

**CITY OF SOUTH LYON
REGULAR CITY COUNCIL MEETING
May 27, 2008**

Mayor Doyle called the meeting to order at 7:30 p.m.
Mayor Doyle led those present in the Pledge of Allegiance to the Flag

PRESENT: Mayor Doyle
Council Members: Kivell, Kopkowski, Maida, Morelli, Selden and Wedell
City Manager Cook
Attorney Lee
City Clerk/Treasurer Zemke
Department Heads: Collins, Martin & Renwick

APPROVAL OF MINUTES:

Councilman Selden stated that he would like it noted that he did leave the meeting of May 8th at 8:13 p.m. in order to take his wife to the doctor where it was discovered that she had a broken collar bone.

CM 5-1-08- APPROVAL OF MINUTES – REGULAR MEETING OF APRIL 14, 2008

Motion by Kivell, supported by Kopkowski

To approve the minutes of special meetings of April 19, 2008, May 3, 2008, May 8, 2008, May 15, 2008 and the regular meeting of May 15, 2008 as written

VOTE: MOTION CARRIED UNANIMOUSLY

APPROVAL OF MONTHLY BILLS: None

APPROVAL OF AGENDA

CM 5-2-08 – APPROVAL OF AGENDA

Motion by Wedell, supported by Kivell

To approve the agenda as presented

VOTE: MOTION CARRIED UNANIMOUSLY

CITIZENS SUGGESTIONS:

Life Saving Awards – Members of the South Lyon Police and Fire Departments

Chief Collins read a letter from the Sudden Cardiac Arrest Association from Washington D.C. relating to the sudden cardiac arrest suffered by a student at Millennium Middle School and thanking Officer Tomanek for his response to that incident. He acknowledged the South Lyon Area Lions Club who helped to allow us to have the defibrilators in our police vehicles. He further read a legend outlining the events of that day. He presented the South Lyon Police Department Life Saving Awards to Officer John Tomanek, Fire Chief Craig Kaska, and John Brickey, School Teacher.

Chief Craig Kaska presented Life Saving Awards to Sgt. Dan Hammon, Dana Welch, Jeff Noechel, Erin Welch and Jeff Hale who helped with revive the student. He also presented Unit Citations to Sgt. Shekell, Jesse Byars, Paul Trala, David Johnston, Cory Armstrong and Brad Moynihan who did the behind the scene work such as get the gurny, started IVs and everything that was necessary to support the people doing their work. They were also responding to another run for an outside fire at Busch's. This incident shows that the 9-1-1 system and the First Responders worked through the Police, Fire and Ambulance and gave us back a nice young lady. This is not a very common occurrence and they are very proud of it.

Members of Council congratulated everyone receiving awards.

Ms. Ann Leavy of 5342 Red Fox Drive in Brighton was present representing the Phoenix Players. She stated that she would like to bring the City up to speed on what the Phoenix Players is thinking about and she would like to see about joining forces and being cooperative with the City. She stated that they have been performing at the South Lyon Theatre for almost three years. At their last show, Waking Beauty, the children had to perform in the cold. There was no heat or hot water in the Theatre, but they persevered and performed all six shows. Their last scheduled performances were canceled because the Theatre was closed. On April 29th, the Theatre was repossessed by the bank. They now have a great troop with no place to perform. As of October 29th due to the six-month statutory period, the bank will own the Theatre outright. They are talking to them about the possibility of leasing the building for September and October so that they can perform the last show of the last season because they received a \$1,600 grant from the Michigan Council of the Arts to do the show and they have until October 31st or they relinquish the grant. The second phase is they want to see if there is a way to purchase the theatre. They are continuing to talk to the bank, but because they are non-profit they do not have a large sum of money. They are asking the bank to donate a portion to them. They will be undertaking a fund raising drive to get as much in hand. They think that the theatre is an asset to the community and has a great future if it is in the hands of the right people, and they think they are the right people. She further explained their programs and what they would like to see take place in the theatre. She stated that she would like the City to support their efforts at fundraising in the community. Furthermore, there is a possibility of a grant for renovation of the theatre and the City may need to be the conduit organization for the funds.

Council Member Maida stated that it is a great idea to keep this group in our community. It is good to see the youth involved with something like this.

