

**CITY OF SOUTH LYON
REGULAR CITY COUNCIL MEETING
NOVEMBER 24, 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, and Wedell
City Manager Murphy
Attorney Lee
City Clerk/Treasurer Zemke
Department Heads: Collins, Kaska, Martin & Renwick
ABSENT: Council Member Morelli & Selden

Mayor Doyle stated that he has spoken with Councilman Selden and he is planning to be at the next meeting.

CM 11-1-08 – UNEXCUSED ABSENCE

Motion by Kivell, supported by Kopkowski

That the absence of Councilman Morelli be unexcused

VOTE: MOTION CARRIED (2 OPPOSED)

CM 11-2-08 – EXCUSED ABSENCE

Motion by Kopkowski, supported by Kivell

That the absence of Councilman Selden be excused due to illness

VOTE: MOTION CARRIED UNANIMOUSLY

APPROVAL OF MINUTES:

CM 11-3-08- APPROVAL OF MINUTES – REGULAR MEETING OF NOVEMBER 10, 2008

Motion by Kivell, supported by Kopkowski

To approve the minutes of the regular meeting of November 10, 2008 as written

VOTE: MOTION CARRIED UNANIMOUSLY

APPROVAL OF MONTHLY BILLS: None

APPROVAL OF AGENDA

CM 11-4-08 – APPROVAL OF AGENDA

Motion by Wedell, supported by Kivell

To approve the agenda as presented

VOTE: MOTION CARRIED UNANIMOUSLY

CITIZENS SUGGESTIONS:

Mr. Les Whitford Vice President of Operations of Michigan Seamless Tube was present and explained their operation and the product they produce. He stated that since a complaint was received, they have enclosed an area that was just started three years ago. They are closing all of their doors and trying to make sure they are quiet as possible. Unfortunately, they do handle steel tubing and when it rolls and falls it does make a noise. They will do everything they can, but they are busy, which is a good thing. Discussion was held on their operation being an around the clock operation.

Ms. Nancy Kern of 450 W. Liberty asked why in the northeast corner of the tube mill property there is a crane, which is what is used to pick up the tube and asked why more of that cannot be done during the day rather than all through the night. It was stated that it is a 24 hour operation. It was stated that they are trying to make improvements and be a good neighbor. It is not going to be perfectly quiet, it is an industrial facility.

Oakland County Commissioner Potter wished everyone a happy holiday. He thanked the people of South Lyon and throughout the district for their support during the election. He discussed the results of the election. He discussed the upcoming year and the effect of the economy on the county and local units of government. He further discussed the county budget. Lastly, he discussed Senate Bill 1390 which would allow the County Clerk to calculate the amount of money necessary to redeem a home that has gone through foreclosure. This is something that currently would cost a homeowner a considerable amount of money during an already difficult time.

Chief Collins stated that this past Wednesday was the graduation ceremony for our Citizen's Police Academy. He further explained the Academy and the five communities involved. He further stated that in this class we had a resident who is also a member of the National Guard who presented a plaque on behalf of the National Guard indicating their appreciation for putting on the Academy.

Chief Collins presented Life Saving Awards to Sergeants Sovik and Hoydic. He described the incident which occurred October 18, 2008 where the officers administered CPR to an unresponsive woman until Fire Department and Ambulance personnel arrived.

Chief Kaska presented Deputy Chief Caswell, Lieutenant Johnston, Sergeants Shekell, Lundquist, Schulz and Firefighter Bond with Life Saving Awards for their role in the same incident. He further stated that the patient is in rehab right now and is doing well. This is the second time this year we have been able to hand out these awards.

OLD BUSINESS:

1. Second Reading, Ordinance Definition Addition

Attorney Lee stated that there have been no changes since the first reading.

Councilman Kivell stated that he had a conversation today with Planning Commission Chair Pam Weipert to find out if this is going to accomplish their intent. He read from the minutes of the Planning Commission meeting at which the public hearing was held. Chairman Weipert indicated that they have never seen the language that we are looking at. He would like to remand this back to the Planning Commission for their input.

Further discussion was held on the proposed changes.

CM 11-5-08 – TABLE SECOND READING

Motion by Kivell, supported by Wedell

To table the second reading of the amendment to Section 102-3 and removal of 102-460 (1) & (2) and remand it back to the Planning Commission for further discussion and input

VOTE:

MOTION CARRIED UNANIMOUSLY

2. Discussion of Noise Ordinance

Councilman Kivell stated that he had hoped to have more documentation in the packet. We received information regarding Orion Township's ordinance, and it would be a good template for us. However, he would like to review others. He further discussed decibel levels and making sure that we are not permissive, but not too restrictive.

Councilman Wedell stated that he had a conversation with someone who was on the Orion Township Board when they adopted their ordinance, and his reaction was that it was not as helpful as they had thought. He suggested that we take the best parts of a number of ordinances to fit our situation.

