager said that he had an open air sales permit for four weekends, and it will end soon.)

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Mr. Szolach commented on the produce stand at the gas station on Kelly saying that the owner told him that he is moving to a permanent location at Houston/Whitter.

Ms. Kindle commented on the issue of residents feeling safe, saying that this is not a black/white issue, because she moved here for the same reason everyone else did, and that is to feel safe and live in a quality community. She urged people to call the police whenever they don't feel safe, because safety is not a racial issue. She added that residents need to be diligent and not afraid, or criminals will take over.

#### CALL TO COUNCIL

Mayor Poynter reminded the public that Meet the Candidates Night is Wednesday at 7 p.m. in the Library's community room. He added that it will be video taped and aired on Comcast cable at a later date.



Councilman Szymanski thanked the City Manager for contacting MDOT officials after the last meeting to get them to do something about removing the construction signs on Vernier, saying that it appears they are addressing the situation.

Mayor Pro tem Costantino said she was thrilled to use the new left turn lane on north bound Harper going to Kroger's, saying that it is much safer now. She then reported on her attendance at the Michigan Municipal League's Conference where she represented the City, saying that it was a great opportunity to discuss the problems that cities are facing with other city officials from around the state. She said that she came away with a lot of good ideas that she intends on sharing with Council during budget sessions. Lastly, she asked the City Manager when the next Ordinance Committee meeting is. (The City Manager said that he is trying to schedule a date when everyone can make it. The Mayor suggested that she get with the City Manager to work a meeting date out.)

Councilman Monaghan commented on the difficulties of renting property, and the City's declining property values, citing the reasons behind it like job losses, investors buying houses for pennies on a dollar and the need for banks to eliminate the toxic assets off their books. He added that as far as rental properties are concerned, residents should call the police whenever they are having problems with unruly renters. Then he commented on discussions at previous meetings where it was mentioned that we need to re-open the various labor contracts so we can reduce our benefit cost, and asked the City Manager where we are with that. (The City Manager said that that issue will be discussed in Executive Session.) Lastly, he responded to an accusation that was made in the political flyer called the "Harper Woods News," which suggested that Council members are not accessible, saying that he took offense to that comment, and challenged the author to find someone who he has not responded to, because he can be contacted through the

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City Offices, or by his published phone number.

Mayor Poynter commented on the problems with renters and home values in the city. He also commented on the recent Time Magazine article on Detroit, where they purchased a house in Detroit with the intent of covering the city over the next year as a way of measuring the nations' economic recovery. He further commented on housing values in Harper Woods saying that a house he looked at purchasing several years ago for \$145k was recently foreclosed and purchased for \$18k, saying that the message in this is that we are going to be here for a while, so we need to work together because the economy is hurting everyone. He added that he works in education, and like cities, they do not know what the future funding levels are going to be, so everyone needs to work together on this problem with the goal of doing what is best for everyone and not a specific department.

Councilwoman Sawicki agreed with the Mayor's comments. Then she commented on the Ordinance Committee saying that she wanted to clarify their role, because it is important to remember that they are strictly an advisory committee that recommends ordinances to City Council who ultimately has the authority to adopt any new ordinances. She added that residents

are always welcome and encouraged to volunteer their time on one of City's Boards and Commissions and pointed out that presently there is a vacancy on the Library Board.

CM 10-109-09                      2010 BUDGET WORKSHOP SESSION

MOTION by Sawicki, SUPPORTED by Palmer:  
To adjourn to the Budget Workshop Session.

MOTION CARRIED UNANIMOUSLY

City Council recessed at 7:49 p.m. and reconvened in the Conference Room at 7:55 p.m.

2010 BUDGET WORKSHOP SESSION

The City Manager and Finance Director presented and discussed with City Council the draft of the 2010 budget.

CM 10-110-09                      EXECUTIVE SESSION -  
LABOR CONTRACT NEGOTIATIONS

RESOLUTION by Monaghan, SUPPORTED by Szymanski:  
BE IT RESOLVED to adjourn to executive session for the purpose of discussing labor contract

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negotiations.

ROLL CALL VOTE

YES: Szymanski, Poynter, Costantino, Marshall , Monaghan , Palmer, and Sawicki, .  
NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

City Council adjourned to Executive session at 8:10 p.m. and reconvened at 8:40 p.m.

CM 10-111-09                      ADJOURNMENT

MOTION by Monaghan, SUPPORTED by Palmer:  
That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 8:40 p.m.

MOTION CARRIED UNANIMOUSLY

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KENNETH A. POYNTER, MAYOR

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MICKEY D. TODD, CITY CLERK

CITY OF HARPER WOODS  
CITY COUNCIL  
OCTOBER 19, 2009

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:00 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem Cheryl A. Costantino, Councilperson(s) Hugh Marshall, Michael P. Monaghan, Daniel S. Palmer, Vivian M. Sawicki and John M. Szymanski.

ABSENT: None.

OTHERS PRESENT: City Manager James E. Leidlein, City Clerk Mickey D. Todd and Finance Director Laura L. Stowell.

MOTION by Monaghan, SUPPORTED by Costantino:  
To receive, approve and file the minutes of the regular City Council meeting held October 5, 2009 and furthermore receive and file the minutes of the Election Commission meeting held October 13, 2009.

MOTION CARRIED UNANIMOUSLY

CM 10-113-09

CONSENT AGENDA

RESOLUTION by Costantino, SUPPORTED by Monaghan:  
BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 88731 through 88863 in the amount of \$344,310.91 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.
2. Approve payment to Nu Appearance Maintenance in the amount of \$6,275.00 for contractual lawn cutting and various residential cuttings in various areas of the city, including the community center, DPW and the annexes.

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3. Approve payment to Anderson, Eckstein & Westrick, Inc. in the amount of \$32,336.20 for professional services during the month of September 2009 for the following projects: 2009 Emergency Concrete Pavement Repair, #180-116; SRF Project Preparation, #180-113; EB Harper Resurfacing, Manchester to Vernier, #180-109; EB Harper Resurfacing, Vernier to 8 Mile, #180-106; Johnston Park Parking Lot, #180-103; Kelly Road Sidewalk/Alley, #180-102 and 2007 Sewer Cleaning and TV Inspection, #180-100.
4. Approve the proposed lease agreement with Pitney Bowes for the Digital Mailing System, DM525 in the amount of \$382.00 month for 48 months.

ROLL CALL VOTE

YES: Costantino, Marshall, Monaghan, Palmer, Sawicki, Szymanski and Poynter.  
NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 10-114-09

DWSD RESOLUTION - ENCOURAGING  
MANAGEMENT OF OUTDOOR IRRIGATION

RESOLUTION by Marshall, SUPPORTED by Monaghan:  
BE IT RESOLVED adopt the Resolution Encouraging Management of Outdoor Irrigation as requested by the Detroit Water and Sewerage Department (DWSD). (Attachment #1)

ROLL CALL VOTE

YES: Marshall, Monaghan, Palmer, Sawicki, Szymanski, Poynter and Costantino.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CALL TO AUDIENCE

Mr. Cadotte commented on the New Life Church on Lochmoor, saying that the traffic and noise that it brings to the neighborhood is having a negative affect on the property values in the area. He suggested that City Council purchase the church property, demolish it, and put up new homes in its place as a way of saving the neighborhood. Then he commented on the City's policy of requiring homeowners who are selling their house to pay a \$100 re-inspection fee after six months if they fail to sell their house during this time, saying that this is extortion.

Mr. Szolach congratulated the Police Department on apprehending a burglary suspect that has been victimizing homeowners in the city. He then commented on a response that a candidate

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gave at the Meet the Candidate debate, where they said police officers would not have time to change into firefighting gear to assist with fire suppression, so they were opposed to cross training. He said he disagreed with this statement and pointed out a recent incident on the news where two police officers responded to a house fire and ended up going in the house and saving the lives of several people trapped in the house. He pointed out that the police are usually the first emergency responders on the scene and have plenty of time to put on firefighting gear.

Ms. Piazz said that she was driving down Harper and noticed what appeared to be a store front church going in one of the commercial buildings and asked if the City was aware of it. (The City Manager said that he will look into it.)

Mr. Frattini asked the City Manager for a breakdown of the items that City Council approved under the Consent Agenda. He then asked if the Police Department was aware of the two burglary suspects that were apprehended in Eastpointe today, because they may be responsible for some of the burglaries that have occurred in Harper Woods. (Det. Lt. William Snyder was present and responded saying that he is aware of this situation, and that detectives from our department will be interviewing the Eastpointe suspects tomorrow.) He further commented on the Eastpointe suspects not only getting caught burglarizing the home, but added that they were also planning to blow it up afterwards. Lastly, he said that he wanted to quell the rumor that his campaign for City Council is being managed by outside interest, saying that that is totally false.

Mr. Binder commented on how he is seeing empty apple juice containers along Beaconsfield again when walking, and said that he approached the principle of Beacon School about this and

was told by her that she requires students to drink their apple juice on the school grounds so that the containers can be properly disposed of, and advised him that the juice containers probably come from the students at the middle school and recommended that he contact them about this problem. So, he asked that someone from the City contact the school district about this problem. (The City Manager said that he would contact officials from the school about the matter.)

Ms. Uhl announced that the Harper Woods Fire Fighters Union will be hosting a Meet the Candidate debate this Saturday morning at the Community Center. She then commented on Mr. Wummel's Harper Woods News, saying that she wrote a letter to the editor that was published under the name of Susan. Then she commented on the Advertiser Times article about Mr. Wummel's Harper Woods News, where Councilwoman Sawicki commented that the paper was filled with half truths, and asked that she take the time to explain her comments and point out the half truths. Lastly, she commented on the upcoming City election saying that she is familiar with all the candidates and their credentials and hopes that regardless of who wins, everyone will contribute to improving the city.

Ms. Marshall commented on the new Superintendent of Schools for Harper Woods saying that she is very encouraged by the direction the schools appear to be taking, and added that he

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encourages people to approach him with their concerns. She urged Mr. Binder to approach the Superintendent with the litter problem Beaconsfield. She then commented on a conversation that she overheard at the Harper Woods Homecoming football game by a candidate for City Council where he implied that outside sources are aiding another council candidate, saying that that is not accurate.

Mr. Fournier commented about renters being able to vote on tax related issues, saying that he did not believe that they should be able to do this. (Mayor Poynter said that rules regarding voting are determined by State and Federal laws, and that renters cannot be excluded from voting on any issues.)

Mr. Bruneel announced that the Lion's Club will be having their Annual Pasta Dinner on October 21<sup>st</sup> at the Community Center, with tickets only \$5 and proceeds from the dinner going back to the community. He also commented on last Friday's Homecoming parade and game at Harper Woods High School saying that it was very enjoyable and there was a great turnout.

A lady told City Council how she and her husband were robbed by a gunman that held a gun to her husband's back, and thanked the Police Department for their quick response saying that they were wonderful during this difficult time.

Mr. Bruneel commented on how quick the police responded when his daughter was robbed near Billeo's on Kelly road.

Mr. Wummel suggested that the City could avoid answering questions about agenda items if the Council packet was placed on line and made available to the public. (The City Manager said that he is working on making this happen.) He then commented on the water resolution that was adopted tonight and asked how Detroit Water and Sewer determines the City's peak demand time for determining water rates. (The City Manager said that he believes it is in the summer months.) Then he commented on his latest addition of the Harper Woods News saying that he is open to suggestions from City Council for future stories, and suggestions on how he can develop a more fair way to comment in his paper.

Mr. Marcel commented on the water resolution that was adopted tonight and urged the City to forward it to Eastland Center and the Eastland Village Apartments. (The City Manager said that Detroit Water and Sewage intends on notifying all the large water customers of this resolution.)

Mr. Frattini said that while he was out the other day a resident talked to him about having the City require trash containers like the City of Detroit does for its residents as a means of controlling rat problems. (The City Manager said that Detroit uses containers that require a different kind of refuse truck, but that the idea can still be looked at.)

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Mr. Cadotte said that his neighborhood has a problem with teens walking in the street, and that this is an ongoing problem that needs to be addressed. (Mayor Poynter urged him to call the police whenever he sees kids walking in the street.)

Mr. Fournier said that he had the problem of kids walking in the street, but he and his neighbors started calling the police whenever they saw it and now they don't have that problem.

#### CALL TO COUNCIL

Mayor Poynter commented on Harper Woods Homecoming Parade and game saying that he enjoyed driving his Hudson in the parade and that the whole event was very well attended. Also, he reminded the public that Wednesday evening he will be giving a presentation in the library about the Hudson Motor Car Company, and encouraged everyone to come by after the pasta dinner in the Community Center.

Councilman Szymanski said that he recently spoke with the seniors who asked him if the Police Department still has their Care Call program. (The City Manager said that the new phone technology essentially eliminated the Care Call program.) He then asked the City Manager if an alternative program could be developed. (The City Manager said that he would look into it and report back.)

The City Attorney commented on the upcoming Meet the Candidate debate that is being sponsored by the Fire Fighters Union, advising the Council members not to participate because of

the pending litigation the City has with the union. He reminded Council that the union has used City Council members statements in court against the City, so he is recommending that they do not participate in this venue.

Councilwoman Sawicki announced that the public can check out a DVD at the library of the Meet the Candidate debate that the League of Women Voters sponsored on October 7. She then encouraged residents that have not already done so, to sign up on the City's web site [www.harperwoodscity.org](http://www.harperwoodscity.org) to receive email messages from the City on important community events and crime bulletins. She said that the service the City uses to provide this information is through Nixle.com, and that it is an informative source of information and hopes that everyone signs up.

Mayor Poynter said that he recently signed up to receive the City's Nixle messages and have found them to be very informative.

Councilman Monaghan commented on the upcoming Fire Union's Meet the Candidate forum, saying that he assumed all the candidates would have received information on the event, and

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added that it seems funny that only one member of the union is a Harper Woods resident.

Councilman Szymanski said that he understands that the Fire Union has already made their endorsements for the upcoming election, and wondered what their real agenda is for their Meet the Candidate forum.

Mayor Pro tem Costantino commented on her attendance at the Michigan Municipal League Conference a couple of weeks ago, and briefly reported on what she learned from other attendees on how they are handling the issue of vacant and rental property maintenance, saying that she got some great ideas that she plans on passing on to address these problems.

CM 10-115-09

BUDGET SESSION

MOTION by Palmer, SUPPORTED by Monaghan:  
To adjourn to the conference room for a Budget Workshop Session.

MOTION CARRIED UNANIMOUSLY

City Council recessed at 7:44 p.m. and reconvened in the Conference Room at 7:50 p.m.

BUDGET SESSION

The City Manager and Finance Director reviewed and discussed with City Council various funds for the proposed 2010 budget.. No action was taken



CM 10-116-09

ADJOURNMENT

MOTION by Monaghan, SUPPORTED by Palmer:

That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 8:07 p.m.

MOTION CARRIED UNANIMOUSLY

---

KENNETH A. POYNTER, MAYOR

---

MICKEY D. TODD, CITY CLERK

ATTACHMENT #1

**RESOLUTION ENCOURAGING MANAGEMENT OF OUTDOOR IRRIGATION**

**WHEREAS, the City of Harper Woods purchases water on a wholesale basis from the Detroit Water and Sewerage Department (DWSD). DWSD, with the approval of the City of Detroit, determines wholesale water rates on an annual basis based on cost of service to each wholesale customer; and**

**WHEREAS, the wholesale rate is made up of several factors that influence the cost of service, including the distance of the City from DWSD's water treatment plants, elevation and pumping costs, annual water usage, and the demand placed on DWSD's water facilities by the wholesale customer; and**

**WHEREAS, the "demand" factor, which is based on DWSD's maximum day and peak hour demand, has a significant impact on each wholesale customer's water rate. The "demand" factor is also the factor which can be most influenced by management practices of the wholesale customer; and**

**WHEREAS, lawn and landscape irrigation during the summer months is the main component of a high peak hour and maximum day demand; and**

**WHEREAS, time and date regulation on lawn and landscape irrigation that enables wholesale customers to shift demands on the system to overnight hours on an odd/even day basis can result in lower wholesale rates which can be passed on to the City's retail water customers; and**

**WHEREAS, the City encourages residents and business owners connected to the City's municipal water system to undertake the water management practices set forth in this Resolution to positively impact the City's wholesale water rates.**

**NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Harper Woods that all property with an automatically activated lawn or landscape irrigation system which is connected to the City's municipal water system should be irrigated as follows:**

- (1) All property with an automatically activated lawn or landscape irrigation system which is connected to the City's municipal water system should be irrigated as follows:
- a. Irrigation of lawns and/or landscaping should only be conducted between the hours of 12:00 a.m. and 6:00 a.m. Eastern Daylight Time (EDT).
  - b. Irrigation of property with an even-numbered address should only be conducted on Monday, Wednesday, Friday and Sunday.
  - c. Irrigation of property with an odd-numbered address should only be conducted on Tuesday, Thursday, Saturday and Sunday.
- (2) All property which is connected to the City's municipal water system which is manually irrigated should be irrigated as follows:
- a. Irrigation of property with an even-numbered address should only be conducted on Monday, Wednesday, Friday and Sunday.
  - b. Irrigation of property with an odd-numbered address should only be conducted on Tuesday, Thursday, Saturday and Sunday

CITY OF HARPER WOODS  
CITY COUNCIL  
NOVEMBER 2, 2009

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:00 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem Cheryl A. Costantino, Councilperson(s) Hugh Marshall, Michael P. Monaghan, Daniel S. Palmer, Vivian M. Sawicki and John M. Szymanski.

ABSENT: None.

OTHERS PRESENT: City Manager James E. Leidlein, City Clerk Mickey D. Todd and Finance Director Laura L. Stowell.

CM 11-117-09

MINUTES

MOTION by Monaghan, SUPPORTED by Costantino:  
To receive, approve and file the minutes of the regular City Council meeting held October 19,

2009, and furthermore, receive and file the minutes of the Library Board October 15, 2009.

MOTION CARRIED UNANIMOUSLY

CM 11-118-09

CONSENT AGENDA

RESOLUTION by Costantino, SUPPORTED by Monaghan:

BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 88864 through 89038 in the amount of \$478,153.06 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.
2. To receive and file for the audit, the Treasurer's quarterly investment report.
3. \_\_\_\_\_ approve payment to Oakland County Information Technology in the amount of \$7,241.25 for fees relative to the CLEMIS computer system utilized by the Police Department.
4. Approve payment to Statewide Security Transport in the amount of \$9,845.22 for prisoner lodging and maintenance for the month of September 2009.

CITY OF HARPER WOODS, MICHIGAN  
REGULAR CITY COUNCIL MEETING

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ROLL CALL VOTE

YES: Costantino, Marshall, Monaghan, Palmer, Sawicki, Szymanski and Poynter.  
NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 11-119-09

2010 BUDGET - OPEN PUBLIC HEARING

RESOLUTION by Szymanski, SUPPORTED by Sawicki:

BE IT RESOLVED to open the Public Hearing on the 2010 Budget.

ROLL CALL VOTE

YES: Marshall, Monaghan, Palmer, Sawicki, Szymanski, Poynter and Costantino.  
NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

PUBLIC HEARING

The City Manager said that the budget before City Council has been prepared in accordance with State and local regulations, and that City Council has reviewed the budget in budget workshops. Then he reviewed the various funds, expressed concern over the reduction of the taxable value of city properties and answered any questions.

Mr. Wummel asked how City Council can increase tax rates on certain funds, but not the General

Fund. (The City Manager said City Council is authorized to increase only those funds that are not at their maximum allowable rate.)

Mr. Frattini asked if it was correct that City Council could not increase the General Fund to 20 mills because of the constraints of Proposal A. (The City Manager said that that is correct.)

Mr. Regal asked why the Storm Drain Fund shows an increase for 2010. (The City Manager said it is a result of new regulatory requirements for storm water.) He then suggested that it would be easier for the public to see the impact of any changes to the budget if previous budget year's information was also included. (The City Manager agreed and said that he would attempt to have that information available for next year's budget hearings.)

CM 11-120-09                    2010 BUDGET - CLOSE PUBLIC HEARING

RESOLUTION by Palmer, SUPPORTED by Szymanski:  
BE IT RESOLVED to close the Public Hearing on the 2010 Budget.

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REGULAR CITY COUNCIL MEETING

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ROLL CALL VOTE

YES: Monaghan, Palmer, Sawicki, Szymanski, Poynter, Costantino and Marshall.  
NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 11-121-09    ADOPTION OF TAX LEVY RESOLUTION - 2010 BUDGET

RESOLUTION by Marshall, SUPPORTED by Monaghan:  
BE IT RESOLVED to adopt the Tax Levy Resolution set forth on page 1 of the budget document hereby establishing the following tax rate for 2010.

GENERAL	17.0332
REFUSE	2.2500
LIBRARY	.9168
DEBT	3.0000
TOTALS	23.2000

ROLL CALL VOTE

YES: Palmer, Sawicki, Szymanski, Poynter, Costantino, Marshall and Monaghan.  
NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 11-122-09

ADOPTION OF BUDGET ADOPTION  
AND APPROPRIATION - 2010 BUDGET

RESOLUTION by Palmer, SUPPORTED by Costantino:

BE IT RESOLVED to approve the Budget Adoption and Appropriation Resolution:

WHEREAS, The City Manager of the City of Harper Woods has presented to the City Council a proposed budget for the City's operating and debt funds for the period January 1, 2010 through December 31, 2010; and

WHEREAS, The proposed Budget has been reviewed and found to be in accordance with the general fiscal and budgetary policies as established by the City Council; and

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WHEREAS, A Public Hearing was held on the Budget submission on November 2, 2009, at 7:00 p.m. in the City Council Chambers of the City of Harper Woods, Michigan and a public notice of this hearing was made on October 22, 2009, advising of the hearing and that a copy of the proposed budget was available for public inspection, in accordance with Section 9.3 of the City Charter; and

WHEREAS, This Budget Document is on file in the official records of the City of Harper Woods, Michigan.

NOW, THEREFORE, BE IT RESOLVED that the City Council, under the authority granted by the City Charter and the State of Michigan does hereby approve and adopt the 2010 Budget as submitted and appropriate the following sums for the purposes set forth herein:

GENERAL	\$11,752,350
MAJOR STREET	\$1,005,000
LOCAL STREET	\$462,500
WATER & SEWER UTILITY	\$2,714,000
VEHICLE & EQUIPMENT	\$413,000
STORM DRAINAGE	\$1,849,100
REFUSE COLLECTION	\$1,082,000
LIBRARY	\$441,250
DEBT RETIREMENT	\$1,319,850
SELF INSURANCE	\$1,000,000

SEPARATION PAY	\$1,000,000
MUNICIPAL IMPROVEMENT	\$250,000
DRUG LAW ENFORCEMENT	\$22,500
TOTAL	\$21,511,550

ROLL CALL VOTE

YES: Sawicki, Szymanski, Poynter, Costantino, Marshall, Monaghan and Palmer.  
 NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CITY OF HARPER WOODS, MICHIGAN  
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CM 11-123-09      2010 STORM WATER UTILITY RATE RESOLUTION

RESOLUTION by Sawicki, SUPPORTED by Monaghan:

BE IT RESOLVED that in accordance with Chapter 27, Article V, Sections 27-120 and 27-15 of the Code of Ordinances, a rate of \$190.00 per residential equivalent unit is hereby established for the storm water utility charge to be billed December 1, 2009.

ROLL CALL VOTE

YES: Szymanski, Poynter, Costantino, Marshall, Monaghan, Palmer and Sawicki.  
 NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 11-124-09      SALE OF USED VEHICLES

RESOLUTION by Sawicki, SUPPORTED by Monaghan:

BE IT RESOLVED accept the following high bids for the sale of surplus City vehicles:

Eastside Auto Classics:	00 FORD CROWN VIC	2FAFP71W4YX172195	\$ 857.00
	03 FORD CROWN VIC	2FAFP71W63X322119	\$1,678.00

ROLL CALL VOTE

YES: Poynter, Costantino, Marshall, Monaghan, Palmer , Sawicki and Szymanski.  
 NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 11-125-09 2003-2009 CONCRETE PAVEMENT REPAIR PROGRAM  
#180-076/081/088/092/101/105/116 - PROGRESS PAYMENT # 18

RESOLUTION by Marshall, SUPPORTED by Costantino:

BE IT RESOLVED to approve payment to Galui Construction Company, Inc. in the amount of \$10,095.00 for Progress Payment No. 18 on the 2003 - 2009 Concrete Pavement Repair Program, #180-076/081/088/092/101/105/116.

ROLL CALL VOTE

YES: Costantino, Marshall, Monaghan, Palmer, Sawicki, Szymanski and Poynter.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

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CALL TO AUDIENCE

Ms. Marshall asked Councilman Szymanski to clarify his comment that he made in the Ad Times where he said he plans on working to hire at least five more police officers, asking where the funding would come from. (Councilman Szymanski said that he would give specifics after the election if he is re-elected.)

Mr. Cracciola said that he found out today from the D.P.W. Supt. that his street is going to be repaired, and was surprised to learn that the City Engineer must inspect and approve of the proposed work before going forward with the repairs.

Mr. Schenburn suggested that the City auction off the old city vehicles rather than taking bids for them as a way to increase the amount of money the City gets for the cars. He then complained about kids walking in the streets instead of on the sidewalks, and said that the police need to start ticketing these kids to stop this kind of behavior. Lastly, he told Council of a problem that has occurred the last three years in his neighborhood after Halloween where a group of kids have walked through the neighborhood and vandalized property, and suggested that the City adopt a strict curfew and ticket the violators to address this problem.

Mr. VanPoucher said that he has heard City Council talk about having an Ordinance Committee meeting for over a year now, and nothing has been done. He suggested that more members of Council get involved so that a meeting can take place.

Mr. Frattini wished all of the candidates for tomorrow's election good luck, and said that he hopes everyone will come together after the election regardless of who wins.

Mr. Wummel asked Councilman Szymanski about the comments he made in the Ad Times, and asked him to provide the public with the details of how he plans on hiring additional police officers. (Councilman Szymanski said that he will be pursuing the hiring of additional police officers if re-elected and will comment further after the election.)

Ms. Uhl commented on some information being discussed in the community about some of the candidates being untrue.

Ms. Marshall asked what the cost of hiring five new police officers would be. Then she added that she did not understand what affect the hiring of additional police officers would have on the city, saying she did not know how this would help. She also commented on Harper Woods Schools being a school of choice making the point that Harper Woods is not isolated.

Ms. Paiz commented on a Free Press article reporting that the City was successful in a lawsuit brought on by the former Parks and Recreation Director. She also asked what the status is of the

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lawsuit involving the Retirement Board and a Saudi company, saying that she heard about it one day while listening to NPR, and has not heard anything since. (The City Manager said that it is still pending.)

Mr. Marcel asked why Detective wages are up in the proposed 2010 budget. (The City Manager said that it is because the Youth Officers position is now budgeted to that fund.) He then suggested that the Police Department use the old police cars that were approved for sale tonight as decoy cars rather than sell them. Lastly, he responded to Councilwoman Sawicki's election comments that she made in the Ad Times.

Mr. Schenburn asked if the taxes are being paid on the vacant houses in the city. (The City Manager said that they are being paid.) He then commented on how a hot water heater went missing after it was inspected saying that he found this suspicious. (The City Manager urged the public to report any suspicious activity to the police.)

Ms. Uhl asked if the question about the cost of hiring one police officer could be answered. (The City Manager said that it approximately \$80k)

Ms. Marshall commented on the disparity of ordinance enforcement saying that she has been cited for not repainting her garage because the paint was chipping, and nothing is done about the poor condition of the Recreation Offices.

#### CALL TO COUNCIL

Mayor Poynter urged everyone to vote tomorrow, and said that he hopes that whoever ends up on the City Council will work together. He then commended the people running for office saying that "the only time you fail, is when you fail to try." He urged the next City Council to deal with the facts before them with integrity, because some hard decisions are going to have to be made given the City's future revenue picture. He also urged the next City Council to be respectful with one another when disagreeing on issues, because they will all have the same goal of doing what is best for the city. He then commented on his first term as Mayor, saying that the majority of Council



did not support him, but over the years they all worked together because they had the best interest of the city at heart. Lastly, he extended an early congratulations to the next elected City Council.

Councilwoman Sawicki said that competition for City Council is healthy for democracy and good for the City. She then commented on the Library Board minutes saying that she noticed that Trustee Frank Sosnowski ended his tenure on the Co-Op Board and she recognized him for this important contribution. Then she commented on a statement a resident made at the last meeting where he said our housing inspection fees are too high, saying that her mother recently moved

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from the City of Detroit and had to pay over \$200 for a house inspection, and added that Livonia charges about the same. She further said that while campaigning she heard from voters who want the City to increase the number of inspections on rental properties so they stay well maintained. She then commented on the Beautification Awards Dinner that was held last week in the Library, saying that for the first time in years all the winners attended, and that it was a very nice dinner. Then she commented on the discussions about having an Ordinance Committee meeting, informing the public that Council has adopted new ordinances over the years without having held a committee meeting, so ordinances as needed are being adopted. Lastly, she urged City Council to begin goal setting and financial strategic planning as soon as possible after the election, rather than January because of our financial situation.

Councilman Szymanski said that he agrees with Councilwoman Sawicki that Council needs to meet as soon as possible after the election to begin goal setting and financial strategic planning, because changes are inevitable and must be done quickly.

CM 11-126-09

ADJOURNMENT

MOTION by Monaghan, SUPPORTED by Palmer:

That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 7:57 p.m.

MOTION CARRIED UNANIMOUSLY

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KENNETH A. POYNTER, MAYOR

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MICKEY D. TODD, CITY CLERK

CITY OF HARPER WOODS  
CITY COUNCIL  
NOVEMBER 9, 2009

SPECIAL MEETING MINUTES

The special City Council meeting was called to order by Mayor Kenneth A. Poynter at 8:00 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem Cheryl Costantino,  
Councilperson(s) Hugh Marshall, Michael P. Monaghan, Daniel S. Palmer.

ABSENT: City Councilwoman Vivian M. Sawicki.

OTHERS PRESENT: City Manager James E. Leidlein and City Clerk Mickey D. Todd.

CM 11-127-09

EXCUSE COUNCILWOMAN SAWICKI

MOTION by Monaghan, SUPPORTED by Palmer:

To excuse Councilwoman Vivian Sawicki from tonight's meeting because of a prior commitment.

ABSENT: Sawicki.

MOTION CARRIED

OATH OF OFFICE - MAYOR

The City Clerk administered the oath of office to the newly re-elected Mayor, Kenneth A. Poynter.

OATH OF OFFICE - CITY COUNCIL MEMBERS

The City Clerk administered the oath of office to the following newly re-elected Council Members:

John M. Szymanski and Daniel S. Palmer. He further indicated that newly elected Council member Vivian Sawicki took the oath of office Friday in the City Clerk's Office.

CITY OF HARPER WOODS, MICHIGAN  
REGULAR CITY COUNCIL MEETING

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CM 11-128-09

ELECTION OF MAYOR PRO TEM

RESOLUTION by Costantino, SUPPORTED by Palmer:

WHEREAS, Section 4.3 of the City Charter, as amended, requires the City Council to elect the Council member receiving the highest number of votes at the most recent City election to serve as Mayor Pro tem, and

WHEREAS, John M. Szymanski is the Council member receiving the highest number of votes.

NOW, THEREFORE, BE IT RESOLVED, that the City Council does hereby elect John M. Szymanski to the Office of Mayor Pro tem for the term expiring at the first Council meeting following the next regular City election.

ROLL CALL VOTE:

YES: Costantino, Marshall, Monaghan, Palmer, Szymanski and Poynter.

NO: None.

ABSENT: Sawicki.

RESOLUTION ADOPTED

CM 11-129-09

ADJOURNMENT

MOTION by Monaghan, SUPPORTED by Marshall:

That the agenda of the special City Council meeting having been acted upon, the meeting is hereby adjourned at 8:07 p.m.

ABSENT: Sawicki.

MOTION CARRIED

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KENNETH A. POYNTER, MAYOR

---

MICKEY D. TODD, CITY CLERK

STATE OF MICHIGAN )

) ss.

County of Wayne )

I **Daniel S. Palmer**, do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of this State, and that I will faithfully perform the duties of **City Council** member in and for the City of Harper Woods, County of Wayne, and State of Michigan, according to the best of my ability, so help me God.

\_\_\_\_\_  
Daniel S. Palmer

Subscribed and sworn to before me, this **9<sup>th</sup>** day of **November**, **2009**.

\_\_\_\_\_  
Mickey D. Todd, City Clerk  
Wayne County, Michigan

NAME: Daniel S. Palmer

BOARD/COMMISSION: City Councilman

TERM EXPIRES: November 12, 2013

LENGTH OF TERM: 4 YEARS

APPOINTED: N/A

ORIGINAL APPOINTMENT: November 14, 2005

STATE OF MICHIGAN )  
 ) ss.  
County of Wayne )

I **Kenneth A. Poynter** do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of this State, and that I will faithfully perform the duties of **Mayor** in and for the City of Harper Woods, County of Wayne, and State of Michigan, according to the best of my ability, so help me God.

\_\_\_\_\_  
Kenneth A. Poynter

Subscribed and sworn to before me, this **9th** day of **November**,  
**2009**.

\_\_\_\_\_  
Mickey D. Todd, City Clerk  
Wayne County, Michigan

NAME: Kenneth A. Poynter

BOARD/COMMISSION: Mayor

TERM EXPIRES: November 14, 2011

LENGTH OF TERM: 2 YEARS

APPOINTED: N/A

ORIGINAL APPOINTMENT: November 10, 1997

STATE OF MICHIGAN )

) ss.

County of Wayne )

I **Vivian M. Sawicki**, do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of this State, and that I will faithfully perform the duties of **City Council** member in and for the City of Harper Woods, County of Wayne, and State of Michigan, according to the best of my ability, so help me God.

\_\_\_\_\_  
Vivian M. Sawicki

Subscribed and sworn to before me, this **6th** day of **November**, **2009**.

\_\_\_\_\_  
Mickey D. Todd, City Clerk  
Wayne County, Michigan

NAME: Vivian M. Sawicki  
BOARD/COMMISSION: City Councilwoman  
TERM EXPIRES: November 12, 2013  
LENGTH OF TERM: 4 YEARS  
APPOINTED: N/A  
ORIGINAL APPOINTMENT: November 8, 1993

STATE OF MICHIGAN )

) ss.

County of Wayne )

I **John M. Szymanski**, do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of this State, and that I will faithfully perform the duties of **Mayor Pro tem** in and for the City of Harper Woods, County of Wayne, and State of Michigan, according to the best of my ability, so help me God.

\_\_\_\_\_  
John M. Szymanski

Subscribed and sworn to before me, this **9<sup>th</sup> day of November, 2009.**

\_\_\_\_\_  
Mickey D. Todd, City Clerk  
Wayne County, Michigan

NAME: John M. Szymanski

BOARD/COMMISSION: Mayor Pro tem

TERM EXPIRES: November 14, 2011

LENGTH OF TERM: 2 YEARS

APPOINTED: N/A

ORIGINAL APPOINTMENT: November 13, 2001

STATE OF MICHIGAN )

) ss.

County of Wayne )

I **John M. Szymanski**, do solemnly swear (or affirm) that I will

support the Constitution of the United States, and the Constitution of this State, and that I will faithfully perform the duties of **City Council** member in and for the City of Harper Woods, County of Wayne, and State of Michigan, according to the best of my ability, so help me God.

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John M. Szymanski

Subscribed and sworn to before me, this **9th** day of **November**,  
**2009**.

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Mickey D. Todd, City Clerk  
Wayne County, Michigan

NAME: John M. Szymanski

BOARD/COMMISSION: City Councilman

TERM EXPIRES: November 12, 2013

LENGTH OF TERM: 4 YEARS

APPOINTED: N/A

ORIGINAL APPOINTMENT: November 1993-95; November 1997

CITY OF HARPER WOODS  
CITY COUNCIL



NOVEMBER 16, 2009

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:00 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem John M. Szymanski, Councilperson(s) Cheryl A. Costantino, Hugh Marshall, Michael P. Monaghan, Daniel S. Palmer, and Vivian M. Sawicki .

ABSENT: None.

OTHERS PRESENT: City Manager James E. Leidlein.

CM 11-127-09

MINUTES

MOTION Monaghan, SUPPORTED by Costantino:

To receive, approve and file the minutes of the regular City Council meeting held November 2, 2009 and the Special City Council meeting held November 9, 2009, and furthermore, receive and file the minutes of the Board of Canvassers meeting held November 4, 2009.

MOTION CARRIED UNANIMOUSLY

CM 11-128-09

CONSENT AGENDA

RESOLUTION by Costantino, SUPPORTED by Monaghan:

BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 89039 through 89177 in the amount of \$274,760.68 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.
2. Appoint Councilmember Michael Monaghan as the City's representative to the Pointe Area Assisted Transportation Board and Councilmember Hugh Marshall to the Grosse Pointes-Clinton Refuse Authority Board.

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3. Accept the proposal from Litho Printing in the amount of \$7,380.00 to print the 2010 calendar which is the same price as the 2009 calendar.
4. Approve payment to Wayne County in the amount of \$6,844.12 for services performed on the tax rolls.
5. Approve payment to Anderson, Eckstein & Westrick, Inc. in the amount of \$9,189.65 for

professional services during the month of October 2009 for the following projects: Danbury Lane Lot Split, #180-121; EB Harper Resurfacing, Vernier to 8 Mile, #180-106; EB Harper Resurfacing, Manchester to Vernier, #180-109; 2009 Emergency Concrete Pavement Repair, #180-116 and the Parking Lot Repair, #180-122.

ROLL CALL VOTE

YES: Costantino, Marshall, Monaghan, Palmer, Sawicki, Szymanski and Poynter.  
NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 11-129-09      ANNUAL PERMIT TO WORK ON COUNTY ROADS

RESOLUTION by Marshall, SUPPORTED by Szymanski:  
BE IT RESOLVED to adopt the Performance and Indemnification Resolution related to the City's Permit to Work on County Roads. (Attachment #1)

ROLL CALL VOTE

YES: Marshall, Monaghan, Palmer, Sawicki, Szymanski, Poynter and Costantino.  
NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 11-130-09      TRANSFER TO 2009 WINTER TAX ROLL -  
DELINQUENT WATER & SEWER BILLS, GRASS  
CUTTING BILLS, AND COMMERCIAL REFUSE BILLS

RESOLUTION by Sawicki, SUPPORTED by Monaghan:  
BE IT RESOLVED to approve the transfer of \$49,312.25 in delinquent Water and Sewer Bills, \$122,321.91 in Miscellaneous City Services and \$5,649.00 in Special Pickups and \$1,135.00 for meter replacements (total of \$178,418.16) to the 2009 Winter Tax Roll as proposed and submitted by the City Treasurer.

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ROLL CALL VOTE

YES: Monaghan, Palmer, Sawicki, Szymanski, Poynter, Costantino and Marshall.  
NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 11-131-09 2003-2009 CONCRETE PAVEMENT REPAIR PROGRAM  
#180-076/081/088/092/101/105/116 - PROGRESS PAYMENT NO. 19

RESOLUTION by Palmer, SUPPORTED by Costantino:

BE IT RESOLVED to approve payment to Galui Construction Company, Inc. in the amount of \$3,556.28 for Progress Payment No. 19 on the 2003 - 2009 Concrete Pavement Repair Program, #180-076/081/088/092/101/105/116.

ROLL CALL VOTE

YES: Palmer, Sawicki, Szymanski, Poynter, Costantino, Marshall and Monaghan.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 11-132-09 BEACONSFIELD TRAFFIC SIGNAL UPDATE

RESOLUTION by Szymanski, SUPPORTED by Costantino:

BE IT RESOLVED to accept the proposal submitted by Mansell Associates and AEW for design work and bid document preparation for the Beaconsfield Avenue Traffic Signal Upgrade project in the amount of \$32,936.00.

ROLL CALL VOTE

YES: Sawicki, Szymanski, Poynter, Costantino, Marshall, Monaghan and Palmer.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CALL TO AUDIENCE

Mr. Cracciolo asked about the City's concrete pavement repair program and asked the City Manager if he knew when the street by his house is going to be repaired. (The City Manager said that he will check with the DPW Supt in the morning and contact him with an answer.)

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Mr. Szolach complimented the Police Department on the fine job they did recently handling an incident in his neighborhood. He then urged everyone to attend the Tree Lighting on Wednesday.

Ms. Rutledge asked when the new traffic signals on Beaconsfield are going to be installed and how long will it take to complete. (The City Manager said that it is scheduled for spring and should take them about nine days to complete.)

Mr. Brill, of the Harper Woods Band Boosters, invited City Council to attend the December 11<sup>th</sup> Jazz concert. He then suggested that consideration be given to an alternative way of managing

the traffic flow leading in the High School including possibly moving the Damman traffic light to help with this situation.

### CALL TO COUNCIL

Mayor Poynter reminded the public that the Holiday Tree Lighting Ceremony is this Wednesday at 6:30 p.m. in front of City Hall. He then complimented HWPD Lt. Eschendal and Officer Lada for the outstanding Neighborhood Watch Program they did on Saturday at Eastland. Then he commented on the spirit of harmony that both the challengers and incumbents displayed before election day, and the sentiment expressed that everyone comes together regardless of who wins. He commented further on the need to maintain City services and quality programs that are currently offered, while changing our approach in how these services are delivered. He emphasized that given the reality of today's economy, there will undoubtedly be change like every other local government or school district has to go through, and said that he is confident that City Council will act in the best interest of the entire community and not just one department. He added that there has to be cooperation from all City Departments and all citizens as City Council contemplates new delivery modes of service and structural budget changes, so that the needs of our residents can be met. He further said that since he has been Mayor there has never been employee layoffs, but unless all departments cooperate with the forthcoming structural changes, layoffs will occur. Lastly, he urged everyone to fully cooperate with these forthcoming changes for the benefit of the entire community.

Mayor Pro tem Szymanski followed up the Mayor's comments saying that he hopes there is cooperative spirit for the impending changes that need to be made, saying that there are three things that have to be accomplished. First, City Council has to erase the budget deficit that has been brought on by the state of the economy and the reduction of tax revenues. Second, the budget has to be restructured so that future budget deficits can be avoided. And third, we have to hire more police officers. He added that he hoped City Council is judged by the public on accomplishing these things, because City Council is committed to delivering the services the public needs and expects. He said that he wants this Council's legacy to be one where they can pass on to the next generation a strong and viable community that is not under the control of outsiders dictating what goes on. Lastly, he said that he hoped the spirit of cooperation will

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continue on City Council and with all concerned parties, because that is all Council and residents want and expect.

Mayor Poynter said that he is very happy that City Council has been able to work together these past twelve years, and said that that wasn't always the case when he initially got on City Council, but over time that changed and everyone worked together to do what was best for the city. He then commented on the concept of term limits saying that in his opinion term limits should be the ballot box, and not a specified time period. He pointed out how term limits have left the lobbyists in charge of the State Legislature and have bought near doom for the state.

Councilman Monaghan commented on the affect declining property values and foreclosures are having in the community, and the challenges City Council are confronted with in maintaining quality services in the community, so that families will see Harper Woods as an attractive place to live after the economic downturn. He complimented the Harper Woods School District and the Police Department on their response to a student bringing a gun to school and avoiding a potentially tragic incident. Lastly, he commented on a post election article in the Eastside Ad Times where the President of the Fire Fighters Union is quoted as saying “that he was disappointed for the residents of Harper Woods that wanted change and were tired of a majority of their voices being ignored,” saying that he was taken aback by the comment because the majority did vote for change, and maybe it was not the change that the Union President was referring to, because he believes they just wanted to change faces and not the way things were going.

Councilwoman Sawicki thanked the Mayor for announcing the Tree Lighting Ceremony. Then she followed up on her comments from the previous meeting where she wanted to meet earlier than January to begin discussions and planning for the necessary budget reductions, and asked if there are any plans to meet earlier. (The Mayor pointed out that there are only two more meetings this year.) She said that she would still like to meet and get the process started before January. (The Mayor concurred and said that maybe next meeting we could get started.) She then commented on an email she received regarding grants for Fire Services and asked the City Manager to look into them and report back. Lastly, she commented on her mother’s house being victimized by copper thieves, and asked the City Manager if he is aware any movement in the legislature to license scrap providers. (The City Manager said that there is a law already in place.)

Councilwoman Costantino congratulated the newly re-elected City Council members. She also congratulated Lt. Eschendal and Officer Lada on their Neighborhood Watch Presentation, saying that she was in attendance and thought that it was very well done. She then commented on the need for City Council to pursue the concept of blocking off some of the egress roads leading from the community as a way to combat crime. Additionally, she said she wants to pursue adoption of a new Indecency Ordinance and a new Parental Responsibility Ordinance. She then

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reported on a landlord tenant issue that she involved herself in and is now receiving threatening phone calls which is why she wants to pursue adopting a Parental Responsibility Ordinance. Lastly, she reported further on her attendance at the September MML Conference, where she attended a session on converting separate Police and Fire departments to a Public Safety Department. She quoted the various speakers on the processes, issues and advantages of converting to Public Safety.

CM 11-133-09

EXECUTIVE SESSION -  
COLLECTIVE BARGAINING MATTER

RESOLUTION by Szymanski, SUPPORTED by Costantino:

BE IT RESOLVED to adjourn to executive session for the purpose of discussing a collective bargaining matter.

ROLL CALL VOTE

YES: Szymanski, Poynter, Costantino, Marshall, Monaghan, Palmer and Sawicki.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

The City Council adjourned to Executive Session at 7:58 p.m. and reconvened at 8:45 p.m.

CM 11-134-09

ADJOURNMENT

MOTION by Monaghan, SUPPORTED by Palmer:

That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 8:46 p.m.

MOTION CARRIED UNANIMOUSLY

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KENNETH A. POYNTER, MAYOR

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MICKEY D. TODD, CITY CLERK

CITY OF HARPER WOODS  
CITY COUNCIL  
DECEMBER 7, 2009

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:00 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem John M. Szymanski, Councilperson(s) Cheryl A. Costantino, Hugh Marshall, Michael P. Monaghan and Vivian M. Sawicki .

ABSENT: Councilman Daniel S. Palmer.

OTHERS PRESENT: City Manager James E. Leidlein, City Attorney J. Russell LaBarge and City Clerk Mickey D. Todd.

CM 12-135-09 EXCUSE COUNCILMAN PALMER

MOTION by Monaghan, SUPPORTED by Sawicki:  
To excuse Councilman Daniel S. Palmer from tonight's meeting because of illness.

ABSENT: Palmer.

MOTION CARRIED

CM 12-136-09 MINUTES

MOTION by Monaghan, SUPPORTED by Costantino:  
To receive, approve and file the minutes of the regular City Council meeting held November 16, 2009 and furthermore receive and file the minutes of the Library Board meeting held November 19, 2009 and the Board of Trustees Employees Retirement System meeting held November 23, 2009.

ABSENT: Palmer.

MOTION CARRIED

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CM 12-137-09 CONSENT AGENDA

RESOLUTION by Costantino, SUPPORTED by Monaghan:  
BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 89178 through 89375 in the amount of \$737,787.21 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.
2. Approve payment to Statewide Security Transport in the amount of \$11,829.99 for prisoner lodging and maintenance for the month of October 2009.

ROLL CALL VOTE

YES: Costantino, Marshall, Monaghan, Sawicki, Szymanski and Poynter.

NO: None.

ABSENT: Palmer.

RESOLUTION ADOPTED

CM 12-138-09      ANNUAL PERMIT TO WORK ON STATE HIGHWAYS

RESOLUTION by Sawicki, SUPPORTED by Costantino:

BE IT RESOLVED to adopt the Performance and Indemnification Resolution related to the City's Annual Permit to Work on State Highways. (Attachment #1)

ROLL CALL VOTE

YES: Marshall, Monaghan, Sawicki, Szymanski, Poynter and Costantino.

NO: None.

ABSENT: Palmer.

RESOLUTION ADOPTED

CM 12-139-09      MICHIGAN MUNICIPAL LEAGUE -LIABILITY  
AND PROPERTY POOL INSURANCE RENEWAL

RESOLUTION by Marshall, SUPPORTED by Monaghan:

BE IT RESOLVED to renew the City's participation in the Michigan Municipal League's Liability and Property Pool for 2010 in the amount of \$224,307 for coverage as stated in their renewal proposal and, further that competitive bidding be waived in accordance with City policy.

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ROLL CALL VOTE

YES: Monaghan, Sawicki, Szymanski, Poynter, Costantino and Marshall.

NO: None.

ABSENT: Palmer

RESOLUTION ADOPTED

CM 12-140-09      2005-2009 PAVEMENT JOINT & CRACK SEALING  
#180-089/094/104/108/114 - CHANGE ORDER NO. 4

RESOLUTION by Costantino, SUPPORTED by Monaghan:

BE IT RESOLVED to authorize a change order in the amount of \$14,994.00 to Scodeller Construction Inc. for the 2005-2009 Joint and Crack Sealing project, #180-089/094/104/108/114.

ROLL CALL VOTE



YES: Sawicki, Szymanski, Poynter, Costantino, Marshall and Monaghan.  
NO: None.  
ABSENT: Palmer

RESOLUTION ADOPTED

CALL TO AUDIENCE

Mr. Krass complained about increasing crime in the city, citing armed robberies, speeding, jaywalking, the use of the police at the high school when school lets out, and increased home security systems throughout the city. He said City Council needs to take the city back by being more aggressive in ticketing speeders and jaywalkers as a way of sending a message.

Mr. Szolach complimented the Police Department for their aggressive traffic enforcement on Beaconsfield saying that he and his neighbors are very pleased with the job they are doing there.

Mr. Cracciolo complimented the Public Works Department on the fine job they did with leaf pick-up.

Ms. Paiz said she heard a rumor that one of the City's fire fighters resigned and was hired by the Police Department, and is being sent to the police academy for training, and asked if this is true. (Mayor Poynter said that it is true that one of our fire fighters resigned from the Fire Department and was hired by the Police Department and is a police recruit.)

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Ms. Uhl advised the City Manager that the streetlights on Kelly between Eastwood and Huntington are out, and asked him if he could notify DTE. (The City Manager said that he would notify DTE.) She then asked the City Manager if the fire fighter that resigned and was hired by the Police Department has any training as a police officer. (The City Manager said that he did not.) She then asked if the City will be paying to send him to the police academy, and if this is customary to do this, because there are people in the community who would probably apply to be police officers if they knew the City would send them to the police academy. (The City Manager said that we have hired both experienced and inexperienced officers in the past, and have sent recruits to the police academy previously. He added that anyone that applies to become a police officer will be given consideration.)

Ms. Marshall asked what the employment status is of the fire fighter who was hired by the Police Department. (The City Manager said that he is considered a recruit, and will be learning various police procedures until he is sent to the academy next month.) She then asked if this person will be able to respond to both police and medical situations once he returns from the police academy. (The City Manager said that he will be a sworn police officer after graduating from the academy and will respond to emergency situations like our current police officers, and added that if his

paramedic skills are needed in a given situation that he would hope that he uses them, and not say “that this isn’t my job.”) She then asked if the city is going to hire a new fire fighter to replace the person that resigned. (The City Manager said there are no plans to fill vacancies in the fire department.) She then asked how the police department decides on putting out Nixle messages when there is a crime, asking if they just pick and choose to put things on, because an incident occurred in her neighborhood where there were multiple police officers chasing someone in her neighborhood and nothing was put on Nixle, but a similar incident occurred on Danbury Lane and a Nixle message was put out explaining the situation, and she said that it appears to her that that incident took priority. (The City Manager said that the police decide on a case by case basis on whether or not to send out a Nixle message. He added that we receive criticism for either sending out too much information or not enough, and suggested that whenever she needs to know something she should call the non-emergency number at 343.2530.) Then she commented on the recent lock downs at Harper Woods High School and how they are using our police resources disproportionately, and suggested that the School Board needs to come up with a plan to address their security needs, like purchasing metal detectors. (The City Manager said that we are currently discussing this situation with the Superintendent of Schools in an effort to find a solution to this problem.)

Mr. Binder commented on the number of police cars he believes are available for service in the city, and asked if it is customary now to have two officers in a car. (The City Manager said no.) He then said that he has been seeing a car with two officers patrolling. (The City Manager said that he was unaware of that and will look into it.)

Ms. Kindle asked Council members to assist her with a MDA donation. She then commented

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on a public comment that was made earlier regarding crime in the city, saying that as the only African American in the room she wants people to know that she wants the same quality of life that everyone else here wants. She urged people to report crime when they see it so that criminals, regardless of color, will know that crime will not be tolerated in Harper Woods.

A lady who lives on Country Club complained about the appearance and upkeep of a vacant house at 20307 Country Club, and asked if something could be done about it. (The Mayor said that City Inspectors will go out there tomorrow and look at the property and take appropriate action.) She then asked why she has to pay for a Grosse Pointe Library millage. (The City Manager said that voters in Harper Woods that belong in the Grosse Pointe School District voted to stay in the Grosse Pointe Library District and for the library millage years ago.)

Ms. Paiz commented on the Grosse Pointe Library millage saying that she was told City Council approved of the millage. (The City Manager said that that was incorrect, and that the residents who reside in the Grosse Pointe School District are the ones that voted to remain in the Grosse Pointe Library District and approved of the existing millage.) She then asked the City Manager if any of the cross trained Police Officers would be required to reimburse the City for their training cost if they resign their employment with the City. (The City Manager said that they would not be

required to reimburse the City.)

Ms. Sommers asked if Council or the City Manager could tell her what the police incident was on Roscommon and Kelly the other day. (The City Manager said that he did not know, and suggested that she contact the non-emergency police number at 343.2530, or the Deputy Chief at 343.2531 whenever she has any questions.) She then commented on the renewal of the City's Liability and Property Insurance and the City Manager's comment about there being two outstanding claims in this regard, and asked if one of the claims is the lawsuit that the fire fighters union has brought against the City. (The City Manager said that the fire fighters union lawsuit is not one of the claims that he was referencing.)

Mr. Wummel thanked the Public Works Department for the fine job they did with leaf pick-up and street sweeping. He then said that he too has noticed the police driving two to a car, and suggested that maybe they are doing it for safety reasons. Then he asked for an update on the City's appeal of the Fire Fighters Union lawsuit against the City's plan to use cross trained police officers. (The City Attorney said that briefs are being submitted by both sides and that he did not anticipate the Court hearing the case until sometime next summer.) He then asked City Council if there are any plans to put the issue of creating a Public Safety Department on the ballot. (The Mayor said that there has been no discussion by City Council to place this issue on the ballot, but added that City Council will be holding strategic planning and goal setting sessions over the next month and perhaps it will be discussed at that time.) He then cited the resignation of one of the fire fighters and asked at what point does the city run short of fire fighters. (The Mayor commented that we do have sixteen cross trained fire fighters available, but unfortunately the

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courts are preventing them from being used at this time.) Mr. Wummel added that the shortage of fire fighters is a primary reason why St. Clair Shores and Eastpointe would not consider allowing Harper Woods to enter into a fire response agreement with them. (The City Manager said that he disagrees saying that we have twenty-nine fire fighters available, which is the most that the City has ever had, and they can be used in mutual aid runs.) He then asked about the prisoner invoice that was approved tonight, asking if it was for Wayne County to transport our prisoners. (The City Manager said that the invoice was for prisoner lodging, and is a routine invoice.)

Mr. McNally commented on how after receiving a Nixle message about car thieves in the area, he followed a car that was referenced in the message as a suspect vehicle, and when he reported this information to the police he was ignored, and he asked what he could do about it. (The City Manager advised him to fill out a citizens complaint with the Police Department and the matter would be investigated.)

Mr. Krass asked who he needs to talk to someone about the way the City's paramedics handled his mother, saying that they handled her aggressively which caused bruising to her arms when they prepared to transport her to the hospital earlier this year. (The City Manager advised him to fill out a citizens complaint with the Fire Department and the matter would be investigated.) He then wanted to ask each Council member to respond to a question about his yard, but Mayor Poynter

told him that quizzing Council members is not appropriate under Call to Audience, and suggested that if he wants to ask questions individually of each Council member that he see them after the meeting.

Ms. Marshall commented on the City not notifying residents of simulated gun fire that took place during the filming of the movie "Red Dawn" a couple of weekends ago, saying that she knew of people that thought it was real gun fire and hid in their houses. She suggested that this incident along with two other real police incidents in the community have her concerned and believes that the crime situation needs to be addressed because she is feeling less safe. She also suggested that the city consider the blocking of various streets from Detroit as a means of blocking access routes for the criminals, or perhaps hire security guards to drive around and report suspicious activity. (The Mayor said that City Council is attempting to address this situation by going in the direction of creating a Public Safety Department which would give us more officers on the streets.) She suggested that the issue of Public Safety be put before the voters. (The Mayor asked her if she would support that concept and she said that she would not tell him how she would vote.)

Mr. Szolach commented on the crime issue saying that crime is everywhere particularly with the way the economy is going. He said that Harper Woods is a good community and feels safe.

Ms. Uhl said that the solution to this public safety issue is to put the matter before the voters and let them decide. She said the plan for creating a Public Safety Department needs to be outlined

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and explained so that this issue can be moved along.

Mr. Binder asked if a Public Safety Department were to be created, would we be putting two officers in a car? He suggested that any additional officers should be placed in individual cars to show criminals that there is a large law enforcement presence in the city, which in itself should serve as a deterrent.

Mr. Wummel thanked the Mayor for allowing the public additional time to speak tonight. He then commented on the discussion of creating a Public Safety Department saying that the public has a right to know what the plan is, and vote on it. He added that he would be glad to work with City Council to get the vote out.

Mr. Krass asked how many police and fire fighters the city has. (The City Manager said that there are 37 sworn police officers and 14 fire fighters.) He said that he supports the city going with a Public Safety Department as a way of getting more officers on the streets. He added that the unions are getting too big for their britches and need to change. Lastly, he asked if it is against the City ordinances for landscapers or snow removal contractors to blow leaves or leave shoveled snow in the streets. (The City Manager said that it is, and if he witnesses that happen he should call the police non-emergency number at 343.2510 and report it.)

## CALL TO COUNCIL

Mayor Poynter commented on several recent events in the city, saying that the Tree Lighting Ceremony, the Santa Breakfast and the High School play were well attended and very nice. He also announced that the HWHS Jazz Band will be having a concert this Friday.

Mayor Pro tem Szymanski said that he understands that one of the candidates who ran during the last City election has failed to file any of the required campaign finance statements, and asked the City Attorney if that candidate would have been allowed to be seated on City Council if he had won. (The City Attorney said that it is his understanding that if a candidate for public office has not complied with the required campaign finance filings, then they would be in default and unable to take office until the situation is remedied.)

Councilwoman Sawicki commented on a resident's comment where she felt the school district over uses the police department, saying that as a teacher she knows she has a duty to her students to contact the police in emergency situations, so she hopes the police will continue to respond and assist the schools as needed.

Councilwoman Costantino complimented the City on the fine job they did with the Tree Lighting, Santa Breakfast and street cleaning. She then commented on the crime concerns and

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recent incidents in the city saying that she is pleased to say that our Police Department does a good job catching criminals and has a high closure rate. She then commented on her previous presentation regarding Public Safety Departments that she gave at the last Council meeting saying that she would be glad to share that information with anyone who missed it.

Councilman Monaghan also commented on the concerns that have been expressed regarding crime in the city urging residents to take responsibility for their neighborhood by being aware of their surroundings, knowing your neighbors, and if necessary, form a Neighborhood Watch.

Mayor Poynter announced that the Harper Woods Dad's Club has about 20 Christmas Wreaths for sale, and that all proceeds from the sale benefit the community. He suggested that persons interested in purchasing one should contact John Bruneel.

City Council recessed at 8:03 p.m. and reconvened in the Conference Room at 8:10 p.m.

## OPEN FORUM - STRATEGIC PLANNING

The City Manager along with City Council discussed and reviewed strategic planning options for the City's future, and agreed to schedule further meetings this month and January to continue the process.

CM 12-141-09

ADJOURNMENT

MOTION by Monaghan, SUPPORTED by Szymanski:

That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 8:37 p.m.

ABSENT: Palmer.

MOTION CARRIED

\_\_\_\_\_  
KENNETH A. POYNTER, MAYOR

\_\_\_\_\_  
MICKEY D. TODD, CITY CLERK

(Attachment #1)

Michigan Department  
Of Transportation  
2207B (03/04)

**PERFORMANCE  
RESOLUTION FOR GOVERNMENTAL BODIES**

*This Performance Resolution is required by the Michigan Department of Transportation for purposes of issuing to a municipal utility an "Individual Permit for Use of State Trunkline Right of Way" (form 2205), or an "Annual Application and Permit for Miscellaneous Operations Within State Trunkline Right of Way" (form 2205B).*

RESOLVED WHEREAS, the CITY OF HARPER WOODS hereinafter referred to as the "GOVERNMENTAL BODY," periodically applies to the Michigan Department of Transportation, hereinafter referred to as the "DEPARTMENT," for permits, referred to as "PERMIT," to construct, operate, use and/or maintain utility or other facilities, or to conduct other activities, on, over, and under state trunkline right of way at various locations within and adjacent to its corporate limits;

NOW THEREFORE, in consideration of the DEPARTMENT granting such PERMIT, the GOVERNMENTAL BODY agrees that:

Each party to this Agreement shall remain responsible for any claims arising out of their own acts and/or omissions during the performance of this Agreement, as provided by law.

This Agreement is not intended to increase either party's liability for, or immunity from, tort claims.

This Agreement is not intended nor shall it be interpreted, as giving party hereto a right either of indemnification, either by Agreement or at law, for claims arising out of the performance of this Agreement.

1. Any work performed for the GOVERNMENTAL BODY by a contractor or subcontractor will be solely as a contractor for the GOVERNMENTAL BODY and not as a contractor or agent of the DEPARTMENT. Any claims by any contractor or subcontractor will be the sole responsibility of the GOVERNMENTAL BODY. The DEPARTMENT shall not be subject to any obligations or liabilities by vendors and contractors of the GOVERNMENTAL BODY, or their subcontractors or any other person not a party to the PERMIT without its specific prior written consent and notwithstanding the issuance of the PERMIT.

2. The GOVERNMENTAL BODY shall take no unlawful action or conduct, which arises either directly or indirectly out of its obligations, responsibilities, and duties under the PERMIT which results in claims being asserted against or judgment being imposed against the State of Michigan, the Michigan Transportation Commission, the DEPARTMENT, and all officers, agents and employees thereof and those contracting governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract. In the event that the same occurs, for the purposes of the PERMIT, it will be considered as a breach of the PERMIT thereby giving the State of Michigan, the DEPARTMENT, and/or the Michigan Transportation Commission a right to seek and obtain any necessary relief or remedy, including, but not by way of limitation, a judgment for money damages.

3. It will, by its own volition and/or request by the DEPARTMENT, promptly restore and/or correct physical or operating damages to any State trunkline right of way resulting from the installation construction, operation and/or maintenance of the GOVERNMENTAL BODY'S facilities according to a PERMIT issued by the DEPARTMENT.

4. With respect to any activities authorized by PERMIT, when the GOVERNMENTAL BODY requires insurance on its own or its contractor's behalf it shall also require that such policy include as named insured the State of Michigan, the Transportation Commission, the DEPARTMENT, and all officers, agents, and employees thereof and those governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract.

5. The incorporation by the DEPARTMENT of this resolution as part of a PERMIT does not prevent the DEPARTMENT from requiring additional performance security or insurance before issuance of a PERMIT.

6. This resolution shall continue in force from this date until cancelled by the GOVERNMENTAL BODY or the DEPARTMENT with no less than thirty (30) days prior written notice to the other party. It will not be cancelled or otherwise terminated by the GOVERNMENTAL BODY with regard to any PERMIT which has already been issued or activity which has already been undertaken.

BE IT FURTHER RESOLVED, that the following position(s) are authorized to apply to the Michigan Department of Transportation for the necessary permit to work within state trunkline right of way on behalf of the GOVERNMENTAL BODY.

Name

And/or

Title

JAMES E. LEIDLEIN

CITY MANAGER

I HEREBY CERTIFY that the foregoing is a true copy of a resolution adopted by the CITY COUNCIL of the CITY OF HARPER WOODS of WAYNE County at a REGULAR meeting held on the SEVENTH day of DECEMBER A.D. 2009 \_\_\_\_\_.

Signed \_\_\_\_\_ Title \_\_\_\_\_

CITY OF HARPER WOODS  
CITY COUNCIL  
DECEMBER 21, 2009

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:00 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Councilperson(s) Cheryl A. Costantino, Hugh Marshall, Michael P. Monaghan, Daniel S. Palmer, and Vivian M. Sawicki.

ABSENT: Mayor Pro tem John M. Szymanski.

OTHERS PRESENT: City Manager James E. Leidlein, and City Clerk Mickey D. Todd.

CM 12-142-09

EXCUSE MAYOR PRO TEM SZYMANSKI

MOTION by Monaghan, SUPPORTED by Palmer:

To excuse Mayor Pro tem John M. Szymanski from tonight's meeting because of a prior commitment.

ABSENT: Szymanski.



MOTION CARRIED

CM 12-143-09

MINUTES

MOTION by Monaghan, SUPPORTED by Sawicki:

To receive, approve and file the minutes of the regular City Council meeting held December 7, 2009.

ABSENT: Szymanski.

MOTION CARRIED

CITY OF HARPER WOODS, MICHIGAN  
REGULAR CITY COUNCIL MEETING

DECEMBER 21, 2009  
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CM 12-144-09

CONSENT AGENDA

RESOLUTION by Costantino, SUPPORTED by Monaghan:

BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 89376 through 89495 in the amount of \$614,151.84 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.
2. Approve payment to Spray Patch Road Repair, Inc. in the amount of \$16,550.00 for the chip and seal repairs made to the City Hall/Library and Community Center parking areas.
3. Approve payment to Anderson, Eckstein & Westrick, Inc. in the amount of \$10,373.65 for professional services during the month of November 2009 for the following projects: Johnston Park Tennis Courts, #180-096; EB Harper Resurfacing, Vernier to 8 Mile, #180-106; EB Harper Resurfacing, Manchester to Vernier, #180-109; 2009 Pavement Joint and Crack Sealing project, #180-114; 2009 Emergency Concrete Pavement Repair, #180-116; 2009 Parking Lot Repair, #180-122 and I-94 Fence Repair by MDOT, #180-123.
4. Approve payment to Statewide Security Transport in the amount of \$7,381.31 for prisoner lodging and maintenance for the month of November 2009.
5. Approve payment in the amount of \$6,291.00 to the Michigan Municipal League for membership dues covering the period February 1, 2010 through January 31, 2011.

ROLL CALL VOTE

YES: Costantino, Marshall, Monaghan, Palmer, Sawicki, and Poynter.

NO: None.

ABSENT: Szymanski.

RESOLUTION ADOPTED

CM 12-145-09 PUBLIC PARTICIPATION AT CITY COUNCIL MEETINGS

RESOLUTION by Marshall, SUPPORTED by Palmer:

BE IT RESOLVED to adopt the “Guide to Public Participation at Council Meetings.” (Attachment #1)

ROLL CALL VOTE

YES: Marshall, Monaghan, Palmer, Sawicki, Poynter and Costantino.

NO: None.

ABSENT: Szymanski.

RESOLUTION ADOPTED

CITY OF HARPER WOODS, MICHIGAN  
REGULAR CITY COUNCIL MEETING

DECEMBER 21, 2009  
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CM 12-146-09                      CELL TOWER LEASE - SALTER PARK  
TOWER CO. ASSETS LLC

RESOLUTION by Monaghan, SUPPORTED by Palmer:

BE IT RESOLVED to approve the Easement Agreement (replacing the previous one dated October 30, 1996) with TowerCo Assets, LLC for the cellular telephone tower located in Salter Park for consideration of one million one hundred and fifty thousand dollars (\$1,150,000) subject to the following conditions:

1. A feasibility period of 180 days during which Buyer shall confirm marketable title to the property and an acceptable survey (the cost of which is to be paid by Buyer) and a determination that the use of the easement is “satisfactory to Buyer.”
2. The closing shall take place no later than 45 days after the expiration of the feasibility period.
3. The closing conditions are Buyer’s confirmation there are no zoning or land use issues, adverse environmental conditions, no moratorium or other governmental prohibition that would prevent the continued use and future development of the easement.

ROLL CALL VOTE

YES: Monaghan, Palmer, Sawicki, Poynter, Costantino and Marshall.

NO: None.

ABSENT: Szymanski.

RESOLUTION ADOPTED

CM 12-147-09                      JOHNSTON PARK TENNIS COURT  
RENOVATIONS - PROGRESS PAYMENT NO. 4

RESOLUTION by Palmer, SUPPORTED by Monaghan:  
BE IT RESOLVED to approve payment to Cortis Brothers Trucking and Excavating in the amount of \$6,218.29 for Progress Payment No. 4 on the Johnston Park Tennis Court Renovation Project, #180-096.

ROLL CALL VOTE

YES: Palmer, Sawicki, Poynter, Costantino, Marshall and Monaghan.  
NO: None.  
ABSENT: Szymanski.

RESOLUTION ADOPTED

CITY OF HARPER WOODS, MICHIGAN  
REGULAR CITY COUNCIL MEETING

DECEMBER 21, 2009  
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CM 12-148-09

WATER AND SEWER RATE ANALYSIS

RESOLUTION by Monaghan, SUPPORTED by Sawicki:  
BE IT RESOLVED to approve a water/sewer rate increase to \$42.50 or \$3.00 per thousand cubic feet (MCF) for all water billed after March 1, 2010. Copies of the complete analysis are available in the City Offices.

ROLL CALL VOTE

YES: Sawicki, Poynter, Costantino, Marshall , Monaghan and Palmer.  
NO: None.  
ABSENT: Szymanski.

RESOLUTION ADOPTED

CALL TO AUDIENCE

Ms. Summers asked the Mayor to clarify the Public Participation Guidelines that Council adopted tonight. (Mayor Poynter said that adopted guidelines essentially represent how meetings are presently conducted, and added that the only significant change is the limit placed on public participation to sixty minutes. He said that the guidelines are available to the public and will be placed with the agendas at each meeting.)

Mr. VanPoucker commented on how vandals have been writing graffiti on the Lochmoor overpass, and how MDOT takes a considerable amount of time to remove it, and asked if it is possible to have our DPW take care of the problem so that it is done quicker. (The City Manager said that he would discuss the matter with the DPW Supt.)

Mr. Szolach commented on how nice the renovations are to the house on Washtenaw and

Beaconsfield that caught fire earlier, saying that the contractor is doing a very nice job.

Mr. Binder asked to have an inspector look at the fence on the northwest corner of Beaconsfield and Roscommon, saying that kids go by and break off parts of it and it looks really bad. (The City Manager said that he would have an inspector look at it tomorrow.)

Ms. Uhl wished everyone a Merry Christmas, and congratulated Deputy Chief Burke and Officer Sakowski for being named officers of the month for pulling a driver out of a burning car on I-94.

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CALL TO COUNCIL

Mayor Poynter announced that the City Calendar will be delivered in this weeks Eastside

CITY OF HARPER WOODS, MICHIGAN  
REGULAR CITY COUNCIL MEETING

DECEMBER 21, 2009  
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Advertiser. He then congratulated and thanked both Deputy Chief Burke and Officer Sakowski for being named officers of the month for their heroism in pulling a driver out of a burning car on I-94. Lastly, on behalf of City Council, he wished everyone a Merry Christmas and a Happy New Year.

Councilman Monaghan wished everyone a safe and Happy Holiday season, and complimented the DPW on doing a fine job of keeping the streets clear of ice and snow.

Councilwoman Sawicki wished everyone a Happy Holiday season.

CM 12-149-09

ADJOURNMENT

MOTION by Monaghan, SUPPORTED by Palmer:

That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 7:24 p.m.

ABSENT: Szymanski.

MOTION CARRIED

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KENNETH A. POYNTER, MAYOR

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MICKEY D. TODD, CITY CLERK

Attachment #1

## **Guide to Public Participation at Council Meetings**

Welcome to the Harper Woods City Council meeting. We hope that the following information will help citizens to understand the rules for public participation and comments which can be made during the CALL TO AUDIENCE section of the meeting.

The Mayor and City Council appreciate and encourage your participation and offer these rules of procedure and conduct to ensure that each person who wishes to speak is given an equal opportunity in a civil and respectful environment. Thank you in advance for your cooperation with these guidelines.

All regular City Council meetings follow the order of business presented in the agenda. The agenda is available in the City Hall lobby the day of the scheduled Council Meeting.

Harper Woods City Hall  
19617 Harper Ave  
Harper Woods, MI 48225

### **General Information about Speaking at City Council Meetings**

Citizens may speak publicly during “CALL TO AUDIENCE” portion of the meeting as shown on the meeting agenda.

All public comments should be framed to provide a point of view, to offer valuable information or to express a concern. It is not the practice of Council to respond directly to questions during this portion of the meeting.

In order to be recognized by the Mayor, any citizen who wishes to speak should raise his or her hand and wait to be called upon.

When called on, speakers should provide their name and address. All comments should be directed to the Mayor and Council, not to other audience members.

## Audience Participation Guidelines

### A. Acceptable Conduct

1. All comments offered by speakers **MUST BE CIVIL AND RESPECTFUL**. Personal attacks on a member of City Council, an officer or employee of the City are prohibited and will not be tolerated. Infractions will result in the loss of remaining time, by order of the Chair, after one warning.
2. Members of the audience are expected to respect the views of others and refrain from interrupting or harassing speakers. Persons who do not follow this rule may be expelled from the council chambers by order of the Chair after one warning.
3. Speakers should not engage in banter with members of the City Council or with other audience members.

### B. Time Limitations

1. Each audience member may speak for a maximum of three minutes. After all persons have been given an opportunity to speak, an audience member may be allowed to offer a second comment, if time permits.
2. A maximum of 60 (sixty) minutes will be allowed for the CALL TO AUDIENCE portion of the meeting.

CITY OF HARPER WOODS  
CITY COUNCIL  
JANUARY 7, 2008

### MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:30 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

#### ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem Cheryl A. Costantino, Councilperson(s) Hugh Marshall, Michael P. Monaghan, Daniel S. Palmer, Vivian M. Sawicki and John M. Szymanski.

ABSENT: None.

OTHERS PRESENT: City Manager James E. Leidlein, City Attorney J. Russell LaBarge and City Clerk Mickey D. Todd.

CM 01-01-08

MINUTES

MOTION by Monaghan, SUPPORTED by Sawicki:

To receive, approve and file the minutes of the regular City Council meeting held December 17, 2007.

MOTION CARRIED UNANIMOUSLY

CM 01-02-08

CONSENT AGENDA

RESOLUTION by Costantino, SUPPORTED by Palmer:

BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 82641 through 82878 in the amount of \$1,478,681.01 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.
2. Approve payment to Nu Appearance in the amount of \$10,390.99 for contractual lawn cutting and fall cleanup in various areas of the city, including City Hall, the Library, DPW and the I-94 service drive.
3. Approve the appointments to the various boards and commissions as listed on the attached memorandum from the City Clerk.

CITY OF HARPER WOODS, MICHIGAN  
REGULAR CITY COUNCIL MEETING

JANUARY 7, 2008  
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ROLL CALL VOTE

YES: Costantino, Marshall, Monaghan, Palmer, Sawicki, Szymanski and Poynter.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 01-03-08

JOHNSTON PARK TENNIS COURTS  
#180-096 - PROGRESS PAYMENT NO. 1

RESOLUTION by Palmer, SUPPORTED by Monaghan:

BE IT RESOLVED to approve payment to Cortis Brothers Trucking and Excavating in the amount of \$185,381.86 for Progress Payment No. 1 on the Johnston Park Tennis Court Project, #180-096.

ROLL CALL VOTE

YES: Marshall, Monaghan, Palmer, Sawicki, Szymanski, Poynter and Costantino.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 01-04-08                    MILK RIVER - OPERATION AND MAINTENANCE

RESOLUTION by Monaghan, SUPPORTED by Costantino:  
BE IT RESOLVED to approve payment to Wayne County in the amount of \$138,348.50 for the operation and maintenance of the Milk River Drain for the 1<sup>st</sup> quarter of FY2008.

ROLL CALL VOTE

YES: Monaghan, Palmer, Sawicki, Szymanski, Poynter, Costantino and Marshall.  
NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 01-05-08                    IMPOUND FEE RESOLUTION

RESOLUTION by Marshall, SUPPORTED by Palmer:  
BE IT RESOLVED that in accordance with Section 25-40 of the City Code of Ordinances a fee in the amount of forty dollars (\$40.00) is hereby established for the release of vehicles impounded by the Police Department.

CITY OF HARPER WOODS, MICHIGAN  
REGULAR CITY COUNCIL MEETING

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ROLL CALL VOTE

YES: Palmer, Sawicki, Szymanski, Poynter, Costantino, Marshall and Monaghan.  
NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 01-06-08 \_\_\_\_\_ 2007 SEWER CLEANING AND CCTV INVESTIGATION  
#180-100 - PROGRESS PAYMENT NO. 4

RESOLUTION by Sawicki, SUPPORTED by Monaghan:  
BE IT RESOLVED to approve payment to AAA Pipe Cleaning Corp. in the amount of \$42,691.42 for Progress Payment No. 4 on the 2007 Sewer Cleaning and CCTV Investigation Project, #180-100.

ROLL CALL VOTE

YES: Sawicki, Szymanski, Poynter, Costantino, Marshall, Monaghan and Palmer.  
NO: None.

RESOLUTION ADOPTED UNANIMOUSLY



RESOLUTION by Monaghan, SUPPORTED by Costantino:

BE IT RESOLVED to adopt the Performance and Indemnification Resolution related to the City's Permit to Work on County Roads. (Attachment #1)

ROLL CALL VOTE

YES: Szymanski, Poynter, Costantino, Marshall, Monaghan, Palmer and Sawicki.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CALL TO COUNCIL

Mayor Poynter reminded City Council and the public that because of the Martin Luther King holiday on Monday the 21<sup>st</sup>, the next Council meeting will be Wednesday the 23<sup>rd</sup>. He then commented on the new Chili's restaurant saying that it is a welcome addition to the city. Then he commented on the improvements being made to Johnston Park saying that he has received a

CITY OF HARPER WOODS, MICHIGAN  
REGULAR CITY COUNCIL MEETING

JANUARY 7, 2008  
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number of compliments from residents about the changes.

Councilman Monaghan asked the City Manager if he was able to address the concerns of the residents on Lennon regarding two group homes on their street. (The City Manager said that he had a Police Lt. speak to the owner of the two homes in question, and was assured by the owner that there is a rigorous screening process of both the disabled residents and the staff. He added that the Lt. found the houses to be well maintained. Lastly, he said that the Lt. spoke to the homeowners afterwards and they were satisfied with his response to their concerns.) Councilman Monaghan then commented on how he wants to get going on addressing the vicious dog ordinance as part of the City Council's upcoming goal setting sessions. Additionally, he said that he would like to see more enforcement when it comes to requiring people to keep their dogs on a leash, and requiring them to pick-up after their dogs.

Mayor Pro tem Costantino commented on Library Board member Mary Kingston declining to be reappointed, and suggested that she be recognized at a future meeting for all her contributions while on the Board. She also added that Council received a note from Susan Dunn, who declined reappointment to the Beautification Commission.

Councilwoman Sawicki asked the City Manager if specific dates for City Council's Goal Setting sessions have been decided. (The City Manager said that he plans on having the Goal Setting sessions with the regular meetings in February.) She then announced her intention of pursuing in the upcoming Goal Setting sessions, an ordinance prohibiting cell phone use while driving, and

encouraged Council members to familiarize themselves with the various statistics on how cell phone use and driving is a leading cause in car accidents.

### CALL TO AUDIENCE

Ms. Paiz said that she is opposed to amending the vicious dog ordinance to ban specific breeds of dogs, and feels that the existing ordinance is sufficient. She added that she feels the issue is the dogs owner and not the dog. (The Mayor suggested that she speak to the members of Council that are on the committee to review the ordinance.)

Mr. Bruneel announced that the Harper Woods Dad's Club will be having their Annual Pancake Breakfast on Sunday, February 3<sup>rd</sup> from 9:00 a.m. to 1:00 p.m. at the Harper Woods Community Center.

Ms. Kindle wished everyone a Happy New Year, then thanked the Mayor for attending the children's Christmas Party at City Airport. She then told City Council how she called the police on New Year's Day about a car parked illegally on her street, and said that the police did not respond in a timely manner, and the car ended up leaving the area. She said that she has a

CITY OF HARPER WOODS, MICHIGAN  
REGULAR CITY COUNCIL MEETING

JANUARY 7, 2008  
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problem with people who do not follow the rules, and does not like the lax enforcement of rules, because it contributes to the decline of neighborhoods. She added that she moved here because of the quality of life that the city offered, and doesn't want lax enforcement of the rules.

Mr. Szolach wished everyone a Happy New Year. Then he asked the City Manager if he had anything new to report on the proposed development at Salter Park. (The City Manager said that he is pretty certain that the proposed development at Salter Park will not happen.) Mr. Szolach then told of a house on Beaconsfield where the resident is storing garbage illegally and asked that something be done about it. (The City Manager asked him to provide an address so the problem could be addressed.) He then thanked the DPW for the fine job of snow removal they did over the holidays, and said that he would like to see cars parked on the street during a snow emergency ticketed.

Mr. Comer asked the City Manager to repeat his comments regarding the proposed Salter Park development. (The City Manager said that he believes the proposal that was set forth to develop Salter Park will not go forward.)

Mr. Regal said that he supported Councilwoman Sawicki's proposal to adopt an ordinance prohibiting cell phone use while driving, saying that he has seen the danger of this practice first hand. He then asked what the wire is by the Allard bridge that crosses over the freeway. (The City Manager said that it is going to be used by MDOT.)

Mr. Wummel said that he had an opportunity to look at Johnston Park with the City's Recreation

Director, John Bobak, who was very helpful, and added that everything looks good, but he is concerned that the community needs to provide more input on the placement of the various activity areas before things proceed. He suggested that a community survey be undertaken and that a park planner provide input before going forward, and offered his services to help out. He also suggested that future developments be communicated to the residents beforehand. Lastly, he passed out a drawing of his suggested park layout for City Council consideration.

CM 01-08-08

EXECUTIVE SESSION - LABOR  
CONTRACT NEGOTIATIONS

RESOLUTION by Szymanski, SUPPORTED by: Monaghan  
BE IT RESOLVED to adjourn to executive session for the purpose of discussing labor contract negotiations.

ROLL CALL VOTE

YES: Poynter, Costantino, Marshall, Monaghan, Palmer, Sawicki and Szymanski.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CITY OF HARPER WOODS, MICHIGAN  
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The City Council adjourned to Executive Session at 8:10 p.m. and reconvened at 8:39 p.m.

CM 01-09-08

ADJOURNMENT

MOTION by Monaghan, SUPPORTED by Szymanski:  
That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 8:40 p.m.

MOTION CARRIED UNANIMOUSLY

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KENNETH A. POYNTER, MAYOR

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MICKEY D. TODD, CITY CLERK

CITY OF HARPER WOODS  
CITY COUNCIL  
JANUARY 23, 2008

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:30 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem Cheryl A. Costantino, Councilperson(s) Hugh Marshall, Michael P. Monaghan, Daniel S. Palmer, Vivian M. Sawicki and John M. Szymanski.

ABSENT: None.

OTHERS PRESENT: City Manager James E. Leidlein, City Attorney J. Russell LaBarge and City Clerk Mickey D. Todd.

CM 01-10-08

MINUTES

MOTION by Monaghan, SUPPORTED by Szymanski:

To receive, approve and file the minutes of the regular City Council meeting held January 7, 2008.

MOTION CARRIED UNANIMOUSLY

CM 01-11-08

CONSENT AGENDA

RESOLUTION by Monaghan, SUPPORTED by Costantino:

BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 82879 through 83058 in the amount of \$771,915.76 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.
2. Approve payment to the Children's Home of Detroit in the amount of \$15,747.99 for our City's proportionate share of the funding of the Grosse Pointe/Harper Woods Youth Assistance Program for fiscal year 2007/2008.