Council Member Kopkowski asked that if they are still going to be able to show Hollywood movies. Ms. Leavy stated that they probably will. Their 5013C allows them to do anything to forward the performing arts. The only difference would be if they have to pay taxes on it. They do expect to show movies and that is the way that they can pay the utilities. Council Member Kopkowski stated that she is a supporter of the performing arts, but not everyone is. She would like to see something for everyone in the community. Ms. Leavy stated that Bob Holland who formerly owned the theatre is willing to show them how to get the movies and operate the equipment.

Councilman Kivell stated that Bob Holland had shown an interest in purchasing the theatre again and asked if that is still the case. Ms. Leavy stated that she believes that he has now backed-off based on some business situation. Councilman Kivell stated that as much as he enjoys the theatre, he thinks that the movie aspect is a more universally accepted value to the community. Ms. Leavy stated that they only perform four times per year. As long as it is feasible and it can be done, they have every intent in showing movies.

Further discussion was held on the building and the plans of the Phoenix Players.

OLD BUSINESS:

1. Annual Budget- FY 2008-2009 for the period 7/1/08 to 6/30/09

Mayor Doyle opened the public hearing for the FY 2008-2009 budget at 8:00 p.m. There being no public comment, Mayor Doyle closed the public hearing at 8:01 p.m.

City Manager Cook stated that based on the workshop meeting, we have adjusted the General Fund millage to 9.23 and decreasing the Capital Improvement to 1.35. He stated that he made a slight re-evaluation to the Fund Balance based on what we expect to have at the end of the year. He stated that he did not want to be too optimistic, but also felt that we would have a little more available based on where we are in the current fiscal year. There is a resolution included to approve the millage of 13.75, which includes are debt and gross expending of \$5,407,699. He would ask Council to approve that resolution and then adopt the budget as presented.

Councilman Morelli stated that in the public notice, it appeared that we were adjusting millage, which is not the case. He would like to make it clear that it is exactly the same as in years past.

Council Member Maida thanked the City Manager for his hard work.

Councilman Selden stated that one fund is going up and one is going down, therefore there is no tax increase at all. City Manager Cook stated that you also have to remember that there was some decrease in taxable value, but the rate is exactly the same.

a. Resolution- millage rates

CM 5-3-08 - RESOLUTION- MILLAGE RATES

Motion by Wedell, supported by Selden

RESOLVED, that the City Clerk certify to the City Assessor for spreading on the Assessment Roll of the City of South Lyon for the year 2008-2009, the following amounts, based on taxable value \$400,100,201.

1. At the rate of 9.2300 mills per \$1,000 of valuation for General Fund Operation
2. At the rate of 2.5000 mills per \$1,000 of valuation for Wastewater General Obligation Bonds for wastewater treatment (2002)
3. At the rate of 1.3500 mills per \$1,000 of valuation for Capital Improvement Fund
4. At the rate of .2700 mills per \$1,000 of valuation for South Lyon Building Authority (1996)
5. At the rate of .2800 mills per \$1,000 of valuation for 1999 Building Authority (Land Acquisition)
6. At the rate of .1200 mills per \$1,000 of valuation for Land Acquisition for Public Purpose Usage

RESOLVED FURTHER, that due to the May 2, 1984 election whereby the Library became a free standing and District Library for all purposes including the levy of 1.3584 and the overall levy for the City will be 15.1084 mills, of which 13.75 mills will be used for City operation and debt.

RESOLVED FURTHER, that after spreading on the Assessment Roll, the amounts as required to be raised by the general ad valorem tax, the Assessor certify and deliver the same to the City Treasurer, and the City Clerk be authorized to attach her warrant thereto, directing and required the City Treasurer to collect the same as provided by the City Charter.

RESOLVED FURTHER, that all installments reported to the City Treasurer as delinquent on Special Assessments and other charges, together with interest due thereon, as provided in Section 1.276 of the City Charter; unpaid charges for water consumption and water tap installation, as provided in Chapter 24 of the South Lyon City Code be assessed against the properties benefited and included in the 2004 Tax Roll.

RESOLVED FURTHER, that the millage for the entire fiscal year 2008-2009 budget not to exceed 13.75 mills.

