

CITY OF SOUTH LYON  
REGULAR CITY COUNCIL MEETING  
March 9, 2009

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 Murphy  
Attorney Lee  
City Clerk/Treasurer Zemke  
Department Heads: Collins, Renwick and Martin

**APPROVAL OF MINUTES:**

**CM 3-1-09- APPROVAL OF MINUTES –FEBRUARY 23, 2009**

Motion by Kivell supported by Maida

To approve the minutes of the regular meeting of February 23, 2009 as written

VOTE:

**MOTION CARRIED UNANIMOUSLY**

**APPROVAL OF MONTHLY BILLS:**

Discussion was held on various bills.

**CM 3-2-09- APPROVAL OF MONTHLY BILLS**

Motion by Selden, supported by Wedell

To approve the monthly bills as presented

VOTE:

**MOTION CARRIED UNANIMOUSLY**

**APPROVAL OF AGENDA**

**CM 3-3-09 – APPROVAL OF AGENDA**

Motion by Wedell, supported by Maida

To approve the agenda as presented

VOTE:

**MOTION CARRIED UNANIMOUSLY**

**CITIZENS SUGGESTIONS:**

Ms. Colleen Heinrich of 10932 Aqua Lane was present representing Exceptional Equestrian, a non-profit group. She stated that they are planning a fund raiser at Catails Golf Course and she is requesting that Council recognize their group as a non-profit organization, which is a requirement or the State in order to get their gaming license for the event.

Discussion was held on the event being held in the Township, not the City and which jurisdiction should pass the resolution. Ms. Heinrich stated that she could use the jurisdiction in which the group is located. Discussion was held on the group holding a 501 3c. Mayor Doyle suggested that Ms. Heinrich submit the information and proper documentation to the City Clerk for review. Discussion was held on the timing of the event. It was determined that there is sufficient time in which to get the proper approval.

Mr. Jeff LaFave of 9029 Stoney Creek representing Primal Teen Club was present. He stated that they have a few things they have been working on. They have had approximately 5000 kids through since they started. They are getting some complaints from the residents to the rear regarding the base reverberation. It is not so much a decibel issue, but rather the base waves. They have turned their settings down as much as they can and they have had a sound technician come in this past week who provided some advice as to what to do to lessen the problem. One of things suggested was to filter the vents because the HVAC units are on the roof. As you go up in the condominium buildings the more complaints. He further discussed dampening the air intakes. It was also suggested that if it remains a problem they should install a baffle in front of all of the HVAC units to direct the noise sideways. They are trying to be proactive and fix the problem and are asking for some patience. He asked if anyone has a problem, please come see him. He wants to be a good neighbor.

Mr. Frank Torez of 1142 Fountainview Circle stated that he is on the lower level, and it is extremely loud. He is a music producer therefore he is not overly sensitive, but he does have a three-year old son whose bedroom faces the back of the condo. It is loud enough that he cannot sleep in his bedroom. It is a constant deep base that comes through the walls. He further expressed his concern with summer coming and the desire to open windows.

Chief Collins stated that the bulk of the complaints are coming from one condo. Of approximately 15 complaints approximately 10 have come from this unit. We have given the main complainant the option to be a witness for a complaint and warrant. He indicated that he did meet with Mr. LaFave and if the issue is not resolved, the case will be submitted to the City Attorney for a decision on a complaint and warrant.

Mr. Brian White of 1130 Fountainview Circle stated that he does understand that they have been trying to work with the soundproofing, however their quality of life has eroded because of the club noise. He further discussed his concerns about the noise. Their bedrooms overlook the club and the sound is not only coming out of the walls, but also the roof. This space was not built for this type of activity. As a homeowner, he would not be able to play loud music that would disturb the neighbors, and as a business owner, the same set of rules and principals apply. He does know that Mr. LaFave is trying and it does take time to work through it. However, the complaints are going to pile up especially as the warmer weather comes and they start to open their windows.

Discussion was held on the building. Mr. LaFave stated that the building does have a set of buffer walls as well as a drop ceiling. He stated that there is also six inches of insulation between the roof and the steel beams. He further discussed the HVAC units. He stated that he would welcome sound testing. He stated that the filters have been added and they want to see how well that works. After the filters, if they are still getting the reverberation, the next step would be to put up sound deflectors in front of the units. He stated that they are only open two nights a week so they do have five days in between to address problems.