CITY OF HARPER WOODS, MICHIGAN  
REGULAR CITY COUNCIL MEETING

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3. Approve payment to Nu Appearance Maintenance in the amount of \$9,724.00 for sidewalk snow removal in various areas of the city.
4. Approve payment to Statewide Security Transport in the amount of \$5,095.45 for prisoner lodging and maintenance for the month of December 2007.
5. Approve payment to Anderson, Eckstein & Westrick, Inc. in the amount of \$15,605.95 for professional services during the month of December 2007 for the following projects: Johnston Park Tennis Courts, #180-096; 2007 Sewer Cleaning and TV Inspection, #180-100 and the 2007 Pavement Joint & Crack Sealing Project, #180-104.

ROLL CALL VOTE

YES: Costantino, Marshall, Monaghan, Palmer, Sawicki, Szymanski and Poynter.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 01-12-08

GROSSE POINTE LIBRARY DISTRICT  
BOARD OF TRUSTEES - APPOINTMENT

RESOLUTION by Costantino, SUPPORTED by Palmer:

BE IT RESOLVED to appoint Steve Matthews as the City of Harper Woods representative to the Grosse Pointe District Library Board of Trustees to fill an unexpired term through June of 2010.

ROLL CALL VOTE

YES: Marshall, Monaghan, Palmer, Sawicki, Szymanski, Poynter and Costantino.  
NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 01-13-08 ALLEY VACATION - 20700 HARPER - BP GAS STATION

RESOLUTION by Marshall, SUPPORTED by Monaghan:

BE IT RESOLVED to approve the Quit Claim deed reconveying the easterly 20 feet of Lot 67 of Assessor's Plat No. 1 to Petro Properties, LLC.

ROLL CALL VOTE

YES: Monaghan, Palmer, Sawicki, Szymanski, Poynter, Costantino and Marshall.  
NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CITY OF HARPER WOODS, MICHIGAN  
REGULAR CITY COUNCIL MEETING

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CM 01-14-08 SCHEDULE PUBLIC HEARING - 2008  
COMMUNITY DEVELOPMENT BLOCK GRANT

MOTION by Palmer, SUPPORTED by Costantino:

To hold a Public Hearing on February 20, 2008 at 7:30 p.m. for the purpose of receiving public input and comment on the 2008 Community Development Block Grant Program.

MOTION CARRIED UNANIMOUSLY

CM 01-15-08 2007 SEWER CLEANING AND CCTV INVESTIGATION  
#180-100 - PROGRESS PAYMENT NO. 5

RESOLUTION by Sawicki, SUPPORTED by Monaghan:

BE IT RESOLVED to approve payment to AAA Pipe Cleaning Corp. in the amount of \$23,957.41 for Progress Payment No. 5 on the 2007 Sewer Cleaning and CCTV Program, #180-100.

ROLL CALL VOTE

YES: Palmer, Sawicki, Szymanski, Poynter, Costantino, Marshall and Monaghan.  
NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 01-16-08

COLLECTIVE BARGAINING AGREEMENT -  
POLC PATROL, DETECTIVES AND DISPATCHER'S  
UNIT - APPROVAL OF ADDENDUM

RESOLUTION by Monaghan, SUPPORTED by Marshall:

BE IT RESOLVED to approve the addendum to the 2004 - 2006 Collective Bargaining Agreement with the POLC Patrol, Detectives and Dispatchers Unit extending the agreement through December 31, 2008, and further, to authorize the City Manager and City Clerk to sign the Agreement.

ROLL CALL VOTE

YES: Sawicki, Szymanski, Poynter, Costantino, Marshall, Monaghan and Palmer.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CITY OF HARPER WOODS, MICHIGAN  
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CM 01-17-08

ADDENDUM TO AGENDA

MOTION by Monaghan, SUPPORTED by Palmer:

To add to the agenda discussion and/or action on adopting a resolution authorizing the financing and lease agreement between the City of Harper Woods and The School District of the City of Harper Woods to design a joint concession stand, restroom facility and City Parks and Recreation office.

MOTION CARRIED UNANIMOUSLY

CM 01-18-08

PARKS & RECREATION OFFICE FINANCING/LEASE

RESOLUTION by Monaghan, SUPPORTED by Marshall:

BE IT RESOLVED to adopt the following resolution:

WHEREAS, The School District of the City of Harper Woods and the City of Harper Woods have cooperatively worked together to design a joint concession stand, restroom facility and City Park and Recreation offices, herein after called "the project," and

WHEREAS, In the relatively near future the School District will be taking bids for this Project, and

WHEREAS, it is the desire of the City Council of the City of Harper Woods to commit to this project of mutual benefit to the City.

NOW THEREFORE, BE IT RESOLVED, the City of Harper Woods does hereby commit to this

project provided the cost does not exceed \$220,000, and  
BE IT FURTHER RESOLVED, that the City Manager is hereby authorized to negotiate the terms  
and conditions of a Long Term Lease Agreement subject to final approval by the City Council.

ROLL CALL VOTE

YES: Szymanski, Poynter, Costantino, Marshall, Monaghan, Palmer and Sawicki.  
NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CALL TO COUNCIL

Mayor Poynter said that he had the honor of cutting the ribbon two weeks ago at Chili's Restaurant grand opening, and commented that the restaurant seems to be doing very well since it opened. He then said that he was happy to see the Police Department get a Ford Mustang for traffic enforcement, and said that he would like to see them get a couple more. Then he

CITY OF HARPER WOODS, MICHIGAN  
REGULAR CITY COUNCIL MEETING

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commented on how pleased he was to be chosen to write one of three letters of recommendation for Harper Woods Middle School Science Teacher, June Teisan, for National Teacher of The Year. He added that he was pleased to learn that she is one of four finalists for that coveted award. Lastly, he reminded everyone that City Council will be holding their annual goal setting sessions at their February Council meetings.

Councilman Monaghan complimented the Dial-A-Ride service saying that he has a customer who regularly uses their service and says that the buses are always clean and the drivers are on time and courteous.

Mayor Pro tem Costantino commented on the need to amend the City's vicious dog ordinance, saying that she recently met a victim of a pit bull attack, and was shown the injuries that the dog caused. She said that this had an impact on her, and wants this issue addressed quickly. (The City Manager said the issue is whether the City should ban breed specific dogs.)

Councilman Marshall asked if Wayne County is responsible for the traffic design over the freeway. (The City Manager said that they are, but that they do work with us as requested.) He then asked if consideration has ever been given to allowing the two south bound lanes on Harper before the Vernier bridge to turn left as a means of alleviating the traffic back-up by Danbury Lane. (The City Manager said that it has been considered previously.)

CALL TO AUDIENCE



Mr. Bruneel commented on the stock market, then he commented on Grosse Pointe School Board meetings, saying that he watched one the other day and was very disappointed in their lack of civility. Lastly, he reminded the everyone that the Harper Woods Dad's Club will be having their Annual Pancake Breakfast on Sunday, February 3<sup>rd</sup> from 9:00 a.m. to 1:00 p.m. at the Harper Woods Community Center.

Ms. Kindle thanked the Police Chief for addressing her concerns that she raised at the last meeting. She also thanked the City Clerk for his assistance in securing a room at Harper Woods High School so that the "Smart Money" classes could be offered in Harper Woods. (The Smart Money Classes are affiliated with the Securities and Exchange Commission.)

Mr. Wummel commented on the information regarding his suggested Park plans that he gave City Council at their last meeting, asking them if they had reviewed it. He also asked if the City has considered hiring a Park Planner, and if the existing park plan is available to the public. (The City Manager said that the City does have a Planning Consultant who prepares the City's Park Plan as requested, and that he is welcome to a copy of the existing plan.)

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REGULAR CITY COUNCIL MEETING

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CM 01-19-08

ADJOURNMENT

MOTION by Monaghan, SUPPORTED by Marshall:  
That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 8:05 p.m.

MOTION CARRIED UNANIMOUSLY

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KENNETH A. POYNTER, MAYOR

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MICKEY D. TODD, CITY CLERK

CITY OF HARPER WOODS  
CITY COUNCIL  
FEBRUARY 4, 2008

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:30 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag. Mayor Poynter dedicated the meeting to the memory of former Mayor Pro tem Leonard Halas, who passed away last week.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem Cheryl A. Costantino, Councilperson(s) Hugh Marshall, Michael P. Monaghan, Daniel S. Palmer, Vivian M. Sawicki and John M. Szymanski.

ABSENT: None.

OTHERS PRESENT: City Manager James E. Leidlein and City Clerk Mickey D. Todd.

CM 02-20-08

MINUTES

MOTION by Monaghan, SUPPORTED by Costantino:

To receive, approve and file the minutes of the regular City Council meeting held January 23, 2008, and furthermore, receive and file the minutes of the Library Board meetings held November 7, 2008 and December 17, 2008 and the Board of Trustees Employees Retirement System meeting held on January 28, 2008.

MOTION CARRIED UNANIMOUSLY

CM 02-21-08

CONSENT AGENDA

RESOLUTION by Costantino, SUPPORTED by Monaghan:

BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 82059 through 83169 in the amount of \$365,480.50 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.

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REGULAR CITY COUNCIL MEETING

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2. Approve payment in the amount of \$25,232.97 to Grosse Pointe Woods for the City's pro-rata portion of the operating and maintenance of the Torrey Road Pumping Station for the period July 1 through December 31, 2007.
3. Approve payment to Nu Appearance Maintenance in the amount of \$10,249.00 for salting residential sidewalks following the recent snowfall.
4. Approve payment to Oakland County Information Technology in the amount of \$6,260.25 for fees relative to the CLEMIS computer system utilized by the Police Department.

ROLL CALL VOTE

YES: Costantino, Marshall, Monaghan, Palmer, Sawicki, Szymanski and Poynter.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 02-22-08

MILK RIVER - 2008 OPERATION AND MAINTENANCE

RESOLUTION by Marshall, SUPPORTED by Costantino:

BE IT RESOLVED to approve payment to Wayne County in the amount of \$138,348.50 for the operation and maintenance of the Milk River Drain for the second quarter of FY2008.

ROLL CALL VOTE

YES: Marshall, Monaghan, Palmer, Sawicki, Szymanski, Poynter and Costantino.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CALL TO COUNCIL

Mayor Poynter thanked the Department of Public Works on behalf of City Council for the outstanding job they did with snow removal this past week. He then announced that he has been selected for the second year in a row to serve on the Harper Woods School District Superintendent's Advisory Committee, and has found it to be very enlightening.

Councilman Marshall also complimented the DPW for the outstanding job of snow removal, but said that as a jogger, he has had a difficult time running on the sidewalks because a number of them have not been cleared, and he asked the City Manager if these people are put on notice to clear the walks. (The City Manager said that most houses or businesses that do not clear the walks are either vacant, or in the cases of homes, are owned by seniors who can not clear their

CITY OF HARPER WOODS, MICHIGAN  
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walks. He added that the DPW does cite properties that fail to clear their walks, giving them one day to do so, and if it isn't done then we have a contractor clear the walk and bill the homeowner.)

Mayor Pro tem Costantino commented on how Services for Older Citizens (SOC) will assist seniors in getting their sidewalks shoveled.

CALL TO AUDIENCE

Mr. Schenburn commented that he shovels his snow and helps his neighbors shovel snow, and wants to know why the City does not cite the Realtors and banks for not having the snow shoveled from the houses that they are responsible for. He said that if he would be ticketed for not shoveling his snow, then they should be ticketed for the houses they are responsible for.

Mr. Hammes, representing Commissioner Killeen, updated City Council on the Commissioner's activities, and answered any questions.

CM 02-23-08 \_\_\_\_\_ 2008 GOAL SETTING SESSION

MOTION by Szymanski, SUPPORTED by Sawicki:  
To adjourn to the Conference Room for the 2008 Goal Setting Session.

MOTION CARRIED UNANIMOUSLY

The City Council recessed at 7:45 p.m. and reconvened in the Conference Room at 7:50 p.m.

2008 GOAL SETTING SESSION

The Mayor and Council members reviewed the previous years goals and added others to the list. They ranked their goals and directed the City Manager to proceed with implementation.

CM 02-24-08

ADJOURNMENT

MOTION by Monaghan, SUPPORTED by Szymanski:

That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 8:32 p.m.

MOTION CARRIED UNANIMOUSLY

KENNETH A. POYNTER, MAYOR

MICKEY D. TODD, CITY CLERK

CITY OF HARPER WOODS  
CITY COUNCIL  
FEBRUARY 20, 2008

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Pro tem Cheryl A. Costantino at 7:30 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Pro tem Cheryl A. Costantino, Councilperson(s) Hugh Marshall, Daniel S. Palmer, Vivian M. Sawicki and John M. Szymanski.

ABSENT: Mayor Kenneth A. Poynter and Councilman Michael P. Monaghan.

OTHERS PRESENT: City Manager James E. Leidlein and City Clerk Mickey D. Todd.

CM 02-25-08 EXCUSE MAYOR POYNTER AND COUNCILMAN MONAGHAN

MOTION by Palmer, SUPPORTED by Sawicki:

To excuse Mayor Kenneth A. Poynter and Councilman Michael P. Monaghan from tonight's meeting because of a prior commitment.

ABSENT: Poynter and Monaghan.

MOTION CARRIED

CM 02-26-08

MINUTES

MOTION by Szymanski, SUPPORTED by Palmer:

To receive, approve and file the minutes of the regular City Council meeting held February 4, 2008, and furthermore, receive and file the minutes of the Library Board meeting held January 17, 2008 and the Board of Zoning Appeals meeting held February 13, 2008.

ABSENT: Poynter and Monaghan.

MOTION CARRIED

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CM 02-27-08

CONSENT AGENDA

RESOLUTION by Marshall, SUPPORTED by Szymanski:

BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 82170 through 83297 in the amount of \$717,502.39 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.
2. Approve payment to Anderson, Eckstein & Westrick, Inc. in the amount of \$14,265.30 for professional services during the month of January 2008 for the following projects: Johnston Park Tennis Courts, #180-096 and 2007 Sewer Cleaning & TV Inspection, #180-100.
3. Approve the appointment of Veronica Paiz to the Recreation Advisory Board for a three-year term and Michael VanDeMark to the Library Board for a five-year term.

ROLL CALL VOTE

YES: Costantino, Marshall, Palmer, Sawicki and Szymanski.

NO: None.

ABSENT: Poynter and Monaghan.

RESOLUTION ADOPTED

CM 02-28-08

2008 COMMUNITY DEVELOPMENT

BLOCK GRANT - OPEN PUBLIC HEARING

MOTION by Palmer, SUPPORTED by Sawicki:  
To open the Public Hearing on the 2008 Community Development Block Grant program.

ABSENT: Poynter and Monaghan.

MOTION CARRIED

PUBLIC HEARING

The City Manager stated that the City is required to annually hold a public hearing for the proposed use of Community Development Block Grant monies, and that notice of this hearing was published as required. He then reviewed the proposed use of this year's funds and answered any questions.

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CM 02-29-08

2008 COMMUNITY DEVELOPMENT  
BLOCK GRANT - CLOSE PUBLIC HEARING

MOTION by Szymanski, SUPPORTED by Marshall:  
To close the Public Hearing on the 2008 Community Development Block Grant program.

ABSENT: Poynter and Monaghan.

MOTION CARRIED

CM 02-30-08

ADOPTION OF 2008 COMMUNITY  
DEVELOPMENT BLOCK GRANT PROGRAM

RESOLUTION by Szymanski, SUPPORTED by Palmer:  
BE IT RESOLVED to Adopt the 2008 Community Development Block Grant Program as follows:

Administration	\$ 9,500
SOC Minor Home Repairs	\$16,000
Kelly Road Improvements	\$51,450
Pointe Area Assisted Transit Svc. (Handicapped Transportation)	<u>\$ 9,025</u>
TOTAL	<u>\$ 95,000</u>

ROLL CALL VOTE

YES: Marshall, Palmer, Sawicki, Szymanski and Costantino.

NO: None.

ABSENT: Poynter and Monaghan.

RESOLUTION ADOPTED

CM 02-31-08

FIRE DEPARTMENT APPARATUS  
DOOR REPLACEMENT

RESOLUTION by Sawicki, SUPPORTED by Palmer:

BE IT RESOLVED to accept the low quote submitted by Overhead Door East for the removal and replacement of the roll-up doors, motors and safety hardware at the Harper entrance of the fire department in the amount of \$11,815.00.

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ROLL CALL VOTE

YES: Palmer, Sawicki, Szymanski, Costantino and Marshall.

NO: None.

ABSENT: Poynter and Monaghan.

RESOLUTION ADOPTED

CALL TO COUNCIL

The City Manager asked that the scheduled Goal Setting session be re-scheduled to the next Council meeting when the whole Council should be present. He also said that the Mayor wanted it known that this is only the third meeting that he has missed since being on City Council.

Councilman Palmer said that he read where the State is projecting a four percent increase in revenue sharing to local governments for the next budget year, and asked the City Manager if HE has heard this. (The City Manager said that that is the Governor's proposal, but it has not been approved by the legislature.) He then said that he read where Sheriff Evans said that there has been an increase in auto thefts on the eastside from people warming up their cars and leaving them unattended, and asked if we have experienced this problem. (The City Manager said that we have not experienced this problem, and that in fact, we have experienced a decrease in auto thefts.)

Councilwoman Sawicki said that she forgot to have the issue of adopting an ordinance banning cell



phone use while driving during the last Goal Setting session, and asked that this be placed for discussion at the next session. She then commented about people that have talked to her in support of adopting such a ban, and her personal experience witnessing an accident where someone was talking on their cell phone and not paying attention to their driving. She also pointed out that State law leaves the regulation of cell phones to local control.

Councilman Marshall asked for an update on the Notre Dame property and the methane leak at the Eastland Village apartments. (The City Manager said that the Notre Dame property is no longer being used as a High School, and that he has not been advised of any proposed development there. He then commented on the methane leak at the Eastland Village apartments, saying that a venting system has been put in place and that the problem has been addressed.)

### CALL TO AUDIENCE

Mr. Szolach commented on how proud he is of the job the Fire Department has been doing with the recent house fires we have experienced. He also said that he was very thankful for the mutual

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aid fire assistance that the surrounding communities have provided during this time.

Ms. Kindle commented on how much she liked the new outside lighting on the building, saying that it increases visibility a great deal.

Mr. Wummel commented on why he ran for City Council saying that all he wants to do is help his neighbors and the community, and that his main concern is to make a difference in the community. He then proceeded to discuss his ideas on how the City could save money and provide services to the community, and said that he has researched other communities and would like to share his ideas and work with City Council to improve the community.

CM 02-32-08

### ADJOURNMENT

MOTION by Szymanski, SUPPORTED by Marshall:

That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 7:52 p.m.

ABSENT: Poynter and Monaghan.

MOTION CARRIED

CHERYL A. COSTANTINO, MAYOR PRO TEM

MICKEY D. TODD, CITY CLERK

CITY OF HARPER WOODS  
CITY COUNCIL  
MARCH 3, 2008

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:30 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem Cheryl A. Costantino, Councilperson(s) Hugh Marshall, Michael P. Monaghan, Vivian M. Sawicki and John M. Szymanski.

ABSENT: Councilman Daniel S. Palmer.

OTHERS PRESENT: City Manager James E. Leidlein, City Attorney J. Russell LaBarge and City Clerk Mickey D. Todd.

CM 03-33-08

EXCUSE COUNCILMAN PALMER

MOTION by Monaghan, SUPPORTED by Szymanski:

To excuse Councilman Daniel S. Palmer from tonight's meeting because of a prior commitment.

ABSENT: Palmer.

MOTION CARRIED

CM 03-34-08

MINUTES

MOTION by Monaghan, SUPPORTED by Sawicki:

To receive, approve and file the minutes of the regular City Council meeting held February 20, 2008, and furthermore, receive and file the minutes of the Planning Commission meeting held February 27, 2008.

ABSENT: Palmer.

MOTION CARRIED

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CM 03-35-08

CONSENT AGENDA

RESOLUTION by Costantino, SUPPORTED by Monaghan:

BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 83298 through 83421 in the amount of \$676,221.71 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.
2. Approve payment to Statewide Security Transport in the amount of \$6,050.66 for prisoner lodging and maintenance for the month of January 2008.
3. Approve the purchase of a thermal imaging camera from Argus-Hazco in the amount of \$6,828.00, with \$5,000 in grant money to be used, and further that competitive bidding we waived in accordance with City policy.
4. Approve payment in the amount of \$37,163.90 to Wayne County for the Milk River Drain Interest; \$22,205.54 for the 1991 Series, \$2,756.28 for the 1992 Series and \$12,202.08 for the 1993 Series Bond.

ROLL CALL VOTE

YES: Costantino, Marshall, Monaghan, Sawicki, Szymanski and Poynter.

NO: None.

ABSENT: Palmer.

RESOLUTION ADOPTED

CM 03-36-08

ACCUMEDWEB - AMBULANCE  
BILLING HARDWARE AND SOFTWARE

RESOLUTION by Marshall, SUPPORTED by Monaghan:

BE IT RESOLVED to approve the purchase of two PC Tough Books and related software through Accumed in the amount of \$10,640, and further to approve a six-year contract with Accumed for billing services at a rate of 8.75% of billings, subject to final review and approval by the City Manager and City Attorney.

ROLL CALL VOTE

YES: Marshall, Monaghan, Sawicki, Szymanski, Poynter and Costantino.

NO: None.

ABSENT: Palmer.

RESOLUTION ADOPTED

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CALL TO COUNCIL

Councilman Monaghan asked the City Manager for an update on the proposed amendments to the Vicious Dog Ordinance. (The City Manager said that the committee charged with reviewing and making recommended changes to the Vicious Dog Ordinance recently met, and will be meeting a second time before sending the proposed changes to City Council for consideration. He added that at present, the recommended changes do not contain language that bans specific breeds of dogs.)

Councilman Marshall commented on the program that the Wayne County Treasurer has developed to assist homeowners with foreclosure issues, and asked if we have the expertise locally to counsel residents facing this issue. (The City Manager said that SEMCOG has a program to help local governments assist their residents with foreclosure issues, and said that he is attempting to contact them in an effort to see if this program would be beneficial to our residents.)

Councilwoman Sawicki commented on the memo that City Council received which provided a detailed description of the Grant monies the city has received over the past twenty months. Specifically, she complimented the City administration for their efforts in obtaining \$350k in Grant Money from Homeland Security for a number of different items for the Police and Fire Departments, and the approximately \$900k from the Michigan Department of Environmental Quality for the complete cleaning and televising of the City's sanitary sewer system.

CALL TO AUDIENCE

Ms. Paiz commented on the problem she is having with a vacant house in her neighborhood having rats, and how she would like to see the City require homeowners to have garbage cans in an effort to eliminate the habitat for rats.

Mr. Bruneel advised City Council that due to the generous donations of the residents, the Harper Woods Lion's Club was able to give back to the City this past year by donating \$200 to girl's softball; \$175 to Little League; four pairs of glasses to needy students; and additional money to the Michigan Eye Bank.

Mr. Wummel reported on his continued research he is doing for the City, saying that he has talked to neighboring Grosse Pointe Woods about their Public Safety structure, and he has reviewed the City's park master plan. He also provided City Council with a handout with his recommendations on Parks and Recreation Issues.

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REGULAR CITY COUNCIL MEETING

MARCH 3, 2008  
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CM 03-37-08 \_\_\_\_\_ 2008 GOAL SETTING SESSION

MOTION by Monaghan, SUPPORTED by Szymanski:  
To adjourn to the Conference Room for the 2008 Goal Setting Session.

ABSENT: Palmer.

MOTION CARRIED

The City Council recessed at 8:45 p.m. and reconvened in the Conference Room at 8:50 p.m.

2008 GOAL SETTING SESSION

The City Manager said that he wanted to meet tonight to get the list of ranked goals from each Councilmember, and add any goals.

Councilwoman Sawicki asked the City Manager to add to the list of goals the adoption of a Distracted Driver Ordinance.

City Council agreed that the issue of public safety is the most important goal that needs to be addressed this year.

CM 03-38-08

ADJOURNMENT

MOTION by Monaghan, SUPPORTED by Szymanski:

That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 7:59 p.m.

ABSENT: Palmer.

MOTION CARRIED

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KENNETH A. POYNTER, MAYOR

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MICKEY D. TODD, CITY CLERK

CITY OF HARPER WOODS  
CITY COUNCIL  
MARCH 17, 2008

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:30 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem Cheryl A. Costantino, Councilperson(s) Hugh Marshall, Michael P. Monaghan, Daniel S. Palmer, Vivian M. Sawicki and John M. Szymanski.

ABSENT: None.

OTHERS PRESENT: City Manager James E. Leidlein, City Attorney J. Russell LaBarge and City Clerk Mickey D. Todd.

CM 03-39-08

MINUTES

MOTION by Monaghan, SUPPORTED by Costantino:

To receive, approve and file the minutes of the regular City Council meeting held March 3, 2007.

MOTION CARRIED UNANIMOUSLY

CM 03-40-08

CONSENT AGENDA

RESOLUTION by Costantino, SUPPORTED by Monaghan:

BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 83422 through 83545 in the amount of \$448,034.45 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.

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REGULAR CITY COUNCIL MEETING

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2. Approve payment to the City of Grosse Pointe Farms in the amount of \$14,011.00 for Harper Woods' proportionate share of the Intermunicipal Radio System for the period July 2007 through December 2007.
3. Approve payment to Nu Appearance Maintenance in the amount of \$12,906.25 for sidewalk snow removal in various areas of the city.
4. Approve the purchase of a PC server from Northern Data Systems in the amount of \$9,040.00.

ROLL CALL VOTE

YES: Costantino, Marshall, Monaghan, Palmer, Sawicki, Szymanski and Poynter.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 03-41-08      2007 SEWER CLEANING AND CCTV INVESTIGATION  
#180-100 - PROGRESS PAYMENT NO. 6

RESOLUTION by Monaghan, SUPPORTED by Costantino:

BE IT RESOLVED to approve payment to AAA Pipe Cleaning Corp. in the amount of \$33,560.97 for Progress Payment No. 6 on the 2007 Sewer Cleaning and CCTV Investigation Project, #180-100.

ROLL CALL VOTE

YES: Marshall, Monaghan, Palmer, Sawicki, Szymanski, Poynter and Costantino.  
NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 03-42-08          JOHNSTON PARK TENNIS COURT RENOVATIONS  
   #180-096 - PROGRESS PAYMENT NO. 2

RESOLUTION by Marshall, SUPPORTED by Monaghan:  
BE IT RESOLVED to approve payment to Cortis Brothers Trucking and Excavating in the amount of \$15,120.00 for Progress Payment No. 2 on the Johnston Park Tennis Court Project, #180-096.

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ROLL CALL VOTE

YES: Monaghan, Palmer, Sawicki, Szymanski, Poynter, Costantino and Marshall.  
NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 03-43-08          SECOND READING AND ADOPTION -  
   ORDINANCE NO. 2008-01 AN ORDINANCE  
   ADDRESSING VICIOUS DOGS

MOTION by Szymanski, SUPPORTED by Monaghan:  
To table the second reading of an ordinance entitled, "An Ordinance to Amend Chapter 4 Article 11, Division 1 to Address Vicious Dogs," until corrections are made.

MOTION CARRIED UNANIMOUSLY

CALL TO COUNCIL

Councilman Marshall stated that while on his daily jog through the city it seems like the Police always have someone pulled over, and said that he is very impressed with their aggressive traffic enforcement.



Councilwoman Sawicki wished everyone a Happy Easter.

Councilman Monaghan wished everyone a Happy St. Patrick's Day.

CALL TO AUDIENCE

Ms. Piaż commented on the proposed amendment to the vicious dog ordinance, saying that she didn't recall seeing the First Reading of the proposed amendment, and would like to get a copy of both the First and Second readings of the proposed ordinance amendments. (The City Manager said that he would get her a copy of both amendments.) She then commented on snow removal, saying that she has been critical of the DPW in the past, but this last snow fall they did a very good job.

Mr. Bruneel wished everyone a Happy St. Patrick's Day and a Happy Easter. He then announced that as a WWII Veteran he was recently selected by WDAY Honor Flight to be flown to

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Washington D.C. to see the National World War II National Memorial and other patriotic sites. He said it is quiet an honor and looks forward to the May visit.

Ms. McCarthy, representing the League of Women Voters, gave City Council and the public an updated government officials guide.

Mr. Regal asked what the payment on the Consent Agenda of \$12k to Nu Appearance was for. (The City Manager said it was for residential snow removal, after the homes were tagged for not removing snow from their sidewalk. He added that the cost would be charged to the homeowners.)

CM 03-44-08

2008 GOAL SETTING SESSION

MOTION by Monaghan, SUPPORTED by Palmer:  
To adjourn to the Conference Room for the 2008 Goal Setting Session.

MOTION CARRIED UNANIMOUSLY

The City Council recessed at 7:40 p.m. and reconvened in the Conference Room at 7:45 p.m.

2008 GOAL SETTING SESSION

The City Manager and City Council reviewed and discussed the goal setting items that they agreed

to for 2008. No action was taken.

CM 03-45-08

ADJOURNMENT

MOTION by Marshall, SUPPORTED by Monaghan:

That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 7:59 p.m.

MOTION CARRIED UNANIMOUSLY

\_\_\_\_\_  
KENNETH A. POYNTER, MAYOR

\_\_\_\_\_  
MICKEY D. TODD, CITY CLERK

CITY OF HARPER WOODS  
CITY COUNCIL  
APRIL 7, 2008

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:30 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem Cheryl A. Costantino, Councilperson(s) Hugh Marshall, Michael P. Monaghan, Daniel S. Palmer, Vivian M. Sawicki and John M. Szymanski.

ABSENT: None.

OTHERS PRESENT: City Manager James E. Leidlein and City Clerk Mickey D. Todd.

CM 04-46-08

MINUTES

MOTION by Monaghan, SUPPORTED by Costantino:

To receive, approve and file the minutes of the regular City Council meeting held March 17, 2008, and furthermore, receive and file the minutes of the Library Board meeting held February 21, 2008 and the Election Commission meeting held April 1, 2008.

MOTION CARRIED UNANIMOUSLY

CM 04-47-08

MOVED TABLED ITEM TO OLD BUSINESS

MOTION by Szymanski, SUPPORTED by Sawicki:

Remove item CM 03-43-08 An Ordinance to Amend Chapter 4 Article II, Division 1 to Address Vicious Dogs from Tabled and Pending Items and place under Old Business 1.

MOTION CARRIED UNANIMOUSLY

CITY OF HARPER WOODS, MICHIGAN  
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CM 04-48-08

CONSENT AGENDA

RESOLUTION by Costantino, SUPPORTED by Monaghan:

BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 83547 through 83678 in the amount of \$384,181.12 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.
2. Approve payment in the amount of \$5,765.54 to Wayne County for the Milk River Drain interest payment on the 1999 Series Bond.
3. Approve the maintenance agreement in the amount of \$5,300.00 with Meggitt Defense Systems Caswell for the firearm's range.
4. Approve payment to Statewide Security Transport in the amount of \$6,326.80 for prisoner lodging and maintenance for the month of February 2008.
5. Approve payment to Anderson, Eckstein & Westrick, Inc. in the amount of \$13,582.60 for professional services during the month of February 2008 for the following projects: Johnston Park Tennis Courts, #180-096; 2007 Sewer Cleaning & CCTV Inspection, #180-100 and the 2007 Pavement Joint & Crack Sealing project, #180-104.
6. Approve payment to Nu Appearance Maintenance in the amount of \$10,552.50 for sidewalk snow removal in various areas of the city.

ROLL CALL VOTE

YES: Costantino, Marshall, Monaghan, Palmer, Sawicki, Szymanski and Poynter.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 04-49-08

SECOND READING AND ADOPTION -  
ORDINANCE NO. 2008-01 AN ORDINANCE  
ADDRESSING VICIOUS DOGS

RESOLUTION by Marshall, SUPPORTED by Costantino:

BE IT RESOLVED to place for second reading an ordinance entitled "An Ordinance to Amend Chapter 4 Article II, Division 1 to Address Vicious Dogs," and further, that the City Clerk be directed to publish a notice of this in accordance with City Charter requirements.(Attachment #1)

ROLL CALL VOTE

YES: Marshall, Monaghan, Palmer, Sawicki, Szymanski, Poynter and Costantino.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

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CM 04-50-08      2007 SEWER CLEANING AND CCTV INVESTIGATION  
#180-100 - PROGRESS PAYMENT NO. 7

RESOLUTION by Sawicki, SUPPORTED by Monaghan:

BE IT RESOLVED to approve payment to AAA Pipe Cleaning Corp. in the amount of \$33,095.78 for Progress Payment No. 7 on the 2007 Sewer Cleaning and CCTV Investigation Project, #180-100.

ROLL CALL VOTE

YES: Monaghan, Palmer, Sawicki, Szymanski, Poynter, Costantino and Marshall.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 04-51-08      PURCHASE - POLICE DEPARTMENT FIRE ARMS

RESOLUTION by Monaghan, SUPPORTED by Costantino:

BE IT RESOLVED to accept the low bid submitted by Vance's Law Enforcement in the amount of \$23,224.58 for the purchase of 35 Glock 22 pistols and 12 Glock 23 pistols, with a trade-in of \$10,674.58, for a final cost of \$10,674.58.

ROLL CALL VOTE

YES: Palmer, Sawicki, Szymanski, Poynter, Costantino, Marshall and Monaghan.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

## CALL TO COUNCIL

Mayor Poynter commented on how nice the City's Boards and Commissions dinner was, and how much their work is appreciated by City Council. He then reminded the public that the Tyrone School Tin Can Auction will be Friday, April 25<sup>th</sup> at Harper Woods High School, and it promises to be one of the best ever.

Councilman Monaghan commented on the City's sidewalk replacement program asking the City Manager if all of the sidewalks that are marked for repair, are repaired in the same year they are marked. (The City Manager said that not all are repaired the same year they are marked.) He then said that he has recently been made aware of a resident who is questioning his integrity because his sidewalk was marked for repair last year, and was not replaced at that time. He

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added that at the time of his sidewalk being marked for repair, he spoke to the City Manager and requested to have it repaired the following year during the summer months because his house is next to a school, and he didn't want the sidewalk to be vandalized while it was curing.

Mayor Pro tem Costantino announced the Poupard School will be having their annual Tin Can auction on April 19<sup>th</sup> from 1-5 p.m.

Councilwoman Sawicki announced that Yard Waste collection is starting up again on everyone's regular trash collection day. She also advised the City Manager that there is some graffiti on the Woodmont foot bridge that needs to be removed. (The City Manager said that the DPW is aware of the graffiti and will be removing it.)

## CALL TO AUDIENCE

Ms. Melissa Brown, spokesperson for Rep. Carolyn Cheeks Kilpatrick, gave City Council and the public a legislative update on her work in Congress, and passed out informational materials on her behalf.

Ms. Kindle thanked City Council for the Boards and Commissions Dinner, saying it was very nice. Then she asked the City Manager if the video footage from the City's televising the sewers would show the condition of the sewers in her condominium. (The City Manager said that the film footage would only be of the City's sewers and not private residences.) She then commented on the upcoming Smart Money Programs that will be offered at Harper Woods High School on April 24th.

A gentleman asked for the City's assistance in dealing with a group home on his street. (The City Manager asked him to see him after the meeting and he would have someone from the Police Department assist him.)

Mr. Szolach commented on how the warm weather is bringing out the speeders on Beaconsfield and asked for stepped up radar enforcement. He then complained about a house on Beaconsfield that puts out a disproportionate amount of trash for the two people that live there.

Mr. Wummel commented on the City's Sidewalk repair program, saying that he has submitted a Freedom of Information Act request for all the documents related to this program, and after getting the information from the Clerk's Office, he doesn't believe that he is getting all the available information. He cited a follow-up request that he made as an example, saying he asked for documentation on a house where his friend lives, and where Councilman Monaghan's house is, and was then provided with that information. He said that those documents should have been provided with his first request and suggested that special consideration is being given to

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Councilman Monaghan, because the City Manager does not have the authority to waive fees or alter work repair schedules. (The City Manager said that Councilman Monaghan is not being given any special consideration and that he has honored requests from other residents to postpone work or adjust a fee.)

CM 04-52-08

ADJOURNMENT

MOTION by Monaghan, SUPPORTED by Szymanski:

That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 8:15 p.m.

MOTION CARRIED UNANIMOUSLY

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KENNETH A. POYNTER, MAYOR

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MICKEY D. TODD, CITY CLERK

ATTACHMENT #1

ORDINANCE NO. 2008 - 01

AN ORDINANCE TO AMEND CHAPTER 4  
ARTICLE 11, DIVISION 1 TO ADDRESS  
VICIOUS DOGS

THE CITY OF HARPER WOODS ORDAINS:

SECTION 1 - That Sec. 4-28 Vicious Dogs of the Code of Ordinances of the City of Harper Woods be and is hereby amended to read:

Sec. 4-28 VICIOUS AND/OR POTENTIALLY DANGEROUS DOG

Potentially dangerous and vicious dogs are a serious and widespread threat to the safety and welfare of residents and visitors of Harper Woods.

It is, therefore, hereby unlawful for any person to own, possess or harbor a vicious and potentially dangerous dog or any property owner to allow such person to own, possess or harbor a vicious and potentially dangerous dog defined as follows:

A dog, regardless of breed who has any one of the following traits, behaviors or dispositions:

1. Charging any person or other dog or other domestic animal whether on private or public property in a menacing fashion, exhibiting teeth in an aggressive growl and/or snarl and barking in a clearly threatening manner.
2. Having a known propensity or tendency by prior acts to attack

unprovoked.

3. Biting, inflicting injury, assaulting or otherwise attacking a person or domestic animal causing serious injury or death without provocation on public or private property.

4. Being owned or harbored primarily or in part for the purpose of fighting or being trained for fighting.

5. Behaving in such a manner that the owner thereof knows or should reasonably know that the dog is possessed of tendencies to attack or to bite persons without provocation.

While not breed specific, the following breeds of dogs shall be considered suspect as vicious and potentially dangerous: *Akita, Alaskan Malamute, American Pit Bull Terrier, American Staffordshire Terrier, Boxer, Bull Mastiff, Chow Chow, Dalmatian, Doberman Pinscher, English Bull Terrier, German Shepherd, Great Dane, Presa Canario, Rhodesian Ridgeback, Rottweiler, Siberian Husky, Wolf Hybrid and/or any mixed breed of the above.*

However, a dangerous animal does not include any of the following:

- 1) An animal that bites or attacks a person who is knowingly trespassing on the property of the animal's owner.
- 2) Any animal that bites or attacks a person who provokes or torments the animal.
- 3) An animal that is responding in a manner that an ordinary and reasonable person would conclude was designed to protect a person engaging in lawful activity or a person who is the subject of the assault and the animal is protecting that person from an assault.

For the purpose of this Section, the following definitions shall apply:

- i.* "Owner" means a person who owns possesses or harbors a dog or a property owner who permits or allows such person to own, possess or harbor a dog.
- ii.* "Provoke" means to perform a willful act or omission that an ordinary and reasonable person would conclude is likely to precipitate the bite or attack by an ordinary dog.
- iii.* "Serious Injury" means permanent, serious disfigurement, serious impairment of health or serious impairment of a bodily function of a person.
- iv.* "Torment" means an act or omission that causes unjustifiable pain, suffering and distress to a dog, or causes mental and emotional anguish in the animal as evidenced by its altered behavior, for a purpose such as sadistic pleasure, coercion or punishment that an ordinary and reasonable person would conclude is likely to precipitate the bite or attack.

(See also MCLA287.321)



The owner of any dog determined by the police department to be dangerous and vicious, as defined, and of immediate threat to the health, safety and welfare of the public, shall be directed to immediately remove the animal outside of the corporate municipal limits of the City of Harper Woods. Should the owner fail to do so, the animal shall be seized by the police department and euthanized at the expense of the owner.

SECTION 2. REPEAL All other ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 3. SEVERABILITY If any article, section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance, it being the intent of the Council of the City of Harper Woods that this ordinance shall stand, notwithstanding the invalidity of any article, section, subsection, sentence, clause, phrase or portion thereof.

SECTION 4. EFFECTIVE DATE This Ordinance shall take effect ten (10) days after enactment as provided by the City Charter.

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Kenneth A. Poynter, Mayor

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Mickey D. Todd, City Clerk

INTRODUCTION AND FIRST READING: March 19, 2007

SECOND READING: April 7, 2008

THIRD READING AND ADOPTION:

PUBLISHED: April 17, 2007

EFFECTIVE DATE:

CITY OF HARPER WOODS  
CITY COUNCIL  
APRIL 21, 2008

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:30 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem Cheryl Costantino, Councilperson(s) , Hugh Marshall, Michael P. Monaghan, Daniel S. Palmer, Vivian M. Sawicki and John M. Szymanski.

ABSENT: None.

OTHERS PRESENT: City Manager James E. Leidlein, City Attorney J. Russell LaBarge and City Clerk Mickey D. Todd.

MOTION by Monaghan, SUPPORTED by Szymanski:

To receive, approve and file the minutes of the regular City Council meeting held April 7, 2008, and furthermore, receive and file the minutes of the Board of Review meeting held on March 10, 2008.

MOTION CARRIED UNANIMOUSLY

CM 04-54-08

CONSENT AGENDA

RESOLUTION by Costantino, SUPPORTED by Monaghan:

BE IT RESOLVED to approve the following items on the Consent Agenda:

- 1) Approve the Accounts Payable listing for Check Numbers 83679 through 83811 in the amount of \$610,275.44 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.

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- 2) Approve payment to Wayne County in the amount of \$6,828.79 for services performed on the tax rolls.
- 3) Approve payment to Statewide Security Transport in the amount of \$5,830.63 for prisoner lodging and maintenance for the month of March 2008.
- 4) Approve payment to Anderson, Eckstein & Westrick, Inc. in the amount of \$27,915.80 for professional services during the month of March 2008 for the following projects: 2007 General, #180-099; 2007 Sewer Cleaning & CCTV Inspection, #180-100; Kelly Road Sidewalk/Alley, #180-102; 2008 Concrete Pavement Repair, #180-105; City Hall Parking Study, #180-107 and the 2008 Pavement Joint & Crack Sealing, #180-108.
- 5) Approve payment to Plante & Moran in the amount of \$23,000 for the professional services performed in conjunction with the 2007 audit.
- 6) Approve payment to Michigan Municipal Worker's Unemployment Fund in the amount of \$10,434.93 for the adjustment in our premium for the first quarter of 2008.

ROLL CALL VOTE

YES: Costantino, Marshall, Monaghan, Palmer, Sawicki, Szymanski and Poynter.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 04-55-08

2007AUDIT - PLANTE & MORAN LETTER  
REGARDING PROCESS & COMMUNICATION

MOTION by Monaghan, SUPPORTED by Costantino:

To receive and file the letter from Plante & Moran dated April 3, 2008, regarding their audit of the

City's financial statements for year ending December 31, 2007, and to encourage any council member to contact them directly with any matter they believe should be brought to their attention in the course of their audit.

MOTION CARRIED UNANIMOUSLY

CM 04-56-08            2007 SEWER CLEANING & CCTV INVESTIGATION  
PROJECT - #180-100 - PROGRESS PAYMENT #8

RESOLUTION by Marshall, SUPPORTED by Costantino:  
BE IT RESOLVED to approve payment to AAA Pipe Cleaning Corp. in the amount of \$35,231.81 for Progress Payment No. 8 on the 2007 Sewer Cleaning and CCTV Investigation Project, #180-100.

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ROLL CALL VOTE

YES: Marshall, Monaghan, Palmer, Sawicki, Szymanski, Poynter and Costantino.  
NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 04-57-08            MILK RIVER DRAIN - OPERATIONS &  
MAINTENANCE - 2008 3RD QUARTER

RESOLUTION by Monaghan, SUPPORTED by Costantino:  
BE IT RESOLVED to approve payment to Wayne County in the amount of \$138,348.50 for the operation and maintenance of the Milk River Drain for the 3<sup>rd</sup> quarter of FY2008.

ROLL CALL VOTE

YES: Monaghan, Palmer, Sawicki, Szymanski, Poynter, Costantino and Marshall.  
NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CALL TO COUNCIL

Mayor Poynter reminded City Council and the public of Saturday's Little League Parade on Beaconsfield and Opening Day at Johnston Park. He also announced that he was pleased that the Detroit Tiger Foundation is considering granting \$22k to the Recreation Department to assist in

building new dugouts on the new Johnston Park baseball diamond. Then he announced that he had the privilege of cutting the ribbon for the new Uniforce Group business which opened in the old Michigan Bell building on Kelly road, saying that it will be a combination Call Center, Insurance Company and Virtual Office. He added that the business is owned by former Detroit Lion Luther Ellis, and that the grand opening was attended by the Mayors of Eastpointe and Roseville, and that he suggested to both Mayors that the Councils get together.

Councilwoman Sawicki asked that the following statement be included in the minutes: “Mr. Mayor, fellow Council members, Mr. City Manager: As you know, we have wanted to move on the concept of a new service model for Harper Woods for some time. We have mentioned it at City Council meetings and at our goal setting meetings. The City Manager has asked us to wait and try to work with the Fire Department union to move more smoothly toward this goal. We have waited, we’ve worked and made offers, and it is very clear to me that there is apparently no interest or desire by the Fire Department to work with the community toward a blended police and fire service model. I know that with all new things there is a reluctance to change and a

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desire to maintain the status quo, but the status quo isn’t going to make our community safer. As costs rise we need to find better, more effective methods. When I first came on Council fifteen years ago, I did not support the idea of public safety. It was a service model that seemed risky to me. I believed that the traditional method of police and fire service was the only method that could work for us. Since that time I have recognized the success of professionally cross-trained public safety officers. The City Council has the right, and indeed the duty, to do everything in our power to best preserve the life, health and safety of our residents and our city. We have seen that the service model of a full Public Safety Department can be successful in making more officers available on the street without creating an additional risk to the property or safety of residents. The City Manager knows I want to move on this model but he has recommended and asked us to consider a blended department and that suggestion seems reasonable. In saying this I want to make my attitude clear. I want all our police and fire department officers to be cross-trained but I recognize that there might be reluctance on the part of some to do this. At the very least, I believe we can have portable defibrillators put in squad cars and all public safety officers cross-trained. I want all new hires to meet criteria we set forth for cross-trained personnel. I don’t want to place our residents in jeopardy but I believe our current system will do that in the near future because we face increased costs and lower income in an economic climate that isn’t likely to change anytime soon. I believe we cannot wait any longer. I don’t believe there is any reason to wait. As a matter of fact, I am ready to vote today because I feel that strongly about our need to get moving on this issue. We have waited long enough. I would like to vote today, Mr. Mayor, but I know that there is some information I am still expecting to receive. At our goal setting meeting we were told that we would receive some information on the potential cost of cross-training current police and fire officers and the cost of equipment purchases. I want to be able to vote on this issue within the next thirty days, and I am asking that the City Council direct the City Manager to get his report to us and to put this on the agenda with no further delay.”

Councilman Szymanski said that he had some comments to make regarding police and fire services. But first he recognized the Police Chief for doing an outstanding job of preparing the Police Department's 2007 Year End Report, saying that it is filled with a lot of information and should serve as a blueprint for a Public Safety Department. He added that he thinks the Police Department is doing a wonderful job. He then said that when he came here tonight he was angry at the spike in crime in our community, especially in the last week with the series of car-jackings that have taken place. He said he was also angry after learning from several residents that our Police Officers were being taunted by over fifty spectators on the median of Kelly Road while attempting to make an arrest on Huntington. Then he voiced his support for Councilwoman Sawicki's comments and urged City Council to make some changes in our public safety service model and make them quickly. He said that this is the time to act and act responsibly on behalf of the community and the safety of our residents. He further said that he will not sit on City Council and let the lives of our Police Officers be put in danger with another scene like the one that took place on Kelly Road. He said that if there were no objections, he would like to vote, sooner than thirty days, on establishing a full Public Safety Department and do it the right way.

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He concluded saying that he is primarily concerned with public safety effectiveness.

Mayor Poynter said that he certainly agrees with both Councilwoman Sawicki's and Councilman Szymanski's comments, and thinks that probably the rest of City Council feels the same way. He added that City Council has put this decision off way too long, hoping that reason would prevail, but unfortunately reason has not prevailed, so City Council has to move on this. He asked City Council how they wanted to proceed.

Councilman Palmer asked for an update with where we are in negotiations with the Fire Fighters, saying that it was his understanding that City Council was looking at a ninety day period to consider any proposals before proceeding.

The City Manager said that it was made very clear to him at City Council's first Goal Setting session that the number one priority of City Council is to implement a Public Safety delivery model. He added that everyone knows his record on this question, saying that he has supported such a change for the last twenty years, but for some time such a change was not politically acceptable. Then he said it was his desire for the Fire Fighters to not necessarily support the change, but for them to not campaign against it, and initially he thought the new leadership in the Fire Department would not fight the City on the change, but even with job guarantees, wage and benefit improvements, he still could not get them to agree on not opposing the cross-training of Police Officers. He said that he would go into the details of his proposal and the Union's response in closed session, but could say that they will oppose the adoption of a Public Safety Department.

Councilman Szymanski responded to the City Manager's comments saying that the City's number one obligation is to provide Public Safety to its residents, and that there is no group of employees

that can hold this City hostage. He added that the City has recourse, that it has bargained fairly and have given them a good contract offer considering these economic times. He further stated it is time City Council gets tough and just impose a contract and let it fall where it falls, so we get what we need for this City. He said that we need more police and we need them now, that we don't have to sit in litigation, and we don't have to sit and hold hands, we need them now and we are prepared to act now. Lastly, he said if they don't want to negotiate, we should vote on it.

Councilwoman Costantino said that she realizes that she is the last hold out on this issue, but now realizes that City Council is in a position where there is no choice. She added that our tax payers can not even handle the taxes they are paying now, and they have voted against the last attempted Headlee Override, so City Council has to do something to save money. She further commented that even though she is supporting the change, she doesn't want to give the impression that City Council is cramming Public Safety down the public's throat, so she is not

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ready to vote on this today. She said that she wants to give the public an opportunity to comment on this change and air it out, so we don't leave the impression that we are pushing it through, even though City Council has been talking about it for a long time, saying that some of the residents may not know this. She added that she talked to a number of people about this who have complained to her about their taxes going up, and she does not feel that they can be raised again. She then said she has other concerns about this proposal, namely that she wants to guarantee that the employees that have jobs now will keep their jobs and not be thrown out. (The City Manager said that that has been offered to the union in writing.) Then she commented on the recent hires in the Police and Fire Departments saying that it was her understanding that they were told that the City may change over to a Public Safety Department. (The City Manager said that may have been the case with new Police hires, but not necessarily with Fire hires.) She then said that she recently spoke to some Firemen who told her they needed more staff, so she feels this change will fulfill the need of having both more Fire Fighters and Police Officers. Then she said that she realizes with being on the border of Detroit, we need a more aggressive police presence, and hopes the Police do not feel that making this change is a bad reflection on them because she believes that they do an awesome job, especially as of late. Lastly, she said that she believes this is the only thing that can be done given the City's circumstances, and that City Council has known this decision has been coming for some time.

Councilwoman Sawicki said that she has been approached by a number of people who have asked her when the City is going to start moving on establishing a Public Safety Department, because it seems to be a service delivery model that works. She said that City Council just needs to decide whether we are going to do this, and that she fully supports Councilman Szymanski in saying that it is an obligation we owe our community. She concluded by saying that Public Safety works and she doesn't feel that City Council will put off making this change any longer, and does not want any more delays on moving forward with making this change.

The City Manager commented on having gone through the process of considering changing over to a Public Safety Department, and that when public hearings were held they were overwhelmingly attended by Fire Fighters and members of their national union who are not residents of this community and who obviously opposed the change. So, he does not feel that holding such hearings would be beneficial because it would be dominated by Fire Fighters and their supporters because they have such a strong political following. He added that there is no one more frustrated about this situation than he is, especially when you see that we devote anywhere from thirty to forty percent of our resources for less than ten percent of our emergency calls for service. He concluded by commenting on the increased number of emergency personnel that would be available for both police and fire calls should we change to a Public Safety service delivery model.

Mayor Poynter suggested that before a decision is made on the Public Safety issue, that City Council first hear from the City Manager in the Closed session where he will be providing

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an update on the contract negotiations with the Fire Fighters. He further suggested that City Council could provide direction to him after the Closed session.

Councilman Monaghan said that he completely supports changing over to a Public Safety Department, and said that he wants the Police Chief and Fire Chief to attend a meeting and explain how they would implement this change. (The City Manager said that that would be done at the appropriate time.)

Mayor Poynter commented on how united the City Council is on the issue of changing over to Public Safety. He added that he was totally against the Public Safety concept fifteen years ago, but that was because he received false information about the issue at that time.

#### CALL TO AUDIENCE

Ms. McCarthy commended the City Attorney for his participation on the Lake St. Clair and St. Clair River environmental committee saying that she is proud of his service. She then provided City Council with an update on the senior programs that are made available at St. Peter's Church.

Ms. Kindle announced that Money Smart Week, sponsored by the Federal Reserve, kicks off this week with one program on "How To Start and Maintain Your Business" being held at Harper Woods High School this Thursday at 6 p.m. She urged everyone to attend.

Mr. Bruneel told City Council about twenty ladies in the community who volunteer their time to crochet lap robes for veterans at the Ann Arbor Veterans Hospital, saying that they have made over three-thousand robes to date.



RESOLUTION by Monaghan, SUPPORTED by Palmer:  
BE IT RESOLVED to adjourn to Executive Session for the purpose of discussing the status of labor contract negotiations with the various City employee unions.

ROLL CALL VOTE

YES: Palmer, Sawicki, Szymanski, Poynter, Costantino, Marshall and Monaghan.  
NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

The City Council adjourned to Executive Session at 8:10 p.m. and reconvened at 8:40 p.m.

CITY OF HARPER WOODS, MICHIGAN  
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CM 04-59-08            FIRE FIGHTING COLLECTIVE BARGAINING -  
ESTABLISH PUBLIC SAFETY DEPARTMENT

MOTION by Sawicki, SUPPORTED by Szymanski:  
That based on information from the Closed session and public discussion, the City Manager is hereby directed to withdraw his last collective bargaining proposal with the Fire Fighters, and proceed with implementing a Public Safety Department.

MOTION CARRIED UNANIMOUSLY

CM 04-60-08            ADJOURNMENT

MOTION by Monaghan, SUPPORTED by Costantino:  
That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 8:43 p.m.

MOTION CARRIED UNANIMOUSLY

\_\_\_\_\_  
KENNETH A. POYNTER, MAYOR

\_\_\_\_\_  
MICKEY D. TODD, CITY CLERK

CITY OF HARPER WOODS  
CITY COUNCIL  
MAY 5, 2008

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:30 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem Cheryl A. Costantino, Councilperson(s) Hugh Marshall, Michael P. Monaghan, Vivian M. Sawicki and John M. Szymanski.

ABSENT: Councilman Daniel S. Palmer.

OTHERS PRESENT: City Manager James E. Leidlein, City Attorney J. Russell LaBarge and City Clerk Mickey D. Todd.

CM 05-61-08

EXCUSE COUNCILMAN PALMER

MOTION by Costantino, SUPPORTED by Szymanski:

To excuse City Councilman Daniel S. Palmer from tonight's meeting because of a prior commitment.

ABSENT: Palmer.

MOTION CARRIED

CM 05-62-08

MINUTES

MOTION by Monaghan, SUPPORTED by Costantino:  
To receive, approve and file the minutes of the regular City Council meeting held April 21, 2008, and furthermore, receive and file the minutes of the Library Board meeting held March 27, 2008 and the Planning Commission meeting April 23, 2008.

ABSENT: Palmer.

MOTION CARRIED

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CM 05-63-08

CONSENT AGENDA

RESOLUTION by , SUPPORTED by :

BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 83812 through 83942 in the amount of \$556,452.55 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.
2. Approve payment to Oakland County Information Technology in the amount of \$6,260.25 for fees relative to the CLEMIS computer system utilized by the Police Department.
3. Approve the purchase of Tax Billing Software from BS&A in the amount of 17,275.00.
4. Approve payment to Wayne County Department of Public Health in the amount of \$7,929.00 for inspection services in the Cross Connection Control Program for the period October through December 2007.
5. Approve the appointment of Joseph Regal to the Board of Canvassers for an unexpired four year term expiring in January of 2009.

ROLL CALL VOTE

YES: Costantino, Marshall, Monaghan, Sawicki, Szymanski and Poynter.

NO: None.

ABSENT: Palmer.

RESOLUTION ADOPTED

CM 05-64-08

THIRD READING AND ADOPTION -  
ORDINANCE NO. 2008-01 AN ORDINANCE  
ADDRESSING VICIOUS DOGS

RESOLUTION by Marshall, SUPPORTED by Costantino:  
BE IT RESOLVED to Place for Third Reading and Adoption Ordinance No. 2008-01 entitled “An Ordinance to Amend Chapter 4 Article II, Division 1 to Address Vicious Dogs,” and further to direct the City Clerk to publish a notice of this in accordance with City Charter requirements.(Attachment #1)

ROLL CALL VOTE

YES: Marshall, Monaghan, Sawicki, Szymanski, Poynter and Costantino.  
NO: None.  
ABSENT: Palmer.

RESOLUTION ADOPTED

CITY OF HARPER WOODS, MICHIGAN  
REGULAR CITY COUNCIL MEETING

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CM 05-65-08                    TRANSFER OF CLASS C LICENSE - APPLEBEES

RESOLUTION by Monaghan, SUPPORTED by Sawicki:  
BE IT RESOLVED that the request to transfer ownership of 2007 Resort Class C Licensed business MCL 436.1531(4); located at 17810 E. Eight Mile, Harper Woods, MI 48225 Wayne County from Applebee’s of Michigan, Inc. to Applebee’s Restaurants Mid-Atlantic LLC be considered for approval, and that it is the consensus of City Council that the application be recommended for issuance. (Attachment #3)

ROLL CALL VOTE

YES: Monaghan, Sawicki, Szymanski, Poynter, Costantino and Marshall.  
NO: None.  
ABSENT: Palmer.

RESOLUTION ADOPTED

CM 05-66-08                    PUBLIC SAFETY - RESOLUTION

RESOLUTION by Szymanski, SUPPORTED by Sawicki:  
BE IT RESOLVED that the resolution as shown in Attachment #2 be adopted.

ROLL CALL VOTE

YES: Sawicki, Szymanski, Poynter, Costantino, Marshall and Monaghan.  
NO: None.  
ABSENT: Palmer.

RESOLUTION ADOPTED

## CALL TO COUNCIL

Mayor Poynter commented on the recently held Mayor's Prayer Breakfast, saying that as usual it was well attended, and this year's scholarship winner from Harper High School was Anthony Bever. He also commented on how nice this year's Little League Parade was, and how nice the Leed Award Presentation was to the Library in recognition of being a "Green Library." He then said he appreciated the information provided by the State to assist homeowners with Home Foreclosure Assistance. Then he thanked the City Manager for contacting HUD and getting assurances from them that they will be maintaining their vacant properties in the city. Lastly, he said that he has been approached by various individuals who have urged him to run for the vacant State House seat, and said that he is giving it serious consideration.

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Councilwoman Sawicki announced that the Beautification Commission will be having their Annual Perennial Plant Exchange on Saturday, May 17<sup>th</sup> from 9 a.m. to 11 a.m.

Mayor Pro tem Costantino announced that the Beautification Commission is also taking nominations for their annual residential Beautification Awards, and urged residents to send nominations to the City Clerk's Office before July. She then commented on how she was struck by the impact the Eastland Center tax appeal has had on the Library's funding, and asked what other ramifications there will be. (The City Manager said that it is an obvious loss of revenue, and that the tax appeal could have been financially worse. He added that Eastland Center is pursuing another tax appeal that could be more significant.) She then asked the City Manager if Eastland Center is paying for their share of City services. (The City Manager said that the Detective Bureau spends anywhere from 30-40% of their time on processing shop lifters from Eastland Center, and we may have to start billing them for this cost.) Lastly, she commented on a proposed sign variance request from Mr. C's that the Zoning Board will be hearing next week, saying that she is opposed to the variance because the proposed sign is too large.

Councilman Szymanski commented on Eastland Center saying that he heard a new tenant is going in and asked the City Manager how that would affect the City's revenue picture. (The City Manager said that it looks like a new tenant will be going in soon, but it may not translate into a substantial increase in taxable value.) He then commented on an article that appeared in the Sunday paper about cities in Michigan that the Treasury Department considers being in fiscal distress, saying that Harper Woods was named as one of those cities, which is why Harper Woods needs to explore options like Public Safety to become more efficient.

Councilwoman Sawicki announced that she too has been approached about running for the vacated State Representative seat.

Mayor Pro tem Costantino also said that she was approached about running the vacated State

Representative seat.

CALL TO AUDIENCE

Ms. Calhoun said that she is concerned about the City's loss of revenue and asked what impact it will have on City services. (The City Manager said that he shares her concerns, and didn't have any immediate answers for her. He added that the City's budget is constantly monitored and that with the exception of the General Fund, most of our funds are stable, and the General Fund has held on because money has been taken out of the fund balance, but sooner or later those funds will be exhausted.)

Mr. Bruneel told Council of his trip that he made to the National World War II memorial with

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other veterans of the war, as part of the WDAY Honor Flight program. He shared his experience and said the memorial is a great tribute to all the veterans of WWII.

Mr. Konopka, who lives on Eastwood said that he recently returned to his house from spending the winter in Arizona, and was disappointed to find out that he was billed for not shoveling and salting his walk, saying that he had a service taking care of that and was assured by both the service and his neighbors that the bill must be in error and asked for assistance. (The City Manager asked him to see him after the meeting and he would look into it.)

Ms. Cavanagh said she is concerned with City Council's proposal to implement a Public Safety Department, saying that she is worried about how this will affect the emergency needs of the seniors in the community. She commented on possible emergency service calls and asked how they would be responded to with a public safety department. She also said that she heard about it for the first time by reading last week's Eastside Advertiser and asked how it would be implemented and if a Charter Amendment would be necessary.

Mr. Wummel said it would be nice if the previous persons questions were answered, and said it looks like City Council is cramming Public Safety down the residents throats. He said that he is concerned that the residents are not included in this decision, and that any plan for a Public Safety Department should be put on paper so the residents can review it and decide on whether to proceed. He further said that while he agrees with Councilman Szymanski that something needs to be done about the City's finances, any plan for change needs to be shared with the residents. He then said that a disservice is being done by not putting a committee together and laying out the details to the residents so that they can decide the issue.

Mr. Szolach complained about a house on Beaconsfield that continually has large quantities of garbage on trash day, saying that it looks like trash is being bought into the city, and he said something should be done about it. (The City Manager said that he would speak to the Supt. of Public Works about it.)

Mr. Binder also commented on the house on Beaconsfield and the large amount of garbage that is set out every week and asked that something be done about it.

Mr. Zorwick commended City Council for their decision to go forward with a Public Safety Department saying that he has been waiting fifteen years for this happen. He said that he was proud of them and told them that they should be proud of themselves for making the decision.

Mr. Wummel asked if there is going to be a public forum on the issue of creating a Public Safety Department. (Mayor Poynter said that it hasn't been decided yet, because the last time this issue was discussed publicly the only people that showed up were fire fighters from surrounding communities.) He then suggested that the City is refusing to share any information about how

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Public Safety will be implemented and its affects so he is now opposed to it.

Mr. Fradeneck said that he has always found City Council to follow proper procedures when making a decision and they have always done what was in the best interest of the residents.

CM 05-67-08

AN ADDENDUM TO THE AGENDA

MOTION by Szymanski, SUPPORTED by Costantino:

To approve the request from the City Manager to add an executive session for the purpose of discussing a collective bargaining matter.

ABSENT: Palmer.

MOTION CARRIED

CM 05-68-08

EXECUTIVE SESSION -  
COLLECTIVE BARGAINING

RESOLUTION by Monaghan, SUPPORTED by Szymanski:

BE IT RESOLVED to adjourn to executive session for the purpose of discussing the bargaining status of the Police Command contract.

ROLL CALL VOTE

YES: Szymanski, Poynter, Costantino, Marshall, Monaghan and Sawicki.

NO: None.

ABSENT: Palmer.

RESOLUTION ADOPTED

The City Council adjourned to Executive Session at 8:21 p.m. and reconvened at 8:44 p.m.

CM 05-69-08

ADJOURNMENT

MOTION by Monaghan, SUPPORTED by Marshall:

That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 8:44 p.m.

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ABSENT: Palmer.

MOTION CARRIED

\_\_\_\_\_  
KENNETH A. POYNTER, MAYOR

\_\_\_\_\_  
MICKEY D. TODD, CITY CLERK



ATTACHMENT #1

ORDINANCE NO. 2008 - 01

AN ORDINANCE TO AMEND CHAPTER 4  
ARTICLE 11, DIVISION 1 TO ADDRESS  
VICIOUS DOGS

THE CITY OF HARPER WOODS ORDAINS:

SECTION 1 - That Sec. 4-28 Vicious Dogs of the Code of Ordinances of the City of Harper Woods be and is hereby amended to read:

Sec. 4-28 VICIOUS AND/OR POTENTIALLY DANGEROUS DOG

Potentially dangerous and vicious dogs are a serious and widespread threat to the safety and welfare of residents and visitors of Harper Woods.

It is, therefore, hereby unlawful for any person to own, possess or harbor a vicious and potentially dangerous dog or any property owner to allow such person to own, possess or harbor a vicious and potentially dangerous dog defined as follows:

A dog, regardless of breed who has any one of the following traits, behaviors or dispositions:

1. Charging any person or other dog or other domestic animal whether on private or public property in a menacing fashion, exhibiting teeth in an aggressive growl and/or snarl and barking in a clearly threatening manner.
2. Having a known propensity or tendency by prior acts to attack unprovoked.
3. Biting, inflicting injury, assaulting or otherwise attacking a person

or domestic animal causing serious injury or death without provocation on public or private property.

4. Being owned or harbored primarily or in part for the purpose of fighting or being trained for fighting.

5. Behaving in such a manner that the owner thereof knows or should reasonably know that the dog is possessed of tendencies to attack or to bite persons without provocation.

While not breed specific, the following breeds of dogs shall be considered suspect as vicious and potentially dangerous: *Akita, Alaskan Malamute, American Pit Bull Terrier, American Staffordshire Terrier, Boxer, Bull Mastiff, Chow Chow, Dalmatian, Doberman Pinscher, English Bull Terrier, German Shepherd, Great Dane, Presa Canario, Rhodesian Ridgeback, Rottweiler, Siberian Husky, Wolf Hybrid and/or any mixed breed of the above.*

However, a dangerous animal does not include any of the following:

- 1) An animal that bites or attacks a person who is knowingly trespassing on the property of the animal's owner.
- 2) Any animal that bites or attacks a person who provokes or torments the animal.
- 3) An animal that is responding in a manner that an ordinary and reasonable person would conclude was designed to protect a person engaging in lawful activity or a person who is the subject of the assault and the animal is protecting that person from an assault.

For the purpose of this Section, the following definitions shall apply:

- i.* "Owner" means a person who owns possesses or harbors a dog or a property owner who permits or allows such person to own, possess or harbor a dog.
- ii.* "Provoke" means to perform a willful act or omission that an ordinary and reasonable person would conclude is likely to precipitate the bite or attack by an ordinary dog.
- iii.* "Serious Injury" means permanent, serious disfigurement, serious impairment of health or serious impairment of a bodily function of a person.
- iv.* "Torment" means an act or omission that causes unjustifiable pain, suffering and distress to a dog, or causes mental and emotional anguish in the animal as evidenced by its altered behavior, for a purpose such as sadistic pleasure, coercion or punishment that an ordinary and reasonable person would conclude is likely to precipitate the bite or attack.

(See also MCLA287.321)

The owner of any dog determined by the police department to be dangerous and vicious, as defined, and of immediate threat to the health, safety and welfare of the public, shall be directed to immediately remove the animal outside of the corporate municipal limits of the City of Harper Woods. Should the

owner fail to do so, the animal shall be seized by the police department and euthanized at the expense of the owner.

SECTION 2. REPEAL All other ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 3. SEVERABILITY If any article, section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance, it being the intent of the Council of the City of Harper Woods that this ordinance shall stand, notwithstanding the invalidity of any article, section, subsection, sentence, clause, phrase or portion thereof.

SECTION 4. EFFECTIVE DATE This Ordinance shall take effect ten (10) days after enactment as provided by the City Charter.

\_\_\_\_\_  
Kenneth A. Poynter, Mayor

\_\_\_\_\_  
Mickey D. Todd, City Clerk

INTRODUCTION AND FIRST READING: March 19, 2007

SECOND READING: April 7, 2008

THIRD READING AND ADOPTION: May 5, 2008

PUBLISHED: May 15, 2008

EFFECTIVE DATE: May 25, 2008

ATTACHMENT #2

CITY OF HARPER WOODS  
COUNTY OF WAYNE  
RESOLUTION OF THE HARPER WOODS CITY COUNCIL

WHEREAS, for the past two years, the issue of Police/Fire services has been the highest priority of the City Council, and

WHEREAS, reductions in State Revenue Sharing of approximately \$600,000 annually and the compound effects of the Headlee Amendment and Proposition A have severely affected the City's ability to generate tax revenue, representing a loss in excess of \$1.0 million per year, and

WHEREAS, health care costs and employee retirement benefits have risen dramatically in recent years, and

WHEREAS, the majority of the General Fund expenditure is for Police, Fire and Emergency Medical Services, and

WHEREAS, it is the responsibility and duty of the City Council to direct that the City manage its affairs in an efficient and effective manner, and

WHEREAS, the surrounding Grosse Pointe communities as well as Berkley, Beverly Hills, Bloomfield Hills, Center Line, Farmington, Huntington Woods, Oak Park, Pleasant Ridge and others throughout the nation have successfully operated public safety departments to provide quality police, fire and emergency services,

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Harper Woods hereby directs that the City shall establish a Department or Division of Public Safety and shall immediately begin the cross training of Police Officers to be fire fighters and emergency medical technicians and fire fighters who so desire, to be cross trained as police officers.

CITY OF HARPER WOODS  
CITY COUNCIL  
MAY 19, 2008

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:30 p.m. with a moment of silent prayer, followed by the Civil Air Patrol Color Guard leading the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem Cheryl A. Costantino, Councilperson(s) Hugh Marshall, Michael P. Monaghan, Daniel S. Palmer, Vivian M. Sawicki and John M. Szymanski.

ABSENT: None.

OTHERS PRESENT: City Manager James E. Leidlein and City Clerk Mickey D. Todd.

PRESENTATION - POLICE WEEK DEPARTMENTAL AWARDS

In celebration of National Police Week, Mayor Poynter along with Police Chief Skotarczyk recognized the following individuals for their distinguished service:

- Departmental Citation for work in apprehending bank robbery suspects - Deputy Chief James Burke, Detective Sgt. Ted Stager, Officer Thomas Silva and Dispatcher Barbara Skalba.
- Departmental Citation for capturing robbery suspects - Sgt. Thomas Teatsorth, Sgt. Michael Marszalec, Officer Steven Mukavec and Officer Michael Lynch.
- Departmental Citation for capturing robbery suspect - Officer Kevin Kowalik.

- Departmental Citation for capturing Car-Jacking Suspects - Officer Christopher Schaft, Officer Johnathon Henninger and Officer Sandra Hernden.
- Meritorious Service Awards for capturing violent robbery ring - Officer Johathon Henninger and Officer Charles Walker.
- Meritorious Service Awards for rescue attempt at homicide scene - Sgt Michael Marszalec, Officer Aristides Reyes, Officer Robert Hill and Officer Steven Mukavec.
- Unit Citation - Civilian Aides Marie Bell, Bridget Harrington, Carla Hotts, Dee Miles, Marva Myles, Avalon Owens, Cedric Owens, Raymond Scholfield and Christine White.
- Chief's Award - Sgt. Jason Hammerle, Officer Thomas Silva and Officer Charles Walker.
- Special Award - Reverend Robert Wright and Prosecutor Judy Hanson.
- Deputy Chief Burke presented Police Chief Skotarczyk with Officer of The Year Award.

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REGULAR CITY COUNCIL MEETING

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The City Council recessed at 8:04 p.m. and reconvened at 8:12 p.m.

CM 05-70-08

MINUTES

MOTION by Monaghan, SUPPORTED by Palmer:

To receive, approve and file the minutes of the regular City Council meeting held May 5, 2008, and furthermore, receive and file the minutes of the Board of Canvassers meeting held May 7, 2008, Board of Trustees Employees Retirement System meeting held May 12, 2008 and the Board of Zoning Appeals meeting held May 14, 2008.

MOTION CARRIED UNANIMOUSLY

CM 05-71-08

CONSENT AGENDA

RESOLUTION by Costantino, SUPPORTED by Monaghan:

BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 83943 through 84086 in the amount of \$219,997.03 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.
2. To receive and file for the audit, the 1<sup>st</sup> quarter financial statement.
3. Approve the final payment to Plante & Moran in the amount of \$22,200 for the professional services performed in conjunction with the 2007 audit.
4. Approve payment to Anderson, Eckstein & Westrick, Inc. in the amount of \$16,666.05 for professional services during the month of April 2007 for the following projects: Johnston Park Tennis Courts, #180-096; 2007 Sewer Cleaning Project, #180-100; Kelly Road Sidewalk/Alley, #180-102 and the 2008 Concrete Pavement Repair Project, #180-105.
5. Approve payment to Nu Appearance Maintenance in the amount of 15,523.79 for contractual lawn cutting and weed maintenance in various areas of the city, including City Hall, the Library, DPW and the I-94 service drive.
6. Approve the contract with DTE in the amount of \$5,336.00 for moving three existing light poles in conjunction with the baseball field construction project.



RESOLUTION ADOPTED UNANIMOUSLY

CALL TO COUNCIL

Mayor Poynter said that he had the privilege of being on the host committee for the annual ACCESS dinner at the Marriott, saying that ACCESS is a human services organization

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committed to the development of the Arab American community, and the greater community, and that it was a very interesting and wonderful evening. He then announced that he is officially a candidate for State Representative and would welcome any questions or support from the public regarding his candidacy.

Councilwoman Sawicki asked the City Manager to have the Woodland pedestrian bridge inspected saying that it appears to be deteriorating. (The City Manager said that he would have it checked.)

Councilman Marshall advised the City Manager that the vacant lot on Old Eight Mile and Harper has high grass and needs to be cut. (The City Manager said that he thought it was cut today, but would check on it.)

Councilman Szymanski asked the City Manager if there are plans to do any crack sealing on Harper this year. (The City Manager said that he will be meeting with the City Engineer next week and will discuss the matter.)

Mayor Pro tem Costantino commented on the proposed increase of overnight parking fines from \$5 to \$20, saying that she would only favor the increase if additional signage was added to warn residents of the ordinance, and if additional signs couldn't be added then she would support a lesser increase in the fine.

Councilwoman Sawicki commented on the proposed increase of overnight parking fines saying that notice of the overnight parking ordinance is put in the City Calender, and that the Police Department provides exceptions if residents call ahead and make arrangements.

CALL TO AUDIENCE

Ms. Paiz said that she is very impressed with the diversity in the Police Department. She then commented on how impressed she and her husband are with the Police Officer that was injured saving the lives of three people by pushing them out of the way from an oncoming car at an accident scene on I-94, and said that she wished him well.



Mr. McNally commented on the City's proposed combining of Police and Fire services saying that residents turned this concept down in the past, and asked to have it put back on the ballot again before proceeding with the change. He then raised a number of possible emergency scenarios and asked how they would be handled. (Mayor Poynter pointed out that Public Safety Departments throughout the country successfully handle emergency scenarios like he mentioned everyday.) He said that he did not think that this would be a good change for Harper Woods.

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REGULAR CITY COUNCIL MEETING

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Ms. Douglas expressed concern about combining Police and Fire services, and how EMS services would be provided. She also said that the City needs to have a Fire Inspector and a dog catcher.

Mr. Szolach advised the City Manager that there is a gap in the temporary fence on the freeway before Allard on Harper, saying that it is a hazardous situation. He then commented on how proud he is of the City's Police and Fire Departments.

Mr. Bruneel complimented the Police Chief on how he conducted himself tonight, and said that he is very proud of the Police Officers.

Mr. Hammes, Representing Commissioner Killeen passed out a Resource Recovery Guide that is now available through the Wayne County Department of Environment, and answered any questions.

Mr. Zorwick asked if one advantage to changing to a Public Safety Department is to have more officers on the street fully equipped for both police and fire emergencies making response times faster. (The Mayor said that that was correct.)

Ms. Douglas asked for the City's Web site address. (Mayor Poynter said that it is [www.harperwoodscity.org](http://www.harperwoodscity.org).)

CM 05-74-08

EXECUTIVE SESSION -  
COLLECTIVE BARGAINING

RESOLUTION by Monaghan, SUPPORTED by Costantino:  
BE IT RESOLVED to adjourn to executive session for the purpose of discussing the a collective bargaining matter.

ROLL CALL VOTE

YES: Palmer, Sawicki, Szymanski, Poynter, Costantino, Marshall and Monaghan.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

The City Council adjourned to Executive Session at 8:35 p.m. and reconvened at 9:05 p.m.

CITY OF HARPER WOODS, MICHIGAN  
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CM 05-75-08

ADJOURNMENT

MOTION by Marshall, SUPPORTED by Szymanski:

That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 9:05 p.m.

MOTION CARRIED UNANIMOUSLY

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KENNETH A. POYNTER, MAYOR

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MICKEY D. TODD, CITY CLERK

CITY OF HARPER WOODS  
CITY COUNCIL  
JUNE 2, 2008

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:30 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem Cheryl A. Costantino, Councilperson(s) Hugh Marshall, Michael P. Monaghan, Daniel S. Palmer, Vivian M. Sawicki and John M. Szymanski.

ABSENT: None.

OTHERS PRESENT: City Manager James E. Leidlein and City Clerk Mickey D. Todd.

CM 06-76-08

MINUTES

MOTION by Monaghan, SUPPORTED by Costantino:  
To receive, approve and file the minutes of the regular City Council meeting held May 19, 2008, and furthermore, receive and file the minutes of the Library Board meeting held April 17, 2008.

MOTION CARRIED UNANIMOUSLY

CM 06-77-08

CONSENT AGENDA

RESOLUTION by Costantino, SUPPORTED by Monaghan:

BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 84087 through 84210 in the amount of \$508,179.78 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.

CITY OF HARPER WOODS, MICHIGAN  
REGULAR CITY COUNCIL MEETING

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ROLL CALL VOTE

YES: Costantino, Marshall, Monaghan, Palmer, Sawicki, Szymanski and Poynter.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 06-78-08

MICHIGAN MUNICIPAL LEAGUE - WORKERS'  
COMPENSATION INSURANCE RENEWAL

RESOLUTION by Marshall, SUPPORTED by Monaghan:

BE IT RESOLVED approve payment to Michigan Municipal League Worker's Compensation Fund in the amount of \$128,260.00 for workers' compensation insurance from July 1, 2008 through June 30, 2009 and further in that this is self insurance pooled funds, that competitive bidding be waived in accordance with City policy.

ROLL CALL VOTE

YES: Marshall, Monaghan, Palmer, Sawicki, Szymanski, Poynter and Costantino.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

#### CALL TO COUNCIL

The City Manager said that the Wayne County Community College presentation that was on tonight's agenda has been postponed until the next meeting. He also advised City Council that he would not be needing the Executive Session that was shown on the agenda.

Mayor Poynter said that he had the honor last Sunday of receiving a check for \$22,800 from the Detroit Tiger Foundation at a game in Comerica Park. He congratulated the Recreation Director for pursuing the grant and said that the money will be used toward building new dugouts and a backstop on the new baseball diamond at Johnston Park.

Councilman Szymanski asked the City Manager what is the status of implementing the Public Safety Department as directed in the resolution adopted by City Council last month. (The City Manager said that he met with both Chiefs today in an effort to finalize the service delivery model for the new Public Safety Department, saying that they are aggressively pursuing the matter.) Councilman Szymanski asked the City Manager when the plan will be finalized, saying that Council needs a blueprint of the plan before the budget process begins for the next fiscal year. He added that all he sees right now is surface bargaining, and said that he wants to

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see the new department implemented this summer saying that there will be no negotiations on its implementation. He further said that the City is running out of time and money, and that some on Council are running out of patience with getting this done. (The City Manager said that he has made it very clear to all involved on the urgency of getting this done.) Councilman Szymanski then said that if there are no objections from Council, he would like to get a weekly status report from the City Manager on the progress being made toward establishing a Public Safety Department. (There were no objections by the Council members, and the City Manager assured Council that he is working hard on getting this done.) Lastly, he commented that everyone is familiar with this issue, but that he is not seeing anything come back to City Council.

Councilwoman Sawicki said that she supported Councilman Szymanski's comments, and said that we need to get something out to the public on what is being planned so it can be discussed. (The City Manager said that he does have a Public Safety model ready for implementation but needs the various parties to agree to the concept.) She emphasized that she wants to have the plan put in print so the public can be made aware of the coming change and comment on it.

#### CALL TO AUDIENCE

Mr. Shetler, representing the Lake Shore District Boy Scout membership committee, thanked the Fire Department for the use of their apparatus room for a recently held Boy Scout program, then read a brief statement about the Scouts and their goals.

Mr. Bruneel announced that Judge LaRose is running for re-election this year against Harper Woods School Board member Brian Selburn.

Mr. VanPoucker of Roscommon commented on having recently received a "high grass warning notice," saying that he thought the inspector was a little over zealous considering that rain prevented him from mowing his lawn, and suggested that the inspectors use common sense when tagging houses. (The City Manager said that he recently spoke to the DPW Supt. about this matter and doesn't anticipate residents having this problem in the future.) Lastly, he urged City Council to have the police enforce the law against people walking in the street, saying that with the arrival of warmer weather he sees more people using the street rather than the sidewalks. (The City Manager assured him that the police do enforce this law and address the situation whenever they

see it.)

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REGULAR CITY COUNCIL MEETING

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CM 06-79-08

ADJOURNMENT

MOTION by Szymanski, SUPPORTED by Marshall:  
That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 7:45 p.m.

MOTION CARRIED UNANIMOUSLY

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KENNETH A. POYNTER, MAYOR

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MICKEY D. TODD, CITY CLERK

CITY OF HARPER WOODS  
CITY COUNCIL  
JUNE 16, 2008

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:30 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem Cheryl A. Costantino, Councilperson(s) Hugh Marshall, Michael P. Monaghan, Daniel S. Palmer, Vivian M. Sawicki and John M. Szymanski.

ABSENT: None.

OTHERS PRESENT: City Manager James E. Leidlein, City Attorney J. Russell LaBarge and City Clerk Mickey D. Todd.

PRESENTATION - WAYNE COUNTY  
COMMUNITY COLLEGE DISTRICT

Mr. Michael Dotson and Mr. Michael Blair, representing Wayne County Community College, gave a brief presentation announcing their new facility in the old Beacon East Theater building on Vernier. They outlined the College's plan to ultimately use this facility as a University Center where students can earn a Bachelor's Degree, and said that it is their goal to work with as many as eight universities to provide this opportunity.

MOTION by Monaghan, SUPPORTED by Costantino:  
To receive, approve and file the minutes of the regular City Council meeting held June 2, 2008, and furthermore, receive and file the minutes of the Board of Zoning Appeals meeting held June 11, 2008.

MOTION CARRIED UNANIMOUSLY

CITY OF HARPER WOODS, MICHIGAN  
REGULAR CITY COUNCIL MEETING

JUNE 16, 2008  
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CM 06-81-08

CONSENT AGENDA

RESOLUTION by Costantino, SUPPORTED by Monaghan:

BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 84211 through 84328 in the amount of \$320,825.15 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.
2. Approve payment to Nu Appearance Maintenance in the amount of \$20,885.10 for contractual lawn cutting and weed maintenance in various areas of the city, including City Hall, the Library, DPW and the I-94 service drive and for miscellaneous residential lawn cutting.
3. Approve payment to Anderson, Eckstein & Westrick, Inc. in the amount of \$25,482.15 for professional services during the month of May 2008 for the following projects: Johnston Park Tennis Courts, #180-096; 2007 Sewer Cleaning & TV Inspection, #180-100; Kelly Road Sidewalk/Alley, #180-102; 2008 Concrete Pavement Repair, #180-105 and the 2008 Pavement Joint & Crack Sealing Project, #180-108.
4. Approve payment in the amount of \$7,500.00 to Guardian Enterprises, Inc. for their assistance in repairs to the City's main sanitary line in various locations.