Attorney Lee stated that we have never used our noise ordinance as a "sword" but rather a means to begin a discussion and negotiation. The problem with setting rigid standards is that rather than be good neighbors and find a middle ground, you end up with an absolute standard that people use against one another. Discussion was held on this being a subjective issue. Attorney Lee stated that the one time that we had a situation that got to this point, we filed a complaint under disturbing the peace.

Discussion was held on the current ordinance being very vague.

Attorney Lee suggested that we take sound readings around some of our industrial and commercial where they meet residential. Chief Collins stated that if Council wished to do such a study, he would recommend hiring a professional to do that. He further discussed issues such a children napping during the day, etc. There are a lot of factors to consider rather than hard and fast levels and time rules.

Discussion was held on Orion Township's ordinance. Further discussion was held on needing something reasonable and enforceable but not overly punitive.

Discussion was held on weather conditions impacting sound travel.

Discussion was held on finding a professional to conduct a sound test. Attorney Lee stated that he will get some information and bring it back to Council at a future meeting.

3. Discussion of Manager Goals

Councilman Kivell stated that when we had talked about City Manager Goals, Mr. Cook was still here. With a new City Manager things are different, but he has been here a while now and would like to see what he sees as necessary changes or improvements. It has also been talked about a number of times how it should be a cooperative discussion between Manager and Council. However, Council is the policy maker and it is up to Administration to perform that task, but it is early on with the relationship so the idea of coming to a joint consensus is even more important.

Mayor Doyle expressed his feeling that we should have a full Council as we move through this. The City Manager has been preparing a list of items both short term and long term. He would like to put some goals into place that are realistic, measurable and meaningful. He discussed the fact that we are half way through the fiscal year. Discussion was held on timing of when the review would be held. Discussion was held on anniversary date.

Discussion was held on how the goals and evaluations were held in the past. Discussion was held on the need to have both long term as well as short term goals.

Council Member Kopkowski stated that she was hoping to see information from the City Manager as to what he has been doing and knows how to do so that we can put some of the things to rest. This could be used as a starting point. Further discussion was held on the need for a starting point. City Manager Murphy discussed the work he has been doing with the downtown businesses.

Councilman Wedell stated that because of the newness, one of the most important parts of the process will be to establish the discipline. We should start small and build as the relationship builds. He stated that there is a lot to do when you first start. What he would like to see is a 6-month Manager's Report. At the end of the fiscal year, we can discuss the items and have a mutual discussion about where we would like to be by the end of the next fiscal year.

Councilman Kivell stated that he would like to see this on the next meeting's agenda. Councilman Wedell suggested that we discuss it further after the first of the year. City Manager Murphy stated that he would not have a problem putting together what has been accomplished within the last six months, but would like to put some time and effort into a list of items to be accomplished in the next six months.

The consensus of Council was that the City Manager put together a list of the accomplishments for the first six months. After the first of the year, the City Manager will provide a list of expected accomplishments for the next six months. As of the first of July Council to review the first year and negotiate where we want to go from there.

Councilman Kivell stated that he has not heard what Council will bring to the table in January. It was stated that Council will give some direction in January. Mayor Doyle stated that he would suggest that Council bring a list of what they would expect the City Manager to accomplish through the end of the fiscal year as well as into the future.

NEW BUSINESS:

1. Cancellation of December 22, 2008 Council Meeting

Council Member Maida asked why the meeting would be canceled. It was stated that it is only a few days before Christmas, and historically the second meeting in December is canceled. If there is an item that needs to be addressed, the City Manager can call a meeting.

CM 11-6-08 – CANCELLATION OF DECEMBER 22, 2008 COUNCIL MEETING

Motion by Kivell, supported by Kopkowski

To cancel the regularly scheduled City Council meeting of December 22, 2008

VOTE:

MOTION CARRIED (1 OPPOSED)

2. Private Fire Hydrants

Council Member Kopkowski asked clarification of public lines versus private hydrants. Attorney Lee stated that for private property or a private development we do not take dedication within the four corners of the development. We bring it to their property. Council Member Kopkowski asked if they know that. Attorney Lee stated that they do, and for many years it was used as a marketing tool which is what Colonial Acres did. Condominium developments have documents that explain that it is private development and that the roads are not dedicated, etc. and there will be an assessment for roads, general maintenance, etc. That is a document that they sign when they get the deed.

Discussion was held on easements. Attorney Lee discussed an easement through Colonial Acres that allowed us to loop certain water lines. He does not know of any others within Colonial Acres other than easement to where the shut-off is within their property. Further discussion was held on maintenance.

Discussion was held on the need for every fire hydrant to work when a truck pulls up. Attorney Lee stated that we could mandate an inspection or charge for an inspection. Discussion was held on mandating that if there is a problem then it is repaired. Attorney Lee stated there is no difference between that and Fire Inspectors going into businesses to check their fire extinguishers. It is protecting the health, safety and welfare which we can legislate.

Mr. Claude Danielson of 25114 Jefferson Ct. stated that he does have a list of easements through Colonial Acres.