Mr. White stated that all of the people that are having a problem have units facing the club. He stated that he is not the only resident willing to take it further with the complaints if it is not resolved in a reasonable amount of time. He stated that he is pro-business, but when you cannot go to bed until after 1:00 a.m. two nights a week, there is a problem.

The question was asked if the issue is sound or vibration. Mr. White stated that it is sound and a constant thump. Mr. LaFave stated that the sound technician did have them put carpet under the base speaker. It was stated that vibration can actually go through the concrete right to these people's property.

Discussion was held on the equipment as well as the computerized music not allowing the removal of the base.

Discussion was held on hours of operation. Mr. LaFave stated that they are open 8:00 p.m. until 1:00 a.m. Friday and Saturday. He further stated that most of the kids are out by 12:30 a.m.

Discussion was held on time-line for a resolution. Mr. LaFave stated that they do not want to go to court and they do not want complaints. Councilman Kivell stated that you cannot expect these residents to go three months while incremental steps are taken. Mr. White stated that it is not just the base. He stated that they can actually hear the DJs voice.



Mr. LaFave asked the officer's opinions. Chief Collins stated that the officer's opinions are subjective. At the time the officers were in the White's condo, they did not feel that the noise level was such that they could write a citation for disturbing the peace.

Mayor Doyle asked that the noise issue be handled as quickly as possible. He understands that the business has been successful, and we are pleased about that, however we want to be good neighbors.

**OLD BUSINESS:** None

**NEW BUSINESS**

1. Update on RRRASOC from Michael Csapo

Mr. Mike Csapo, General Manager of the Resource Recovery and Recycling Authority of Southwest Oakland County (RRRASOC0) was present. He presented their annual report and stated that last year was a good year. They helped their communities save costs while improving their program performance. This past year RRRASOC helped the City of South Lyon put a new solid waste contract in place with Duncan Disposal with the cost of the contract the lowest among any of their communities and 6% below the average. He discussed the Household Hazardous Waste Program and the lowering of that rate by 10%. He stated that the City had a 36% diversion rate last year including yard waste and recyclables and almost 2 tons of household hazardous waste was collected. They will be starting the household hazardous waste collection on April 11<sup>th</sup> in the City of Wixom.

Councilman Selden asked how material is composted. Mr. Csapo discussed how the different communities compost including taking it to various facilities such as Spurt's facility or Tuthill Farm, etc. He further discussed the sites.

Discussion was held on the need to better educate the residents about recycling. Mr. Csapo stated that education is an on-going effort. He discussed the direct mailings, website, etc. that is available. He reviewed the acceptable materials. Discussion was held on recycling computers. Mr. Csapo stated that they do accept them at the Household Hazardous Waste days as well as at their site in Southfield.

Council Member Kopkowski asked about the #6 plastics and what is acceptable. Mr. Csapo explained the resin codes on the material. He stated that just because it has the chasing arrows does not mean that it is recyclable. This identifies the type of plastic. If it is a narrow neck container, it is blown molded, but if it is a wide mouth container such as a butter tub or yogurt container, it is injected molded and not recyclable. The plastic processors simply do not want them.

2. Park and Recreation Master Plan Public Hearing

Mayor Doyle stated that before Council is the Parks and Recreation Master Plan as presented and approved by the Parks and Recreation Commission.

Councilman Morelli questioned the race and ethnicity composition. Kristen Delaney, Community & Economic Development Director stated that this is information that was used in the last Master Plan and indicated that she would take another look at the information before submittal.

Kristen Delaney stated that we have to have a plan in place in order to be eligible for DNR grants.

Councilman Wedell questioned item #4 on page 41 which is the acquisition and utilization of land between McHattie Park and Pontiac Trail and stated that this item has already been complete. Ms. Delaney stated that she will update the information.

Mayor Doyle stated that item #5 on page 41 indicates construction of an outdoor community pool. He stated that he has had a number of residents indicate they would like some type of water park. Ms. Delaney stated that could be included in the 2012 plan.



Councilman Selden questioned land acquisition as indicated on page 14 of the plan. He stated that it was his understanding with the last plan that we had a surplus of land. Ms. Delaney stated that they break down the types of parks such as large parks, pocket parks, neighborhood parks, etc. Furthermore, if we were to consider a community center, she is not sure that it would fit on any of the land that we currently own.