ROLL CALL VOTE

YES: Costantino, Marshall, Monaghan, Palmer, Sawicki, Szymanski and Poynter.  
NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 06-82-08

LEAF VAC EQUIPMENT - PURCHASE

RESOLUTION by Marshall, SUPPORTED by Monaghan:

BE IT RESOLVED to approve the purchase of two (2) front mount Giant Leaf Vac units from W.F. Miller Co. in the amount of \$25,416.00 and, further, that competitive bidding be waived as this company is the only distributor in Michigan.

ROLL CALL VOTE

YES: Marshall, Monaghan, Palmer, Sawicki, Szymanski, Poynter and Costantino.



NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CITY OF HARPER WOODS, MICHIGAN  
REGULAR CITY COUNCIL MEETING

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CM 06-83-08

BID AWARD - REFUSE AND YARD  
WASTE COLLECTION AND DISPOSAL BID

RESOLUTION by Monaghan, SUPPORTED by Marshall:

BE IT RESOLVED to accept the low bid for refuse and yard waste collection and disposal as submitted by Rizzo Services of Warren commencing September 1, 2008 as follows: Year 1-5 \$409,250 per year with an optional extension for three years at \$430,000 per year; and further, accept the Alternate 1 Proposal submitted by Rizzo to dispose of the refuse all at City Disposal Transfer Station in Detroit at \$370,900 per year for the initial five year contract period, provided said alternate results in a net cost savings to the City; and further, accept the low bid submitted by Waste Management of Wixom for collection and disposal of roll-off containers at the Public Works yard in the amount of: \$150 ,Years 1 and 2, \$160, Years 3 and 4, \$170, Year 5, with an optional extension for Year 6 at \$170, and Years 7 and 8 at \$180.

ROLL CALL VOTE

YES: Monaghan, Palmer, Sawicki, Szymanski, Poynter, Costantino and Marshall.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 06-84-08

2007 SEWER CLEANING & CCTV INVESTIGATION  
PROJECT - #180-100 - PROGRESS PAYMENT #10

RESOLUTION by Palmer, SUPPORTED by Sawicki:

BE IT RESOLVED to approve payment to AAA Pipe Cleaning Corp. in the amount of \$52,520.06 for Progress Payment No. 10 on the 2007 Sewer Cleaning and CCTV Investigation Project, #180-100.

ROLL CALL VOTE

YES: Palmer, Sawicki, Szymanski, Poynter, Costantino, Marshall and Monaghan.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

MOTION by Sawicki, SUPPORTED by Monaghan:

To hold a Public Hearing on July 14, 2008 at 7:30 p.m. for the purpose of receiving public input

CITY OF HARPER WOODS, MICHIGAN  
REGULAR CITY COUNCIL MEETING

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and comment on an amendment to the 2006 and 2007 Community Development Block Grant Program.

MOTION CARRIED UNANIMOUSLY

CALL TO COUNCIL

Councilman Szymanski asked the City Manager what the status is of implementing the Public Safety Department. (The City Manager said that he would provide this update in the Closed Session.)

Councilman Monaghan said that he received four calls from residents complaining about the City tagging their house for high grass, saying that they could not mow their lawns because of the rain and that should be taken into consideration. (The City Manager said that he would talk to the DPW Supt. about it.)

Councilwoman Sawicki commented on the memo from the DPW Supt. advising of MDOT reducing maintenance like grass cutting on a number of metro Detroit roads and asked the City Manager if I-94 is one of the areas that will not have it's grass cut. (The City Manager said that it is his understanding that I-94 will have the grass cut at least twice this year.)

Councilman Monaghan pointed out that the high grass on the I-94 merging ramps are hazardous because it is blocking the line of sight a driver has while attempting to merge into traffic.

CALL TO AUDIENCE

Mr. Massey suggested that the City remove the sidewalks because kids are walking in the streets instead. He said that when he calls the police they either arrive too late or just warn the kids. He said that this is a dangerous situation and more needs to be done about it, like ticketing anyone walking in the street. (The City Manager asked Mr. Massey to see him after the meeting so he could get his phone number, and said that he would have someone from the Police Department call him about this situation.)

Mr. Badger introduced himself as the Principal of the new Colin Powell Academy on Harper,

saying that they are excited to be a part of the community and invited residents to use the playground. He then answered questions regarding the enrollment.

Mr. Regal commented to the Principal of Colin Powell Academy that the celebration on Saturday could be heard from his house two blocks away, and asked if future celebrations could

CITY OF HARPER WOODS, MICHIGAN  
REGULAR CITY COUNCIL MEETING

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be toned down in the future. (Mr. Badger urged Mr. Regal to call him if there ever is a problem and it will be addressed right away.)

Mr. Hammes, representing Commissioner Killeen, offered the public a brochure that the County publishes about recycling/disposal and reuse saying that it is very informative and has been very well received by the public.

Mr. Conaway of Waste Management thanked City Council for their support over the years and thanked them for awarding the roll off contract to them, and said that he would continue to make himself available to the city should the need arise.

Ms. Piazz asked if the City will realize any additional revenue from the new Wayne County Community College building. (The City Manager said that the building would be taxable.) She then asked if the recycling contract was part of the bid award tonight. (The City Manager said that the recycling contract is separate from the refuse contract and is done with the Grosse Pointe communities.)

CM 06-86-08

EXECUTIVE SESSION -  
COLLECTIVE BARGAINING

RESOLUTION by Marshall, SUPPORTED by Szymanski:  
BE IT RESOLVED to adjourn to executive session for the purpose of discussing a collective bargaining matter.

ROLL CALL VOTE

YES: Sawicki, Szymanski, Poynter, Costantino, Marshall , Monaghan and Palmer.  
NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

The City Council adjourned to Executive Session at 8:07 p.m. and reconvened at 8:33 p.m.

CM 06-87-08

ADJOURNMENT

MOTION by Szymanski, SUPPORTED by Monaghan:  
That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 8:33 p.m.

MOTION CARRIED UNANIMOUSLY

\_\_\_\_\_  
KENNETH A. POYNTER, MAYOR

\_\_\_\_\_  
MICKEY D. TODD, CITY CLERK

CITY OF HARPER WOODS  
CITY COUNCIL  
JULY 3, 2008

SPECIAL MEETING MINUTES

The special City Council meeting was called to order by Mayor Kenneth A. Poynter at 5:30 p.m.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Councilperson(s) , Hugh Marshall, Michael P. Monaghan, Daniel S. Palmer, Vivian M. Sawicki and John M. Szymanski.

ABSENT: Mayor Pro tem Cheryl Costantino.

OTHERS PRESENT: City Manager James E. Leidlein.

CM 07-88-08 EXCUSE MAYOR PRO TEM COSTANTINO

MOTION by Monaghan, SUPPORTED by Sawicki:

To excuse Mayor Pro tem Cheryl Costantino from this evenings meeting because of a prior commitment.

ABSENT: Costantino.

MOTION CARRIED

CM 07-89-08

EXECUTIVE SESSION -  
COLLECTIVE BARGAINING

RESOLUTION by Monaghan, SUPPORTED by Szymanski:

BE IT RESOLVED to adjourn to executive session for the purpose of discussing a collective bargaining matter.

ROLL CALL VOTE

YES: Sawicki, Szymanski, Poynter, Marshall , Monaghan and Palmer.

NO: None.

CITY OF HARPER WOODS, MICHIGAN  
SPECIAL CITY COUNCIL MEETING

JULY 3, 2008  
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ABSENT: Costantino.

RESOLUTION ADOPTED

The City Council adjourned to Executive Session at 5:32 p.m. and reconvened at 6:10 p.m.

CALL TO COUNCIL

Councilman Monaghan wished everyone a Happy Fourth of July.

Councilman Marshall wished everyone a Happy Canada Day.

CALL TO AUDIENCE

Mr. Wummel asked what was the purpose of tonight's meeting. (The Mayor responded that it was to discuss collective bargaining.)

CM 07-90-08

ADJOURNMENT

MOTION by Monaghan, SUPPORTED by Marshall:

That the agenda of the special City Council meeting having been acted upon, the meeting is hereby adjourned at 6:11 p.m.

ABSENT: Costantino.

MOTION CARRIED

CITY OF HARPER WOODS  
CITY COUNCIL  
JULY 14, 2008

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:30 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem Cheryl A. Costantino, Councilperson(s) Michael P. Monaghan, Daniel S. Palmer, and Vivian M. Sawicki.

ABSENT: Councilpersons Hugh Marshall and John M. Szymanski.

OTHERS PRESENT: City Manager James E. Leidlein, City Attorney J. Russell LaBarge, Finance Director Laura L. Stowell and City Clerk Mickey D. Todd.

CM 07-91-08

EXCUSE CITY COUNCIL MEMBERS

MOTION by Monaghan, SUPPORTED by Palmer:

To excuse City Councilperson(s) Hugh Marshall and John M. Szymanski from tonight's meeting because of prior commitments.

ABSENT: Marshall and Szymanski.

MOTION CARRIED

CM 07-92-08

MINUTES

MOTION by Monaghan, SUPPORTED by Sawicki:

To receive, approve and file the minutes of the regular City Council meeting held June 16, 2008 and the Special City Council meeting held July 3, 2008 and receive and file the minutes of the Library Board meeting held June 19, 2008.

ABSENT: Marshall and Szymanski.

MOTION CARRIED

CITY OF HARPER WOODS, MICHIGAN  
REGULAR CITY COUNCIL MEETING

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CM 07-93-08

CONSENT AGENDA

RESOLUTION by Costantino, SUPPORTED by Monaghan:

BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 84329 through 84576 in the amount of \$899,029.66 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.
2. Approve payment to Statewide Security Transport in the amount of \$8,466.39 for prisoner lodging and maintenance for the month of May 2008.
3. Approve payment to Anderson, Eckstein & Westrick, Inc. in the amount of \$52,143.45 for professional services during the month of June 2008 for the following projects: High School, #180-091; Johnston Park Tennis Courts, #180-096; 2007 Sewer Cleaning Project, #180-100; Kelly Road Sidewalk/Alley, #180-102; 2008 Concrete Pavement Repair Project, #180-105; EB Harper Resurface - Vernier/8 Mile Project, #180-106 and the EB Harper Resurface - Manchester to Vernier Project, #180-109.
4. Approve payment to B & L Truck Equipment Co. in the amount of \$6,804.09 for miscellaneous parts and repairs on two of our DPW vehicles.
5. Approve payment to Badger Meter, Inc. in the amount of \$8,756.71 for the purchase of 48 new automatic read water meters and transmitters and for the purchase of miscellaneous water meters and accessories.
6. Approve payment to Nu Appearance Maintenance, Inc. in the amount of \$22,169.00 for contractual lawn cutting and weed maintenance in various areas of the city, including City Hall, the Library, the Parks, DPW, Kelly Road Islands and the I-94 service drive.
7. Accept the low bid submitted by Car-Bee Inc. in the amount of \$11,916.00 for the replacement of the defective compressor on the City Hall air conditioning unit and a 5-year warranty.

ROLL CALL VOTE

YES: Costantino, Monaghan, Palmer, Sawicki, and Poynter.

NO: None.

ABSENT: Marshall and Szymanski.

RESOLUTION ADOPTED

CM 07-94-08

2007 AUDIT PRESENTATION

RESOLUTION by Monaghan, SUPPORTED by Palmer:  
BE IT RESOLVED to Receive and File the 2007 Audit/Financial Report as submitted by the City's Auditors, Plante and Moran and also receive and file their management report. (A copy of the report is available in the City Offices or at [www.harperwoodscity.org](http://www.harperwoodscity.org))

CITY OF HARPER WOODS, MICHIGAN  
REGULAR CITY COUNCIL MEETING

JULY 14, 2008  
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ROLL CALL VOTE

YES: Monaghan, Palmer, Sawicki, Poynter and Costantino.

NO: None.

ABSENT: Marshall and Szymanski.

RESOLUTION ADOPTED

Mr. David Herrington, Ms. Dana Coomes and Mr. Randy Surratt of Plante & Moran gave an informational presentation on the 2007 Audit and answered any questions.

CM 07-95-08

2006/2007 CDBG AMENDMENT -  
OPEN PUBLIC HEARING

MOTION by Costantino, SUPPORTED by Sawicki:

To open the Public Hearing on a proposed amendment to the Community Development Block Grant Program.

ABSENT: Marshall and Szymanski.

MOTION CARRIED

PUBLIC HEARING

The City Manager said that this hearing was requested so that technical corrections could be made to the 2006-07 CDBG program.

Mr. Bruneel asked what the dollar amount is. (The City Manager said that it is \$70k.)

CM 07-96-08

2006/2007 CDBG AMENDMENT -  
CLOSE PUBLIC HEARING

MOTION by Monaghan, SUPPORTED by Palmer:

To close the Public Hearing on a proposed amendment to the Community Development Block Grant Program.



ABSENT: Marshall and Szymanski.

MOTION CARRIED

CITY OF HARPER WOODS, MICHIGAN  
REGULAR CITY COUNCIL MEETING

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CM 07-97-08

2006-07 CDBG AMENDMENT

RESOLUTION by Palmer, SUPPORTED by Costantino:

BE IT RESOLVED to transfer \$73,450.00 from the 2006/2007 Kelly Road Streetscape account to the 2006/2007 Streetscape Improvements account.

ROLL CALL VOTE

YES: Palmer, Sawicki, Poynter , Costantino and Monaghan.

NO: None.

ABSENT: Marshall and Szymanski.

RESOLUTION ADOPTED

CM 07-98-08

2007 SEWER CLEANING & CCTV INVESTIGATION  
PROJECT - #180-100 - PROGRESS PAYMENT #11

RESOLUTION by Sawicki, SUPPORTED by Monaghan:

BE IT RESOLVED to approve payment to AAA Pipe Cleaning Corp. in the amount of \$66,422.09 for Progress Payment No. 11 on the 2007 Sewer Cleaning and CCTV Investigation Project, #180-100.

ROLL CALL VOTE

YES: Sawicki, Poynter, Costantino, Monaghan and Palmer.

NO: None.

ABSENT: Marshall and Szymanski.

RESOLUTION ADOPTED

CM 07-99-08

2008 MISCELLANEOUS CONCRETE PAVEMENT  
REPAIR PROGRAM, # 180-105 - CHANGE ORDER NO. 6

RESOLUTION by Monaghan, SUPPORTED by Costantino:

BE IT RESOLVED to approve Change Order No. 6 to the 2003 Miscellaneous Concrete Pavement Repair Program to Galui Construction in the amount of \$42,000.

ROLL CALL VOTE

YES: Poynter, Costantino, Monaghan, Palmer, and Sawicki.

NO: None.

ABSENT: Marshall and Szymanski.

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REGULAR CITY COUNCIL MEETING

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RESOLUTION ADOPTED

CM 07-100-08            2008 PAVEMENT JOINT AND CRACK SEALING  
PROJECT #180-108, CHANGE ORDER NO. 3

RESOLUTION by Costantino, SUPPORTED by Monaghan:  
BE IT RESOLVED to approve Change Order No. 3 to the 2005 Pavement Joint and Crack Sealing Project with Scodeller Construction in an amount not to exceed \$40,000.

ROLL CALL VOTE

YES: Costantino, Monaghan, Palmer, Sawicki, and Poynter.

NO: None.

ABSENT: Marshall and Szymanski.

RESOLUTION ADOPTED

CM 07-101-08            MICHIGAN DEPARTMENT OF ENVIRONMENTAL  
QUALITY - STORMWATER PERMIT

RESOLUTION by Monaghan, SUPPORTED by Costantino:  
BE IT RESOLVED that the City Attorney be authorized to file a Petition for Contested Case before the Michigan Department of Environmental Quality Office of Administrative Hearings regarding NPDES Permit No. MIG610000.

ROLL CALL VOTE

YES: Monaghan, Palmer, Sawicki, Poynter, and Costantino.

NO: None.

ABSENT: Marshall and Szymanski.

RESOLUTION ADOPTED

CM 07-102-08            MICHIGAN MUNICIPAL LEAGUE WORKER'S  
COMPENSATION FUND - ELECTION OF FUND TRUSTEES

RESOLUTION by Sawicki, SUPPORTED by Monaghan:  
BE IT RESOLVED to cast the City's vote for the following persons to serve on the Board of Trustees of the Michigan Municipal Worker's Compensation Fund:

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Linda Gadeon Kuhn, Councilwoman, Bridgman  
Margene Scott, Councilmember, Madison Heights  
George Bosanic, City Manager, Greenville  
Arthur Shufflebarger, Village Manager, Milford

Geraldine Moen, Mayor, Howell  
Ken Hibl, City Manager, Clare  
Jeff Bremer, City Manager, Fraser  
Kevin Welch, City Manager,  
Tecumseh

James Leidlein, City Manager, Harper Woods

ROLL CALL VOTE

YES: Palmer, Sawicki, Poynter, Costantino, and Monaghan.

NO: None.

ABSENT: Marshall and Szymanski.

RESOLUTION ADOPTED

CM 07-103-08     GROSSE POINTE DISTRICT LIBRARY - APPOINTMENT

RESOLUTION by Monaghan, SUPPORTED by Costantino:  
BE IT RESOLVED to appoint Michelle Stopinski to the Grosse Pointe Library Board of Trustees as the City of Harper Woods representative for a term expiring June 30, 2010.

ROLL CALL VOTE

YES: Sawicki, Poynter, Costantino, Monaghan, and Palmer.

NO: None.

ABSENT: Marshall and Szymanski.

RESOLUTION ADOPTED

CM 07-104-08                     TAXICAB RATE INCREASE -  
SCHEDULE PUBLIC HEARING

MOTION by Palmer, SUPPORTED by Monaghan:  
To hold a Public Hearing on August 11, 2008 at 7:30 p.m. for the purpose of considering a request from the Shamrock Cab Company to increase their taxicab fare rates in accordance with Sec. 24-5 of the City's Code of Ordinances.

ABSENT: Marshall and Szymanski.

MOTION CARRIED

CITY OF HARPER WOODS, MICHIGAN  
REGULAR CITY COUNCIL MEETING

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CALL TO COUNCIL

The City Manager advised City Council that he would not be needing the Executive Session that is posted on the agenda.

Mayor Poynter reminded the public that the next City Council meeting will be held on August 11<sup>th</sup>, which is the second Monday of the month. He added that City Council only meets once in July and August and that is why there is a change in meeting dates. He then urged everyone to attend the Concert In the Park at Salter Park this Wednesday. Lastly, he commented on the “Harper Woods High School All Class Reunion” that was held June 28<sup>th</sup> saying that it went well and that about 500 people were in attendance.

Councilwoman Sawicki announced that Wayne County will be having a Household Hazardous waste collection day on August 9<sup>th</sup> at Henry Ford Community College in Dearborn, saying that they will be taking electronic items free of charge. She then commented on how she has spoken previously about the deterioration of our pedestrian overpasses asking that the State do something about it, and said that the situation has affected her family as just last week her husband’s car windshield was struck by a rock from the Beaufait overpass. Then she expressed concern about the condition of the Notre Dame property saying that it is not being properly maintained and asked the City Manager to address the situation. (The City Manager said that he would contact the Archdiocese about it.) Lastly she commented on the newly established Police Honor Guard and asked to learn more about their composition and role. (The City Manager said that he would advise her.)

CALL TO AUDIENCE

Ms. McCarthy asked where the Henry Ford Community College is for the Household Hazardous waste collection day. (The Mayor said that it is in Dearborn.) She then asked if the City received grant money to pay for the sewer cleaning payment that City Council made today. (The City Manager said that the City does get reimbursed from the State.) Then she said she noticed that there are never any recycling bins out at Eastland Village Apartments, and asked the City Manager if they had a special recycling arrangement, or if they just don’t recycle. (The City Manager said that he was not aware of their situation, but would look into it and report back.) She then asked what is going on at the old Beacon East movie theater. (The City Manager said that Wayne County Community College is going to lease the building for the purpose of offering classes in the area.) Lastly, she asked what is going on with the former Regina High School. (The City Manager said that it is part of Chandler Park Academy.)

CITY OF HARPER WOODS, MICHIGAN  
REGULAR CITY COUNCIL MEETING

JULY 14, 2008  
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CM 07-105-08

ADJOURNMENT

MOTION by Monaghan, SUPPORTED by Palmer:

That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 8:07 p.m.

ABSENT: Marshall and Szymanski.

MOTION CARRIED

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KENNETH A. POYNTER, MAYOR

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MICKEY D. TODD, CITY CLERK

CITY OF HARPER WOODS  
CITY COUNCIL  
AUGUST 11, 2008

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:30 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem Cheryl A. Costantino, Councilperson(s) Hugh Marshall, Michael P. Monaghan, Daniel S. Palmer and John M. Szymanski.

ABSENT: City Councilwoman Vivian M. Sawicki.

OTHERS PRESENT: City Manager James E. Leidlein, City Attorney J. Russell LaBarge and City Clerk Mickey D. Todd.

CM 08-106-08

EXCUSE COUNCILWOMAN SAWICKI

MOTION by Monaghan, SUPPORTED by Palmer:

To excuse Councilwoman Vivian M. Sawicki from tonight's meeting because of a prior commitment.

ABSENT: Sawicki.

MOTION CARRIED

CM 08-107-08

MINUTES

MOTION by Monaghan, SUPPORTED by Costantino:

To receive, approve and file the minutes of the regular City Council meeting held July 14, 2008, and furthermore, receive and file the minutes of the Election Commission meeting held July 17, 2008 and the Board of Review meeting held July 22, 2008.

ABSENT: Sawicki.

MOTION CARRIED

CITY OF HARPER WOODS, MICHIGAN  
REGULAR CITY COUNCIL MEETING

AUGUST 11, 2008  
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CM 08-108-08

CONSENT AGENDA

RESOLUTION by Costantino, SUPPORTED by Monaghan:

BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 84576 through 84828 in the amount of \$833,659.26 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.
2. Receive and file for the audit, the 2<sup>nd</sup> quarter financial statement.
3. Approve payment to Statewide Security Transport in the amount of \$5,697.31 for prisoner lodging and maintenance for the month of June 2008.
4. Approve payment to Badger Meter, Inc. in the amount of \$5,192.67 for the purchase of 27 new automatic read water meters and transmitters.
5. Approve the proposal with DSS Corporation to upgrade our current recording system to the Equature 911 with a 5-year maintenance agreement in the amount of \$4,572.00 to be paid annually for a total of \$22,860.00.
6. Approve payment to Oakland County Information Technology in the amount of \$6,260.25 for fees relative to the CLEMIS computer system utilized by the Police Department.
7. Approve payment to Anderson, Eckstein & Westrick, Inc. in the amount of \$35,097.15 for professional services during the month of July 2008 for the following projects: Johnston Park Tennis Courts, #180-096; 2007 Sewer Cleaning Project, #180-100; Kelly Road Sidewalk/Alley, #180-102; 2008 Concrete Pavement Repair Project, #180-105; High School, #180-091; EB Harper Resurface - Manchester to Vernier Project, #180-109; Johnston Park Parking Lot, #180-103 and the Johnston Park Recreation Office, #180-111.
8. Approve payment to Nu Appearance Maintenance, Inc. in the amount of \$15,808.00 for contractual lawn cutting and weed maintenance in various areas of the city, including City Hall, the Library, the Parks, DPW, Kelly Road Islands.
9. Approve payment in the amount of \$25,106.92 to Grosse Pointe Woods for the City's pro-rata portion of the operating and maintenance of the Torrey Road Pumping Station for the period January 1 through June 30, 2008.

ROLL CALL VOTE

YES: Costantino, Marshall, Monaghan, Palmer, Szymanski and Poynter.

NO: None.

ABSENT: Sawicki.

RESOLUTION ADOPTED

CM 08-109-08

OPEN PUBLIC HEARING - REQUEST  
FOR TAXICAB FARE RATE INCREASE

MOTION by Palmer, SUPPORTED by Costantino:

To open the Public Hearing on a proposed fare increase by Shamrock Cab Company.

ABSENT: Sawicki.

MOTION CARRIED

PUBLIC HEARING

The City Clerk said that the request to increase Taxi Cab fare rates was made by Shamrock Cab, and that our City Ordinance requires a public hearing before the request can be acted upon.

Ms. Kindle asked why the cab company is asking for such a large increase in fares. (The City Manager said that it is because of gas prices.) She commented on how such an increase would hurt the people that need to use them.

A gentleman asked why there is only one cab company in Harper Woods. (The City Clerk said that any cab company that complies with our ordinance is welcome to come into the city.)

CM 08-110-08

CLOSE PUBLIC HEARING - REQUEST  
FOR TAXICAB FARE RATE INCREASE

MOTION by Monaghan, SUPPORTED by Palmer:

To close the Public Hearing on a proposed fare increase by Shamrock Cab Company.

ABSENT: Sawicki.

MOTION CARRIED

CM 08-111-08

SHAMROCK CAB COMPANY  
TAXICAB RATE FARE INCREASE

RESOLUTION by Monaghan, SUPPORTED by Szymanski:

BE IT RESOLVED to approve the following fares for Shamrock Cab Company:



Flag Throw

\$3.00

CITY OF HARPER WOODS, MICHIGAN  
REGULAR CITY COUNCIL MEETING

AUGUST 11, 2008  
PAGE 4

Per Mile Charge	\$2.30
Wait Time/Traffic Delay Time	\$32.00/per hour
Increase per flag throw when gas exceeds \$3.00/gal.	.90

ROLL CALL VOTE

YES: Marshall, Monaghan, Palmer, Szymanski and Poynter.

NO: Costantino.

ABSENT: Sawicki.

RESOLUTION ADOPTED

CM 08-112-08

WCCCD BROWNFIELD RESOLUTION

RESOLUTION by Marshall, SUPPORTED by Costantino:

BE IT RESOLVED to adopt the attached resolution concurring with the provisions of a proposed Brownfield Plan to be approved by the Wayne County Commission for the Wayne County Community College District University Center project in the City of Harper Woods. (Attachment #1)

ROLL CALL VOTE

YES: Monaghan, Palmer, Szymanski, Poynter, Costantino and Marshall.

NO: None.

ABSENT: Sawicki.

RESOLUTION ADOPTED

CM 08-113-08

MILK RIVER - OPERATIONS AND MAINTENANCE

RESOLUTION by Monaghan, SUPPORTED by Palmer:

BE IT RESOLVED approve payment to Wayne County in the amount of \$138,348.50 for the operation and maintenance of the Milk River Drain for the fourth quarter of FY2008.

ROLL CALL VOTE

YES: Palmer, Szymanski, Poynter, Costantino, Marshall and Monaghan.

NO: None.

ABSENT: Sawicki.

RESOLUTION ADOPTED UNANIMOUSLY

CM 08-114-08            2007 SEWER CLEANING & CCTV INVESTIGATION  
PROJECT - #180-100 - PROGRESS PAYMENT #12

RESOLUTION by Marshall, SUPPORTED by Monaghan:

BE IT RESOLVED to approve payment to AAA Pipe Cleaning Corp. in the amount of \$40,007.81 for Progress Payment No. 12 on the 2007 Sewer Cleaning and CCTV Investigation Project, #180-100.

ROLL CALL VOTE

YES: Szymanski, Poynter, Costantino, Marshall, Monaghan and Palmer.

NO: None.

ABSENT: Sawicki.

RESOLUTION ADOPTED

CALL TO COUNCIL

Mayor Poynter commented on how he is looking forward to September's opening of Wayne County Community College University Square where the old Beacon East movie theatre was. He added that he thinks it is really great that residents can now get a complete college education without having to leave the city. He then reminded the public that because of the Labor Day holiday, the next City Council meeting will be Wednesday, September 3<sup>rd</sup>. Then he commented on his unsuccessful bid for the Democratic State Representative nomination saying that he really appreciated the seventy percent of the vote that he received from the voters in Harper Woods. He further commented saying that running for State Representative was an enlightening experience for him as he got to walk the streets in the Grosse Pointe's and northeast Detroit and Harper Woods. He added that when walking the streets he sometimes feels that we don't realize how fortunate we are. He further added that during his walk residents had an opportunity to discuss any negative aspects of the city with him, especially after having received that negative newspaper that was recently put out, and said that not once did anyone speak negatively of the city, but rather most spoke of how nice Harper Woods is. Then he told the public how he wants to see the city continue to be a nice place to live and that as a senior citizen he plans on being here for awhile. He said he was bothered by the newspaper that recently came out, saying that the twenty-four pages were negative and used selective choices for comparisons, half-truths, misrepresentations and false information. Lastly, he said that he has been in Harper Woods a long time and he does not want to see anything bad happen to the city, and added that he is very proud of the people that work for the City.

Councilman Szymanski commented on the Mayor's recent election attempt for State Representative saying that he has nothing to be ashamed of. He added that despite that deceitful tactic of a newspaper that came out before the election, he still had solid support in the community. He then read a letter that City Council received from the owner of Steve's Backroom and Chicken Shack that apologized for being misrepresented as a sponsor for a newspaper that represented one person's views, and assured City Council that had they known the intent of the paper they would have never been a sponsor. The letter further said that they have the deepest respect for all the City officials, and that they have informed the paper's owner that they have no intention of honoring any sponsored representations in that paper.

Mayor Pro tem Costantino congratulated the Mayor on his race for State Representative. Then she commented on the newspaper that was delivered before the election saying that she never received a copy, but that her cleaning lady received it and read it, and told her that she was upset by it because it was all lies.

#### CALL TO AUDIENCE

Mr. Massey who lives on Kingsville, said that he was here at a previous meeting asking that something be done about the kids walking in the streets, and was referred to the Dep. Police Chief for assistance. He said that the problem still exists and that he can not get the police to address it or the speeding on his street, and that it needs to be enforced, and if it can't be enforced then maybe it's time to quit paying city taxes. He complained that the police are using decoy cars and spending more time on the freeway than they do on his street.

Mr. Bruneel congratulated the Mayor on doing a great job of running for State Representative. He then commented on the size of tonight's audience and invited them to continue attending Council meetings to learn what is going on in the community. Lastly, he commented on how he feels we have a great City Council, Administrative staff and various city departments.

Ms. Marshall who lives on Huntington, said that she was happy to see a new young family move into the neighborhood, but unfortunately her new neighbor was letting her kids ride their bikes on the sidewalks, saying that the accidents and speeding traffic has prohibited her from allowing her son to ride his bike on the sidewalk. She says the area is not safe and that something needs to be done to stop the speeding, suggesting that speed bumps be put in. She then commented to Mayor Pro tem Costantino saying that she needs to read the Harper Woods News as a means to inform herself of what the other side is thinking. Then she commented on that paper saying that she did not find it negative but rather informative, and pointed out that people have a right to free speech and to express their opinions. She added that she was disappointed in the letter from Steve's Backroom about the paper. She then commented on how she has not been able to get a guest pass for the pool and said that she did not think that was right. (The City Manager said that part of the problem is the Recreation Department's difficulty in hiring lifeguards.) Then she urged the City to implement a tree planting program along the street boulevards saying that the

city owns that property and can do whatever it wants with it. Lastly, she noticed that there are a lot of police and fire employees here tonight and asked if they are required to be residents of the city, and if not, how many live in the city. (The Mayor said that State law prohibits requiring city employees to be residents, and that only a few live in the city.) She asked, if this is such a desirable city to live in then why don't the police and fire employees live here. (The Mayor said that not having employees live in the city is pretty common in every community.)

Ms. Piazz said that she serves on the Recreation Advisory Board and commented on the swimming program and the cost associated with it. Then she commented on the Harper Woods News article about the Recreation Office building, saying that she didn't believe that most of the community is aware of the fact that they have been operating out of a temporary construction trailer for years, and that the proposed deal to build a new facility fell through because the costs were too high. She added that the article in the paper was not factual, and that overall she found the articles in the paper to be mean spirited.

Ms. Flatt who resides on Beaufait, said that she has an issue with the property maintenance of the vacant houses in the city, saying that the overgrowth is becoming a habitat for rats, and that more enforcement is needed. She cited a vacant house behind her as an example and said that she has been maintaining it herself. (The Mayor urged her to call the City Manager's office at 343.2505 with the address of the house so that it can be cited.)

Mr. Szolach urged the public not to believe everything they read in the paper. He said the Harper Woods News is one man's opinion. He urged people to come to Council meetings to learn what is going on, and commented on what great city departments and services we have. He cited examples of various city departments doing outstanding work.

Mr. Elsey who lives on Woodside, and is a former public safety officer, commented on how he enjoys living in Harper Woods. He said that the city does have issues and is concerned about the safety of our residents and firefighters, who he thinks should be brought to full strength. He said that the job of City Council is to get beyond these issues and decide what is best for the city. He then complimented both the police and fire departments. Lastly, he complimented Mr. Wummel saying that he knows him and has found him to be a good guy who is a well intentioned detail oriented person.

Mr. Watson asked how many more officers would be on the street if the city went to a Public Safety Department. (The Mayor said that patrols would probably increase by a third.)

Ms. Susan Uhl, who lives on Woodside, said that she recently learned of the City's intention of going to a Public Safety Department saying that she thinks making such a change is fiscally irresponsible. She said that we are talking about our lives and homes here and that given the uniqueness of our community, with I-94, a mall and a senior high rise, she is opposed to a Public Safety Department. She urged City Council to recognize the objections from the community on creating a Public Safety Department and allow the citizens to vote on it. (Mayor Poynter said that

a Police/Fire millage was attempted previously to address this issue but it was defeated, so City Council proceeded with the Public Safety option. He added that the City did offer the firefighters the opportunity to cross train and that there would be no layoffs, but it was rejected.) Ms. Uhl's then brought up various emergency scenarios and said that she is concerned about response time if the city goes to a Public Safety Department.

Ms. Calhoun urged the audience to agree to disagree respectfully, and said that she believes City Council is an honorable body trying to do what is right for the community.

Ms. Balek asked how many police officers the city has. (The Mayor said there are thirty-four officers.) She then asked how many police cars there are. (The Police Chief said fifteen.) She asked why so many are always in the back of the Police station. Then said she does not want a police officer showing up when she has a fire emergency or a fireman showing up when she has a police emergency.

Ms. Camminata commented on how upset she and her mother are over an invoice her mother received for not clearing her snow last winter, saying that she was caring for her mother's house and it was always cleared of snow, and that even though the City reduced the charge, she is still upset with it. (The Mayor urged her to speak to the City Manager about it after the meeting.)

Mr. Dick, who lives on Eastwood, thanked the Harper Woods Police Department for the job they do, saying that he thinks they are one of the best. He then commented on the Harper Woods News saying that he thinks it is a "rag" but can see how it was meant to stir people up, so he liked it. Then he said his issues are these loud boom boxes and car stereos and he would like to see the city amend the noise ordinance to address this issue. He said that at times the noise wakes him up. Lastly, he jokingly suggested that we issue tasers to the Public Works Department to get the rats.

Ms. Snider, said that she is married to a Harper Woods Police Officer and resides in the city, and thanked City Council for considering establishing a Public Safety Department because it will add additional officers to the streets and improve officer safety.

Mr. Van, who lives on Lennon, asked if there is something that can be done to stop his neighbor from bar-be-queing next to his house and allowing the smoke from the bar-be-que to go into his house. (Mayor Poynter said that he should talk to his neighbor about it, and if that doesn't work then call the police. He added that that could possibly be considered a nuisance.)

Ms. Yash thanked the Harper Woods News for getting her to come to a meeting, but said that she thought the paper was trash. She then said that she supported the City and thanked them for managing it so well.

Ms. Honto commented on what a great police and fire department the City has, but was concerned to read in the Harper Woods News that we are going to lose our paramedics and mutual aid. (The Mayor said that that was not true.) She then congratulated the Mayor on his

attempt at running for State Representative. Lastly, she said that she sympathized with Mr. Van's situation as mentioned above, saying that she is also a neighbor of his.

Ms. Kindle thanked the Mayor for running for State Representative and congratulated him on his campaign. She then told of a chemical spill that occurred today in her neighborhood on Balfour and Fleetwood and asked that the City address the situation. (Mayor Poynter said that the Public Works Department would be notified of the situation in the morning.)

Ms. Coleman said that if Harper Woods is such a great place to live, then why are the police lined up on Beaconsfield whenever school lets out. She said that this concerns her and makes her wonder if she should send her child there. (The Mayor said that this is being done at the request of the School District and urged her to contact them for an answer. He added that he works at a school district and said that they have similar security measures.)

Mr. Wummel, the author of the Harper Woods News, said that the paper was intended to convey ideas and share information with the public, and not intended to give the police department a black-eye. He asked that those people who did not like the paper to not take it out on the paper's sponsors. He added that he stands by his benchmarking study, and that after doing it, he realizes that having a separate police and fire department is in the best interest of the city, and that he is not urging the layoff of police officers at the expense of the fire department. He suggested that the issue of Public Safety be put before the voters to decide, and that he is for an open discussion on the issue. He then commented on his park article saying that his main point is that there should be a plan in place, because the recent decision making regarding the parks have not been in the best interest of the parks. He suggested that residents need to look at the proper blend of services they want to keep. Lastly, he said there are a lot of good people in Harper Woods and he would like to see them stay.

Mr. Boyd who lives on Elkhart, commented on how embarrassing Kelly Road looks because of the litter and poorly maintained properties, saying that this is the face of Harper Woods and the City should do something about it. (The Mayor said that the businesses in violation are cited regularly, and that the City has attempted to work with the business owners to establish a Kelly Road Business Association, but unfortunately, they have not shown an interest.)

Ms. Palus asked City Council to adopt an ordinance that would hold parents responsible for their children's vandalism or rowdy behavior, saying that she has seen the police attempt to deal with these situations but their hands are tied, and that adopting such an ordinance would help the police. (The Mayor said that he would refer her suggestion to the ordinance committee.)

Ms. Paglia, who serves on the School Board, clarified the details of the proposed joint Recreation/School building and explained that the State building requirements made the building too costly to build.

Ms. Martin expressed concerns about establishing a Public Safety Department. She then said that she has a registered sex offender who lives across the street from her that has regular contact with children in the area and asked if the City's Ordinances address this situation. (The Mayor said that State Law addresses this situation, and there was a lady in the audience that works for the Department of Corrections who volunteered to give her some information to assist her.)

Ms. Taylor asked if the City now has a ban on pit bulls, and also, asked if all dogs in the city have to be licensed. (The Mayor said that our new ordinance does not ban pit bulls, but does ban vicious dogs. He added that all dogs in the city are supposed to be licensed.) Lastly, she thanked the City Manager for coming out to her house to see the condition of her neighbor's yard and have them clean it up.

Ms. Barrow asked if it is permissible for residents to breed dogs in their homes. (The Mayor said that it was not, and if she knew of this situation to report it to the City Manager's Office.)

Mr. Foleta said that he has been a Harper Woods Fire Fighter for thirty-one years and resident of the city for forty-six years and that he is here tonight to speak the truth. (The City Manager cautioned him not to speak on behalf of the department.) Mr. Foleta said that he is speaking as a resident and proceeded to say that the Fire Department has been without a ladder truck, that our ambulance is fifteen years old, that our rigs are constantly broken down, and he urged residents to come back and look at the equipment. He added that they have had ten working fires since Christmas and that the Union President has been fired and the young fire fighters have been threatened with layoffs. He said he has written documents from the City proving what he says. Lastly, he asked if the Police were here tonight to inform or intimidate. (The Mayor refuted Mr. Foleta's suggestion that the Fire Union President was fired because he was the Union President, saying that he was fired because he did not respond to an emergency medical run.)

Mr. Ender commented on how he feels Council is taking away the opinions of people they don't agree with. (Mayor Poynter said that he isn't against his opinion, he just believes that people should agree to disagree in a civil manner.)

A gentleman from Prestwick said that none of this would have occurred if the City would just put information in the bi-weekly paper.

Ms. Marshall asked how much the Mayor and City Council makes. (The Mayor said he makes \$2,700 and donates all of his money for college scholarships, and that City Council makes \$2,400.) She then commented on how tough times are and asked if city staff have been asked to take pay cuts, saying everybody is doing the same thing and making less, and added that she has seen her pay cut by forty percent at her job. Lastly, she suggested to the Mayor that he donate his wages to the Fire Department.

Mr. Binder told City Council of an incident he saw recently on Beaconsfield where a young man was wearing his pants really low, and suggested that the City adopt an ordinance like Flint prohibiting people from wearing pants like that and exposing themselves. (The Mayor said that

the Ordinance Committee could take a look at it.)

Mr. Wummel commented on the article in his paper citing the City Attorney's salary saying that he got that information from the City budget.

Ms. Piazz thanked Ms. Paglia for clarifying the proposal for a joint use Park Office and how it was turned down. She then commented on an article in the Harper Woods News which addressed the proceeds from the sale of the City's cable franchise, saying that she believes that the City has invested the money and uses the interest to make capital purchases. (The Mayor said that that was correct.) Lastly, she commented on the reporting style in the paper saying that at one time she worked as an independent journalist and that the stories written in this paper would have never gotten past an editor because they failed to go to the source of the story.

Deputy Police Chief Burke, Representing the Police Command Officers, said that the police were not here tonight to intimidate the public, and that in fact they are here to protect the residents of this community and that he did not want anyone leaving tonight's meeting with the impression that it is "us versus them" because everyone in the community has to work together to ensure quality police/fire services. He added that he recognizes City Council's need to make tough decisions in these times, and fully supports the creation of a Public Safety Department. He then thanked everyone for their cooperation.

Ms. Balek asked who should be called to report a property in disrepair. (The Mayor told her to call the City Manager's Office 343.2505.)

Mr. Watson asked how many vacant homes there are in the city, and how this is affecting our tax structure. (The City Manager said there is approximately three hundred vacant homes in the city and that it would affect the City's revenue picture by about \$150k.)

Mr. Van asked why the City Council isn't looking at increasing the over night parking fines. (Mayor Poynter said that that is under consideration now with City Council.)

Ms. Piazz urged residents to look at the City web site at [www.harperwoodscity.org](http://www.harperwoodscity.org) for minutes and other information.

Ms. Honto said that not everyone is web savvy so she does not like it when told to look something up on the web.

Ms. Jaworski said that she gets all her information off the City Hall or Library bulletin boards and urged others to take advantage of this information.

A gentleman asked if the city would realize additional revenue from late fees paid on taxes for these vacant homes. (The City Manager said all late fees are collected and kept by the County.)



CM 08-115-08

EXECUTIVE SESSION -  
COLLECTIVE BARGAINING

RESOLUTION by Szymanski, SUPPORTED by Marshall:  
BE IT RESOLVED to adjourn to executive session for the purpose of discussing a collective bargaining matter.

ROLL CALL VOTE

YES: Szymanski, Poynter, Costantino, Marshall , Monaghan , Palmer and Sawicki.  
NO: None.  
ABSENT: Sawicki.

RESOLUTION ADOPTED UNANIMOUSLY

The City Council adjourned to Executive Session at 9:25 p.m. and reconvened at 9:54 p.m.

CM 08-116-08

ADJOURNMENT

MOTION by Monaghan, SUPPORTED by Szymanski:  
That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 9:54 p.m.

ABSENT: Sawicki.

MOTION CARRIED

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KENNETH A. POYNTER, MAYOR

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MICKEY D. TODD, CITY CLERK

CITY OF HARPER WOODS  
CITY COUNCIL  
SEPTEMBER 3, 2008

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:30 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Councilperson(s) Hugh Marshall, Michael P. Monaghan, Daniel S. Palmer, Vivian M. Sawicki and John M. Szymanski.

ABSENT: Mayor Pro tem Cheryl A. Costantino

OTHERS PRESENT: City Manager James E. Leidlein and City Clerk Mickey D. Todd.

CM 09-117-08 EXCUSE MAYOR PRO TEM COSTANTINO

MOTION by Monaghan, SUPPORTED by Szymanski:  
To excuse Mayor Pro tem Costantino from tonight's meeting because of a prior commitment.

ABSENT: Costantino.

MOTION CARRIED

CM 09-118-08 MINUTES

MOTION by Monaghan, SUPPORTED by Sawicki:  
To receive, approve and file the minutes of the regular City Council meeting held August 11, 2008, and furthermore, receive and file the minutes of the Board of Trustees Employees Retirement System meeting held August 11, 2008.

ABSENT: Costantino.

MOTION CARRIED

CM 09-119-08

CONSENT AGENDA

RESOLUTION by Monaghan, SUPPORTED by Szymanski:

BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 84829 through 85078 in the amount of \$868,063.38 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.
2. Approve payment to Statewide Security Transport in the amount of \$7,311.61 for prisoner lodging and maintenance for the month of July 2008.
3. Approve payment to Red the Uniform Tailor in the amount of \$5,903.32 for the purchase of uniforms for the joint Honor Guard members.

ROLL CALL VOTE

YES: Marshall, Monaghan, Palmer, Sawicki, Szymanski and Poynter.

NO: None.

ABSENT: Costantino.

RESOLUTION ADOPTED

CM 09-120-08

MILK RIVER - PRINCIPAL AND INTEREST

RESOLUTION by Marshall, SUPPORTED by Monaghan:

BE IT RESOLVED to approve payment in the amount of \$621,704.96 to Wayne County for the Milk River Drain principal and interest payments; \$448,762.53 principal and interest on the 1991 Series Bond, \$60,683.77 principal and interest on the 1992 Series Bond and \$112,258.66 principal and interest on the 1993 Series Bond.

ROLL CALL VOTE

YES: Monaghan, Palmer, Sawicki, Szymanski, Poynter and Marshall.

NO: None.

ABSENT: Costantino.

RESOLUTION ADOPTED

CM 09-121-08

MICHIGAN MUNICIPAL LEAGUE -  
DESIGNATION OF VOTING DELEGATES

RESOLUTION by Palmer, SUPPORTED by Sawicki:

BE IT RESOLVED to designate Mayor Poynter as the City's official delegate, and the Mayor Pro

tem as the alternate delegate at the Michigan Municipal League's Annual Meeting to be held on October 1-4, 2008.

ROLL CALL VOTE

YES: Palmer, Sawicki, Szymanski, Poynter, Marshall and Monaghan.  
NO: None.  
ABSENT: Costantino.

RESOLUTION ADOPTED

CM 09-122-08                      SUBURBAN MOBILITY AUTHORITY FOR  
REGIONAL TRANSPORTATION - (SMART)  
SERVICE CONTRACT RENEWAL

RESOLUTION by Szymanski, SUPPORTED by Monaghan:  
BE IT RESOLVED to approve the Service Contract with SMART for the City's Connector Operations covering the period from July 1, 2008 through June 30, 2009.

ROLL CALL VOTE

YES: Sawicki, Szymanski, Poynter, Marshall, Monaghan and Palmer.  
NO: None.  
ABSENT: Costantino.

RESOLUTION ADOPTED

CM 09-123-08                      SIDEWALK REPLACEMENT PROGRAM 2008

RESOLUTION by Palmer, SUPPORTED by Monaghan:  
BE IT RESOLVED to approve Change Order No. 2 to the 2006 Sidewalk Replacement Program to C & V Cement in the amount not to exceed \$60,000.

ROLL CALL VOTE

YES: Szymanski, Poynter, Marshall, Monaghan, Palmer and Sawicki.  
NO: None.  
ABSENT: Costantino.

RESOLUTION ADOPTED

CM 09-124-08

CONDEMNATION RESOLUTION -  
21543 BOURNEMOUTH

RESOLUTION by Marshall, SUPPORTED by Monaghan:

BE IT RESOLVED to adopt the resolution on Condemnation of Dwelling and Abatement of Public Nuisance recommended by the City Attorney to proceed with condemnation of the property at 21543 Bournemouth. (Attachment #1)

ROLL CALL VOTE

YES: Poynter, Marshall , Monaghan, Palmer, Sawicki, and Szymanski.

NO: None.

ABSENT: Costantino.

RESOLUTION ADOPTED

CALL TO COUNCIL

Mayor Poynter said that he recently had the opportunity to be at the dedication ceremony of the new Colin Powell Academy, which went into the old Bishop Gallagher High School, and said that he thinks it will be an outstanding facility. He added that they will have an anticipated enrollment of four-hundred students. Lastly, he reminded and invited the public to the City's Open House on Saturday, September 13<sup>th</sup> from 11:00 a.m. to 2:00 p.m.

Councilwoman Sawicki asked the City Manager if he had anything new to report on the sale of the Notre Dame property. (The City Manager said that he is unaware of any impending sale.) She then asked the City Manager if he has spoken to the archdiocese about properly maintaining the former high school property. (The City Manager said that he has a phone call into an archdiocese representative and expects to discuss the matter with them soon.) Then she commented on north bound Harper from Manchester on, saying that it appears to have a number of cracks and asked the City Manager if there are any plans to address this situation. (The City Manager said that some Federal Grant monies have been freed up for 2009 that will allow us to address this situation on Harper from Manchester to Old Eight Mile, and from Old Eight Mile to Vernier. He added that the only expense the City will incur with this project are engineering costs.)

CALL TO AUDIENCE

Mr. Massey said that after his comments at the last Council meeting about police presence, he is here tonight to report that things are better. He added that he was invited to ride with the police after last meeting, and he took advantage of the opportunity. He said that after riding with them

he realizes how understaffed they are, and how the City needs to address this problem. He suggested that other residents also consider riding with the police to see for themselves first hand how busy they are.

Ms. Uhl thanked the City Clerk for the quick response to her Freedom of Information Act request. Then she asked questions about how a Public Safety Department would work and said that she has noticed in previous City Council minutes that it was suggested that an informational flyer be made available explaining the City's move toward Public Safety and the possibility of having a public forum on this issue, and asked why this has not been done. She suggested that City Council follow through by having both an informational flyer and a public forum to discuss this issue, saying that we are all on the same team and that we all want the same thing, so we need to sit down and discuss it. Lastly, she submitted a list of questions regarding Public Safety that she asked to have addressed. (The Mayor suggested that she submit the list of questions to the City Manager for a response.)

Mr. Frattini said that it is his understanding that four of our Police Officers have been sent to the Fire Academy for training, and said that it appears a plan to change to a Public Safety Department is in place. (The City Manager said that the issue is currently being negotiated.) He then commented on how the City Charter requires separate Police and Fire Departments, and that residents have not been able to voice their opinions on establishing a Public Safety Department. (The Mayor pointed out that it appears we are moving to a Public Safety Department, but there is still a separate Police and Fire Department, and that City Council is making every effort to settle this issue.) Lastly, he said that this whole idea of Public Safety is making him sick, and he urged City Council to let the residents decide the issue and not shove it down their throats.

Mr. Drouillard said that while he has used the Fire medical services and owes the fire fighters, he sees the need for more police officers and patrols.

Mr. Watson asked if there would be fewer supervisors and more officers on the streets if the City changed to a public safety department. He also asked what the City ordinance is for allowing a car to be parked on the street, saying that there has been a car parked by his house on the street for over a month. (The Mayor asked him to provide the address of where the car is to the police.)

Mr. Szolach said that he has been thinking about the City changing over to a Public Safety Department for some time. He said that he loves the Fire Department, but after discussing the issue with his neighbors, it was the consensus that we need more eyes on the streets. He commented on the number of new kids in the area and with crime being up, he didn't see any other way to address the issue of the need for more police.

Ms. Rutledge asked if residents will get a chance to vote on the Public Safety issue or will City Council decide the issue. (Mayor Poynter said that City Council can decide the issue, and pointed out that residents turned down a Police/Fire millage two years ago leaving the City with little choice. He added that it is unfortunate because we all want what is best for the city.) Lastly, she asked if residents have to wait until Call to Audience to discuss any agenda items. (Mayor Poynter said that that was correct.)

Mr. VanPoucker brought up the issue of kids walking in the street saying that the Police need to start writing tickets because it is getting ridiculous.

Ms. Kindle asked what is being done with all the telephone poles that have been placed on the ground around the city. (The City Clerk said that DTE is going to replace existing poles.) She then asked if the City could contact an Eastland Center representative and ask them to fill in the pot holes on their entrance road. Then she asked if the City would be responsible for providing security for the new WCCD facility. (Mayor Poynter said that they would be providing their own security.) Lastly, she asked if the Police/Fire millage could be put back on the ballot. (Mayor Poynter said that it could be put back on, but it is too late for the November election.)

Mr. Dick thanked the Harper Woods Board of Education for checking student residency before admitting them. Then he commented on the need to amend our noise ordinance to address the loud car stereos and the accompanying bass sound saying that it is very disruptive and this situation needs to be dealt with. Lastly, he asked why the church on Eastwood is allowed to park on both sides of the street whenever they hold services, saying that it is hazardous and needs to be addressed. (Mayor Poynter asked him to speak to the Deputy Police Chief about this issue.)

A gentleman who resides on Lochmoor says he has a problem with drivers using the Lochmoor bridge who turn against traffic or run the stop sign, and with speeding traffic on his street. He urged additional traffic enforcement in the area saying that it would definitely improve the City's revenue and increase safety in that area. Then he commented on the City's plan to cross train police officers saying that he doesn't see how these jobs can be combined. He suggested that City Council really needs to look elsewhere to save money rather than cross training police and fire personnel.

Mr. Wummel asked why the City does not use the Eastside Advertiser Times to publish their legal notices. (The City Clerk said that the Eastside Advertiser is not recognized under State statute as a newspaper, but rather a "shopper," because it fails to contain enough news coverage, and it is not published weekly, so that is why the City does not use it.) He then asked City Council if they saw where the City of Detroit recently cul-de-saced a number of streets in the Palmer Woods area as a crime fighting measure, and urged City Council to consider this tactic in Harper Woods. Then he asked about City Council's extension of the sidewalk improvement bid, and asked why this isn't re-bid. (The City Manager said that he has discussed this matter

with the City Engineer and they agree that our current contract price would probably be less expensive than having to re-bid the item, so in effect the decision not to re-bid is a calculated management decision that the City believes will save money and is more cost effective.) He then commented on the City's plan for Public Safety saying that residents have a right to see and review the plan, rather than reading about selective parts of the plan in the paper. He said that one newspaper article said that the City plans on saving \$600k by implementing Public Safety, and he wanted to know how this was going to be done. (The City Manager said that he spoke to the reporter who wrote that article for over three hours, and a number of details were not reported. He added that the referenced savings would be from the reduction in the number of police/fire employees. The Mayor said that he also spoke to the reporter for some time and very little of what he said appeared in the paper.) Mr. Wummel said that he wants to see the details on cross training, ambulance service and the overall plan for public safety saying that City Council needs to spend time with the residents on this issue. Lastly, he urged City Council to set up e-mail accounts as a means for residents to contact them.

Mr. Cracchiolo urged City Council to put informational flyers about their plans for Public Safety in the Advertiser Times.

Mr. Watson asked if the City has had any conversations about having an auxiliary police force as a means to increase police patrols. (The City Manager said that the creation of an auxiliary police force presents both liability and labor issues, so there has not been discussion on this topic.)

Mr. Massey commented on kids walking in the streets saying that when he rode with the police he saw where the officers warned the kids and advised them that they will be ticketed if caught walking in the streets again.

Mr. Szolach urged City Council not to put the Headlee Override on the ballot at this time because the economy is so bad, and doing so may force people to leave Harper Woods because nobody can afford a tax increase in these times.

Mr. Frattini asked if the City regulates rental properties, and if they do, the City needs to look at the house next door to his because it is getting run down. (The City Manager said that rental properties are inspected whenever there is a change in tenants, and that he will ask the inspector to look at that house.)

Ms. Rutledge urged City Council to have a provision in all vendor contracts that would allow the extension of that contract if it benefits the City. (The Mayor said that that is already done.)

Ms. Uhl asked if she could schedule a meeting with the City to discuss the Public Safety issue. (Mayor Poynter suggested that she call the City Manager's Office and schedule an appointment.)



Mr. Foleta commented on how it seems funny that the Department that has lost forty percent of its employees is facing the largest cuts. He then said that City Council is charged with upholding the law, and that we know who is up for re-election next year and this will be remembered. He then asked if the City has considered other cost saving measures besides Public Safety. Then he commented on the recent Police contract that gave officers a 5% increase for five years for cross training and asked how that is good management. Lastly, he asked City Council if they feel the residents today are not capable of making the decision on whether to change to a Public Safety Department.

Deputy Police Chief Burke, representing the police officers, said that he understands the controversy over Public Safety but no matter what happens both departments are professional and will serve the residents. He added that he has tried to reach out to both units in an effort to resolve this issue, and that there has to be a realization that the money isn't there to operate like we used to, and like the private sector where people are being asked to do more, our departments need to adapt and change also. He said that he cares about the city and hopes that the employee groups will come together for the benefit of the community. Lastly, he urged residents to contact him and arrange to ride with one of our officers so they can see firsthand the City's police patrol situation.

Mr. Sosnowski asked how the City can implement a Public Safety Department when the City Charter prohibits it. (The Mayor said that there will still be two departments. He added that what is being done will benefit the community and increase both police and fire protection.)

Mr. Massey commented on the need for changing police and fire services saying that none of this would be necessary if everyone would just do their civic duty instead of turning their heads when they see something.

Mr. Frattini asked how more officers would be put out in the street if the City maintains a separate police and fire department. (Mayor Poynter said that that needs to be worked out in contract negotiations.)

Ms. Rutledge asked if any of the police officers have volunteered to be cross trained, and if so, how many. (Dep. Chief Burke said approximately twenty officers volunteered.) She said that she didn't understand why they would do that.)

Mr. Sosnowski commented on the grass being too high at the high school construction site and asked that something be done about it. (The City Manager said that he spoke to representatives from the school today about it and expects that the problem will be taken care of soon.)

Mr. Wummel asked if the new police contract just provided raises for only the officers who agreed to cross train, or if all the officers got the same raise. (The City Manager said that all officers will be getting the same raise.)

Mr. Foleta said that he has two young kids in the city and would like to see the police officers out in the streets instead of the station, and added that the City of Allen Park recently eliminated the Deputy Chief's position as a way to add to the street patrol. He then asked the Council members if they knew how much the Fire Department brought into the City's coffers in ambulance fees, and answered his question saying that it is approximately \$350k. Then he commented on the City's contract proposal to the IAFF and the impact cross training would have on providing medic services.

Ms. Uhl commented on the resolution City Council adopted calling for a Public Safety Department saying that it only called for EMT's and not Paramedic's.

CM 09-125-08

EXECUTIVE SESSION -  
COLLECTIVE BARGAINING

RESOLUTION by Sawicki, SUPPORTED by Palmer:

BE IT RESOLVED to adjourn to executive session for the purpose of discussing a collective bargaining matter.

ROLL CALL VOTE

YES: Marshall, Monaghan, Palmer, Sawicki, Szymanski and Poynter.

NO: None.

ABSENT: Costantino.

RESOLUTION ADOPTED

The City Council adjourned to Executive Session at 8:50 p.m. and reconvened at 9:30 p.m.

CM 09-126-08

ADJOURNMENT

MOTION by Monaghan, SUPPORTED by Szymanski:

That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 9:30 p.m.

ABSENT: Costantino.

MOTION CARRIED

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KENNETH A. POYNTER, MAYOR

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MICKEY D. TODD, CITY CLERK

**RESOLUTION ON CONDEMNATION OF DWELLING AND  
ABATEMENT OF PUBLIC NUISANCE**

The City Manager of Harper Woods, James E. Leidlein, has determined that the dwelling at the following described location, and for the following reasons, presents an immediate and continuous danger and hazard to the health, safety, and welfare of the residents of the City of Harper Woods, namely:

A. 21543 Bournemouth - This residential dwelling suffered extensive fire

damage on February 3, 2008.

B. To date, no action of any kind has been taken to restore the residential

dwelling to a safe and habitable condition.

C. The existence of the above described dwelling in its present condition is a

present, immediate and continuous danger and hazard to the health, safety and welfare of the residents of the City of Harper Woods, and said dwelling is unfit for human habitation and must be condemned and removed;

**IT IS HEREBY RESOLVED:**

1. The dwelling at the aforesaid described location and for the aforesaid

described reasons is a present, immediate and continuous danger and hazard to the health, safety and welfare of the residents of the City of Harper Woods, and said dwelling is unfit for human habitation and must be condemned and removed.

2. The dwelling and aforesaid premises is hereby declared a public nuisance and

ordered that said dwelling be demolished and removed.

3. The Attorney for the City of Harper Woods is hereby authorized to commence

all necessary legal proceedings to abate said public nuisance; the all costs incurred by the City of Harper Woods to abate said nuisance, plus interest at seven percent (7%) per annum, shall become a lien for the benefit of the City of Harper Woods on all or part of the real property

where the condemned dwelling is located, and such lien shall be of the same character and effect as created by the Harper Woods City Charter for city taxes.

Dated: September 3, 2008

Kenneth A. Poynter, Mayor

ATTESTED:

I, Mickey Todd, Clerk of the City of Harper Woods, Wayne County, Michigan, do hereby certify that the above Resolution was adopted by the City Council of Harper Woods, in regular session assembled on September 3, 2008.

Mickey D. Todd, City Clerk

CITY OF HARPER WOODS  
CITY COUNCIL  
SEPTEMBER 15, 2008

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:30 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem Cheryl A. Costantino, Councilperson(s) Hugh Marshall, Michael P. Monaghan, Vivian M. Sawicki and John M. Szymanski.

ABSENT: Councilman Daniel S. Palmer.

OTHERS PRESENT: City Manager James E. Leidlein, City Attorney J. Russell LaBarge and City Clerk Mickey D. Todd.

CM 09-127-08

EXCUSE COUNCILMAN PALMER

MOTION by Monaghan, SUPPORTED by Costantino:  
To excuse Councilman Daniel S. Palmer from tonight's meeting because of an unexpected urgent matter.

ABSENT: Palmer.

MOTION CARRIED

PRESENTATION

Mayor Poynter and Lieutenant Robert Hunter presented Safety Patrol Awards to the following students and certificates in recognition of being named the outstanding safety patrol person at their respective schools:

Nathan Steinkampf of Poupard Elementary School  
Jessica Sedgeman of Tyrone Elementary School

CM 09-128-08

MINUTES

MOTION by Monaghan, SUPPORTED by Costantino:

To receive, approve and file the minutes of the regular City Council meeting held September 3, 2008.

ABSENT: Palmer.

MOTION CARRIED

CM 09-129-08

CONSENT AGENDA

RESOLUTION by Costantino, SUPPORTED by Monaghan:

BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 84079 through 85211 in the amount of \$1,181,326.30 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.
2. To receive and file for the audit, the Treasurer's quarterly investment report.
3. Approve payment to Badger Meter, Inc. in the amount of \$6,972.42 for the purchase of 24 new automatic read water meters.
4. Approve bid to Art Tucker & Son Excavating in the amount of \$6,356.00 for the removal of water gate wells, valves and tees and disconnection of water service at the high school, with the school district being billed for this service.
5. Approve payment to J & J Auto-Marine Repair, Inc. in the amount of \$7,523.75 for the repair and replacement of an impeller shaft on Engine 2.
6. Approve payment to the City of Grosse Pointe Farms in the amount of \$7,587.12 for Harper Woods' proportionate share of the Intermunicipal Radio System for the period January 2008 through June 2008.
7. Approve payment to Anderson, Eckstein & Westrick, Inc. in the amount of \$58,583.25 for professional services during the month of August 2008 for the following projects: 2008 Concrete Pavement Repair, #180-105; Recreation Office, #180-111; WCCC Fire Suppression Line, #180-110; Johnston Park Tennis Courts, #180-096; 2008 General, #180-099; EB Harper Resurfacing, #180-109; EB Harper Resurfacing, #180-106; 2007 Sewer Cleaning & TV Inspection, #180-100 and the Kelly Road Sidewalk Project, #180-102.
8. Approve payment to Nu Appearance Maintenance in the amount of \$12,326.00 for contractual lawn cutting and weed maintenance in various areas of the city, including City Hall, the Library, DPW and the I-94 service drive.

ROLL CALL VOTE

YES: Costantino, Marshall, Monaghan, Sawicki, Szymanski and Poynter.

NO: None.

ABSENT: Palmer.

RESOLUTION ADOPTED

CM 09-130-08 APPROVAL OF 2009-2013 ADDENDUM TO COLLECTIVE  
BARGAINING AGREEMENTS - HARPER WOODS COMMAND  
OFFICERS ASSOCIATION AND HARPER WOODS POLICE OFFICERS  
LABOR COUNCIL - PATROL OFFICERS, DETECTIVES AND DISPATCHERS UNIT

RESOLUTION by Szymanski, SUPPORTED by Monaghan:

BE IT RESOLVED to approve the Addendum to the Collective Bargaining Agreement between the City of Harper Woods and the Harper Woods Command Officers Association and the Harper Woods Police Officers Labor Council - Patrol Officers, Detectives and Dispatchers Unit for the period January 1, 2009 through December 31, 2013 and further to authorize the Mayor and City Clerk to sign the Addendum.

ROLL CALL VOTE

YES: Marshall, Monaghan, Sawicki, Szymanski, Poynter and Costantino.

NO: None.

ABSENT: Palmer.

RESOLUTION ADOPTED

CM 09-131-08

ADDENDUM TO AGENDA

MOTION by Marshall, SUPPORTED by Costantino:

To add to the agenda discussion and or action on a bid award for Kelly Road Streetscape Improvements.

ABSENT: Palmer.

MOTION CARRIED

CM 09-132-08     BID AWARD - KELLY ROAD STREETSCAPE

RESOLUTION by Marshall, SUPPORTED by Szymanski:

BE IT RESOLVED to accept the adjusted low bid of \$83,159 as submitted by Lacaria Concrete Construction of Detroit for the 2008 Kelly Road Streetscape Improvement Project.

ROLL CALL VOTE

YES: Monaghan, Sawicki, Szymanski, Poynter, Costantino and Marshall.

NO: None.

ABSENT: Palmer.

RESOLUTION ADOPTED

CALL TO COUNCIL

Mayor Poynter commented on the City's Open House that was held this past Saturday saying that he thought it was successful and well attended in spite of the weather. He then commented on a rumor that the City is going to do away with ambulance service, saying that that is absolutely false.

Councilman Monaghan commented on several comments that were made by residents at the last couple of Council meetings where it was suggested that City Council is ramming a change in the way police and fire services are delivered down the throats of the residents. He said that as elected officials City Council has to figure out the best way to deliver services with the resources available. He added that City Council has discussed the best way to provide quality police and fire services for the past several years in budget meetings, and have even asked residents for a Headlee Override two years ago to fully fund both departments, but it was rejected and now alternatives have to be considered so that residents will be provided with cost effective and efficient police and fire services for less money. He said that Harper Woods is not unlike other communities and the private sector where employees are being asked to do more with less, and pointed out how the city has received fewer revenue sharing dollars and anticipates a reduction in property tax revenue. He then told of a situation the police faced while the last City Council meeting was going on, saying that they had five calls for service at once, and all of them were very serious, and we had to rely on mutual aid from our neighbors to deal with the situations. Then he commented on the City being placed by the State on a financial watch list saying that we need to make these changes in order to stay off that list, so that the city can be around for a long time and stay financially responsible.

Mayor Poynter, at the direction of the City Attorney, cautioned City Council and advised the public that because a complaint has been filed in court by the Harper Woods Firefighters and



Jeffery Wummel seeking injunctive relief in regards to the City cross training its police officers, the City Council has been advised by the City Attorney not to publicly comment on this issue until the complaint is resolved.

City Attorney LaBarge concurred with the Mayor's comments about not commenting publicly on the issue of cross training the police officers until he has an opportunity to review the complaint and issue a reply. He said that he would willingly meet with the interested parties' attorneys to discuss this issue further. He concluded his comments saying that it appears that a decision has been made to resolve this matter in court, and requested that City Council refrain from commenting further until he has the opportunity to advise them of the ramifications of the complaint.

The City Manager said that it is a common practice for city representatives not to comment on pending litigation, saying that the City's insurance carrier always cautions not to comment while a complaint or lawsuit is pending.

Councilwoman Sawicki asked the City Attorney if the informational brochure that City Council prepared for the residents regarding police and fire services can still be distributed in view of this complaint. (The City Attorney said that he would like to review the material first, before distribution takes place.)

Councilman Szymanski said that the health, welfare and safety of the city's residents along with the protection of their property continue to be City Council's greatest concern. He added that City Council members all reside in the community with their families, and that the resident's best interest are City Council's best interest.

Mayor Pro tem Costantino announced that the Ordinance Committee will be holding a meeting on Monday, September 29<sup>th</sup> at 7:30 p.m.

Councilwoman Sawicki expressed concern about the appearance of the former Notre Dame High School and asked the City Manager if he has contacted the archdiocese about maintaining it better. (The City Manager said that he would contact them this week.)

Councilman Szymanski asked the City Manager if the resurfacing on Vernier between I-94 and Kelly will include curb replacement and catch basin replacement. (The City Manager said that curbs and catch basins will only be replaced as needed.)

#### CALL TO AUDIENCE

Mr. Bruneel announced that the Lion's Club will be holding their annual pasta dinner on

Wednesday, October 15<sup>th</sup> from 4 p.m. to 8 p.m., with tickets just \$5 and proceeds going to the community.

Mr. Frattini asked the City Manager if he had a chance to send the Building Department to inspect the rental property next to his house. (The City Manager said that he would have them look at it this week.) He commented on Councilwoman Sawicki's concern over the Notre Dame property, saying that City Council should be concerned about the maintenance of all properties in the city and not just Notre Dame's.

A gentleman who resides in Park Place, expressed concern about the city cutting back ambulance service. (Mayor Poynter said that the City does not have plans now, or in the future, to eliminate ambulance service.) He then commented on the rash of auto thefts that have taken place at Park Place and the need to increase police patrols there as a deterrent because there isn't lighting or security cameras.

Ms. Lucas of Park Place, asked how the residents of Park Place could get security lighting for their parking lot. (The City Manager said that Park Place would be responsible for providing the lighting, and that she should speak to them about it.)

Ms. Persichini said that she is concerned about her taxes going up and property value going down, saying that her taxes have gone up over \$1k in the last two years. (The City Manager said that that didn't sound right and said that he would like to meet with her after the meeting and go over her tax bill.)

Ms. McCarthy thanked City Council for the tribute they gave her in recognition of her contributions to the Center of Lifelong Learning on its 10<sup>th</sup> Anniversary. She then advised City Council and the public on the upcoming program at the Center and urged their participation. Lastly, she said that she read in the paper lately that our City Attorney sits on a panel that oversees the cleanliness of Lake St. Clair, and said that he should be recognized for his efforts.

Mr. Binder complimented the Police Department for their response to a call he made last week, saying that he called the police after some kids in his neighborhood emptied some trash bags in the streets, and that the officer arrived and cleaned up the mess. He said that the officer did not complain and went out of his way to clean the mess up, and that he was very impressed by his conduct.

Ms. Kavanaugh, said that she doesn't understand Councilman Szymanski's statement that City Council is looking after the best interest of the residents. (Councilman Szymanski said that because of the current litigation he can not address specifics, but did say that it has always been the Council's intention to use our tax money in an efficient and responsible manner, while providing the best services possible. He added that many of the people that are spreading rumors

about the city do not live here, while City Council does, and can tell her that the residents are going to have better police and fire services than what we have today.

Ms. Franciosi of Park Place commented on the City Manager visiting with the tenants today to discuss the City's ambulance service. Then she commented on how nice the police and fire services were, and how police work should be done by police officers and fire work should be done by fire fighters. She then commented on how nice it was for the fire department personnel to come to Park Place last week and ask residents to fill out an informational sheet with medical and personal information in case they had to use the ambulance service. Lastly, she asked why the ambulance is only allowed to transport to St. John hospital.

Ms. Uhl asked the City Manager if he will be able to respond to written questions that she submitted at the last meeting. (The City Manager said that he will review them and answer the ones that he can.) She then commented on how she does not think the Public Safety concept will work in Harper Woods citing the cost of cross training; insufficient number of employees; and the need for the fire service to stay current with fire prevention; hydrant checks; confined space training; and jaws of life training. She urged City Council to stop spending money to cross train police officers that the City does not have until an actual plan is put on paper for the residents to review. She said that she does not want to see a first rate police and fire department turn into a second rate public safety department, and five years later we have to change back to separate departments.

Mr. Wummel asked if Public Safety was ever put on the ballot. (Mayor Poynter said that it was voted down in 1994 and that a Police/Fire millage was turned down two years ago.) He then reminded City Council that the City Charter requires a separation of police and fire services, and urged City Council to let the public vote on the issue of consolidation. Then he commented on Councilman Monaghan's comments about how City Council has been discussing the issue of cross training the last couple of years at budget meetings saying that he has attended those meeting and has not seen any information on the City's plan for cross training. He then said that he did not understand how the City Council can no longer speak publicly about their plans for police cross training, but the City Manager could go to Park Place and discuss the issue of ambulance service. (The City Manager said that he responded to an erroneous flyer that said the city would be doing away with ambulance service, and that his comments were not made at a public meeting.) Then he commented on the lawsuit being brought against the city by he and the firefighters saying that he hopes the court rules for the residents. He then asked Councilman Monaghan if he will be replacing his sidewalk this year. (The City Manager said that the Councilman's sidewalk is on a list that will be replaced this year.)

Mr. Frattini commented on the defeated Headlee Override proposal saying that it failed the first time it was put on the ballot in Eastpointe, but they put it on a second time and it passed, and he wanted to know why Harper Woods did not try a second time. He offered the answer to his

question saying that the City did not put it back on the ballot because it was an election year and the residents recently passed a bond proposal to build a new high school. (Mayor Poynter said that if residents wanted to vote on a Headlee Override a petition could be circulated requesting an override, and if enough signatures were obtained, a vote could take place in February.)

Ms. Trader Lang, who is a candidate for State Representative, introduced herself to the public.

Mr. Hakim commented about the speeding on Littlestone and how there are no right turn signs on all the streets north of Littlestone, and that something needs to be done to address the heavy traffic and speeding on Littlestone. (The City Manager said that this has been an on going problem and he is open to suggestions on resolving the situation.)

A lady commented on how she was ticketed by the Grosse Pointe Woods police for crossing the Allard bridge into Grosse Pointe Woods and the fine was \$125.

Mr. Foleta, a Harper Woods fire fighter for Local 1188, said that he sat in the city's ambulance at St. John hospital last night after it broke down once again, saying that all of the fire equipment is on average eighteen years old, and that the city has a planned obsolescence for the fire department for years. He pointed out that if you look at Public Safety Departments they either have really good equipment or a large number of personnel and that Harper Woods has neither.

Mr Stewart, a retired Detroit fire fighter, commented on how the city should maintain separate police and fire departments because of the rigorous training requirements each job has. He commented on all the training that fire fighters do to stay sharp and how police and fire are two separate professions.

Mr. Stewart, Jr., a Detroit fire fighter, commented on the need to maintain separate police and fire departments because of the extensive training requirements for fire fighters, saying that the police are busy enough doing their work and will not be able to do both.

Mr. Cadotte commented on how the new athletic field for Harper Woods High School will pose a problem to the residents across Beaconsfield because of the noise and lighting, saying that he believes it will decrease property values and that City Council needs to address the issue. He suggested that a letter be written from the City to the Harper Woods School Board expressing concern of the location of the athletic field and the impact it will have on the neighborhood. (The Mayor said that at the time the field was being planned, the City did offer an alternative plan that would have kept the athletic fields away from Beaconsfield but the plan was rejected. He urged Mr. Cadotte to attend a school board meeting to express his concerns.)

Ms. Franciosi wanted to know who would provide ambulance service if the City reduced the number of ambulances to one.

Mr. Grace said that he is in favor of maintaining separate police and fire departments. Then he asked if something could be done about the plants on the Kelly road islands saying that they are too high and obstruct the view of drivers.

Mr. Binder suggested that the next time the city negotiates a contract with its employees that they create a second pay and benefit tier as a way to increase the number of police and fire fighters and reduce cost. He said that this is a common practice in the private sector, and doing this might help get a Headlee Override passed.

Deputy Chief Burke urged residents with any concerns about police services to contact him, saying that the Police Department has an open door policy and welcomes resident's comments. He added that residents are also welcome to ride with police officers. Then he commented on how City Council is doing the best they can with what they have, and that they are making every effort to increase the number of police officers in the city. He related an incident that occurred while the last Council meeting was going on in an effort to point out the need for additional police patrols. Lastly, he commented on the emergency personnel that come from adjoining communities to assist us, saying that they are usually Public Safety Officers and pointed out that they are just as dedicated and loyal as our police and fire personnel are, and that they deserve respect. Lastly, he impressed upon the public that he wants as many police and fire personnel as possible and that the current cross training issue is not anti-fire department.

Ms. Uhl suggested that more of the officers in the station do road patrol instead of being in the station, and asked if it is possible to have civilians in the police station do work that some of the uniform officers are doing so that the road patrol can be increased. She also wanted to know why police officers are the first ones to arrive at a fire scene instead of the fire department, saying that this needs to be corrected at dispatch. (Mayor Poynter asked her to discuss this with the Deputy Chief.)

Mr. Foleta commented on Deputy Chief Burke's comments complaining that he gets to speak too long. He then commented on Public Safety Officers (PSO) saying that last night there was a fire call to Wendy's and one PSO showed up with a fire truck with a pair of vinyl shoes on which goes to show that PSO's are not ready to fight fires. He said the public does not know what is going on out there. Then he commented on the length of time it takes for a mutual aid medical run from Grosse Pointe Farms.

CM 09-133-08

EXECUTIVE SESSION -  
COLLECTIVE BARGAINING

RESOLUTION by Szymanski, SUPPORTED by Monaghan:  
BE IT RESOLVED to adjourn to executive session for the purpose of discussing a collective

bargaining matter.

ROLL CALL VOTE

YES: Sawicki, Szymanski, Poynter, Costantino, Marshall and Monaghan.

NO: None.

ABSENT: Palmer.

RESOLUTION ADOPTED

The City Council adjourned to Executive Session at 8:50 p.m. and reconvened at 9:08 p.m.

CM 09-134-08

ADJOURNMENT

MOTION by Marshall, SUPPORTED by Costantino:

That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 9:08 p.m.

ABSENT: Palmer.

MOTION CARRIED

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KENNETH A. POYNTER, MAYOR

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MICKEY D. TODD, CITY CLERK

CITY OF HARPER WOODS  
CITY COUNCIL  
OCTOBER 6, 2008

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:30 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem Cheryl A. Costantino, Councilperson(s) Hugh Marshall, Michael P. Monaghan, Daniel S. Palmer, Vivian M. Sawicki (7:32 p.m.) and John M. Szymanski.

ABSENT: None.

OTHERS PRESENT: City Manager James E. Leidlein, City Attorney J. Russell LaBarge, Finance Director Laura M. Stowell and City Clerk Mickey D. Todd.

CM 10-134-08

MINUTES

MOTION by Monaghan, SUPPORTED by Costantino:

To receive, approve and file the minutes of the regular City Council meeting held September 15, 2008 and furthermore, receive and file the minutes of the Library Board meeting held August 21, 2008 and the Planning Commission meeting held September 24, 2008.

ABSENT: Sawicki.

MOTION CARRIED

CM 10-135-08

CONSENT AGENDA

RESOLUTION by Costantino, SUPPORTED by Monaghan:

BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 88213 through 85349 in the amount of \$223,326.85 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.
2. Approve payment to Statewide Security Transport in the amount of \$5,359.17 for prisoner lodging and maintenance for the month of August 2008.
3. Accept the quote submitted by Natural Sand Company, Inc. in the amount of \$9,334.50

for the purchase of material necessary for the construction of the new ball field at Johnston Park.

4. Approve payment to Douglass Safety Systems, LLC in the amount of \$5,892.32 for the purchase of turnout gear for the police officers in training at the fire academy.
5. Approve payment to Nu Appearance Maintenance in the amount of \$5,846.00 for contractual lawn cutting and weed maintenance in various areas of the city.

ROLL CALL VOTE

YES: Costantino, Marshall, Monaghan, Palmer, Szymanski and Poynter.

NO: None.

ABSENT: Sawicki.

RESOLUTION ADOPTED

Councilwoman Sawicki arrived at 7:32 p.m.

CM 10-136-08

ADOPT 2009 BUDGET SCHEDULE

MOTION by Palmer, SUPPORTED by Szymanski:

Approve the 2009 Budget Meeting Schedule with workshops to be held at regular and special meetings on October 13, October 20 and October 27, and further, to hold a public hearing on the 2009 Budget on November 3, 2008.

MOTION CARRIED UNANIMOUSLY

CM 10-137-08

GENERAL OBLIGATION UNLIMITED TAX  
ROAD BONDS - PRINCIPAL AND INTEREST

RESOLUTION by Marshall, SUPPORTED by Monaghan:

BE IT RESOLVED to approve payment to the Bank of New York Mellon in the amount of \$608,562.50 for the annual principal and interest payments on the 1995, 1999 and 2001 Tax Road Bonds and the Library Improvement Bond; \$440,750.00 principal and interest on the 1995 Series Bond; \$86,625.00 interest on the 1999 Series Bond; \$20,825.00 interest in the 2001 Series Bond and \$60,362.50 interest on the Library Improvement Bond.

ROLL CALL VOTE

YES: Marshall, Monaghan, Palmer, Sawicki, Szymanski, Poynter and Costantino.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY



CM 10-138-08                    MILK RIVER - PRINCIPAL AND INTEREST

RESOLUTION by Szymanski, SUPPORTED by Sawicki:  
BE IT RESOLVED approve payment in the amount of \$54,916.14 to Wayne County for the Milk River Drain principal and interest payment on the 1999 Series Bond.

ROLL CALL VOTE

YES: Monaghan, Palmer, Sawicki, Szymanski, Poynter, Costantino and Marshall.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 10-139-08                    MICHIGAN MUNICIPAL LEAGUE LIABILITY AND  
PROPERTY POOL - ELECTION OF BOARD OF DIRECTORS

RESOLUTION by Palmer, SUPPORTED by Monaghan:  
BE IT RESOLVED to cast the City's vote for the following persons to serve on the Board of Directors of the Michigan Municipal League Liability and Property Pool: Kate Lawrence - Mayor, City of Brighton and Jason Eppler - City Manager, City of Ionia.

ROLL CALL VOTE

YES: Palmer, Sawicki, Szymanski, Poynter, Costantino, Marshall and Monaghan.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CALL TO COUNCIL

Mayor Poynter said that he had the opportunity to attend the dedication of the new Eastpointe City Hall, and said that it is a beautiful facility. He then commented on Friday's Harper Woods Homecoming Parade saying that it was very successful. Lastly, he congratulated Police Officer Jason Sakowski for being the recipient of the prestigious Valor Award from The Hundred Club of Detroit, in recognition of his heroism while investigating an accident this summer on I-94.

Councilman Monaghan reported on his attendance at the Michigan Municipal League Conference commenting on two specific sessions that he attended. He said that he thought the session on communities dealing with the foreclosure crisis by creating a Land Bank was interesting and thought that that is something the city should pursue further. He also commented on another session about promoting healthy communities being very informative and something

that the city could implement, saying that emphasis was placed on developing walking and biking trails that connect communities, and that that is something he would like to see us pursue. Lastly, he commented on a session that discussed surveying residents to determine community needs and how this may be beneficial.

Mayor Poynter followed up on Councilman Monaghan's comments in regard to promoting healthy communities saying that in the Goal Setting sessions Council has discussed having an ethnic festival, and in addition to that he would like to see Council explore the possibility of bringing back the community picnic, the Taste of Eastside festival and more concerts in the park. Mayor Pro tem Costantino also commented on her attendance at the Michigan Municipal League conference saying that she and Councilman Monaghan split up during the conference so that they could attend as many different sessions as possible. She said that she worked very hard at the conference and came away with many of new ideas. Then she summarized the various sessions that she attended, and added that perhaps the most beneficial aspect of the conference was the ability to network with other city officials to share information and ideas about problems that all cities are experiencing.