VOTE:

MOTION CARRIED UNANIMOUSLY

b. Resolution adopting the Budget

CM 5-4-08 – RESOLUTION ADOPTING BUDGET

Motion by Kivell, supported by Maida

WHEREAS, in April 2008 the City Manager submitted to City Council a proposed budget for the fiscal year July 1, 2008 through June 30, 2009, and

WHEREAS, the City Council has received the proposed budget contained herein and has discussed and reviewed same

NOW, THEREFORE, BE IT RESOLVED, the City Council hereby adopted the 2007-08 fiscal budget as shown in the budget document on the Summary page, and detailed on the following pages, in the total amount of \$ 5,407,699.

BE IT FURTHER RESOLVED, that the City Council hereby adopts the following proposed budget or estimates for the following operations as set forth below.

	<u>Fund No.</u>
Major Street Operation	202
Local Street Operation	203
Community Development Block Grant	274
Combined Water/Sewer Operation	592
Equipment Replacement Fund	641
Capital Improvement Fund	401
Land Acquisition	509
Downtown Development Authority	280
 <u>General Debt Service</u>	
2000 Water Bond	306
2003 G.W. WW Treatment/Bond G.O.	307
1996 Building Authority—Shared Administration	369
1999 Building Authority—Land Acquisition	509
2005 Downtown Development Authority	

BE IT FURTHER RESOLVED that the City Manager is authorized to advertise for bids, or authorize at the appropriate time for contractual services, commodity purchases and/or capital expenditures throughout the fiscal year in accordance with the enclosed budget document and all applicable City ordinance policies or procedures in effect.

BE IT FURTHER RESOLVED, that pursuant to the Uniform Budgeting and Account Act, Section 19 (2), the City Manager may make transfers within a fund and activity if the amount to be transferred does not exceed 10% or \$25,000, whichever is greater, of the appropriation item for which the transfer is to be made, with prior notification to the City Council.

VOTE: MOTION CARRIED UNANIMOUSLY

Mayor Doyle thanked the City Manager as well as the department heads for their hard work on this year's budget.

2. Acceptance of Federal Grant- Thermal Images

Chief Collins stated that he had previously misinformed Council about the grant amount. Instead of \$13,000+, with accessories the grant for the thermal imager is \$19,707.69. Sergeant Hoydic has completed his training in utilization of the equipment. We have received the entire package and have used it already. Council would need to accept the grant in the amount of \$19,707.69.

Council Member Kopkowski stated that she had opportunity to see this being used, and it is a great piece of equipment. We are very lucky to have it. She recently took a tour of the Police Department and is impressed with the equipment we have.

Council Member Maida stated that she would like to see the equipment displayed at the next meeting. She further asked if we received all of the accessories. Chief Collins stated that we have received everything shown in the case.

Councilman Selden asked if there are any other communities in our area that have this equipment. Chief Collins stated that Green Oak Township has a vehicle mounted camera similar to this that was also used in assisting Oakland County Sheriff Officers to find a suspect. Councilman Selden asked if this was mounted or portable. Chief Collins stated that it is hand held and totally portable.

Councilman Kivell thanked Chief Collins for pursuing the grant.

CM 5-5-08 – ACCEPTANCE OF FEDERAL GRANT

Motion by Selden, supported by Kopkowski

To accept the Federal Grant under the Commercial Equipment Direct Assistance Program in the amount of \$19,707.69 for the Tacsight SE35 Thermal Imager

VOTE:

MOTION CARRIED UNANIMOUSLY

3. Approval of West Nile Virus reimbursement

City Manager Cook stated that we have enclosed the resolution that we are being asked to approve. They have reversed the process. We have already sent the application, and they have approved it. We are cleared to expend funds in the amount indicated. We need to approve the resolution asking for reimbursement.

Councilman Selden asked if we have had any cases of West Nile Virus. City Manager Cook stated that there have been none in this area, but in other areas of the State.

Councilman Wedell stated that the number of cases in Oakland County have reduced dramatically since this program began. It has made a big difference.

CM 5-6-08 – WEST NILE VIRUS REIMBURSEMENT

Motion by Selden, supported by Wedell

WHEREAS, upon the recommendation of the Oakland County Executive, the Oakland County Board of Commissioners has established a West Nile Virus Fund Program to assist Oakland County cities, villages and townships in addressing mosquito control activities; and

WHEREAS, Oakland County's West Nile Virus Fund Program authorizes Oakland County cities, villages and townships to apply for reimbursement of eligible expenses incurred in connection with personal mosquito protection measures/activity, mosquito habitat eradication, mosquito larviciding or focused adult mosquito insecticide spraying in designated community green areas; and

WHEREAS, the City of South Lyon, Oakland County, Michigan supports and authorizes the 2007 expenditure and application submittal for reimbursement of expenses in connection with

mosquito control activities eligible for reimbursement under Oakland County's West Nile Virus Fund Program.

