

**CITY OF SOUTH LYON
REGULAR CITY COUNCIL MEETING
December 14, 2009**

Mayor Wallace called the meeting to order at 7:30 p.m.

Mayor Wallace led those present in the Pledge of Allegiance to the Flag

PRESENT: Mayor Wallace
Council Members: Kivell, Kopkowski, Kramer, Morelli, Selden and Wedell
City Manager Murphy
City Clerk/Treasurer Zemke
Attorney Lee
Department Heads: Collins, Martin and Renwick

APPROVAL OF MINUTES:

CM 12-1-09 – APPROVAL OF MINUTES- NOVEMBER 23, 2009

Motion by Kivell, supported by Morelli

To approve the minutes of the November 23, 2009 Regular Council meeting as presented

VOTE: MOTION CARRIED UNANIMOUSLY

APPROVAL OF MONTHLY BILLS:

Discussion was held on various bills.

CM 12-2-09 – APPROVAL OF MONTHLY BILLS

Motion by Wedell supported by Selden

To approve the monthly bills as presented

VOTE: MOTION CARRIED UNANIMOUSLY

APPROVAL OF AGENDA:

CM 12-3-09 APPROVAL OF AGENDA

Motion by Morelli, supported by Kopkowski

To approve the agenda as presented

VOTE: MOTION CARRIED UNANIMOUSLY

PUBLIC COMMENT:

Mr. Chris Felton of 8244 Parskide, Westland and co-owner of the South Lyon Theatre stated that they just became aware of the City's intention to partner with some other cities for the purchase of movie equipment that would allow outdoor free movie showings similar to a drive-in theatre. They understand the City's reason for doing something of that nature, however they are about to install some additional equipment and have spent the last year rebuilding the Theatre for it's patrons. They would like to go on record in direct opposition to the idea of the City purchasing such equipment. They feel they could partner directly with the City with several different ideas that would not only be favorable to them, but also the entire community. They strongly oppose spending thousands of dollars on equipment when you have business owners who are willing to contribute.

Councilman Kivell asked how they would contribute and if that would include taking a projector to the park and showing movies. Mr. Felton stated that they would not do that, but offer the theatre for the community to come. They could provide the films and come up with something similar to what is being proposed. It would be available to the public at no charge, they would just have to work out some type of terms. He further discussed weather issues relating to outdoor film sowing as well as policing, etc. They have a safe environment with all of the amenities.

Councilman Kivell stated that if the concern is that we would be competing with the Theatre yet they would be providing a service for free then where is the competition. Mr. Felton stated that they would do this in addition to their normal schedule. There are a lot of options.

Councilman Kivell stated that the previous owner was completely in agreement with this and we are now right at the brink of this and we are being asked to put a stop to this because of the potential competition that is being foreseen. Mr. Felton stated that the previous owner is no longer involved with the Theatre directly and they are trying to make the best business decisions for themselves. He further stated that this is an opportunity for them, and they are not concerned that it would take away their paying customers. We are talking about thousands of dollars that could be saved and their willingness to step up and offer something.

Council Member Kopkowski asked Mr. Felton if they have any capability to offer a movie outside. Mr. Felton stated that they do not and he does not feel that would not be a part of their normal business. However, their facility is designed for the public to go and view a film.

Councilman Selden stated that it would be beneficial to sit down and talk with them as the professionals. Also, we have a responsibility to help our businesses when we can.

OLD BUSINESS: None

NEW BUSINESS:

1. Acceptance of Donation

Chief Collins stated that in October, the Women's Club of Colonial Acres Phase V presented the Police Department with a check in the amount of \$150 to go toward training and equipment. We need to accept that very generous donation.

CM 12-4-09 – ACCEPTANCE OF DONATION - WOMEN'S CLUB OF COLONIAL ACRES PHASE V

Motion by Morelli, supported by Wedell

to accept the donation of \$150.00 from the Women's Club of Colonial Acres Phase V, on behalf of the South Lyon Police Department

Mayor Wallace stated that this is not the first time they have made such a donation and thanked them. Councilman Selden stated that they have also made donations to the various organizations including the Coalition for Drug and Substance Abuse.