Councilman Szymanski commented on an article in today's Free Press about the City of Pontiac, which has experienced an increase in violent crime after residents approved a minimum manning ballot initiative for the fire department. He said the affect of the minimum manning requirement for the fire department reduced the police force substantially and cut recreation services to Pontiac, and he urged our residents to take Pontiac's situation into account when considering our current police/fire situation. He added that if Harper Woods were to follow Pontiac's example we would have to hire an additional twelve fire fighters and reduce our police officers by a similar number, and pointed out further, that if the City were to continue cross training our police officers we would avoid this situation and increase the number of trained fire personnel to nearly fifty. He then thanked all the volunteers who helped with passing out City Council's flyer on Saturday which explained why the city is proceeding with cross training police personnel. Lastly, he commented on the litigation the City is currently in with the fire union and one resident, saying that if the City prevails he would like to bill litigants for attorney cost.

Councilwoman Sawicki apologized for being late. Then she thanked all the volunteers who helped pass out the City flyer over the weekend which explained why the police are being cross trained, and said that while she was helping pass out the flyer she ran into several residents who were grateful for the information and supportive of City Council's actions. She then commented on year-to-date service call information for police and fire services that she requested from the City Manager, saying that so far this year there have been approximately 35,401 calls for service, and of those approximately 33,876 were for police service and approximately 1,700 were for fire service. Lastly, she commented on the Free Press article where our Police Chief was interviewed about the possibility of implementing 24 hour shifts for the police as a way to increase patrols

and reducing overtime cost, saying that she spoke to the City Manager about her concerns in this regards, and was pleased that the Police union is willing to discuss the idea as a way to provide more coverage for our residents. She assured the public that if 24 hour shifts were implemented it would be closely monitored to ensure its efficiency and officer safety.

#### CALL AUDIENCE

Mr. Frattini asked Councilman Szymanski if he had ever read NFPA 1710 which requires four fire fighters to fight a fire which is why Pontiac adopted the minimum manning requirement. He then commented on the flyer that City Council put out over the weekend explaining why they are cross training police officers, and asked how they could put this information out after saying previously that they could not comment on cross training because of the lawsuit that was filed against the city. (Mayor Poynter said that the City Attorney reviewed and approved of the flyer before it was distributed.) He then commented on the City's fuel costs that are referenced in the flyer saying that they are higher than the City of Eastpointe's, which is much larger than Harper Woods and that does not seem right. Then he commented on how the City could save money by increasing the retirees prescription drug card co-payment from \$2 to what the active employees pay like the fire union did. He then commented on the 1994 city election which asked voters if they wanted to create a public safety department saying that the voters rejected it by a 2-1 margin. Lastly, he commented on the article in the City's newsletter written by the Fire Chief in which he details the departments capabilities and asked if the newly cross trained police officers would be similarly trained so that the department would maintain these capabilities.

Mr. Bruneel announced that the Lion's Club will be holding their annual pasta dinner on Wednesday, October 15<sup>th</sup> from 4 p.m. to 8 p.m., with tickets just \$5 and proceeds going to the community.

Ms. Uhl thanked City Council for putting out the informational flyer over the weekend explaining their move toward cross training police officers, saying that while it was informative and a good first step, it still did not provide the City's plan for emergency services. She then commented on the flyer that she and another resident put out saying that it was meant to inform residents of the City's proposed change to police and fire services. Then she brought up various emergency scenarios and asked how they would be addressed, saying that the City cannot expect residents to embrace the proposed changes unless they know how it will work. Lastly, she said that she is not about saving the Fire Department, because she does "not have a dog in this fight," and that if the City can show her that the proposed change to emergency services will be as good or better than what we presently have, then she will support the plan.

Ms. Abdela said that she is very concerned about the increase in crime in the city and that more police officers are needed, and urged City Council to try the Public Safety model as a way of

increasing police presence.

Ms. Brown thanked the police officers for the work they do, and the fire fighters for the work they do. She was especially appreciative of the fire fighters for having saved her life several times. She said that it is important to her that the two departments stay separate.

Ms. Campbell told City Council that she is having a difficult time changing cable television carriers from Comcast to AT&T and asked if the City could help. (The City Manager said that AT&T should be available throughout the city, and if it isn't available in her neighborhood yet it should be soon. He added that complaints about cable television services are now handled by the State of Michigan and they can be contacted at 866.552.7725.)

Ms. Franciosi said that at the last Council meeting she went away with the impression that the city was not going to cross train police officers, and now she finds out that they are being cross trained and said that it just goes to show that you can't fight City Hall. (Mayor Poynter said that it is true that officers are being cross trained. That it is true that there are no layoffs planned. That it is true that we are not doing away with the ambulance service. That it is true that we will maintain a core fire department.)

Mr. Szolach complimented the City on the new look of the Stop signs and School Crossing Signs saying that it really increases their visibility. He then said that he heard that there was discussion at the last Council meeting by the public about putting a Headlee Override on the ballot next year to fund fire services, and said that he hopes this isn't done because times are hard and people cannot afford to pay more in taxes. Then he commented on the issue of cross training police personnel saying that he agrees that more police officers are needed, and while he likes both departments, something needs to be worked out to address this situation.

Ms. Douglas asked how much it will cost to cross train the police officers, and asked if it was true that all of them volunteered to be cross trained. (Deputy Chief Burke said that it is true that all of the police officers volunteered to be cross trained, and said that it cost \$1,500 for the nine week fire academy and \$900 for the thirty-two week academy.)

Mr. Kangas commented on the number of foreclosed homes in the city and asked if the City still collects taxes on those properties. (The City Manager said that taxes are still collected on those properties.) He then commented on the Police Chief exploring the possibility of having 24 hour shifts for our police officers saying that he did not see how they could be effective working this long. He said that he has worked similar type shifts and that they are very tiring.

Mr. Foleta said that he has a problem with the City's cross training plan. He then proceeded to ask several members of City Council about the proposed cross training plan and their knowledge of the fire department. He was critical of them for not ever going back to the fire department to

see first hand what they are doing and what they are working with. (Mayor Poynter encouraged Mr. Foleta to personally give him a tour, and will await his invitation.) He then commented on how the City is putting forth this cross training program while suggesting that the Mayor, Police Chief and City Manager are making plans to retire or take other jobs. He cited the Mayor's failed attempt at running for State Representative, the Police Chief's attempt at getting the Algonac City Manager's job and the rumor that he heard that the City Manager will be retiring.

Mr. Tatum said that this is the first Council meeting he has attended, and while he does not see himself as being political, he is angry with the comments the Harper Woods Fire Fighter made toward City Council. He added that the fire fighter did not say why the City's proposal should not be considered. Then he commented on the City's proposal to cross train police officers saying that to the best of his knowledge Public Safety Officers are fully trained, and unless there is something he does not know about this proposal, he will support City Council.

Deputy Chief Burke commented on the Police Chief applying for the City Manager's job in Algonac saying that the Chief has withdrawn his name from consideration. He then introduced two of our police officers who are receiving fire training, and said that he is going to begin fire training in December. He then said that he spoke to the Fire Union President today who apologized in advance for Mr. Foleta's behavior at tonight's meeting. Then he commented on the concept of scheduling police officers to 24 hour shifts saying that it will not be forced on the police officers. He added that it is a testament to the police officers that they are considering 24 hour shifts, because they know crime is at an unacceptable level and they will consider any alternative that will increase their numbers on the streets to protect our residents. Lastly, he informed City Council that the Police Department is working with C.U.F.F.S., which is an area wide community crime prevention group and that he will be asking City Council to invite them into the city for one of their future crime prevention events.

Mr. Frattini asked if the City has considered participating in HUD's \$1 home program. (The City Manager said that he will look into the program.) He then advised the City Manager that he believes one of his neighboring houses has a black mold problem.

Mr. Wummel thanked the Mayor for giving everyone the opportunity to speak. Then he announced that he has copies of his flyer for those interested in having one, and said that it is his intention to just put out facts about the City's plan to cross train. He added that he would like to get more information about the City's plan to cross train police officers, but has been unable to get a copy of the plan. He said that he would rather be helping out in the community with various projects. Lastly, he offered his services to sit with representatives from City Council, the Fire Department and Police Department in an effort to come up with a plan that would resolve the emergency services issue.

Ms. Uhl commented on the proposed concept of 24 hour shifts for police officers, saying that it is

fairly clear that there are a lot of questions that need to be answered before this can be implemented. She said that she believes 24 hour shifts are a bad idea, and asked if City Council could inform the public of these ideas before being submitted to the press so that they can be discussed.

Mr. Spence complimented the City on the new Stop signs and School Crossing signs saying that they are much more visible. He then commented on the increased crime in the city and how he is concerned about shopping on Harper, so he spoke in favor of the City increasing the number of police officers.

Ms. Campbell urged residents not to quit shopping in Harper Woods and to support your neighborhood stores.

CM 10-140-08                      2009 BUDGET WORKSHOP SESSION

MOTION by Monaghan, SUPPORTED by Palmer:  
To adjourn to the Budget Workshop Session.

MOTION CARRIED UNANIMOUSLY

City Council recessed at 8:55 p.m. and reconvened in the Conference Room at 9:00 p.m.

2008 BUDGET WORKSHOP SESSION

The City Manager and Finance Director presented City Council with a draft of the 2009 budget. No action was taken.

CM 10-141-08                      ADJOURNMENT

MOTION by Monaghan, SUPPORTED by Costantino:  
That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 9:09 p.m.

MOTION CARRIED UNANIMOUSLY

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KENNETH A. POYNTER, MAYOR

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MICKEY D. TODD, CITY CLERK

CITY OF HARPER WOODS  
CITY COUNCIL  
OCTOBER 20, 2008

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:30 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem Cheryl A. Costantino, Councilperson(s) Hugh Marshall, Michael P. Monaghan, Daniel S. Palmer, Vivian M. Sawicki and John M. Szymanski.

ABSENT: None.

OTHERS PRESENT: City Manager James E. Leidlein, City Attorney J. Russell LaBarge, Laura L. Stowell, Finance Director and City Clerk Mickey D. Todd.

CM 10-142-08

MINUTES

MOTION by Monaghan, SUPPORTED by Costantino:

To receive, approve and file the minutes of the regular City Council meeting held October 6, 2008 and furthermore, receive and file the minutes of the Election Commission meeting held October 14, 2008.

MOTION CARRIED UNANIMOUSLY

CM 10-143-08

CONSENT AGENDA

RESOLUTION by Costantino, SUPPORTED by Szymanski:

BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 85351 through 85504 in the amount of \$546,432.94 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.
2. Approve payment to Nu Appearance Maintenance in the amount of \$11,645.00 for contractual lawn cutting and weed maintenance in various areas of the city, including City

- Hall, the Library, DPW and the I-94 service drive. Also, residential cuttings and tree removal restorations throughout the City.
3. Approve payment to Anderson, Eckstein & Westrick, Inc. in the amount of \$23,343.20 for professional services during the month of September 2008 for the following projects: 2008 Pavement Joint and Crack Sealing, #180-108; EB Harper Resurfacing Project, Manchester to Vernier, #180-109; Johnston Park Tennis Courts, #180-096; 2007 Sewer Cleaning & TV Inspection, #180-100; Kelly Road Sidewalk, #180-102; 2008 Concrete Pavement Repair, #180-105 and the EB Harper Resurfacing, Vernier to 8 Mile, #180-106.
  4. Approve payment to Wayne County in the amount of \$5,566.33 for services performed on the tax rolls.
  5. Approve payment to Oakland County Information Technology in the amount of \$6,260.25 for fees relative to the CLEMIS computer system utilized by the Police Department.
  6. Approve payment in the amount of \$7,500.00 to Southeast Macomb Incident Response Team for membership dues for the year 2008.
  7. Approve the quote submitted by North River Truck and Trailer in the amount of \$9,187.64 for the purchase of new plow blades, miscellaneous plow parts and supplies.
  8. Approve payment to R.S. Contracting, Inc. in the amount of \$10,020.00 for the pavement markings that were provided at various school/pedestrian crossings throughout the City.

ROLL CALL VOTE

YES: Costantino, Marshall, Monaghan, Palmer, Sawicki, Szymanski and Poynter.  
NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 10-144-08      ANNUAL PERMIT TO WORK ON COUNTY ROADS

RESOLUTION by Palmer, SUPPORTED by Monaghan:

BE IT RESOLVED to adopt the Performance and Indemnification Resolution related to the City's Permit to Work on County Roads. (Attachment #1)

ROLL CALL VOTE

YES: Marshall, Monaghan, Palmer, Sawicki, Szymanski, Poynter and Costantino.  
NO: None.

RESOLUTION ADOPTED UNANIMOUSLY



CM 10-145-08      JOHNSTON PARK TENNIS COURT RENOVATION  
PROJECT, #180-096 - PROGRESS PAYMENT NO. 3

RESOLUTION by Marshall, SUPPORTED by Palmer:  
BE IT RESOLVED to approve payment to Cortis Brothers Trucking and Excavating in the amount of \$45,761.30 for Progress Payment No. 3 on the Johnston Park Tennis Court Renovation Project, #180-096.

ROLL CALL VOTE

YES: Monaghan, Palmer, Sawicki, Szymanski, Poynter, Costantino and Marshall.  
NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 10-146-08      AMBULANCE FEES

RESOLUTION by Monaghan, SUPPORTED by Marshall:  
BE IT RESOLVED to establish the following ambulance fee schedule effective Nov. 1, 2008:

<u>Resident</u>		<u>Non-Resident</u>	
Basic	\$405	Basic	\$525
Advanced	\$700	Advanced	\$775
Mileage	\$9.00	Drugbox w/out Transport	\$100
Defibrillation	\$50	Oxygen	\$40
Extrication	\$500		

ROLL CALL VOTE

YES: Palmer, Sawicki, Szymanski, Poynter, Costantino, Marshall and Monaghan.  
NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 10-147-08      BID AWARD - BALL DIAMOND FENCING

RESOLUTION by Marshall, SUPPORTED by Costantino:  
BE IT RESOLVED to accept the low bid submitted by Parks Fence and Supply in the amount of \$13,702.94 for the purchase and installation of new fencing at the new baseball diamond at Johnston Park.

ROLL CALL VOTE

YES: Sawicki, Szymanski, Poynter, Costantino, Marshall , Monaghan and Palmer.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CALL TO COUNCIL

Mayor Poynter asked the City Manager to comment on a letter received from the Sheriff regarding prisoner transport. (The City Manager said that the Police Department has been notified by the Wayne County Sheriff that beginning October 20<sup>th</sup> they would no longer provide prisoner transportation from our jail to the County jail because of budget cutbacks. He said that since receiving the letter, the Police Chief has contacted the Sheriff and County Commissioner and they agreed to a two week delay in implementing the new plan in an effort to find a solution to this issue. He added that if the Sheriff's Department follows through with discontinuing prisoner transportation, it would impose a significant burden on the Police Department.)

Mayor Poynter then commented on the city, saying that as a forty year resident he has always appreciated the city and intends on staying here the rest of his life. He said that he especially likes the "I Care Attitude" of the residents and the excellent quality of life and services that the citizens enjoy. He continued saying that for a number of years before being elected Mayor he attended Council meetings and while he did not always agree with City Council, he thought that they had the facts on hand and always had the best interest of the community at heart and that the residents had faith in their judgements. He added that even when he disagreed with Council the thought of recalling them never entered his mind. Then he said that the recent development of a resident beginning the proceedings to recall three Council members hurts the City's image and may discourage people from living here, because it sounds like Harper Woods is in total disarray. He then commented on how impressed he is with City Council saying that they care about this community and are active both inside and outside of the community. He added that they do not have personal agendas and have always voted to do what they think is best for the community, but now three have to face the rigors of a recall hearing. He suggested that the real reason behind the recall is because accepting change is difficult, because it certainly is not because of malfeasance or misfeasance. He then suggested that the recall attempt may be confusing the facts, so he repeated what City Council has stated previously: that there would be voluntary cross training and if someone did not volunteer they would not be laid off; that there would be a pay raise every year for five years; that ambulance service would not be eliminated; that the City Charter would not be violated because there would be separate police and fire departments. Then he pointed out that cross training would put more police officers, firefighters and paramedics out on the streets and improve response time and emergency service delivery once the training cycle is completed. He then commented on how the voters rejected the creation of a Public Safety

Department in 1994 and in 2006 voters rejected a Headlee Override that would fully fund separate Police and Fire Departments. He added that the decline in State Revenue Sharing of \$3.5 million coupled with a reduced property tax loss of \$11.5 million and the tough economic times that we are now in have placed City Council in a difficult situation in trying to make the right decision with the money available. Then he commented on the “what if” scenarios that have been brought up about Public Safety Departments, saying that it is never asked what will happen if it is successful, because clearly it is successful in the Grosse Pointe’s. He then commented on how the City of Troy has a core fire department that is supplemented by volunteers, and how the City of Pontiac recently adopted a minimum manning requirement for their fire department resulting in the police department being cut over fifty percent and their recreation department closing, citing these two communities as examples of efficiency and inefficiency. He added that he has been told that half of our firefighters live in Townships that have volunteer fire departments. He concluded by saying that in these difficult economic times, difficult decisions must be made, and City Council wants more police presence on the streets.

Councilman Szymanski said that he was sorry to hear that one resident in the community filed recall petitions against three of our Council members citing wild, untrue and unbelievable allegations. He added that even though he was not targeted for recall he plans on attending the recall clarity hearing tomorrow to defend the honor of the targeted Council members, and to ensure that the language on the petitions is clear, true and valid, which is not the case in their present form. He then commented on the recall right in this country as really being a progressive right that should be used to promote civility in society, but in Harper Woods it is being used as a tactic by outside special interests to stop our city from modernizing, and to stop our city from developing service models that are desperately needed by the citizens of this community. He added that the individuals behind the recall are misleading and scaring our senior citizens and other residents with false information and impossible “what if” emergency scenarios. Then he said that in addition to this the special interest groups are submitting outrageous contract proposals for wages and working conditions to ease the hostilities, and without the promise of any productivity gains. He asked the residents if they really believe City Council would do anything to harm them, saying that City Council is not only trying to look out for the city, but also their families. He pointed out that things in this country and state have changed, and so Harper Woods must change to, and the reforms that are being proposed need to be implemented now, and not two years from now, and if they are not implemented then we will exhaust our savings and we will be looking at either layoffs or a massive tax increase. He added that the implementation of cross training will ultimately save money and improve services. Then he said the real intention of the recall is to completely remove the current City Council, City Manager, City Clerk, Police Chief, Deputy Police Chief and Fire Chief, and replace them with fire fighter supporters who will put their interests above all other departments and services. He said that he will not allow this happen and does not believe the residents will allow this happen, so he will fully support the three City Council members targeted for recall.

Councilwoman Sawicki said that she wants the residents to know that she fully supports the three City Council members that are being targeted for recall, saying that she hopes the residents understand that City Council wants good City services and wants to protect our residents. She commented on the 911 calls for service in 2007 saying that there were approximately 35,401 calls and of those only 1,525 were for fire service, so City Council knows that the police need more help and City Council is attempting to address this situation through cross training. She added that this is one way to do it without going to the residents for a tax increase. She said that City Council has not allowed Harper Woods to go down like other communities, and that it is Council's intention to keep the city services that our residents want and maintain a safe city. She added that keeping the city safe is why cross training is being done, and takes exception to the comments that have been made that individuals cross trained as Public Safety Officers are less qualified. Then she said that while she could not attend tomorrow's recall clarity hearing she fully supports the targeted members of City Council. Lastly, she advised the residents that City Council is implementing cross training for the resident's benefit, and reminded them that the Council members live here too and want everyone in the city to be secure.

Councilman Palmer echoed the statements of the previous Councilmembers, and said that he continues to wholeheartedly support the cross training of our police officers and fully supports the Councilmembers that have been targeted for recall. He added that it is a real shame if this recall effort is being directed by people outside of the community, saying that that is very disingenuous. Then he changed subjects and announced that H & R Block will be collecting care packages for our troops overseas on Thursday, October 23<sup>rd</sup> from 11:00 a.m. to 6:00 p.m. at their office at 13 Mile Road and Harper.

Mayor Pro tem Costantino thanked City Council for their overwhelming support in opposition to the recall effort, saying that the recall attempt has taken up a lot of her time. Then she said that while she was originally against the idea of cross training, and in fact was against the blended service approach when it was initially considered in the 90's, the City's financial situation leaves us with no other choice. She pointed out that next year the City will have to work with two-million less dollars. Then she said that in researching the issue her husband brought her an article that discussed the difficulties facing government programs and services and how all over the country Mayors and Governors alike are calling to combine services to save money, and in fact some states are providing grant monies for local governments to combine services and in some instances withholding money from those who won't. She pointed out that this is a national trend and the reality of the situation is that Harper Woods is not any different and must adapt. Then she commented on the how she hoped the community meeting that Council is planning on having to inform the residents of the City's need to cross train emergency personnel will occur in the near future so our residents can see what the city is facing. She urged residents to trust Council on the cross training issue, saying that she would never support something that would hurt the residents. Then she pointed out that there are thirty communities in Michigan that have Public Safety Departments and they are doing just fine with that service model, and added that

the City's plan to cross train will not violate the City Charter because there will still be separate Police and Fire Departments. She concluded by saying that the reality of the situation is that the City is in a difficult situation and City Council has to provide services as efficiently as possible with the money that is available.

Councilman Marshall thanked the City Council for their support in opposing the recall effort against him and the other two members of Council. Then he commented on how he respects the political process and does not harbor any resentment or anger at the resident who filed saying that that is certainly his right. He said that this is not about him or his ego, and that if the recall procedures are correctly followed and he is recalled then so be it, but said that he feels he was elected by the residents to do what he believes is in the best interest of the city and believes that over the years he has worked with City Council to make sound decisions. He commented on the decision making process of City Council, saying that they rely on information from the City Manager and administration to make informed decisions that are in the best interest of the residents, and both he and the rest of City Council feel that the best decision right now is to proceed with cross training and Public Safety. He concluded saying that he will do everything he can to oppose the recall with dignity and respect, and believes that the public will fully support City Council when they get the facts on this issue.

Councilman Monaghan said that he has served on City Council for thirteen years and during that time he has worked with the other Council members even when they had disagreements. He then pointed out that when he was initially elected he was a strong supporter of the Fire Department, and in fact was pictured with fire supporters in 1994 when the Public Safety ballot proposal was defeated. Then he said that over his years on Council and the various Boards he served on he has come to recognize that at the end of the day you have to pay your bills, you have to be able to sleep at night and you have to keep the safety and well being of the residents, and as far as City Council's decision to proceed with cross training and Public Safety he feels that it is the right decision based on the facts. He concluded saying that he is not ashamed of his record on Council because he has always done what he thought is best for the residents, and thanked Council for their support against the recall.

#### CALL TO AUDIENCE

Rev. Barry Randolph of the Church of the Messiah and Ms. Helen Sontas of Christ Church of Grosse Pointe, gave a brief presentation to City Council on C.U.F.S. (Citizens United For Safety), which is a partnership of citizens, corporations, law enforcement, churches and communities working together to combat crime. He related how C.U.F.S. was established and how they hope to work with Harper Woods and other communities in the future to address the crime problem.

Mr. Frattini said that he is the resident that filed the recall petitions, and that he respects the comments that have been made tonight, and said to Councilman Szymanski that he looks forward to seeing him at tomorrow's clarity hearing. Then he said that he grew up in Harper Woods and graduated from Lutheran High East, and said that there are no special interest or outside interests backing the recall and resents the implication that there is. He then asked the City Manager and Council how they could afford to increase the pay of police officers when the City is facing a million dollar revenue shortfall. (Councilman Szymanski responded saying that when City Council has responded to comments like this in public, they end up being taken out of context and used against the City in contract talks or legal proceedings.) Mr. Frattini then commented on the recall petitions saying that to the best of his knowledge the allegations on the recall petitions are true and accurate, and the information for the allegations was obtained under the Freedom of Information Act from the City. He then commented on an incident last week where he was victimized by a crime in the City and agrees that more police are needed, however, he has not been shown a plan by the City that can show him how more police and fire fighters will be hired. He added that if the city can show him such a plan, he would fully support it, because this is not an issue of him against City Council, it is just that he does not understand the plan that the City is currently pursuing.

A gentleman who runs the Eastside Combat Club offered his assistance to City Council with at risk youths who get in trouble with the law, by redirecting their anger through disciplined martial arts training. (The Mayor suggested that he speak to Deputy Police Chief about this issue.)

Ms. Jones said that she senses animosity between City Council and the person behind the recall and would like to learn more about the issue, and asked to be included in any future discussions both public and private. (Councilman Szymanski pointed out that City Council is prohibited from discussing some issues publicly because of pending litigation, but assured her that City Council is trying to make a change for the benefit of the residents.)

Mr. Cracchiolo complimented the Mayor for donating his salary to the Harper Woods Scholarship Fund. He then commented on the residents voting down Public Safety in 1994 and asked why the residents are not allowed to vote on it this time. (The Mayor said that the City will still be in the same financial situation regardless of any voting outcome.) He then asked to have the Assessor come to a future Council meeting to explain why his taxes keep going up. (The City Manager then explained the difference between taxable value and assessed value.)

Ms. Uhl said that she has spoken out consistently about how residents do not have enough information about the City's plan to cross train officers to determine how it will work and if it will address the City's emergency needs. She said that she believes City Council does have the resident's best interest at heart, but needs more information on the City's plan before deciding if she will support it. She added that she is looking forward to the City's presentation on the plan so that her questions can be answered. She then commented on Mayor Pro tem Costantino's comment about a number of communities that use Public Safety, saying that she would like her

to research why some communities that have used Public Safety Departments reverted back to separate Police and Fire Departments.

Mr. Moore said that he lived in a community that had a Public Safety Department and watched first hand an incident in which they responded to a house fire, saying that they were very professional and efficient. He then said that he respected both sides of the public safety debate and respects the “pride and passion” that each side brings to the issue. Then he said that he believes Public Safety is the right direction for the city because we do need cross training, and that he would like to see both sides work together on this issue.

Mr. Szolach said that he was shocked and hurt by Sunday’s Free Press article about the proposed recall of three Council members, saying that has known these Council members for years and they have done their best trying to keep the city safe and clean. He said that he talks to people in the community regularly and everyone agrees that we need more police presence. Then he said that the recall is not the answer, and is nothing more than an attempt by the fire fighters to get their people on City Council. He said that he was in agreement with the previous person’s comments, and said that we will not know if Public Safety will work unless we try it. He then commented on how he is concerned that the Recreation Department and other programs for the kids in the community will be cut if the recall prevails. He suggested that the firemen need to move back into the community to see how things are, and asked how much the average fire fighter makes. Lastly, he said things have changed in the community and people need more police so he hopes the recall effort fails.

Mr. Wummel said that he endorses the recall petition. Then he commented on how he had the opportunity to meet the families of Council members Marshall and Palmer during the last election, saying they have nice families and commended them for their commitment to the community. He then said that he has attempted to work with City Council on the issue of police and fire services but he has never been contacted by anyone, so recall is the only way to get people on Council that are willing to listen and share information. He said that he wants residents to have the opportunity to see the plan and vote on it. Then he said that he is still waiting for the City to have the informative community meeting on the issue that has been promised. He said that he would prefer to work with City Council to come up with a plan for police and fire services and urge community support for the plan. Then he said that he disagreed with Councilman Szymanski’s comments that he made tonight. He then said that he didn’t understand why the police were given a pay raise, saying that he would have supported a pay freeze especially in light of the pending Eastland Center tax appeal. He concluded saying that he just wants to work with City Council and the recall is only being pursued because we can’t work together. (The Mayor said any cooperation with Mr. Wummel is impossible at this time, because he is a plaintiff in a lawsuit against the City.)

Mr. Cracchiolo said that several meetings ago Council said they could not talk about the public

safety issue, and tonight they are talking about it, and he wanted to know what changed. (The Mayor said that the issue several weeks ago was whether the City could release an informational flyer on cross training, but had to wait to comment publicly until the City Attorney could review the lawsuit brought by Mr. Wummel to see if there would be a conflict with that lawsuit. He added that the City Attorney subsequently reviewed and approved of the information for release and public discussion.)

Ms. Clark-Head of Clinton Township suggested that the City Council meeting is not the proper forum for discussion on the City's plan to cross train, because the issue cannot be discussed where questions can be asked and answered. She said she senses a lot of anger over the recall, saying that recalls are not about anger, but rather substandard performance.

Deputy Chief Burke, representing both Police unions, said that they find the recall attempt appalling and said that crime in this community is unacceptable saying that our crime rate is five times higher than Grosse Pointe Park which is approximately the same size. He urged residents to support City Council as they attempt to increase the number of officers and fire fighting personnel.

Pastor Harville said that he is both humored and appalled by the current situation. He said he moved here because it is a small family town with a positive atmosphere, and that he appreciates both the police and fire personnel. He then commented on how he used to be a UAW worker for GM and was told that he and the union had to change to keep their jobs, but they didn't listen and now he is unemployed. Then he said that change has to be accepted and that both sides should get together and stop fighting because they are better than that.

CM 10-148-08

2009 BUDGET WORKSHOP SESSION

MOTION by Monaghan, SUPPORTED by Costantino:  
To adjourn to the Budget Workshop Session.

MOTION CARRIED UNANIMOUSLY

City Council recessed at 9:04 p.m. and reconvened in the Conference Room at 9:10 p.m.

2009 BUDGET WORKSHOP SESSION

The City Manager and Finance Director reviewed and discussed the following funds for the proposed 2009 budget:

- General Fund
- Major Street Fund



- Local Street Fund
- Water & Sewer Fund
- Vehicle & Equipment Fund
- Storm Utility Fund
- Refuse Fund
- Library Fund
- Debt Retirement Fund
- Municipal Improvement Fund
- Drug Law Enforcement Fund
- Separation Pay Fund
- Self Insurance Fund

CM 10-149-08

ADJOURNMENT

MOTION by Marshall, SUPPORTED by Costantino:

That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 9:55 p.m.

MOTION CARRIED UNANIMOUSLY

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KENNETH A. POYNTER, MAYOR

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MICKEY D. TODD, CITY CLERK

ANNUAL PERMIT TO WORK ON COUNTY ROADS

Resolution No. CM 10-144-08

At a Regular Meeting of the *City of Harper Woods City Council* on *October 20, 2008*, the following resolution was offered:

WHEREAS, the City of Harper Woods (hereinafter the "Community") periodically applies to the County of Wayne Department of Public Services, Engineering Division Permit Office (hereinafter the "County") for permits to conduct emergency repairs and annual maintenance work on local and County roads located entirely within the boundaries of the Community, as needed from time to time to maintain the roads in a condition reasonably safe and convenient for public travel;

WHEREAS, pursuant to Act 51 of 1951, being MCL 247.651 *et seq*, the County permits and regulates such activities and related temporary road closures;

NOW THEREFORE, in consideration of the County granting such Permit, the Community agrees and resolves that:

It will fulfill all permit requirements and will save harmless, represent and defend the County of Wayne and all of its officers, agents and employees:

from any and all claims and losses occurring or resulting to any and all persons, firms, or corporations furnishing or supplying work, services, materials, or supplies to the Community as the result of the Community's installation, construction, operation, repair or maintenance activities which are being performed under the terms of the Permit on, over, and/or under the County right-of-way or any local road; and

from any and all claims of every kind for injuries to, or death of, any and all persons, and for loss of or damage to property, and environmental damage or degradation, and from attorney's fees and related costs arising out of, under, or by reason of the Community's installation, construction, operation, repair or maintenance activities which are being performed under the terms of the Permit on, over, and/or under the County right-of-way or any local road, except claims resulting from the direct negligence or willful acts or omissions of said County performing permit activities.

Any work performed for the Community by a contractor or subcontractor will be solely as a contractor for the Community and not as a contractor or agent of the County. Any claims by any contractor or subcontractor will be the sole responsibility of the Community. The County shall not be subject to any obligations or liabilities by vendors and contractors of the Community, or their subcontractors or any other person not a party to the Permit without its specific prior written consent and notwithstanding the issuance of the Permit.

The Community shall take no unlawful action or conduct, which arises either directly or indirectly out of its obligations, responsibilities, and duties under the Permit which results in claims being asserted against or judgment being imposed against the County, and all officers, agents and employees thereof pursuant to a maintenance contract. In the event that same occurs, for the purposes of the Permit, it will be

considered a breach of the Permit thereby giving the County a right to seek and obtain any necessary relief or remedy, including, but not by way of limitation, a judgment for money damages.

With respect to any activities authorized by Permit, when the Community requires insurance on its own or its contractor's behalf, it shall also require that such policy include as named insured the County of Wayne and all officers, agents and employees thereof.

The incorporation by the County of this resolution as part of a Permit does not prevent the County from requiring additional performance security or insurance before issuance of a Permit.

The resolution shall stipulate that the requesting city, incorporated village or township shall, at no expense to Wayne County, provide necessary police supervision, establish detours and post all necessary signs and other traffic control devices in accordance with the Michigan Manual of Uniform Traffic Control Devices.

The resolution shall stipulate that the requesting city, incorporated village or township shall assume full responsibility for the cost of repairing damage done to the County road during the period of road closure or partial closure.

This resolution shall continue in force from this date until cancelled by the Community or the County with no less than thirty (30) days prior written notice to the other party. It will not be cancelled or otherwise terminated by the Community with regard to any Permit which has already been issued or activity which has already been undertaken.

BE IT FURTHER RESOLVED, that the following position(s) are authorized to apply to the County of Wayne Department of Public Services Engineering Division Permit Office for the necessary permit to work within County road right-of-way or local roads on behalf of the Community.

Name	Title
James E. Leidlein	City Manager
William J. Snyder	Public Works Superintendent

I HEREBY CERTIFY that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Harper Woods, County of Wayne, Michigan on October 20, 2008.

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Mickey D. Todd, City Clerk

CITY OF HARPER WOODS  
CITY COUNCIL  
NOVEMBER 3, 2008

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:30 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem Cheryl A. Costantino, Councilperson(s) Hugh Marshall, Michael P. Monaghan, Daniel S. Palmer, Vivian M. Sawicki and John M. Szymanski.

ABSENT: None.

OTHERS PRESENT: City Manager James E. Leidlein, City Attorney J. Russell LaBarge and City Clerk Mickey D. Todd.

CM 11-150-08

MINUTES

MOTION by Monaghan, SUPPORTED by Costantino:  
To receive, approve and file the minutes of the regular City Council meeting held October 20, 2008 and furthermore, receive and file the minutes of the Library Board meeting held October 16, 2008.

MOTION CARRIED UNANIMOUSLY

CM 11-151-08

CONSENT AGENDA

RESOLUTION by Costantino, SUPPORTED by Monaghan:

BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 85505 through 85617 in the amount of \$658,622.36 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.

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REGULAR CITY COUNCIL MEETING

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2. Approve payment to Anderson, Eckstein & Westrick, Inc. in the amount of \$23,472.85 for professional services during the month of October 2008 for the following projects: High School, #180-091; Johnston Park Tennis Courts, #180-096; Johnston Park Tennis Courts Redesign, #180-096R; 2007 Sewer Cleaning & TV Inspection, #180-100; Kelly Road Sidewalk - CDBG, #180-102; 2008 Concrete Pavement Repair, #180-105; EB Harper, Vernier to 8 Mile, #180-106, 2008 Pavement Joint & Crack Sealing, #180-108 and the DPW Garage Hoist, #180-112.
3. Approve payment to Wayne County Department of Public Health in the amount of \$10,045.00 for inspection services in the Cross Connection Control Program for the period January through September 2008.
4. Approve payment to Statewide Security Transport in the amount of \$5,952.99 for prisoner lodging and maintenance for the month of September 2008.

ROLL CALL VOTE

YES: Costantino, Marshall, Monaghan, Palmer, Sawicki, Szymanski and Poynter.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 11-152-08

OPEN PUBLIC HEARING - 2009 BUDGET

MOTION by Monaghan, SUPPORTED by Szymanski:  
To open the Public Hearing on the 2009 Budget.

MOTION CARRIED UNANIMOUSLY

PUBLIC HEARING

The City Manager said that the budget before City Council has been prepared in accordance with State and local regulations, and that City Council has reviewed the budget in budget workshops.

Then he reviewed the various funds, expressed concern over the reduction of the taxable value of city properties and answered any questions.

CM 11-153-08                    CLOSE PUBLIC HEARING - 2009 BUDGET

MOTION by, SUPPORTED by:  
To close the Public Hearing on the 2009 Budget.

MOTION CARRIED UNANIMOUSLY

CITY OF HARPER WOODS, MICHIGAN  
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CM 11-154-08    ADOPTION OF TAX LEVY RESOLUTION - 2009 BUDGET

RESOLUTION by Costantino, SUPPORTED by Marshall:  
BE IT RESOLVED to adopt the Tax Levy Resolution:  
WHEREAS, Act 5 of the P.A. of 1982, as amended requires that a notice be given and that a public hearing be held and that the proposed millage rate will be a subject of review at the hearing, and  
WHEREAS, The City of Harper Woods has complied with these provisions of the Act by publishing a Notice of Public Hearing in a newspaper of general circulation on October 23, 2008 and held said public hearings on November 3, 2008 and  
WHEREAS, The City Council has complete authority to establish the millage rates necessary to support the City's proposed budget.  
NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Harper Woods does hereby approve the City's tax levy for 2009 as follows:

GENERAL	17.0332
REFUSE	2.000
LIBRARY	.9168
DEBT	2.8399
TOTALS	22.7899

ROLL CALL VOTE

YES: Marshall, Monaghan, Palmer, Sawicki, Szymanski, Poynter and Costantino.  
NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 11-155-08                    ADOPTION OF BUDGET ADOPTION  
AND APPROPRIATION - 2009 BUDGET

RESOLUTION by Marshall, SUPPORTED by Costantino:

BE IT RESOLVED to approve the Budget Adoption and Appropriation Resolution:

WHEREAS, The City Manager of the City of Harper Woods has presented to the City Council a proposed budget for the City's operating and debt funds for the period January 1, 2009, through December 31, 2009; and

WHEREAS, The proposed Budget has been reviewed and found to be in accordance with the general fiscal and budgetary policies as established by the City Council; and

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REGULAR CITY COUNCIL MEETING

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WHEREAS, A Public Hearing was held on the Budget submission on November 3, 2008, at 7:30 p.m. in the City Council Chambers of the City of Harper Woods, Michigan and a public notice of this hearing was made on October 23, 2008, advising of the hearing and that a copy of the proposed budget was available for public inspection, in accordance with Section 9.3 of the City Charter; and

WHEREAS, This Budget Document is on file in the official records of the City of Harper Woods, Michigan.

NOW, THEREFORE, BE IT RESOLVED that the City Council, under the authority granted by the City Charter and the State of Michigan does hereby approve and adopt the 2009 Budget as submitted and appropriate the following sums for the purposes set forth herein:

GENERAL	\$12,319,450
MAJOR STREET	\$688,000
LOCAL STREET	\$452,900
WATER & SEWER UTILITY	\$2,901,400
VEHICLE & EQUIPMENT	\$414,250
STORM DRAINAGE	\$1,700,000
REFUSE COLLECTION	\$1,097,000
LIBRARY	\$470,700
DEBT RETIREMENT	\$1,320,850
SELF INSURANCE	\$100,000
SEPARATION PAY	\$100,000
MUNICIPAL IMPROVEMENT	\$250,000
DRUG LAW ENFORCEMENT	\$22,500

TOTAL	\$21,837,050
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ROLL CALL VOTE

YES: Monaghan, Palmer, Sawicki, Szymanski, Poynter, Costantino and Marshall.  
NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CITY OF HARPER WOODS, MICHIGAN  
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CM 11-156-08      2009 STORM WATER UTILITY RATE RESOLUTION

RESOLUTION by Szymanski, SUPPORTED by Palmer:

BE IT RESOLVED that in accordance with Chapter 27, Article V, Sections 27-120 and 27-15 of the Code of Ordinances, a rate of \$185.00 per residential equivalent unit is hereby established for the storm water utility charge to be billed December 1, 2008.

ROLL CALL VOTE

YES: Palmer, Sawicki, Szymanski, Poynter, Costantino, Marshall and Monaghan.  
NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 11-157-08      2005-2007 PAVEMENT JOINT AND CRACK SEALING  
   #180-089/094/104 - PROGRESS PAYMENT NO. 6

RESOLUTION by Monaghan, SUPPORTED by Sawicki:

BE IT RESOLVED approve payment to Scodeller Construction Inc. in the amount of \$33,041.12 for Progress Payment No. 6 on the 2005-2007 Pavement Joint & Crack Sealing Project, #180-089/094/104.

ROLL CALL VOTE

YES: Sawicki, Szymanski, Poynter, Costantino, Marshall , Monaghan and Palmer.  
NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 11-158-08      CONDEMNATION RESOLUTION - 20625 ANITA



RESOLUTION by Marshall, SUPPORTED by Costantino:

BE IT RESOLVED to adopt the resolution on Condemnation of Dwelling and Abatement of Public Nuisance recommended by the City Attorney to proceed with condemnation of the property at 20625 Anita. (Attachment #1)

ROLL CALL VOTE

YES: Szymanski, Poynter, Costantino, Marshall, Monaghan, Palmer and Sawicki.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

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CALL TO COUNCIL

Mayor Poynter said that he attended a CUFFS presentation two weeks ago at the Church of the Messiah in Detroit, saying that it was very informative and the turnout was excellent. He added that he had an opportunity to meet with Detroit's new Mayor, Kenny Cockrel, Jr. He then said that he also had the opportunity to attend the ribbon cutting ceremony of the new Wayne County Community College University Square on Vernier, saying that it is a state of the art facility and that residents and eastsiders will now be able to get their college degree on the east side.

CALL TO AUDIENCE

Mr. Bruneel announced that the Lion's Club Pasta dinner was a success, saying that they had their largest turnout ever and raised \$1,400. He added that the money raised will be used to help needy families in Harper Woods over the holidays, and that additional fundraisers by the Goodfellows and the Candy Cane drive will help raise additional money.

Mr. Szolach said that he was disappointed to read in the Eastside Advertiser that the recall against the City Council is still being attempted. He said that the recall is a bad reflection on the community and that City Council is doing the best they can with the money they have to work with. He said that Harper Woods, like every other community, is being impacted by the bad economy and the City just can't afford to hire more fire fighters. Then he said that the residents he talks to say we need more police, and urged City Council to try Public Safety because he thinks it will work and the residents will like it.

Mr. Wummel said that at the recall clarity hearing he thought he heard Mayor Pro tem Costantino say that City Council was going to put the issue of Public Safety on the ballot and asked her to clarify her comments. (Mayor Pro tem Costantino said that she did not say it was going to be put on the ballot, but did say that she would not mind putting the issue before the voters.) He then commented on a program that he learned about on the internet that will help homeowners avoid foreclosure, saying that he would share this information with the City and asked that it be passed

on to the public. Lastly, he asked the City Manager what he meant when he said that the County will pay all the City's delinquent taxes. (The City Manager said that the County does pay all the unpaid tax bills to each local jurisdiction, then collects the delinquent taxes. He added that they sell bonds to pay the local jurisdictions, then collect the delinquent taxes.)

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REGULAR CITY COUNCIL MEETING

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CM 11-159-08

ADJOURNMENT

MOTION by Monaghan, SUPPORTED by Szymanski:

That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 7:58 p.m.

MOTION CARRIED UNANIMOUSLY

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KENNETH A. POYNTER, MAYOR

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MICKEY D. TODD, CITY CLERK

ATTACHMENT #1

RESOLUTION ON CONDEMNATION OF DWELLING  
AND ABATEMENT OF PUBLIC NUISANCE

The City Manager of Harper Woods, James E. Leidlein, has determined that the dwelling at the following described location, and for the following reasons, presents an immediate and continuous danger and hazard to the health, safety, and welfare of the residents of the City of Harper Woods, namely:

- A. 20625 Anita - this residential dwelling suffered extensive fire damage on January 30, 2008.
- B. To date, no action of any kind has been taken to restore the residential dwelling to a safe and habitable condition.
- C. The existence of the above described dwelling in its present condition is a present, immediate and continuous danger and hazard to the health, safety and welfare of the residents of the City of Harper Woods, and said dwelling is unfit for human habitation and must be condemned and removed;

IT IS HEREBY RESOLVED:

- 1. The dwelling at the aforesaid described location and for the aforesaid described reasons is a present, immediate and continuous danger and hazard to the health, safety and welfare of the residents of the City of Harper Woods, and said dwelling is unfit for human habitation and must be condemned and removed.
- 2. The dwelling and aforesaid premises is hereby declared a public nuisance and ordered that said dwelling be demolished and removed.
- 3. The Attorney for the City of Harper Woods is hereby authorized to commence all necessary legal proceedings to abate said public nuisance; that all costs incurred by the City of Harper Woods to abate said nuisance, plus interest at seven percent (7%) per annum, shall become a lien for the benefit of the City of Harper Woods on all or part the real property where the condemned dwelling is located, and such lien shall

be of the same character and effect as created by the Harper Woods City Charter for taxes.

CITY OF HARPER WOODS  
CITY COUNCIL  
NOVEMBER 17, 2008

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:30 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem Cheryl A. Costantino, Councilperson(s) Michael P. Monaghan, Daniel S. Palmer, Vivian M. Sawicki and John M. Szymanski.

ABSENT: Councilman Hugh Marshall.

OTHERS PRESENT: City Manager James E. Leidlein, Fire Chief Sean Gunnery, Police Chief Randolph Skotarczyk and City Clerk Mickey D. Todd.

CM 11-160-08

EXCUSE COUNCILMAN MARSHALL

MOTION by Monaghan, SUPPORTED by Sawicki:  
To excuse Councilman Hugh Marshall from tonight's meeting due to illness.

ABSENT: Marshall.

MOTION CARRIED

CM 11-161-08

MINUTES

MOTION by Monaghan, SUPPORTED by Costantino:

To receive, approve and file the minutes of the regular City Council meeting held November 3, 2008.

ABSENT: Marshall.

MOTION CARRIED

CITY OF HARPER WOODS, MICHIGAN  
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CM 11-162-08

CONSENT AGENDA

RESOLUTION by Costantino, SUPPORTED by Monaghan:

BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 85618 through 85806 in the amount of \$282,739.58 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.
2. To receive and file for the audit, the 3<sup>rd</sup> quarter financial statement.
3. Approve payment to Nu Appearance Maintenance in the amount of 17,870.00 for contractual lawn cutting and weed maintenance in various areas of the city, including City Hall, the Library, DPW, the parks and the I-94 service drive.
4. Approve payment to First Responder Training in the amount of \$6,600.00 for the registration fees for six police officers' fire fighter training course.

ROLL CALL VOTE

YES: Costantino, Monaghan, Palmer, Sawicki, Szymanski and Poynter.

NO: None.

ABSENT: Marshall.

RESOLUTION ADOPTED

CM 11-163-08

CHANGE OF CITY COUNCIL MEETING TIME

RESOLUTION by Szymanski, SUPPORTED by Costantino:

BE IT RESOLVED approve the time change from 7:30 p.m. to 7:00 p.m. for City Council meetings, effective with the first meeting in July, 2009.

ROLL CALL VOTE

YES: Monaghan, Palmer, Sawicki, Szymanski, Poynter and Costantino.

NO: None.

ABSENT: Marshall.

RESOLUTION ADOPTED

CALL TO COUNCIL

Mayor Poynter said that he volunteered on "Make-a-Senior Smile Day," November 8<sup>th</sup>, helping seniors clean their yards, saying that it was a very rewarding experience and he urged people to volunteer next year. He then said that he recently had the opportunity to attend S.O.C.'s 30<sup>th</sup>

CITY OF HARPER WOODS, MICHIGAN  
REGULAR CITY COUNCIL MEETING

NOVEMBER 17, 2008  
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Anniversary celebration. Then he reminded the public that Wednesday at 6:30 p.m. is the City's Tree Lighting ceremony and urged them to attend. He then read the following letter addressed to City Council from Police Chief Skotarczyk and Fire Chief Sean Gunnery:

" We are pleased to inform you that the inter-department training between the Police and Fire departments has officially begun. Recently, all seven cross trained police officers met with us and Captain Head in the apparatus room of the Fire Department. The officers received an orientation of the Fire Department and were issued lockers for their fire gear. The officers were familiarized with the location and use of various fire fighting equipment.

Training will continue throughout the winter until six additional police officers will complete training. Once these officers are trained with our fire department, we anticipate placing six police officers on a twenty four hour schedule and begin using them for police and fire suppression duties. When the additional officers graduate, the City will have doubled its fire fighters available (26) to protect the citizens of Harper Woods. We also wish to reiterate our complete support for the Council to increase the protection of the residents of this community. The model will definitely work as we are fully committed to its successful implementation.

With your approval, we would like to announce that we are scheduling a "Town Hall" style meeting on January 26, 2009 at 7:00 p.m., in the Court Room. The meeting will be hosted by the two of us to outline our training and implementation plans. We will offer the public an opportunity for comments and questions and we anticipate having various experts and Public Safety Directors available to the residents for any concerns they may have. We believe this meeting will be informative and offer a positive blueprint for securing the safety and welfare of our community. If either of us can be of any further assistance, please let us know. Thank you for your attention to this matter."

Mayor Poynter invited Chiefs Skotarczyk and Gunnery to comment further on the letter. Chief Skotarczyk reviewed the police officers training schedule and commented on how cross training has resulted in increasing the City's fire service capability by a third. He added that the training cost are within budget, and that all the officers who are participating are volunteers who look

forward to assisting in fire fighting duties. He further commented saying that the training has been done seamlessly with no reduction in police service, and that all newly cross trained officers have been assigned to Chief Gunnery for training and integration with the fire service. Chief Gunnery echoed Chief Skotarczyk's comments and added that he is actively reviewing the training regime and will be introducing the newly cross trained officers to a training schedule for integration with the existing fire service.

Mayor Poynter then recognized Lt. Tamara Eschendal for her leadership in helping organize the "Make-a-Senior-Smile Day" on November 8th.

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Councilman Szymanski commented on the Recall Clarity Hearing that was held in Wayne County saying that a statement made by the recall organizer, Jason Frattini, that he is not affiliated with the local Fire Fighter Union is false, because there is a web site that lists his house as the primary address for the Harper Woods Fire Fighter's Union.

Councilman Monaghan asked both the Police and Fire Chiefs if they supported the concept of cross training. (They both said yes.)

Councilman Szymanski said that you could find the information about Mr. Frattini being affiliated with Harper Woods Fire Fighters Local 1188 at <http://www.taxexempt.com/>

#### CALL TO AUDIENCE

Mr. Frattini wished everyone a Happy Thanksgiving. Then he said that since his character was being attacked he wanted to set the record straight about his affiliation with the Harper Woods Fire Fighters Local 1188, saying that when he was employed by the City he was the treasurer for the union and his home address was used as the official address, and evidently after he left the fire department the current union treasurer did not change the official address of the union. He added that he will speak to the union treasurer about the matter and have it corrected. Lastly, he said that he is currently a member of Eastpointe Fire Fighters Union Local 1561.

Mr. Flanagan said as a nine year resident and a twenty-four year veteran of the Detroit Police Department he fully supports City Council's move toward cross training police officers, saying that public safety departments are doing just fine around the country. He commented on the crime along the Harper Woods borders and the need for the City to be vigilant in the fight against crime so the city can remain economically viable and avoid a sense of neighborhood flight. He added that it is his sense that the City is well managed and well policed, and urged City Council to maintain a strong police presence so that criminal predators are afraid to come into the city. Lastly, he commented on how the fire fighters need to change and adapt and applauded City Council's efforts to preserve the city's resources.

Ms. Uhl congratulated the Police Officers that recently graduated from the fire academy. Then she asked the Fire Chief to confirm that the existing fire fighters are cooperating with the integration of the cross trained police officers. She said that it is her understanding that fire fighters welcome the cross trained police officers and that their issue is that they want to see the plan the City has in mind. Lastly, she asked when the newly cross trained police officers will receive there Emergency Medical Technician training. (Mayor indicated that that training would not occur until the fire training is completed.)

Mr. Szolach congratulated the newly cross trained police officers. Then he thanked the Public

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Works employees for the fine job they are doing with leaf pick-up. He then commented on the effort being made to recall several Council members saying that he believes we have a great City Council, and he urged residents not to sign the recall petitions.

Mr. Bruneel wished everyone a Happy Thanksgiving.

Ms. Kindle commented on her participation in Make-A-Senior-Smile Day, saying that she found it to be very rewarding, and complimented Lt. Tamera Eschendal for helping organize the event. She then commented on the City's leaf pick-up, saying that it was not done very well last week. (The City Manager assured her that all the leaves will be picked up.) Lastly, she asked if the City will be participating in the County's foreclosure assistance program. (The City Manager said that he is hesitant to recommend the City's participation because the City would lose tax revenue from each property, whereas if the property remains in foreclosure the taxes are still paid to the City.)

Mr. Wummel congratulated the police officers that graduated from the fire academy. Then he commented on his efforts to recall City Council saying that the recall organizers are not against the police, but rather the issue is sharing information with the residents. He suggested that the residents do not have a complete picture of how cross training the police officers will effect police and fire services. He then said the Fire Department is suing the City over violating the City Charter by cross training. (The City Manager corrected Mr. Wummel saying that the Fire Department is not suing the City, but rather the fire union along with him is suing the City.) Mr. Wummel said that he does not necessarily disagree that cross training is one avenue to improve services, it is just that it violates the City Charter and that the residents need to be more informed about the matter. (The Mayor said that because he is suing the City over this issue, that the City could not comment on this matter.) He then asked how the City could have a Town Hall meeting on this matter since they cannot comment. (The City Manager said that the Town Hall meeting will be conducted by the Police and Fire Chiefs and not City Council.) Then he commented on the City's pending tax appeal with the former owners of Eastland Center and asked what the possible revenue implications are for the City. (The City Manager said that he will be discussing this issue with City Council in Executive Session tonight, and that the former owners are asking for a fifty percent reduction in their assessment which could result in a required refund of one million dollars. However, he stressed that the situation has not been concluded.) Lastly, he asked how the City's



retirement fund has been impacted by the recent stock market decline. (The City Manager said that the Retirement Board will be meeting Monday at 7:00 p.m., and that will be a big part of their discussions.)

Mr. Frattini asked the City Manager for a clarification on the Eastland Center tax appeal, asking if he heard correctly that it is the former owners of the Center who are pursuing the appeal, and if so, is it being done in a timely fashion. (The City Manager said that it is the former owners pursuing the tax appeal and that they filed the appeal prior to selling in 2005.)

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Deputy Chief Burke, representing the Police Command Officers and Patrol Officers said that they are appalled by the recall attempt, saying that it is being carried out by a former disgruntled employee and a losing write-in candidate for City Council. He let the City Council know that they share their interests by putting the residents first, unlike one group of employees who only worry about themselves. He pointed out that the Police Department is out manned and needs more officers to face the growing threat that they face on our borders with Detroit. Lastly, he urged residents not to sign the recall petitions and applauded City Council for their efforts and assured them that they have the support of the Police Department. (Mayor Poynter said that City Council appreciates the officers who are cross training, and the outstanding job that the Police Department does.)

Ms. Uhl said that she understands what a great job the Police Department is doing, but said that asking them to stop patrolling to fight fires will just take more officers off the streets. (The Mayor said that this method of service is proven to work.)

Mr. Wummel said that the recall organizers had no other mechanism to address the cross training issue because the City is not listening to the people or sharing information. He suggested that information on cross training be shared and that the residents be allowed to vote on the issue. (Mayor Poynter advised Mr. Wummel to attend the January 26<sup>th</sup> Town Hall meeting to have his questions answered, and also pointed out once again that cross training has worked, and is working in other communities. Councilman Szymanski told Mr. Wummel that his recall effort will not work and will be soundly defeated, because no one is going to sign those petitions.) Mr. Wummel reiterated that the recall is not against the Police Department. (Councilman Szymanski responded saying that the recall attempt is hurting both the Police Department and the residents.)

Mr. Frattini pointed out that the recall is not against the Police Department, but is for the people. He also said that he is not a former disgruntled fire fighter, but was forced out because he knew Council was going to go Public Safety and he did not want to be a police officer. He said police and fire are two separate jobs and he could not do both. Then he said that he is a disgruntled taxpayer because cross training is being forced down his throat.

Mr. Szolach said that he is confused by Mr. Wummel's comments that he just wants to help, because he is both suing the City and attempting to recall several Council members. He said that it just doesn't make sense. He added that in his conversations with residents, everyone says that more police are needed.

Mayor Pro tem Costantino responded to previous comments saying that it is untrue that Council does not listen to the public. She said that she speaks to residents all the time, and is continually told not to raise taxes. She added that cross training of jobs is a national trend in these hard economic times, and that the City needs to do this now because it cannot be put off any longer. She said that she is very proud of the Police Officers for doing what needs to be done, and said

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that cross training will save money in overtime expenses and provide more security in the city. Lastly, she said that if she were a City worker she would do whatever it takes to protect the community.

Ms. McCarthy commented on the Eastland tax appeal, saying that that was the first she heard of it and that it concerns her. She also said that she was unaware of how bad crime is on the City's borders with Detroit.

Mayor Poynter reiterated the City's position on cross training saying that it has not been forced on any employees and that those that choose not to cross train have been assured that they would not be laid off. He said that he recognized that change is difficult but said in the long run we will be better off. Then he commented on the recall attempt saying that it hurts the community and does not encourage people to move into our community. Lastly, he thanked the police officers for volunteering to cross train, and he thanked both Chiefs for their presentation.

CM 11-164-08

EXECUTIVE SESSION - LITIGATION

RESOLUTION by Monaghan, SUPPORTED by Palmer:  
BE IT RESOLVED to adjourn to executive session for the purpose of discussing a litigation matter.

ROLL CALL VOTE

YES: Monaghan, Palmer, Sawicki, Szymanski, Poynter and Costantino.  
NO: None.  
ABSENT: Marshall.

RESOLUTION ADOPTED

The City Council adjourned to Executive Session at 8:25 p.m. and reconvened at 8:49 p.m.

CM 11-165-08

ADJOURNMENT

MOTION by Monaghan, SUPPORTED by Szymanski:  
That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 8:49 p.m.

ABSENT: Marshall.

MOTION CARRIED

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KENNETH A. POYNTER, MAYOR

MICKEY D. TODD, CITY CLERK

CITY OF HARPER WOODS  
CITY COUNCIL  
DECEMBER 1, 2008

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:30 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem Cheryl A. Costantino, Councilperson(s) Hugh Marshall, Michael P. Monaghan, Daniel S. Palmer, Vivian M. Sawicki and John M. Szymanski.

ABSENT: None.

OTHERS PRESENT: City Manager James E. Leidlein and City Clerk Mickey D. Todd.

CM 12-166-08

MINUTES

MOTION by Monaghan, SUPPORTED by Costantino:  
To receive, approve and file the minutes of the regular City Council meeting held November 17, 2008 and furthermore, receive and file the minutes of the Library Board meeting held November 20, 2008 and the Board of Trustees Employees Retirement System meeting held November 24, 2008.

MOTION CARRIED UNANIMOUSLY

CM 12-167-08

CONSENT AGENDA

RESOLUTION by Costantino, SUPPORTED by Monaghan:

BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 85807 through 85938 in the amount of \$491,055.39 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.
2. Approve payment to Wayne County in the amount of \$5,504.69 for services performed on the tax rolls.

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3. Approve payment to Statewide Security Transport in the amount of \$6,347.01 for prisoner lodging and maintenance for the month of October 2008.
4. Approve payment to Anderson, Eckstein & Westrick, Inc. in the amount of \$25,387.05 for professional services during the month of October 2008 for the following projects: High School project, #180-091; 2007 Sewer Cleaning Project, #180-100; Kelly Road Sidewalk, #180-102; 2008 Concrete Pavement Repair, #180-105; EB Harper, Vernier to 8 Mile, #180-106; 2008 Pavement Joint & Crack Sealing, #180-108; EB Harper, Manchester to Vernier, #180-109 and the SRF Project, #180-113.
5. Approve a one-time adjustment of 3.5% to the Longevity Allowance for 2008 for city department managers and administrators, except the City Manager.

ROLL CALL VOTE

YES: Costantino, Marshall, Monaghan, Palmer, Sawicki, Szymanski and Poynter.  
NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 12-168-08

UNIFORM VIDEO SERVICE LOCAL FRANCHISE  
AGREEMENT - COMCAST OF GROSSE POINTE, INC.

RESOLUTION by Marshall, SUPPORTED by Sawicki:

BE IT RESOLVED that the Uniform Video Service Local Franchise Agreement received on November 10, 2008, from Comcast of Grosse Pointe, Inc. is not acceptable as it is not complete and to concur with the City Manager's November 20, 2008, correspondence advising them of this.

ROLL CALL VOTE

YES: Marshall, Monaghan, Palmer, Sawicki, Szymanski, Poynter and Costantino.  
NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

RESOLUTION by Palmer, SUPPORTED by Monaghan:

BE IT RESOLVED to approve payment to C & V Cement Co., LLC in the amount of \$58,686.30 for the completion of the 2008 Sidewalk Replacement Program.

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ROLL CALL VOTE

YES: Monaghan, Palmer, Sawicki, Szymanski, Poynter, Costantino and Marshall.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

The City Manager pointed out to City Council that the total cost of the project was reduced by about 15% because the Public Works Superintendent, Bill Snyder, did the engineering himself in-house. He also pointed out that this is a significant savings and wanted to recognize Mr. Snyder.

CALL TO COUNCIL

Mayor Poynter reported that he participated in the Grosse Pointe Christmas Parade with the other Mayors from the Pointes, saying that once again it was an outstanding parade. He added that he also had an opportunity to speak to a number of residents before and after the parade about the issues facing the city. Lastly, he reminded the public to attend Breakfast With Santa at the Community Center this Saturday from 10 a.m. to noon.

Mayor Pro tem Costantino commented on a resolution that City Council received from the City of Grosse Pointe Woods that urges the State legislature to adopt a "No Reason Absentee Voting" procedure in Michigan. She pointed out that presently voters have to cite a statutory reason for requesting an absentee ballot, and has felt for some time that anyone should be able to request such a ballot, so she fully supports changing the law to allow voters to vote by absent ballot if they want to. She added that changing the law would accommodate voter's busy schedules and may save time on election day. She asked that this resolution be put before City Council at the next meeting for adoption.

Councilwoman Sawicki said that she noticed that a number of residents are still putting their leaves out in the street, suggesting that the City's outdoor sign may have led them to believe that this is the last week for pick-up. She asked the City Manager what they should do now since there will be no more pick-ups. (The City Manager said that they should bag their leaves and save them until

yard waste pick-up begins in the first week of April. He pointed out that the collection of yard waste is regulated by State law and is only allowed between April and November.)

Mayor Pro tem Costantino commented on the leaf pick-up saying that she noticed some of her neighbors had put them in bags and suggested that the City do one more pick-up. (The City Manager said that if she is aware of someone having a problem with their leaves, to have them call him and he will attempt to work with them.)

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#### CALL TO AUDIENCE

Mr. Bruneel announced that the Dad's Club is selling Holiday Wreaths, and that the Good Fellows had their Annual Newspaper sale, and that the Lion's Club is having their Candy Cane drive in an effort to raise money for the needy families in Harper Woods for the holidays. He urged people to give what they can to help.

Mr. Wummel asked what the City does with the leaves that they pick-up. (The City Manager said that they are taken to a compost site.) He then asked if there is room at the Public Works yard to store leaves after the leaf collection deadline. (The City Manager said that there is no room to store leaves at the DPW yard.) He then asked what the one time adjustment to longevity allowance is that was approved on the Consent Agenda, and asked how much it cost. (The City Manager said that the one time increase in longevity is being given to the Administrative staff instead of a raise, saying that Administrators typically follow the Police Command contract, but in this instance they will be receiving a one time 3.5% increase in their annual longevity. He added that the total cost is approximately \$30k.) He then asked what the cost would be to the City if City Council terminated the City Manager. (The City Manager said that the City would have to pay him one year's salary.) Lastly, he asked Councilman Szymanski to elaborate on his comment at the last meeting about being able to run for City Council. (Councilman Szymanski told him to take out petitions for City Council if he wants to run.)

CM 12-170-08

#### ADJOURNMENT

MOTION by Monaghan, SUPPORTED by Szymanski:  
That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 7:50 p.m.

MOTION CARRIED UNANIMOUSLY

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KENNETH A. POYNTER, MAYOR

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MICKEY D. TODD, CITY CLERK

CITY OF HARPER WOODS  
CITY COUNCIL  
DECEMBER 15, 2008

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:30 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem Cheryl A. Costantino, Councilperson(s) Hugh Marshall, Michael P. Monaghan, Daniel S. Palmer, Vivian M. Sawicki and John M. Szymanski.

ABSENT: None.

OTHERS PRESENT: City Manager James E. Leidlein, City Attorney J. Russell LaBarge and City Clerk Mickey D. Todd.

PRESENTATION

Mayor Poynter along with Fire Chief Sean Gunnery presented Dr. Sean Sinasac with a citation in recognition of his heroic action in saving the life of Mr. Fred Harms who experienced a major cardiac episode while exercising at Pointe Fitness.

CM 12-171-08

MINUTES

MOTION by Monaghan, SUPPORTED by Costantino:  
To receive, approve and file the minutes of the regular City Council meeting held December 1, 2008.

MOTION CARRIED UNANIMOUSLY

CM 12-172-08

CONSENT AGENDA

RESOLUTION by Costantino, SUPPORTED by Monaghan:

BE IT RESOLVED to approve the following items on the Consent Agenda:

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1. Approve the Accounts Payable listing for Check Numbers 85939 through 886133 in the amount of \$343,593.04 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.
2. Approve payment in the amount of \$6,291.00 to the Michigan Municipal League for membership dues covering the period February 1, 2009 through January 31, 2010.
3. Approve payment to Nu Appearance Maintenance in the amount of \$16,218.00 for contractual lawn cutting, weed maintenance and fall cleanup in various areas of the city, including City Hall, the Library, Salter and Johnston Park, the DPW and the I-94 service drive.

ROLL CALL VOTE

YES: Costantino, Marshall, Monaghan, Palmer, Sawicki, Szymanski and Poynter.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 12-173-08

MICHIGAN MUNICIPAL LEAGUE -LIABILITY  
AND PROPERTY POOL INSURANCE RENEWAL

RESOLUTION by Palmer, SUPPORTED by Sawicki:

BE IT RESOLVED to renew the City's participation in the Michigan Municipal League's Liability and Property Pool for 2009 in the amount of \$242,970.00 for coverage as stated in their renewal proposal and, further that competitive bidding be waived in accordance with City policy.

ROLL CALL VOTE

YES: Marshall, Monaghan, Palmer, Sawicki, Szymanski, Poynter and Costantino.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 12-174-08

MILK RIVER - OPERATION AND MAINTENANCE



RESOLUTION by Marshall, SUPPORTED by Monaghan:  
BE IT RESOLVED to approve payment to Wayne County in the amount of \$145,568.00 for the operation and maintenance of the Milk River Drain for the first quarter of FY2009.

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ROLL CALL VOTE

YES: Monaghan, Palmer, Sawicki, Szymanski, Poynter, Costantino and Marshall.  
NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 12-175-08                    2003-2008 CONCRETE PAVEMENT REPAIR  
PROGRAM #180-076/081/088/092/101/105 -  
PROGRESS PAYMENT NO. 16

RESOLUTION by Sawicki, SUPPORTED by Palmer:  
BE IT RESOLVED to approve payment to Galui Construction Company, Inc. in the amount of \$31,560.90 for Progress Payment No. 16 on the 2003-2008 Concrete Pavement Repair Program, #180-076/081/088/092/101/105.

ROLL CALL VOTE

YES: Palmer, Sawicki, Szymanski, Poynter, Costantino, Marshall and Monaghan.  
NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 12-176-08                    STREETScape IMPROVEMENTS CDBG  
#108-102 PROGRESS PAYMENT NO. 1

RESOLUTION by Monaghan, SUPPORTED by Costantino:  
BE IT RESOLVED to approve payment to Lacaria Concrete Construction in the amount of \$56,860.98 for Progress Payment No. 1 on the Streetscape Improvement Project CDBG, #180-102.

ROLL CALL VOTE

YES: Sawicki, Szymanski, Poynter, Costantino, Marshall , Monaghan and Palmer.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CITY OF HARPER WOODS, MICHIGAN  
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CM 12-177-08 RESOLUTION - NO REASON ABSENTEE VOTING

RESOLUTION by Szymanski, SUPPORTED by Costantino:  
BE IT RESOLVED to adopt the resolution urging the State of Michigan to adopt legislation providing for no reason absent voting, and further to direct that copies of this resolution be forwarded to Governor Granholm, Secretary of State Land, Senator Scott, Representative Gaffney and his successor. (Attachment #1)

ROLL CALL VOTE

YES: Szymanski, Poynter, Costantino, Marshall, Monaghan, Palmer and Sawicki.  
NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 12-178-08 MICHIGAN MUNICIPAL LEAGUE - CAPITAL CONFERENCE

RESOLUTION by Sawicki, SUPPORTED by Monaghan:  
BE IT RESOLVED to authorize those Councilmembers interested to attend the Michigan Municipal League's Annual Capital Conference on March 3-4, 2009 with the City paying all necessary and related expenses.

ROLL CALL VOTE

YES: Poynter, Costantino, Marshall, Monaghan, Palmer, Sawicki and Szymanski.  
NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CALL TO COUNCIL

Mayor Poynter commented on the Recreation Department's Breakfast with Santa program that was held last Saturday saying that it was well attended and a great time. He said that the puppeteer and magician were very good. Lastly, he wished everyone a Merry Christmas and Happy New Year.

Councilman Monaghan wished everyone a safe and happy holiday season.

Councilwoman Sawicki announced that the American Red Cross will be having a blood drive at the library on Wednesday from 1:30 p.m. to 7:30 p.m., and asked people to donate to help restore the blood levels in southeast Michigan.

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Mayor Pro tem Costantino announced that Services for Older Citizens (SOC) are taking donations for holiday gift baskets, and asked people to donate if they can. She said that a list of requested items for donation can either be obtained at SOC or she could get the information for anyone interested.

#### CALL TO AUDIENCE

Mr. Cracchiolo wished everyone a Merry Christmas and Happy New Year. He then asked who Anderson Eckstein and Westrick (AEW) is, saying that so far this year the City has paid them approximately \$200k. (The City Manager said that they are the City's Engineers, and that the majority of this year's fee was for sewer inspection fees, along with other minor projects.)

Mr. Bruneel wished everyone a Merry Christmas and Happy New Year.

Mr. Dick asked who is responsible for overseeing the work of the City's cement contractor and the inspection work of the City's Engineer. (The City Manager said the DPW Superintendent oversees the project work and that all cement work is guaranteed for two years.)

Mr. Szolach said that he was recently involved in a car accident and needed to be transported to the hospital by the Fire Department, and expressed his appreciation for the personnel in the Recreation Department, Police Department and Fire Department for their assistance during this time, saying that everyone was great and very helpful. He added that he also appreciated all the concern and support from the community during his hospital stay. He then commented on what a great community this is and how he feels we will be able to work through our current issues. Lastly, he wished everyone a Merry Christmas and Happy New Year.

Mr. Wummel commented on the approval at the last Council meeting of a one time longevity adjustment for the City Administrators, asking how much it was and why it was not printed on the agenda. (The City Manager said that it is approximately \$32k.) He then asked why the dollar amounts are not printed on the agenda for the New Business items. (Mayor Poynter said that they are publicly discussed and read aloud as part of any approval, and added that they are also published in the minutes.) Mr. Wummel then asked where the City Manager gets his authority to waive late fees or reduce invoices. (Mayor Poynter said that the City Manager's authority is

implicit in his hiring by City Council.) He then asked what the status of the City's pension fund is given the recent market decline. (Councilman Monaghan, who is the Vice-Chair of the Retirement Board, reported on the fund saying that it has experienced declines consistent with the market and other similar funds. He discussed the funding level, asset allocation and the need for the City to consider various options to our plans to make up the loss.) Mr. Wummel suggested that given the loss to the pension fund and the impending court case against the City for cross training police officers, that the City forgo giving the Police Officers the raise until the

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court case is resolved. (Both the City Manager and City Attorney indicated that there are a number of different issues relating to this matter, and that in order to freeze the raises, they would have to be negotiated. The City Manager advised Mr. Wummel that contractual language supercedes a City's Charter language.)

Ms. Uhl wished everyone a Happy Holiday. Then she commented on the resolution that was adopted in May that directed the cross training of Police Officers, saying that it was her understanding that City Council was going to add to the resolution that Police Officers also be EMT trained, and asked if the resolution could be amended accordingly. (Mayor Poynter said that it is up to City Council to amend the resolution.) She commented on how important the ambulance service is to the community. Then she asked if anyone is doing the fire inspections in the City. (The City Manager said that Fire Inspection Services are contracted out, and that the Fire Chief is overseeing the program.)

Mr. Frattini said that the Fire Chief is not a certified Fire Inspector so he is not permitted to do inspections. He then asked who the Fire Inspector contractor is and how much he is paid. (The City Manager said that the contracted Fire Inspector is Ken Staelgraeve, and said that he did not know how much he has been paid this year.) He then asked when was the last time Eastland or the schools have been inspected by the Fire Inspector. (The City Manager said that he would have to check with the Chief, and added that school inspections are the responsibility of the State.) He suggested that the City needs to figure out a way to cross train the firefighters to do inspections as a cost saving measure. Lastly, he wished everyone a Happy Holiday.

Mr. Craccilio asked if the Eastland Tax Appeal has been resolved. (The City Manager said that it is still pending.)

Deputy Police Chief Burke reported that the Detective Bureau under the leadership of Lt. Snyder and Sgt. Stager apprehended a robbery suspect who has been victimizing residents in the southeast portion of the city. He also reported that six more police officers are currently enrolled in the fire academy and are being cross trained. Lastly, he reported that the newly cross trained police officers are training with the Fire Department under the direction of the Fire Chief.

MOTION by Monaghan, SUPPORTED by Palmer:  
That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 8:21 p.m.

MOTION CARRIED UNANIMOUSLY

\_\_\_\_\_  
KENNETH A. POYNTER, MAYOR

\_\_\_\_\_  
MICKEY D. TODD, CITY CLERK

Attachment #1

RESOLUTION IN SUPPORT OF HB 4048  
TO ENCOURAGE THE STATE OF MICHIGAN LEGISLATURE  
TO ADOPT LEGISLATION PROVIDING FOR  
NO REASON ABSENT VOTING

WHEREAS, The City Council of the City of Harper Woods believes that every opportunity should be provided to encourage voter participation; and

WHEREAS, The City of Harper Woods vigilantly advocates for the fundamental right of voters; and

WHEREAS, The City of Harper Woods advocates for equality 'among all qualified registered voters to choose the method of voting that best suits the voter's lifestyle; and

WHEREAS, Michigan Law in some cases forces its residents to choose between going to work and losing their Constitutional right to vote; and

WHEREAS, The City of Harper Woods is, in part, the home of a major hospital that employs Harper Woods' registered voters who are required to work during the hours the polls are open for voting and are therefore disenfranchised from voting as there is no provision under law for them to vote an Absentee Ballot; and

WHEREAS, There are other occupations that routinely require employees to work during the hours that the polls are open; these occupations can include Public Safety Officers, first responders, and other shift workers that work to such an extent that they are unable to vote during the time the polls are open; and

WHEREAS, The statutory reasons for acquiring an Absentee Ballot do not take into account voters without transportation and their inability to travel from their homes to their precincts; and

WHEREAS, The unfortunate option available for voters in these circumstances is to either not vote or to commit a misdemeanor crime by fraudulently applying for an Absentee Ballot as a means to execute one of their fundamental rights as a United States citizen; and

WHEREAS, Voters should be able to vote without being forced to choose between losing their job and committing a misdemeanor crime; and

WHEREAS, State law was recently enacted to require proof of residence when voting in person and there is a fundamental obligation to respect the intent of this statute when modifying absentee voting requirements;

NOW, THEREFORE, BE IT RESOLVED, That the Harper Woods City Council hereby SUPPORTS No Reason Absent Voting and encourages our representatives to do the same; and

BE IT FURTHER RESOLVED, That the City of Harper Woods hereby PETITIONS the State of Michigan Legislature to adopt legislation providing for No Reason Absent Voting, assuring that the fundamental rights of all voters are not diminished due to unwarranted restrictions in Election Law; and

BE IT FURTHER RESOLVED, That HB 4048 will accomplish the objectives as set forth above and therefore the Harper Woods City Council hereby ENCOURAGES our legislators to actively support the passage of this proposed legislation as presented on behalf of the voters of the City of Harper Woods and the State of Michigan; and

BE IT FINALLY RESOLVED, That Harper Woods City Council hereby concurs with the City Clerk's recommendation to support passage of HB 4048 and DIRECTS the City Clerk to forward a copy of this resolution to Governor Jennifer Granholm, Secretary of State Terri Lynn Land, Senator Martha G. Scott, State Representative Edward Gaffney and his successor.

CITY OF HARPER WOODS  
CITY COUNCIL  
JANUARY 3, 2007

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:30 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem Vivian M. Sawicki , Councilperson(s) Cheryl A. Costantino, Hugh Marshall, Michael P. Monaghan and Daniel S. Palmer.

ABSENT: Councilman John M. Szymanski.

OTHERS PRESENT: City Manager James E. Leidlein and City Clerk Mickey D. Todd.

CM 1-01-07

EXCUSE COUNCILMAN SZYMANSKI

MOTION by Monaghan, SUPPORTED by Palmer:

To excuse Councilman John M. Szymanski from tonight's meeting because of a prior commitment.

ABSENT: Szymanski.

MOTION CARRIED

CM 1-02-07

MINUTES

MOTION by Monaghan, SUPPORTED by Costantino:

To receive, approve and file the minutes of the regular City Council meeting held December 18, 2006, and furthermore, receive and file the minutes of the Planning Commission meeting held December 20, 2006.

ABSENT: Szymanski.

MOTION CARRIED

CITY OF HARPER WOODS, MICHIGAN  
REGULAR CITY COUNCIL MEETING

JANUARY 3, 2007  
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CM 01-03-07

CONSENT AGENDA

RESOLUTION by Costantino, SUPPORTED by Monaghan:

BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 79164 through 79296 in the amount of \$545,541.75 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.

ROLL CALL VOTE

YES: Costantino, Marshall, Monaghan, Palmer, Sawicki, and Poynter.

NO: None.

ABSENT: Szymanski.

RESOLUTION ADOPTED

CM 01-04-07     WAYNE COUNTY/GROSSE POINTE WOODS - ALLARD  
                  EASTWOOD - TRAFFIC SIGNAL COST AGREEMENT

RESOLUTION by Sawicki, SUPPORTED by Palmer:

BE IT RESOLVED to approve the agreement with Wayne County and Grosse Pointe Woods for the traffic signal upgrade at the intersection of Allard/Eastwood and I-94 at a total cost of \$114,100.00, subject to the receipt and approval by the City Manager of a detailed cost breakdown.

ROLL CALL VOTE

YES: Marshall, Monaghan, Palmer, Sawicki, Poynter and Costantino.

NO: None.

ABSENT: Szymanski.



## RESOLUTION ADOPTED

### CALL TO COUNCIL

Mayor Poynter reminded the public that the next City Council meeting will be Wednesday, January 17<sup>th</sup>, instead of Monday January 15<sup>th</sup>, because the 15<sup>th</sup> is Martin Luther King Day.

Councilwoman Costantino said that she attended State Senator Martha Scott's swearing-in ceremony, saying that it was very nice and that she was proud to represent Harper Woods.

CITY OF HARPER WOODS, MICHIGAN  
REGULAR CITY COUNCIL MEETING

JANUARY 3, 2007  
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Mayor Pro tem Sawicki commented on some school crossing signage that she and her husband recently saw (couldn't remember which community, but her husband would know), saying that it seemed to present a safer environment for pedestrians, and suggested that the City Manager look at it to see if it would be appropriate for our community. She then told of how her car was struck by a bullet on New Year's Eve by someone probably shooting a gun into the air, saying that it was a very scary situation, and asked the City Manager what someone would be charged with if they were caught. (The City Manager said that the City has an ordinance prohibiting guns from being discharged in the city, and that depending on the circumstances of a shooting, additional charges could be brought against the shooter. He added that celebratory gunfire is a national problem and not exclusive to Harper Woods.)

Councilman Marshall asked the City Manager if he has made any progress on writing a dangerous animal ordinance. (The City Manager said that he hasn't, but that he intends on presenting one in the near future.)

Mayor Pro tem Sawicki asked if Council will be having a goal setting session this January, saying that this is something that has been done every year. (The City Manager said that it will be on the next agenda.)

Councilman Palmer asked the City Manager if he thinks the new cable television legislation will impact Harper Woods. (The City Manager said that it's too early to tell what impact the legislation will have.)

### CALL TO AUDIENCE

Ms. Steiger urged City Council to stress pedestrian safety when approving of any new traffic control devices, like the one that was approved for Eastwood/Allard tonight. She then asked the City Manager if he had met with the architect for the new Harper Woods High School to discuss modifying the swimming pool for summer use. (The City Manager said that he did meet with the

architect and that he hopes to have another community forum this month to discuss the options available and proceed from there.) She then asked if the County grant monies will still be used to pave the parking lot at Johnston Park. (The City Manager said that the grant money was not sufficient enough to pave the parking lot, so the money will be used to re-do the tennis courts.) Lastly, she commented on the celebratory gunfire on her street on New Year's Eve, saying that it was very loud and that something should be done about it. She added that this goes on every New Year's Eve. (The City Manager advised her to call the police when she hears gunfire, and not wait to come to the Council meeting. He added that he will have a Police Officer come and speak to her about the situation.)

Ms. Kindle wished everyone a Happy New Year, then thanked the Mayor for attending the

CITY OF HARPER WOODS, MICHIGAN  
REGULAR CITY COUNCIL MEETING

JANUARY 3, 2007  
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children's Christmas Party at City Airport. She then told of how a bullet came through her living room window on New Year's Eve as a result of celebratory gunfire. She said the gun fire on New Year's Eve was unbelievable. (The City Manager said that he would have an officer go to her house to take a report, and again, he urged residents to call 9-1-1 when they hear gunfire.)

CM 01-05-07

EXECUTIVE SESSION - LITIGATION

RESOLUTION by Monaghan, SUPPORTED by Palmer:

BE IT RESOLVED to adjourn to executive session for the purpose of discussing litigation.

ROLL CALL VOTE

YES: Monaghan, Palmer, Sawicki, Poynter, Costantino and Marshall.

NO: None.

ABSENT: Szymanski.

RESOLUTION ADOPTED

The City Council adjourned to Executive Session at 8:00 p.m. and reconvened at 8:05 p.m.

CM 01-06-07

ADJOURNMENT

MOTION by Monaghan, SUPPORTED by Palmer:

That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 8:22 p.m.

ABSENT: Szymanski.

MOTION CARRIED

KENNETH A. POYNTER, MAYOR

MICKEY D. TODD, CITY CLERK

CITY OF HARPER WOODS  
CITY COUNCIL  
JANUARY 17, 2007

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:30 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem Vivian M. Sawicki , Councilperson(s) Cheryl A. Costantino, Hugh Marshall, and Daniel S. Palmer.

ABSENT: Councilperson(s) Michael Monaghan & John M. Szymanski.

OTHERS PRESENT: City Manager James E. Leidlein and City Clerk Mickey D. Todd.

CM 01-07-07 EXCUSE COUNCILPERSONS MONAGHAN & SZYMANSKI

MOTION by Palmer, SUPPORTED by Sawicki:

To excuse Councilman Michael P. Monaghan and Councilman John M. Szymanski from tonight's meeting because of prior commitments.

ABSENT: Monaghan and Szymanski.

MOTION CARRIED

CM 01-08-07

MINUTES

MOTION by Costantino, SUPPORTED by Marshall:

To receive, approve and file the minutes of the regular City Council meeting held January 3, 2007.

ABSENT: Monaghan and Szymanski.

MOTION CARRIED

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CM 01-09-07

CONSENT AGENDA

RESOLUTION by Costantino, SUPPORTED by Marshall:

BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 79297 through 79378 in the amount of \$186,974.35 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.
2. Approve payment to Statewide Security Transport in the amount of \$7,143.81 for prisoner lodging and maintenance for the month of November 2006.
3. Approve payment to AIS Construction Equipment in the amount of \$5,759.55 for the repairs made to the department's tractor/backhoe.
4. Approve the appointments to the Beautification Commission, Board of Zoning Appeals and Planning Commission as listed on the memorandum from the City Clerk.

