

**CITY OF SOUTH LYON
REGULAR CITY COUNCIL MEETING
October 26, 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, Morelli, Selden and Wedell (1 vacancy)
City Manager Murphy
City Clerk/Treasurer Zemke
Attorney Lee
Department Heads: Collins, Martin and Renwick

APPROVAL OF MINUTES:

Councilman Wedell stated that on page 6 there is a misstatement regarding what would happen if the Mayor would get the most votes. There was a clarifying memo sent from the City Attorney to the City Clerk and he would like that clarifying memo to be attached to the minutes so that the information is accurate and complete.

CM 10-1-09 – APPROVAL OF MINUTES- OCTOBER 12, 2009

Motion by Wedell, supported by Morelli

To approve the minutes of the October 12, 2009 Regular Council meeting as amended by adding the clarifying memo to the City Clerk from the City Attorney

VOTE:

MOTION CARRIED UNANIMOUSLY

APPROVAL OF AGENDA:

CM 10-2-09 APPROVAL OF AGENDA

Motion by Kivell, supported by Kopkowski

To approve the agenda as presented

VOTE:

MOTION CARRIED UNANIMOUSLY

PUBLIC COMMENT: None

OLD BUSINESS:

1. CDBG Projects

City Manager Murphy stated that he has provided a list of possible CDBG projects. However, it is his recommendation to roll those funds until next year. We still need to choose a project and hold a public hearing. We could still change the project in the future. Some of these projects such as the sidewalk project could be done cheaper if we did not have to have engineering. We could add that sidewalk onto another project in the future and could be done for half the price.

Councilman Kivell stated that to add 20% engineering on top of the project cost seems to be throwing away money. He asked if we designate a project, do we have to submit drawings, etc. with the application. There are costs that are incurred to do that. City Clerk/Treasurer Zemke stated that we do have to have a project selected for the application year. Whether you choose to draw down those funds or not is the question, or it could wait until the following year.

Discussion was held on the Whipple Street Parking lot projects. Councilman Kivell stated that there has been some talk about moving Farmer's Market, etc. to the Whipple Street Parking lot and making it a more active location. He stated that it is in bad shape. He further discussed the configuration of the lot and future enhancements. He stated that it would make sense to have an engineer involved to ensure soils, etc. He would like to see the more comprehensive project. The other alternative is to simply repair around the catch basins.

Council Member Kopkowski stated that she would like to see the funds rolled over. She asked why the engineering is a requirement. City Manager Murphy stated that it is a requirement of the CDBG. We have to have plans to put out to bid. Council Member Kopkowski stated that she does not want to pay for the engineering for the sidewalks.

Councilman Selden asked if the sidewalk project would still be completed. City Manager Murphy stated that the plan was to add that to a future project.

Further discussion was held on rolling the funds over to be able to accomplish a larger project.

CM 10-3-09 – CDBG PROJECT

Motion by Kivell, supported by Wedell

To support the Whipple Street Parking Lot Rehabilitation Alt. A in the amount of \$119,355 for the 2010 CDBG application

VOTE:

MOTION CARRIED UNANIMOUSLY

CM 10-4-09 – CDBG PUBLIC HEARING

Motion by Kivell, supported by Kopkowski

To set a public hearing for November 23, 2009 for the purpose of hearing public comments on the Oakland County Community Development Block Grant Program 2010 Annual application

VOTE:

MOTION CARRIED UNANIMOUSLY

NEW BUSINESS:

2. First Reading to revise Chapter 102, Zoning Ordinance, Division 4, sections 102-491 and 102-492. (Landscape Ordinance)

Pam Weipert, Planning Commission Chairperson stated that the Planning Commission is recommending two changes to the Zoning Ordinance. The first is a requirement that plantings be inspected by a registered landscape architect to ensure that the landscaping meets the requirements of the site plan and the ordinance. The cost will be paid by the developer. The Planning Commission had a concern about the landscape ordinance and they investigated how other communities handle their ordinance. It appeared that our ordinance held up well. It was a matter of developers putting in plants that may not be the appropriate size. The purpose is to put the developer on notice that someone who knows the business will be coming by to make sure that we are getting the size trees that we are supposed to.

Councilman Morelli stated that even though a landscape plan is due at preliminary approval, the Building Department always allowed them to bring it in at final approval. The basis of that was why would you spend the money on a landscape plan if the plan is changed. He asked if that is still the practice. Ms. Weipert stated they do require a landscape plan that would be reviewed by a landscape architect at the same time as

final site plan approval. She stated that she does not think that the ordinance specifies when the plan must be submitted, just that it would be approved with the final site plan.

Council Member Kopkowski asked who would be the landscape architect and how will it be determined. Ms. Weipert stated that the ordinance indicates the South Lyon designated landscape architect. The City would choose that. It could be someone from the City Planner's Office or other designee. Councilman Wedell asked if we would do a Request for Proposal for that position. City Manager Murphy stated that we will use the City Planner's office.