VOTE:

MOTION CARRIED UNANIMOUSLY

2. Resolution Approving Bank Depositories for the Various City Funds

Discussion was held on the return from Flagstar Bank compared to the other institutions. Councilman Kivell stated that his only concern is that over the weekend, he had read an article that a Flagstar in Troy did not rank very good. He further stated that he does not know if each branch was ranked separate or the institution as a whole. City Clerk/Treasurer Zemke stated that we definitely look at the safety of each bank. We want the ability to get these rates, but not at any cost.

Councilman Morelli asked why some of the funds receive a higher interest than others. City Clerk/Treasurer Zemke stated that it depends on the activities in each account.

Councilman Morelli asked if they approached us or we them and asked if we check all of the banks on a regular basis. City Clerk/Treasurer Zemke stated that we did approach them. We do check many banks, but not on a regular basis. The larger banks are fairly even. City Manager Murphy stated that we have had some of the banks tell us that they cannot match the rates that we are receiving.

The question was asked if all of the funds at Flagstar would receive the same rate or would it vary. City Clerk/Treasurer Zemke stated that National City Bank is our main bank which would have greater activity that would result in the varying rates. The other banks with less funds would not have a lot of activity.

The question was asked how much we would be moving to Flagstar. City Clerk/Treasurer Zemke stated that we have not yet determined that. The question was asked how much is insured. City Clerk/Treasurer Zemke stated that it is \$250,000, which is another reason to diversify. Essentially, this resolution adds Flagstar Bank to our list of depositories.

CM 12-5-09 - RESOLUTION APPROVING BANK DEPOSITORIES FOR THE VARIOUS CITY FUNDS

Motion by Selden, supported by Morelli

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
- Flagstar Bank, Lyon Township, Michigan

VOTE:

MOTION CARRIED UNANIMOUSLY

3. Water Shut-Off Notices – Delinquent Payments

Mayor Wallace stated that it was requested that this item be placed on the agenda to review the shut-off policy for delinquent water bills.

Superintendent Martin stated that we address shut-offs once every quarter in addition to our on-going billing cycle. Within the recommendations, we are suggesting that we increase the delinquent amount from \$150 to \$250. The \$150 level has been in place since approximately 1998, and since that time we have had two rate increases with never addressing the minimum amount. In order to be considered for shut-off you would have to have no payment for two quarters or a balance greater than \$150. With the rate increases, it is not uncommon for someone to have a \$150 quarterly bill. Other communities have varied different policies. Some have a \$250 level and some go as high as \$500 and some do not address it at all, but simply rolls over delinquencies to their taxes. We thought this was fair. In looking at this issue, we decided to look at some of our other policies. The past Superintendent started a policy that once a late notice is sent out, if a payment is made within 5 days, instead of a 10% penalty, we have to go back and refund 5% of that penalty. This is difficult and very timely. Also, in surveying other communities, we found that we are one of the very

few that does not have a minimum charge for turning on or shutting off water. This would be for realtors, homeowners, etc.

Council Member Kopkowski asked if we go out to shut off someone's water and they have a check in hand, are they still going to be charged the \$20 fee. Superintendent Martin stated that is what we are proposing. City Clerk/Treasurer Zemke stated that you also have to remember that once they receive a shut-off then they have to pay with cash or certified funds, not a check. If they have the cash then they probably knew that they were past the deadline.

Discussion was held on the crediting back of the 5% penalty. Superintendent Martin stated that we are trying to be fair to the residents, but fair to ourselves as well. We are extremely lenient. We work with residents to set up payment plans, etc. It is difficult when you do not receive a phone call until a worker arrives to shut off the water. He stated that we are simply asking them to call us and we will work with them. Councilman Kivell stated that is the reason for the \$20 charge as well because we are sending people out there which means that they are not doing something else that they could be. We have to cover the cost. Superintendent Martin stated that it is not uncommon for realtors to call us numerous times to turn on and off the water, especially with the foreclosed homes.

The question was asked how we arrived at \$20. Superintendent Martin stated that we did a survey, and most communities are higher. The question was asked why we would not charge more. Superintendent Martin stated that we are trying to be responsible to the community, but we want to send a message.

Superintendent Martin stated that Phyllis Popravsky and Julie have a lot to do with this program as well as the rest of the people at City Hall as well as the men in the field. It is a very tough program.