ROLL CALL VOTE

YES: Costantino, Marshall, Palmer, Sawicki and Poynter.

NO: None.

ABSENT: Monaghan and Szymanski.

RESOLUTION ADOPTED

CM 01-10-07

MICHIGAN MUNICIPAL LEAGUE  
LEGISLATIVE CONFERENCE

RESOLUTION by Marshall, SUPPORTED by Palmer:

BE IT RESOLVED to authorize those Councilmembers interested to attend the Michigan Municipal League's Annual Legislative Conference on March 21, 2007, with the City paying all necessary and related expenses.

ROLL CALL VOTE

YES: Marshall, Palmer, Sawicki, Poynter and Costantino.

NO: None.

ABSENT: Monaghan and Szymanski.

RESOLUTION ADOPTED

CITY OF HARPER WOODS, MICHIGAN  
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CM 01-11-07                    2006 PAVEMENT AND JOINT CRACK SEALING  
PROGRAM #180-094 - PROGRESS PAYMENT NO. 4

RESOLUTION by Palmer, SUPPORTED by Costantino:

BE IT RESOLVED to approve payment to Scodeller Construction, Inc. in the amount of \$13,699.20 for Progress Payment No. 4 on the 2006 Pavement Joint and Crack Sealing Program, #180-094.

ROLL CALL VOTE

YES: Palmer, Sawicki, Poynter, Costantino and Marshall.

NO: None.

ABSENT: Monaghan and Szymanski.

RESOLUTION ADOPTED

CM 01-12-07                    SCHEDULE GOAL SETTING SESSIONS

MOTION by Sawicki, SUPPORTED by Costantino:

To hold Goal Setting sessions on February 5<sup>th</sup> and February 21<sup>st</sup> following the regularly scheduled City Council meetings.

ABSENT: Monaghan and Szymanski.

MOTION CARRIED

CALL TO COUNCIL

The City Manager updated the Council members and public on his discussions with school representatives about the possibility of modifying the new High School swimming pool design in

an effort to allow recreational use of it during the summer months. He said that a community forum will be held in the library basement on either February 14<sup>th</sup> or 28<sup>th</sup>, to gather community input on this issue.

Mayor Poynter announced that the February Council meetings will be held on Monday the 5<sup>th</sup> and Wednesday the 21<sup>st</sup>. He said that the second meeting of the month was moved to a Wednesday because President's Day is on Monday the 19<sup>th</sup>.

Mayor Pro tem Sawicki asked if the School Board members will be present at the community forum when the issue of the swimming pool is discussed. (The City Manager said that everyone is welcome to attend.) She then announced the appointments that Council made to the Planning

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REGULAR CITY COUNCIL MEETING

JANUARY 17, 2007  
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Commission, Beautification Commission and Board of Zoning Appeals.

Councilwoman Costantino advised the City Manager that one of the nights listed for the community forum may conflict with the Boards and Commissions Dinner.

#### CALL TO AUDIENCE

Mr. Roman Hammes, spokesperson for newly elected County Commissioner Tim Killeen, introduced himself and encouraged residents to contact him if they had any issues concerning County government.

Several students from the Harper Woods Venturing club were present and requested Council to purchase tickets for an upcoming spaghetti dinner fund raiser that they will having on February 13th.

CM 01-12-07

#### ADJOURNMENT

MOTION by Palmer, SUPPORTED by Costantino:

That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 7:42 p.m.

ABSENT: Monaghan and Szymanski.

MOTION CARRIED

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CITY OF HARPER WOODS  
CITY COUNCIL  
FEBRUARY 5, 2007

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:30 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem Vivian M. Sawicki , Councilperson(s) Cheryl A. Costantino, Hugh Marshall, Michael P. Monaghan, Daniel S. Palmer and John M. Szymanski.

ABSENT: None.

OTHERS PRESENT: City Manager James E. Leidlein, Department of Public Works Superintendent William Snyder and City Clerk Mickey D. Todd.

CM 02-13-07

MINUTES

MOTION by Monaghan, SUPPORTED by Costantino:

To receive, approve and file the minutes of the regular City Council meeting held January 17, 2007 and furthermore, receive and file the minutes of the Library Board meeting held on December 21, 2006, the Board of Trustees Employees Retirement System meeting held on January 22, 2007, the

Local Officers Compensation Commission meeting held on January 24, 2007, and the Planning Commission meeting held on January 24, 2007.

MOTION CARRIED UNANIMOUSLY

CM 02-14-07

CONSENT AGENDA

RESOLUTION by Costantino, SUPPORTED by Monaghan:

BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 79379 through 79615 in the amount of \$716,918.06 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.

CITY OF HARPER WOODS, MICHIGAN  
REGULAR CITY COUNCIL MEETING

FEBRUARY 5, 2007  
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2. Approve payment to Statewide Security Transport in the amount of \$5,189.25 for prisoner lodging and maintenance for the month of December 2006.
3. Approve payment to Bob Schomer Tree Service in the amount of \$5,685.00 for trimming trees on Lochmoor in conjunction with the ongoing tree trimming project.
4. Approve payment to Wayne County Department of Public Health in the amount of \$7,138.00 for inspection services in the Cross Connection Control Program for the period July through September 2006.
5. Approve payment in the amount of \$23,308.44 to Grosse Pointe Woods for the City's pro-rata portion of the operating and maintenance of the Torrey Road Pumping Station for the period July 1 through December 31, 2006.
6. Approve the request from the Shamrock Cab Company for taxicab licenses covering the cabs listed on the attached application for 2007.

ROLL CALL VOTE

YES: Costantino, Marshall, Monaghan, Palmer, Sawicki, Szymanski and Poynter.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 02-15-07      SCHEDULE PUBLIC HEARING - PROPOSED LOT SPLIT  
AT 19360 HARPER AND 20955 BOURNEMOUTH

MOTION by Szymanski, SUPPORTED by Monaghan:

To schedule a public hearing at 7:30 p.m. on March 5, 2007, to consider a request from the Archdiocese of Detroit to split lots 617C1A and 617C1B1A1 of Private Claim 617 at 19360 Harper Avenue and 20955 Bournemouth, the former Trinity High School Property, for the purpose of selling the property to a charter school.



MOTION CARRIED UNANIMOUSLY

CM 02-16-07

FEMA GRANT - PURCHASE  
EXHAUST SYSTEM FOR FIRE DEPARTMENT

RESOLUTION by Marshall, SUPPORTED by Costantino:

BE IT RESOLVED to accept the lowest qualified bid submitted by Hastings Air Energy Control, Inc. in the amount of \$46,548.00 for the purchase of a fire station exhaust system with FEMA grant funds, and further that the city will be responsible for 5% or approximately \$2,300.00 of the total cost.

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REGULAR CITY COUNCIL MEETING

FEBRUARY 5, 2007  
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ROLL CALL VOTE

YES: Marshall, Monaghan, Palmer, Sawicki, Szymanski, Poynter and Costantino.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 02-17-07

CITY HALL BOILER - REPLACE STEAM CONVERTER

RESOLUTION by Sawicki, SUPPORTED by Costantino:

BE IT RESOLVED to accept the proposal submitted by Advanced Air Services, Inc. in the amount of \$8,950.00 for the replacement of the steam converter on the city hall boiler system.

ROLL CALL VOTE

YES: Monaghan, Palmer, Sawicki, Szymanski, Poynter, Costantino and Marshall.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CALL TO COUNCIL

Mayor Poynter reminded the public that the next City Council meeting will be on Wednesday, February 21<sup>st</sup>, because the City Offices will be closed on the 19<sup>th</sup> for President's Day. He also complimented the Department of Public Works on the fine job of keeping the streets cleared of snow and ice.

Mayor Pro tem Sawicki asked the City Manager for an update on the methane leak at the Eastland Village Apartments. (The City Manager said that the owners of the apartments will be submitting

a remedial plan tomorrow to address the situation. He added that currently the site appears to be safe.)

CALL TO AUDIENCE

Mr. Regal asked if the grocery store on Harper is permitted to rent out trucks like they are doing. (The City Manager said that renting out trucks is a permitted use for the store.)

CITY OF HARPER WOODS, MICHIGAN  
REGULAR CITY COUNCIL MEETING

FEBRUARY 5, 2007  
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CM 02-18-07

2007 GOAL SETTING SESSION

MOTION by Monaghan, SUPPORTED by Palmer:  
To adjourn to the Conference Room for the 2007 Goal Setting Session.

MOTION CARRIED UNANIMOUSLY

The City Council recessed at 7:49 p.m. and reconvened in the Conference Room at 7:56 p.m.

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2007 GOAL SETTING SESSION

The Mayor and Council members reviewed the previous years goals and added others to the list. They agreed to rank the newly listed goals with the previous years goals and submit them for discussion at the next Goal Setting session after the next City Council meeting on January 21st.

CM 02-19-07

ADJOURNMENT

MOTION by Monaghan, SUPPORTED by Szymanski:  
That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 8:09 p.m.

MOTION CARRIED UNANIMOUSLY

KENNETH A. POYNTER, MAYOR

MICKEY D. TODD, CITY CLERK

CITY OF HARPER WOODS  
CITY COUNCIL  
FEBRUARY 21, 2007

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:30 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem Vivian M. Sawicki , Councilperson(s) Cheryl A. Costantino, Hugh Marshall, Daniel S. Palmer and John M. Szymanski.

ABSENT: Councilman Michael P. Monaghan.

OTHERS PRESENT: City Manager James E. Leidlein and City Clerk Mickey D. Todd.

CM 02-20-07

EXCUSE COUNCILMAN MONAGHAN

MOTION by Marshall, SUPPORTED by Szymanski:  
To excuse Council Michael P. Monaghan from tonight's meeting because of a prior commitment.

ABSENT: Monaghan.

MOTION CARRIED

CM 02-21-07

MINUTES

MOTION by Szymanski, SUPPORTED by Sawicki:

To receive, approve and file the minutes of the regular City Council meeting held February 5, 2007, and furthermore, receive and file the minutes of the Board of Zoning Appeals held February 7, 2007.

ABSENT: Monaghan.

MOTION CARRIED

CITY OF HARPER WOODS, MICHIGAN  
REGULAR CITY COUNCIL MEETING

FEBRUARY 21, 2005  
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CM 02-22-07

CONSENT AGENDA

RESOLUTION by Costantino, SUPPORTED by Szymanski:

BE IT RESOLVED to approve the following items on the Consent Agenda:

1. To approve the Accounts Payable listing for Check Numbers 79616 through 79739 in the amount of \$788,111.66 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.
2. To approve payment to Statewide Security Transport in the amount of \$5,361.49 for prisoner lodging and maintenance for the month of January 2007.
3. To approve payment to Oakland County Information Technology in the amount of \$7,205.25 for fees relative to the CLEMIS computer system utilized by the Police Department.
4. To approve the appointments to the various boards and commissions as listed on the attached memorandum from the City Clerk.

ROLL CALL VOTE

YES: Costantino, Marshall, Palmer, Sawicki, Szymanski and Poynter.

NO: None.

ABSENT: Monaghan.

RESOLUTION ADOPTED

CM 02-23-07

MILK RIVER - OPERATIONS AND MAINTENANCE

RESOLUTION by Marshall, SUPPORTED by Palmer:

BE IT RESOLVED to approve payment to Wayne County in the amount of \$319,336.00 for the operation and maintenance of the Milk River Drain for October - December 2006 and January - March 2007.

ROLL CALL VOTE

YES: Marshall, Palmer, Sawicki, Szymanski, Poynter and Costantino.

NO: None.

ABSENT: Monaghan.

RESOLUTION ADOPTED

CITY OF HARPER WOODS, MICHIGAN  
REGULAR CITY COUNCIL MEETING

FEBRUARY 21, 2007  
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CM 02-24-07 WAYNE COUNTY - PERMIT TO WORK ON COUNTY ROADS

RESOLUTION by Sawicki, SUPPORTED by Costantino:

BE IT RESOLVED to adopt the Performance and Indemnification Resolution related to the City's Permit to Work on County Roads.

ROLL CALL VOTE

YES: Palmer, Sawicki, Szymanski, Poynter, Costantino and Marshall.

NO: None.

ABSENT: Monaghan.

RESOLUTION ADOPTED

CM 02-25-07            2006 CONCRETE PAVEMENT REPAIR PROJECT  
                                 #180-092 - PROGRESS PAYMENT NO. 13

RESOLUTION by Sawicki, SUPPORTED by Costantino:

BE IT RESOLVED to approve payment to Galui Construction Company, Inc. in the amount of \$7,686.19 for Progress Payment No. 13 on the 2003 - 2006 Concrete Pavement Repair Program, #180-076/081/088/092.

ROLL CALL VOTE

YES: Palmer, Sawicki, Szymanski, Poynter, Costantino, Marshall and Monaghan.

NO: None.

ABSENT: Monaghan.

RESOLUTION ADOPTED

## CALL TO COUNCIL

Councilman Marshall said that he has noticed work being done at the Eastland Village Apartments on Vernier and asked the City Manager what is going on there, and why it is taking so long? He also said that the sidewalks there are impassable and then asked the City Manager if the contractor will be repairing them. (The City Manager said that the contractor is shoring up the walls of the apartments, and that he didn't know the projected completion date but would try to find out. He added that once the work is completed the contractor will be required to repair any sidewalk damage.)

Councilman Szymanski asked the City Manager what the status is of the methane leak at the

CITY OF HARPER WOODS, MICHIGAN  
REGULAR CITY COUNCIL MEETING

FEBRUARY 21, 2007  
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Eastland Village Apartments. (The City Manager said that the owners of the apartments submitted a remediation plan to address the leak, and that the EPA is currently reviewing it.)

Mayor Pro tem Sawicki said that she noticed Target recently fenced off the south end of their parking lot and asked the City Manager what they are doing. (The City Manager said that Target is expanding their store and that the fenced off area will be used to store construction materials and equipment.) She then asked the City Manager where the ice sculptures that were placed in front of the City's informational sign came from. (The City Manager said that they were placed there by an anonymous resident.) Lastly, she said that the City calendar no longer shows when the various Boards and Commissions met, and asked if the Recreation Advisory Board meets? (The City Manager said that he would find out and report back.)

The City Manager advised City Council and the public that the Circuit City store at Eastland Center has closed.

## CALL TO AUDIENCE

Ms. Kindle commented on the closing of the Circuit City store, saying that it was a tragedy. She added that closing this store also eliminated the only Verizon Phone Center in the area.

Mr. Porter urged City Council to pursue building a Recreation Center for the benefit of the community.

CM 02-26-07

2007 GOAL SETTING SESSION

MOTION by Szymanski, SUPPORTED by Costantino:

To adjourn to the Conference Room for the 2007 Goal Setting Session.

ABSENT: Monaghan.

MOTION CARRIED

The City Council recessed at 7:48 p.m. and reconvened in the Conference Room at 7:55 p.m.

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2007 GOAL SETTING SESSION

The Mayor and Council members reviewed and discussed the rankings of their goals for 2007. No action was taken.

CITY OF HARPER WOODS, MICHIGAN  
REGULAR CITY COUNCIL MEETING

FEBRUARY 21, 2007  
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CM 02-27-07

ADJOURNMENT

MOTION by Marshall, SUPPORTED by Szymanski:

That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 8:38 p.m.

ABSENT: Monaghan.

MOTION CARRIED

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KENNETH A. POYNTER, MAYOR

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MICKEY D. TODD, CITY CLERK

CITY OF HARPER WOODS  
CITY COUNCIL  
MARCH 5, 2007

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:30 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem Vivian M. Sawicki , Councilperson(s) Cheryl A. Costantino, Hugh Marshall, Michael P. Monaghan, Daniel S. Palmer and John M. Szymanski.

ABSENT: None.

OTHERS PRESENT: City Manager James E. Leidlein and City Clerk Mickey D. Todd.

CM 03-28-07

MINUTES

MOTION by Monaghan, SUPPORTED by Costantino:

To receive, approve and file the minutes of the regular City Council meeting held on February 21, 2007, and furthermore, receive and file the minutes of the Library Board meetings held on January 18, 2007 and February 15, 2007 and the Planning Commission meeting held on February 28, 2007.



MOTION CARRIED UNANIMOUSLY

CM 03-29-07

CONSENT AGENDA

RESOLUTION by Costantino, SUPPORTED by Marshall:

BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 79741 through 79933 in the amount of \$631,366.25 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.

CITY OF HARPER WOODS, MICHIGAN  
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2. Approve payment in the amount of \$44,572.46 to Wayne County for the Milk River Drain interest payment on the 1991, 1992 and 1993 Series Bonds.
3. Approve payment to the City of Grosse Pointe Farms in the amount of \$13,935.37 for Harper Woods' proportionate share of the Inter-municipal Radio System covering the period from July 1 through December 30, 2006.

ROLL CALL VOTE

YES: Costantino, Marshall, Monaghan, Palmer, Sawicki, Szymanski and Poynter.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 03-30-07

OPEN PUBLIC HEARING - PROPOSED LOT SPLIT  
AT 19360 HARPER AND 20955 BOURNEMOUTH

MOTION by Szymanski, SUPPORTED by Sawicki:

To open the Public Hearing on the proposed lot split at 19360 Harper and 20955 Bournemouth.

MOTION CARRIED UNANIMOUSLY

PUBLIC HEARING

The City Manager stated that the public hearing was being held as required by the City's Zoning Ordinance and that all property owners and residents within 300 feet of the requested lot split were notified. He then reviewed the proposed requested lot split and answered any questions.

Mr. Erik S. Prater, of Bodman, Attorneys and Consultants, was present representing the Archdiocese of Detroit.



announced that the guest speaker at this year's Boards and Commission Dinner will be the former Mayor of Detroit, Dennis Archer. Lastly, he commented on the "Pool Forum" that was held last week in the library, saying that about twenty people attended, and that it was his impression that the attendees were not interested in pursuing the addition of a solarium on the new high school pool.

Mayor Pro tem also extended her condolences to the three families who lost their sons over the weekend. She then congratulated resident Julie Sabat on being featured in an article in Sunday's Detroit Free Press which wrote about her receiving a prestigious artist award. Then she asked the City Manager about the Library Board minutes where they discussed a plumbing problem, and asked him if he knew what the problem is. (The City Manager said that he didn't know, but

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would find out and report back.) She then said she read in the Planning Commission minutes that a Chili's Restaurant will be going up at Eastland Center and asked the City Manager if there are plans for something at the vacated Firestone Tire Center. (The City Manager said that he's not aware of any other building plans at Eastland Center.) Lastly, she urged residents to participate in their government by serving on one of the City's Boards and Commissions, saying that there are several openings right now.

Councilwoman Costantino announced that long time resident and former Councilwoman and Mayor Pro tem Helen Page passed away, and asked that the City send flowers. (The City Manager said that he would take care of it.)

Councilman Marshall asked the City Manager for an update on the Vernier sidewalks being cleared and repaired in front of the Eastland Village Apartments, and he asked if Council can expect to see the dangerous animal ordinance soon. (The City Manager said that the Superintendent of Public Works spoke to the contractor at the Eastland Village Apartments and was assured that he would attempt to make the sidewalks passable while work continues, and that he will repair the sidewalks when the work is completed this summer. The City Manager said that in regards to the dangerous animal ordinance, he hopes to have something for City Council in the near future.)

#### CALL TO AUDIENCE

Ms. Kindle presented Mayor Poynter with a Spirit of Detroit Award and recognition from the County for the volunteer work he did this past Christmas at the Toys-for-Tots party at City Airport.

Mr. Bruneel wished everyone a happy St. Patrick's Day.

Mr. Krass commented on the City wanting to raise taxes for Police and Fire services, and asked if consideration has ever been given to combining Police and Fire services as a cost saving measure. (The City Manager said that this was discussed at City Council's last goal setting session, and is a

consideration.) Lastly, he urged the police to issue tickets to people who jaywalk. (The City Manager said that the police do issue jaywalking tickets.)

Ms. McCarthy passed out an updated version of the League of Women Voter's local Officials Guide. She also passed out a flyer for a program at St. Peter's beginning March 13<sup>th</sup>, entitled "Is there A Moderate Majority Speaking For The Islamic Community?"

Mr. Regal asked if the City will review the site plan for the new Charter School if the lot split for Queen of Peace is approved. (The City Manager said that schools are exempt from local site plan approval, but would have to receive approval from the State.)

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Mr. Robins asked if the City's overnight parking ordinance is still in effect, because he's noticed cars parked on his street (VanAntwerp) all night and they are not ticketed. (The City Manager said that there still is an overnight parking ban and the ordinance is enforced.) He also asked if the ban on parking commercial vehicles overnight in a residential neighborhood is still in effect. (The City Manager asked Mr. Robins to provide him with the address of where the truck is and he would have the Police Department look into it.)

Mr. Krass asked the City Manager how long the residents have to pay on the Milk River Drain Bond. (The City Manager said that he believes the bond expires in 2015.)

CM 03-32-07

ADJOURNMENT

MOTION by Monaghan, SUPPORTED by Szymanski:

That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 7:59 p.m.

MOTION CARRIED UNANIMOUSLY

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KENNETH A. POYNTER, MAYOR

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MICKEY D. TODD, CITY CLERK

CITY OF HARPER WOODS  
CITY COUNCIL  
MARCH 19, 2007

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:30 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem Vivian M. Sawicki , Councilperson(s) Cheryl A. Costantino, Hugh Marshall, Michael P. Monaghan, Daniel S. Palmer and John M. Szymanski.

ABSENT: None.

OTHERS PRESENT: City Manager James E. Leidlein, City Attorney J. Russell LaBarge and City Clerk Mickey D. Todd.

CM 03-33-07

MINUTES

MOTION by Monaghan, SUPPORTED by Sawicki:

To receive, approve and file the minutes of the regular City Council meeting held March 5, 2007.

MOTION CARRIED UNANIMOUSLY

CM 03-34-07

CONSENT AGENDA

RESOLUTION by Costantino, SUPPORTED by Monaghan:

BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 79934 through 79940 and 80113 through 80226 in the amount of \$461,578.28 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.
2. Approve payment to Anderson, Eckstein & Westrick, Inc. in the amount of \$9,591.48 for professional services during the month of February 2007 for the following projects: 2006 Concrete Pavement Repair Program, #180-092; Johnston Park Tennis Courts, #180-096; Target, Eastland, #180-097; 2007 Sewer Cleaning, #180-100 and 2007 General, #180-099.

CITY OF HARPER WOODS, MICHIGAN  
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3. Approve payment to Nu Appearance Maintenance, Inc. in the amount of \$7,654.00 for snow removal services during the heavy snowfall in February.

ROLL CALL VOTE

YES: Costantino, Marshall, Monaghan, Palmer, Sawicki, Szymanski and Poynter.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 03-35-07

LEASE AGREEMENTS - POLICE VEHICLES

RESOLUTION by Marshall, SUPPORTED by Palmer:

BE IT RESOLVED to approve the lease agreement with Ford Motor Company to lease six 2007 Crown Victoria police vehicles to include Motorola MW-800 Mobile Data Computers for a three-year period in an annual amount of \$61,352.68 or a total amount of \$172,547.50 and \$11,510.52 in interest.

ROLL CALL VOTE

YES: Marshall, Monaghan, Palmer, Sawicki, Szymanski, Poynter and Costantino.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 03-36-07

INTRODUCTION AND FIRST READING - AN  
ORDINANCE TO AMEND CHAPTER 4 ARTICLE 11  
DIVISION 1 TO ADDRESS VICIOUS DOGS

MOTION by Monaghan, SUPPORTED by Sawicki:

To refer the draft ordinance back to the City Manager and establish a committee of Mayor Pro tem Sawicki, Councilman Szymanski, Councilman Monaghan and Councilman Marshall to review and revise the proposed ordinance and bring it back to City Council for adoption.

MOTION CARRIED UNANIMOUSLY

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CALL TO COUNCIL

Mayor Poynter announced that the Board and Commission Dinner is Wednesday. He then congratulated the library for being recognized as a “Senior Friendly Business” by Services for Older Citizens. Then he announced that he will be delivering Meals-on-Wheels this Wednesday as part of a national promotion for the Meals-on-Wheels program.

Mayor Pro tem Sawicki said that she has some safety concerns with the Target store addition, saying that it appears a Fire Lane is missing and may pose a danger to patrons attempting to access the store. (The City Manager said that he would have the Building Inspector take a look at the situation.)

Councilman Szymanski asked the City Manager for an update on the methane leak at the Eastland Village Apartments. (The City Manager said that the EPA is working with the owner to resolve the situation and when he learns more, he will report back.)

CALL TO AUDIENCE

Mr. Bruneel announced that the Lion’s Club will be having their 19<sup>th</sup> Annual Pancake Breakfast on April 1<sup>st</sup> at the Community Center from 9:00 a.m. to 1:00 p.m.

Ms. Kindle thanked City Council for working on revising the vicious dog ordinance, and encouraged them to have the Dog Leash Ordinance and Dog Waste Ordinance enforced more aggressively. She then asked if the City has heard about any plans for the vacated Circuit City building. (The City Manager said that he has not heard of any new developments going in at the Circuit City building, but added that he has approached county development officials about getting their assistance in helping develop not only the Circuit City site but also the Beacon East site.)

Mr. Boyle commented on the recent dog attack on his street, saying that it concerned him greatly as he and his often walk that area, and said that the proposed vicious dog ordinance as he understands it is not stringent enough. He urged City Council to adopt an ordinance that would not tolerate vicious dogs, saying that if they want to keep this a strong family town, then this needs to be done. He also provided copies of some research he did concerning vicious dogs, and urged City Council to consider this information when drafting the new ordinance. Lastly, he thanked City Council for doing what they do.

Mr. Szolach asked how the new vicious dog ordinance would affect him, as he has kids climb his fence to retrieve a ball while his dog is in the yard. He asked if his dog would be destroyed if it bit a kid in his yard? (The City Manager said that is an issue that will need to be addressed in the

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REGULAR CITY COUNCIL MEETING

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new ordinance.) He then thanked City Council for re-appointing him to the Recreation Advisory Committee. Then he asked if the City can do anything about the kids walking to school down Beaconsfield who throw litter all over. He said that the schools used to take care of this problem by stationing teachers outside, but not any more, and that it is time that the school district stop relying so much on the City and the Police Department and start buckling down and taking care of themselves.

CM 03-37-07      EXECUTIVE SESSION - COLLECTIVE BARGAINING

RESOLUTION by Monaghan, SUPPORTED by Costantino:  
BE IT RESOLVED to adjourn to executive session for the purpose of discussing a collective bargaining matter.

ROLL CALL VOTE

YES: Monaghan, Palmer, Sawicki, Szymanski, Poynter, Costantino and Marshall.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

The City Council adjourned to Executive Session at 8:17 p.m. and reconvened at 8:36 p.m.

CM 03-38-07

ADJOURNMENT

MOTION by Monaghan, SUPPORTED by Szymanski:  
That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 8:36 p.m.



MOTION CARRIED UNANIMOUSLY

KENNETH A. POYNTER, MAYOR

MICKEY D. TODD, CITY CLERK

CITY OF HARPER WOODS  
CITY COUNCIL  
APRIL 2, 2007

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:30 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Councilperson(s) Cheryl A. Costantino, Hugh Marshall, Michael P. Monaghan and Daniel S. Palmer.

ABSENT: Mayor Pro tem Vivian M. Sawicki and Councilman John M. Szymanski.

OTHERS PRESENT: City Manager James E. Leidlein and City Clerk Mickey D. Todd.

CM 4-38-07

EXCUSE CITY COUNCIL MEMBERS

MOTION by Monaghan, SUPPORTED by Costantino:

To excuse Mayor Pro tem Vivian M. Sawicki and Councilman John M. Szymanski from tonight's meeting because of prior commitments.

ABSENT: Sawicki and Szymanski.

MOTION CARRIED

CM 04-39-07

MINUTES

MOTION by Monaghan, SUPPORTED by Costantino:

To receive, approve and file the minutes of the regular City Council meeting held March 19, 2007, and furthermore, receive and file the minutes of the Board of Zoning Appeals meeting held on March 14, 2007.

ABSENT: Sawicki and Szymanski.

MOTION CARRIED

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CM 04-40-07

CONSENT AGENDA

RESOLUTION by Costantino, SUPPORTED by Monaghan:

BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 80231 through 80325 in the amount of \$149,063.54 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.
2. Approve payment to Wayne County in the amount of \$7,323.60 for services performed on the tax rolls.

ROLL CALL VOTE

YES: Costantino, Marshall, Monaghan, Palmer and Poynter.

NO: None.

ABSENT: Sawicki and Szymanski.

RESOLUTION ADOPTED

CM 04-41-07 AUDITING SERVICE PROPOSAL 2006-08 - PLANTE & MORAN

RESOLUTION by Marshall, SUPPORTED by Monaghan:

BE IT RESOLVED to accept the proposal dated December 22, 2006, submitted by Plante and Moran for auditing services with the following base fees:

2006	\$34,200
2007	\$35,200
2008	\$36,200



Ms. McCarthy asked if City Council has approved of the lot-split for Queen of Peace. (The City Manager said that City Council is waiting for some additional reports before acting on the lot split request.) She then advised City Council and the public that St. Peter's Church will be hosting a discussion on Global Warming on Monday, April 16<sup>th</sup> from 7-9 p.m., and encouraged interested persons to attend.

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CM 04-43-07

ADJOURNMENT

MOTION by Monaghan, SUPPORTED by Palmer:

That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 7:38 p.m.

ABSENT: Sawicki and Szymanski.

MOTION CARRIED

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KENNETH A. POYNTER, MAYOR

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MICKEY D. TODD, CITY CLERK

CITY OF HARPER WOODS  
CITY COUNCIL  
APRIL 16, 2007

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:30 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem Vivian M. Sawicki ,  
Councilperson(s) Cheryl A. Costantino, Michael P. Monaghan and John M.  
Szymanski.

ABSENT: Councilperson(s) Hugh Marshall and Daniel S. Palmer.

OTHERS PRESENT: City Manager James E. Leidlein, City Attorney J. Russell  
LaBarge and City Clerk Mickey D. Todd.

CM 04-44-07

EXCUSE CITY COUNCIL MEMBERS

MOTION by Monaghan, SUPPORTED by Sawicki:  
To excuse Councilman Hugh Marshall and Councilman Daniel S. Palmer from tonight's meeting  
because of prior commitments.

ABSENT: Marshall and Palmer.

MOTION CARRIED

CM 04-45-07

MINUTES

MOTION by Monaghan, SUPPORTED by Costantino:

To receive, approve and file the minutes of the regular City Council meeting held on April 2, 2007, and furthermore, receive and file the minutes of the Board of Review meeting held on March 12, 2007 and the Planning Commission meeting held on March 28, 2007.

ABSENT: Marshall and Palmer.

MOTION CARRIED

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CM 04-46-07

CONSENT AGENDA

RESOLUTION by Costantino, SUPPORTED by Monaghan:

BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 80231 through 80448 in the amount of \$536,588.60 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.
2. Approve payment in the amount of \$6,701.16 to Wayne County for the Milk River Drain interest payment on the 1999 Series Bond.

ROLL CALL VOTE

YES: Costantino, Monaghan,, Sawicki, Szymanski and Poynter.

NO: None.

ABSENT: Marshall and Palmer.

RESOLUTION ADOPTED

CM 04-47-07

UNDERGROUND STORAGE TANK REPAIR

RESOLUTION by Costantino, SUPPORTED by Monaghan:

BE IT RESOLVED to accept the lowest bid submitted by the Oscar W. Larson Co. of Clarkston, MI in the amount of \$31,450.00 for the repair of the underground storage tanks and to bring them into compliance with the MI Department of Environmental Quality.

ROLL CALL VOTE

YES: Monaghan, Sawicki, Szymanski, Poynter and Costantino.

NO: None.

ABSENT: Marshall and Palmer.

RESOLUTION ADOPTED

CM 04-48-07

CONDITIONAL RE-ZONING AND SITE PLAN  
APPROVAL - 20606 E. EIGHT MILE ROAD

MOTION by Sawicki, SUPPORTED by Szymanski:

To table the requested conditional rezoning of 20606 E. Eight Mile (Lot 283 of the Dalby and Campbell Mack Park Subdivision) and the accompanying site plan as submitted by Steve Harmony.

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ABSENT: Marshall and Palmer.

MOTION ADOPTED

CALL TO COUNCIL

Mayor Poynter reminded the public that the Annual Mayor's Prayer Breakfast will be May 3<sup>rd</sup>, and that this year's guest speaker is former Detroit Tiger radio announcer Ernie Harwell, and that tickets can be purchased at any of the City Offices in Harper Woods or the Grosse Pointes. He then announced that there will be an "all-class" reunion of Harper Woods High School graduates on June 23<sup>rd</sup> at 4 p.m. at the high school. He said this will be the last time graduates can get together before the high school is demolished to make room for the new high school. He then commented on the Annual Report that the Police Chief submitted to City Council saying that he thought it was excellent. Then he said he had the privilege of giving out "senior friendly" awards at the Services for Older Citizens recognition day yesterday. He said that resident Jerry Schultz, the Harper Woods Library and Joseph's Catering received recognition for being "senior friendly." Lastly, he commented on a letter that he received from John Hertel, CEO for Mass Transit requesting to meet with City Council in the near future to discuss developing a transit system to meet area needs, and asked the City Manager to arrange such a meeting.

Councilman Szymanski commented on the Police Department's Annual Report saying that he thought it was very informative and will assist him in his future decision making. He then asked the City Manager for an update on the methane leak at the Eastland Village Apartments. (The City Manager said that the problem has been addressed, but the EPA has not given their final approval for the remediation plan.

CALL TO AUDIENCE

Mr. Bruneel asked when the Conditional Re-Zoning request will be acted upon. (The Mayor said that he hoped it would be acted upon at the next City Council meeting.) He said he hoped City Council would react properly to the request.

Ms. Kindle thanked City Council for their Money Smart Week proclamation, and gave Council brochures announcing the various events in metro Detroit in celebration of Money Smart Week. She then thanked City Council for the Boards and Commissions Dinner, saying that it was very lovely.

Mr. Regal asked the City Manager if the accident on I-94 on Sunday was Eastbound or Westbound. (The City Manager said that it was eastbound beyond the curve.) He then

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proceeded to speak about how dangerous that area of I-94 is, and how he avoids entering I-94 from that ramp.

CM 04-49-07

ADJOURNMENT

MOTION by Monaghan, SUPPORTED by Szymanski:  
That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 7:47 p.m.

ABSENT: Marshall and Palmer.

MOTION CARRIED

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KENNETH A. POYNTER, MAYOR

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MICKEY D. TODD, CITY CLERK



CITY OF HARPER WOODS  
CITY COUNCIL  
MAY 7, 2007

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:30 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem Vivian M. Sawicki ,  
Councilperson(s) Cheryl A. Costantino, Hugh Marshall, Michael P.  
Monaghan, Daniel S. Palmer and John M. Szymanski.

ABSENT: None.

OTHERS PRESENT: City Manager James E. Leidlein, City Attorney J. Russell  
LaBarge and City Clerk Mickey D. Todd.

CM 05-50-07

MINUTES

MOTION by Monaghan, SUPPORTED by Marshall:  
To receive, approve and file the minutes of the regular City Council meeting held April 16, 2007,  
and furthermore, receive and file the minutes of the Library Board meeting held March 14, 2007  
and the Election Commission meeting held April 18, 2007.

MOTION CARRIED UNANIMOUSLY

CM 05-51-07

MOVED TABLED ITEM TO OLD BUSINESS

MOTION by Monaghan, SUPPORTED by Sawicki:

Remove item CM 04-48-07 Conditional Rezoning and Site Plan Approval - 20606 E. Eight Mile Road from Tabled and Pending Items and place under Old Business 1.

MOTION CARRIED UNANIMOUSLY

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CM 05-52-07

CONSENT AGENDA

RESOLUTION by Costantino, SUPPORTED by Monaghan:

BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 80449 through 80584 in the amount of \$594,980.21 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.
2. Approve payment to Michigan Municipal Worker's Compensation Fund in the amount of \$12,175.61 for the adjustment in our premium for the first quarter of 2007.
3. Approve payment to Plante & Moran in the amount of \$23,000 for the professional services performed in conjunction with the 2006 audit.
4. Approve payment to Anderson, Eckstein & Westrick, Inc. in the amount of \$9,577.26 for professional services during the month of March 2007 for the following projects: 2006 Concrete Pavement Repair Project, #180-092; Target Project, #180-097; 2007 General, #180-099; 2007 Sewer Cleaning and TV Inspection, #180-100.
5. Approve payment to Oakland County Information Technology in the amount of \$6,205.25 for fees relative to the CLEMIS computer system utilized by the Police Department.
6. Approve payment to Nu Appearance in the amount of \$14,310.65 for contractual lawn cutting and maintenance in various areas of the city, including City Hall, the Library, DPW and the I-94 service drive.
7. Approve the appointments to the various boards and commissions as listed on the attached memorandum from the City Clerk.

ROLL CALL VOTE

YES: Costantino, Marshall, Monaghan, Palmer, Sawicki, Szymanski and Poynter.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 05-53-07

CONDITIONAL REZONING & SITE PLAN  
APPROVAL - 20606 E. EIGHT MILE ROAD

RESOLUTION by Marshall, SUPPORTED by Costantino:

BE IT RESOLVED to schedule a public hearing on the conditional rezoning and site plan approval for 20606 E. Eight Mile Road for June 4, 2007.

ROLL CALL VOTE

YES: Marshall, Monaghan, Palmer, Sawicki, Szymanski, Poynter and Costantino.

NO: None.

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RESOLUTION ADOPTED UNANIMOUSLY

CM 05-54-07

MILK RIVER - OPERATION AND MAINTENANCE

RESOLUTION by Palmer, SUPPORTED by Costantino:

BE IT RESOLVED to approve payment to Wayne County in the amount of \$159,668 for the operation and maintenance of the Milk River Drain for April through June 2007.

ROLL CALL VOTE

YES: Monaghan, Palmer, Sawicki, Szymanski, Poynter, Costantino and Marshall.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 05-55-07

GENERAL OBLIGATION TAX ROAD & LIBRARY  
BONDS - PRINCIPAL AND INTEREST

RESOLUTION by Monaghan, SUPPORTED by Sawicki:

BE IT RESOLVED to approve payment to JP Morgan Chase in the amount of \$50,550.00 for the annual interest payment on the 1995 Series Bond, principal and interest in the amount of \$300,250.00 on the 1999 Series Bond, principal and interest in the amount of \$124,975.00 on the 2001 Series Bond and principal and interest in the amount of \$113,487.50 on the Library Improvement Bond.

ROLL CALL VOTE

YES: Palmer, Sawicki, Szymanski, Poynter, Costantino, Marshall and Monaghan.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 05-56-07     LOT SPLIT - 19360 HARPER AND 20955 BOURNEMOUTH

RESOLUTION by Monaghan, SUPPORTED by Sawicki:

BE IT RESOLVED to approve the request from the Archdiocese of Detroit to split lots at 20955 Bournemouth and 19360 Harper Avenue in accordance with plans filed with the City by Kem-Tec and Associates dated October 23, 2006 and as revised on April 17, 2007, subject to the following items as outlined by a report prepared by the City Engineers: 1) A 12' wide public

CITY OF HARPER WOODS, MICHIGAN  
REGULAR CITY COUNCIL MEETING

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utility easement over the existing 8" water main located north of the former Bishop Gallagher School be dedicated to the City of Harper Woods if an easement does not currently exist over this line, 2) A 12' wide public utility easement over the existing 6" water main located east of the existing church be dedicated to the City of Harper Woods if an easement does not currently exist over this line, 3) An easement over the storm sewer located east of the former Bishop Gallagher School be granted to the Archdiocese from the Colin Powell Academy to permit the drainage from the church property to cross over the proposed school property and 4) A shared parking agreement covering maintenance and ingress/egress of the shared parking areas and driveways be reviewed by the City Attorney and recorded.

ROLL CALL VOTE

YES: Sawicki, Szymanski, Poynter, Costantino, Marshall, Monaghan and Palmer.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 05-57-07     VERNIER ROAD RESURFACING PROJECT

RESOLUTION by Monaghan, SUPPORTED by Sawicki:

BE IT RESOLVED to approve the payment to Grosse Pointe Woods for Harper Woods' proportionate share of the Vernier Road Resurfacing Project from Harper Avenue to Mack in an amount not to exceed \$358,971.58, subject to the final review by the City Manager.

ROLL CALL VOTE

YES: Szymanski, Poynter, Costantino, Marshall, Monaghan, Palmer and Sawicki.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

MOTION by Palmer, SUPPORTED by Monaghan:

To add the request for the continuation of the Miscellaneous Concrete Repair Program, and add to the agenda a bid award for surplus vehicles.

MOTION CARRIED UNANIMOUSLY

CITY OF HARPER WOODS, MICHIGAN  
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CM 05-59-07 2007 MISCELLANEOUS CONCRETE PAVEMENT REPAIR PROGRAM

RESOLUTION by Sawicki, SUPPORTED by Monaghan:

BE IT RESOLVED to extend the 2003 contract unit prices for the proposed 2007 Miscellaneous Concrete Pavement Repair Program, #180-101 submitted by Galui Construction Company in an amount not to exceed \$50,000.

ROLL CALL VOTE

YES: Poynter, Costantino, Marshall, Monaghan, Palmer, Sawicki and Szymanski.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 05-60-07 BID AWARD - SALE OF CITY VEHICLES

RESOLUTION by Monaghan, SUPPORTED by Sawicki:

BE IT RESOLVED to accept the following high bids for the sale of surplus city vehicles from Eastside Auto Classics:

2002 Ford Crown Victoria	VIN # 132209	\$366.00
2002 Ford Crown Victoria	VIN # 132210	\$466.00
2000 Ford Crown Victoria	VIN # 172196	\$226.00
1986 Chevy Pickup	VIN # 401758	\$61.00
	TOTAL	\$1,119.00

ROLL CALL VOTE

YES: Costantino, Marshall, Monaghan, Palmer, Sawicki , Szymanski and Poynter.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

## CALL TO COUNCIL

Mayor Poynter commented on last Saturday's Little League Parade being a success. He also commented on how successful the Mayor's Prayer Breakfast was, saying that it was sold out, and that guest speaker, Ernie Harwell, was outstanding.

Councilman Szymanski asked the City Manager if he had heard anything about what was to become of the vacant Circuit City Building, and if not, had he contacted the County for

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assistance regarding this matter. (The City Manager said that he has not heard of any possible developments for that site and that he hasn't contacted the County for assistance yet, but would in the future.)

Mayor Pro tem Sawicki asked the City Manager what the construction activity is that is going on in front of Eastland Center. (The City Manager said that it is construction for the new Chili's Restaurant.)

## CALL TO AUDIENCE

Mr. Bruneel told the Council members a joke.

Mr. Hammes asked what City Council's meeting schedule is for the summer months. (The Mayor said that City Council will be meeting on the first and third Monday in June, and only on the second Monday in July and August.) He then reported that Commissioner Killeen will be attending the City's Memorial Day Service.

Ms. Kindle asked what the CLEMIS invoice was that Council paid under the Consent Agenda. (The City Manager said that it is payment for our Police Department to use the Court Law Enforcement Management Information System.) She then asked the City Manager if the markings painted on the street in front of her house means that the road will be repaired. (The City Manager said that he would find out and give her a call.)

Mr. Regal asked what the contract that was approved with NuAppearance includes. (The City Manager said that it includes the lawn maintenance of City Facilities.)

MOTION by Monaghan, SUPPORTED by Szymanski:  
That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 7:57 p.m.

MOTION CARRIED UNANIMOUSLY

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KENNETH A. POYNTER, MAYOR

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MICKEY D. TODD, CITY CLERK

CITY OF HARPER WOODS  
CITY COUNCIL  
MAY 21, 2007

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:30 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem Vivian M. Sawicki , Councilperson(s) Cheryl A. Costantino, Hugh Marshall, Michael P. Monaghan, Daniel S. Palmer and John M. Szymanski.

ABSENT: None.

OTHERS PRESENT: City Manager James E. Leidlein and City Clerk Mickey D. Todd.

PRESENTATION - POLICE WEEK DEPARTMENTAL AWARDS

In celebration of National Police Week, Mayor Poynter along with Police Chief Skotarczyk and Deputy Chief Burke recognized the following individuals for their distinguished service:

- Wayne County Prosecutor Robert Stevens, for his outstanding performance in the prosecution of Mark Owens for homicide and attempted homicide on March 15, 2006;

- Detective Sgt. Ted Stager, for the August 4, 2006 arrest and prosecution of a robbery suspect from a robbery at Pollas Market;
- Police Officers Jason Sakowski and Thomas Lada, for the December 6, 2006 arrest of two suspects for auto theft which involved a foot chase and physical altercation between the suspects and the officers;
- Police Sergeants Vincent Smith, Thomas Teatsorth, Michael Marszalec and John Vorgitch, and Police Officers Thomas Silva and Michael Lynch for the July 7, 2006 arrest of eight felons wanted for multiple carjackings;
- Police Officer Jonathon Henninger, for the September 19, 2006 arrest of an auto theft suspect for an auto theft that had just occurred from Eastside Auto Classics;
- Police Sergeant Michael Marszalec for the March 25, 2006 arrest of four suspects during a breaking and entering in progress that occurred at the R-Gang Party Store;
- Police Officer Aristides Reyes, for his dedicated efforts throughout 2006 in leading the department in arrests for Operating While Impaired;

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- Police Officer Kevin Kowalik was presented with the Chief's Award for outstanding service and dedication to the department throughout 2006.

City Council recessed at 7:50 p.m. and reconvened at 7:55 p.m.

CM 05-59-07

MINUTES

MOTION by Monaghan, SUPPORTED by Marshall:

To receive, approve and file the minutes of the regular City Council meeting held May 7, 2007, and furthermore, receive and file the minutes of the Library Board meeting held on April 19, 2007, the Board of Zoning Appeals meeting held May 9, 2007 and the Board of Canvassers meeting held on May 9, 2007.

MOTION CARRIED UNANIMOUSLY

CM 05-60-07

CONSENT AGENDA

RESOLUTION by Costantino, SUPPORTED by Monaghan:

BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 80585 through 80739 in the amount of \$767,484.03 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.
2. Approve payment to Anderson, Eckstein & Westrick, Inc. in the amount of \$23,360.67 for professional services during the month of April 2007 for the following projects: 2006 Concrete Pavement Repair Program, #180-092; 2007 Sewer Cleaning and TV Inspection, #180-100 and the 2007 Concrete Pavement Repair Program, #180-101.



3. Approve the final payment to Plante & Moran in the amount of \$22,200 for the professional services performed in conjunction with the 2006 audit.

ROLL CALL VOTE

YES: Costantino, Marshall, Monaghan, Palmer, Sawicki, Szymanski and Poynter.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 05-61-07      GROSSE POINTE LIBRARY DISTRICT AGREEMENT

RESOLUTION by Szymanski, SUPPORTED by Monaghan:

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BE IT RESOLVED that the City of Harper Woods supports and approves the proposed amendment to the Grosse Pointe District Library Agreement providing for a nomination process by each municipality in the District for appointment by the Grosse Pointe School Board to the District Library Board and, further, that the City of Harper Woods does not favor an elected at-large Library Board. (Attachment #1)

ROLL CALL VOTE

YES: Marshall, Monaghan, Palmer, Sawicki, Szymanski, Poynter and Costantino.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 05-62-07      ANNUAL PERMIT TO WORK OF STATE HIGHWAYS

RESOLUTION by Sawicki, SUPPORTED by Costantino:

BE IT RESOLVED to adopt the Performance and Indemnification Resolution related to the City's Annual Permit to Work on State Highways.

ROLL CALL VOTE

YES: Monaghan, Palmer, Sawicki, Szymanski, Poynter, Costantino and Marshall.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 05-63-07      SCHEDULE PUBLIC HEARING - 2007  
COMMUNITY DEVELOPMENT BLOCK GRANT

MOTION by Sawicki, SUPPORTED by Costantino:

To hold a Public Hearing on June 18, 2007 at 7:30 p.m. for the purpose of receiving public input and comment on the 2007 Community Development Block Grant Program, specifically the Kelly Road funding portion.

MOTION CARRIED UNANIMOUSLY

CALL TO COUNCIL

Mayor Poynter said that he, the Councilman Monaghan, the City Manager and Police Chief attended a ceremony at Harper Woods High School earlier today where the State Superintendent

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of Schools presented Harper Woods Secondary School teacher, June Teisan, with the Teacher of the Year Award for 2007-08.

CALL TO AUDIENCE

Mr. Porter said that he was concerned about a check cashing store on Kelly road, saying that this type of business attracts crime to the are and asked how the City could allow this to happen. (The City Manager advised Mr. Porter the City cannot prohibit check cashing businesses provided it is a permitted use in a given district. He added that the courts have ruled that these types of businesses cannot be prohibited.)

CM 05-64-07

ADJOURNMENT

MOTION by Monaghan, SUPPORTED by Palmer:

That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 8:06 p.m.

MOTION CARRIED UNANIMOUSLY

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KENNETH A. POYNTER, MAYOR

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MICKEY D. TODD, CITY CLERK

CITY OF HARPER WOODS  
CITY COUNCIL  
JUNE 4, 2007

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:30 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem Vivian M. Sawicki , Councilperson(s) Cheryl A. Costantino, Hugh Marshall, Michael P. Monaghan and John M. Szymanski.

ABSENT: Councilman Daniel S. Palmer.

OTHERS PRESENT: City Manager James E. Leidlein, City Attorney J. Russell LaBarge and City Clerk Mickey D. Todd.

CM 06-65-07 EXCUSE CITY COUNCILMAN DANIEL S. PALMER

MOTION by Marshall, SUPPORTED by Monaghan:  
To excuse Councilman Daniel S. Palmer from tonight's meeting because of a prior commitment.

ABSENT: Palmer.

MOTION CARRIED

CM 06-66-07

MINUTES

MOTION by Monaghan, SUPPORTED by Szymanski:

To receive, approve and file the minutes of the regular City Council meeting held May 21, 2007.

ABSENT: Palmer.

MOTION CARRIED

CITY OF HARPER WOODS, MICHIGAN  
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CM 06-67-07

CONSENT AGENDA

RESOLUTION by Costantino, SUPPORTED by Monaghan:

BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 80740 through 80843 in the amount of \$437,699.93 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.
2. Approve payment to Bob Schomer Tree Service in the amount of \$7,060.00 for trimming trees in conjunction with the ongoing tree trimming project.
3. Approve payment to Nu Appearance Maintenance, Inc. in the amount of \$10,520.00 for grass cutting and weed removal services with the City being reimbursed these amounts from the home/business owners.

ROLL CALL VOTE

YES: Costantino, Marshall, Monaghan, Sawicki, Szymanski and Poynter.

NO: None.

ABSENT: Palmer.

RESOLUTION ADOPTED

CM 06-68-07      OPEN PUBLIC HEARING - CONDITIONAL REZONING  
AND LOT SPLIT AT 20606 E. EIGHT MILE ROAD

MOTION by Szymanski, SUPPORTED by Monaghan:

To open the Public Hearing on the Conditional Rezoning and Site Plan Approval at 20606 E. Eight Mile Road.

ABSENT: Palmer.

MOTION CARRIED

PUBLIC HEARING

The City Manager explained that the public hearing was being held to obtain public comment on a request to conditionally re-zone the property at 20606 E. Eight Mile for the purpose of building an ice cream store.

Ms. Spalding of 20565 Ridgemont, said that she is directly behind the proposed ice cream store and that she was opposed to the requested rezoning. She said that she was opposed for the

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following reasons: 1) it would bring additional litter and garbage to the area; 2) it does not have adequate parking, which would cause patrons to park on Ridgemont; 3) it would increase traffic to an already heavy traffic area; 4) it could increase the number of vehicle accidents on the corner, where they seem to already occur monthly; and 5) it would decrease visibility posing a hazard to the children in the area that cross the street. To further illustrate how dangerous that corner is, she added that prior to moving into her house, a car had run off Harper and crashed into the house that she now lives in.

Mr. VanBecelaere of Ridgemont, commented on how heavy traffic already is in the area during the rush hours, and urged City Council to give the residents a break by keeping any additional traffic off of Ridgemont.

Mr. Franklin of Ridgemont, said that he is not opposed to having a business on that parcel, he just does not want it to be a restaurant. He commented on how this type of business would create rodent issues, and bring additional car and foot traffic to an already busy area, so he is opposed to the ice cream store.

Petitioner Steve Harmony assured residents and City Council that he did his research on this project and said that if approved, it will have a nice appearance giving the City a better presentation for people entering the city. He added that he hired an excellent architect, who developed a site plan with the cooperation of the Police Department and City Officials to assure that it would be in compliance with the City's ordinances, including parking requirements, and if the plan is approved, he will have Ferlito Construction Company do the building. He also said that he went door-to-door in the area with a petition in favor of the ice cream store, and thirty-five residents signed it. He pointed out that the residents in that area moved there knowing of the heavy traffic volume, and that at one time all the residents who live next to the site were offered an opportunity to buy it, but declined, and that a number of people that are opposed to the store have their homes up for sale. He added that the addition of an ice cream store will be a good thing for the community and a nice place to bring a family, and unlike Wally's ice cream store, his place will be open all year round which will increase its chances of success. Finally, he said that his brother,

who has over twenty years of experience in the restaurant business, will be responsible for managing the ice cream store with the assistance of other family members and people that they will hire from the community.

Mr. Boesigner of Danbury Lane, expressed concern about the ice cream store being built at the top of the exit ramp from I-94, and the risk this would bring to the children in the area. He said that traffic is always backed up in the area, and suggested that the Police Department do a traffic study of the area before City Council proceeds with this request.

Mr. Bevier of Ridgemont, said that he has lived in his house for fifteen years, but is selling it because he is getting divorced. He also acknowledged that he and his neighbors had an

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opportunity to buy the property where the ice cream store is being proposed, but because all the neighbors would not agree to the purchase, the deal fell through. He then said that while he is not opposed to that parcel being developed, he is opposed to an ice cream store being built there, because of the traffic safety issues on that corner. Specifically, he is concerned about the possibility of a car driving through the restaurant, because it seems that accidents occur there on a weekly basis.

Mr. Wright of Danbury Lane, applauded the petitioner for wanting to develop the site, but said he was opposed to the request because of the traffic safety issues this development would create. He suggested that this site would make an attractive gateway to the City, with a welcome to Harper Woods sign, and urged City Council not to put a burden on the resident's safety in the area by approving this proposal.

Ms. Waundless of Ridgemont, said that she went out and walked her neighborhood with a petition opposing the rezoning, and said that all but two people that she talked to were opposed to it. She then cited the following reasons why the rezoning should be denied: 1) that property values are declining and crime is increasing, and the addition of the ice cream store will increase these trends; 2) the traffic coming off the I-94 exit ramp and service drive is already heavy, and the addition of a ice cream store will exacerbate an already dangerous intersection; 3) the addition of a ice cream store will increase noise, trash, litter and rodents in the area; 4) the ice cream store lacks adequate parking which will result in patrons parking on the adjacent streets depriving residents of parking spaces; and 5) there is an established commercial area with a large number of vacancies along Harper that would be much more appropriate for this type of business. Lastly, she said that this has been a quiet, safe area in the past, one in which many enjoyed residing, and she asked that City Council show respect and consideration to the residents and votes in this area by denying the rezoning.

Mr. Paul Harmony, brother of the petitioner, commented on the business model that would be used for the ice cream store saying that it would have a limited breakfast and food menu, with the emphasis being on ice cream sales. He assured residents that the ice cream store would be clean

and that rodents would not be a problem. He added further that traffic surveys were done and were found to be acceptable. Lastly, he said that the addition of the ice cream store would bring a nice new look to this entry point in the city.

Mr. Livingston of Ridgemont, said that he was in agreement with the comments made by the other residents opposing the rezoning, and he urged City Council to take the residents' opinions into consideration before deciding the issue. He added that he is not opposed to developing the site, he just doesn't believe an ice cream store is an appropriate use for this site.

Mr. Jackson of Ridgemont, said that he supported the dissenting comments and hoped that the property would not be rezoned. He added that the issues of litter, cleanliness, rodents and

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parking on the street are big issues to the area residents, and that the owners of the ice cream store would have little control over these issues. Lastly, he asked City Council to cul-de-sac Ridgemont if they approve of the rezoning.

Mr. Waunchik, President of the Danbury Lane Homeowners Association, said that while he is not opposed to this site being developed, he is opposed to this type of business being built there because of the traffic and safety issues this would cause to the area.

Ms. Jovanovski of Ridgemont, said that she was in agreement with the neighbor's comments opposing the rezoning. She added that if City Council does approve of the rezoning then she would request traffic signage to prohibit thru traffic on her street.

Ms. Spalding of Ridgemont urged City Council to review the meeting minutes from the Planning Commission, where they voted 5-4 to recommend the rezoning.

Mr. VanBecelaere of Ridgemont, asked what the operating hours of the ice cream store would be if it is approved. (Mr. Harmony, the petitioner, said that it would be open seven days a week, 7:00 a.m. to 10:00 p.m.)

Ms. Jovanovski of Ridgemont, pointed out that the site would not have enough parking spaces to accommodate both the employees and patrons.

Mr. Franklin of Ridgemont, asked how many parking spaces there would be. (Mr. Harmony said that there are eleven parking spaces.)

CM 06-69-07      CLOSE PUBLIC HEARING - CONDITIONAL REZONING  
AND LOT SPLIT AT 20606 E. EIGHT MILE ROAD

MOTION by Monaghan, SUPPORTED by Szymanski:

To close the Public Hearing on the Conditional Rezoning and Site Plan Approval at 20606 E. Eight Mile Road.

ABSENT: Palmer.

MOTION CARRIED

CITY OF HARPER WOODS, MICHIGAN  
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CM 06-70-07                      CONDITIONAL REZONING AND LOT  
SPLIT AT 20606 E. EIGHT MILE ROAD

MOTION by Marshall, SUPPORTED by Szymanski:  
To direct the City Manager to provide a summary of this evening's public hearing and provide his comments and recommendation at a future City Council meeting.

ABSENT: Palmer.

MOTION CARRIED

CM 06-71-07                      BID AWARD - 2007 SEWER CLEANING AND  
CCTV INVESTIGATION S2/SRF PROGRAM #180-100

RESOLUTION by Sawicki, SUPPORTED by Monaghan:  
BE IT RESOLVED to accept the low bid submitted by AAA Pipe Cleaning Corporation of Cleveland, Ohio in the amount of \$599,830.00 for the 2007 Sewer Cleaning and CCTV Investigation, under the State of Michigan grant funding S2/SRF Program.

ROLL CALL VOTE

YES: Marshall, Monaghan, Sawicki, Szymanski, Poynter and Costantino.

NO: None.

ABSENT: Palmer.

RESOLUTION ADOPTED

CM 06-72-07    MICHIGAN MUNICIPAL LEAGUE - ANNUAL CONFERENCE



RESOLUTION by Monaghan, SUPPORTED by Szymanski:

BE IT RESOLVED to authorize those Councilmembers interested to attend the Michigan Municipal League's Annual Conference on September 18-20, 2007 with the City paying all necessary and related expenses.

ROLL CALL VOTE

YES: Monaghan, Sawicki, Szymanski, Poynter, Costantino and Marshall.

NO: None.

ABSENT: Palmer.

RESOLUTION ADOPTED

CITY OF HARPER WOODS, MICHIGAN  
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CALL TO COUNCIL

The City Manager said that he would not need the Executive Session that is on tonight's agenda.

Mayor Poynter commented on how nice the Memorial Day Service was, and he reminded people that the All Class Reunion for Harper Woods High School is June 23<sup>rd</sup> from 3:00 p.m. to midnight.

CALL TO AUDIENCE

Mr. Regal asked if the City would be obligated to make any necessary repairs that are found when they clean and CCTV the sewers. (The City Manager said that repairs would have to be made and that the State has provided a fund that cities can borrow from to make the repairs.)

A lady who lives on Lennon asked City Council to assist her with a problem she is having with her neighbor's pit bull getting loose, saying that she has attempted to resolve this issue in court but has been unsuccessful and she is worried about her children's safety. (The City Manager asked her to see him after the meeting and he would get her name and address and have the Police Department assist her.)

Ms. Kindle said that she is having a problem with the sidewalk in front of her house and asked whose responsibility it is to repair it. (The City Manager said that it is the homeowner's responsibility.) She then told the City Manager about a house on Fleetwood between Peerless and Balfour that has high grass. (The City Manager said that he would have an inspector look at it.)

Mr. Szolach complained about landscapers blowing grass into the street after mowing, and asked if the City has an ordinance prohibiting this. (The City Manager said that the City does have an ordinance prohibiting grass from being blown in the street, and urged him to call the police non-emergency number at 343.2530 and report it when it is happening.) Mr. Szolach told of how his neighbor's flood light shines on his porch, and how he keeps a junk vehicle parked in his driveway

and asked for help in dealing with the situation. (The City Manager said that he would have the situation looked at.) Lastly, he thanked the D.P.W. for their assistance in getting some junk lawn mowers out of his neighborhood.

Mr. VanPoucher, who lives on Roscommon, complained about the D.P.W. not acting fast enough to clean the graffiti off of parts of Rossiter and Lansdowne, saying that if it were high grass the situation would have already been dealt with.

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REGULAR CITY COUNCIL MEETING

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CM 06-73-07

ADJOURNMENT

MOTION by Monaghan, SUPPORTED by Costantino:

That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 8:44 p.m.

ABSENT: Palmer.

MOTION CARRIED

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KENNETH A. POYNTER, MAYOR

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MICKEY D. TODD, CITY CLERK

CITY OF HARPER WOODS  
CITY COUNCIL  
JUNE 18, 2007

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:30 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem Vivian M. Sawicki , Councilperson(s) Cheryl A. Costantino, Hugh Marshall, Michael P. Monaghan, Daniel S. Palmer and John M. Szymanski.

ABSENT: None.

OTHERS PRESENT: City Manager James E. Leidlein, Finance Director Laura L. Stowell and City Clerk Mickey D. Todd.

CM 06-74-07

MINUTES

MOTION by Monaghan, SUPPORTED by Costantino:  
To receive, approve and file the minutes of the regular City Council meeting held June 4, 2007.

MOTION CARRIED UNANIMOUSLY

RESOLUTION by Costantino, SUPPORTED by Monaghan:

BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 80844 through 80942 in the amount of \$200,643.82 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.

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2. Approve payment to Nu Appearance in the amount of \$17,427.84.00 for contractual lawn cutting and maintenance in various areas of the city, including City Hall, the Library, DPW, Johnston Park and the I-94 service drive.
3. Approve payment to Jack Doheny Supplies, Inc. in the amount of \$6,195.73 for the repair of the Sewer Jet/Vactor Unit.
4. Approve payment to Dornbos Sign & Safety in the amount of \$5,131.74 for the inventory of sign posts and street signs.
5. Approve payment to Anderson, Eckstein & Westrick, Inc. in the amount of \$26,466.53 for professional services during the month of May 2007 for the following projects: 2006 Concrete Pavement Repair, #180-092; Johnston Park Tennis Courts, #180-096; Chili's Restaurant, #180-098; 2007 General, #180-099; 2007 Sewer Cleaning/TV Inspection, #180-100 and the 2007 Concrete Pavement Repair, \$180-101.

ROLL CALL VOTE

YES: Costantino, Marshall, Monaghan, Palmer, Sawicki, Szymanski and Poynter.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

RESOLUTION by Monaghan, SUPPORTED by Costantino:

BE IT RESOLVED to receive and file the 2006 Audit as submitted by the City's Auditors, Plante and Moran and also receive and file their comments and recommendations letter.

ROLL CALL VOTE

YES: Marshall, Monaghan, Palmer, Sawicki, Szymanski, Poynter and Costantino.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

Mr. David Herrington, Ms. Dana Coomes and Mr. Randy Surat of Plante & Moran gave an informational presentation on the 2006 Audit and answered any questions.

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CM 06-77-07                      TAXI CAB RATE INCREASE -  
SCHEDULE PUBLIC HEARING

MOTION by Marshall, SUPPORTED by Sawicki:  
To hold a Public Hearing on July 9, 2007 at 7:30 p.m. for the purpose of considering a request from the Shamrock Cab Company to increase their taxicab fare rates in accordance with Sec. 24-5 of the City's Code of Ordinances.

MOTION CARRIED UNANIMOUSLY

CM 06-78-07                      CONCRETE PAVEMENT REPAIR PROGRAM 2003-2007  
#180-076/081/088/092/101- PROGRESS PAYMENT NO. 15

RESOLUTION by Sawicki, SUPPORTED by Monaghan:  
BE IT RESOLVED to approve payment to Galui Construction Company, Inc. in the amount of \$39,291.13 for Progress Payment No. 15 on the 2003 - 2007 Concrete Pavement Repair Program, #180-076/081/088/092/101.

ROLL CALL VOTE

YES: Monaghan, Palmer, Sawicki, Szymanski, Poynter, Costantino and Marshall.  
NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CALL TO COUNCIL

Mayor Poynter reminded the public that there will only be one council meeting in July and August and that they will be on the second Monday of each month.

Mayor Pro tem Sawicki congratulated the Regina High School Softball team for winning the State Championship last week, and added that this is the fourth year in a row that they have won, which is a State record.

#### CALL TO AUDIENCE

Ms. McCarthy thanked the Public Works Department for providing her with flyers about the City's Recycling Program that she could distribute to her neighbors. She then commented on a conversation that she had with a teacher from Heart Academy who told her that she was having a

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hard time getting her recycling picked up and said that she was surprised by that. Then she asked if City Council rezoned the property on 8 Mile and Harper so that an ice cream store could be built. (The City Manager said that it will be decided at the July Council meeting.) Lastly, she expressed concern over the library budget, and the comment made earlier that the library will have to contribute more to the General Fund for employee related cost, saying that she hopes it won't cause a reduction in hours.

Commissioner Killeen reported on the County's progress in mowing the freeway grass, saying that they are mowing now, and are scheduled to mow three times this summer. He said that he suspects it took so long because the County is trying to save money and that this might be an area where they are cutting back. He also said that he has brought to the County's attention that there are a number of dead or dying trees on the freeway that need to be cut down. Lastly, he said that he hopes the County would hold a budget hearing out here in the fall.

Library Director Dale Parus, passed out flyers on the Library's Summer Reading Program, and asked people to see him if they had any questions.

Mr. Szolach asked the City Manager if he had taken care of the problem with his neighbor at 19282 Beaconsfield leaving their motion detecting light on all the time. (The City Manager said that he will check with the Police Department regarding this matter.)

Mr. Regal asked what the new electronic sign was for on the freeway by the Allard bridge. (The City Manager said that it is an informational traffic sign that is being put up by M.D.O.T.)

Mr. Bruneel reminded everyone that Harper Woods High School will be having an alumni celebration and dance this Saturday from 3 p.m. to midnight at Johnston Park and the High School.

CM 06-79-07

EXECUTIVE SESSION - COLLECTIVE  
BARGAINING AND LITIGATION MATTER

RESOLUTION by Monaghan, SUPPORTED by Szymanski:

BE IT RESOLVED to adjourn to executive session for the purpose of discussing a collective bargaining and litigation matter.

ROLL CALL VOTE

YES: Palmer, Sawicki, Szymanski, Poynter, Costantino, Marshall and Monaghan.

NO: None.

RESOLUTION ADOPTED

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The City Council adjourned to Executive Session at 8:03 p.m. and reconvened at 8:37 p.m.

CM 06-80-07

ADJOURNMENT

MOTION by Monaghan, SUPPORTED by Palmer:

That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 8:37 p.m.

MOTION CARRIED UNANIMOUSLY

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KENNETH A. POYNTER, MAYOR

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MICKEY D. TODD, CITY CLERK

CITY OF HARPER WOODS  
CITY COUNCIL  
JULY 9, 2007

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:30 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem Vivian M. Sawicki ,  
Councilperson(s) Cheryl A. Costantino and Daniel S. Palmer.

ABSENT: Councilpersons Hugh Marshall, Michael P. Monaghan and John M.  
Szymanski.

OTHERS PRESENT: City Manager James E. Leidlein and City Clerk Mickey D.  
Todd.

CM 07-81-07

EXCUSE COUNCILPERSONS  
MARSHALL, MONAGHAN AND SZYMANSKI

MOTION by Palmer, SUPPORTED by Sawicki:



To excuse Councilperson(s) Marshall, Monaghan and Szymanski from tonight's meeting because of prior commitments.

ABSENT: Marshall, Monaghan and Szymanski.

MOTION CARRIED

CM 07-82-07

MINUTES

MOTION by Sawicki, SUPPORTED by Palmer:

To receive, approve and file the minutes of the regular City Council meeting held June 18, 2007, and furthermore, receive and file the minutes of the Library Board meeting held on May 17, 2007.

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ABSENT: Marshall, Monaghan and Szymanski.

MOTION CARRIED

CM 07-83-07

CONSENT AGENDA

RESOLUTION by Costantino, SUPPORTED by Palmer:

BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 80943 through 81176 in the amount of \$810,446.96 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.
2. Approve payment to Statewide Security Transport in the amount of \$5,772.49 for prisoner lodging and maintenance for the month of May 2007.
3. Approve payment to Value Trends, Inc. in the amount of \$15,000.00 for their appraisal services in conjunction with the Ad valorem Appeal for Eastland Center.
4. Approve payment to Anderson, Eckstein & Westrick, Inc. in the amount of \$12,197.45 for professional services during the month of June 2007 for the following projects: 2006 Concrete Pavement Repair, #180-092; Johnston Park Tennis Courts, #180-096; Chili's Restaurant, #180-098; 2007 Sewer Cleaning and TV Inspection, #180-100; 2007 Concrete Pavement Repair Program, #180-101 and the Kelly Road Sidewalk/Alley, #180-102.
5. Approve payment to Nu Appearance in the amount of \$16,032.00 for contractual lawn cutting and maintenance in various areas of the city, including City Hall, the Library, DPW and the I-94 service drive. Also, for fertilizing, weed removal and various cuttings at residences and businesses throughout the city.

ROLL CALL VOTE

YES: Costantino, Palmer, Sawicki and Poynter.

NO: None.  
ABSENT: Marshall, Monaghan and Szymanski.

RESOLUTION ADOPTED

CM 07-84-07                    GROSSE POINTE DISTRICT LIBRARY BOARD -  
APPOINTMENT RESOLUTION

RESOLUTION by Sawicki, SUPPORTED by Costantino:  
BE IT RESOLVED to adopt the Resolution entitled, "Resolution Regarding New Procedure for Appointment to Grosse Pointe District Library Board." (Attachment #1)

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ROLL CALL VOTE

YES: Palmer, Sawicki, Poynter and Costantino.  
NO: None.  
ABSENT: Marshall, Monaghan and Szymanski

RESOLUTION ADOPTED

CM 07-85-07                    JOHNSTON PARK PARKING LOT RESURFACING

RESOLUTION by Sawicki, SUPPORTED by Costantino:  
BE IT RESOLVED to accept the quote of \$3.17 per square foot submitted by E. Gilbert & Sons, Inc. for new asphalt parking lot at Johnston Park for a total cost of approximately \$66,253.00 and that formal bidding be waived as it is part of the larger Harper Woods High School project.

ROLL CALL VOTE

YES: Sawicki, Poynter, Costantino and Palmer.  
NO: None.  
ABSENT: Marshall, Monaghan and Szymanski.

RESOLUTION ADOPTED

CM 07-86-07                    BID AWARD - JOHNSTON PARK TENNIS  
COURT RENOVATIONS #180-096

RESOLUTION by Palmer, SUPPORTED by Sawicki:

BE IT RESOLVED to accept the lowest bid submitted by Cortis Brothers Trucking and Excavating of Marine City in the amount of \$213,965.75 for the renovation of the Johnston Park Tennis Courts, Project No. 180-096. Said renovations are being paid with grant money from Wayne County.

ROLL CALL VOTE

YES: Poynter, Costantino, Palmer and Sawicki.

NO: None.

ABSENT: Marshall, Monaghan and Szymanski.

RESOLUTION ADOPTED

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CM 07-87-07                    INTRODUCTION AND FIRST READING - AN  
ORDINANCE TO INCREASE THE POSSIBLE TERM  
OF IMPRISONMENT FOR CODE VIOLATIONS

RESOLUTION by Sawicki, SUPPORTED by Costantino:

BE IT RESOLVED to introduce and place for first reading an ordinance entitled "An Ordinance to Amend Subparagraph (a) of Section 1.7 of the Code of Ordinances for the City of Harper Woods to Increase from Ninety (90) Days to Ninety-Three (93) Days the Possible Term of Imprisonment for Violation of any City of Harper Woods Misdemeanor Ordinances," and further, to direct the City Clerk to publish a notice of this in accordance with City Charter requirements. (Attachment #2)

ROLL CALL VOTE

YES: Costantino, Palmer, Sawicki and Poynter.

NO: None.

ABSENT: Marshall, Monaghan and Szymanski.

RESOLUTION ADOPTED

CM 07-88-07                    2006 AUDIT - MANAGEMENT'S RESPONSE TO  
AUDITORS COMMENTS AND RECOMMENDATIONS

MOTION by Sawicki, SUPPORTED by Costantino:

To receive and file the Management's Response to Auditors' Comments and Recommendations associated with the December 31, 2006 Financial Statements as prepared and submitted by the City Manager and Finance Director.

ABSENT: Marshall, Monaghan and Szymanski.

MOTION CARRIED

CM 07-89-07

OPEN PUBLIC HEARING - REQUEST  
FOR TAXICAB FARE RATE INCREASE

MOTION by Palmer, SUPPORTED by Sawicki:  
To open the Public Hearing on a proposed fare increase by Shamrock Cab Company.

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ABSENT: Marshall, Monaghan and Szymanski.

MOTION CARRIED

PUBLIC HEARING

The City Manager said that the request to increase Taxi Cab fare rates was made by Shamrock Cab, and that our City Ordinance requires a public hearing before the request can be acted upon.

CM 07-90-07

CLOSE PUBLIC HEARING - REQUEST  
FOR TAXICAB FARE RATE INCREASE

MOTION by Palmer, SUPPORTED by Costantino:  
To close the Public Hearing on a proposed fare increase by Shamrock Cab Company.

ABSENT: Marshall, Monaghan and Szymanski.

MOTION CARRIED

CM 07-91-07

SHAMROCK CAB COMPANY  
TAXICAB RATE FARE INCREASE

RESOLUTION by Palmer, SUPPORTED by Costantino:  
BE IT RESOLVED to approve the following fares for Shamrock Cab Company:

Flag Throw	\$2.10
Per Mile Charge	2.10
Wait Time/Traffic Delay Time	32.00/per hour
Increase per flag throw when gas exceeds \$3.00/gal.	.90

ROLL CALL VOTE

YES: Palmer, Sawicki, Poynter and Costantino.

NO: None.

ABSENT: Marshall, Monaghan and Szymanski

RESOLUTION ADOPTED

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CM 07-92-07

2007 COMMUNITY DEVELOPMENT  
BLOCK GRANT - OPEN PUBLIC HEARING

MOTION by Palmer, SUPPORTED by Costantino:

To open the Public Hearing on the 2007 Community Development Block Grant program.

ABSENT: Marshall, Monaghan and Szymanski.

MOTION CARRIED

PUBLIC HEARING

The City Manager said that a public hearing is required to change the scope for the proposed Kelly Road activities.

CM 07-93-07

2007 COMMUNITY DEVELOPMENT  
BLOCK GRANT - CLOSE PUBLIC HEARING

MOTION by Costantino, SUPPORTED by Palmer:

To close the Public Hearing on the 2007 Community Development Block Grant.

ABSENT: Marshall, Monaghan and Szymanski.

MOTION CARRIED

CM 07-94-07

ADDENDUM TO AGENDA

MOTION by Palmer, SUPPORTED by Costantino:

To add to the agenda the adoption of a resolution approving of the 2007 Community Development Block Grant Kelly Road activities.

ABSENT: Marshall, Monaghan and Szymanski.

MOTION CARRIED

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CM 07-95-07

ADOPTION OF 2007 COMMUNITY  
DEVELOPMENT BLOCK GRANT PROGRAM

RESOLUTION by Palmer, SUPPORTED by Costantino:

BE IT RESOLVED to approve the 2007 Community Development Block Grant Kelly Road activities as follows:

Street Improvement, Concrete, landscape, electrical and water construction, sidewalk and alley improvements, streetscapes, code enforcement and other related work and activities in the amount of \$50,740.

ROLL CALL VOTE

YES: Sawicki, Poynter, Costantino and Palmer.

NO: None.

ABSENT: Marshall, Monaghan and Szymanski

RESOLUTION ADOPTED

CALL TO COUNCIL

Mayor Poynter commented on the Harper Woods High School All Class Reunion, saying that it was an outstanding success with over one-thousand former students attending, and he thanked the Recreation Department, Police Department and Fire Department for contributing to a successful outing. He especially praised the Recreation Department for all their assistance in making this event a success. Lastly, he reminded the public that the City will be hosting Music In The Park on Saturday, July 21 from 6-9 p.m. with the "As-Is Band," and former Harper Woods Music Director Brian Rolandt.

Mayor Pro tem Sawicki asked if the CDBG monies could be programmed on an installment basis to improve the lighting on Kelly Road. (The City Manager said that it couldn't be done with block grant money because lighting has to be done all at once and not on an installment basis.)

Councilwoman Costantino asked if the CDBG monies will be used to make Kelly look more attractive where the grass on the corners are supposed to be. (The City Manager said that the street scape portion of the CDBG monies will be used to address that need.)

CALL TO AUDIENCE

Mr. Bruneel said that the auditors didn't make reference to the cable television monies, and asked if they are still included in the City's funds. (The City Manager said that the cable

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television monies are accounted for in the City's Municipal Improvement Fund.)

Mr. Regal asked what was being built in front of Eastland. (The City Manager said it is a new Chili's Restaurant, which is scheduled to open in October.)

CM 07-96-07

ADJOURNMENT

MOTION by Palmer, SUPPORTED by Costantino:

That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 7:59 p.m.

ABSENT: Marshall, Monaghan and Szymanski.

MOTION CARRIED

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KENNETH A. POYNTER, MAYOR

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MICKEY D. TODD, CITY CLERK

CITY OF HARPER WOODS  
CITY COUNCIL  
AUGUST 13, 2007

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:30 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Councilperson(s) Cheryl A. Costantino, Hugh Marshall, Michael P. Monaghan, and John M. Szymanski.

ABSENT: Mayor Pro tem Vivian M. Sawicki and Councilman Daniel S. Palmer.

OTHERS PRESENT: City Manager James E. Leidlein and City Clerk Mickey D. Todd.

CM 08-97-07

EXCUSE CITY COUNCIL MEMBERS

MOTION by Monaghan, SUPPORTED by Costantino:  
To excuse Mayor Pro tem Vivian M. Sawicki and Councilman Daniel S. Palmer from tonight's meeting because of prior commitments.



ABSENT: Palmer and Sawicki.

MOTION CARRIED

CM 08-98-07

MINUTES

MOTION by Costantino, SUPPORTED by Monaghan:

To receive, approve and file the minutes of the regular City Council meeting held July 9, 2007, and furthermore, receive and file the minutes of the Library Board meeting held on June 21, 2007 and the Board of Trustees Employees Retirement System meeting held July 17, 2007.

ABSENT: Sawicki and Palmer.

MOTION CARRIED

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CM 08-99-07

CONSENT AGENDA

RESOLUTION by Costantino, SUPPORTED by Monaghan:

BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 81778 through 81424 in the amount of \$934,691.39 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.
2. Approve payment to Wayne County in the amount of \$8,514.47 for services performed on the tax rolls.
3. Approve payment to Statewide Security Transport in the amount of \$5,553.13 for prisoner lodging and maintenance for the month of June 2007.
4. Approve payment to Oakland County Information Technology in the amount of \$6,205.25 for fees relative to the CLEMIS computer system utilized by the Police Department.
5. Approve payment to Nu Appearance in the amount of \$10,373.00 for contractual lawn cutting and maintenance in various areas of the city, including City Hall, the Library, DPW and the I-94 service drive.
6. Approve payment to the Harper Woods School District in the amount of \$6,412.50 for the usage of the swimming pool from April through August 2007.
7. Approve payment to Bob Schomer Tree Service in the amount of \$7,450.00 for trimming trees in conjunction with the ongoing tree trimming project and for removing diseased trees in various parts of the City.

ROLL CALL VOTE

YES: Costantino, Marshall, Monaghan, Szymanski and Poynter.

NO: None.

ABSENT: Palmer and Sawicki.

RESOLUTION ADOPTED

CM 08-100-07                    MICHIGAN MUNICIPAL LEAGUE WORKERS,  
COMPENSATION INSURANCE RENEWAL

RESOLUTION by Marshall, SUPPORTED by Monaghan:

BE IT RESOLVED to approve payment to Michigan Municipal League Worker's Compensation Fund in the amount of \$137,958.00 for workers' compensation insurance from July 1, 2007 through June 30, 2008, and further, in that this is self insurance pooled funds, that competitive bidding be waived in accordance with City policy.

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ROLL CALL VOTE

YES: Marshall, Monaghan, Szymanski, Poynter and Costantino.

NO: None.

ABSENT: Palmer and Sawicki.

RESOLUTION ADOPTED

CM 08-101-07                    INTRODUCTION AND FIRST READING - AN  
ORDINANCE AMENDING CHAPTER 21 ADDING  
LANGUAGE REGARDING "MOVE IN" COSTS

RESOLUTION by Monaghan, SUPPORTED by Costantino:

BE IT RESOLVED to introduce and place for first reading an ordinance entitled "An Ordinance to Amend Chapter 21, Article I, Section 21-9(a) of the Code of Ordinances of The City of Harper Woods to Add Language Regarding "Move in" Costs," and further, to direct the City Clerk to publish a notice of this in accordance with City Charter requirements. (Attachment #1)

ROLL CALL VOTE

YES: Monaghan, Szymanski, Poynter, Costantino and Marshall.

NO: None.

ABSENT: Palmer and Sawicki.

RESOLUTION ADOPTED

CM 08-102-07                    ORDINANCE 2007 - 01 -SECOND READING -

AN ORDINANCE TO INCREASE THE POSSIBLE TERM  
OF IMPRISONMENT FOR CODE VIOLATIONS

RESOLUTION by Costantino, SUPPORTED by Monaghan:

BE IT RESOLVED to Place for Second Reading and Adoption Ordinance No. 2007-01 entitled "An Ordinance to Amend Subparagraph (a) of Section 1.7 of the Code of Ordinances for the City of Harper Woods to Increase from Ninety (90) Days to Ninety-Three (93) Days the Possible Term of Imprisonment for Violation of any City of Harper Woods Misdemeanor Ordinances," and further, to direct the City Clerk to publish a notice of this in accordance with City Charter requirements. ((Attachment #2))

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ROLL CALL VOTE

YES: Szymanski, Poynter, Costantino, Marshall and Monaghan.

NO: None.

ABSENT: Palmer and Sawicki.

RESOLUTION ADOPTED

CM 08-103-08      JOHNSTON PARK PARKING LOT RESURFACING

RESOLUTION by Monaghan, SUPPORTED by Szymanski:

BE IT RESOLVED to accept the quote of \$19,000 for 1.5" asphalt overlay for approximately 13,900 square feet at the Johnston Park Parking Lot as submitted by ASI of Pontiac, and further, approve the quote of \$25,765 for additional subbase work on the lot being replaced and that formal bidding be waived as it is part of the larger Harper Woods High School project.

ROLL CALL VOTE

YES: Poynter, Costantino, Marshall, Monaghan and Szymanski.

NO: None.

ABSENT: Palmer and Sawicki.

RESOLUTION ADOPTED

CALL TO COUNCIL

Senator Martha Scott addressed City Council as part of visiting all the communities in her district. She said the purpose of her visit was to update the local governing bodies on issues being discussed in Lansing. She specifically discussed the State budget issues for 06-07 and 07-08, and the status of various legislation.