Councilman Kivell stated that on page 38, it speaks to replacing the pavilion and questioned if that is the one in McHattie Park or in the historic area. Ms. Delaney stated that is the one in the park. Councilman Kivell stated that we just added a new roof on that pavilion and questioned if this is to replace that pavilion or augment it. Ms. Delaney stated that she understands that it is to replace it, but these are recycled goals. Ms. Erica Wilson of the Parks and Recreation Commission stated that when they talked about replacing the pavilion, it was before the Eagle Scout project that replaced the roof and improvements. Councilman Kivell stated that it does speak to the fact that it could be augmented with sound equipment, etc. better suited to a stage.

Discussion was held on the need for funding and applying for grants to accomplish some of these goals.

#### CM 3-4-09 – APPROVAL OF PARKS AND RECREATION MASTER PLAN

Motion by Selden, supported by Kivell

Whereas the South Lyon City Council recognizes the importance of providing recreational opportunities for the residents of the City of South Lyon; and

Whereas the City Council recognizes that the Parks and Recreation Master Plan contains a list of recreation proposals and improvements prepared in accordance with the Michigan Department of Natural Resources guidelines and which must be updated periodically to qualify the City for State Recreation Funding;

NOW THEREFORE IT IS RESOLVED:

That the contents of the Master Plan as approved by the Parks and Recreation Commission on January 14, 2009, together with all maps, tables and charts contained therein, is hereby adopted by the City Council of the City of South Lyon, Oakland County, Michigan.

VOTE:

MOTION CARRIED UNANIMOUSLY

### 3. Charter Amendment

City Clerk/Treasurer Zemke stated that currently our City Charter requires that nominating petitions for City offices be filed by 4:00 p.m. on the 49<sup>th</sup> day preceding the election. Also, Michigan Election Law requires that the County deliver absentee ballots to the local Clerk at least 45 days preceding the election giving us a few short days to qualify the petitions, get them to the County and then to the printer. She further stated that she is asking that Council consider putting a ballot question on the November ballot in order to change the Charter language to reflect the deadline for nominating petitions to be the 4<sup>th</sup> Tuesday in August prior to each odd-year election. This will give us sufficient time needed to get the information to the County and meet State Law.

Attorney Lee stated that the Charter was written well before the Law was passed. As a result, the Clerk has four days in which to check the signature requirements get them to the County and printer and get them back to us. Essentially, we have been violating the law because there is no possible way to get the job done within that four days.

City Clerk/Treasurer Zemke stated that she did poll a number of communities to find out what their filing deadline was, and it does vary a great deal from community to community.

Councilman Kivell stated that there are a couple of items in our Charter that need to be looked at, but this does appear to be straight forward.

CM 3-5-09 – PROPOSED CHARTER AMENDMENT

Motion by Kivell, supported by Wedell

To direct the City Attorney to draft ballot language for the November 2, 2009 election to modify Chapter 3, Section 3.8 of the City Charter requiring a filing deadline for nominating petitions to be the fourth (4<sup>th</sup>) Tuesday in August prior to each odd-year election.

VOTE:

MOTION CARRIED UNANIMOUSLY

4. Heating system for Fire Hall.

Chief Kaska stated that his is bringing a request to replace the furnace in the bay area of the firehall. For the past five years the furnace has been breaking. This year it has broken once already and it has now broken a second time. The repair would be \$1,000 for what they think may fix it, but they are not sure. He stated that he does not want to continue to replace parts and hope it will fix the problem. When it had been running, it does not heat the bays properly. He has spoken to a couple of heating engineers who recommend radiant heat. We received three quotes on the new units. These units will pay for themselves within two years. He is asking that Council accept the quote from Brian S. Harris Heating and Ventilation in the amount of \$13,750.

Councilman Morelli stated that although he understands that technology is always changing, his experience with radiant heaters is that they do a very good job of heating just the space underneath them, but not the entire space. Chief Kaska stated that they have changed a lot. The DPW has these units as well as the Green Oak Fire Department which he did have an opportunity to look at. They actually heat the walls and the floor, and the heat actually stays in the building.

The question was asked if there is money in the budget for the heaters. Chief Kaska stated that he does have part of it, but we will need an amendment. He further stated that he had been hoping to wait until next year.

The question was asked if the heaters that are there now are working at all. Chief Kaska stated that they are not.

CM 3-6-09 – APPROVAL OF HEATING SYSTEM FOR FIRE HALL

Motion by Selden, supported by Morelli

To approve the purchase of new heating system for the bay area of the fire hall from Brian S. Harris, LLC Heating and Ventilation in the amount of \$13,750

VOTE:

MOTION CARRIED UNANIMOUSLY

5. Road Salt purchase

Superintendent Renwick stated that this is the time of year we need to anticipate how much salt we are going to need for next year. We have upped it slightly over this year.