Councilman Wedell stated that he is pleased with the recommendations and hopes that Council would adopt all three.

Attorney Lee stated that it should be noted for the record that these charges are at or below the actual cost to perform these services. Superintendent Martin stated that this is not a revenue generator. He stated that they get called out at 9:00 p.m. at times because someone decided to change their hot water heater late at night. This is done at City cost paying three hours over time to do.

CM 12-6-9 – AUTHORIZE DRAFT OF AMENDMENT TO SECTION 94-196 & 94-197

Motion by Kivell, supported by Kopkowski

To authorize the City Attorney to draft an amendment to Section 94-196 and 94-197 of the City Code to include 1) a 1 time penalty of 10% after the due date, 2) Increase shut-off amount from \$150 to \$250 for uncollected utility bills 3) Adjust the fee schedule to reflect a \$20 fee for all shut-off/turn-on of water service including uncollected bills, real estate inspections, repairs, etc. After normal business hours, the fee should be double

VOTE:

MOTION CARRIED UNANIMOUSLY

Council Member Kopkowski asked that the newspaper do a story on this item and let people know that they can approach the Water Department if they have a problem.

4. Discussion on Acceptance of Fire Hydrants on Private Property.

City Manager Murphy stated that he as well as the engineers, Parvin Lee, Steve Renwick and Bob Martin met several times on the issue of fire hydrants. A lot of items came up as a result of these meetings. He would like Council to be aware of those discussions in considering taking over the fire hydrants in private developments. One of the questions is do we take over the mains or the valves. Last year Council adopted an amendment to the Code to make sure that those hydrants in the private developments are inspected.

The City conducted the first inspection and only 3 out of 159 were faulty. Those have been repaired. The proper way to handle this would be to have the developments dedicate the hydrants to the City with an easement and legal description. He also feels that we should also take over the water mains. In his opinion, the City should be responsible for those mains, valves and hydrants, and the only thing that should be private property are the leads. He does not believe that Superintendents Martin and Renwick agree completely with some very valid reasons.

Superintendent Martin stated that the Fire Department as well as the Water Department has looked at approximately 150 private hydrants. There had been a concern that these fire hydrants were not working and not maintained for years. Out of 150, 3 had an issue, which were minor. All three have been addressed. At the same time, we addressed all of the public hydrants as well. Out of approximately 400 public hydrants, they only had two very minor issues. He discussed the manufacturers of fire hydrants, some are no longer in business which makes it very difficult to find parts. He stated that all of the hydrants are in very good shape throughout the City.

Superintendent Martin stated that what feeds the hydrants is the infrastructure of water mains that run below the ground, approximately five miles in private developments. If the City takes this on, we are talking about taking over five miles of water main, the valves that open and close the mains and the hydrants. We need to look at each development and make sure that they give us accurate, precise maps. We do not want to take over a main that may be under a berm that may be 15 feet high and the main 8 feet underground. We do not have the equipment to get to that main. He discussed the difference between a main and a lead. He stated that in a public development a main would run down the street and what branches off to a house is a 1 inch copper line with a shut-off. In some of the private developments, we feel that some of the mains are running extremely close to the structures, some within 15-20 feet. If we say that we are going to take over the mains, we could be talking about possibly ripping down or digging under parking structures or right next to buildings which generate a certain amount of concern about the building itself. He can appreciate saying that this is our water system that we want maintained by qualified people. We just want to make sure that before we take a community on, they give us the proper information and help us as much as possible.

Councilman Kramer stated that the initial reason for the ordinance was to ensure that the hydrants were properly maintained. The idea was not to address any of the mains or valves. Councilman Kivell stated that the ordinance was actually to ensure that there was an annual inspection. Superintendent Martin stated that Council should keep in mind that if we take on five miles of water lines, then we are probably going to be talking about five miles of sanitary sewer as well. He stated that he wants Council to know all of the facts.

Councilman Morelli stated that it would be easy to make the argument that private is just that and it should be taken care of by the private development. However, the other side is if our water is truly a utility then why are we not running it like a true utility and we should own all of it and we should have the easements. For years, the Planning Commission made sure that the utilities were on the plans, but unless the private developer requested that we take it over, we cannot just take it. It has to change in our ordinance that from the beginning at the site plan that they have to designate the easements. He stated that he believes that we should own and maintain all of those things, but going forward it will be easier if the proper ordinances are in place.