### CALL TO AUDIENCE

A gentleman who lives on Prestwick suggested that the proposed ordinance regulating real estate signs should not allow any additional wording on the sign at all. He then commented on the sprinkling system at Salter Park saying that he has walked by and noticed a broken sprinkler head, and it wasn't repaired until he called Public Works, so he suggested to City Council that the sprinklers be checked regularly. He then told Council that he was recently bitten by a dog in his neighborhood, and asked when City Council will be adopting the new vicious dog ordinance. (The City Manager said that he hopes to have it after Labor Day.) Lastly, he commented on the

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poor condition of the sidewalks in his neighborhood saying that it appears the cement that was used by the City's contractor was deficient, and asked if the work was guaranteed. (The City Manager said that the sidewalks were poured in 1992, and sidewalk work is only guaranteed for two years. He added that the City will offer residents the opportunity to purchase cement at the City's price with an administrative fee, which will be less than buying it outright.)

Mr. Hammes, representing Commissioner Tim Killeen, offered contact information to the public. He then said he was glad to see Senator Scott at tonight's meeting. Lastly, he asked the City Manager if the City would share the cost of replacing several sidewalk flags around his condo on Littlestone. (The City Manager said that the City would allow residents to use the City contractor and would be charged the City's price with an administrative fee.)

Mr. Bruneel announced that the Lion's Club will be hosting their annual Pasta Dinner on Wednesday, October 17<sup>th</sup> at the Community Center.

Mr. Schenburn cited instances where the City Inspectors, in his opinion, do not equally enforce ordinance violations and he urged City Council to change this policy. He said that it appears realtors and bankers get preferential treatment.

A gentleman who lives on Prestwick told City Council he has some ideas to better the community and help fight crime. He suggested that consideration be given to closing off certain streets in the community as a way of limiting access and escape routes for criminals. (The Mayor suggested that he get with the City Manager to discuss his ideas and the City Manager would pass them on to City Council for consideration.)

MOTION by Monaghan, SUPPORTED by Szymanski:

That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 8:27 p.m.

ABSENT: Palmer and Sawicki.

MOTION CARRIED

\_\_\_\_\_  
KENNETH A. POYNTER, MAYOR

\_\_\_\_\_  
MICKEY D. TODD, CITY CLERK

Attachment #1

ORDINANCE NO. 2007 -

**AN ORDINANCE TO AMEND CHAPTER 21, ARTICLE I,  
SECTION 21-9(a) OF THE CODE OF ORDINANCES OF  
THE CITY OF HARPER WOODS TO ADD LANGUAGE  
REGARDING "MOVE IN" COSTS**

The City of Harper Woods Ordains:

**SECTION 1.** That a second paragraph be and is hereby added to Chapter 21, Article I, Section 21-9(a) of the Code of Ordinances to read as follows:

**Any sign for the sale of residential real estate that makes a monetary reference to the monthly purchase cost for the property must include all estimated monthly costs including:**

- Principle and Interest on the Mortgage**
- Property Taxes**
- Homeowner's Insurance**
- Utilities (Water, Gas and Electric)**
- Property Maintenance**

**SECTION 2. REPEAL** All other ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

**SECTION 3. SEVERABILITY** If any article, section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance, it being the intent of the Council of the City

of Harper Woods that this ordinance shall stand, notwithstanding the invalidity of any article, section, subsection, sentence, clause, phrase or portion thereof.

**SECTION 4. EFFECTIVE DATE** This Ordinance shall take effect ten (10) days after enactment as provided by the City Charter.

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Kenneth A. Poynter, Mayor

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Mickey D. Todd, City Clerk

Attachment #2

ORDINANCE NO. 2007-01

                     AN ORDINANCE TO AMEND SUBPARAGRAPH (a) OF SECTION 1.7 OF THE CODE OF ORDINANCES FOR THE CITY OF HARPER WOODS TO INCREASE FROM NINETY (90) DAYS TO NINETY-THREE (93) DAYS THE POSSIBLE TERM OF IMPRISONMENT FOR VIOLATION OF ANY CITY OF HARPER WOODS MISDEMEANOR ORDINANCES

THE CITY OF HARPER WOODS ORDAINS:

**SECTION 1.** Subparagraph (a) of Section 1.7 of the Code of Ordinances for the City of Harper Woods, “[G]eneral penalty for violations of Code and ordinances, continuing violations; violations by minors; repeat offenders,” shall be amended to read as follows:

- (a) *General Penalty.* Whenever in this Code or in any ordinance of the city an act is prohibited or is made or declared to be unlawful or an offense or misdemeanor, or wherever in such Code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, the violation of any such provision of this Code or any such ordinance shall be punishable by a fine in an amount not exceeding five hundred dollars (\$500.00) or imprisonment for a term not exceeding ninety-three (93) days, or both, except when a specific penalty is otherwise provided. Each day on which any violation of this Code or of any such ordinance shall constitute a separate offense and shall be punishable as such.

**SECTION 2. REPEAL** All other ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

**SECTION 3. SEVERABILITY** If any article, section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance, it being the intent of the Council of the City of Harper Woods that this ordinance shall stand, notwithstanding the invalidity of any article, section, subsection, sentence, clause, phrase or portion thereof.

**SECTION 4. EFFECTIVE DATE** This Ordinance shall take effect ten (10) days after enactment as provided by the City Charter.

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Kenneth A. Poynter, Mayor

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Mickey D. Todd, City Clerk

CITY OF HARPER WOODS  
CITY COUNCIL  
SEPTEMBER 5, 2007

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:30 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem Vivian M. Sawicki ,  
Councilperson(s) Hugh Marshall, Michael P. Monaghan, Daniel S. Palmer  
and John M. Szymanski.

ABSENT: Councilwoman Cheryl A. Costantino.

OTHERS PRESENT: City Manager James E. Leidlein and City Clerk Mickey D.  
Todd.

MOTION by Monaghan, SUPPORTED by Palmer:

To excuse Councilwoman Cheryl Costantino from tonight's meeting because of a prior commitment.

ABSENT: Costantino.

MOTION CARRIED

PRESENTATION

Mayor Poynter and Lieutenant Robert Hunter presented Safety Patrol Awards to the following students and certificates in recognition of being named the outstanding safety patrol person at their respective schools:

- Isabella Marie Kirck of Poupard Elementary School
- Emily Yamarino of Tyrone Elementary School

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CM 09-106-07

MINUTES

MOTION by Monaghan, SUPPORTED by Marshall:

To receive, approve and file the minutes of the regular City Council meeting held August 13, 2007, and furthermore, receive and file the minutes of the Board of Zoning Appeals held on August 8, 2007.

ABSENT: Costantino.

MOTION CARRIED

CM 09-107-07

CONSENT AGENDA

RESOLUTION by Szymanski, SUPPORTED by Monaghan:

BE IT RESOLVED to approve the following items on the Consent Agenda:

1. To approve the Accounts Payable listing for Check Numbers 81425 through 81712 in the amount of \$1,228,980.65 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.



2. Approve payment in the amount of \$28,610.91 to Grosse Pointe Woods for the City's pro-rata portion of the operating and maintenance of the Torrey Road Pumping Station for the period January 1, 2007 through June 30, 2007.
3. To approve payment to Statewide Security Transport in the amount of \$5,202.23 for prisoner lodging and maintenance for the month of July 2007.

ROLL CALL VOTE

YES: Marshall, Monaghan, Palmer, Sawicki, Szymanski and Poynter.

NO: None.

ABSENT: Costantino.

RESOLUTION ADOPTED

CM 09-108-07 MILK RIVER DRAIN - PRINCIPAL AND INTEREST PAYMENT

RESOLUTION by Marshall, SUPPORTED by Sawicki:

BE IT RESOLVED to approve payment in the amount of \$613,315.10 to Wayne County for the Milk River Drain principal and interest payments; \$444,163.43 principal and interest on the 1991 Series Bond, \$61,263.04 principal and interest on the 1992 Series Bond and \$107,888.63 principal and interest on the 1993 Series Bond.

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ROLL CALL VOTE

YES: Monaghan, Palmer, Sawicki, Szymanski, Poynter and Marshall.

NO: None.

ABSENT: Costantino.

RESOLUTION ADOPTED

CM 09-109-07

ADDENDUM TO AGENGA

MOTION by Szymanski, SUPPORTED by Monaghan:

To add to the agenda discussion and/or action on adopting the First Amendment to the Grosse Pointe Library Agreement.

ABSENT: Costantino.

MOTION CARRIED

GROSSE POINTE DISTRICT LIBRARY  
AGREEMENT FIRST AMENDMENT

RESOLUTION by Monaghan, SUPPORTED by Szymanski:

BE IT RESOLVED to approve the First Amendment to the District Library Agreement, as shown in attachment #1, between the Grosse Pointe Public School System and the City of Harper Woods, and further, authorize the Mayor to sign the Amendment. (Attachment #1)

ROLL CALL VOTE

YES: Palmer, Sawicki, Szymanski, Poynter, Marshall and Monaghan.

NO: None.

ABSENT: Costantino.

RESOLUTION ADOPTED

CALL TO COUNCIL

Mayor Poynter reminded the public that the City Open House is this Saturday between 11 a.m. and 2 p.m. He also asked Council members if they wished to purchase an ad in the Harper Woods Band Boosters' Band-O- Rama program.

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CALL TO AUDIENCE

Ms. Kindle, who lives in the Balfour Square condominiums, said that she noticed on her tax bill that she is paying a refuse tax, and asked why the condominium association is paying for separate trash pick up rather than having the City pick-up the trash. (The City Manager said that he didn't know, but would check into it and get back with her.) She then advised the City Manager that there appears to be a rodent problem in her area and asked for assistance. (The City Manager said that he would have the City Inspector check the area.)

Ms. McCarthy announced that Bishop Gumbleton will be speaking about the Iraq War at St. Ambrose Church next Monday at 7:30 p.m. She also announced some upcoming lifelong programs that St. Peter's Church will be hosting, and passed out brochures with program information.

Dr. Michael Cunningham, Chairman of South Shore High School, formerly Notre Dame High School, introduced himself and members of his staff to City Council, and informed City Council that the new school would have approximately 400-500 students and have an accelerated curriculum. The Principal, Ms. Carrie Hollaway, also introduced herself to City Council.

Mr. Wummel asked some follow up questions regarding the Johnston Park parking lot repair. He also asked what the "x's" and the dots mean that have been spray painted on the sidewalks in his neighborhood. (The City Manager said that it means the sidewalk is scheduled for replacement.) Lastly, he commented on the issue of establishing a dog park in Harper Woods, saying that our residents should use the St. Clair Shores Dog Park at Brys Park behind Walgreens..

CM 09-111-07

ADJOURNMENT

MOTION by Monaghan, SUPPORTED by Palmer:

That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 8:02 p.m.

ABSENT: Costantino.

MOTION CARRIED

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KENNETH A. POYNTER, MAYOR

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MICKEY D. TODD, CITY CLERK

CITY OF HARPER WOODS  
CITY COUNCIL  
SEPTEMBER 17, 2007

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:30 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem Vivian M. Sawicki ,  
Councilperson(s) Cheryl A. Costantino, Hugh Marshall, Michael P.  
Monaghan and John M. Szymanski.

ABSENT: Councilman Daniel S. Palmer.

OTHERS PRESENT: City Manager James E. Leidlein, City Attorney J. Russell LaBarge and City Clerk Mickey D. Todd.

CM 09-112-07

EXCUSE COUNCILMAN PALMER

MOTION by Monaghan, SUPPORTED by Costantino:

To excuse Councilman Daniel S. Palmer from tonight's meeting because of a prior commitment.

ABSENT: Palmer.

MOTION CARRIED

CM 09-113-07

MINUTES

MOTION by Monaghan, SUPPORTED by Costantino:

To receive, approve and file the minutes of the regular City Council meeting held September 5, 2007, and furthermore, receive and file the minutes of the Planning Commission meeting held August 22, 2007.

ABSENT: Palmer.

MOTION CARRIED

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CM 09-114-07

CONSENT AGENDA

RESOLUTION by Costantino, SUPPORTED by Monaghan:

BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 81713 through 81842 in the amount of \$465,855.62 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.
2. Approve payment to Nu Appearance in the amount of \$10,729.00 for contractual lawn cutting and weed maintenance in various areas of the city, including City Hall, the Library, DPW and the I-94 service drive.
3. Approve payment to Hoekstra Truck Equipment in the amount of \$7,115.00 for miscellaneous parts and carbide blades purchased for the leaf season equipment.
4. Approve payment to Bob Schomer Tree Service in the amount of \$7,450.00 for trimming trees in conjunction with the ongoing tree trimming project, for removing diseased trees in various parts of the City and for storm damage cleanup.
5. Approve payment to Anderson, Eckstein & Westrick, Inc. in the amount of \$6,467.50 for professional services during the month of August 2007 for the following projects: Johnston Park Parking Lot, #180-103; Johnston Park Tennis Courts, #180-096; Target, #180-097;

2007 Concrete Pavement Repair, #180-101 and 2007 Sewer Cleaning and TV Inspection, #180-100.

ROLL CALL VOTE

YES: Costantino, Marshall, Monaghan, Sawicki, Szymanski and Poynter.

NO: None.

ABSENT: Palmer.

RESOLUTION ADOPTED

CM 09-115-07 SALTER PARK PROPOSED LEASE FOR RECREATIONAL FACILITY

RESOLUTION by Costantino, SUPPORTED by Monaghan:

BE IT RESOLVED to receive the proposed Option to Lease Salter Park for the development of recreational and educational facilities submitted by Bertakis Development of Roseville, Michigan and refer the matter to the City Manager and City Attorney for review and recommendation.

ROLL CALL VOTE

YES: Marshall, Monaghan, Sawicki, Szymanski, Poynter and Costantino.

NO: None.

ABSENT: Palmer.

RESOLUTION ADOPTED

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Mr. Michael J. Bertakis and Mr. James Bertakis of Bertakis Development made a brief presentation regarding their proposal for Salter Park and answered any questions.

CM 09-116-07                   ORDINANCE 2007 - 02 - SECOND READING -  
ORDINANCE AMENDING CHAPTER 21 ADDING  
LANGUAGE REGARDING "MOVE IN" COSTS

RESOLUTION by Marshall, SUPPORTED by Sawicki:

BE IT RESOLVED to Place for Second Reading and Adoption Ordinance No. 2007-02 entitled "An Ordinance to Amend Chapter 21, Article 1, Section 21-9 (a) of the Code of Ordinances of the City of Harper Woods to Add Language Regarding "Move-in Costs", and further, to direct the City Clerk to publish a notice of this in accordance with City Charter requirements. (Attachment # 1)

ROLL CALL VOTE

YES: Monaghan, Sawicki, Szymanski, Poynter, Costantino and Marshall.

NO: None.  
ABSENT: Palmer.

RESOLUTION ADOPTED

CM 09-117-07

SUBURBAN MOBILITY AUTHORITY  
FOR REGIONAL TRANSPORTATION  
(SMART) SERVICE CONTRACT RENEWAL

RESOLUTION by Sawicki, SUPPORTED by Monaghan:

BE IT RESOLVED to approve the Service Contract with SMART for the City's Connector Operations covering the period from July 1, 2007 through June 30, 2008.

ROLL CALL VOTE

YES: Sawicki, Szymanski, Poynter, Costantino, Marshall and Monaghan.

NO: None.

ABSENT: Palmer.

RESOLUTION ADOPTED

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CM 09-118-07

ADOPT 2008 BUDGET SCHEDULE

MOTION by Sawicki, SUPPORTED by Monaghan:

To approve the 2008 Budget Meeting Schedule with workshops to be held at regular and special meetings on October 1, October 8, October 15 and October 22, and further, to hold a public hearing on the Budget on November 5, 2007.

ABSENT: Palmer.

MOTION CARRIED

CALL TO COUNCIL

Mayor Poynter commented on the City's Open House, which was held on September 8th, saying it was very successful. He also said that he had an opportunity to attend Sen. Martha Scott's Health

Fair at the Community Center this past Saturday, and that it was very well attended and a very nice event for Harper Woods. Lastly, he announced that Harper Woods High School will be hosting the annual Band-O-Rama at Notre Dame's football field this Sunday beginning at 11:30 a.m.

Councilman Szymanski congratulated Pointe Fitness Gym on Harper for being selected by WDIV as the best gym in metro Detroit.

#### CALL TO AUDIENCE

Mr. Bruneel announced that the Lion's Club will be hosting their Annual Pasta Dinner on Wednesday, October 17<sup>th</sup>, starting at 4 p.m. at the Community Center. Tickets are \$5 and proceeds go to the community.

Mr. Szolach asked if the City's taxpayers would see their taxes increase if the proposed development at Salter Park was approved. (The City Manager said that the proposed development would not increase taxes.) He then thanked the City for aggressively enforcing the City's high grass ordinance. Then he thanked both the Police and Fire Department's for their quick response and assistance when a power line fell in his backyard a week ago during the bad storms that passed through the city. Lastly, he commended the police department for the outstanding job of traffic enforcement that they have been doing on Beaconsfield.

Mr. Jachim, representing the Library Board, let everyone know about the new programs the

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library has to offer, and urged the public to take advantage of this service.

Mr. Wummel said that he noticed that the Grosse Pointe's televise their Council meetings and asked why Harper Woods doesn't. (The City Manager said that all the Grosse Pointe's do not televise their meetings.) He then asked if City Council would have a Town Hall meeting on the proposal to lease out Salter Park before taking action. (The Mayor said that he anticipates having such a meeting before any action is taken.) Lastly, he said that he spoke with the Superintendent of Public Works about the cost of replacing each sidewalk section, and was told that it was \$75 per section, and he asked why this information wasn't put in the letter to residents who were advised to replace sections of their sidewalk so that they could get a competitive price. (The City Manager said that he would speak to the DPW Superintendent about the matter.)

A lady asked if there was anything the City can do to make residents maintain their backyards. (The City Manager said that if our inspectors can see the violation, then the situation can be addressed.)

Mr. Kien said that the proposed development at Salter Park looks great, but he is concerned about the loss of a park if it is approved. He suggested that the plan be modified so that just the recreation facility be built and not the Wayne County Community College University Center, so that park space could be saved.

CM 09-119-07

EXECUTIVE SESSION - COLLECTIVE  
BARGAINING AND LITIGATION MATTER

RESOLUTION, SUPPORTED by:

BE IT RESOLVED to adjourn to executive session for the purpose of discussing a collective bargaining and litigation matter.

ROLL CALL VOTE

YES: Szymanski, Poynter, Costantino, Marshall, Monaghan and Sawicki.

NO: None.

ABSENT: Palmer.

RESOLUTION ADOPTED

The City Council adjourned to Executive Session at 8:18 p.m. and reconvened at 8:40 p.m.

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CM 09-120-07

ADJOURNMENT

MOTION by , SUPPORTED by :

That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 8:40 p.m.

ABSENT: Palmer.

MOTION CARRIED

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KENNETH A. POYNTER, MAYOR

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MICKEY D. TODD, CITY CLERK



Attachment #1

**ORDINANCE NO. 2007 - 02**

**AN ORDINANCE TO AMEND CHAPTER 21, ARTICLE I,  
SECTION 21-9(a) OF THE CODE OF ORDINANCES OF  
THE CITY OF HARPER WOODS TO ADD LANGUAGE  
REGARDING “MOVE IN” COSTS**

**The City of Harper Woods Ordains:**

**SECTION 1. That a second paragraph be and is hereby added to Chapter 21, Article I, Section 21-9(a) of the Code of Ordinances to read as follows:**

**Any sign for the sale of residential real estate that makes a monetary reference to the monthly purchase cost for the property must include all estimated monthly costs including:**

**Principle and Interest on the Mortgage**

Property Taxes  
Homeowner's Insurance  
Utilities (Water, Gas and Electric)  
Property Maintenance

**SECTION 2. REPEAL** All other ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

**SECTION 3. SEVERABILITY** If any article, section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance, it being the intent of the Council of the City of Harper Woods that this ordinance shall stand, notwithstanding the invalidity of any article, section, subsection, sentence, clause, phrase or portion thereof.

**SECTION 4. EFFECTIVE DATE** This Ordinance shall take effect ten (10) days after enactment as provided by the City Charter.

\_\_\_\_\_  
Kenneth A. Poynter, Mayor

\_\_\_\_\_  
Mickey D. Todd, City Clerk

CITY OF HARPER WOODS  
CITY COUNCIL  
OCTOBER 1, 2007

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:30 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem Vivian M. Sawicki , Councilperson(s) Cheryl A. Costantino, Hugh Marshall, Michael P. Monaghan, Daniel S. Palmer and John M. Szymanski.

ABSENT: None.

OTHERS PRESENT: City Manager James E. Leidlein and City Clerk Mickey D. Todd.

CM 10-121-07

MINUTES

MOTION by Monaghan, SUPPORTED by Sawicki:  
To receive, approve and file the minutes of the regular City Council meeting held September 17, 2007.

MOTION CARRIED UNANIMOUSLY

CM 10-122-07

CONSENT AGENDA

RESOLUTION by Costantino, SUPPORTED by Monaghan:

BE IT RESOLVED to approve the following items on the Consent Agenda:

1. approve the Accounts Payable listing for Check Numbers 81843 through 81969 in the amount of \$137,158.39 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.
2. approve payment to AAA Pipe Cleaning Corp. in the amount of \$15,574.63 for Progress Payment No. 1 on the 2007 Sewer Cleaning and CCTV Project.
3. approve payment to Statewide Security Transport in the amount of \$5,934.00 for prisoner lodging and maintenance for the month of August 2007.

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ROLL CALL VOTE

YES: Costantino, Marshall, Monaghan, Palmer, Sawicki, Szymanski and Poynter.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 10-123-07 MILK RIVER - 2007 OPERATION AND MAINTENANCE

RESOLUTION by Marshall, SUPPORTED by Costantino:

BE IT RESOLVED to approve payment to Wayne County in the amount of \$159,668.00 for the operation and maintenance of the Milk River Drain for the 4<sup>th</sup> quarter of FY2007.

ROLL CALL VOTE

YES: Marshall, Monaghan, Palmer, Sawicki, Szymanski, Poynter and Costantino.  
NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 10-124-07 MILK RIVER - PRINCIPAL AND INTEREST ON 1999 SERIES BOND

RESOLUTION by Monaghan, SUPPORTED by Sawicki:

BE IT RESOLVED to approve payment in the amount of \$52,341.00 to Wayne County for the Milk River Drain principal and interest payment on the 1999 Series Bond.

ROLL CALL VOTE

YES: Monaghan, Palmer, Sawicki, Szymanski, Poynter, Costantino and Marshall.  
NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 10-125-07 RESOLUTION - PARTICIPATION IN COUNTY  
OF MACOMB ENFORCEMENT TEAM ( COMET)

RESOLUTION by Sawicki, SUPPORTED by Costantino:

BE IT RESOLVED to approve the participation resolution entering into the Interlocal Governmental Agreement for the County of Macomb Enforcement Team (COMET).

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ROLL CALL VOTE

YES: Palmer, Sawicki, Szymanski, Poynter, Costantino, Marshall and Monaghan.  
NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 10-126-07 SCHEDULE TOWN HALL MEETING -  
PROPOSED DEVELOPMENT AT SALTER PARK

MOTION by Monaghan, SUPPORTED by Szymanski:  
To Schedule a Town Hall Meeting on October 22, 2007 at 7:00 p.m. to hear public comment on a proposal to redevelop Salter Park by Bertakis Development.

MOTION CARRIED UNANIMOUSLY

CALL TO COUNCIL

Mayor Pro tem Sawicki asked the City Manager what the status is of the new South Shore Academy on Kelly. (The City Manager said that the school was closed by the State because South Shore Academy failed to obtain the necessary certifications to open. He added that the Archdiocese has given the South Shore Academy representatives an order to vacate.) She then asked the City Manager if there was anything new to report on updating the vicious dog ordinance. (The City Manager said that he is attempting to get a representative from the Humane Society to serve on the committee that is reviewing the vicious dog ordinance, and once that happens he anticipates proceeding with the review and drafting a new ordinance.) Lastly, she commented on an article that appeared in the Detroit Free Press a couple of Sunday's ago which reported crime being up in Harper Woods, while Grosse Pointe Shores didn't report any crime at all, and she asked the City Manager how that could be, and asked what kind of steps are being taken to address this issue. (The City Manager said that he did not see the Free Press article that she was referring to, but that overall crime in the city is down. He added that different police agencies classify crimes differently, so uniform comparisons can not be made. He further added that with I-94 and Eastland Center, our crime rate is statistically distorted.)

Councilman Szymanski commented on the impact Eastland Center has on the city's crime statistics and the manner in which these statistics are calculated, saying that the F.B.I. uses a population of 100,000 when calculating these statistics, which distorts and inflates our crime statistics. He suggested that our Police Chief send a letter to the Free Press editor rebutting the article as a means of letting our residents and the general public know that our neighborhoods and our city is a safe place.

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Councilwoman Costantino commented on the excellent response she had when she recently had to call the police when two movers stole something from her house. She said our police department resolved the situation very quickly.

CALL TO AUDIENCE

Ms. McCarthy asked the City Manager to repeat his update on the South Shore Academy. Then she asked if the City is made aware of the sale of a school. (The City Manager said that it isn't

required.) She then urged City Council to recognize Michigan's Teacher of the Year at a future Council meeting. (Mayor Poynter said that City Council recognized her earlier this year.)

Mr. Bruneel announced that the Lion's Club will be hosting their Annual Pasta Dinner on Wednesday, October 17<sup>th</sup>, starting at 4 p.m. at the Community Center. Tickets are \$5 and proceeds go to the community.

Ms. Kindle said that she read where the City has hired a company to televise the sewers to look for damage, and said that at her condo on Fleetwood they have been having trouble with their sewer line and asked if this program would help her situation. (The City Manager said that the program would only address issues on City property and not the sewer line from the street to the house.)

Mr. Wummel said that he read where the Grosse Pointe's held an Open House over the weekend in an effort to market their community and suggested that Harper Woods partner with them on future Open Houses. He then asked if it is possible to exclude Eastland Center from our crime statistics. (The City Manager said that the law requires the report to include the whole city.) Then he commented on an effort that was made earlier this year by some residents who wanted to build a water park at Johnston Park and asked if that is still being considered. (The City Manager said that it will be discussed during Council's budget sessions.) He then said he is still interested in cul-de-sacing the streets in the southeast portion of the city as a means of combating crime. Then he urged City Council to televise the meetings so everyone in the community could keep informed about the city. Lastly, he asked how he could be more effective in working with City Council. (The City Manager explained that the City operates under a Council/Manager form of government, and that he would gladly meet with him anytime to discuss any ideas that he has to improve the community.)

Ms. McCarthy commented on how receptive and helpful the City Manager is, and suggested that anyone with ideas on improving the community meet with him.

Mr. Szolach said that he has noticed a lot of people walking pit bulls in his neighborhood lately. Then he commented on South Shore High School, saying that he went by there today and there

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were only staff members and the gas company there. He then asked how the Town Hall meeting would be publicized. (The City Manager said that a notice would be put on the City's cable channel, and he hoped the news media would also advertise the event.) Lastly, he commented on how well the Harper Woods High School football team is doing this year.

CM 10-127-07

2008 BUDGET WORKSHOP SESSION

MOTION by Monaghan, SUPPORTED by Szymanski:

To adjourn to the Budget Workshop Session.

MOTION CARRIED UNANIMOUSLY

City Council recessed at 8:25 p.m. and reconvened in the Conference Room at 8:30 p.m.

2008 BUDGET WORKSHOP SESSION

The City Manager presented City Council with a draft of the 2008 budget. No action was taken.

CM 10-128-07

ADJOURNMENT

MOTION by Monaghan, SUPPORTED by Costantino:

That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 8:48 p.m.

MOTION CARRIED UNANIMOUSLY

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KENNETH A. POYNTER, MAYOR

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MICKEY D. TODD, CITY CLERK

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:30 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem Vivian M. Sawicki ,  
Councilperson(s) Cheryl A. Costantino, Hugh Marshall, Michael P.  
Monaghan and John M. Szymanski.

ABSENT: Councilman Daniel S. Palmer.

OTHERS PRESENT: City Manager James E. Leidlein and City Clerk Mickey D.  
Todd.

CM 10-129-07

EXCUSE COUNCILMAN PALMER

MOTION by Monaghan, SUPPORTED by Sawicki:  
To excuse Councilman Daniel S. Palmer from tonight's meeting because of a prior commitment.

ABSENT: Palmer.

MOTION CARRIED

CM 10-130-07

MINUTES

MOTION by Monaghan, SUPPORTED by Sawicki:  
To receive, approve and file the minutes of the regular City Council meeting held October 1, 2007.

ABSENT: Palmer.

MOTION CARRIED

CITY OF HARPER WOODS, MICHIGAN  
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CM 10-131-07

CONSENT AGENDA

RESOLUTION by Costantino, SUPPORTED by Monaghan:

BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 81970 through 82110 in the amount of \$729,064.22 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.
2. Approve payment to Wayne County in the amount of \$8,652.88 for services performed on the tax rolls.



3. Approve payment to Nu Appearance in the amount of \$10,252.00 for contractual lawn cutting and weed maintenance in various areas of the city, including City Hall, the Library, DPW and the I-94 service drive.
4. Approve payment to Oakland County Information Technology in the amount of \$6,839.75 for fees relative to the CLEMIS computer system utilized by the Police Department.
5. Approve payment to Anderson, Eckstein & Westrick, Inc. in the amount of \$8,831.30 for professional services during the month of September 2007 for the following projects: Johnston Park Tennis Courts, #180-096; 2007 Sewer Cleaning & TV Inspections, #180-100 and the Johnston Park Parking Lot, #180-103.
6. Approve payment to the City of Grosse Pointe Farms in the amount of \$6,507.17 for Harper Woods' proportionate share of the Intermunicipal Radio System for the period January through June 2007.

ROLL CALL VOTE

YES: Costantino, Marshall, Monaghan, Sawicki, Szymanski and Poynter.

NO: None.

ABSENT: Palmer.

RESOLUTION ADOPTED

CM 10-132-07

2007 PAVEMENT JOINT AND CRACK  
SEALING, #180-104 CHANGE ORDER NO. 2

RESOLUTION by , SUPPORTED by :

BE IT RESOLVED To Authorize a change order in the amount of \$40,425.00 to Scodeller Construction Inc. for the 2005/06/07 Joint and Crack Sealing project, #180-089/094/104.

ROLL CALL VOTE

YES: Marshall, Monaghan, Sawicki, Szymanski, Poynter and Costantino.

NO: None.

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ABSENT: Palmer.

RESOLUTION ADOPTED

CM 10-133-07 GENERAL OBLIGATION UNLIMITED TAX ROAD BONDS  
1995, 1999, 2001 PRINCIPAL AND INTEREST

RESOLUTION by Marshall, SUPPORTED by Monaghan:

BE IT RESOLVED Approve payment to JP Morgan Chase in the amount of \$630,862.50 for the annual principal and interest payments on the 1995, 1999 and 2001 Tax Road Bonds and the Library Improvement Bond; \$450,550.00 principal and interest on the 1995 Series Bond; \$95,250.00 interest on the 1999 Series Bond; \$22,825.00 interest in the 2001 Series Bond and \$62,237.50 interest on the Library Improvement Bond.

ROLL CALL VOTE

YES: Monaghan, Sawicki, Szymanski, Poynter, Costantino and Marshall.

NO: None.

ABSENT: Palmer.

RESOLUTION ADOPTED

CM 10-134-07                    INTRODUCTION AND FIRST READING - AN  
ORDINANCE DESIGNATING AN ENFORCING AGENCY  
FOR THE ADMINISTRATION AND ENFORCEMENT  
OF THE STATE CONSTRUCTION CODE ACT

RESOLUTION by Szymanski, SUPPORTED by Costantino:

BE IT RESOLVED to Introduce and Place for First Reading an ordinance entitled “An Ordinance to Designate an Enforcing Agency to Discharge the Responsibility of the City of Harper Woods Located in Wayne County, under the Provisions of the State Construction Code Act, Act No. 230 of the Public Acts of 1972, as Amended,” and further, to direct the City Clerk to publish a notice of this in accordance with City Charter requirements. (Attachment #1)

ROLL CALL VOTE

YES: Sawicki, Szymanski, Poynter, Costantino, Marshall and Monaghan.

NO: None.

ABSENT: Palmer.

RESOLUTION ADOPTED

CITY OF HARPER WOODS, MICHIGAN  
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CM 10-135-07                    ESTABLISH FEE FOR PRELIMINARY  
BREATH TESTS - POLICE DEPARTMENT

RESOLUTION by Marshall, SUPPORTED by Monaghan:

BE IT RESOLVED to establish a fee of \$10.00 per day for individuals who are required by District Court 32A to obtain a Preliminary Breath Test from the Police Department.

MOTION by Marshall, SUPPORTED by Monaghan:

To amend the resolution to add “any court” and not just District Court 32A.

ABSENT: Palmer.

MOTION CARRIED

MOTION by Sawicki, SUPPORTED by Monaghan:

To amend the resolution to provide for a maximum of \$10.00 per day, per person.

ABSENT: Palmer.

MOTION CARRIED

RESOLUTION by Marshall, SUPPORTED by Monaghan:

BE IT RESOLVED to establish a fee of \$10.00 per day, per person for individuals who are required by any court to obtain a Preliminary Breath Test from the Police Department.

ROLL CALL VOTE

YES: Szymanski, Poynter, Costantino, Marshall, Monaghan and Sawicki.

NO: None.

ABSENT: Palmer.

RESOLUTION ADOPTED

CALL TO COUNCIL

The City Manager reminded the public that there will be a Town Hall meeting next Monday at 7:00 p.m. to hear public comment on a proposal to redevelop Salter Park by Bertakis Development.

Mayor Poynter encouraged the public to attend next Monday's Town Hall meeting to discuss the proposed Salter Park development, saying that the City Council needs to hear from residents

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before deciding this issue. He then asked the City Manager if he had an update regarding the closing of South Shore Academy. (The City Manager said that the City received a copy of a letter that was sent to Reverend Michael Cunningham, who represented himself as Chairman of South Shore High School, advising him that the school has not been properly licensed and regulated as required by the Revised School Code, and as such, has no authority to operate.) Then he announced that the Harper Woods High School Homecoming Parade is this Friday.

Councilman Szymanski commented on the resolution that was adopted at the last Council meeting approving an Inter-local Governmental Agreement with our Police Department and the County of Macomb Enforcement Team (COMET), and said that during the discussion some people may have

mistook the discussion leading up to the resolution to mean that we are not supported by the Wayne County Sheriff or County Executive's Office with respect to law enforcement issues. (The City Manager apologized for any misunderstanding and said that both the Sheriff's Department and the County Executive's Office are very cooperative and do assist us when requested.)

#### CALL TO AUDIENCE

Mr. Bruneel announced that the Lion's Club will be hosting their Annual Pasta Dinner on Wednesday, starting at 4 p.m. at the Community Center. Tickets are \$5 and proceeds go to the community. He then suggested that the City have a Veteran's Day ceremony this year.

Mr. Kien announced that the new Harper Woods School District will be hosting an Open House of the new High School on Thursday evening, October 25<sup>th</sup>, and everyone is invited to attend.

Ms. Kindle thanked the City Manager and the Supt. of Public Works for their quick response in dealing with a rodent problem that she was having in her neighborhood.

Mr. VanPoucher said that he has noticed an increased number of people walking in the streets and asked what the City is doing about it. (The City Manager said that the Police Department regularly tickets people for walking in the street, and encouraged him to call whenever he sees someone walking in the street.)

Mr. Wummel suggested that the City place the Town Hall meeting information on the City's outdoor informational sign.

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CM 10-136-07

2008 BUDGET WORKSHOP SESSION

MOTION by Monaghan, SUPPORTED by Marshall:  
To adjourn to the Budget Workshop Session.

ABSENT: Palmer.

MOTION CARRIED

City Council recessed at 8:01 p.m. and reconvened in the Conference Room at 8:10 p.m.

2008 BUDGET WORKSHOP SESSION

The City Manager, Finance Director and City Council reviewed and discussed the following:

- Fund Balance
- Municipal Improvement Fund
- General Fund
- Major Street Fund
- Local Street Fund
- Water/Sewer Fund
- Vehicle & Equipment Fund
- Storm Water Utility Fund
- Refuse Fund
- Library Fund
- Debt Retirement Fund
- Drug Law Enforcement
- Self Insurance Fund
- Separation Pay Reserve

CM 10-137-07

ADJOURNMENT

MOTION by Monaghan, SUPPORTED by Szymanski:

That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 8:40 p.m.

ABSENT: Palmer.

MOTION CARRIED

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KENNETH A. POYNTER, MAYOR

---

MICKEY D. TODD, CITY CLERK

## MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:30 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

### ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem Vivian M. Sawicki , Councilperson(s) Cheryl A. Costantino, Hugh Marshall, Michael P. Monaghan, Daniel S. Palmer and John M. Szymanski.

ABSENT: None.

OTHERS PRESENT: City Manager James E. Leidlein, City Attorney J. Russell LaBarge, Finance Director Laura L. Stowell and City Clerk Mickey D. Todd.

CM 11-138-07

### MINUTES

MOTION by Monaghan, SUPPORTED by Costantino:  
To receive, approve and file the minutes of the regular City Council meeting held October 15, 2007, and furthermore, receive and file the minutes of the Library Board meeting held on September 20, 2007, the Board of Trustees Employees Retirement System meeting held on October 15, 2007, and the Election Commission meeting held on October 16, 2007.

### MOTION CARRIED UNANIMOUSLY

CM 11-139-07

### CONSENT AGENDA

RESOLUTION by Costantino, SUPPORTED by Monaghan:  
BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 82111 through 82243 in the amount of \$418,296.06 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.

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2. Approve payment to Statewide Security Transport in the amount of \$5,511.53 for prisoner lodging and maintenance for the month of September 2007.
3. Approve payment to Anderson, Eckstein & Westrick, Inc. in the amount of \$27,608.15 for professional services during the month of October 2007 for the following projects: Johnston Park Tennis Courts, #180-096; Johnston Park Tennis Court Redesign, #180-096R; 2007 Sewer Cleaning and TV Inspection, #180-100 and the 2007 Pavement Joint and Crack Sealing Project, #180-104.
4. Approve payment to C & V Cement Co. in the amount of \$24,967.45 for the repair and replacement of sidewalks throughout the City in conjunction with this year's sidewalk

replacement program, and further that the city shall be reimbursed \$17,959.15 by the homeowners.

5. Approve the request to purchase a "Patches and Pumper" robot from Robotronics in the amount of \$10,425,00, and further that \$7,727.00 will be used from the remaining 2006 grant money.
6. Approve payment to Wayne County in the amount of \$6,666.17 for services performed on the tax rolls.

ROLL CALL VOTE

YES: Costantino, Marshall, Monaghan, Palmer, Sawicki, Szymanski and Poynter.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 11-140-07

OPEN PUBLIC HEARING - 2008 BUDGET

MOTION by Monaghan, SUPPORTED by Palmer:  
To open the Public Hearing on the 2008 Budget.

MOTION CARRIED UNANIMOUSLY

PUBLIC HEARING

The City Manager said that the budget before City Council has been prepared in accordance with State and local regulations, and that City Council has reviewed the budget in budget workshops. Then he reviewed the budget handout and the various funds, and answered any questions. Lastly, he recognized Finance Director Laura Stowell and his Administrative Assistant Leslie Frank for all their work in putting the budget together.

Mr. Regal asked what the City's Self Insurance Fund covers. (The City Manager said that it is

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used primarily to cover the deductibles on claims made.

CM 11-141-07

CLOSE PUBLIC HEARING - 2008 BUDGET

MOTION by Marshall, SUPPORTED by Szymanski:  
To close the Public Hearing on the 2008 Budget.

MOTION CARRIED UNANIMOUSLY

RESOLUTION by Monaghan, SUPPORTED by Szymanski:

BE IT RESOLVED to adopt the Tax Levy Resolution:

WHEREAS, Act 5 of the P.A. of 1982, as amended requires that a notice be given and that a public hearing be held and that the proposed millage rate will be a subject of review at the hearing, and

WHEREAS, The City of Harper Woods has complied with these provisions of the Act by publishing a Notice of Public Hearing in a newspaper of general circulation on October 11, 2007 and held said public hearings on November 5, 2007 and

WHEREAS, The City Council has complete authority to establish the millage rates necessary to support the City's proposed budget.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Harper Woods does hereby approve the City's tax levy for 2008 as follows:

<b>GENERAL</b>	<b>17.0332</b>
<b>REFUSE</b>	<b>2.000</b>
<b>LIBRARY</b>	<b>.9168</b>
<b>DEBT</b>	<b>2.8399</b>
<b>TOTALS</b>	<b>22.7899</b>

BE IT FURTHER RESOLVED, that the City Assessor for the City of Harper Woods is hereby directed to spread upon the Taxable Valuation of all real and State Equalized Valuation of all personal property within the corporate limits of the City of Harper Woods, the above established millage rate.

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ROLL CALL VOTE

YES: Marshall, Monaghan, Palmer, Sawicki, Szymanski, Poynter and Costantino.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY



RESOLUTION by Marshall, SUPPORTED by Monaghan:

BE IT RESOLVED to approve the Budget Adoption and Appropriation Resolution:

WHEREAS, The City Manager of the City of Harper Woods has presented to the City Council a proposed budget for the City's operating and debt funds for the period January 1, 2008, through December 31, 2008; and

WHEREAS, The proposed Budget has been reviewed and found to be in accordance with the general fiscal and budgetary policies as established by the City Council; and

WHEREAS, A Public Hearing was held on the Budget submission on November 5, 2007, at 7:30 p.m. in the City Council Chambers of the City of Harper Woods, Michigan and a public notice of this hearing was made on October 11, 2007, advising of the hearing and that a copy of the proposed budget was available for public inspection, in accordance with Section 9.3 of the City Charter; and

WHEREAS, This Budget Document is on file in the official records of the City of Harper Woods, Michigan.

NOW, THEREFORE, BE IT RESOLVED that the City Council, under the authority granted by the City Charter and the State of Michigan does hereby approve and adopt the 2008 Budget as submitted and appropriate the following sums for the purposes set forth herein:

GENERAL	\$11,837,700
MAJOR STREET	\$562,000
LOCAL STREET	\$387,500
WATER & SEWER UTILITY	\$3,472,500
VEHICLE & EQUIPMENT	\$346,580
STORM DRAIN	\$1,704,600
REFUSE COLLECTION	\$1,045,500
LIBRARY	\$467,500

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DEBT RETIREMENT	\$1,315,925
SELF INSURANCE	\$100,000
SEPARATION PAY	\$100,000
MUNICIPAL IMPROVEMENT	\$200,000
DRUG LAW ENFORCEMENT	\$22,500

ROLL CALL VOTE

YES: Monaghan, Palmer, Sawicki, Szymanski, Poynter, Costantino and Marshall.  
NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 11-144-07      2008 STORM WATER UTILITY RATE RESOLUTION

RESOLUTION by Szymanski, SUPPORTED by Monaghan:  
BE IT RESOLVED that in accordance with Chapter 27, Article V, Sections 27-120 and 27-15 of the Code of Ordinances, a rate of \$160.00 per residential equivalent unit is hereby established for the storm water utility charge to be billed December 1, 2007.

ROLL CALL VOTE

YES: Palmer, Sawicki, Szymanski, Poynter, Costantino, Marshall and Monaghan.  
NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 11-145-07      TRANSFER TO 2007 WINTER TAX ROLL -  
DELINQUENT WATER & SEWER BILLS, GRASS  
CUTTING BILLS, AND COMMERCIAL REFUSE BILLS

RESOLUTION by Sawicki, SUPPORTED by Costantino:  
BE IT RESOLVED to approve the transfer of \$61,576.21 in delinquent Water and Sewer Bills, \$41,191.00 in delinquent Grass Cutting/Snow Removal Bills, \$12,421.00 in Salt/Snow Removal, \$6001.35 in delinquent Special Pick up Bills, \$3,170.30 for Cement, \$436.00 in delinquent Commercial Refuse Bills, \$14,325.00 in Property Transfer Penalties, \$805.00 in Clean-up and \$452.64 in miscellaneous fees (total of \$140,378.50) to the 2007 Winter Tax Roll as proposed and submitted by the City Treasurer.

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ROLL CALL VOTE

YES: Sawicki, Szymanski, Poynter, Costantino, Marshall, Monaghan and Palmer.  
NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 11-146-07      SALE OF SURPLUS VEHICLES

RESOLUTION by Sawicki, SUPPORTED by Monaghan:

BE IT RESOLVED to accept the following high bids for the sale of surplus City vehicles.

Welcome Motors	2004 Ford Crown Victoria/Grey	\$3,588.00
	2004 Ford Crown Victoria/Gold	\$3,388.00
	Total	<u>\$6,976.00</u>

ROLL CALL VOTE

YES: Szymanski, Poynter, Costantino, Marshall, Monaghan, Palmer and Sawicki.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 11-147-07      CHANGE ORDERS NOS.1 & 2 - JOHNSTON PARK  
TENNIS COURT RENOVATION PROJECT #180-096

RESOLUTION by Marshall, SUPPORTED by Monaghan:

BE IT RESOLVED to approve Change Order No. 1 in the amount of \$46,131.00 and Change Order No. 2 in the amount of \$5,307.00 for the Johnston Park Tennis Court Renovation Project submitted by Cortis Brothers Trucking and Excavating.

ROLL CALL VOTE

YES: Poynter, Costantino, Marshall, Monaghan, Palmer, Sawicki and Szymanski.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

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CM 11-148-07      BID AWARD - 2007 TREE PLANTING PROGRAM

RESOLUTION by Monaghan, SUPPORTED by Costantino:

BE IT RESOLVED accept the low bid submitted by Marine City Nursery Company for the purchase of 45 trees, (Sunset Maples, Callery Pears and Norwegian Maples) in the amount of \$5,175.00.

ROLL CALL VOTE

YES: Costantino, Marshall, Monaghan, Palmer, Sawicki, Szymanski and Poynter.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 11-149-07      PROGRESS PAYMENT NO. 2 - 2007 SEWER CLEANING  
CCTV INVESTIGATION PROGRAM #180-100

RESOLUTION by Monaghan, SUPPORTED by Marshall:

BE IT RESOLVED to approve payment to AAA Pipe Cleaning Corp. in the amount of \$42,260.64 for Progress Payment No. 2 on the 2007 Sewer Cleaning and CCTV Program, #180-100.

ROLL CALL VOTE

YES: Marshall, Monaghan, Palmer, Sawicki, Szymanski, Poynter and Costantino.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 11-150-07                      ELECTION OF BOARD OF DIRECTORS - MI  
MUNICIPAL LEAGUE LIABILITY AND PROPERTY POOL

RESOLUTION by Monaghan, SUPPORTED by Palmer:

BE IT RESOLVED to cast the City's vote for the following persons to serve on the Board of Directors of the Michigan Municipal League Liability and Property Pool:

Brad Heffner - City Manager, City of Ithaca  
Michael Herman - City Manager, City of Albion  
Penny Hill - Village Manager, Village of Ontonogon  
Lester Hoogland - Mayor, City of Zeeland  
Richard Lewis - City Manager, City of Traverse City

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Richard Mack - Mayor, City of Manistee  
Richard Root - Mayor, City of Kentwood

ROLL CALL VOTE

YES: Monaghan, Palmer, Sawicki, Szymanski, Poynter, Costantino and Marshall.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CALL TO COUNCIL

The City Manager advised the Council that the City Charter requires City Council to hold an Organization meeting on the Monday following a City election, unless that date falls on a legal holiday, then it must be held on the following day. He said that this Monday, Veteran's Day is being observed so the Organizational meeting will be held on Tuesday, and because of prior building scheduling the meeting will be held at the Community Center at 8 p.m.

Mayor Poynter recognized resident John Bruneel for recently celebrating his 90<sup>th</sup> birthday. He then commented on the Harper Woods High School dedication ceremony last week saying that it was nicely done, and added that the new state-of-the-art high school is a blessing to the community. Then he commented on the High School football team being undefeated this season, and the success they have been having in the playoffs, and wished them well this Friday in their game at Blissfield. Lastly, he asked the City Manager for an update on the status of South Shore Academy. (The City Manager said that the State of Michigan has not accredited South Shore as a High School, and the Archdiocese, which owns the building that they were using, has ordered them to vacate the property because they have failed to comply with the terms of the purchase agreement.)

Mayor Pro tem Sawicki commented on a letter that City Council received from DTE advising that they will be going through Harper Woods to check for burned out street lights, and asked the City Manager who residents could call to report a light out. (The City Manager said that residents should call DTE at 800.477.4747 to report any streetlights that are out.) She then commented on a conversation that she recently had with a resident, who advised her that she heard the City Council was going to "railroad through" the proposed Salter Park development after the election, and said that she was amazed to hear this, and assured her that the park proposal has not been reviewed or decided upon, and that there is no way City Council would proceed without public feedback and a thorough review. She was emphatic about this issue, and said that there is no intention by City Council to "railroad" this proposed development through.

#### CALL TO AUDIENCE

Mr. Bruneel announced that the Harper Woods Dad's Club will be having their Annual Super

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Bowl Pancake Breakfast on February 3<sup>rd</sup>, and asked Council to start planning for it ahead of time. Lastly, he wished good luck to the incumbents in tomorrow's election.

Ms. Paiz suggested the residents may have gotten the impression that City Council is going to "railroad" through the Salter Park proposal from the article that appeared in the Eastside Advertiser.

Ms. McCarthy said that she recently read in the Free Press that property values in Oakland County are going down, and asked if Harper Woods property values are also decreasing. (The City Manager said that he anticipates values dropping by about 1%.) She then advised City Council of

an upcoming educational program that St. Peter's Adult Ed will be having where participants can learn how to navigate the Medicare web site, and asked that word of this program be spread around as it would be very beneficial to seniors and future Medicare recipients.

Mr. Szolach thanked the Police Department for their assistance in dealing with a sewer issue over the weekend. He then advised Council that the trees in front of the old High School have been cut down in preparation for demolition. Then he advised Council that the Recreation Advisory Board met earlier tonight and things there are coming along nicely. Lastly, he commented on what a great season the High School football team is having this year.

Mr. Wummel commented on the proposed Salter Park development, saying that the City should have discussed this with the residents before any plans were submitted, and urged City Council to allow the residents to vote on any development.

Ms. Paiz asked for a clarification of the proposed Salter Park development, asking if it has only gone as far as a developer submitting plans to City Council. (The Mayor said that is correct, and that no further plans have been submitted.)

CM 11-151-07

ADJOURNMENT

MOTION by Monaghan, SUPPORTED by Szymanski:

That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 8:14 p.m.

MOTION CARRIED UNANIMOUSLY

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KENNETH A. POYNTER, MAYOR

---

MICKEY D. TODD, CITY CLERK

CITY OF HARPER WOODS  
CITY COUNCIL  
NOVEMBER 13, 2007

SPECIAL MEETING MINUTES

The special City Council meeting was called to order by Mayor Kenneth A. Poynter at 8:00 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem Vivian M. Sawicki, Councilperson(s) Cheryl Costantino, Hugh Marshall, Michael P. Monaghan and Daniel S. Palmer.

ABSENT: City Councilman John M. Szymanski.

OTHERS PRESENT: City Manager James E. Leidlein and City Clerk Mickey D. Todd.

CM 11-152-07

EXCUSE COUNCILMAN PALMER

MOTION by Monaghan, SUPPORTED by Palmer:

To excuse Councilman John M. Szymanski from tonight's meeting because of a prior commitment.

ABSENT: Szymanski.

MOTION CARRIED

OATH OF OFFICE - MAYOR

The City Clerk administered the oath of office to the newly re-elected Mayor, Kenneth A. Poynter.

OATH OF OFFICE - CITY COUNCIL MEMBERS

The City Clerk administered the oath of office to the following newly re-elected Council Members: Cheryl Costantino, Hugh Marshall, Michael P. Monaghan .

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REGULAR CITY COUNCIL MEETING

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CM 11-153-07

ELECTION OF MAYOR PRO TEM

RESOLUTION by Monaghan, SUPPORTED by Marshall:

WHEREAS, Section 4.3 of the City Charter, as amended, requires the City Council to elect the Councilmember receiving the highest number of votes at the most recent City election to serve as Mayor Pro tem, and

WHEREAS, Cheryl Costantino is the Councilmember receiving the highest number of votes.

NOW, THEREFORE, BE IT RESOLVED, that the City Council does hereby elect Cheryl Costantino to the Office of Mayor Pro tem for the term expiring at the first Council meeting following the next regular City election.

ROLL CALL VOTE:

YES: Costantino, Marshall, Monaghan, Palmer, Sawicki and Poynter.

NO: None.

ABSENT: Szymanski.

RESOLUTION ADOPTED

CM 11-154-03

ADJOURNMENT

MOTION by Monaghan, SUPPORTED by Marshall:

That the agenda of the special City Council meeting having been acted upon, the meeting is hereby adjourned at 8:07 p.m.

ABSENT: Szymanski.

MOTION CARRIED

\_\_\_\_\_  
KENNETH A. POYNTER, MAYOR

\_\_\_\_\_  
MICKEY D. TODD, CITY CLERK

STATE OF MICHIGAN )

) ss.

County of Wayne )

I Kenneth A. Poynter do solemnly swear that I will support the

Constitution of the United States, and the Constitution of this State, and

that I will faithfully discharge the duties of Mayor, in and for the City

of Harper Woods, County of Wayne, and the State of Michigan,

according to the best of my ability, so help me God.

\_\_\_\_\_  
Kenneth A. Poynter

Subscribed and sworn to before me, this 13th day of



NAME: Kenneth A. Poynter

CITY COUNCIL/BOARD/COMMISSION: Mayor

TERM EXPIRES: November 9, 2009

LENGTH OF TERM: 2 Years

APPOINTED/ELECTED: Elected

ORIGINAL APPOINTMENT/ELECTED: November 10, 1997

STATE OF MICHIGAN )

) ss.

County of Wayne )

I Cheryl A. Costantino do solemnly swear that I will support the

Constitution of the United States, and the Constitution of this State, and

that I will faithfully discharge the duties of City Councilwoman, in and for

the City of Harper Woods, County of Wayne, and the State of Michigan,

according to the best of my ability, so help me God.

A. Costantino

Cheryl

Subscribed and sworn to before me, this 13th day of

NAME: Cheryl A. Costantino

CITY COUNCIL/BOARD/COMMISSION: City Council

TERM EXPIRES: November 14, 2011

LENGTH OF TERM: 4 Years

APPOINTED/ELECTED: Elected

ORIGINAL APPOINTMENT/ELECTED: November 7, 1995

STATE OF MICHIGAN )

) ss.

County of Wayne )

I Hugh Marshall do solemnly swear that I will support the

Constitution of the United States, and the Constitution of this State, and

that I will faithfully discharge the duties of City Councilman, in and for

the City of Harper Woods, County of Wayne, and the State of Michigan,

according to the best of my ability, so help me God.

\_\_\_\_\_  
Marshall

Hugh

Subscribed and sworn to before me, this 13th day of

NAME: Hugh Marshall

CITY COUNCIL/BOARD/COMMISSION: City Council

TERM EXPIRES: November 14, 2011

LENGTH OF TERM: 4 Years

APPOINTED/ELECTED: Elected

ORIGINAL APPOINTMENT/ELECTED: November 4, 1997

STATE OF MICHIGAN )

) ss.

County of Wayne )

I Michael P. Monaghan do solemnly swear that I will support the

Constitution of the United States, and the Constitution of this State, and

that I will faithfully discharge the duties of City Councilman, in and for

the City of Harper Woods, County of Wayne, and the State of Michigan,

according to the best of my ability, so help me God.

\_\_\_\_\_  
Michael P. Monaghan

Subscribed and sworn to before me, this 13th day of

NAME: Michael P. Monaghan

CITY COUNCIL/BOARD/COMMISSION: City Council

TERM EXPIRES: November 14, 2011

LENGTH OF TERM: 4 Years

APPOINTED/ELECTED: Elected

STATE OF MICHIGAN )

) ss.

County of Wayne )

I Cheryl A. Costantino do solemnly swear that I will support the

Constitution of the United States, and the Constitution of this State, and

that I will faithfully discharge the duties of Mayor Pro tem, in and for the

City of Harper Woods, County of Wayne, and the State of Michigan,

according to the best of my ability, so help me God.

\_\_\_\_\_  
Cheryl A. Costantino

Subscribed and sworn to before me, this 13th day of November 2007.

NAME: Cheryl A. Costantino

CITY COUNCIL/BOARD/COMMISSION: Mayor Pro tem

TERM EXPIRES: November 9, 2009

LENGTH OF TERM: 2 Years

APPOINTED/ELECTED: Appointed

ORIGINAL APPOINTMENT/ELECTED: November 13, 2007

CITY OF HARPER WOODS  
CITY COUNCIL  
NOVEMBER 19, 2007

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:30 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem Vivian M. Sawicki ,  
Councilperson(s) Cheryl A. Costantino, Hugh Marshall, Michael P.  
Monaghan, Daniel S. Palmer and John M. Szymanski.

ABSENT: None.

OTHERS PRESENT: City Manager James E. Leidlein, City Attorney J. Russell  
LaBarge and City Clerk Mickey D. Todd.

CM 11-155-07

MINUTES

MOTION by Monaghan, SUPPORTED by Costantino:  
To receive, approve and file the minutes of the regular City Council meeting held November 5, 2007 and the Special City Council meeting held November 13, 2007 and furthermore, receive and file the minutes of the Board of Canvassers meeting held November 7, 2007.

MOTION CARRIED UNANIMOUSLY

CM 11-156-07

CONSENT AGENDA

RESOLUTION by Costantino, SUPPORTED by Monaghan:  
BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 82244 through 82403 in the amount of \$480,431.73 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.

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2. Approve payment to Nu Appearance in the amount of \$8,953.24 for contractual lawn cutting and weed maintenance in various areas of the city, including City Hall, the Library, DPW and the I-94 service drive.
3. Approve payment to Wayne County Department of Public Health in the amount of \$11,236.00 for inspection services in the Cross Connection Control Program for the period January through September 2007.

ROLL CALL VOTE

YES: Costantino, Marshall, Monaghan, Palmer, Sawicki, Szymanski and Poynter.  
NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 11-157-07

INTRODUCTION AND FIRST READING -  
AN ORDINANCE AMENDING IDENTIFICATION  
REQUIREMENT FOR SOLICITORS

RESOLUTION by Sawicki, SUPPORTED by Monaghan:

BE IT RESOLVED to introduce and place for first reading an ordinance entitled "An Ordinance to Amend Chapter 12, Article VII, Division 2 Requiring Identification Requirements for Solicitors," and further, to direct the City Clerk to publish a notice of this in accordance with City Charter requirements. (Attachment #1)

ROLL CALL VOTE

YES: Marshall, Monaghan, Palmer, Sawicki, Szymanski, Poynter and Costantino.  
NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 11-158-07

INTRODUCTION AND FIRST READING -  
AN ORDINANCE TO CHANGE THE LANGUAGE  
GOVERNING VEHICLE IMPOUNDMENT

RESOLUTION by Sawicki, SUPPORTED by Marshall:

BE IT RESOLVED to introduce and place for first reading an ordinance entitled "An Ordinance to Amend Chapter 25, Article III of the Harper Woods City Code of Ordinances to Change the Language Governing Vehicle Impoundment," and further, to direct the City Clerk to publish a notice of this in accordance with City Charter requirements. (Attachment #2)

ROLL CALL VOTE

YES: Monaghan, Palmer, Sawicki, Szymanski, Poynter, Costantino and Marshall.  
NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 11-159-07            BID AWARD - FLAG POLES ON KELLY ROAD

RESOLUTION by Marshall, SUPPORTED by Palmer:

BE IT RESOLVED to accept the low bid submitted by Delta Construction Associates in the amount of \$14,640.00 for the purchase and installation of 6 flag poles to be erected behind each of the entrance signs to the City on Kelly Road, subject to final approval by the City Engineers.

ROLL CALL VOTE

YES: Palmer, Sawicki, Szymanski, Poynter, Costantino, Marshall and Monaghan.  
NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CALL TO COUNCIL

Mayor Poynter recognized County Commissioner Tim Killeen, who congratulated the Mayor and newly re-elected Council members. He also offered to appear before City Council from time to time to give a report on the County.

Mayor Poynter then congratulated the City Clerk for celebrating his 50<sup>th</sup> birthday. Then he wished everyone a Happy Thanksgiving.

Councilwoman Sawicki asked if leaf pick-up is going to be extended because most leaves have not fallen yet. (The City Manager said that leaf pick-up will end on November 30<sup>th</sup> and will not be extended. He added that State law prohibits the pick up of composting between December 1 and April 1.) She then said that a resident called her about a sidewalk repair by her house that appears to be abandoned and asked the City Manager to check into it. (The City Manager said that the sidewalk repair was not abandoned, but rather, all sidewalks that need to be replaced are first removed, then after they are all removed, the contractor comes back and pours the new sidewalk.) Lastly, she told the City Manager that she wanted to see agendas posted on cable television.

Councilman Marshall said that he read in the Free Press about a number of foreclosures in the

city and asked if the City or the County is responsible for collecting the unpaid taxes. (The City Manager said that the City is paid the full amount of taxes owed and that the County collects the delinquent taxes. He added that a change in the law modified the tax foreclosure time from four years to two years, which is one of the reasons more foreclosures are being seen now, and that most delinquent taxes would be paid, with the rest of the properties being auctioned off.)

#### CALL TO AUDIENCE

Mr. Bruneel announced that the Lion's Club holiday candy canes, which come from San Diego, have been delayed because of the fires there. He then wished everyone a Happy Thanksgiving.

Ms. Rutledge, who lives on Prestwick, said that she does not like the City's leaf pick-up service, and said there must be a better way to dispose of the leaves. (The City Manager said that most residents like the service, and that he is aware of only two ways to get rid of the leaves, either by curbside pick-up or by placing them in recycled bags.) She then asked who determines the late fees for water bills. (The City Manager said that City Council determines late fees.) Lastly, she wanted to know where residents could access City Ordinances. (The City Manager said that all of the City's ordinances are available on the City's website at [www.harperwoodscity.org](http://www.harperwoodscity.org).)

Mr. Szolach asked if there is anything new to report on the proposal to develop Salter Park. (The City Manager said that he had nothing new to report.) He then suggested that fees for the park shelters be increased as a way to raise revenue. Then he congratulated the newly elected Council members and wished everyone a Happy Thanksgiving. Lastly, he spoke in favor of amending the Solicitation Ordinance, citing a bad experience he recently had with some solicitors from a utility company.

Commissioner Killeen advised City Council that he recently met with the City Manager where he discussed issues between the City and the County.

Mr. Wummel asked how the content of the City Council minutes are decided, saying that he feels his comments have not been properly recorded. He specifically cited some comments that he made at previous meetings regarding grant monies for splash parks that were excluded from the minutes. (The City Manager said that the City Clerk prepares the minutes and summarizes all comments made. The City Attorney said that the law only requires actions to be recorded in the minutes, and not comments.) He asked if the tapes from the meetings were available for public review. (The City Manager said they are available to the public, and suggested that he see the City Clerk on how to access them.)



CM 11-160-07

EXECUTIVE SESSION - LABOR  
CONTRACT NEGOTIATIONS

RESOLUTION by Monaghan, SUPPORTED by Szymanski:  
BE IT RESOLVED to adjourn to executive session for the purpose of discussing labor contract negotiations.

ROLL CALL VOTE

YES: Sawicki, Szymanski, Poynter, Costantino, Marshall, Monaghan and Palmer.  
NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

The City Council adjourned to Executive Session at 8:10 p.m. and reconvened at 9:08 p.m.

CM 11-161-07

ADJOURNMENT

MOTION by Monaghan, SUPPORTED by Costantino:  
That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 9:08 p.m.

MOTION CARRIED UNANIMOUSLY

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KENNETH A. POYNTER, MAYOR

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MICKEY D. TODD, CITY CLERK

ORDINANCE NO. 2007 -

AN ORDINANCE TO AMEND CHAPTER 12,  
ARTICLE VII, DIVISION 2  
REQUIRING IDENTIFICATION REQUIREMENTS  
FOR SOLICITORS

The City of Harper Woods Ordains:

**SECTION 1.** That Section 12-218 of Chapter 12, Article VII, Division 2 of the City Code of Ordinances be and is hereby amended to read as follows:

**Sec. 12-218 Required.**

Any person shall furnish evidence of identity as required by Section 12-219 of the Code to the Chief of Police or his designee before undertaking any solicitation within the City.

**SECTION 2. REPEAL** All other ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

**SECTION 3. SEVERABILITY** If any article, section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance, it being the intent of the Council of the City of Harper Woods that this ordinance shall stand, notwithstanding the invalidity of any article, section, subsection, sentence, clause, phrase or portion thereof.

**SECTION 4. EFFECTIVE DATE** This Ordinance shall take effect ten (10) days after enactment as provided by the City Charter.

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Kenneth A. Poynter, Mayor

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Mickey D. Todd, City Clerk

ORDINANCE NO. 2007 -

AN ORDINANCE TO AMEND CHAPTER 25, ARTICLE III  
OF THE HARPER WOODS CITY CODE OF  
ORDINANCES TO CHANGE THE LANGUAGE  
GOVERNING VEHICLE IMPOUNDMENT

The City of Harper Woods Ordains:

SECTION 1. That Section 25-40 of Chapter 25, Article III of the City Code of Ordinances be and is hereby amended to read:

Sec. 25-40 REDEMPTION AND FEES.

Before the owner or person in charge of an impounded vehicle shall be permitted to remove the same from the custody of the police department, he shall furnish evidence of his identity and ownership, he shall sign a receipt and he shall pay a fee in an amount as determined from time to time by resolution of the City Council to cover the cost of removal, plus the cost of storage for a period not exceeding twenty-four (24) hours said vehicle is impounded.

SECTION 2. That Section 25-40(b) is hereby repealed.

SECTION 3. REPEAL All other ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 4. SEVERABILITY If any article, section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance, it being the intent of the Council of the City of Harper Woods that this ordinance shall stand, notwithstanding the invalidity of any article, section, subsection, sentence, clause, phrase or portion thereof.

SECTION 5. EFFECTIVE DATE This Ordinance shall take effect ten (10) days after enactment as provided by the City Charter.

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Kenneth A. Poynter, Mayor

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Mickey D. Todd, City Clerk

CITY OF HARPER WOODS  
CITY COUNCIL  
DECEMBER 3, 2007

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:30 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem Cheryl A. Costantino, Councilperson(s) Hugh Marshall, Michael P. Monaghan, Daniel S. Palmer and John M. Szymanski.

ABSENT: Councilwoman Vivian M. Sawicki.

OTHERS PRESENT: City Manager James E. Leidlein and City Clerk Mickey D. Todd.

CM 12-162-07 EXCUSE CITY COUNCILWOMAN SAWICKI

MOTION by Monaghan, SUPPORTED by Palmer:  
To excuse City Councilwoman Vivian M. Sawicki from tonight's meeting because of a prior commitment.

ABSENT: Sawicki.

MOTION CARRIED

CM 12-163-07 MINUTES

MOTION by Monaghan, SUPPORTED by Costantino:

To receive, approve and file the minutes of the regular City Council meeting held November 19, 2007, and furthermore, receive and file the minutes of the Board of Trustees Employees Retirement System meeting held November 26, 2007.

ABSENT: Sawicki.

MOTION CARRIED

CITY OF HARPER WOODS, MICHIGAN  
REGULAR CITY COUNCIL MEETING

DECEMBER 3, 2007  
PAGE 2

CM 12-164-07

CONSENT AGENDA

RESOLUTION by Costantino, SUPPORTED by Palmer:

BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 82404 through 82516 in the amount of \$450,459.46 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.
2. Approve payment to Anderson, Eckstein & Westrick, Inc. in the amount of \$27,895.05 for professional services during the month of October 2007 for the following projects: High School Project, #180-091; Johnston Park Tennis Courts, #180-096 and the 2007 Sewer Cleaning & TV Inspection, #180-100.
3. Approve payment in the amount of \$6,000.00 to Guardian Enterprises, Inc. for their assistance in repairs to the City's main sanitary line and with two main breaks.
4. Approve payment to Badger Meter, Inc. in the amount of \$6,142.00 for the purchase of water meters and supplies for water meter installation.
5. Approve payment to Statewide Security Transport in the amount of \$8,048.68 for prisoner lodging and maintenance for the month of October 2007.

ROLL CALL VOTE

YES: Costantino, Marshall, Monaghan, Palmer, Szymanski and Poynter.

NO: None.

ABSENT: Sawicki.

RESOLUTION ADOPTED

CM 12-165-07

REFUSE COLLECTION CONTRACT

RESOLUTION by Marshall, SUPPORTED by Palmer:

BE IT RESOLVED to accept the proposal from Waste Management for a one-year contract extension, through August of 2008 in the amount of \$33,370 per month for refuse collection and disposal.

ROLL CALL VOTE

YES: Marshall, Monaghan, Palmer, Szymanski, Poynter and Costantino.

NO: None.

ABSENT: Sawicki.

RESOLUTION ADOPTED

CITY OF HARPER WOODS, MICHIGAN  
REGULAR CITY COUNCIL MEETING

DECEMBER 3, 2007  
PAGE 3

CM 12-166-07      2007 SEWER CLEANING AND CCTV INVESTIGATION  
PROGRAM, #180-100 - PROGRESS PAYMENT NO. 3

RESOLUTION by Palmer, SUPPORTED by Monaghan:

BE IT RESOLVED to approve payment to AAA Pipe Cleaning Corp. in the amount of \$27,988.11 for Progress Payment No. 3 on the 2007 Sewer Cleaning and CCTV Program, #180-100.

ROLL CALL VOTE

YES: Monaghan, Palmer, Szymanski, Poynter, Costantino and Marshall.

NO: None.

ABSENT: Sawicki.

RESOLUTION ADOPTED

CALL TO COUNCIL

Mayor Poynter complimented the excellent job the Public Works did with leaf pick-up this year, saying that he received a number of compliments from residents about the leaf pick-up.

Councilman Szymanski commented on the letter City Council received from Standard & Poor's advising that they have affirmed the "A" rating for the City's finances. He added that receipt of such a rating speaks well of the City's financial management and congratulated the City Manager and Finance Director.

CALL TO AUDIENCE

Mr. Bruneel greeted City Council on behalf of the Harper Woods Goodfellows, and said that they hope to raise \$8k to help needy families in the city this year. He then wished everyone a Merry Christmas and Happy New Year.

Mr. Szolach suggested that City Council consider banning the use of trash cans and require residents to place bags only out for refuse collection, citing today's windy weather which blew all the trash cans around as a reason for the change. He added that banning the trash cans would give the city a better appearance. Lastly, he reminded City Council of the Recreation Department's Breakfast with Santa on Saturday at the Community Center.

Mr. Regal complimented Waste Management on the good job they do collecting the trash.

CITY OF HARPER WOODS, MICHIGAN  
REGULAR CITY COUNCIL MEETING

DECEMBER 3, 2007  
PAGE 4

Mr. Como, asked the City Manager if Waste Management also has the City's Recycling contract. (The City Manager said that Tringali Sanitation has the recycling contract.)

CM 12-167-07

ADJOURNMENT

MOTION by Monaghan, SUPPORTED by Szymanski:

That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 7:41 p.m.

ABSENT: Sawicki.

MOTION CARRIED

\_\_\_\_\_  
KENNETH A. POYNTER, MAYOR

\_\_\_\_\_  
MICKEY D. TODD, CITY CLERK

CITY OF HARPER WOODS  
CITY COUNCIL  
DECEMBER 17, 2007

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:30 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem Cheryl A. Costantino, Councilperson(s) Hugh Marshall, Michael P. Monaghan and Vivian M. Sawicki.

ABSENT: Councilperson(s) Daniel S. Palmer and John M. Szymanski.

OTHERS PRESENT: City Manager James E. Leidlein, City Attorney J. Russell LaBarge and City Clerk Mickey D. Todd.

CM 12-168-07

EXCUSE CITY COUNCILMEMBERS

MOTION by Monaghan, SUPPORTED by Costantino:

To excuse City Councilperson(s) Daniel S. Palmer and John M. Szymanski from tonight's meeting because of prior commitments.

ABSENT: Palmer and Szymanski.

MOTION CARRIED

CM 12-169-07

MINUTES



MOTION by Monaghan, SUPPORTED by Costantino:  
To receive, approve and file the minutes of the regular City Council meeting held December 3, 2007.

ABSENT: Palmer and Szymanski.

MOTION CARRIED

CITY OF HARPER WOODS, MICHIGAN  
REGULAR CITY COUNCIL MEETING

DECEMBER 17, 2007  
PAGE 2

CM 12-170-07

CONSENT AGENDA

RESOLUTION by Costantino, SUPPORTED by Monaghan:

BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 82517 through 82640 in the amount of \$418,844.81 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.
2. Approve payment to Badger Meter, Inc. in the amount of \$5,791.56 for the purchase of water meters and supplies for water meter installation.
3. Approve payment in the amount of \$6,149.00 to the Michigan Municipal League for membership dues covering the period February 1, 2008 through January 31, 2009.
4. Approve the request from the Shamrock Cab Company for taxicab licenses covering the cabs listed on the attached application for 2008.

ROLL CALL VOTE

YES: Costantino, Marshall, Monaghan, Sawicki and Poynter.

NO: None.

ABSENT: Palmer and Szymanski.

RESOLUTION ADOPTED

CM 12-171-07

SECOND READING AND ADOPTION -  
ORDINANCE NO. 2007-03 AN ORDINANCE DESIGNATING  
AN ENFORCING AGENCY FOR THE ADMINISTRATION  
AND ENFORCEMENT OF STATE CONSTRUCTION CODE ACT

RESOLUTION by Marshall, SUPPORTED by Monaghan:

BE IT RESOLVED to place for Second Reading and Adoption Ordinance No. 2007-03 entitled "An Ordinance to Designate an Enforcing Agency to Discharge the Responsibility of the City of Harper Woods Located in Wayne County, under the Provisions of the State Construction Code Act, Act No. 230 of the Public Acts of 1972, as Amended" and further to direct the City Clerk to publish a notice of this in accordance with City Charter requirements. (Attachment #1)

ROLL CALL VOTE

YES: Marshall, Monaghan, Sawicki, Poynter and Costantino.

NO: None.

ABSENT: Palmer and Szymanski.

RESOLUTION ADOPTED



RESOLUTION by Monaghan, SUPPORTED by Marshall:

CITY OF HARPER WOODS, MICHIGAN  
REGULAR CITY COUNCIL MEETING

DECEMBER 17, 2007  
PAGE 4

BE IT RESOLVED to renew the City's participation in the Michigan Municipal League's Liability and Property Pool for 2008 in the amount of \$239,454.00 for coverage as stated in their renewal proposal and, further that competitive bidding be waived in accordance with City policy.

ROLL CALL VOTE

YES: Poynter, Costantino, Marshall, Monaghan and Sawicki.

NO: None.

ABSENT: Palmer and Szymanski.

RESOLUTION ADOPTED

CM 12-175-07                    SCBA EQUIPMENT - GRANT PURCHASE

RESOLUTION by Marshall, SUPPORTED by Costantino:

BE IT RESOLVED to accept the proposal from Argus-Hazco of Chesterfield Township for the purchase of Scott Air-Pak SCBA Equipment in the amount of \$47,512.83 and further that competitive bidding be waived in accordance with City policy.

ROLL CALL VOTE

YES: Costantino, Marshall, Monaghan, Sawicki and Poynter.

NO: None.

ABSENT: Palmer and Szymanski.

RESOLUTION ADOPTED

CM 12-176-07                    2007 SIDEWALK REPLACEMENT PROJECT

RESOLUTION by Sawicki, SUPPORTED by Costantino:

BE IT RESOLVED to approve payment in the amount of \$36,733.87 to C & V Cement Co. for the final phase of the 2007 sidewalk replacement program.

ROLL CALL VOTE

YES: Marshall, Monaghan, Sawicki, Poynter and Costantino.

NO: None.

ABSENT: Palmer and Szymanski.

RESOLUTION ADOPTED

CALL TO COUNCIL

Mayor Poynter thanked the Department of Public Works on behalf of the City Council and the public for the outstanding job they did with snow removal the past couple of days. He added that no other community in the area compares with Harper Woods when it comes to snow removal. He then commented on how pleased he is to have the Code of Ordinances available on the City's web site for the residents to review. Lastly, he wished everyone a Merry Christmas and Happy New Year.

Councilwoman Sawicki asked the City Manager when the 2008 City calendar is coming out. (The City Manager said that it will be an insert in the December 26<sup>th</sup> edition of the Eastside Advertiser.) She then advised the City Manager of a salt truck that she saw that was in need of reflective paint.

Councilman Monaghan wished everyone a Safe and Happy Holiday season.

CALL TO AUDIENCE

Ms. Kingston said that she really appreciates the job the DPW does with snow removal, saying that no other city compares.

Mr. Bruneel wished everyone a Merry Christmas and a Happy New Year. He then reminded everyone that the Harper Woods Dad's Club will be having their annual pancake breakfast on Super Bowl Sunday, February 3<sup>rd</sup>, at the Community Center.

Ms. Paiz said that she was disappointed that the DPW did not plow her street (Hunt Club) until after 11:30 a.m. She said that her husband could tell where Harper Woods ended and Grosse Pointe started when he was driving to work. She then commented on the Amber Alert calls that residents receive, saying that she would like to see the caller ID say the call is from the Harper Woods Police Department, rather than a toll free number, and that way the call will not be ignored. (The City Manager said that he will raise this issue with the Police Chief.) Lastly, she asked how residents could find out about proposed ordinances before they are adopted. (The City Manager said that all ordinances must have a first reading at a Council meeting before they can subsequently be adopted at a second meeting thirty days later. He said that information concerning meetings and ordinances is published in the Grosse Pointe News, and minutes from those meetings, which will contain the text of any proposed ordinances, are posted at City Hall and the Library and are available to the public through the City Clerk's Office.)

Ms. Van asked who is responsible for designating internet providers. (The City Manager said that the State of Michigan regulates internet providers in Michigan, and information regarding

this can be obtained on their web site at [www.Michigan.gov](http://www.Michigan.gov). He added that Comcast is available throughout the city, and that AT&T is working on providing internet and cable service throughout the city by next spring.)

Ms. Kindle wished everyone a Merry Christmas. She then asked if the taxi cab licenses that were approved tonight were new to the city, or if they were renewals. (The City Manager said that they were renewals.) Then she asked what the penalty is for violators of the newly adopted ordinances. (The City Manager said that for all ordinances the maximum penalty is \$500 and/or 90 days in jail.)

Two residents who live on Lennon expressed concern about two group homes on their street, and the number of times the police have been to one of the houses. They cited a number of other concerns regarding those houses and asked for assistance with the situation. (The City Manager asked them to see him after the meeting so that he could get their phone numbers, and said that he would have the Police Chief contact them tomorrow to address their concerns.)

Mr. Wummel asked about the 5% increase and contract extension that was given to Waste Management at the last Council meeting, saying that he didn't see why it wasn't re-bid, and why it wasn't approved until December when the contract expired in August. (The City Manager said that he thought the contract expired next year, so it was his fault that the issue wasn't addressed until December.) He then said that he has heard of other cities negotiating a price reduction and not an increase, and asked why the Council didn't re-bid the contract?

Ms. Kindle asked for an update of Southshore Academy students being dropped off in Harper Woods. (The City Manager said that a representative from the Archdiocese advised him that students will no longer be dropped off in Harper Woods as of Thursday.)

Ms. Paiz said that she moved to Harper Woods because of affordable housing and good services, and if taxes have to be increased to maintain services, then she is for it.

Mr. Regal asked if the cars that are snowed in on the street are ticketed or towed. (The City Manager said that typically the City tries to work with residents before ticketing and towing.)

Ms. Kingston, who is a Library Board member, announced that the U.S. Green Building Council has issued the library a LEED Green Building award for its successful renovation in 2005. She added the Library received a Silver Award for exceeding the minimum specifications. She also said that the Harper Woods library is the only library in Michigan to receive this award, and thanked the City Council and the public for all their support.

Mr. Wummel asked Council to respond to his previous questions about the trash contract. (The City Manager reiterated his previous response and said that the contract will be re-bid next year.)

CM 12-177-07

ADJOURNMENT

MOTION by Monaghan, SUPPORTED by Marshall:  
That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 8:20 p.m.

ABSENT: Palmer and Szymanski.

MOTION CARRIED

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KENNETH A. POYNTER, MAYOR

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MICKEY D. TODD, CITY CLERK

ORDINANCE NUMBER 2007- 03

AN ORDINANCE TO DESIGNATE AN ENFORCING AGENCY TO  
DISCHARGE THE RESPONSIBILITY OF THE CITY OF HARPER WOODS  
LOCATED IN WAYNE COUNTY, UNDER THE PROVISIONS  
OF THE STATE CONSTRUCTION CODE ACT, ACT NO. 230  
OF THE PUBLIC ACTS OF 1972, AS AMENDED.

The City of Harper Woods ordains:

**SECTION 1. AGENCY DESIGNATED.** Pursuant to the provisions of the Michigan Building, Electrical, Mechanical and Plumbing Code, in accordance with Section 8b(6) of Act 230, of the Public Acts of 1972, as amended, the Building, Electrical, Mechanical and Plumbing Official of the City of Harper Woods is hereby designated as the enforcing agency to discharge the responsibility of the City of Harper Woods under Act 230, of the Public Acts of 1972, as amended, State of Michigan. The City of Harper Woods assumes responsibility for the administration and enforcement of said Act throughout its corporate limits.

**SECTION 2. REPEALS.** All ordinances inconsistent with the provisions of this ordinance are hereby repealed.

**SECTION 3. SEVERABILITY.** If any article, section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance, it being the intent of the Council of the City of Harper Woods that this ordinance shall stand, notwithstanding the invalidity of any article, section, subsection, sentence, clause, phrase or portion thereof.

**SECTION 4. EFFECTIVE DATE.** This Ordinance shall take effect ten (10) days after enactment as provided by the City Charter.

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Kenneth A. Poynter, Mayor

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Mickey D. Todd, City Clerk

INTRODUCTION AND FIRST READING: October 3, 2007  
SECOND READING AND ADOPTION: December 17, 2007  
PUBLISHED: December 27, 2007

ORDINANCE NO. 2007 - 04

AN ORDINANCE TO AMEND CHAPTER 25, ARTICLE III  
OF THE HARPER WOODS CITY CODE OF  
ORDINANCES TO CHANGE THE LANGUAGE  
GOVERNING VEHICLE IMPOUNDMENT

The City of Harper Woods Ordains:

SECTION 1. That Section 25-40 of Chapter 25, Article III of the City Code of Ordinances be and is hereby amended to read:

Sec. 25-40 REDEMPTION AND FEES.

Before the owner or person in charge of an impounded vehicle shall be permitted to remove the same from the custody of the police department, he shall furnish evidence of his identity and ownership, he shall sign a receipt and he shall pay a fee in an amount as determined from time to time by resolution of the City Council to cover the cost of removal, plus the cost of storage for a period not exceeding twenty-four (24) hours said vehicle is impounded.

SECTION 2. That Section 25-40(b) is hereby repealed.

SECTION 3. REPEAL All other ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 4. SEVERABILITY If any article, section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance, it being the intent of the Council of the City of Harper Woods that this ordinance shall stand, notwithstanding the invalidity of any article, section, subsection, sentence, clause, phrase or portion thereof.

SECTION 5. EFFECTIVE DATE This Ordinance shall take effect ten (10) days after enactment as provided by the City Charter.

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Kenneth A. Poynter, Mayor

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Mickey D. Todd, City Clerk



INTRODUCTION AND FIRST READING: November 19, 2007  
SECOND READING AND ADOPTION: December 17, 2007  
PUBLISHED: December 27, 2007  
EFFECTIVE DATE: December 28, 2007

Attachment #3

ORDINANCE NO. 2007 - 05

AN ORDINANCE TO AMEND CHAPTER 12,  
ARTICLE VII, DIVISION 2  
REQUIRING IDENTIFICATION REQUIREMENTS  
FOR SOLICITORS

The City of Harper Woods Ordains:

**SECTION 1.** That Section 12-218 of Chapter 12, Article VII, Division 2 of the City Code of Ordinances be and is hereby amended to read as follows:

**Sec. 12-218 Required.**

Any person shall furnish evidence of identity as required by Section 12-219 of the Code to the Chief of Police or his designee before undertaking any solicitation within the City.