NOW THEREFORE BE IT RESOLVED, that this City Council authorizes and directs it City Manager, as agent for the City of South Lyon, in the manner and to the extent provided under Oakland County Board of Commissioners, to request reimbursement of eligible mosquito control activity under Oakland County's West Nile Virus Fund Program

VOTE:

MOTION CARRIED UNANIMOUSLY

4. Establishment of Rewards for Vandalism

City Manager Cook stated that Parvin Lee has prepared the draft language to pursue the establishment of a reward for the vandalism to the police vehicles. The amount being offered is \$1,500. Council needs to approve the language to offer a reward.

Councilman Kivell asked if there is an ending date for the reward or is it perpetual. Attorney Lee stated that it would remain in place until Council canceled it.

CM 5-7-08 – ESTABLISHMENT OF REWARD FOR VANDALISM

Motion by Maida, supported by Selden

To adopt the following reward:

The City of South Lyon offers a reward of \$1500 to a person or persons providing information that leads to the arrest and conviction of the person or persons who vandalized police cars of the South Lyon Police Department in approximately April of 2008. The reward will be paid to the person who first communicates the information that ultimately leads to the arrest and conviction. If several persons furnish information that contribute to the arrest and conviction, the reward may be apportioned among them in proportion to the value of the information. If you have any information please contact the South Lyon Police Department at (248) 437-1773.

Councilman Morelli asked how people are going to know about the reward. Mayor Doyle requested that the newspaper include an article about the reward.

It was stated that notice would be put on our website and possibly posted in the post office and Police Departments.

VOTE:

MOTION CARRIED (1 opposed)

5. Resolution for gaming license- Injured Soldiers Foundation requested by Jack Renwick

Mr. Jack Renwick stated that they have formed the Injured Soldiers Coalition, which was originally part of the Coalition to Salute American Heroes. However, after it came out in Forbes, they found out about the enormous salaries being paid to the directors and decided to pull away. In September they formed the corporation and in January received their 5013C. This was due to the good works of Phil Weipert. Since that time they have purchased a trailer with their advertisement. Since purchasing that trailer, two manufacturers have come forward and donated trailers which they would now like to raffle. In order to do that, they have to get a gaming license from the State. Part of that application is that the City Council needs to recognize them as a community organization.

Attorney Lee stated that there is a resolution provided by the Gaming Commission attached to the application.

Councilman Morelli asked if once they get their gaming license, can they do whatever they want. Attorney Lee stated that they can do whatever the Gaming Commission approves them to do. Mr. Renwick stated that they would need a license for each event.

Councilman Wedell asked if there is a time limit on this resolution. Mr. Renwick stated that once they have the resolution, they do not have to come back. All the paperwork would be in order for other events.

Councilman Kivell stated that he is proud they are part of the community.

CM 5-8-08 – CHARITABLE GAMING LICENE – INJURED SOLDIERS, INC.

Motion by Maida, supported by Kopkowski

That the request from Injured Soldiers, Inc. of South Lyon, County of Oakland, asking that they be recognized as a nonprofit organization operating in the community for the purpose of obtaining charitable gaming licenses, be considered for approval

VOTE: MOTION CARRIED UNANIMOUSLY

NEW BUSINESS:

1. Increase the standard mileage reimbursement recommended by the IRS to .50 ½ cents

City Clerk/Treasurer stated that currently city employees receive \$.405 per mile. Discussion was held on the IRS increasing from \$.48 to now \$.505.

Councilman Wedell asked if it would be wise to adopt the IRS mileage as it fluctuates so that our employees are not falling behind and conversely if they go down, which has happened, we do not have the expense to 1099 them for those who have collected extra pennies. Council concurred.