Superintendent Martin stated that over the last 10 years we have worked very hard with GIS and HRC locating every water shut off in every home in the City. We need the insurance from any private development that we take on to help us locate these. We cannot be out there trying to find a needle in a haystack. Councilman Morelli stated that the private developments need to help during this process help us and do what they can.

Councilman Morelli asked if there are any developments that have one meter and re-sell the water. Superintendent Martin stated that South Lyon Woods is the only one. He stated that we look at the park as one individual home. We send them one bill, they read their homes and collect from their own residents. Councilman Kivell asked if that is a looped system. Superintendent Renwick stated that it is not.

Council Member Kopkowski stated that if there is an easement for public utilities that is on the site plan or in the master deed and the City signed it, then it is an automatic acceptance and we already own it. Attorney Lee stated that any development or redevelopment should insist on those utilities. With private mains, they are listed in the master deed as part of the common elements. The Condominium Act would require that each owner in the development sign off on the revision of the master deed taking that property out of the common elements and dedicating it to the City. If the master deed states there is a dedication indicating that easements for water and sewer are to the City, it is done and the City can accept those. Most of these master deeds for private developments indicate that they are common elements thereby requiring an amendment to the master deed. The only other way would be if we condemn them, but that is extremely costly. Further discussion was held on the difference in the master deeds. Attorney Lee stated that he has the master deeds to all of the private developments except Colonial Acres and most of them do have the easements as common elements.

Jessee VanDeCreek discussed the individual developments and the engineering reviews and those that they did not do the engineering reviews. He stated that since they started working with the City, they worked hand in hand with the Planning Commission to make sure that they had water main easements, sanitary sewer easements or storm sewer easements to make sure that there would always be ingress and egress for the maintenance of those utilities. He stated that in the private developments, they remained private and never dedicated to the City. They made sure that those easements were provided. Some of those easements have been dedicated to the homeowners' associations, but not to the City. Discussion was held on the Plat Act and acceptance of easements by the City.

Discussion was held on the need to amend the master deed as well as dedicating the easements.

Councilman Kramer asked if we have the master deeds indicating those easements, what would be the cost for HRC to go out and make sure that the master deeds line up with where the water mains are. Attorney Lee stated that master deeds are prepared before the first unit is sold as a result they do not always get built to plan. Superintendent Renwick stated that we do have as-built drawings on some of the developments, but not all of them. The question was asked if anyone has made contact with these developments to see if they have as-built drawings. Superintendent Renwick stated that we have not gone specifically to the ones we do not have, but we could go to the engineering firm on the plan to see if there are as-builts available. Councilman Kramer stated that before we consider taking over the mains, it would be nice to see what kind of money we are talking about. Attorney Lee stated that the difficult part is that they would not submit as-builts for a private development for water and sewer. He further stated that there is another option. The City of Wayne contemplated the same issue and decided it was too much trouble to take them over. They ended up with an ordinance where they took over the fire hydrants much like the license agreement that he drafted that would allow them to come in and inspect and make repairs to hydrants and bill the property owner.

Councilman Kramer asked if it would require every homeowner in a development to sign off or a super majority in order to change the master deed. Attorney Lee stated that he believes that it would be 2/3.

Council Member Kopkowski asked if it would help if we had some volunteers from these developments to help look for information. Attorney Lee stated that he is not sure what they could do. The problem is getting the as-built drawings. Mr. VanDeCreek stated that they have as-builts for everything that they have been involved with. However, some of these date back to the 1070s and they simply cannot find any documentation.

Discussion was held on the difference between a platted subdivision and a site condominium. Attorney Lee stated that in a plat, the mains, hydrants, etc. are put in and they become the City's. In the Condominium Act, it is left for the developer to decide what is in the master deed and what is not. Attorney Lee stated that the homeowners may be able to prepare easements and prepare a quit claim deed and if they get 2/3 of their development to approve the amendment to the master deed, then he does not have a problem with the City accepting them. If they cannot get 2/3 to agree, the only way to take them over would be through condemnation.