**SECTION 2.** **REPEAL** All other ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

**SECTION 3.** **SEVERABILITY** If any article, section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance, it being the intent of the Council of the City of Harper Woods that this ordinance shall stand, notwithstanding the invalidity of any article, section, subsection, sentence, clause, phrase or portion thereof.

**SECTION 4.** **EFFECTIVE DATE** This Ordinance shall take effect ten (10) days after enactment as provided by the City Charter.

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Kenneth A. Poynter, Mayor

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Mickey D. Todd, City Clerk

**INTRODUCTION AND FIRST READING: November 19, 2007**  
**SECOND READING AND ADOPTION: December 17, 2007**  
**PUBLISHED: December 27, 2007**  
**EFFECTIVE DATE: December 28, 2007**

CITY OF HARPER WOODS  
CITY COUNCIL  
JANUARY 4, 2006

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:30 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Councilperson(s) Cheryl A. Costantino, Hugh Marshall, Michael P. Monaghan and Daniel S. Palmer.

ABSENT: Mayor Pro tem Vivian M. Sawicki & Councilperson John M. Szymanski.

OTHERS PRESENT: City Manager James E. Leidlein and City Clerk Mickey D. Todd.

CM 01-01-06

EXCUSE COUNCILPERSONS

MOTION by Monaghan, SUPPORTED by Costantino:

To excuse Mayor Pro tem Vivian M. Sawicki and Councilperson John M. Szymanski from tonight's meeting because of prior commitments.

ABSENT: Sawicki and Szymanski.

MOTION CARRIED

MOTION by Monaghan, SUPPORTED by Costantino:

To receive, approve and file the minutes of the regular City Council meeting held December 19, 2005, and furthermore, receive and file the minutes of the Board of Zoning Appeals meeting held on December 21, 2005.

ABSENT: Sawicki and Szymanski.

MOTION CARRIED

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REGULAR CITY COUNCIL MEETING

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RESOLUTION by Costantino, SUPPORTED by Monaghan:

BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 76006 through 76163 in the amount of \$665,684.11 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.
2. Approve payment to Anderson, Eckstein & Westrick, Inc. in the amount of \$5,038.00 for professional services during the month of November 2005 for the following projects: 2005 Pavement Joint & Crack Sealing, #180-089; 2005 General, #180-090; the High School Project, #180-091 and the 2005 Concrete Pavement Repair Project, #180-088.
3. Approve payment to Value Trends, Inc. in the amount of \$13,000.00 for their appraisal services in conjunction with the Ad valorem Appeal for Eastland Center.

ROLL CALL VOTE

YES: Costantino, Marshall, Monaghan, Palmer and Poynter.

NO: None.

ABSENT: Sawicki and Szymanski.

RESOLUTION ADOPTED

RESOLUTION by Palmer, SUPPORTED by Marshall:

BE IT RESOLVED to approve payment to Wayne County in the amount of \$163,963.25 for the operation and maintenance of the Milk River Drain for the 1<sup>st</sup> quarter of FY 2006.

ROLL CALL VOTE

YES: Marshall, Monaghan, Palmer, Poynter and Costantino.

NO: None.

ABSENT: Sawicki and Szymanski.

RESOLUTION ADOPTED

CM 01-05-06                      RESOLUTION - LABOR MEETINGS  
TO BE HELD IN CITY FACILITIES

RESOLUTION by Monaghan, SUPPORTED by Costantino:  
BE IT RESOLVED to adopt the following Resolution: The City Council of the City of Harper Woods hereby directs that all labor contract negotiations, mediations, Act 312 arbitrations, grievance arbitration hearings or sessions where the City of Harper Woods is a party to the proceedings be held in City facilities located within the City of Harper Woods unless otherwise ordered by a court of competent jurisdiction.

ROLL CALL VOTE

YES: Monaghan, Palmer, Poynter, Costantino and Marshall.

NO: None.

ABSENT: Sawicki and Szymanski.

RESOLUTION ADOPTED

CM 01-06-06                      SCHEDULE GOAL SETTING SESSIONS

MOTION by Marshall, SUPPORTED by Monaghan:  
To hold Goal Setting sessions on February 6<sup>th</sup> and February 22<sup>nd</sup> immediately following the regularly scheduled City Council meetings.

ABSENT: Sawicki and Szymanski.

MOTION CARRIED

CALL TO COUNCIL

Mayor Poynter announced that the next City Council meeting will be held on Wednesday, January 18<sup>th</sup>, instead of Monday the 16<sup>th</sup>, because the 16<sup>th</sup> is Martin Luther King Day.

Councilwoman Costantino wished everyone a Happy New Year.

Councilman Palmer commented on the shooting that occurred on Danbury Lane on New Year's Eve, asking the City Manager if the police have had previous runs to the house where the shooting occurred. (The City Manager said that the police did not have any previous calls to this house. He added that the police believe this was not a random crime, and the victim was probably set up by his killers, and that these things happen to

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people who get involved with things that they shouldn't.) Councilman Palmer then asked the City Manager if the Police Department has any guidelines for forming a Neighborhood Watch. (The City Manager said the Police Department will work with neighbors who want to start a Neighborhood Watch Program, and while the Police Department encourages Neighborhood Watch Programs, he didn't believe that the incident on Danbury Lane could have been avoided.)

CALL TO AUDIENCE

Mr. Bruneel thanked everyone for inquiring about his health while he was away. He then thanked City Council for purchasing tickets to come to the Dad's Club Pancake Breakfast on Super Bowl Sunday. Lastly, he wished everyone a Happy New Year.

CM 01-07-06

ADJOURNMENT

MOTION by Monaghan, SUPPORTED by Palmer:

That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 7:40 p.m.

ABSENT: Sawicki and Szymanski.

MOTION CARRIED

\_\_\_\_\_  
KENNETH A. POYNTER, MAYOR

\_\_\_\_\_  
MICKEY D. TODD, CITY CLERK

CITY OF HARPER WOODS  
CITY COUNCIL  
JANUARY 18, 2006

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:30 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem Vivian M. Sawicki , Councilperson(s) Cheryl A. Costantino, Michael P. Monaghan, Daniel S. Palmer and John M. Szymanski.

ABSENT: Councilman Hugh Marshall.

OTHERS PRESENT: City Manager James E. Leidlein and City Clerk Mickey D. Todd.

CM 01-08-06

EXCUSE COUNCILMAN MARSHALL

MOTION by Monaghan, SUPPORTED by Sawicki:  
To excuse Councilman Hugh Marshall from tonight's meeting because of a prior commitment.

ABSENT: Marshall.

MOTION CARRIED

CM 01-09-06

MINUTES

MOTION by Monaghan, SUPPORTED by Szymanski:

To receive, approve and file the minutes of the regular City Council meeting held January 4, 2006.

ABSENT: Marshall.

MOTION CARRIED

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CM 01-10-06

CONSENT AGENDA

RESOLUTION by Costantino, SUPPORTED by Monaghan:

BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 76164 through 76225 in the amount of \$220,515.49 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.
2. Approve payment in the amount of \$7,404.00 to Vadim Municipal Software, Inc. for the annual software and hardware maintenance agreement renewal for 2006.
3. Approve payment in the amount of \$7,500.00 to Southeast Macomb Incident Response Team for membership dues for the year 2006.
4. Approve the request from the Police Department to purchase eight (8) American Body Armor Xtreme Series ballistic raid vests with concealable carrier and two (2) extra carriers from CMP Distributors in the amount of \$6,258.00, with \$3,129.00 paid for with BVP grant funds.
5. Approve payment in the amount of \$5,741.00 to the Michigan Municipal League for membership dues covering the period February 1, 2006 through January 31, 2007.

ROLL CALL VOTE

YES: Costantino, Monaghan, Palmer, Sawicki, Szymanski and Poynter.

NO: None.

ABSENT: Marshall.

RESOLUTION ADOPTED

CM 01-11-06

PURCHASE - POLICE DEPARTMENT VEHICLE

RESOLUTION by Palmer, SUPPORTED by Costantino:

BE IT RESOLVED to approve the purchase of one (1) Ford Crown Victoria Police Interceptor vehicle from Signature Ford in the amount of \$19,765.00, to be purchased under the Macomb County Purchasing Program.

ROLL CALL VOTE

YES: Monaghan, Palmer, Sawicki, Szymanski, Poynter and Costantino.

NO: None.

ABSENT: Marshall.

RESOLUTION ADOPTED

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CM 01-12-06                      POLICE DEPARTMENT - LEASE OF IN-CAR  
VIDEO REPLACEMENT EQUIPMENT

RESOLUTION by Monaghan, SUPPORTED by Costantino:  
BE IT RESOLVED to approve the five-year lease in the amount of \$1,342.60 per month with DSS Corporation of Southfield, Michigan for ten (10) in-car video cameras and related software and equipment.

ROLL CALL VOTE

YES: Palmer, Sawicki, Szymanski, Poynter, Costantino, and Monaghan.

NO: None.

ABSENT: Marshall.

RESOLUTION ADOPTED

CM 01-13-06                      MICHIGAN MUNICIPAL LEAGUE -  
LEGISLATIVE CONFERENCE

RESOLUTION by Monaghan, SUPPORTED by Szymanski:  
BE IT RESOLVED to authorize those Council members interested to attend the Michigan Municipal League's Annual Legislative Conference on March 22, 2006, with the City paying all necessary and related expenses.

ROLL CALL VOTE

YES: Sawicki, Szymanski, Poynter, Costantino, Monaghan and Palmer.

NO: None.

ABSENT: Marshall.

RESOLUTION ADOPTED

CM 01-14-06                      PARKS AND RECREATION OFFICE -  
REPLACEMENT OF FURNACE

RESOLUTION by Monaghan, SUPPORTED by Palmer:  
BE IT RESOLVED to accept the lowest qualified bid in the amount of \$5,190.00 submitted by Reliable Energy for the removal of the oil tank furnace and replace it with an 80% gas furnace in the office and install an overhead furnace in the garage of the Recreation Department.



ROLL CALL VOTE

YES: Szymanski, Poynter, Costantino, Monaghan, Palmer and Sawicki.

NO: None.

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ABSENT: Marshall.

RESOLUTION ADOPTED

CM 01-15-06                      COMMUNITY DEVELOPMENT BLOCK GRANT  
2006 - SCHEDULE PUBLIC HEARING

MOTION by Szymanski, SUPPORTED by Monaghan:

To hold a Public Hearing on February 22, 2006 at 7:30 p.m. for the purpose of receiving public input and comment on the 2006 Community Development Block Grant Program.

ABSENT: Marshall.

MOTION CARRIED

CALL TO COUNCIL

Mayor Poynter commented on a meeting the Police Department had with the neighbors on Danbury Lane regarding the homicide that occurred there over New Year's weekend, saying that he thought the Lieutenants did an excellent job of addressing their concerns. He then said that he and the City Manager had an opportunity to tour the new Grosse Pointe Library at Vernier and Mack, and said that he was very impressed with the new facility.

Councilman Monaghan, who is the City's representative on the Grosse Pointe Clinton Refuse Authority, updated the Council on the sale of some property that the Authority owned, saying that the City will receive a share of the sale proceeds which will be approximately \$7,000. He added that the Authority is currently discussing the possibility of selling the property that the incinerator was on, but is concerned about selling it because Clinton Township, which is where the property is located, unilaterally re-zoned the property to residential which could result in additional environmental clean-up requirements. He requested that the City Attorney meet with the other attorneys involved in the proposed sale and re-zoning of the incinerator property, to determine what options are available to the Authority. (The City Manager said that he would discuss the matter with the City Attorney next week and report back.)

Mayor Pro tem Sawicki asked the City Manager if part of the incinerator property is designated a wet land. (The City Manager said that he did not believe that it has such a designation.)

Councilwoman Costantino commented on the monthly report from the Department Managers and expressed her concern about the sign ordinance needing to be amended to

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ensure that future businesses erect signs that are compatible with Harper Woods, and suggested that City Council adopt a moratorium on future signs until the sign ordinance is amended.

CM 01-16-06

ADDENDUM TO AGENDA

MOTION by Costantino, SUPPORTED by Sawicki:

To add to the agenda discussion and/or action on implementing a moratorium on issuing sign permits in areas zoned C-1 until the sign ordinance is amended.

ABSENT: Marshall.

MOTION CARRIED

CM 01-17-06 SIGN ORDINANCE MORATORIUM IN C-1 ZONED AREAS

RESOLUTION by Costantino, SUPPORTED by Sawicki:

BE IT RESOLVED to place a moratorium on issuing sign permits in areas zoned C-1 until the sign ordinance is amended.

ROLL CALL VOTE

YES: Poynter, Costantino, Monaghan, Palmer, Sawicki and Szymanski.

NO: None.

ABSENT: Marshall.

RESOLUTION ADOPTED

CALL TO COUNCIL

Councilwoman Costantino commented on the Community Development Director's comments in the December monthly report where he suggested that the City may want to establish a certificate of occupancy policy for rental properties, saying that she agrees with his comments and would like to see it done.

Mayor Pro tem Sawicki announced that St. Jude's Parish will be offering a personal security and self defense program on January 28<sup>th</sup>, and said that persons interested in attending the program could either contact St. Jude's or get more information from the City Manager, who will have a copy of the flyer announcing the program.

Councilman Szymanski said that he was in agreement with Councilwoman Costantino's comments about rental properties, and added that in order for such a policy to be successful there must be a sufficient number of City employees with our existing budget

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dollars to carry out the policy. He then asked the City Manager if the budget analysis for 2006 that was discussed earlier is on schedule to be completed by March. (The City Manager said that it is.) He then commented on an article that appeared in the Detroit papers where the Mayor of Detroit requires his aides to live in Detroit, and said that he would like to explore that policy for the City's top aides, because the community wants those people to live here. He added that this is something that should be reviewed, and he looks forward to bringing this up at the next goal setting session.

Councilwoman Costantino commented on employee residency, saying that she has read where some departments have a difficult time calling people in who don't live here, and suggested that the City give a bonus to employees who do live here as a way to encourage residency.

#### CALL TO AUDIENCE

Ms. McCarthy passed out flyers about a program that St. Peter's is sponsoring on Elder Abuse Awareness, and commented about how this is an under reported crime, and how this program is intended to shed some light on the problem. She also asked the Mayor to attend their poster recognition contest on this subject.

Ms. James asked City Council to consider adopting an ordinance prohibiting pit bulls in the city, saying that she and her husband were chased by one when they went for a walk, and now her neighbor has a big pit bull, and she is concerned that these dogs will attack her or some of the kids in the area. She then gave Council a letter requesting that they adopt such an ordinance. (The City Manager said that City Council would consider the ordinance.)

Ms. Kindle said that AFSCME was not in favor of the State changing the employee residency rule.

CM 01-18-06

#### ADJOURNMENT

MOTION by Monaghan, SUPPORTED by Szymanski:

That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 8:25 p.m.

ABSENT: Marshall.

MOTION CARRIED

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KENNETH A. POYNTER, MAYOR

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MICKEY D. TODD, CITY CLERK

CITY OF HARPER WOODS  
CITY COUNCIL  
FEBRUARY 6, 2006

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:30 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem Vivian M. Sawicki , Councilperson(s) Cheryl A. Costantino, Hugh Marshall, Michael P. Monaghan, Daniel S. Palmer and John M. Szymanski.

ABSENT: None.

OTHERS PRESENT: City Manager James E. Leidlein, City Attorney J. Russell LaBarge and City Clerk Mickey D. Todd.

CM 02-19-06

MINUTES

MOTION by Monaghan, SUPPORTED by Costantino:

To receive, approve and file the minutes of the regular City Council meeting held January 18, 2006, provided Councilman Monaghan's comments on page 4 are corrected to reflect that "the City will receive a share of the sale proceeds which will be approximately \$19,000," and furthermore, receive and file the minutes of the Board of Trustees Employees Retirement System meeting held on January 23, the Library Board meeting held on January 26, and the Planning Commission Meeting held January 26, 2006.

MOTION CARRIED UNANIMOUSLY

RESOLUTION by Monaghan, SUPPORTED by Marshall:

BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 76226 through 76452 in the amount of \$925,469.02 as submitted by the City Manager and Finance

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2. Director, and further, authorize the Mayor and City Clerk to sign the listing.
2. Approve payment to Alter Collision in the amount of \$7,542.32 for the repair of a 2001 Crown Victoria Police Vehicle, with the insurance company reimbursing us for all of this amount except for the deductible.
3. Approve payment to Knapheide Truck Equipment in the amount of \$7,859.00 for the purchase of a salt spreader, plow parts and supplies.
4. Approve the appointments to the various boards and commissions as provided by the City Clerk.

ROLL CALL VOTE

YES: Costantino, Marshall, Monaghan, Palmer, Sawicki, Szymanski and Poynter.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 02-21-06

MILK RIVER - OPERATION & MAINTENANCE

RESOLUTION by Marshall, SUPPORTED by Szymanski:

BE IT RESOLVED to approve payment to Wayne County in the amount of \$163,963.25 for the operation and maintenance of the Milk River Drain for the 2<sup>nd</sup> quarter of FY2006.

ROLL CALL VOTE

YES: Marshall, Monaghan, Palmer, Sawicki, Szymanski, Poynter and Costantino.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CALL TO COUNCIL

Mayor Poynter said that he had an opportunity a couple of weeks ago to attend a Town Hall meeting hosted by Congressman John Conyers. He said he liked the Congressman's meeting topic of "Lying, Dying and Spying," saying that the topic clearly represented the Democrat's political point of view. He then said that he attended a meeting with Governor Jennifer Granholm the following day. And finally, he said that he attended a very informative meeting with our State Senator, Martha Scott, which was held in the Council Chambers on January 30<sup>th</sup>. Lastly, he said

that he went to the Super Bowl Game yesterday, and the pre-game Winter Blast on Friday and Saturday, and said that they

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were all very enjoyable and hoped that these events will serve as a catalyst to bring people back downtown because it's such a great place.

Councilman Szymanski thanked the owner of Bellacino's Pizza & Grinders for providing City Council with complimentary samples before the meeting, saying that the food was delicious. He added that it is across from Gilbert's Lodge at 22400 Harper, and that the owner is a Harper Woods resident.

Mayor Pro tem Sawicki commented on the Town Hall Meeting that State Senator Martha Scott had at City Hall on January 30<sup>th</sup> saying that she thought that the meeting was well attended and was very informative, and she appreciated the Senator taking the time to have the meeting. Mayor Poynter added that the Senator has been very receptive to Harper Woods and its needs.

CALL TO AUDIENCE

None.

CM 02-22-06

2006 GOAL SETTING SESSION

MOTION by Szymanski, SUPPORTED by Monaghan:  
To adjourn to the Conference Room for the 2006 Goal Setting Session.

MOTION CARRIED UNANIMOUSLY

The City Council recessed at 7:38 p.m. and reconvened in the Conference Room at 7:45 p.m.

2006 GOAL SETTING SESSION

The Mayor and Council members listed the following items/issues to address for 2006:

- Budget Planning;
- Review of City Services;
- Explore possibility of purchasing Notre Dame football field and adjoining athletic field at Chandler Park Academy as an addition to Johnston Park;
- Have Ethnic Festival with Concert in the Park;

- Have a City Council Liaison on the N.C.C.J. (National Center for Community Justice)

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- Review Public Safety Concept;
- Establish residency requirement for City appointed positions, and explore providing a bonus for employees who live in the City;
- Review and amend Commercial Sign Ordinance;
- Enforce Landlord Tenant Laws;
- Kelly Road Zoning;
- Build a new Community Center, and determine what to do with the old Community Center;
- Work with School District regarding Swimming Pool/Water Park;
- Use CDBG monies for Facade improvements on Kelly Road and home improvements;
- Approach school district about using part of the old high school for a Community Center;
- Establish policies to preserve the quality of the residential area;
- Develop a philosophy on the delivery of City Services that addresses which services are fundamental, optional and desirable;
- Streets & Roads;
- Explore feasibility of having a winter ice skating rink;
- Explore feasibility of placing surveillance security cameras in the city;
- Explore feasibility of having police use DART technology for police pursuits;
- Arrange meeting with Eastland Village Apartment owners and City Council to discuss their future;
- Kelly Road Lighting;
- Headlee Override.

The City Council will prioritize the above items and further discuss each item at a future meeting.

CM 02-23-06

EXECUTIVE SESSION -  
COLLECTIVE BARGAINING MATTER

RESOLUTION by Palmer, SUPPORTED by Marshall:

BE IT RESOLVED to adjourn to Executive Session for the purpose of discussing a collective bargaining matter.

ROLL CALL VOTE

YES: Monaghan, Palmer, Sawicki, Szymanski, Poynter, Costantino and Marshall.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

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The City Council adjourned to Executive Session at 8:27 p.m. and reconvened at 8:39 p.m.

CM 02-25-06    ADDENDUM TO 2004-06 COLLECTIVE BARGAINING  
AGREEMENT WITH IAFF LOCAL 1108

RESOLUTION by Szymanski, SUPPORTED by Costantino:  
BE IT RESOLVED to approve of the Addendum to the 2004-06 Collective Bargaining Agreement with the Harper Woods Fire Fighters Association, IAFF Local 1108, as submitted by the City Manager.

ROLL CALL VOTE

YES: Palmer, Sawicki, Szymanski, Poynter, Costantino, Marshall and Monaghan.  
NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 02-24-06

ADJOURNMENT

MOTION by Monaghan, SUPPORTED by Palmer:  
That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 8:39 p.m.

MOTION CARRIED UNANIMOUSLY

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KENNETH A. POYNTER, MAYOR

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MICKEY D. TODD, CITY CLERK



CITY OF HARPER WOODS  
CITY COUNCIL  
FEBRUARY 22, 2006

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:30 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem Vivian M. Sawicki , Councilperson(s) Hugh Marshall, Michael P. Monaghan and John M. Szymanski.

ABSENT: Councilperson(s) Cheryl A. Costantino and Daniel S. Palmer.

OTHERS PRESENT: City Manager James E. Leidlein, City Attorney J. Russell LaBarge and City Clerk Mickey D. Todd.

CM 02-26-06                      EXCUSE COUNCILPERSON COSTANTINO

MOTION by Monaghan, SUPPORTED by Szymanski:  
To excuse Councilpersons Cheryl A. Costantino and Daniel S. Palmer from tonight's meeting due to prior commitments.

ABSENT: Costantino and Palmer.

MOTION CARRIED

CM 02-27-06

MINUTES

MOTION by Monaghan, SUPPORTED by Szymanski:

To receive, approve and file the minutes of the regular City Council meeting held February 6, 2006, and furthermore, receive and file the minutes of the Election Commission meeting held on February 16, 2006.

ABSENT: Costantino and Palmer.

MOTION CARRIED

CITY OF HARPER WOODS, MICHIGAN  
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CM 02-28-06

CONSENT AGENDA

RESOLUTION by Szymanski, SUPPORTED by Monaghan:

BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 76453 through 76563 in the amount of \$494,088.68 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.
2. Approve payment to Car-Bee Incorporated in the amount of \$12,365.21 for the replacement of the control modules on the City Hall boiler with an upgrade conversion of 220-volts to 110-volts.
3. Approve payment to Oakland County Information Technology in the amount of \$7,161.73 for fees relative to the CLEMIS computer system utilized by the Police Department.
4. Approve the appointment of Peter Ries to the Planning Commission with his term expiring in January of 2009.

ROLL CALL VOTE

YES: Marshall, Monaghan, Sawicki, Szymanski and Poynter.

NO: None.

ABSENT: Costantino and Palmer.

RESOLUTION ADOPTED

CM 02-29-06

2006 COMMUNITY DEVELOPMENT  
BLOCK GRANT - OPEN PUBLIC HEARING

MOTION by Sawicki, SUPPORTED by Monaghan:

To open the Public Hearing on the 2006 Community Development Block Grant.

ABSENT: Costantino and Palmer.

MOTION CARRIED

PUBLIC HEARING

The City Manager stated that the City is required to annually hold a public hearing for the proposed use of Community Development Block Grant monies, and that notice of this hearing was published as required. He then reviewed the proposed use of this year's funds and answered any questions.

Ms. McCarthy asked if representatives from Seniors for Older Citizens were supposed to make a presentation tonight regarding funding. (The City Manager said that he wasn't aware of it.) She then asked if the ten percent reduction in funding would significantly impact the existing programs. (The City Manager said that he didn't anticipate the cut to have a serious impact on the programs.)

CM 02-30-06                      2006 COMMUNITY DEVELOPMENT  
BLOCK GRANT - CLOSE PUBLIC HEARING

MOTION by Monaghan, SUPPORTED by Szymanski:  
To close the Public Hearing on the 2006 Community Development Block Grant.

ABSENT: Costantino and Palmer.

MOTION CARRIED

CM 02-31-06                      ADOPTION OF 2006 COMMUNITY  
DEVELOPMENT BLOCK GRANT PROGRAM

RESOLUTION by Marshall, SUPPORTED by Sawicki:  
BE IT RESOLVED to adopt the 2006 Community Development Block Grant Program as follows:

Administration	\$ 9,300
SOC Minor Home Repairs	\$ 33,000
Kelly Road Improvements	\$ 29,700
Pointe Area Assisted Transit Svc. (Handicapped Transportation)	<u>\$ 21,000</u>
TOTAL	<u>\$ 93,000</u>

ROLL CALL VOTE

YES: Monaghan, Sawicki, Szymanski, Poynter and Marshall

NO: None.

ABSENT: Costantino and Palmer.

RESOLUTION ADOPTED

CM 02-32-06

LIBRARY RENOVATION PROJECT -  
PROGRESS PAYMENT NO. 11

RESOLUTION by Sawicki, SUPPORTED by Monaghan:

BE IT RESOLVED to approve payment to Turner Construction Company in the amount of \$233,430.70 for Progress Payment No. 11 on the Library Renovation Project, subject to further review by the City Manager.

ROLL CALL VOTE

YES: Sawicki, Szymanski, Poynter, Marshall and Monaghan.

NO: None.

ABSENT: Costantino and Palmer.

RESOLUTION ADOPTED

CALL TO COUNCIL

Mayor Poynter commented on the favorable publicity Harper Woods has been getting with Harper Woods Olympian Angela Ruggerio receiving national and international recognition from the media for her contributions to the Women's U.S. Olympic Hockey Team. He suggested that City Council invite her to appear before them in the future and that she be recognized accordingly. (The City Manager said that he was already working to do just that.)

Councilman Monaghan commented on the sign moratorium that City Council placed on signs in C-1 Districts, and how City Council has received a legal opinion from the City Attorney indicating that the proposed changes that were being considered to the ordinance were indefensible. He suggested that in view of the Attorney's opinion that the moratorium be lifted, the matter be referred back to the Ordinance Committee for further review and action.

CM 02-33-06

ADDENDUM TO AGENDA

MOTION by Monaghan, SUPPORTED by Szymanski:

To add to the agenda discussion and/or action on lifting the sign moratorium that City Council placed on signs in Districts zoned C-1.

ABSENT: Costantino and Palmer.

MOTION CARRIED

CM 02-34-06

REMOVE SIGN MORATORIUM IN C-1 DISTRICTS

MOTION by Monaghan, SUPPORTED by Szymanski:

To remove the sign moratorium that City Council placed on signs in Districts zoned C-1, and refer the proposed amendments back to the Ordinance Committee for further review and recommendation.

ABSENT: Costantino and Palmer.

MOTION CARRIED

CALL TO COUNCIL

Councilman Marshall commented on a letter that City Council received from the Williamsburg Court Condo Association regarding a late fee that they were assessed on their water bill, and how they don't believe they should be held responsible for the late fee because their bill was damaged and held up by the Post Office, resulting in them receiving it late so that they couldn't make a timely payment. (The City Manager said that he intends on reviewing the matter).

Mayor Pro tem Sawicki announced that State Senator Martha Scott and the League of Women Voters will be sponsoring an Emergency Preparedness seminar at the Grosse Pointe War Memorial on February 28<sup>th</sup>. She also commented on the upcoming Library Board meeting next Monday where they will consider modifying their weekday hours in an effort to open on Saturday, saying that she thought that was wonderful. She also commented on what nice programs the library is offering and encouraged Council and the

public to take advantage of these programs.

Councilman Szymanski commented on the letter from the Williamsburg Court Condo Association saying that he understands the City Manager will be sending them a letter concerning the late fee on their water bill, and if their claims are correct then the late fee will be waived.

CALL TO AUDIENCE

Ms. McCarthy introduced Ms. Bonnie Frederickson from the League of Women Voters, and said that Ms. Frederickson will be the League's representative assigned to attend Harper Woods Council meetings on the third Monday of each month. She then announced that the Elder Abuse Poster Contest that was being advertised by the Lifelong Learning Center at St. Peter's has been cancelled due to a lack of participation.

Ms. Larrew, who serves on the Library Board, said that the Board was disappointed that they weren't included in any of City Council's goals in their most recent goal setting session, and asked City Council if they would consider putting a millage request for the library on this November's ballot. She also thanked Mayor Pro tem Sawicki for her nice comments about the library.

CM 02-35-06

ADJOURNMENT

MOTION by Monaghan, SUPPORTED by Szymanski:

That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 7:57 p.m.

ABSENT: Costantino and Palmer.

MOTION CARRIED

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KENNETH A. POYNTER, MAYOR

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MICKEY D. TODD, CITY CLERK

CITY OF HARPER WOODS  
CITY COUNCIL  
MARCH 6, 2006

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:30 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem Vivian M. Sawicki , Councilperson(s) Cheryl A. Costantino, Hugh Marshall, Michael P. Monaghan, Daniel S. Palmer and John M. Szymanski.

ABSENT: None.

OTHERS PRESENT: City Manager James E. Leidlein and City Clerk Mickey D. Todd.

CM 03-36-06

MINUTES

MOTION by Monaghan, SUPPORTED by Marshall:

To receive, approve and file the minutes of the regular City Council meeting held February 22, 2006.

MOTION CARRIED UNANIMOUSLY

CM 03-37-06

CONSENT AGENDA

RESOLUTION by Costantino, SUPPORTED by Monaghan:

BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 76564 through 76701 in the amount of \$847,472.37 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.





ROLL CALL VOTE

YES: Monaghan, Palmer, Sawicki, Szymanski, Poynter, Costantino and Marshall.  
NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 03-40-06

GROSSE POINTE DISTRICT LIBRARY

RESOLUTION by Monaghan, SUPPORTED by Sawicki:

BE IT RESOLVED to appoint Council members Szymanski, Palmer and Marshall to a subcommittee to review a proposal by the Grosse Pointe School District to change the Grosse Pointe Library Board from an appointed one to an elected one and provide a recommendation to the full City Council.

ROLL CALL VOTE

YES: Palmer, Sawicki, Szymanski, Poynter, Costantino, Marshall and Monaghan.  
NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CALL TO COUNCIL

Mayor Poynter commented on his attendance at a seminar on Emergency Preparedness sponsored by the League of Women Voters at the Grosse Pointe War Memorial, saying that he found the seminar informative. He added that there were representatives from the Department of Homeland Security from the County, State and Federal level who participated in the seminar, and that one of our police officers, Sergeant Robert Hunter, also participated and did a good job. Lastly, he advised the public that City Council will be hosting a welcome home reception for Harper Woods Olympian and Bronze Star Medalist Angela Ruggiero, on Wednesday, March 8<sup>th</sup> in the Council Chambers, and encouraged everyone to attend and welcome her home.

CALL TO AUDIENCE

Mr. Bruneel thanked City Council and the Administration for their support by purchasing tickets to the Lion's Club Annual Palm Sunday Pancake Breakfast. He added CITY OF

that the money raised from this breakfast is used to care for about thirty needy families in Harper Woods.

Ms. McCarthy commented on the Council sub-committee assigned to review the options of selecting Board members to the Grosse Pointe Library Board, saying that the League of Women Voters have been reviewing this issue and have found that there are a lot of pros and cons to both appointing or electing Board members. She added that the problem with electing the Board is that often people don't know who they are voting for. Lastly, she asked how long it would take the committee to complete their report. (The City Manager said that they would probably have a recommendation within sixty days.)

CM 03-41-06

2006 GOAL SETTING SESSION

MOTION by Monaghan, SUPPORTED by Palmer:  
To adjourn to the Conference Room for the 2006 Goal Setting Session.

MOTION CARRIED UNANIMOUSLY

The City Council recessed at 7:59 p.m. and reconvened in the Conference Room at 8:05 p.m.

2006 GOAL SETTING SESSION

The City Manager reviewed and discussed the goals the Council members submitted, and said that he would tally their rankings and report back.

CM 03-42-06

ADJOURNMENT

MOTION by Monaghan, SUPPORTED by Palmer:  
That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 8:23 p.m.

MOTION CARRIED UNANIMOUSLY

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KENNETH A. POYNTER, MAYOR

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MICKEY D. TODD, CITY CLERK

CITY OF HARPER WOODS  
CITY COUNCIL  
MARCH 20, 2006

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:30 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem Vivian M. Sawicki , Councilperson(s) Cheryl A. Costantino, Hugh Marshall, Michael P. Monaghan and Daniel S. Palmer.

ABSENT: Councilman John M. Szymanski.

OTHERS PRESENT: City Manager James E. Leidlein, City Attorney J. Russell LaBarge and City Clerk Mickey D. Todd.

CM 03-43-06

EXCUSE COUNCILMAN SZYMANSKI

MOTION by Monaghan, SUPPORTED by Palmer:

To excuse Councilman John M. Szymanski from tonight's meeting because of a prior commitment.

ABSENT: Szymanski.

MOTION CARRIED

CM 03-44-06

MINUTES

MOTION by Monaghan, SUPPORTED by Costantino:

To receive, approve and file the minutes of the regular City Council meeting held March 6, 2006, and furthermore, receive and file the minutes of the Library Board meeting held on February 16, 2006, and the Special Library Board meeting held on February 27, 2006.

ABSENT: Szymanski.

MOTION CARRIED

CM 03-45-06

CONSENT AGENDA

RESOLUTION by Costantino, SUPPORTED by Monaghan:

BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 76702 through 76817 in the amount of \$193,360.30 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.
2. Approve payment to the City of Grosse Pointe Farms in the amount of \$14,063.68 for Harper Woods' proportionate share of the Inter-municipal Radio System covering the period from July 1 through December 31, 2005.
3. Approve the request from the Shamrock Cab Company for (12) taxicab licenses for 2006, for the cabs as listed in the City Clerk's Office.
4. Approve the request from Harper Woods Little League to hold their annual opening day parade on Saturday, April 29, 2006, at 11:00 a.m.

ROLL CALL VOTE

YES: Costantino, Marshall, Monaghan, Palmer, Sawicki and Poynter.

NO: None.

ABSENT: Szymanski.

RESOLUTION ADOPTED

CM 03-46-06

FIRE DEPARTMENT - ADOPT FEE SCHEDULE

RESOLUTION by Monaghan, SUPPORTED by Marshall:

BE IT RESOLVED to adopt the fee schedule as prepared by the Fire Chief for inspections, tests and plan reviews. (See Attachment #1)

ROLL CALL VOTE

YES: Marshall, Monaghan, Palmer, Sawicki, Poynter and Costantino.

NO: None.

ABSENT: Szymanski.

RESOLUTION ADOPTED

CM 03-47-06 MILK RIVER - BOND INTEREST PAYMENTS 1991, 1992 & 1993

RESOLUTION by Sawicki, SUPPORTED by Costantino:

BE IT RESOLVED to approve payment in the amount of \$51,681.74 to Wayne County for the Milk River Drain interest payments; \$30,473.37 on the 1991 Series Bond, \$3,897.27 on the 1992 Series Bond and \$17,311.10 on the 1993 Series Bond.

ROLL CALL VOTE

YES: Monaghan, Palmer, Sawicki, Poynter, Costantino and Marshall.

NO: None.

ABSENT: Szymanski.

RESOLUTION ADOPTED

REPORT ON VERNIER ROAD RECONSTRUCTION PROJECT

The City Manager reported on a meeting that he attended with representatives from the City of Grosse Pointe Woods and MDOT regarding the impending reconstruction of Vernier between Harper and Mack. He said that the road work would commence in the next couple of weeks, and will continue through late September, and that the project will be a major disruption to the people who live in that area, and who use Vernier. He added that the first phase of the work will be the complete re-paving of eastbound Vernier between Harper and Mack, so that portion of Vernier will be closed off in the next couple of weeks and will remain closed until the projected completion date of mid July. He then said that after eastbound Vernier is completed, westbound Vernier will be closed between Harper and Mack, from approximately mid July through early September, when that portion of the road is completed. He said that when both east and west bound Vernier are completed then the Harper/Vernier intersection would be done, with the completion date of late September. He concluded saying that even though this will be a major disruption to the area, he would keep the residents informed with a weekly progress report.

CALL TO COUNCIL

Mayor Poynter commented on Olympian Angela Ruggiero making an appearance at City Hall, saying that over one-hundred people came to meet and congratulate her on winning a Bronze Medal in the 2006 Winter Games. He also commented on the Boards and Commissions Dinner that was held last week, saying that it was very nice. Lastly, he announced that the Harper Woods Little League will be having their Annual Dinner

Dance on Saturday, April 1<sup>st</sup> at 6:30 p.m. at the Barrister House.

Councilman Monaghan commented on legislation that State Senator Toy is offering that would create a Regional Advisory Board that would provide oversight to Detroit's Water Board, and he suggested that City Council adopt a resolution supporting this legislation to show resident's that Council is sensitive to increased water costs and residents concerns of a lack of oversight.

CM 03-48-06

ADDENDUM TO AGENDA

MOTION by Monaghan, SUPPORTED by Costantino:

To add to the agenda discussion and/or action on adopting a resolution in support of Michigan Senate Bill 372, which if adopted, would establish a regional Water Accountability Advisory Board to review the activities of the Detroit Water and Sewage Department and to make recommendations for suggested improvements.

NO: Sawicki.

ABSENT: Szymanski.

MOTION CARRIED

CM 03-49-06    RESOLUTION - IN SUPPORT OF MICHIGAN SENATE BILL 372  
ESTABLISHING A REGIONAL WATER ADVISORY BOARD

RESOLUTION by Monaghan, SUPPORTED by Costantino:

BE IT RESOLVED to adopt a resolution in support of Michigan Senate Bill 372, which if adopted, would establish a regional Water Accountability Advisory Board to review the activities of the Detroit Water and Sewage Department and to make recommendations for suggested improvements, and furthermore, direct the City Clerk to send a copy of this resolution to State Senator Martha Scott and State Representative Ed Gaffney.

ROLL CALL VOTE

YES: Palmer, Sawicki, Poynter, Costantino, Marshall and Monaghan.

NO: None.

ABSENT: Szymanski.

RESOLUTION ADOPTED

CALL TO COUNCIL

Councilman Monaghan commented on the shooting that occurred in the city last week, saying that it was very unfortunate, and that it was his understanding that even if we would have had more police on patrol, they would not have been able to stop this particular situation. He added that regardless of this situation, he would still like to see an increased police presence in the city so that criminals will not think that they can get away with a crime in Harper Woods. The Mayor pointed out that one of Council's goals this year is to review all of our services, and hopefully this matter can be addressed.

Mayor Pro tem Sawicki commented on the public announcements on cable channel 22, saying that some communities are posting a large number of announcements, resulting in residents having to wait a long time to see their announcements. She suggested that the communities that share channel 22 establish a policy so that announcements can be seen quicker. (The City Manager said that there is a policy of a maximum ten announcements per community, but it sounds like they have gotten away from it, so he would remind them of it at their next joint meeting.)

CALL TO AUDIENCE

Ms. McCarthy advised City Council and the residents about some upcoming programs that St. Peter's Church is sponsoring regarding elder abuse, and other inter-generational programs.

A gentleman who lives on Lennon complained about a problem he is having with one of his neighbors, and asked City Council for help. (The City Manager suggested that he meet with Lt. Skotarczyk after the meeting and he would assist him.)

Ms. Kindle thanked City Council for hosting the Board's and Commission's Dinner. She then asked if the cab licenses that were approved at tonight's meeting were just for Shamrock Cab. (The City Manager said they were just for Shamrock Cab.) Then she commented on the resolution Council adopted in support of Senator Toy's legislation to create a regional water authority, saying that the Senator is anti-Detroit, and that the legislation would be costly to implement and would not make the existing water board more accountable. She added that the Detroit Water Board is already being over seen by the Federal government. Lastly, she commented on the need for residents in the city to know who their neighbors are and be aware of what's going on in their neighborhood, and when something is being done that affects the quality of life in their neighborhood, then it needs to be reported to the proper authorities.

CM 03-50-06

ADJOURNMENT

MOTION by Monaghan, SUPPORTED by Costantino:

That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 8:18 p.m.

ABSENT: Szymanski.

MOTION CARRIED

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KENNETH A. POYNTER, MAYOR

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MICKEY D. TODD, CITY CLERK



## CITY OF HARPER WOODS

Fire Department Fee Schedule

Change of Occupancy Inspections (As indicated by Building Department)	\$60.00
Roof Tar-Kettle Operation/Torch cutting demo	\$60.00
Annual Fire Inspections -	No Charge
Re-Inspection #1	No Charge
Re-Inspection #2	\$75.00
Re-Inspection #3	\$100.00
Building Plan Review for Life Safety Code (As indicated by Building Department)	\$200.00 per 10,000 square feet (minimum fee \$200)
Fire Sprinkler Plan Review (Required for new and modified systems)	\$200.00 per 10,000 square feet (minimum fee \$200)
Fire Sprinkler Hydrostatic Test (Required for new and modified systems)	\$60.00
Fire Sprinkler Flow Test (Required for new and modified systems)	\$60.00
Fire Suppression System "Puff" test (Required for new and modified systems)	\$60.00
Fire Alarm Plan Review (Required for new and modified systems)	\$100.00 per floor
Fire Alarm Test (Required for new and modified systems)	\$60.00
Kitchen Hood System	\$200.00

Adopted March 20, 2006

CITY OF HARPER WOODS  
CITY COUNCIL  
APRIL 3, 2006

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:30 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem Vivian M. Sawicki, Councilperson(s) Cheryl A. Costantino, Hugh Marshall, Michael P. Monaghan, Daniel S. Palmer and John M. Szymanski.

ABSENT: None.

OTHERS PRESENT: City Manager James E. Leidlein and City Clerk Mickey D. Todd.

CM 04-51-06

MINUTES

MOTION by Monaghan, SUPPORTED by Sawicki:

To receive, approve and file the minutes of the regular City Council meeting held March 20, 2006, and furthermore, receive and file the minutes of the Planning Commission meeting held on March 22, 2006 and the Board of Trustees Employee Retirement System meeting held on March 27, 2006.

MOTION CARRIED UNANIMOUSLY

CM 04-52-06

CONSENT AGENDA

RESOLUTION by Monaghan, SUPPORTED by Costantino:

BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 76818 through 76925 in the amount of \$523,379.42 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.

2. Approve payment in the amount of \$7,589.82 to Wayne County for the Milk River Drain interest payment on the 1999 Series Bond.
3. Approve the proposal from Reliable Fencing Company in the amount of \$7,100.00 for the removal and replacement of a backstop and for the installation of an 8' chain link fence at Beacon School.
4. Approve payment to Wayne County in the amount of \$5,159.88 for services performed on the tax rolls.

ROLL CALL VOTE

YES: Costantino, Marshall, Monaghan, Palmer, Sawicki, Szymanski and Poynter.  
NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 04-53-06

PURCHASE - POLICE VEHICLES

RESOLUTION by Costantino, SUPPORTED by Marshall:

BE IT RESOLVED to approve the purchase of two (2) 2006 Ford Crown Victoria vehicles in the amount of \$39,530.00 through the Oakland County Extended Purchasing Agreement, and further, in that these vehicles were competitively bid by Oakland County that the City's formal competitive bidding process be waived.

ROLL CALL VOTE

YES: Marshall, Monaghan, Palmer, Sawicki, Szymanski, Poynter and Costantino.  
NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CALL TO COUNCIL

Mayor Poynter said that he had the privilege of presenting two local businesses, Lowe's and Doggie Scoops, with Senior Friendly Awards on behalf of the Services for Older Citizens at the War Memorial yesterday. He said that it was a very nice event and that he was proud of both businesses for being so helpful to our seniors. He then announced that the Annual Mayor's Prayer Breakfast will be held on Thursday, May 4<sup>th</sup> at the Grosse Pointe Yacht Club, and this year's speakers will be Democrat Hansen Clark and Republican John Molanar. He added that proceeds from the Mayor's Breakfast are

awarded to area high school students in the form of a scholarship.

Mayor Pro tem Sawicki commented on a resolution that City Council received from the City of Lincoln Park urging the State to increase Revenue Sharing to local governments, and suggested that Harper Woods adopt a similar resolution. (The Mayor and City Council agreed, and the City Manager was directed to prepare a resolution for the next meeting.) She then commented on a copy of a letter that Commissioner Cavanagh sent to County Executive Robert Ficano, requesting that \$25,000 be appropriated to the City for the Harper Woods Veterans Memorial, asking the City Manager if he has heard anything about receiving this money. (The City Manager said that he has not received any additional information about this request.) She then asked the City Manager if he has heard anything from the County Executive's Office about the \$225,000 Park Grant application that the City applied for last year. (The City Manager said that he hasn't heard anything about the application.)

Councilman Szymanski said that Harper Woods was one of the first communities to apply for the County Park Grant last year.

#### CALL TO AUDIENCE

Mr. Campbell said that as a life resident, he is aware of a discussion that took place when the city was being formed on whether to name the city Harper Woods or Grosse Pointe Heights, and he asked City Council to consider putting on this November's ballot a request to change the City's name from Harper Woods to Grosse Pointe Heights. He added that he knows that when Eastpointe changed their name, it increased property values, and he feels that that could happen here. (The City Manager said that changing the name of the City would require a charter amendment and the only way to amend the charter would be by a vote of the residents, and it could be placed on the ballot by either City Council, or a petition by residents.)

Mr. Szolach asked if the school district is paying the police officer that is assigned to the high school, and commented on the recent incident with the students on Beaconsfield, saying that the school administration needs to be outside after school watching the kids like previous administrators did. (The City Manager said that the officer at the school is walking the area that he's assigned to rather than driving it.) Mr. Szolach then congratulated the police department for the fine job they did with the incident on Elkhart and with the after school incident on Beaconsfield.

Mr. Bruneel said that he heard the Police Chief had retired, and asked if that was true, and if so, will he be having a retirement party. (The City Manager said that the Chief

did retire, and that he preferred to leave quietly, so there won't be a party.) He then reminded City Council that the Lion's Club Pancake breakfast is this Sunday at the Community Center.

Ms. Kindle said that she saw a large SMART bus driving down her street, and asked the City Manager to check it out because a bus that large should not be driving down a residential street. (The City Manager said that he would look into the matter, and let her know what he finds out.) She then asked him if the City has a rental inspection ordinance, and if so, is it enforced rigorously. (The City Manager said that the City does have a rental inspection ordinance, and it is enforced.) She added that River Rouge has an effective rental ordinance and their housing stock is kept up.

CM 04-54-06

ADJOURNMENT

MOTION by Monaghan, SUPPORTED by Palmer:

That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 7:50 p.m.

MOTION CARRIED UNANIMOUSLY

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KENNETH A. POYNTER, MAYOR

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MICKEY D. TODD, CITY CLERK

CITY OF HARPER WOODS  
CITY COUNCIL  
APRIL 17, 2006

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:30 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem Vivian M. Sawicki , Councilperson(s) Hugh Marshall, Michael P. Monaghan and John M. Szymanski.

ABSENT: Councilpersons Cheryl A. Costantino and Daniel S. Palmer.

OTHERS PRESENT: City Manager James E. Leidlein, City Attorney J. Russell LaBarge and City Clerk Mickey D. Todd.

CM 04-55-06

EXCUSE COUNCILPERSONS

MOTION by Monaghan, SUPPORTED by Szymanski:

To excuse Councilpersons Cheryl A. Costantino and Daniel S. Palmer from tonight's meeting because of a prior commitment.

ABSENT: Costantino and Palmer.

MOTION CARRIED

CM 04-56-06

MINUTES

MOTION by Monaghan, SUPPORTED by Marshall:

To receive, approve and file the minutes of the regular City Council meeting held April 3, 2006, and furthermore, receive and file the minutes of the Library Board meeting held on, March 16, 2006 and the Board of Review meeting held on March 20, 2006.

ABSENT: Costantino and Palmer.

MOTION CARRIED

CM 04-57-06

CONSENT AGENDA

RESOLUTION by Monaghan, SUPPORTED by Szymanski:

BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 76927 through 77038 in the amount of \$444,966.45 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.

ROLL CALL VOTE

YES: Marshall, Monaghan, Sawicki, Szymanski and Poynter.

NO: None.

ABSENT: Costantino and Palmer.

RESOLUTION ADOPTED

CM 04-58-06

GENERAL OBLIGATION UNLIMITED TAX ROAD  
BONDS & LIBRARY BONDS - PRINCIPAL & INTEREST

RESOLUTION by Szymanski, SUPPORTED by Marshall:

BE IT RESOLVED to approve payment to JP Morgan Institutional Trust Services in the amount of \$60,150.00 for the annual interest payment on the 1995 Series Bond, principal and interest in the amount of \$202,750.00 on the 1999 Series Bond, principal and interest in the amount of \$127,125.00 on the 2001 Series Bond and principal and interest in the amount of \$114,737.50 on the Library Improvement Bond.

ROLL CALL VOTE

YES: Monaghan, Sawicki, Szymanski, Poynter and Marshall.

NO: None.

ABSENT: Costantino and Palmer.

RESOLUTION ADOPTED

CM 04-59-06 RESOLUTION ADOPTING WAYNE COUNTY MITIGATION PLAN

RESOLUTION by Sawicki, SUPPORTED by Monaghan:

BE IT RESOLVED to adopt the Hazard Mitigation Plan as provided by Wayne County's Department of Homeland Security and Emergency Management. (Attachment #1)

ROLL CALL VOTE

YES: Sawicki, Szymanski, Poynter, Marshall and Monaghan.

NO: None.

ABSENT: Costantino and Palmer.

RESOLUTION ADOPTED

CM 04-60-06

RESOLUTION - STATE REVENUE SHARING

RESOLUTION by Marshall, SUPPORTED by Monaghan:

BE IT RESOLVED to adopt the resolution urging the State of Michigan to increase local revenues collected by the State and distributed under the Revenue Sharing Act, and further to direct that copies of this resolution be forwarded to Governor Granholm, Senator Scott, Representative Gaffney, the Michigan Municipal League and all surrounding communities. (Attachment #2)

ROLL CALL VOTE

YES: Szymanski, Poynter, Marshall, Monaghan and Sawicki.

NO: None.

ABSENT: Costantino and Palmer.

RESOLUTION ADOPTED

CALL TO COUNCIL

Mayor Poynter announced that the Annual Mayor's Prayer Breakfast will be held on Thursday, May 4<sup>th</sup> at the Grosse Pointe Yacht Club, and this years' speakers will be two State Representatives. He added that proceeds from the Mayor's Breakfast are awarded to area high school students in the form of a scholarship. He also announced that the Harper Woods Little League Parade will be on Saturday, April 29<sup>th</sup> at 11 a.m. on Beaconsfield. He then commented on recent request from one resident to change the name of Harper Woods to Grosse Pointe Heights, and the subsequent news media coverage it has generated. He said that the name change issue took City Council by surprise, and that the accompanying news coverage turned into a national media frenzy and wondered if the media was reporting a story or creating a story, with the net effect being that the City is the butt of a national joke. He added that as a life long resident

he doesn't believe there is a need for a name change because of the rich history that Harper Woods has. He then talked about the City's history and how it got the name saying that Harper came from Walter Harper, who was the founder of Harper Hospital in Detroit, and Woods came from the fact that the area was heavily wooded. He also



talked about the relationship Harper Woods has with the Grosse Pointes, saying that they have always been good neighbors and that we share a number of services together like mutual aid pacts, school districts and many other services. He said that it's not the name of a community that's important, but what the community is all about, and with the City's excellent services and the "I care" attitude of the residents, there isn't a need for a name change. He concluded saying that City leaders and residents should direct their time to more important issues like addressing our budget shortfall and maintaining City services.

The City Manager commented on an article that appeared in today's Detroit Free Press which quoted him as saying that discussing or implementing a "Public Safety Department" was a priority item for the City this year, saying that he was quoted incorrectly and that his comment was that getting the City's budget in order was a priority item this year.

Councilman Szymanski said that he thought the Mayor's comments covered the City's name change issue. He did however, say that he was surprised by the media spectacle since the name change issue was raised by one person at the last Council meeting, and that City Council wasn't given any time to evaluate the issue like they would with other issues. He added that when the request to change the City's name was brought up at the meeting, not one resident addressed the issue, and that since then everyone that he has spoken to is opposed to it. He said that there are more important issues facing our residents like quality of life issues, budget issues and maintaining our City services. Additionally, he said that it is his understanding that when East Detroit changed their name to Eastpointe it was costly and had no appreciable affect. Lastly, he said that City Council has always seriously deliberated any issue brought forward brought by residents, and will continue to do so.

Councilman Marshall said that he has been on City Council for nine years and has never heard of anyone interested in a name change, and that his phone hasn't rung once since this issue has been brought up, so he is in favor of keeping the City's name as it is.

Mayor Pro tem Sawicki said that City Council was surprised by the response the name change issue had. She added that she was startled to see that one person had that much power to bring an issue forward, and that a number of residents have approached her about the name change saying that "you've got to be kidding." She said that it's unfortunate that this issue happened this way, but reminded residents that City Council always welcomes their opinions.

Councilman Monaghan said that he has lived here a number of years, and thinks that the name is just fine as it is.

Mayor Poynter said that nobody has come to him supporting the name change.

CM 04-61-06

ADDENDUM TO AGENDA

MOTION by Szymanski, SUPPORTED by Marshall:

To add to the agenda discussion and/or action on placing a ballot proposal before the voters in the November General election to rename the City of Harper Woods to Grosse Pointe Heights.

Absent: Costantino and Palmer.

MOTION CARRIED

CM 04-62-06

BALLOT PROPOSAL TO CHANGE CITY'S NAME

RESOLUTION by Szymanski, SUPPORTED by Monaghan:

BE IT RESOLVED not to place a ballot proposal before the voters in the November General Election to rename the City of Harper Woods to Grosse Pointe Heights.

ROLL CALL VOTE

YES: Poynter, Marshall, Monaghan, Sawicki and Szymanski.

NO: None.

ABSENT: Costantino and Palmer.

RESOLUTION ADOPTED

The City Manager said that Councilman Palmer asked him to relay his sentiments regarding this issue, saying that he would like the name of the City to stay as it is.

CALL TO AUDIENCE

Mr. Bruneel said that he concurs with the comments and action City Council took regarding the name change proposal. He then announced that there was a distinguished visitor at tonight's meeting, Mr. Vinnie Scalabrino, Naval Petty Officer, who is scheduled for overseas deployment in June.

Mr. Scalabrino, thanked City Council for the recognition, and said that while he was in Virginia he read on the internet that Harper Woods was considering a name change, so he decided to come to a meeting when he came home to let City Council know that he's

opposed to changing the name. He added that everyone he knows is opposed to the name change.

Mr. Mills said that he is a proud citizen of Harper Woods, and asked if race is playing a major roll in the name change issue. (Mayor Poynter suggested that he ask that question of the person who wants the name change.)

Ms. Scalabrino said that she was opposed to the name change.

Ms. Rutledge said that she was opposed to the name change.

CM 04-63-06

ADJOURNMENT

MOTION by Monaghan, SUPPORTED by Szymanski:

That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 8:12 p.m.

ABSENT: Costantino and Palmer.

MOTION CARRIED

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KENNETH A. POYNTER, MAYOR

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MICKEY D. TODD, CITY CLERK

CITY OF HARPER WOODS  
CITY COUNCIL RESOLUTION

WAYNE COUNTY HAZARD MITIGATION PLAN

WHEREAS, the mission of Harper Woods includes the charge to protect the health, safety, and general welfare of the people of Harper Woods; and

WHEREAS, Harper Woods, Michigan is subject to flooding, tornadoes, winter storms, and other natural, technological, and human hazards; and

WHEREAS, the Wayne County Hazard Mitigation Plan Advisory Committee, comprised of representatives from the County, municipalities, and stakeholder organizations, has prepared a recommended Hazard Mitigation Plan that reviews the options to protect people and reduce damage from these hazards; and

WHEREAS, the Wayne County Department of Homeland Security, with the Wayne County Hazard Mitigation Plan Advisory Committee, has developed the WAYNE COUNTY HAZARD MITIGATION PLAN (the "Plan") as an official document of the County and establishing a County Hazard Mitigation Coordinating Committee, pursuant to the Disaster Mitigation Act of 2000 (PL-106-390) and associated regulations (44 CFR 210.6); and

WHEREAS, the Plan has been widely circulated for review by the County's residents, municipal officials, and state, federal, and local review agencies and has been revised to reflect their concerns; and

NOW THEREFORE BE IT RESOLVED by the City of Harper Woods that:

1. The Wayne County Hazard Mitigation Plan (or section(s) of the Plan specific to the affected community) is/are hereby adopted as an official plan of the City of Harper Woods.
2. The City Manager is charged with supervising the implementation of the Plan's recommendations, as they pertain to the City of Harper Woods and within the funding limitations as provided by the City of Harper Woods and other sources.

CITY OF HARPER WOODS  
CITY COUNCIL RESOLUTION

Whereas, local communities are the foundation of successful economic development in Michigan; and

Whereas, safe streets and functioning infrastructure in our cities and villages are critical to attracting and maintaining businesses; and

Whereas, local governments cannot continue to provide essential services if statutory revenue sharing is continually redistributed to other state budget priorities; and

Whereas, there are over 1,300 fewer police officers on the streets in Michigan today than on September 11, 2001; and

Whereas, that figure stands to increase this year, as local communities will have to grapple with no increased support from the state if funding is not increased; and

Whereas, local government recognizes and accepts the fact that there will be fluctuations in the state economy impacting the statutorily shared revenues, however, the state began ignoring the revenue sharing commitment in 1991; and

Whereas, the state has reallocated \$1.5 billion from local community services to fund other state programs; and

Whereas, the current budget proposed by Governor Granholm diverts an additional \$600 million of statutory funding for local communities; and

Whereas, in the past 5 years approximately 40% of the state budget deficit has been assumed by local communities as the state continues to reduce revenue commitments and shift funding responsibility; and

Whereas, it is unacceptable that the Governor and Legislature continue to put our state's future in jeopardy by mandating cuts to public safety and core services which define our quality of life.

Now, Therefore, Be It Resolved that the Governor, Senate, and House of Representatives of the State of Michigan are hereby strongly urged to increase local revenues collected by the state and distributed under the Revenue Sharing Act.

Be It Further Resolved that a copy of the Resolution be forwarded to Governor Granholm, Senator Scott, Representative Gaffney, the Michigan Municipal League, and all surrounding communities.

CITY OF HARPER WOODS  
CITY COUNCIL  
MAY 1, 2006

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:30 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem Vivian M. Sawicki , Councilperson(s) Cheryl A. Costantino, Hugh Marshall, Michael P. Monaghan, Daniel S. Palmer and John M. Szymanski.

ABSENT: None.

OTHERS PRESENT: City Manager James E. Leidlein, City Attorney J. Russell LaBarge and City Clerk Mickey D. Todd.

CM 05-64-06

MINUTES

MOTION by Monaghan, SUPPORTED by Sawicki:

To receive, approve and file the minutes of the regular City Council meeting held April 17, 2006.

MOTION CARRIED UNANIMOUSLY

CM 05-65-06

CONSENT AGENDA

RESOLUTION by Costantino, SUPPORTED by Monaghan:

BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 77040 through 77152 in the amount of \$374,114.18 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.
2. Approve payment to Wayne County in the amount of \$6,580.00 for prisoner lodging and maintenance for the month of March 2006.

3. Approve payment to Motorola Credit Corporation in the amount of \$68,323.73 for the final annual lease payment for the 800 MHz mobile and portable radios utilized by the Police and Fire departments.
4. Approve payment to Plante & Moran in the amount of \$23,000.00 for the professional services performed in conjunction with the 2005 audit.

ROLL CALL VOTE

YES: Costantino, Marshall, Monaghan, Palmer, Sawicki, Szymanski and Poynter.  
NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 05-66-06

MILK RIVER - OPERATION AND MAINTENANCE

RESOLUTION by Marshall, SUPPORTED by Costantino:

BE IT RESOLVED approve payment to Wayne County in the amount of \$163,963.25 for the operation and maintenance of the Milk River Drain for the 3<sup>rd</sup> quarter of FY06.

ROLL CALL VOTE

YES: Marshall, Monaghan, Palmer, Sawicki, Szymanski, Poynter and Costantino.  
NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 05-67-06

PROGRESS PAYMENT NO. 3 (FINAL) -  
KELLY ROAD OFF-STREET PARKING, #180-073

RESOLUTION by Monaghan, SUPPORTED by Costantino:

BE IT RESOLVED approve payment to Galui Construction Company, Inc. in the amount of \$36,336.47 for Progress Payment No. 3 (Final) on the Kelly Road Off-Street Parking Project, #180-073.

ROLL CALL VOTE

YES: Monaghan, Palmer, Sawicki, Szymanski, Poynter, Costantino and Marshall.  
NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 05-68-06

MICHIGAN MUNICIPAL LEAGUE WORKER'S  
COMPENSATION INSURANCE RENEWAL

RESOLUTION by Palmer, SUPPORTED by Monaghan:

BE IT RESOLVED approve payment to Michigan Municipal League Worker's Compensation Fund in the amount of \$127,497.00 for workers' compensation insurance from July 1, 2006 through June 30, 2007 and further in that this is self insurance pooled funds, that competitive bidding be waived in accordance with City policy.

ROLL CALL VOTE

YES: Palmer, Sawicki, Szymanski, Poynter, Costantino, Marshall and Monaghan.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 05-69-06

APPROPRIATION FROM THE MUNICIPAL  
IMPROVEMENT FUND TO THE LIBRARY FUND

RESOLUTION by Szymanski, SUPPORTED by Costantino:

BE IT RESOLVED to appropriate \$100,000 from the Municipal Improvement Fund to the Library Fund.

ROLL CALL VOTE

YES: Sawicki, Szymanski, Poynter, Costantino, Marshall, Monaghan and Palmer.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CALL TO COUNCIL

The City Manager advised City Council that he may have an analysis of the City's finances available for their review at the next meeting. He added that this is the report that City Council requested, and that this information will help determine if a Headlee Override should be voted on in August.

Mayor Poynter said that while riding his bike around he was appalled by the appearance of both Home Depot and Target, saying that both businesses have trash all over their lots and need to be cleaned up. (The City Manager said that he would have someone out there tomorrow to address the situation.) The Mayor then urged the public to report ordinance violations when they see them, so that we can keep Harper Woods nice and clean. He then commented on how nice the Little League Parade was last Saturday.



Then he reminded the public that the Annual Mayor's Prayer Breakfast will be held on Thursday, May 4<sup>th</sup> at the Grosse Pointe Yacht Club, and that proceeds from the breakfast will go to area high school students in the form of scholarships.

Councilwoman Costantino commented on how unsightly the north end of Lowe's looks with the temporary fencing they have up around their Garden Center. (The City Clerk said that the Planning Commission recently approved of a site plan for Lowe's that will address that situation, and that the area should be cleaned up by June.)

Councilwoman Sawicki said that while walking along Woodside, she noticed that a number of driveway approaches on that street were in poor condition, with the concrete broken up, and asked what could be done. (The City Manager said that he was aware of the problem, and that the situation developed as a result of a rare concrete disease when those approaches were put in years ago. He added that the City has offered to replace the approaches at cost, but the residents haven't shown an interest in pursuing the matter.)

Councilman Marshall advised the City Manager that by the businesses near IHOP, there are a number of parking blocks that were moved during the winter that are now blocking the sidewalks, and he asked that the situation be addressed. (The City Manager said that he would have the situation taken care of.)

#### CALL TO AUDIENCE

Mr. Bruneel said that he heard the City will have a \$500,000 shortfall this year and asked if that was correct. (The City Manager said that initially it was thought that there would be a \$500,000 shortfall, but with the completion of the audit, it appears that the shortfall will be around \$250,000.)

Mr. Binder complained about a number of houses in the south end of the City having high grass, and he sited Washtenaw in particular. He said that Harper Woods is getting bad. He then complained about the number of police cars the City has, saying that he witnessed the police going to a house where four cars showed up, and each car was being driven by one officer. He suggested that this was a waste of money. Lastly, he complained about the lack of enforcement of the City's overnight parking ordinance.

Mr. Cadotte, who lives on Lochmoor, complained about the police department giving him a ticket for having a unlicensed car in his driveway, saying that he thought he should have been warned first, then ticketed if he didn't comply. He said that being ticketed and required to go to court was heavy handed, and that when he did go to court he was advised that the police were not following the proper procedure for dealing with his situation. He then complained about the church on Lochmoor being used as a hangout in the evening for kids who don't live in the area, saying that the kids are noisy, and that

they drink and smoke, and that the neighbors want something done about it. He suggested that the church grounds should be restricted to church activities only.

Mr. Huff complained about the utility company digging up his yard between the sidewalk and curb, and leaving a pile of dirt, and ruining the grade of the alley next to his house on Country Club. He said that he can't mow his grass, and that nothing has been done to remedy the situation and that his house is starting to look like it belongs on Chene street in Detroit. He then told City Council about two DPW workers who came to his house to replace his water meter, saying that one of the workers was the rudest person he's ever dealt with.

Library Director, Dale Parus, thanked City Council on behalf of the Library Board for the additional funding that they approved tonight.

Mr. Regal, commented on how City Council always seems to be appropriating money, and asked how that can be. (The City Manager said that most of the money designated for Kelly road is grant money that can only be spent there.)

Mr. Binder commented on the number of kids walking in the streets, and how the schools and the City need to address this problem.

Mr. Cadotte suggested that the City add the Milk River Assessment to the property taxes so that it can be used as a deduction.

Ms. McCarthy commented on how nice the library is.

Ms. Stamatakis commented on the school district requiring its students to prove their residency, and suggested that the City require proof of residency for anyone who wants to use our parks.

CM 05-70-06

ADJOURNMENT

MOTION by Monaghan, SUPPORTED by Szymanski:

That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 8:10 p.m.

MOTION CARRIED UNANIMOUSLY

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KENNETH A. POYNTER, MAYOR

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MICKEY D. TODD, CITY CLERK

CITY OF HARPER WOODS  
CITY COUNCIL  
MAY 15, 2006

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:30 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem Vivian M. Sawicki , Councilperson(s) Cheryl A. Costantino, Hugh Marshall, Michael P. Monaghan and Daniel S. Palmer.

ABSENT: Councilman John M. Szymanski.

OTHERS PRESENT: City Manager James E. Leidlein and City Clerk Mickey D. Todd.

CM 05-71-06

EXCUSE COUNCILMAN SZYMANSKI

MOTION by Monaghan, SUPPORTED by Sawicki:

To excuse Councilman John M. Szymanski from tonight's meeting because of a prior commitment.

ABSENT: Szymanski.

MOTION CARRIED

PRESENTATION - DETECTIVE BUREAU CITATIONS

In recognition of National Police Week, Mayor Poynter along with Lt. Skotarczyk and Lt. Burke recognized Detective Sgt. Snider, and Detective(s) David Sheill, Ted Stager, Thomas Teatsorth and Timothy Matouk with citations from the American Police Hall of Fame for their hard work in the apprehension of a homicide suspect in the Beaconsfield homicide case. Additionally, Mayor Poynter presented Lt. Skotarczyk with a Distinguished Police Service Award for his 27 years of outstanding service to the citizens of Harper Woods.

CM 05-72-06

MINUTES

MOTION by Monaghan, SUPPORTED by Marshall:

To receive, approve and file the minutes of the regular City Council meeting held May 1, 2006, and furthermore, receive and file the minutes of the Board of Canvassers held on May 3, 2006 & the Board of Zoning meeting held on May 10, 2006.

ABSENT: Szymanski.

MOTION CARRIED

CM 05-73-06

CONSENT AGENDA

RESOLUTION by Costantino, SUPPORTED by Monaghan:

BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 77153 through 77267 in the amount of \$576,796.05 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.

ROLL CALL VOTE

YES: Costantino, Marshall, Monaghan, Palmer, Sawicki and Poynter.

NO: None.

ABSENT: Szymanski.

RESOLUTION ADOPTED

VERNIER ROAD PROJECT-  
APPOINTMENT OF BOND COUNCIL

The City Manager advised City Council that there isn't a need to proceed with the appointment of bond counsel for the Vernier Road project at this time, and asked that no action be taken at this time.

CM 05-74-06

KELLY ROAD RESURFACING PROJECT-  
INTERGOVERNMENTAL AGREEMENT

RESOLUTION by Marshall, SUPPORTED by Monaghan:

BE IT RESOLVED to adopt the Resolution approving the Intergovernmental Agreement

with the County of Wayne for the Kelly Road Resurfacing Project in the amount of \$24,119 and further that Wayne County be advised that it is the position of the City of Harper Woods in that one-half of this project is within the City limits of the City of Detroit, that the City of Detroit be held responsible for fifty percent of the required local community participation.

**ROLL CALL VOTE**

YES: Marshall, Monaghan, Palmer, Sawicki, Poynter and Costantino.

NO: None.

ABSENT: Szymanski.

**RESOLUTION ADOPTED**

The City Manager asked City Council to schedule a special meeting next Monday, May 22, 2006 at 7:00 p.m., for the purpose of reviewing projected City finances and possibly placing a Headlee override on the August Primary ballot.

CM 05-75-06

**ADDENDUM TO AGENDA**

MOTION by Monaghan, SUPPORTED by Marshall:

To add to the agenda the scheduling of a Special City Council meeting.

ABSENT: Szymanski.

**MOTION CARRIED**

CM 05-76-06

**SCHEDULE SPECIAL MEETING MAY 22, 2006**

MOTION by Monaghan, SUPPORTED by Marshall:

To schedule a Special City Council meeting on May 22, 2006 at 7:00 p.m. for the purpose of reviewing projected finances and possibly discussing a Headlee override to be included on the August Primary ballot.

ABSENT: Szymanski.

**MOTION CARRIED**

CALL TO COUNCIL

Mayor Poynter suggested that the City recognize Harper Woods' Middle School teacher, Ms. June Teisan, for receiving the prestigious Presidential Award for Excellence in Mathematics and Science teaching. He then announced that the Annual Memorial Day Service will be held on Monday, May 29<sup>th</sup> at 10:15 a.m. Lastly, he recognized the Boy Scouts from Troop 273 who were in attendance.

Councilman Monaghan, who is the City's representative on the Grosse Pointe Clinton Refuse Authority, advised City Council that there is a possibility that the incinerator property may be sold. He said that he would follow up with additional information as it becomes available.

CALL TO AUDIENCE

Mr. Regal asked for a clarification of what is included in the Accounts Payable listing that is approved at each Council meeting. (The City Manager invited Mr. Regal to see him after the meeting and he would show him the items that are included in a typical Accounts Payable listing.)

A representative from the Metro East Chamber of Commerce encouraged Council members to attend their 9<sup>th</sup> Annual Auction & Business Person of the Year Recognition benefitting the MECC Children's Scholarship Trust Fund, on Thursday, May 25<sup>th</sup> from 5:30 p.m. to 9:00 p.m. at the Barrister Gardens in St. Clair Shores.

Mr. Binder thanked the City Manager and the Police Department for their prompt response in addressing his complaints.

Ms. Wilbur thanked the Police Department for their assistance in dealing with some kids in the neighborhood that she was having a problem with.

Mr. Cook, who works at Harper Woods High School, thanked the City for assigning Officer Charles Walker to the High School, saying that he does an outstanding job.

Mr. Schenburn, Assistant Scout Master for Pack 273, advised City Council that the Scout Pack was present tonight to observe the meeting as a means of meeting their Eagle Scout requirements.

CM 05-77-06

ADJOURNMENT

MOTION by Monaghan, SUPPORTED by Palmer:

That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 8:00 p.m.

ABSENT: Szymanski.

MOTION CARRIED

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KENNETH A. POYNTER, MAYOR

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MICKEY D. TODD, CITY CLERK

CITY OF HARPER WOODS  
CITY COUNCIL  
MAY 22, 2006

SPECIAL MEETING MINUTES

The special City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:00 p.m.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem Vivian M. Sawicki Councilperson(s) Cheryl Costantino, Hugh Marshall, Michael P. Monaghan, Daniel S. Palmer, and John M. Szymanski.

ABSENT: None.

OTHERS PRESENT: City Manager James E. Leidlein and City Clerk Mickey D. Todd.

MANAGEMENT REPORT - FINANCIAL ANALYSIS AND FORECAST

The City Manager reviewed and discussed with City Council the Management Report and Financial Analysis and Forecast. At the conclusion of their discussion and review, City Council agreed to place before the voters in August a Headlee Override Ballot Proposal.

CM 05-78-06

HEADLEE OVERRIDE BALLOT PROPOSAL  
AUGUST 8, 2006 PRIMARY ELECTION

RESOLUTION by Monaghan, SUPPORTED by Sawicki:

BE IT RESOLVED to place on the August 8, 2006 Primary Election Ballot the following proposal:

CITY OF HARPER WOODS BALLOT PROPOSAL

A PROPOSITION TO PERMIT THE CITY TO LEVY ITS  
FULL AUTHORIZED CHARTER MILLAGE TO BE USED  
FOR POLICE AND FIRE SERVICES ONLY



In order to permit the levy of the authorized charter millage on the real and personal property in the City of Harper Woods without regard to the millage reduction required by Article IX, Section 31, of the Constitution of the State of Michigan, shall the City Council be authorized to levy a new additional millage in 2006 and thereafter to be used only for police and fire operation not to exceed 2.9668 mills on each dollar (\$2.9668 per thousand) of taxable value which is estimated to produce \$1,232,973 of increased tax collection in the first year of collection to be disbursed to the City of Harper Woods?

YES \_\_\_\_\_  
NO \_\_\_\_\_

ROLL CALL VOTE

YES: Costantino, Marshall, Monaghan, Palmer, Sawicki, Szymanski and Poynter.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CALL TO COUNCIL

None.

CALL TO AUDIENCE

Mr. Kien commented on the ballot proposal saying that even though he doesn't want a tax increase, he does want the services. He added that he doesn't see any waste in the City budget, and that if the services stop, then he would move.

CM 05-79-06

ADJOURNMENT

MOTION by Monaghan, SUPPORTED by Szymanski:

That the agenda of the special City Council meeting having been acted upon, the meeting is hereby adjourned at 7:33 p.m.

MOTION CARRIED UNANIMOUSLY

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KENNETH A. POYNTER, MAYOR

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MICKEY D. TODD, CITY CLERK

CITY OF HARPER WOODS  
CITY COUNCIL  
JUNE 5, 2006

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:30 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem Vivian M. Sawicki , Councilperson(s) Cheryl A. Costantino, Hugh Marshall, Michael P. Monaghan, and John M. Szymanski.

ABSENT: Councilman Daniel Palmer.

OTHERS PRESENT: City Manager James E. Leidlein, City Attorney J. Russell LaBarge and City Clerk Mickey D. Todd.

CM 06-78-06

EXCUSE COUNCILMAN PALMER

MOTION by Monaghan, SUPPORTED by Sawicki:

To excuse Councilman Daniel Palmer from tonight's meeting because of a prior commitment.

ABSENT: Palmer.

MOTION CARRIED

CM 06-79-06

MINUTES

MOTION by Monaghan, SUPPORTED by Marshall:

To receive, approve and file the minutes of the regular City Council meeting held May 15, 2006, and furthermore, receive and file the minutes of the Library Board meeting held on April 20, 2006, and the Board of Trustees Employees Retirement System meeting held on May 24, 2006.

ABSENT: Palmer.

MOTION CARRIED

CM 06-80-06

CONSENT AGENDA

RESOLUTION by Costantino, SUPPORTED by Monaghan:

BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 77268 through 77408 in the amount of \$433,132.16 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.
2. To receive and file for the audit, the 1<sup>st</sup> quarter financial report.
3. Approve payment to Plante & Moran in the amount of \$22,200 for the professional services performed in conjunction with the 2005 audit.
4. Approve the appointment of Brenda Medellin to the Zoning Board of Appeals and Kathy Sherrill to the Board of Canvassers

ROLL CALL VOTE

YES: Costantino, Marshall, Monaghan, Sawicki, Szymanski and Poynter.

NO: None.

ABSENT: Palmer.

RESOLUTION ADOPTED

CM 06-81-06

2005 AUDIT - PRESENTATION

RESOLUTION by Monaghan, SUPPORTED by Costantino:

BE IT RESOLVED to Receive and File the 2005 Audit as submitted by the City's Auditors, Plante and Moran and also receive and file their comments and recommendations letter.

ROLL CALL VOTE

YES: Marshall, Monaghan, Sawicki, Szymanski, Poynter and Costantino.

NO: None.

ABSENT: Palmer.

RESOLUTION ADOPTED

The City Manager advised City Council that the Auditors were unable to make tonight's meeting, but would be available to present at the June 19<sup>th</sup> meeting.

CM 06-82-06

AMENDMENT TO THE GROSSE POINTE  
DISTRICT LIBRARY AGREEMENT

RESOLUTION by Sawicki, SUPPORTED by Monaghan:

BE IT RESOLVED to adopt the resolution amending the District Library Agreement regarding the Library Board and forward this amendment to the Grosse Pointe School System Board of Education for their consideration and approval. (Attachment #1)

ROLL CALL VOTE

YES: Monaghan, Sawicki, Szymanski, Poynter, Costantino and Marshall.

NO: None.

ABSENT: Palmer.

RESOLUTION ADOPTED

CM 06-83-06 DETROIT AREA AGENCY OF AGING MULTI YEAR AREA PLAN

RESOLUTION by Szymanski, SUPPORTED by Costantino:

BE IT RESOLVED to acknowledge receipt of and approve the Detroit Area Agency on Aging's FY2007-2009 Multi-Year Area Plan and Annual Implementation Plan for Fiscal Year 2007.

ROLL CALL VOTE

YES: Sawicki, Szymanski, Poynter, Costantino, Marshall, and Monaghan.

NO: None.

ABSENT: Palmer.

RESOLUTION ADOPTED

CM 06-84-06 RESCHEDULE AUGUST CITY COUNCIL MEETING

MOTION by Monaghan, SUPPORTED by Marshall:

To reschedule the August 14, 2006 meeting to Monday, August 7, 2006.

ABSENT: Palmer.

MOTION CARRIED

CALL TO COUNCIL

Mayor Poynter commented on the increasing property values in Harper Woods, saying that according to WXYZ Harper Woods' values have increased appreciably over the last five years. He then commented on Harper Woods Olympian Angela Ruggerio's jersey on display in City Hall saying that it looks very nice, and then he advised the public that Ms. Ruggerio was selected to appear on the television show "The Apprentice," which will air in January.

Councilwoman Costantino commented on how well the Harper Woods High School graduation went last week. Then she acknowledged Harper Woods High School junior, P'Lar Pearson, for being selected to Yale University's Junior Statesmen Summer School program. She then told of how the Harper Woods Police apprehended some people who attempted to steal her car on Saturday evening, saying that she has never had to call the police before, and that she was very thankful for their prompt response and excellent service.

Councilman Szymanski commented on the "Hot Zip Codes" report that WXYZ reported on saying that according to their report, Harper Woods had a 25% increase in property values over the past five years, which was higher than Birmingham and Bloomfield Hills. He added that if residents wanted a copy of this report he would be glad to get them a copy.

CALL TO AUDIENCE

Ms. McCarthy asked if City Council is planning on recognizing the Harper Woods Middle School Math teacher for receiving the President's 2005 Award for excellence in teaching math. (The Mayor said that she will be recognized at the next City Council meeting.) She then asked the City Manager to clarify the resolution about the Grosse Pointe Library Agreement and the Detroit Area Agency on Aging.

Mr. Bruneel read a number of riddles to City Council.

Mr. Regal commented on what good service he received at the Library when he was doing research with Consumer Report's.

Ms. McCarthy commented on how proud she was to see the Mayor attend Wayne State University's Peace Laureate symposium on May 5th.

CM 06-85-06

EXECUTIVE SESSION -  
COLLECTIVE BARGAINING MATTER

RESOLUTION by Monaghan, SUPPORTED by Szymanski:

BE IT RESOLVED to adjourn to executive session for the purpose of discussing a collective bargaining matter.

ROLL CALL VOTE

YES: Poynter, Costantino, Marshall, Monaghan, Sawicki and Szymanski.

NO: None.

ABSENT: Palmer.

RESOLUTION ADOPTED

The City Council adjourned to Executive Session at 7:50 p.m. and reconvened at 8:17 p.m.

CM 06-86-06

ADJOURNMENT

MOTION by Monaghan, SUPPORTED by Sawicki:

That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 8:17 p.m.

ABSENT: Palmer.

MOTION CARRIED

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KENNETH A. POYNTER, MAYOR

---

MICKEY D. TODD, CITY CLERK

CITY OF HARPER WOODS

RESOLUTION AMENDING ITEM 4  
OF THE DISTRICT LIBRARY AGREEMENT  
BETWEEN THE GROSSE POINTE PUBLIC SCHOOL  
SYSTEM AND THE CITY OF HARPER WOODS

By Resolution, that Item 4 of the District Library Agreement dated the sixteenth day of May 1994 by and between the Grosse Pointe Public School System and the City of Harper Woods, pursuant to the District Library Establishment Act, Act 24 of 1989 be and is hereby amended to read:

4) The District Library shall be governed by a Board appointed by the Board of Education of the School System and consisting of seven (7) members, who shall be residents of the Library District, at least one of whom shall be a resident of each of the six municipalities within the territory of the District Library, namely the Township of Grosse Pointe and the Cities of Harper Woods, Grosse Pointe, Grosse Pointe Park, Grosse Pointe Farms and Grosse Pointe Woods.

The Board of Education shall appoint that person from each municipality as nominated by the respective municipalities' City Council or Township Board of Trustees, under a selection criteria as chosen by each municipality.

CITY OF HARPER WOODS  
CITY COUNCIL  
JUNE 19, 2006

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:30 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem Vivian M. Sawicki , Councilperson(s) Cheryl A. Costantino, Hugh Marshall, Michael P. Monaghan and John M. Szymanski.

ABSENT: Councilman Daniel S. Palmer .

OTHERS PRESENT: City Manager James E. Leidlein, Finance Director Laura Stowell and City Clerk Mickey D. Todd.

CM 06-87-06

EXCUSE COUNCILMAN PALMER

MOTION by Monaghan, SUPPORTED by Costantino:

To excuse Councilman Daniel Palmer from tonight's meeting because of a prior commitment.

ABSENT: Palmer.

MOTION CARRIED

PRESENTATION - 2005 PRESIDENTIAL AWARD WINNER

Mayor Poynter presented Ms. June Teisan, Harper Woods Secondary School science teacher, with a plaque in recognition of her receiving the 2005 Presidential Award for Excellence in Mathematics and Science Teaching, the nation's highest honor.

PRESENTATION - MEGHAN HEDEMARK -BEACON SCHOOL

Meghan Hedemark, a third grader from Beacon Elementary School, who was recently elected in a mock election to Harper Woods City Council spoke to City Council about her recent election.



Mayor Poynter requested that the confirmation of the Police Chief be moved up on the agenda because of the number of guests that were present his swearing in.

CM 06-88-06

POLICE CHIEF APPOINTMENT

RESOLUTION by Sawicki, SUPPORTED by Monaghan:

BE IT RESOLVED to confirm the City Manager's appointment of Lieutenant Randolph Skotarczyk as Police Chief for the City of Harper Woods and further, approve the employment agreement between Chief Skotarczyk and the City of Harper Woods.

ROLL CALL VOTE

YES: Marshall, Monaghan, Sawicki, Szymanski, Poynter and Costantino.

NO: None.

ABSENT: Palmer.

RESOLUTION ADOPTED UNANIMOUSLY

At the conclusion of the Roll Call Vote, the City Clerk administered the Oath to Police Chief Randolph Skotarczyk. Afterward, the Chief introduced members of his family and the newly appointed members of the Police Command Staff, Deputy Chief James Burke and Detective Lieutenant William Snider.

The City Council then recessed at 7:42 p.m. and reconvened at 7:50 p.m.