Ms. Cindy Christianson of 62292 Yorktown #2 asked if the City officially notified Colonial Acres in writing that they are responsible to maintain the fire hydrants and could you produce that document. She asked if the City requires all private properties with fire hydrants to meet certain codes and requirements and can that document be produced. She asked if the City requires all private properties who hire maintenance of hydrants to ensure that it is performed by a qualified company, are the registered with the Fire Department or other entity. She asked if the City requires the maintenance companies who perform these tasks to be licensed insured and who would they be licensed and insured with.

Mr. Danielson read an excerpt from the Charter "We, the people of the City of South Lyon, grateful to Almighty God for the blessings of freedom, and pursuant to authority granted by the Constitution and Laws of the State of Michigan, in order to secure the benefits of self-government, and to provide for the public peace, and health and for safety of persons and property, do hereby ordain and establish this Charter for the City of South Lyon." This should be for all safety in the City.

Attorney Lee stated that development issues are governed under State Laws. Colonial Acres was developed under a Federal Act. He further discussed the State Laws regarding private developments. The City stops at the gate. Fire hydrants, streets, sidewalks, etc. are private as a choice of the developer. Discussion was held on this development being built in the 1970s. Discussion was held on building and electrical issues, etc. being subject to codes.

Discussion was held on the hydrants being installed and then inspected by the City currently.

Discussion was held on Traverse City Hydrants and the fact that they are not longer in business.

Discussion was held on the City inspecting our own hydrants twice per year.

Discussion was held on the cost of such inspections. The question was asked if we have the manpower to assume the role of testing the hydrants.

Discussion was held on directing the City Attorney to draft an ordinance. Attorney Lee stated that he would like to look into what the National Fire Safety organization recommends and what other communities are doing.

Discussion was held on setting up an ordinance first and then we can offer a service at a price.

CM 11-7-08 – DIRECT CITY ATTORNEY

Motion by Kopkowski, supported by Maida

To direct the City Attorney to draft language for the development of a hydrant inspection ordinance

VOTE:

MOTION CARRIED UNANIMOUSLY

Superintendent Martin stated that we have a similar back-flow preventer program whereby we make each business use a certified inspector to look at those back-flow preventers every three years.

3. Discussion of Cancellation of Council Meetings

Councilman Kivell stated that this came up due to a recent cancellation. It was done by email indicating that there was not enough items to hold a meeting. He would like at the very least getting a phone call to find out if everyone is in agreement with the cancellation and giving the opportunity to find out if there is anything that would justify having the meeting.

Mayor Doyle stated that he was contacted and did not directly say do not have a meeting, but if there is not a lot, there is no reason to have a meeting.

Attorney Lee stated that it would be in violation of the Open Meetings Act to poll the Council. Councilman Kivell stated that when you become a Council Member, you sign up to attend the meeting. Unless we preemptively cancel a meeting, we should be having meetings. Attorney Lee stated that Council is legislative body to say whether you have a meeting, and if you have quorum, you have a meeting,

Mayor Doyle stated that it happens so infrequently. All of Council is very accessible and receive calls or people stopping by. Council Member Maida stated that she is fine letting the City Manager decide.

City Manager Murphy stated that there was just nothing there. Council Member Kopkowski stated that if there is not going to be a lot on the agenda, maybe that is the time to discuss some other things. Possibly we should have a list of items to be put on the agenda if there is nothing.

Mayor Doyle stated that he has no problem with leaving it up to the City Manager.

4. Kiwanis Use of City property to sell Christmas Trees

Mr. Phil Weipert of 135 N. Warren stated that the Kiwanis is asking again for the use of the park to sell Christmas trees. The funds are used to sponsor a senior dinner.

CM 11-8-08 – APPROVAL OF USE OF MCHATTIE PARK

Motion by Maida, supported by Wedell

To approve the use of McHattie Park by the Kiwanis Club for the annual Christmas Tree sale

VOTE:

MOTION CARRIED UNANIMOUSLY

Mr. Weipert stated that they are expecting the trees on Friday and are open weekends and most evenings.

MANAGER'S REPORT:

The question was asked if we are getting close to a sandwich board sign ordinance. City Manager Murphy stated that it is with the Planning Commission. We will be moving forward.

COUNCIL COMMENTS

Council Member Maida wished everyone a Happy Thanksgiving. She reminded everyone of the Holiday Spectacular December 6th. There will be carriage rides, gingerbread house for letters for Santa, live reindeer and Santa. Many of the downtown businesses will be having specials in their stores. She requested that the schedule be put on the City's website.

Council Member Kopkowski stated that Beautification Committee is offering a Christmas tree to businesses again this year for decorating and would be happy to deliver them.

Councilman Kivell stated that he has noticed that there are a few problems with the website and feels it important to get that addressed.

ADJOURNMENT

CM 11-9-08 – ADJOURNMENT

Motion by Kivell, supported by Kopkowski

To adjourn the meeting at 9:17 p.m.

VOTE:

MOTION CARRIED UNANIMOUSLY

Respectfully Submitted,

John Doyle, Jr.
Mayor

Julie C. Zemke
City Clerk/Treasurer