Councilman Kivell asked if the extra 200 tons would have taken us through this year. Superintendent Renwick stated that it would have helped. Councilman Kivell asked if we have to pay for the full 1400 tons if we do not need it all. Superintendent Renwick stated that we only have to pay for 70%.



CM 3-7-09 – 2009-2010 SALT ORDER

Motion by Wedell, supported by Kopkowski

To approve the placement of our order with the State of Michigan MiDeal for 1,400 ton of salt for the 2009-1010 winter season

VOTE:

MOTION CARRIED UNANIMOUSLY

6. Road Acceptance: Coach House Lane

City Manager Murphy stated that there was a small portion of Coach House Lane that was included in the annexation in the fall. It was a private road so he has asked that it be deeded to us. It was built to our standards when they built the rest of the roads that are in the City. He stated that he is asking that Council accept this road so that it may be added to the Act 51.

Councilman Kivell asked if the road has a wear coat already on it. City Manager Murphy stated that it does.

CM 3-8-09 – RESOLUTION FOR STREET ACCEPTANCE – COACH HOUSE LANE

Motion by Morelli, supported by member Maida

Whereas the City of South Lyon has acquired the title to certain streets, and whereas it is necessary to furnish certain information to the State of Michigan to place these streets within the City Street system for the purpose of obtaining funds under Act 51, P.A. 1951 as amended.

NOW THEREFORE IT IS RESOLVED:

1. That the center line of said street described as:
  - a. Coach House Lane  
See attached legal description of the above streets.
2. That said streets are located within a City right-of-way and are under the control of the City of South Lyon.
3. That said street is a public street and is for public street purposes.
4. That said street has been accepted into the City Local Street System.

VOTE:

MOTION CARRIED UNANIMOUSLY

7. Appointments – Mayor Doyle.

- a.) Appointment to Zoning Board of Appeals

Mayor Doyle stated that Mr. Joe Ryzyi recently moved into the City and has expressed interest in serving on one of the boards. Mr. Ryzyi stated that he moved into the City back in August 2007. He and his wife were first time homebuyers and one of the things they liked about South Lyon was its charm and small town atmosphere. He frequents the City's shops and restaurants and has become attached to the City. He further stated that he has always had an interest in local government. He further discussed his education and background. He stated that he is interested in serving on the Zoning Board of Appeals and is happy to help his community.

CM 3-9 -09 – APPOINTMENT TO THE ZONING BOARD OF APPEALS

Motion by Doyle, supported by Maida

To support the appointment of Joseph Rzyzi of 916 S. Parkwood Drive to the Zoning Board of Appeals to a term ending March 2011

VOTE:

MOTION CARRIED UNANIMOUSLY

Councilman Kivell stated that the ZBA has always been an interesting board. Recently there has been more focus put on finding what the hardship is in each case.

b.) Appointments to Parks Committee

Mayor Doyle stated Lori Mosier, the City's Bookkeeper has expressed interest in serving on the Parks and Recreation Commission. He did check with the City Attorney who has indicated that there would be no problem with her doing that given her employment with the City.

CM 3-10-09 – APPOINTMENT TO THE PARKS & RECREATION COMMISSION

Motion by Doyle, supported by Wedell

To support the appointment of Lori Mosier of 205 Harvard to the Parks and Recreation Commission to a term ending March 2011

VOTE:

MOTION CARRIED UNANIMOUSLY

Mr. Scott Black of 946 Westbrooke stated that he has been looking at volunteering. He stated that his degree is in Urban Regional Planning and he has been working in landscape architecture for over sixteen years. He further discussed his background and education. He stated that he would like to be a part of the community and help keep it going and improve it. He would eventually like to get into working with the DDA and downtown.

The question was asked of Mr. Black if he would be interested in serving on the Planning Commission. Mr. Black stated that he would like to start with Parks and Recreation, but would consider Planning in the future depending on how much time is involved as he has two small children. Discussion was held on the Beautification Committee.

CM 3-11 -09 – APPOINTMENT TO THE PARKS & RECREATION COMMISSION

Motion by Doyle, supported by Wedell

To support the appointment of Scott Black of 946 Westbrooke Drive to the Parks and Recreation Commission to a term ending March 2010

VOTE:

MOTION CARRIED UNANIMOUSLY

8. Leaf piles in Volunteer Park

Council Member Kopkowski stated that there was a comment made at one of the Council meetings when we were discussing composting in Volunteer Park with regards to a large pile of leaves that we have put out there as well as some trash that has been dumped. She stated that she was looking for some information on how we can get this cleaned up. She stated that she would like to look at the big picture and if we get rid of all the materials, she is wondering if it is going to be that consuming every year. She further stated that she would not expect the DPW's smaller trucks to go back and forth to a compost facility each time, but possibly once a year, and maybe the leaves could be dumped behind the DPW.