Ms. Weipert stated that the ordinance requires that a tree survey be done by the developer including what type of trees are on site, how big they are, etc. That determines how many trees need to be replaced on the site when the development is completed. Currently the ordinance requires that a representative of the City will go out and verify the survey. The second amendment is to ensure that the verification of the tree survey is paid for by the developer through a performance bond.

Councilman Kivell asked if there is a standard rate. Attorney Lee stated that it would be a contract entered into by the City, and if it is within the City Manager's limit he could do that and if not, it would have to come to Council for approval. The landscape architect would submit a bill and we in turn would invoice the developer for that cost.

Discussion was held on using the same architect for the survey that would also be doing the verification rather than paying for the same service twice. Discussion was held on the need for checks and balances. It was stated that if we do get complaints, we could address it at that time.

CM 10-5-09- FIRST READING – AMENDMENT TO CHAPTER 102, SECTION 102-491

Motion by Kivell, supported by Kopkowski

That this be the first reading of an amendment to the Zoning Ordinance, Chapter 102, Section 102-491 (see attached amendment as part of these minutes)

VOTE:

MOTION CARRIED UNANIMOUSLY

CM 10-6-09- FIRST READING – AMENDMENT TO CHAPTER 102, SECTION 102-492

Motion by Morelli, supported by Kivell

That this be the first reading of an amendment to the Zoning Ordinance, Chapter 102, Section 102-492 (see attached amendment as part of these minutes)

VOTE:

MOTION CARRIED UNANIMOUSLY

MANAGER'S REPORT:

City Manager Murphy asked Superintendent Martin to provide an update of the hydrants as well as our partnership with Lawrence Tech University. Superintendent Martin stated that out of the 450 fire hydrants in the City, 140 are private. For the last two months Fire Chief Kaska and his crew have gone out and they have been doing a very extensive test on all of these hydrants in the private developments. He discussed those tests that have been completed as well as the ones still to be accomplished. Some have not returned the appropriate documents. He stated that out of all of the ones that they have done, they have only had one malfunctioning hydrant at Lake Street Apartments. It turned on fine, it just would not turn off. It is being repaired tomorrow morning by a private contractor. They are documenting the tests and developing a worksheet for each hydrant. We will keep a copy and send a copy to each private development. Council Member Kopkowski asked if we have tried to get into contact with those who have not returned the letter. Superintendent Martin stated that he has talked with most, but not all.

Superintendent Martin stated that what they have found in Colonial Acres is that on their maps as well as the City's maps, where the hydrants are, are not exactly the same location. Those are being corrected on the GIS system and they will make sure to provide a copy of the corrections to the development.

Discussion was held on discolored water as a result of the hydrant flushing.

Superintendent Martin stated that in May of this year he made a call to Lawrence Tech to ask if their School of Alternative Energy would be interested in working with the City on a way to help us find alternative energy sources and/or lower our bills. They have been out to the plant 3-4 times now sending 3-4 students at a time. They have started an audit of the electrical system, they have looked at lighting, motor capacitors on our pumps, and are putting together a plan where we could save 10-17%. A presentation is being given tomorrow night at Lawrence Tech about what they are doing here and he will be asking them to give a presentation to Council.

Councilman Kivell asked if there has been any discussion regarding windmills. Superintendent Martin stated that they have not discussed it. He stated that he has been talking with the Suburban Alliance Group who are trying to get some money to possibly help address the capacitor issues at the plant. The Lawrence Tech group works with the Alliance as well, and it is all coming back to help us.

COUNCIL COMMENTS:

Councilman Kivell stated that they had Candidate's Night last week and there were five very capable people.

Councilman Selden stated that the Chamber of Commerce, in particular Gary Childs, deserve a lot of credit for putting together the Candidate's Night.

Councilman Selden stated that the removal of political signs during this campaign is a dirty way to campaign and would hope that anyone seeing this take place would call the Police.

Councilman Wedell stated that he has two articles from the Oakland Press to share with Council, one dealing with reduced revenues that we should expect, the other dealing with property values and State Equalized Value declines affecting our budgets and reduced Revenue Sharing from the State.

Councilman Morelli asked if the State Police documents provided in the packet is just informational. City Manager Murphy stated that this is the information that County Commissioner Potter provided as he indicated at the last meeting.

Mayor Doyle stated that next Tuesday is Election Day and encouraged everyone to get out and vote for the candidate of their choice.

ADJOURNMENT:

CM 10-7-09 ADJOURNMENT

Motion by Morelli, supported by Kopkowski

To adjourn meeting at 8:07 p.m.

VOTE:

MOTION CARRIED UNANIMOUSLY

Respectfully submitted,

John Doyle, Jr.
Mayor

Julie C. Zemke
City Clerk/Treasurer