CM 06-89-06

MINUTES

MOTION by Monaghan, SUPPORTED by Marshall:

To receive, approve and file the minutes of the regular City Council meeting held June 5, 2006, and furthermore, receive and file the minutes of the Library Board meeting held on May 18, 2006 and the Board of Trustees Employees Retirement System meeting held on June 2, 2006.

ABSENT: Palmer.

MOTION CARRIED

CM 06-90-06

CONSENT AGENDA

RESOLUTION by Costantino, SUPPORTED by Monaghan:

BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 77410 through 77536 in the amount of \$249,344.51 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.
2. Approve payment to the Suburban Library Cooperative in the amount of \$6,529.11 for the automated system services, annual support and maintenance for software and the purchase of two new computers and various supplies.
3. Approve payment to Wayne County in the amount of \$5,565.00 for prisoner lodging and maintenance for the month of April 2006.

ROLL CALL VOTE

YES: Costantino, Marshall, Monaghan, Sawicki, Szymanski and Poynter.

NO: None.

ABSENT: Palmer.

RESOLUTION ADOPTED

PRESENTATION - 2005 AUDIT

Mr. David Herrington and Ms. Dana Doescher of Plante & Moran gave an informational presentation on the 2005 Audit and answered any questions.

CM 06-91-06

MICHIGAN MUNICIPAL LEAGUE -  
DESIGNATION OF VOTING DELEGATES

RESOLUTION by Monaghan, SUPPORTED by Costantino:

BE IT RESOLVED to designate Mayor Poynter as the City's official delegate, and the Mayor Pro tem as the alternate delegate at the Michigan Municipal League's Annual Meeting to be held on September 27-29, 2006.

ROLL CALL VOTE

YES: Monaghan, Sawicki, Szymanski, Poynter, Costantino and Marshall.

NO: None.

ABSENT: Palmer.

RESOLUTION ADOPTED

CM 06-92-06

2005/06 PAVEMENT JOINT AND CRACK  
SEALING - #180-089/094 - CHANGE ORDER NO. 1

RESOLUTION by Marshall, SUPPORTED by Costantino:

BE IT RESOLVED to authorize a change order to be issued not to exceed \$41,000 to Scodeller Construction Inc. for the 2005/06 Joint and Crack Sealing project, #180-089/094.

ROLL CALL VOTE

YES: Sawicki, Szymanski, Poynter, Costantino, Marshall and Monaghan.

NO: None.

RESOLUTION ADOPTED

CM 06-93-06

ADDENDUM TO POLC COMMAND OFFICERS  
COLLECTIVE BARGAINING AGREEMENT 2004-06

RESOLUTION by Monaghan, SUPPORTED by Costantino:

BE IT RESOLVED to approve the addendum to the 2004-06 Collective Bargaining Agreement with the POLC Command Officers Unit regarding the restructuring of the command unit, and further, to authorize the City Manager and City Clerk to sign the Agreement.

ROLL CALL VOTE

YES: Szymanski, Poynter, Costantino, Marshall, Monaghan and Sawicki.

NO: None.

ABSENT: Palmer.

RESOLUTION ADOPTED

CM 06-94-06

MDEQ GRANT APPLICATION

RESOLUTION by Sawicki, SUPPORTED by Costantino:

BE IT RESOLVED to adopt the Resolution Authorizing the S2 Grant Agreement with the Michigan Department of Environmental Quality, and further, to designate James Leidlein and Laura Stowell as authorized representatives for purposes of the S2 Grant Agreement.

ROLL CALL VOTE

YES: Poynter, Costantino, Marshall, Monaghan, Sawicki and Szymanski.

NO: None.  
ABSENT: Palmer.

RESOLUTION ADOPTED

CALL TO COUNCIL

Mayor Poynter commented on how much he enjoyed the presentations tonight. He also said that he looks forward to the positive effect the re-alignment of police personnel will have in the Police Department. Lastly, he suggested that City Council recognize the Regina High School Softball team for winning their third straight State Championship.

Mayor Pro tem Sawicki asked the City Manager if he has contacted State Officials about the degeneration of the Woodland pedestrian overpass, saying that the overpass is just several years old and should not be experiencing this problem. (The City Manager said that he has a call into the State's engineer for this project and hopes to meet with him soon to work out a solution to the problem.)

Councilwoman Costantino commented on the comments she made at the last meeting in which she pointed out how pleased she is with the Police Department, and added that since that time she had to call the Fire Department to assist her neighbor and is equally pleased with their professionalism and response time. She said she really appreciates our public safety departments, saying that they provide an amazing level of service.

CALL TO AUDIENCE

Mr. Regal asked the City Manager if the City has inspectors going around checking for ordinance violations. (The City Manager said that there are several inspectors, and that just this last month, they have written seven-hundred violations.)

Ms. Je Donna Dinges, candidate for State Representative, introduced herself to City Council and the public and invited everyone to contact her to learn more about her candidacy and how she can help them.

CM 06-95-06

ADJOURNMENT

MOTION by Monaghan, SUPPORTED by Szymanski:

That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 8:25 p.m.

ABSENT: Palmer.

MOTION CARRIED

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KENNETH A. POYNTER, MAYOR

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MICKEY D. TODD, CITY CLERK

CITY OF HARPER WOODS  
CITY COUNCIL  
JULY 10, 2006

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:30 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem Vivian M. Sawicki, Councilperson(s) Cheryl A. Costantino, Hugh Marshall, Michael P. Monaghan and Daniel S. Palmer.

ABSENT: Councilman John M. Szymanski.

OTHERS PRESENT: City Manager James E. Leidlein and City Clerk Mickey D. Todd.

CM 07-99-06

EXCUSE COUNCILMAN SZYMANSKI

MOTION by Monaghan, SUPPORTED by Palmer:

To excuse Councilman John M. Szymanski from tonight's meeting because of a prior commitment.

ABSENT: Szymanski.

MOTION CARRIED

CM 07-100-06

MINUTES

MOTION by Monaghan, SUPPORTED by Costantino:

To receive, approve and file the minutes of the regular City Council meeting held June 19, 2006, and furthermore, receive and file the minutes of the Board of Zoning Appeals meeting held on June 14, 2006 and the Library Board meeting held on June 15, 2006.

ABSENT: Szymanski.

MOTION CARRIED

CM 07-101-06

CONSENT AGENDA

RESOLUTION by Costantino, SUPPORTED by Monaghan:

BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 77537 through 77767 in the amount of \$678,486.62 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.
2. Approve payment to Anderson, Eckstein & Westrick, Inc. in the amount of \$10,875.70 for professional services during the month of May 2006 for the following projects: High School Project, #180-091; 2006 Concrete Pavement Repair, #180-092 and the S2 Grant Application, #180-095.
3. Approve payment to Oakland County Information Technology in the amount of \$5,416.75 for fees relative to the CLEMIS computer system utilized by the Police Department.

ROLL CALL VOTE

YES: Costantino, Marshall, Monaghan, Palmer, Sawicki and Poynter.

NO: None.

ABSENT: Szymanski.

RESOLUTION ADOPTED

CM 07-102-06

ENGINEERING PROPOSAL FOR S2 GRANT -  
EVALUATION OF SANITARY SEWER SYSTEM

RESOLUTION by Marshall, SUPPORTED by Monaghan:

BE IT RESOLVED to approve the proposal dated June 22, 2006, from the City's consulting engineers Anderson, Eckstein & Westrick for the Assessment of the City's Sanitary Sewer System, S2 Grant Proposal and to authorize the City Manager to sign the agreement.

ROLL CALL VOTE

YES: Marshall, Monaghan, Palmer, Sawicki, Poynter and Costantino.

NO: None.

ABSENT: Szymanski.

RESOLUTION ADOPTED

CALL TO COUNCIL

Mayor Poynter reminded the public that the August Council meeting will be held on the 7<sup>th</sup>, and after that the regular meeting schedule will resume in September.

Mayor Pro tem Sawicki announced that the Beautification Commission is seeking nominations from the public for 2006 residential Beautification Awards. She urged residents to submit addresses of houses by the end of this week to the City Clerk's Office.

CALL TO AUDIENCE

Mr. Bruneel announced that the Dad's Club, in conjunction with the Recreation Department, will be hosting "Music in the Park" at Johnston Park on August 12<sup>th</sup>. He also announced that the Lion's Club will be having their Annual Mint Sale from July 14<sup>th</sup> through August 14<sup>th</sup>.

Mr. Collinson asked if City Council took a position on the request from the Grosse Pointe School District as to whether the Grosse Pointe Library Board District members should be either elected or appointed. (The City Manager said that City Council had notified the Grosse Pointe School Board that they would prefer an appointed Library Board, with each community in the district recommending the appointment of a Board member from their individual communities.)

Mr. Regal asked if the grant monies that were approved tonight to evaluate the City's sewer system would require the City to make repairs to the system as they are discovered. (The City Manager said that the City may be obligated to make repairs depending on the specific circumstances.)

CM 07-103-06

ADJOURNMENT

MOTION by Monaghan, SUPPORTED by Palmer:

That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 7:40 p.m.

ABSENT: Szymanski.

MOTION CARRIED

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KENNETH A. POYNTER, MAYOR

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MICKEY D. TODD, CITY CLERK



CITY OF HARPER WOODS  
CITY COUNCIL  
JULY 17, 2006

SPECIAL MEETING MINUTES

The special City Council meeting was called to order by Mayor Kenneth A. Poynter at 5:45 p.m.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem Vivian M. Sawicki, Councilperson(s) Michael P. Monaghan and John M. Szymanski.

ABSENT: Council member(s) Cheryl Costantino, Hugh Marshall and Daniel S. Palmer.

OTHERS PRESENT: City Manager James E. Leidlein.

CM 07-104-06

EXCUSE COUNCIL MEMBERS

MOTION by Szymanski, SUPPORTED by Monaghan:

To excuse Council member(s) Cheryl Costantino, Hugh Marshall and Daniel S. Palmer, from tonight's meeting because of prior commitments.

ABSENT: Costantino, Marshall and Palmer.

MOTION CARRIED

CM 07-105-06

INTERGOVERNMENTAL AGREEMENT -  
IMPROVEMENTS TO JOHNSTON PARK

RESOLUTION by Szymanski, SUPPORTED by Monaghan:

BE IT RESOLVED to approve of the Agreement between The Charter County of Wayne and The City of Harper Woods for Improvements at Johnston Park, and authorize the Mayor sign said agreement.  
(Attachment #1)

ROLL CALL VOTE

YES: Monaghan, Sawicki, Szymanski and Poynter.

NO: None.

ABSENT: Costantino, Marshall and Palmer.

RESOLUTION ADOPTED

CALL TO COUNCIL

None.

CALL TO AUDIENCE

None.

CM 07-106-06 -05

ADJOURNMENT

MOTION by Szymanski, SUPPORTED by Monaghan:

That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 5:52 p.m.

ABSENT: Costantino, Marshall and Palmer.

MOTION CARRIED

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KENNETH A. POYNTER, MAYOR

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MICKEY D. TODD, CITY CLERK

CITY OF HARPER WOODS  
CITY COUNCIL  
AUGUST 7, 2006

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:30 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem Vivian M. Sawicki, Councilperson(s) Cheryl A. Costantino, Hugh Marshall, Michael P. Monaghan, Daniel S. Palmer and John M. Szymanski.

ABSENT: None.

OTHERS PRESENT: City Manager James E. Leidlein and City Clerk Mickey D. Todd.

CM 08-107-06

MINUTES

MOTION by Monaghan, SUPPORTED by Marshall:

To receive, approve and file the minutes of the regular City Council meeting held July 7, 2006, the special City Council meeting held July 17, 2006, and furthermore, receive and file the minutes of the Election Commission meeting held on July 19, 2006.

MOTION CARRIED UNANIMOUSLY

CM 08-108-06

CONSENT AGENDA

RESOLUTION by Costantino, SUPPORTED by Palmer:

BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 77768 through 77986 in the amount of \$988,241.09 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.

2. To receive and file for the audit 2<sup>nd</sup> quarter financial report.
3. Approve payment to Statewide Security Transport in the amount of \$5,159.48 for prisoner lodging and maintenance for the month of June 2006.
4. Approve payment to Anderson, Eckstein & Westrick, Inc. in the amount of \$8,939.35 for professional services during the month of June 2006 and \$13,455.70 for the month of July 2006 for a total of \$22,395.05 for the following projects: 2005 Pavement Joint & Crack Sealing project, #180-089; High School project, #180-091; 2006 Concrete Pavement Repair, #180-092; 2006 Pavement Joint & Crack Sealing project, #180-094 and the S2 Grant Application, #180-095.
5. Approve payment to Wayne County in the amount of \$8,190.00 for prisoner lodging and maintenance for the month of May 2006.
6. Approve the five-year maintenance contract with Otis Elevator in the amount of \$11,040.00 to be billed monthly beginning September 1, 2006.

ROLL CALL VOTE

YES: Costantino, Marshall, Monaghan, Palmer, Sawicki, Szymanski and Poynter.  
NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 08-109-06 MILK RIVER DRAIN OPERATIONS AND MAINTENANCE

RESOLUTION by Monaghan, SUPPORTED by Sawicki:

BE IT RESOLVED to approve payment to Wayne County in the amount of \$163,963.25 for the operation and maintenance of the Milk River Drain for the 4<sup>th</sup> quarter of FY2006.

ROLL CALL VOTE

YES: Marshall, Monaghan, Palmer, Sawicki, Szymanski, Poynter and Costantino.  
NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 08-110-06                    CONCRETE PAVEMENT REPAIR PROGRAM #180-092  
PROGRESS PAYMENT NO. 12 - 2003 - 2006

RESOLUTION by Marshall, SUPPORTED by Monaghan:

BE IT RESOLVED to approve payment to Galui Construction Company, Inc. in the amount of \$23,764.47 for Progress Payment No. 12 on the 2003 - 2006 Concrete Pavement Repair Program, #180-076/081/088/092.

ROLL CALL VOTE

YES: Monaghan, Palmer, Sawicki, Szymanski, Poynter, Costantino and Marshall.  
NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 08-111-06                    PAVEMENT JOINT AND CRACK SEALING  
#180-089/094 PROGRESS PAYMENT NO. 3 - 2005/2006

RESOLUTION by Monaghan, SUPPORTED by Palmer:

BE IT RESOLVED to approve payment to Scodeller Construction, Inc. in the amount of \$32,652.84 for Progress Payment No. 3 on the 2005/2006 Pavement Joint and Crack Sealing Program, #180-089/094.

ROLL CALL VOTE

YES: Palmer, Sawicki, Szymanski, Poynter, Costantino, Marshall and Monaghan.  
NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CALL TO COUNCIL

Mayor Poynter reminded residents of Saturday's Concert in the Park at 6:00 p.m. at Johnston Park. He also encouraged residents to get out and vote tomorrow.

Mayor Pro tem Sawicki commented on a letter from Comcast indicating that they will be coming before City Council to renew their franchise agreement, and indicated that cable access for the community will be an issue for her. She then commented on the election flyers that were passed out recently and were critical of the City seeking a

Police/Fire millage. She said that the amount of the requested increase is less than what Detroit residents pay for garbage pick-up, and that our City services are beyond compare. She added that residents who have looked at our budget know that our costs are not going down, and that the City is quickly approaching a point where it won't be able to provide the current level of service.

Mayor Poynter commented on the election flyers saying that they presented a lot of false information, and cautioned residents to be leery of unsigned political literature. He added that anyone in the community who has had contact with our police and fire departments knows that they do an excellent job.

Mr. Marshall informed the City Manager that the grass on Eight Mile is knee high, and asked that that situation be addressed. (The City Manager said that he would check into the matter.) He then commented on the incident where a child was attacked by a pit bull on Old Eight Mile, and asked if the Ordinance Committee will be discussing an amendment to the dog ordinance addressing this type of situation. (The City Manager said that he is working on an amendment to the vicious dog ordinance that he hopes to bring to City Council at their second meeting in September. He added that unlike previous reports, he will not be asking for a breed specific ban, but will propose an amendment to the vicious dog ordinance.)

Councilman Szymanski asked the City Manager if the City's dog ordinance requires owners to keep their dogs on a leash no longer than six feet when walking their dog. (The City Manager said that was correct.)

Councilwoman Costantino said that she recently attended an open house for the new Virginia House on Eastwood, which is an assisted living home for seniors, saying that this house provides a nice alternative for our seniors who don't wish to leave the community.

Mayor Pro tem Sawicki asked if the City was required to inspect or approve of the Virginia House. (The City Manager said that the State licenses assisted living homes, and the City does not have any authority regarding this matter.)

#### CALL TO AUDIENCE

Mr. Bruneel commented on the unsigned political flyers going around concerning tomorrow's Police/Fire Millage, asking if they are legal. (The City Manager said that the U.S. Supreme Court ruled a few years ago that political flyers do not have to be signed by the author.) He commented on how flyers like that make him angry, and the information contained in them is misleading.

Mr. Watson said that he supports tomorrow's millage and came to the meeting hoping to hear from the people who circulated the anonymous flyers. He then asked the City Manager how many of the police and fire personnel live in the city. (The City Manager said that there are a number of police and fire employees that do live in the city, but with the State of Michigan amending the law prohibiting residency requirements for City employees, the City cannot require employees to live here.)

Ms. Paglia asked if the Comcast Cable Franchise makes them exclusive in the city. (The City Manager said that Comcast does not have an exclusive franchise agreement with the City, and that over the years he has solicited other cable companies to come into the city, but unfortunately they have elected not to come into the city.) She then asked if there are plans to combine the Police and Fire Departments into a Public Safety Department after tomorrow's millage vote. (The City Manager said that City Council will analyze the issue of consolidation and make a determination on how to proceed.) Lastly, she asked why all the Council members don't have signs on the lawn supporting the millage. (The Mayor said that he believes that everyone does have a sign on their lawn.)

Ms. Schram commended the City Manager for not proposing an ordinance that would ban a specific type of dog, and she also encouraged him not to prohibit residents from breeding dogs.

CM 08-112-06

ADJOURNMENT

MOTION by Monaghan, SUPPORTED by Szymanski:

That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 8:06 p.m.

MOTION CARRIED UNANIMOUSLY

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KENNETH A. POYNTER, MAYOR

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MICKEY D. TODD, CITY CLERK

CITY OF HARPER WOODS  
CITY COUNCIL  
SEPTEMBER 6, 2006

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:30 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem Vivian M. Sawicki , Councilperson(s) Cheryl A. Costantino, Hugh Marshall, Michael P. Monaghan, Daniel S. Palmer and John M. Szymanski.

ABSENT: None.

OTHERS PRESENT: City Manager James E. Leidlein and City Clerk Mickey D. Todd.

PRESENTATION

Mayor Poynter and Lieutenant Robert Hunter, presented Safety Patrol Awards to the following students and certificates in recognition of being named the outstanding safety patrol person at their respective schools:

Meghan Van Cleve of Poupard Elementary School  
Daytona McKie of Tyrone Elementary School.

CM 09-113-06

MINUTES

MOTION by Monaghan, SUPPORTED by Costantino:

To receive, approve and file the minutes of the regular City Council meeting held August 7, 2006, and furthermore, receive and file the minutes of the Board of Trustees Employees Retirement System meeting held on August 7, 2006, the Board of Canvassers meeting held on August 9, 2006, the Board of Zoning Appeals meeting held on August 9, 2006 and the Planning Commission meeting held on August 23, 2006.

MOTION CARRIED UNANIMOUSLY



CM 09-114-06

CONSENT AGENDA

RESOLUTION by Costantino, SUPPORTED by Monaghan:

BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 77987 through 78228 in the amount of \$630,818.96 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.
2. Approve payment to the City of Grosse Pointe Woods in the amount of \$16,542.28 for the relocation work performed by Detroit Edison in conjunction with the Vernier Road project.
3. Approve payment to Statewide Security Transport in the amount of \$9,384.56 for prisoner lodging and maintenance for the month of July 2006.
4. Approve payment to Wayne County in the amount of \$5,740.00 (\$3,780.00 for June and \$1,960.00 for July) for prisoner lodging and maintenance for the months of June and July.
5. Approve payment to Michigan Fleet Service in the amount of \$5,319.86 for the repair of our 1984 Case Backhoe Tractor.

ROLL CALL VOTE

YES: Costantino, Marshall, Monaghan, Palmer, Sawicki, Szymanski and Poynter.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 09-115-06

PROPERTY TAX POVERTY EXEMPTION -  
GENERAL POLICY AND GUIDELINES

RESOLUTION by Monaghan, SUPPORTED by Sawicki:

BE IT RESOLVED To approve the General Policy and Guidelines for Property Tax Poverty Exemption, 2006.

ROLL CALL VOTE

YES: Marshall, Monaghan, Palmer, Sawicki, Szymanski, Poynter and Costantino.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 09-116-06

CLASS C LIQUOR LICENSE -  
EASTLAND MALL CHILI'S RESTAURANT

RESOLUTION by Sawicki, SUPPORTED by Marshall:

BE IT RESOLVED that the request from Brinker Michigan, Inc. for ownership of a new full year Class C liquor license with Sunday Sales Permit to be located at 17850 Vernier Road, Eastland Mall, Harper Woods, Wayne County, Michigan be considered for approval, and that it is the consensus of City Council that the application be recommended for issuance. (Attachment #1)

ROLL CALL VOTE

YES: Monaghan, Palmer, Sawicki, Szymanski, Poynter, Costantino and Marshall.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

Mr. Patrick Howe, the Attorney representing Chili's Grill & Bar was present to answer any questions regarding the request for a liquor license.

CM 09-117-06

2007 BUDGET WORKSHOP SCHEDULE

MOTION by Sawicki, SUPPORTED by Monaghan:

To approve the 2007 Budget Meeting Schedule with workshops to be held at regular and special meetings on October 2, October 9, October 16 and October 23, and further, to hold a public hearing on the Budget on November 6, 2006.

MOTION CARRIED UNANIMOUSLY

CALL TO COUNCIL

The City Manager commented on the television news coverage of the Old Homestead house fire, saying that the reporting of our Fire Fighters standing around watching the house burn is totally false. He rebutted the reporting by reading a report from the Fire Chief in which he provided a time line of the fire call and the various actions that were taken by the fire fighting personnel to extinguish the fire.

Mayor Poynter said that he appreciated the Fire Chief's report as it added a lot of clarity to the actions taken during the house fire on Old Homestead. He added that he did see the television report and to him it appeared that the media was attempting to create news,

rather than report the news, because their reporting was erroneous. He said that as a matter of fact he was riding his bike when he heard the Fire trucks, so he followed them to the fire, and stood on the side with some of the "sidewalk Fire Chiefs," and was amazed by some of the comments being made, and how erroneous he thought those comments were at the time, and how the Fire Chief's report proved their comments to be erroneous. He concluded saying that he thinks the Fire Department did an excellent job and should be commended for their efforts, and not condemned for their efforts.

Councilman Monaghan commented on the Fire Chief's report on the Old Homestead house fire saying that it took thirteen minutes from the time the 9-1-1 dispatcher received the call for help, for fire personnel and equipment from Harper Woods, Grosse Pointe Woods and Eastpointe to arrive and attack the fire. He added that Harper Woods fire personnel were on the fire scene within three minutes of the call.

Mayor Poynter said it was nice to have a County Commissioner elect (Tim Kileen) attend a Council meeting saying that it's the first time in years that a Commissioner has attended a meeting. He then said he is looking forward to the County providing the \$200K in park grant monies that they indicated the City would be receiving. Then he commented on a meeting he and the City Manager had with several residents who would like to see a Splash Park built in the city, saying that he drove to Redford's new Splash Park over the weekend to see what it was like, and said that he thought it was nice and something he'd like to see in Harper Woods. He added however, that he learned it cost \$400 a day in water expenses to run Redford's Splash Park, and said that it is essential to receive public input on any future project before proceeding. Then he commented on the need for the City to have a "diversity festival," and urged Council members to give this serious consideration during the next Goal Setting Session with the goal of having the first festival next year. He then commented on the recent police/fire millage defeat saying that City Council will have to make police and fire services a top priority over the next few months, and that Council may have to take some unpopular steps to ensure that a fully functioning police/fire service will meet our public safety needs. Lastly, he reminded the public that the City's Open House is this Saturday from 11 a.m. to 1 p.m., and urged them to attend.

Councilman Szymanski commented on the Splash Park, saying that he was contacted by several residents who urged him to participate in an emergency meeting to reallocate the County's Park Grant monies towards building a Splash Park in Harper Woods. And while he agrees that a Splash Park is a worthwhile goal, and that there is a need for water recreation activities for our children, he said that he explained to one resident that called him that it's not so much the building of a Splash Park that is an issue, but rather, it's the long term maintenance cost that needs to be considered before proceeding. He added that he didn't want the residents that contacted him to think that their concerns were not being heard, and he didn't want to give the impression that this Council can be stampeded into

taking action to re-allocate the grant money. He further added that hearings were held on the grant money and it was represented at these hearings that the City would use the money to pave the tennis courts and the parking lot at Johnston Park, and suggested that the City should proceed with using the grant monies as represented to the public. He did say however, that he thought a Splash Park is a worthwhile goal and that the City Manager should research its feasibility and report back to City Council before any action is taken. He cited the discussion held by City Council several years ago as an example, when there was a proposal to build an ice rink in the city, and how after careful deliberation it was determined that we couldn't afford it, so it wasn't built. He stressed the need to research the issue thoroughly and discuss it at the upcoming budget meetings before proceeding. Lastly, he said the number one priority for City Council is police and fire services, and he wouldn't want the City to be put in a position of laying off a police officer or fire fighter in order to keep a Splash Park open.

Mayor Pro tem Sawicki said that she was also contacted by several residents about building a Splash Park and after speaking with them she felt they understood what was going on in the city. She added that one resident that she spoke to was unaware of the various swim programs offered by the City, and was pleased to learn about them after speaking to her. She then announced that Harper Woods High School will be holding the Annual Band-O-Rama on September 17<sup>th</sup> at the Notre Dame Football field.

Councilwoman Costantino announced that the Sweet Mountain Strings will be performing in the Library at the Open House this Saturday. She then commented on the Splash Park discussion saying that she is a big fan of Splash Parks, and has wanted it for a long time, and if at all possible would like to see it go in the budget. But she added that Council's immediate concern is public safety and the impending staffing crisis in those departments. She urged the public to attend the upcoming budget workshops to let Council know how they feel about these issues, saying that it's Council's job to deal with these concerns and resolve them so that Harper Woods is safe.

Councilman Marshall asked the City Manager what the status of the Pit Bull Ordinance is, and when he could expect to see it come before Council for action. (The City Manager said that the new ordinance that he is proposing is not breed specific, but rather an ordinance banning vicious dogs, and that he anticipates bringing that ordinance to Council in October.)

#### CALL TO AUDIENCE

Ms. Steiger commented on Council attempting to link the park grant monies, which she would like to see used for a Splash Park, to police and fire funding saying that the grant

is specific to park use only. She also said that when she contacted the County she was advised that the City could amend the Park Grant request to use the money for a Splash Park.

Mr. Collins commented on City Officials needing to address the issue of making Harper Woods a city that people want to move to, rather than focusing on Splash Parks, a new High School and a new library. He complained about blight and said that the City needs to be more aggressive with ordinance enforcement, because the appearance of the city is what will bring people here. Lastly, he commented on the Fire Chief's comments to the news media regarding the Old Homestead house fire saying that he didn't think they were very good.

Ms. Kindel commented on the need for the City to form a Diversity Advisory Committee, or have a Town Hall meeting to discuss diversity issues in an effort to assist residents in communicating with one another. She said that its important for residents to work together, so that the problems the city faces can be solved.

Mr. Binder asked if the Police/Fire Millage that was defeated in August can be put back on the November ballot. (The City Manager said that the deadline for placing ballot proposals on the November ballot has passed.) He then told Council of an incident where four youths were walking on his street blocking his passage, and the incident was witnessed by a Harper Woods Police Officer who didn't do anything about it. (The City Manager said that the Officer should have addressed the situation and asked Mr. Binder to notify him in the future as these things happen so that it can be addressed.)

Ms. Miller asked City Council if there is any way the Police/Fire manpower issue could be addressed without raising taxes, like merging the Police/Fire to a Public Safety Department. She cited Grosse Pointe Park as a successful example of a community that merged the two departments, and she also cited Mt. Clemens who contracted with the Sheriff's Department for police services as another example.

Mr. Cadotte said that the quality of life in his neighborhood is being degraded by a person using a home incinerator to burn their trash causing a foul odor. He said that he has complained to the City and the Fire Department about it, but nothing has been done. He suggested that the Fire Department could find out who's doing it by using their heat sensing equipment. Lastly, he commented on the Fire Chief's interview on Channel 4 regarding the house fire on Old Homestead, saying that the Chief gave the impression that the recent millage defeat contributed to the manpower shortage and he thought his comment was out of line.

Ms. McCarthy advised Council and the public about the Life Long Learning Programs

being offered at St. Peter's Church.

Mr. Szolach asked why a Harper Woods Police Officer is assigned to the High School instead of patrolling the streets, saying that the school should be responsible for their own security. (The City Manager said that the High School is part of the community so it's not inappropriate to have a police officer at the High School.) He then commented on how he would do anything for the Police and Fire Departments, but he had to vote against the millage because he just couldn't afford the tax increase. He also said that he didn't like the way the millage proposal was presented, saying that the City went about asking for it the wrong way. He then told Council of a recent incident that occurred in his neighborhood, and said that he appreciated how quickly and efficiently the Police Department handled it. Lastly, he commented on the number of people leaving Harper Woods saying that the City has got to do something to bring the people back.

Mr. Collins wanted to let the Council members know that while he may complain from time-to-time, he wouldn't want their job, and he appreciates all they do for the city.

Mr. Kangas said that he has seen his taxes go down only one time in the forty-five years that he has lived here.

Ms. Stamatakis told City Council about a problem she is having with one of her neighbors who raises pit bulls and asked for some help in dealing with the situation. (The City Manager told her to speak to the Police Lieutenant after the meeting and he would assist her.)

Mr. Szolach wanted the Council members to know that he appreciates the job they do, and that he is just expressing his feelings on the city and that they should not take his comments personally.

CM 09-118-06

ADJOURNMENT

MOTION by Monaghan, SUPPORTED by Palmer:

That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 8:51 p.m.

MOTION CARRIED UNANIMOUSLY

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KENNETH A. POYNTER, MAYOR

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MICKEY D. TODD, CITY CLERK

CITY OF HARPER WOODS  
CITY COUNCIL  
SEPTEMBER 18, 2006

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:30 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem Vivian M. Sawicki , Councilperson(s) Cheryl A. Costantino, Daniel S. Palmer and John M. Szymanski.

ABSENT: Council member(s) Hugh Marshall and Michael P. Monaghan.

OTHERS PRESENT: City Manager James E. Leidlein, City Attorney J. Russell LaBarge and City Clerk Mickey D. Todd.

CM 09-119-06

EXCUSE COUNCIL MEMBERS

MOTION by Costantino, SUPPORTED by Palmer:

To excuse Council member(s) Hugh Marshall and Michael P. Monaghan from tonight's meeting because of prior commitments.

ABSENT: Marshall and Monaghan.

MOTION CARRIED

CM 09-120-06

MINUTES

MOTION by Szymanski, SUPPORTED by Costantino:

To receive, approve and file the minutes of the regular City Council meeting held September 6, 2006.

ABSENT: Marshall and Monaghan.

MOTION CARRIED

CM 09-121-06

CONSENT AGENDA

RESOLUTION by Costantino, SUPPORTED by Palmer:

BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 78229 through 78351 in the amount of \$226,695.87 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.
2. Approve payment to Nu Appearance in the amount of \$7,859.00 for contractual lawn cutting and maintenance in various areas of the city, including City Hall, the Library, DPW, Johnston Park and the I-94 service drive.
3. Approve payment to Anderson, Eckstein & Westrick, Inc. in the amount of \$11,528.00 for professional services during the month of August for the following projects: Johnston Park Tennis Courts, #180-096; 2006 Concrete Pavement Repair project, #180-092; the High School Project, #180-091 and 2005 General, #180-090.

ROLL CALL VOTE

YES: Costantino, Palmer, Sawicki, Szymanski and Poynter.

NO: None.

ABSENT: Marshall and Monaghan.

RESOLUTION ADOPTED

CM 09-122-06

MILK RIVER BONDS PRINCIPAL AND INTEREST

RESOLUTION by Sawicki, SUPPORTED by Palmer:

BE IT RESOLVED approve payment in the amount of \$604,625.98 to Wayne County for the Milk River Drain principal and interest payments; \$439,476.57 principal and interest on the 1991 Series Bond, \$60,069.38 principal and interest on the 1992 Series Bond and \$105,080.03 principal and interest on the 1993 Series Bond.

ROLL CALL VOTE

YES: Palmer, Sawicki, Szymanski, Poynter and Costantino.

NO: None.

ABSENT: Marshall and Monaghan.

RESOLUTION ADOPTED



CM 09-123-06

PURCHASE - FINANCIAL SOFTWARE

RESOLUTION by Costantino, SUPPORTED by Palmer:

BE IT RESOLVED to accept the proposal from Northern Data Systems for the purchase of financial software in the amount of \$58,778.00, to be paid in installments over three years, \$30,046 the first year and \$14,366 for the subsequent two years.

ROLL CALL VOTE

YES: Sawicki, Szymanski, Poynter, Costantino, and Palmer.

NO: None.

ABSENT: Marshall and Monaghan

RESOLUTION ADOPTED

CALL TO COUNCIL

The City Manager advised City Council that he did not need to have the Executive Session as shown on the agenda. He also advised City Council that he met with the County Director of Public Services and several of his staff members to discuss the City's proportionate share of the cost for the Kelly Road improvement project, and was pleased with the outcome of the meeting as they agreed to accept \$24,000 as the City's share of the project, rather than \$48,000.

Mayor Poynter commented on how successful the City's Open House was last Saturday despite the rain. He also commented on what a huge success the High School's Band-O-Rama program was yesterday, saying that it was a great event for the community.

CALL TO AUDIENCE

Mr. Regal asked what is going to happen to the old computer software in the Finance Department now that new software is being purchased. (The City Manager said that it would be disposed of.) He then asked if the City knows what Eastland Center plans on doing to the old vacant garage on the northwest corner of the parking lot, saying that it is an eyesore. (The City Manager said that Eastland Center's new management plan on tearing it down in the spring.) Lastly, he commented on the number of people present at the meeting saying that there are just as many people in the audience as there are on Council and something needs to be done to get more people to the Council meetings.

Mr. Collins said that he came to the last meeting to complain about his neighbor's high

weeds and trash, and nothing has been done. He showed City Council pictures of the problem and asked them if they found this situation acceptable (they didn't). (The City Manager said that he would have inspectors out tomorrow to address the situation.)

Mr. Bruneel announced that the Lion's Club will be having their Annual Pasta Dinner at the Community Center on Wednesday, October 18<sup>th</sup>, from 4-8 p.m., with proceeds from the dinner benefitting local residents. He then commented on what a tremendous success the Harper Woods Band-O-Rama was yesterday.

CM 09-124-06

ADJOURNMENT

MOTION by Palmer, SUPPORTED by Szymanski:

That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 7:50 p.m.

ABSENT: Marshall and Monaghan

MOTION CARRIED

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KENNETH A. POYNTER, MAYOR

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MICKEY D. TODD, CITY CLERK

CITY OF HARPER WOODS  
CITY COUNCIL  
OCTOBER 2, 2006

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:30 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem Vivian M. Sawicki , Councilperson(s) Cheryl A. Costantino, Hugh Marshall, Michael P. Monaghan and Daniel S. Palmer.

ABSENT: Councilman John M. Szymanski.

OTHERS PRESENT: City Manager James E. Leidlein, Finance Director Laura L. Stowell and City Clerk Mickey D. Todd.

CM 10-125-06

EXCUSE COUNCIL MEMBER

MOTION by Monaghan, SUPPORTED by Sawicki:

To excuse Council member John M. Szymanski from tonight's meeting because of a prior commitment.

ABSENT: Szymanski.

MOTION CARRIED

PRESENTATION - 2006 REGINA VARSITY SOFTBALL TEAM

Mayor Poynter and Mayor Pro tem Vivian M. Sawicki presented members of Regina High School Varsity Softball Team, and their Manager Diane Laffey, with certificates of achievement in recognition of winning the 2006 Girl's State Softball Championship.

PRESENTATION - MAKE A DIFFERENCE DAY

Chief Skotarczyk informed City Council of the Police Department's plans on participating with Services for Older Citizens (S.O.C.) and Lowe's Home Improvement store, in "Make A Difference Day" on October 28<sup>th</sup> by providing seniors in the community with a Home Finder Light, that automatically turns on at dusk and off at dawn, and when the light switch is activated, it flashes on-and-off to alert emergency responders to a given location. Ms. Sharon Maier, representing S.O.C., and Ms. Haddie Matthews, Manager of Lowe's Home Improvement store were present to explain their involvement with this community service project and answer any questions. (Note: Make A Difference Day is a national day of helping others, and is often a celebration of neighbors helping neighbors. It was created by USA WEEKEND Magazine, and takes place on the fourth Saturday of every October.)

CM 10-126-06

MINUTES

MOTION by Monaghan, SUPPORTED by Costantino:

To receive, approve and file the minutes of the regular City Council meeting held September 18, 2006, and furthermore, receive and file the minutes of the Library Board meeting held on, August 17, 2006.

ABSENT: Szymanski.

MOTION CARRIED

CM 10-127-06

CONSENT AGENDA

RESOLUTION by Costantino, SUPPORTED by Monaghan:

BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 78237 and 78352 through 78480 in the amount of \$1,032,057.70 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.
2. Approve payment to Alter Collision in the amount of \$7,531.42 for the repair of Scout 65 following an accident that took place a couple of weeks ago with the insurance company reimbursing us our deductible.
3. Approve payment to Statewide Security Transport in the amount of \$8,536.14 for prisoner lodging and maintenance for the month of August 2006.

ROLL CALL VOTE

YES: Costantino, Marshall, Monaghan, Palmer, Sawicki, and Poynter.

NO: None.  
ABSENT: Szymanski.

RESOLUTION ADOPTED

CM 10-128-06

MILK RIVER - PRINCIPLE & INTEREST

RESOLUTION by Marshall, SUPPORTED by Monaghan:

BE IT RESOLVED to approve payment in the amount of \$51,474.28 to Wayne County for the Milk River Drain principal and interest payment on the 1999 Series Bond.

ROLL CALL VOTE

YES: Marshall, Monaghan, Palmer, Sawicki, Poynter and Costantino.  
NO: None.  
ABSENT: Szymanski.

RESOLUTION ADOPTED

CALL TO COUNCIL

Mayor Pro tem Sawicki announced that Harper Woods High School will be having their annual Homecoming Parade this Friday starting at 5:30 p.m. on Beaconsfield, followed by the game at 7:00 p.m.

CALL TO AUDIENCE

Ms. Steiger brought up the issue of the City cooperating with the School District in adding a solarium to the new pool at the new High School so that it can be used in the summer months by the City's residents. She said that it was her understanding after speaking to City Officials that the school district was not interested in the pursuing idea, but after speaking with school officials she was given the impression that it was City Officials who were not interested in pursuing the idea. (The City Manager said that is not how he understood the situation and would contact the School Superintendent to discuss the matter further.) Ms. Steiger then said she contacted a representative at Wayne County regarding the park grant money that the City applied for, and is due to receive for re-paving the Johnston Park parking lot and tennis courts, saying that she was advised that the grant application could be amended so that money from that grant could be used to pay for a solarium to the new pool at the High School. (The City Manager said that he would check with County Officials regarding the matter.)

Mr. Bruneel announced that the Lion's Club will be having their Annual Pasta Dinner at the Community Center on Wednesday, October 18<sup>th</sup>, from 4-8 p.m., with proceeds from the dinner benefitting local residents.

Ms. McCarthy commented on Services for Older Citizens, saying that as a Social Worker she could attest to the excellent work they do in helping seniors in Harper Woods and the Grosse Pointes. She then announced that St. Peter's will be making flu shots available to seniors and having a Blood Drive on October 15<sup>th</sup>. Lastly, she announced that Assumption Cultural Center will be having a Senior Expo on October 12<sup>th</sup>.

Ms. Sturton asked for assistance in dealing with football players who use Lutheran East's field on Sundays, which is in her backyard, saying that a number of players are using her fence as a bathroom, and after speaking with coaches and the police about the matter, the problem still persists. (The City Manager asked her to see the Police Chief about the matter after the meeting and assured her that he would take care of it.) She added that the P.A. system that is used during the games is also too loud. She then complained about traffic speeding down her street and asked if the street could be turned into a cul-de-sac, or closed, saying that the speeders pose a danger to the children playing in the area. She said that it is particularly bad around noon each day. (The City Manager said that the idea of closing off certain streets has been considered before, but a street like Huntington is too long to close. He added that he would have the police increase traffic enforcement on her street.) Lastly, she complained about the trash and general messy condition behind Mr. S's on Kelly and asked that something be done about it. (The City Manager said that he would send out an inspector tomorrow.)

Ms. Stamatakis asked if the police are ticketing kids for walking in the streets. (The City Manager said that tickets are being issued.)

A gentleman who lives on Huntington agreed with Ms. Sturton's comments about the speeders on Huntington and the need to cul-de-sac the street. He also agreed with her comments about the football players using the fence line between the field and their houses as a bathroom saying that this is creating a very unsanitary situation that could lead to children in the area getting diseases, so it needs to be dealt with immediately. (The City Manager said the Police Chief is aware of it, and will deal with the problem.) He said that the City needs more police officers, and that he works 57 hours a week and shouldn't have to come home to deal with these kinds of problems.

Mr. Szolach commented on the City needing to enforce its Garage Sale Ordinance more stringently, citing one house on Woodland that is constantly having a garage sale. He also commented on the need for the police to cite kids who walk in the street, saying that one of these days a kid is going to get run over and killed and he does not want to see that happen.

Mr. Sturton said that the police could use his driveway to park their radar car if they needed to.

CM 10-129-06

2007 BUDGET SESSION

MOTION by Monaghan, SUPPORTED by Poynter:  
To adjourn to the Budget Workshop Session.

ABSENT: Szymanski.

MOTION CARRIED

City Council recessed at 8:15 p.m. and reconvened in the Conference Room at 8:20 p.m.

2007 BUDGET SESSION

The City Manager passed out the budget work papers as required by Charter, and briefly reviewed and discussed a memo where he outlined the major issues and concerns that he has about the 2007 budget. He also indicated that next week's planned budget meeting may be canceled.

Several residents discussed or asked questions about the City's financial condition and the possibility of creating a Public Safety Department, or "blended" police/fire service or a volunteer Fire Department.

CM 10-130-06

ADJOURNMENT

MOTION by Monaghan, SUPPORTED by Palmer:  
That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 9:01 p.m.

ABSENT: Szymanski.

MOTION CARRIED

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KENNETH A. POYNTER, MAYOR

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MICKEY D. TODD, CITY CLERK

CITY OF HARPER WOODS  
CITY COUNCIL  
OCTOBER 16, 2006

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:30 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem Vivian M. Sawicki , Councilperson(s) Cheryl A. Costantino, Hugh Marshall, Michael P. Monaghan, Daniel S. Palmer and John M. Szymanski.

ABSENT: None.

OTHERS PRESENT: City Manager James E. Leidlein, City Attorney J. Russell LaBarge, Finance Director Laura L. Stowell and City Clerk Mickey D. Todd.

CM 10-131-06

MINUTES

MOTION by Monaghan, SUPPORTED by Costantino:

To receive, approve and file the minutes of the regular City Council meeting held October 2, 2006.

MOTION CARRIED UNANIMOUSLY

CM 10-132-06

CONSENT AGENDA

RESOLUTION by Costantino, SUPPORTED by Marshall:

BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 78481 through 78606 in the amount of \$469,522.01 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.



2. Approve payment to Hoekstra Truck Equipment in the amount of \$6,182.20 for the purchase of necessary equipment to outfit the two front-end loaders for leaf season.
3. Approve payment to Anderson, Eckstein & Westrick, Inc. in the amount of \$9,678.25 for professional services during the month of September for the following projects: High School, #180-091; 2006 Concrete Pavement Repair, #180-092; 2006 Pavement Joint & Crack Sealing, #180-094 and the S2 Grant Application, #180-095.
4. Approve payment to the City of Grosse Pointe Farms in the amount of \$9,184.74 for Harper Woods' proportionate share of the Intermunicipal Radio System covering the period from January 1 through June 30, 2006.
5. Approve payment to Wayne County Department of Public Health in the amount of \$5,296.00 for inspection services in the Cross Connection Control Program for the period January through June 2006.

ROLL CALL VOTE

YES: Costantino, Marshall, Monaghan, Palmer, Sawicki, Szymanski and Poynter.  
NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 10-133-06                      1995, 1999 , 2001 GENERAL OBLIGATION ROAD  
BONDS & LIBRARY BONDS - PRINCIPAL & INTEREST

RESOLUTION by Costantino, SUPPORTED by Marshall:

BE IT RESOLVED Approve payment to JP Morgan Institutional Trust Services in the amount of \$460,150.00 for the annual interest payment on the 1995 Series Bond, principal and interest in the amount of \$100,250.00 on the 1999 Series Bond, principal and interest in the amount of \$24,975.00 on the 2001 Series Bond and principal and interest in the amount of \$63,487.50 on the Library Improvement Bond.

ROLL CALL VOTE

YES: Marshall, Monaghan, Palmer, Sawicki, Szymanski, Poynter and Costantino.  
NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CALL TO COUNCIL

The City Manager advised City Council and the public that following comments made by the public at the last meeting regarding the City being uncooperative with the School District on modifying the new High School's swimming pool for summer usage, he spoke with the School Superintendent. A meeting was then arranged with the architect and construction manager for tomorrow at 7:00 p.m. in the High School media center to consider alternative possibilities. He said that the meeting is open to the public to attend.

Mayor Poynter said that he attended Regina High School's 50<sup>th</sup> Anniversary celebration yesterday, saying that it was a very enjoyable experience, and that he had the privilege of meeting Cardinal Maida and several other dignitaries during the ceremony. He added that he is really sorry to see Regina High School leave the city, but noted that we had 50 good years with them.

Councilman Szymanski commented on how smoothly north bound Harper rides since new patching was added, saying that the patching material will probably add to the life of the road. He then advised Council that he will be unavailable to attend any meetings next week due to a work commitment.

Mayor Pro tem Sawicki also commented on how nicely north bound Harper rides, and asked the City Manager if all the streets in the city are ready for winter. (The City Manager said that overall the streets in the city are in good condition and ready for winter, with perhaps the exception of north bound Harper between Vernier and Old Eight Mile, which will need cold patching throughout the winter.) She then commented on the Harper Woods Citizens Advisory Committee, which will be having a meeting on Tuesday at the Library, urging the committee members to participate on the City's Boards and Commissions as a way to be involved in community decision making. Then she commented on the open air vegetable market at the Marathon station on Kelly road saying that it seems to be an on going business that is in violation of our ordinances and suggested that the Ordinance Committee needs to evaluate our current ordinance with the goal of restricting this type of activity.

CALL TO AUDIENCE

Mr. Bruneel announced that the American Legion Post that he belongs to offers disposal of used American flags, and said that if anyone needs that service to contact him. He then reminded Council and the public that the Lion's Club will be having their Annual Pasta Dinner at the Community Center on Wednesday, October 18<sup>th</sup>, from 4-8 p.m., with proceeds from the dinner benefitting local residents.

Mr. Steiger invited everyone to attend the Harper Woods Citizens Advisory Committee meeting tomorrow at the Harper Woods Library, and assured everyone that the committee has positive goals and is not meant to be adversarial.

Mr. Szolach complained about cars and lawn services double parking throughout the city, saying that the police need to enforce this ordinance. He also commented on the open air vegetable market on Kelly saying that the person running it is only trying to make a living, and she is selling a good product and the area is always cleaned up afterward, so he doesn't have a problem with it and the City shouldn't either.

CM 10-134-06

2007 BUDGET SESSION

MOTION by Monaghan, SUPPORTED by Palmer:

To adjourn to the Conference Room for the 2007 Budget Workshop session.

MOTION CARRIED UNANIMOUSLY

City Council recessed at 7:43 p.m. and reconvened in the Conference Room at 7:50 p.m.

2007 BUDGET SESSION

The City Manager, Finance Director and City Council reviewed and discussed the budget work papers for the following funds:

- Drug Law Enforcement Fund
- Separation Pay Reserve
- Self Insurance Fund
- Municipal Improvement Fund
- Debt Retirement Fund
- Library Fund
- Refuse Fund
- Stormwater Fund
- Vehicle & Equipment Fund
- Water & Sewer Fund
- Local Street Fund
- Major Street Fund
- General Fund

CM 10-135-06

EXECUTIVE SESSION

RESOLUTION by Szymanski, SUPPORTED by Monaghan:

BE IT RESOLVED to adjourn to Executive Session for the purpose of discussing a collective bargaining matter.

ROLL CALL VOTE

YES: Monaghan, Palmer, Sawicki, Szymanski, Poynter, Costantino and Marshall.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

The City Council adjourned to Executive Session at 8:35 p.m. and reconvened at 8:51 p.m.

CM 10-136-06

ADJOURNMENT

MOTION by Monaghan, SUPPORTED by Marshall:

That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 8:51 p.m.

MOTION CARRIED UNANIMOUSLY

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KENNETH A. POYNTER, MAYOR

\_\_\_\_\_  
MICKEY D. TODD, CITY CLERK

CITY OF HARPER WOODS  
CITY COUNCIL  
NOVEMBER 6, 2006

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:30 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem Vivian M. Sawicki , Councilperson(s) Cheryl A. Costantino, Hugh Marshall, Michael P. Monaghan and John M. Szymanski.

ABSENT: Councilman Daniel S. Palmer.

OTHERS PRESENT: City Manager James E. Leidlein, City Attorney J. Russell LaBarge and City Clerk Mickey D. Todd.

CM 11-137-06

EXCUSE COUNCIL MEMBER

MOTION by Costantino, SUPPORTED by Monaghan:

To excuse Council member Daniel S. Palmer from tonight's meeting because of a prior commitment.

ABSENT: Palmer.

MOTION CARRIED

CM 11-138-06

MINUTES

MOTION by Monaghan, SUPPORTED by Costantino:

To receive, approve and file the minutes of the regular City Council meeting held on October 16, 2006, and furthermore, receive and file the minutes of the Library Board meeting held on September 21, 2006, and the Planning Commission meeting held on October 25, 2006.

ABSENT: Palmer.

MOTION CARRIED

CM 11-139-06

CONSENT AGENDA

RESOLUTION by Costantino, SUPPORTED by Monaghan:

BE IT RESOLVED to approve the following items on the Consent Agenda:

1. By Resolution, approve the Accounts Payable listing for Check Numbers 78607 through 78766 in the amount of \$396,926.62 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.
2. Approve payment to Statewide Security Transport in the amount of \$7,140.00 for prisoner lodging and maintenance for the month of September 2006.
3. Approve payment to Anderson, Eckstein & Westrick, Inc. in the amount of \$6,283.30 for professional services during the month of October 2006 for the following projects: 2006 General, #180-090; High School Project, #180-091; 2006 Concrete Pavement Repair Program, #180-092 and the S2 Grant Application, #180-095.
4. Approve payment to Oakland County Information Technology in the amount of \$5,931.75 for fees relative to the CLEMIS computer system utilized by the Police Department.
5. Approve payment to Michigan Fleet Service in the amount of \$5,656.74 for the repairs and replacement parts on vehicles used for leaf pickup.

ROLL CALL VOTE

YES: Costantino, Marshall, Monaghan, Sawicki, Szymanski and Poynter.

NO: None.

ABSENT: Palmer.

RESOLUTION ADOPTED

CM 11-140-06

OPEN PUBLIC HEARING - 2007 BUDGET

MOTION by Monaghan, SUPPORTED by Marshall:

To open the Public Hearing on the 2007 Budget.

ABSENT: Palmer.

MOTION CARRIED

PUBLIC HEARING

The City Manager said that the budget before City Council has been prepared in accordance with State and local regulations, and that City Council has reviewed the budget in budget workshops.



BE IT FURTHER RESOLVED, that the City Assessor for the City of Harper Woods is hereby directed to spread upon the Taxable Valuation of all real and State Equalized Valuation of all personal property within the corporate limits of the City of Harper Woods, the above established millage rate.

ROLL CALL VOTE

YES: Marshall, Monaghan, Sawicki, Szymanski, Poynter and Costantino.

NO: None.

ABSENT: Palmer.

RESOLUTION ADOPTED

CM 11-143-06 2007 BUDGET ADOPTION AND APPROPRIATION RESOLUTION

RESOLUTION by Monaghan, SUPPORTED by Costantino:

BE IT RESOLVED to approve the Budget Adoption and Appropriation Resolution:

WHEREAS, The City Manager of the City of Harper Woods has presented to the City Council a proposed budget for the City's operating and debt funds for the period January 1, 2007, through December 31, 2007; and

WHEREAS, The proposed Budget has been reviewed and found to be in accordance with the general fiscal and budgetary policies as established by the City Council; and

WHEREAS, A Public Hearing was held on the Budget submission on November 6, 2006, at 7:30 p.m. in the City Council Chambers of the City of Harper Woods, Michigan and a public notice of this hearing was made on October 19, 2006, advising of the hearing and that a copy of the proposed budget was available for public inspection, in accordance with Section 9.3 of the City Charter; and

WHEREAS, This Budget Document is on file in the official records of the City of Harper Woods, Michigan.

NOW, THEREFORE, BE IT RESOLVED that the City Council, under the authority granted by the City Charter and the State of Michigan does hereby approve and adopt the 2007 Budget as submitted and appropriate the following sums for the purposes set forth herein:



GENERAL	\$11,881,020
MAJOR STREET	\$562,000
LOCAL STREET	\$394,400
WATER & SEWER UTILITY	\$2,699,500
VEHICLE & EQUIPMENT	\$372,200
STORM DRAIN	\$1,702,500
REFUSE COLLECTION	\$1,024,500
LIBRARY	\$442,350
DEBT RETIREMENT	\$1,290,825
SELF INSURANCE	\$111,500
SEPARATION PAY	\$100,000
MUNICIPAL IMPROVEMENT	\$55,000
DRUG LAW ENFORCEMENT	\$3,500
TOTAL	\$20,639,295

ROLL CALL VOTE

YES: Monaghan, Palmer, Sawicki, Szymanski, Poynter, Costantino and Marshall.  
NO: None.  
ABSENT: Palmer.

RESOLUTION ADOPTED

CM 11-144-06            2007 STORM WATER UTILITY RATE RESOLUTION

RESOLUTION by , SUPPORTED by :

BE IT RESOLVED that in accordance with Chapter 27, Article V, Sections 27-120 and 27-15 of the Code of Ordinances, a rate of \$160.00 per residential equivalent unit is hereby established for the storm water utility charge to be billed December 1, 2006.

ROLL CALL VOTE

YES: Sawicki, Szymanski, Poynter, Costantino, Marshall and Monaghan.  
NO: None.  
ABSENT: Palmer.

RESOLUTION ADOPTED

CM 11-145-06

TRANSFER TO 2006 WINTER TAX ROLL -  
DELINQUENT WATER & SEWER BILLS, GRASS  
CUTTING BILLS, AND COMMERCIAL REFUSE BILLS

RESOLUTION by Marshall, SUPPORTED by Costantino:

BE IT RESOLVED to approve the transfer of \$50,875.50 in delinquent Water and Sewer Bills, \$33,110.00 in delinquent Grass Cutting/Snow Removal Bills, \$50.00 in delinquent Special Pick up Bills, \$1,584.00 in delinquent Commercial Refuse Bills, \$9,010.00 in Property Transfer Penalties, \$1,868.00 in Clean-up and \$268.94 in miscellaneous fees (total of \$96,766.44) to the 2006 Winter Tax Roll as proposed and submitted by the City Treasurer.

ROLL CALL VOTE

YES: Szymanski, Poynter, Costantino, Marshall, Monaghan and Sawicki.

NO: None.

ABSENT: Palmer.

RESOLUTION ADOPTED

CM 11-146-06

2006 SIDEWALK PROGRAM #180-090

RESOLUTION by Szymanski, SUPPORTED by Monaghan:

BE IT RESOLVED that in accordance with Section 23-27 of the City Code of Ordinances, the City is authorized to make repairs to sidewalks that the City Engineer has identified in his November 1, 2006, report to the City and that the cost of those repairs shall be charged to the abutting premises.

ROLL CALL VOTE

YES: Poynter, Costantino, Marshall, Monaghan, Sawicki and Szymanski.

NO: None.

ABSENT: Palmer.

RESOLUTION ADOPTED

CM 11-147-06 SUBURBAN MOBILITY AUTHORITY FOR TRANSPORTATION  
(SMART) - SERVICE CONTRACT 2006-07

RESOLUTION by Sawicki, SUPPORTED by Monaghan:

BE IT RESOLVED to approve the Service Contract with SMART for the City's Connector Operations covering the period from July 1, 2006 through June 30, 2007.

ROLL CALL VOTE

YES: Costantino, Marshall, Monaghan, Sawicki, Szymanski and Poynter.

NO: None.

ABSENT: Palmer.

RESOLUTION ADOPTED

CM 11-148-06

BID AWARD - 2007-09 CITY CALENDAR

RESOLUTION by Monaghan, SUPPORTED by Sawicki:

BE IT RESOLVED to accept the low bid in the amount of \$7,100.00 submitted by Litho Printing for the printing of the City's 2007 Calendar and further, that upon approval of the finished 2007 Calendar that the low bid of \$7,250.00 for the 2008 Calendar and \$7,380.00 for the 2009 Calendar be accepted.

ROLL CALL VOTE

YES: Marshall, Monaghan, Sawicki, Szymanski, Poynter and Costantino.

NO: None.

ABSENT: Palmer.

RESOLUTION ADOPTED

CALL TO COUNCIL

Mayor Poynter reminded the public that the City's Holiday Tree Lighting ceremony is next Wednesday, November 15<sup>th</sup> at 6:30 p.m. He also reminded the Council members that the Beautification Awards Dinner is next Thursday, November 16<sup>th</sup>. He then said that he recently had an opportunity to walk through the new high school and said that it was very nice and will be a state-of-the-art school. Lastly, he commented on a meeting that School Board and Council members had regarding the possibility of adding to the new High School pool so that it can be used during the summer months by the residents, saying that he's looking forward to seeing the architect's plans.

Mayor Pro tem Sawicki asked the Mayor if he knew when we could expect to hear from the School Board and Architect regarding the proposed modifications to the pool. (The Mayor said that he would anticipate hearing something in the near future.) She then commented on a memo that City Council received from the Recreation Director about park improvements, saying that she was disappointed that a Frisbee Golf range couldn't be built, but was pleased to hear that

there would be new horse shoe pits. Lastly, she congratulated the Library on the success of their Teen Advisory Group program, and encouraged all teens to participate.

CALL TO AUDIENCE

Mr. Szolach asked if the City knows what is going on with all the vacant businesses on Kelly road, saying that he heard it's because the lease rates were doubled. He then asked if something could be done to require the homeowner on Elkhart where the shooting occurred, to maintain the house. He said bullet holes are still visible. Lastly, he suggested that the City needs to do something about traffic on Halloween night, saying that people dropping their children off in the streets to go Trick-or-Treating is dangerous. He suggested that maybe a Halloween celebration take place in the schools instead of having Trick-or-Treating.

Mr. Steiger announced that the Harper Woods Citizens Advisory Committee will be meeting in the Library on Wednesday, November 8<sup>th</sup> in the Library Basement, and that all residents are invited to attend.

Mr. Binder said that he saw a number of children walking in the street on Halloween and nothing was done about it. He said that the City does not need a sidewalk program like the one that was approved tonight if people don't use them.

CM 11-149-06

ADJOURNMENT

MOTION by Monaghan, SUPPORTED by Szymanski:

That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 8:13 p.m.

ABSENT: Palmer.

MOTION CARRIED

\_\_\_\_\_  
KENNETH A. POYNTER, MAYOR

\_\_\_\_\_  
MICKEY D. TODD, CITY CLERK

CITY OF HARPER WOODS  
CITY COUNCIL  
NOVEMBER 20, 2006

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:30 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem Vivian M. Sawicki , Councilperson(s) Cheryl A. Costantino, Hugh Marshall, Michael P. Monaghan, Daniel S. Palmer and John M. Szymanski.

ABSENT: None.

OTHERS PRESENT: City Manager James E. Leidlein, City Attorney J. Russell LaBarge and City Clerk Mickey D. Todd.

CM 11-150-06

PRESENTATION AND RESOLUTION -  
EIGHT MILE BOULEVARD ASSOCIATION

Ms. Tami Salisbury, the Executive Director of the Eight Mile Boulevard Association, appeared before the City Council to request the adoption of a resolution in support of their new program, the "Eight Mile Corridor Keeper," and answered any questions.

RESOLUTION by Monaghan, SUPPORTED by Costantino:

BE IT RESOLVED to adopt the attached resolution (Attachment #1) in support of the Eight Mile Boulevard's "Eight Mile Corridor Keeper Program," and further, to direct the City Clerk to send copies of this resolution to the adjoining communities of Eight Mile Road as specified on the resolution.

ROLL CALL VOTE

YES: Costantino, Marshall, Monaghan, Palmer, Sawicki, Szymanski and Poynter.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 11-151-06

MINUTES

MOTION by Monaghan, SUPPORTED by Costantino:

To receive, approve and file the minutes of the regular City Council meeting held November 6, 2006.

MOTION CARRIED UNANIMOUSLY

CM 11-152-06

CONSENT AGENDA

RESOLUTION by Costantino, SUPPORTED by Monaghan:

BE IT RESOLVED to approve the following items on the Consent Agenda:

- 1) Approve the Accounts Payable listing for Check Numbers 78767 through 78941 in the amount of \$310,138.60 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.
- 2) To receive and file for the audit 3<sup>rd</sup> quarter financial report.
- 3) Approve the purchase of a hand-held meter reader with software from Badger Meter, Inc. in the amount of \$9,700.00.
- 4) Approve payment to the Children's Home of Detroit in the amount of \$14,511.50 for our City's proportionate share of the funding of the Grosse Pointe/Harper Woods Youth Assistance Program for fiscal year 2006/2007.
- 5) Approve payment to Wayne County in the amount of \$6,538.05 for services performed on the tax rolls.
- 6) Accept the low bid submitted by Premier Business Products for the purchase of a Toshiba E600 copy machine in the amount of \$11,797.00.

ROLL CALL VOTE

YES: Marshall, Monaghan, Palmer, Sawicki, Szymanski, Poynter and Costantino.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 11-153-06

SCHEDULE PUBLIC HEARING - 2007  
COMMUNITY DEVELOPMENT BLOCK GRANT

MOTION by Marshall, SUPPORTED by Costantino:

To hold a Public Hearing on December 18, 2006 at 7:30 p.m. for the purpose of receiving public input and comment on the 2007 Community Development Block Grant Program.

MOTION CARRIED UNANIMOUSLY

CM 11-154-06 RESOLUTION - ESTABLISH AUGUST CITY PRIMARY DATE

RESOLUTION by Sawicki, SUPPORTED by Costantino:

BE IT RESOLVED to move the City of Harper Woods Primary Election date from the Tuesday following the second Monday in September to the first Tuesday after the first Monday in August preceding the City's bi-annual General Election, and furthermore, that this resolution is adopted under the authority of Michigan Election Law, Act 116 of 1954, 168.642.a(3), and furthermore, that the City Clerk is hereby directed to forward a certified copy of this resolution to the State Election Bureau.

ROLL CALL VOTE

YES: Monaghan, Palmer, Sawicki, Szymanski, Poynter, Costantino and Marshall.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 11-155-06 BID AWARD - 2006 MISCELLANEOUS SIDEWALK REPAIR

RESOLUTION by Monaghan, SUPPORTED by Sawicki:

BE IT RESOLVED to accept the bid submitted by C & V Cement of Eastpointe in the amount of \$12,240.00 for the 2006 Miscellaneous Sidewalk Replacement Program.

ROLL CALL VOTE

YES: Palmer, Sawicki, Szymanski, Poynter, Costantino Marshall, and Monaghan, .

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 11-156-06 BID AWARD - 2006 TREE PLANTING PROGRAM

RESOLUTION by , SUPPORTED by :

BE IT RESOLVED to accept the low bid submitted by Marine City Nursery Company for the purchase of 80 trees in the amount of 9,200.00.

ROLL CALL VOTE

YES: Sawicki, Szymanski, Poynter, Costantino Marshall, Monaghan, and Palmer .

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CM 11-157-06 FEASIBILITY STUDY - CENTRALIZED EMERGENCY DISPATCH

RESOLUTION by Sawicki, SUPPORTED by Monaghan:

BE IT RESOLVED to approve payment to Plante Moran in the amount of \$6,000 for the City's participation in a feasibility study for a centralized emergency dispatch center with six other communities in Macomb County.

ROLL CALL VOTE

YES: Szymanski, Poynter, Costantino Marshall, Monaghan, Palmer and Sawicki.

NO: None.

RESOLUTION ADOPTED UNANIMOUSLY

CALL TO COUNCIL

Mayor Poynter commented on how nice last week's Tree Lighting ceremony was despite the inclement weather. He also commented on last week's Beautification Awards Dinner, saying that he thought it was the best one he has ever been to because all the winners stayed and talked after the event.

Councilman Monaghan asked the City Manager if he had heard back from Harper Woods Schools regarding the possibility of adding on to the new High School pool for use during the summer months. (The City Manager said that he spoke with the Superintendent of Schools who advised him that the Architect for the project would have something for his review on Wednesday. He added that he would review this information and report back to Council.) Lastly, Councilman Monaghan wished everyone a Happy Thanksgiving.

CALL TO AUDIENCE

Mr. Bruneel wished everyone a Happy Thanksgiving.

Mr. Regal commented on the Election Summary report from the November 7<sup>th</sup> election, saying that he was very impressed with the report.



CM 11-158-06

ADJOURNMENT

MOTION by Monaghan, SUPPORTED by Palmer:

That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 8:04 p.m.

MOTION CARRIED UNANIMOUSLY

\_\_\_\_\_  
KENNETH A. POYNTER, MAYOR

\_\_\_\_\_  
MICKEY D. TODD, CITY CLERK

Eight Mile Boulevard Association

A Resolution to Support the Inter-jurisdictional  
Education and Enforcement Cooperative Planning Program

Whereas, Eight Mile Road, known as M-102 or Baseline, was the baseline of the first natural survey of Michigan. Following the method set forth in the Federal Land ordinance Act of 1785, and served as the model for modern surveying in the United States, upon which property boundaries in the State of Michigan are based; and

Whereas, Eight Mile Road serves as the connecting corridor for the City of Detroit and its suburbs; and

Whereas, Eight Mile Road borders the Cities of Detroit, Eastpointe, Farmington, Farmington Hills, Ferndale, Harper Woods, Hazel Park, Livonia, Oak Park, Southfield, Warren; Townships of Redford and Royal Oak and Counties of Wayne, Macomb and Oakland, and serves as an east-west thoroughfare for communities in the southeastern Michigan region and a connector for intra-state travel; and

Whereas, the Eight Mile Boulevard Association recognizes that the well-being, growth and business climate of communities along the thoroughfare largely depend on the presence and appearance of Eight Mile Road; and

Whereas, the Eight Mile Boulevard Association has supported the application to the *Partnerships for Change Program* and supports the creation of new land use policies established through inter-jurisdictional cooperation along Eight Mile Road; and

Whereas, local officials from communities along the thoroughfare have worked together, through the *Partnerships for Change Program*, to determine that code enforcement, education, assistance and cooperation are the best methods to enhance the appearance, overall community value and business climate of Eight Mile Road; and

Whereas, local officials from communities along the thoroughfare have worked together, through the *Partnerships for Change Program*, to develop an education and code enforcement program that will enhance the appearance, overall community value and business climate along Eight Mile Road through education, assistance, code enforcement and cooperation; and

Whereas, local officials from communities along the thoroughfare have agreed to call the education and code enforcement effort the “Corridor Keeper” program; and

Whereas, local officials from communities along the thoroughfare have worked together, through the *Partnerships for Change Program*, to establish the parameters of the “Corridor Keeper” program;

Therefore be it Resolved, that the Eight Mile Boulevard Association hereby supports the development and establishment of an education and code enforcement program that will enhance the appearance, overall community value and business climate along Eight Mile Road through education, assistance, code enforcement and cooperation, and

Be it Further Resolved, that the Eight Mile Boulevard Association hereby agrees to call the education and code enforcement effort the “Corridor Keeper” program.

CITY OF HARPER WOODS  
CITY COUNCIL  
DECEMBER 4, 2006

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:30 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Mayor Pro tem Vivian M. Sawicki , Councilperson(s) Cheryl A. Costantino, Hugh Marshall, Michael P. Monaghan and John M. Szymanski.

ABSENT: Councilman Daniel S. Palmer.

OTHERS PRESENT: City Manager James E. Leidlein, City Attorney J. Russell LaBarge and City Clerk Mickey D. Todd.

CM 12-159-06

EXCUSE COUNCILMAN PALMER

MOTION by Monaghan, SUPPORTED by Sawicki:

To excuse Councilman Daniel S. Palmer from tonight's meeting because of a prior commitment.

ABSENT: Palmer.

MOTION CARRIED

CM 12-160-06

MINUTES

MOTION by Monaghan, SUPPORTED by Sawicki:

To receive, approve and file the minutes of the regular City Council meeting held November 20, 2006, and furthermore, receive and file the minutes of the Board of Trustees Retirement System meeting held on November 27, 2006.

ABSENT: Palmer.

MOTION CARRIED

CM 12-161-06

CONSENT AGENDA

RESOLUTION by Costantino, SUPPORTED by Monaghan:

BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 78943 through 79056 in the amount of \$565,546.50 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.
2. Approve payment to Anderson, Eckstein & Westrick, Inc. in the amount of \$5,224.00 for professional services during the month of October 2006 for the following projects: 2006 Concrete Pavement Repair program, #180-092; 2006 Pavement Joint & Crack Sealing project, #180-094 and the Target/Eastland Mall project, #180-097.
3. Approve payment to Bob Schomer Tree Service in the amount of \$8,060.00 for trimming 147 trees in conjunction with the ongoing tree trimming project, and for the removal of diseased Ash trees.

ROLL CALL VOTE

YES: Costantino, Marshall, Monaghan, Sawicki, Szymanski and Poynter.

NO: None.

ABSENT: Palmer.

RESOLUTION ADOPTED

CM 12-162-06

CITY HALL BOILER REPAIR

RESOLUTION by Marshall, SUPPORTED by Monaghan:

BE IT RESOLVED to approve payment to Car-Bee, Inc. in the amount of \$16,440.15 for the repairs made to the Powermaster Steam boiler that provides heat to City Hall and due to the need to make these emergency repairs that competitive bidding be waived.

ROLL CALL VOTE

YES: Marshall, Monaghan, Sawicki, Szymanski, Poynter and Costantino.

NO: None.

ABSENT: Palmer.

RESOLUTION ADOPTED

CM 12-163-06

2005 AUDIT - RESPONSE TO AUDITOR'S  
COMMENT & RECOMMENDATIONS

MOTION by Monaghan, SUPPORTED by Sawicki:

To receive and file the Management's Response to Auditors' Comments and Recommendations associated with the December 31, 2005 Financial Statements as prepared and submitted by the City Manager and Finance Director.

ABSENT: Palmer.

MOTION CARRIED

CALL TO COUNCIL

The City Manager reported on a problem with a gas leak caused by contractors drilling at the Eastland Village Apartments on Vernier, resulting in a serious methane leak causing the evacuation of the apartments in the immediate area and few houses on Anita that abut the area. He explained that the leak occurred in the morning and that a number of agencies have been working, without success, to determine the cause and stop it. He added that every precaution is being taken to minimize the danger to the area, and that additional experts are being contacted to assist in solving this problem.

Mayor Pro tem Sawicki asked the City Manager what the potential danger the leak is causing to the area, and if there are air monitors being used to monitor the spread of the gas. (The City Manager said that the danger to the area hasn't been fully determined, but air monitors are being used to determine the air quality levels, and our emergency services will respond accordingly.)

Mayor Poynter announced that Harper Woods resident and 2006 Olympian, Angela Ruggiero, will be appearing on Donald Trump's, "The Apprentice," in January. He also announced that a family in Harper Woods was selected to appear on ABC's "The Wife Swap," and that will also air in January. He also announced that in the most recent issue of MAXIM magazine, a local woman was voted as "Home Town Hottie." Lastly, he thanked the D.P.W. Superintendent for the information he provided Council regarding the City's Tree Program.

CALL TO AUDIENCE

Ms. McCarthy asked the City Manager for a copy of the City's response to the Auditors' comments and recommendations regarding the 2005 audit. (The City Manager said the City Clerk would get a copy.) She also asked about the financial health of the City's Retirement Fund.

Mr. Szolach asked what is going on with the City and the School District's plan to add to the new high school pool. (The City Manager says that he will be meeting with School District representatives regarding the pool before Christmas.) He then commented on the poor appearance and maintenance of the house on Elkhart and Beaconsfield and asked the City Manager to have the inspectors look at the house. (The City Manager said that he would send the inspectors out tomorrow.) Lastly, he asked if the City knows why all the businesses on Kelly are closing. (The City Manager said that it's the economy.)

CM 12-164-06

EXECUTIVE SESSION -  
COLLECTIVE BARGAINING MATTER

RESOLUTION by Szymanski, SUPPORTED by Marshall:

BE IT RESOLVED to adjourn to executive session for the purpose of discussing a collective bargaining matter.

ROLL CALL VOTE

YES: Monaghan, Sawicki, Szymanski, Poynter, Costantino and Marshall.

NO: None.

ABSENT: Palmer.

RESOLUTION ADOPTED

The City Council adjourned to Executive Session at 7:58 p.m. and reconvened at 8:29 p.m.

CM 12-165-06

ADJOURNMENT

MOTION by Monaghan, SUPPORTED by Marshall:

That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 8:29 p.m.

ABSENT: Palmer.

MOTION CARRIED

\_\_\_\_\_  
KENNETH A. POYNTER, MAYOR

\_\_\_\_\_  
MICKEY D. TODD, CITY CLERK

CITY OF HARPER WOODS  
CITY COUNCIL  
DECEMBER 18, 2006

MEETING MINUTES

The regular City Council meeting was called to order by Mayor Kenneth A. Poynter at 7:30 p.m. with a moment of silent prayer, followed by the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT: Mayor Kenneth A. Poynter, Councilperson(s) Cheryl A. Costantino, Hugh Marshall, Michael P. Monaghan, Daniel S. Palmer and John M. Szymanski.

ABSENT: Mayor Pro tem Vivian M. Sawicki.

OTHERS PRESENT: City Manager James E. Leidlein and City Clerk Mickey D. Todd.

CM 12-166-06

EXCUSE MAYOR PRO TEM SAWICKI

MOTION by , SUPPORTED by :

To excuse Mayor Pro tem Vivian M. Sawicki from tonight's meeting because of a prior commitment.

ABSENT: Sawicki.

MOTION CARRIED

CM 12-167-06

MINUTES

MOTION by Monaghan, SUPPORTED by Costantino:

To receive, approve and file the minutes of the regular City Council meeting held December 4, 2006, and furthermore, receive and file the minutes of the Library Board meeting held November 16, 2006 and the Board of Review meeting held December 12, 2006.

ABSENT: Sawicki.

MOTION CARRIED

CM 12-168-06

CONSENT AGENDA

RESOLUTION by Costantino, SUPPORTED by Monaghan:

BE IT RESOLVED to approve the following items on the Consent Agenda:

1. Approve the Accounts Payable listing for Check Numbers 79057 through 79164 in the amount of \$200,175.52 as submitted by the City Manager and Finance Director, and further, authorize the Mayor and City Clerk to sign the listing.
2. Approve payment in the amount of \$5,929.00 to the Michigan Municipal League for membership dues covering the period February 1, 2007 through January 31, 2008.
3. Approve payment to Hamilton Anderson Associates, Inc. in the amount of \$5,520.00 for the consulting and engineering fees associated with the design and inspection work on Kelly Road.

ROLL CALL VOTE

YES: Costantino, Marshall, Monaghan, Palmer, Szymanski and Poynter.

NO: None.

ABSENT: Sawicki.

RESOLUTION ADOPTED

CM 12-169-06

OPEN PUBLIC HEARING - 2007 COMMUNITY  
DEVELOPMENT BLOCK GRANT

MOTION by Monaghan, SUPPORTED by Palmer:

To open the Public Hearing on the 2007 Community Development Block Grant.

ABSENT: Sawicki.

MOTION CARRIED

PUBLIC HEARING

The City Manager stated that the City is required to annually hold a public hearing for the proposed use of Community Development Block Grant monies, and that notice of this hearing was published as required. He then reviewed the proposed use of this year's funds and answered any questions.

Ms. Kindle asked for a clarification on how the Block Grant monies will be spent. (The City Manager then reviewed the specific dollar amounts for each funding allocation.)



CM 12-170-06                    CLOSE PUBLIC HEARING - 2007 COMMUNITY  
DEVELOPMENT BLOCK GRANT

MOTION by Marshall, SUPPORTED by Szymanski:  
To close the Public Hearing on the 2007 Community Development Block Grant.

ABSENT: Sawicki.

MOTION CARRIED

CM 12-171-06      2007 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

RESOLUTION by Monaghan, SUPPORTED by Marshall:  
BE IT RESOLVED to adopt the 2007 Community Development Block Grant Program as follows:

Administration	\$ 9,400
SOC Minor Home Repairs	\$16,000
SOC Chore Program	\$ 8,930
Kelly Road Improvements	\$50,740
Pointe Area Assisted Transit Svc.	<u>\$ 8,930</u>
TOTAL	<u>\$94,000</u>

ROLL CALL VOTE

YES: Marshall, Monaghan, Palmer, Szymanski, Poynter and Costantino.  
NO: None.  
ABSENT: Sawicki.

RESOLUTION ADOPTED

CM 12-172-06                    PURCHASE - POLICE VEHICLE

RESOLUTION by Marshall, SUPPORTED by Monaghan:  
BE IT RESOLVED to approve payment of \$19,726 to Signature Ford of Owosso for a 2007 Ford Crown Victoria Police Interceptor vehicle and whereas, this was purchased through the Macomb County Cooperative Purchasing Program that the City's competitive bidding process be waived.

ROLL CALL VOTE

YES: Monaghan, Palmer, Szymanski, Poynter, Costantino and Marshall.

NO: None.  
ABSENT: Sawicki.

RESOLUTION ADOPTED

CM 12-173-06

KELLY ROAD BOULEVARD PROJECT  
FINAL PAYMENT AND CHANGE ORDER NO. 1

RESOLUTION by Palmer, SUPPORTED by Costantino:  
BE IT RESOLVED to approve payment to Tom's Landscape in the amount of \$35,820 for the final payment on the Kelly Road Boulevard project.

ROLL CALL VOTE

YES: Palmer, Szymanski, Poynter, Costantino Marshall, and Monaghan, .  
NO: None.  
ABSENT: Sawicki.

RESOLUTION ADOPTED

CM 12-174-06 MICHIGAN MUNICIPAL LEAGUE LIABILITY INSURANCE RENEWAL

RESOLUTION by Monaghan, SUPPORTED by Costantino:  
BE IT RESOLVED to renew the City's participation in the Michigan Municipal League's Liability and Property Pool for 2007 in the amount of \$229,550.00 for coverage as stated in their renewal proposal and, further that competitive bidding be waived in accordance with City policy.

ROLL CALL VOTE

YES: Szymanski, Poynter, Costantino Marshall, Monaghan and Palmer.  
NO: None.  
ABSENT: Sawicki.

RESOLUTION ADOPTED

CM 12-175-06

ADDENDUM TO AGENDA

MOTION by Costantino, SUPPORTED by Monaghan:  
To add to the agenda a request to adopt a resolution in support of Michigan Senate Bill 1289 regarding the governance of Detroit-Wayne County Community Health Agency, and a request to

transfer monies from the Major Street fund to the Local Street fund.

ABSENT: Sawicki.

MOTION CARRIED

CM 12-176-06     RESOLUTION - SUPPORT OF MICHIGAN SENATE BILL 1289

RESOLUTION by Szymanski, SUPPORTED by Costantino:

BE IT RESOLVED to adopt the following:

WHEREAS, The City Council of the City of Harper Woods believes that Michigan Senate Bill 1289 will improve the governance of the Detroit-Wayne Community Mental Health Agency; NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Harper Woods does hereby support the passage of SB 1289; and BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to State Senator Martha G. Scott, State Representative Ed Gaffney and Governor Jennifer Granholm.

ROLL CALL VOTE

YES: Poynter, Costantino Marshall, Monaghan, Palmer and Szymanski.

NO: None.

ABSENT: Sawicki.

RESOLUTION ADOPTED

CM 12-177-06     TRANSFER FUNDS - MAJOR STREET FUND TO LOCAL STREET FUND

RESOLUTION by Monaghan, SUPPORTED by Szymanski:

BE IT RESOLVED to adopt the following:

WHEREAS, The following are the major streets in Harper Woods: Eastwood, Beaconsfield, Harper Avenue, Damman, Hawthorne (east of Harper Avenue), Vernier (east of Harper Avenue), Littlestone, Tyrone and Bournemouth.

WHEREAS, The City of Harper Woods is adequately maintaining the major streets as listed above;

NOW THEREFORE BE IT RESOLVED, to transfer \$250,000 from the City's Major Street Fund to the City's Local Street Fund for the purpose of funding maintenance on the following local streets: Kingsville, Washtenaw,

Kenosha, Elkhart, Roscommon, Woodside, Balfour, Peerless, Duprey, Sanilac, Landsdowne, Rossiter, Laing, Riad, Woodcrest, Crestland, Woodland, Old Homestead, Huntington and Woodmont.

**ROLL CALL VOTE**

YES: Costantino Marshall, Monaghan, Palmer, Szymanski and Poynter.

NO: None.

ABSENT: Sawicki.

**RESOLUTION ADOPTED**

**CALL TO COUNCIL**

Mayor Poynter asked the City Manager for an update on the discussions with the Harper Woods School District over the possibility of adding to the pool at the new high school so that it can be used by the Recreation Department. (The City Manager said that he has received a couple of proposals from the Architect to review, and is in the process of setting up a meeting with both the Superintendent of Schools and the Architect to review and discuss each proposal.) The Mayor then asked the City Manager for an update on the fire fighter who was terminated for leaving a working fire. (The City Manager gave a chronology of the event and subsequent termination of the fire fighter, and said that he is attempting to resolve the grievance filed on the fire fighter's behalf, while also dealing with the request from the terminated fire fighter to begin collecting his pension.)

Councilman Monaghan commented on the terminated fire fighter saying that he couldn't see how the fire union would condone the actions of that person. He also asked the City Manager who is responsible for paying the union's attorney. (The City Manager said that he didn't know how their attorney was paid.) He then wished everyone a Happy and Safe Holiday Season.

Councilman Marshall said that he read in the Free Press where the Detroit Police Department arrested a fugitive from their most wanted list in Harper Woods over the weekend, and asked the City Manager if our police department was involved in the arrest. (The City Manager said that Detroit made the arrest, and that our department did provide some assistance.)

**CALL TO AUDIENCE**

Mr. Bruneel wished everyone a Merry Christmas and Happy New Year.

Mr. Szolach thanked the City Manager for getting the house cleaned up on Elkhart and

Beaconsfield and asked him to look at the neighboring house because that person is selling their house and has left it in poor condition. (The City Manager said that he would have it looked at.) He then asked if the bushes on Kelly road could be removed because they seem to collect litter. (The City Manager said that he will have the situation reviewed in the spring.) Then he thanked the Recreation Director and his staff for their outstanding work at the Christmas Breakfast. Lastly, he wished everyone and their families a Merry Christmas.

CM 12-178-06

ADJOURNMENT

MOTION by Monaghan, SUPPORTED by Szymanski:

That the agenda of the regular City Council meeting having been acted upon, the meeting is hereby adjourned at 8:03 p.m.

ABSENT: Sawicki.

MOTION CARRIED

\_\_\_\_\_  
KENNETH A. POYNTER, MAYOR

\_\_\_\_\_  
MICKEY D. TODD, CITY CLERK