Superintendent Renwick stated that this is something that could be done on an annual basis otherwise we would be looking at approximately an hour each way to get rid of them.

Council Member Kopkowski asked if we had just one year of leaves, could they be dumped at the DPW yard. Superintendent Renwick stated that we would have to take a look at it.

Discussion was held on the old appliances, etc. that have been dumped. Superintendent Renwick stated that most of that has been removed. A scrap metal company came in and removed it. Council Member Kopkowski stated that if there was not a leaf pile there, maybe people would not dump there. Superintendent Renwick stated that most of the items were there long before the leaves.

Councilman Morelli stated that he was surprised that we were hauling 28 year old leaves from the Cemetery to the park. Superintendent Renwick stated that not all of it was moved. Some did go into the garden area. Councilman Morelli stated that the report indicates that it was dirt and questioned if it was dirt, why did we have to move it. Superintendent stated that it was still full of plastics, etc.

Council Member Maida stated that option #3 for moving the material to the City of Wixom's Compost Center does not indicate a cost. Superintendent Renwick stated that they had not come back with a price, but it will be at least \$5 per yard. Superintendent Renwick stated that he will bring back a proposal.

Discussion was held on compost. Superintendent Renwick stated that when it is composted, the heat will kill a lot of the seeds that get mixed in. In this case it did not happen. If you spread it out, you get a bed of weeds. Discussion was held on screening and the cost for screening.

Discussion was held on estimating how much leaves are collected annually. Councilman Kivell stated that if we could determine how much, it would be a lot easier to determine what the best alternative would be.

Ms. Erica Wilson of 952 S. Parkwood and Parks and Recreation Commissioner stated that she did take pictures of the area to present to the Commission and would invite Council to attend that meeting. She stated that there is more than just a leaf pile, but also wood that has been chipped and it dwarfs the leaf pile and also garbage. She would also like Council to drive back there and look for themselves to see the scope of the problem. It looks more like a DPW yard rather than a passive park.

Councilman Kivell stated that it is a City asset and it is not developed as a park. Ms. Wilson stated that it is a passive park. She further discussed use of the land and future use.

#### **MANAGER'S REPORT:**

City Manager Murphy stated that the City dropped the ball with the Parks and Recreation Master Plan. There should have been an update back in October of 2007. That date was missed. Kristen Delaney was able to put that together for us rather than hiring an engineer to do that. She did a very good job.

City Manager Murphy asked Superintendent Martin to inform Council of an award that the City will receive. Superintendent Martin stated that on Friday afternoon, the City was contacted by the Michigan Rural Water Association who works with smaller communities in developing water systems, helping water systems and use it as an example to reach out to neighboring communities. They have identified us for the many things we have going such as our wellhead protection program, storm water management as well as the way we have worked with the scouts and running the videos on cable. They have identified the City as Community of the Year for 2009. The City will be receiving the award at the Grand Traverse Hilton next week. It is a reflection on all of us.

#### **COUNCIL COMMENTS:**

Councilman Selden asked the status of the Fire Hydrant Maintenance ordinance. Attorney Lee stated that he hopes to have something to look at for the next meeting.



Councilman Selden asked why the door of the Fire Department was removed. Chief Kaska stated that the Green Oak Township Fire Department attempted to put their tower truck in our bay, which did not fit. It is being repaired by Beckway Door and Green Oak's insurance company will pay for it.

Council Member Kopkowski asked if we have any dates for budget workshops. City Manager Murphy stated that we do not have anything set yet. He further requested that Council provide their vacation schedules for the next several weeks.

Councilman Kivell stated that a few Council Members attended the Michigan Municipal League Legislative Conference. He discussed some of the sessions including a session on Vibrant Communities.

**ADJOURNMENT:**

**CM 3-12-09 – ADJOURNMENT**

Motion by Maida, supported by Morelli

To adjourn the meeting at 9:00 p.m.

VOTE:

**MOTION CARRIED UNANIMOUSLY**

Respectfully Submitted,

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John Doyle, Jr.  
Mayor

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Julie C. Zemke  
City Clerk/Treasurer