CM 5-9-08 – ADOPTION OF IRS MILEAGE STANDARDS

Motion by Wedell, supported by Selden

To adopt the IRS mileage rates as they are established by the IRS as the official South Lyon mileage rate as it is amended by the IRS

VOTE: MOTION CARRIED UNANIMOUSLY

2. Resolution approving Bank Depositories for the various City funds.

City Clerk/Treasurer Zemke stated that in recent times banks have been bought and changed names. In an effort to maintain our list of depositories, she is asking Council to adopt the attached resolution. Furthermore, with the addition of Comerica in town, she is asking that they be added to that depository list.

Councilman Kivell asked if, with the evolving bank industry, would descendents of any of these be included. Attorney Lee stated that as banks change hands or change names, we would have to pass a new resolution.

CM 5-10-08 – RESOLUTION – DESIGNATION OF DEPOSITORIES

Motion by Kivell, supported by Selden

WHEREAS, there may now be in and may hereafter from time to time come into the hands of

Julie C. Zemke, City Clerk/Treasurer of the City of South Lyon, Michigan certain public moneys belonging to or held for the State, County, or other political units of the State or otherwise held according to law, and WHEREAS, under the laws of Michigan, this Board is required to provide by Resolution for deposit of all public moneys, including tax moneys coming into the hands of said Treasurer, in one or more banks, hereinafter called bank(s) to be designated in such Resolution.

NOW, THEREFORE, BE IT RESOLVED, that said Treasurer, Julie C. Zemke is hereby directed to deposit in the following banks:

- National City Bank, South Lyon, Michigan
- Citizens Bank, South Lyon, Michigan
- Bank of America, South Lyon, Michigan
- Comerica Bank, South Lyon, Michigan

VOTE:

MOTION CARRIED UNANIMOUSLY

COUNCIL COMMENTS

Council Member Maida thanked Superintendent Martin for the repairs to the lift station in Carriage Trace. She stated that she would like to thank everyone who participated in the Relay for Live. They have raised \$76,000 and are still counting. It was a great event for cancer research. She further thanked Dayna Johnston for her involvement in the Memorial Day Parade. It was a beautiful ceremony at the cemetery and the VFW had a full house following the ceremony.

Councilman Wedell stated that in the packet was a letter of commendation to Officers Faught and Sederlund from the Oakland County Sheriff's Office for their assistance on May 7, 2008. He congratulated those officers. He thanked Superintendent Martin for the detailed report of the Carriage Trace lift station repairs. He further stated that he very much enjoyed the ceremonies at the cemetery and the parade commemorating Memorial Day.

Councilman Selden thanked all of the citizens who participated Memorial Day. He also thanked Tedd Wallace. He stated that it is his 20th year taping and rebroadcasting the Memorial Day events.

Council Member Kopkowski quested the unavailability of the ten-hour prison crew. City Manager Cook stated that we have the eight-hour crew which started today. They are not offering the ten hours at this time due to union and supervision issues.

Councilman Kivell stated that he was very grateful for the beautiful weather for the Memorial Day events. He further stated that there have been semi-trucks parking overnight at Larry's Foodland. He stated that he did not think much of it the first few times, but it is becoming a more regular occurrence. He asked if someone could look into it. Chief Collins stated that it is a private parking lot, but it would fall under zoning.

Attorney Lee stated that our Manager-elect is in attendance. Mayor Doyle introduced David Murphy, our new City Manager who will be starting June 18th.

Council Member Maida requested an update of the annexation/detachment with Lyon Township. City Manager Cook stated that we are in the process of drawing up the documents to detach the church property back to the Township, which was mutually attached to us in 1996. We are doing a comparable document to attach the 10 acres north of Eleven Mile and they will be detaching. Those documents will be here by June 11th or by June 23rd at the latest. The site plan that they had approved by the Township has expired. They will have to re-site plan in the City. Attorney Lee stated that the issue has been resolved and it will come into the City under our annexation policy, which is R1-A zoning, the same as the rest of Carriage Trace. It will be reviewed by our Planning Commission. City Manager Cook stated that when they built the road, it was built to City standards not Township standards.

Councilman Selden stated that he would like to congratulate the DPW and Cemetery crew for the great job

on the cemetery for the parade.

ADJOURNMENT

CM 5-11-08 – ADJOURNMENT

Motion by Morelli, supported by Kivell

To adjourn the meeting at 8:25 p.m.

VOTE:

MOTION CARRIED UNANIMOUSLY

Respectfully Submitted,

John Doyle, Jr.
Mayor

Julie C. Zemke
City Clerk/Treasurer