Discussion was held on how repairs of breaks etc. are handled in the private developments. Superintendent Martin stated that they may ask us for advice as to where a shut off is leading to the property, but they are responsible for it. He stated that we know where the lines are in the public areas, but we do not know where they are in the private developments.

Councilman Kivell stated that in a plat there are curb stops one foot inside the sidewalk and our responsibility is up to that stop and asked how does that impact these types of developments. Superintendent Martin stated that there are some communities that have some that run across fields. He stated that hydrants are not a problem. We know where the hydrants are, but this is a different set of circumstances.

Councilman Morelli stated that after 911 there was mapping, flow testing, etc. that had to be done and asked if we take these developments over would we have to do the same for them. Superintendent Martin stated that we were required to do a vulnerability study and there have been some things that we had addressed since that time, but we did not look at private developments, just the mains that ran in front of them. Mr. VanDeCreek stated that law was imposed upon us to meet the federal requirements, but he is not aware of anything that would require us or any governmental agency to keep that as an open assessment as the communities grow. He further discussed the system as a looped system. He stated that his concern is that the system is safe and secure. The City does not have control over repairs in the private developments. He stated that the City has 16 miles of main under its control with 19% of the system being private. He discussed the research costs involved in taking over the mains. He stated that there is a short-term cost, but there is also a long-term cost involved in maintenance. He further discussed repair costs moving forward. He stated that there are obvious benefits in having these under the City's control but also short and long-term costs. He stated that we need to consider all of the issues before moving forward.

Councilman Morelli stated that the City's budget also has to be a concern because maintenance costs need to be paid out of the Water Fund. He asked if the City could pay these up-front costs from General Fund or would it have to come from the Water Fund. City Manager Murphy stated that it would have to come from the Water Fund. Councilman Kivell stated that if the private developments want us to take these over, they should be the ones to cover the cost to transfer them to the City.

Mr. Claude Danielson of Colonial Acres stated that they pay a tremendous water bill every quarter and are supplementing everything that is done in the public areas. They are paying for them now. If they have a water main break then they have to pay for it out of their own pocket. They are paying the same rate and not getting the benefit. Councilman Kramer stated that you may have some short-term costs, but in the long run, you would not be responsible for a break, etc. He stated that we can take over the fire hydrants, the question is whether we take over the mains or not and at what cost. Mr. Danielson stated that he gave the City some documents where Colonial Acres has already dedicated some of their lines to the City.

Councilman Selden asked if there are easements for all of the mains in Colonial Acres. Mr. VanDeCreek stated that they are only reporting on Phase V. You would have to investigate anything prior. Discussion was held on the easement going for Trotter's Pointe and the High School. Attorney Lee stated that when the City development extended north of Colonial Acres, we could not hook to the private lines in Colonial Acres, they had to be public. At that time the City went to Colonial Acres and asked that they dedicate those main lines going out. It is just that specific line.

Superintendent Martin stated that we have accomplished what we wanted with regards to the fire hydrants.

Discussion was held on accepting the hydrants now and accepting the other aspects in different stages for the different groups. Attorney Lee stated that each one would have a different set of circumstances.

Councilman Kramer asked if we track any breaks or problems within the private developments. Superintendent Renwick stated that we are not always notified when something happens. If it is major, we will hear about it.

Superintendent Martin discussed the difference between the main and leads throughout Colonial Acres. He stated that we need language and understanding so that it is clearly defined.

Council Member Kopkowski stated that she would like to see the City take control of hydrants, mains and valves. She stated that she is comfortable with assuming immediate responsibility of the hydrants and continue to pursue the balance of the issues.

Attorney Lee stated that he has some examples of ordinances from other communities for Council to review. He further stated that they would have to grant us license to enter the premises for inspection and maintenance of the fire hydrants. The other way to handle it would be to have them provide a legal description for easement and Council could accept them. Discussion was held on the license required, that being similar to the license when Council requested that we conduct the initial inspection of the hydrants in private developments.

Superintendent Martin stated that there is one hydrant that has yet to be repaired. Further there are several manufactures of the hydrants, some of which are out dated. There could be an increase in costs for hydrant parts.

Councilman Kivell stated that he would like to deal with the hydrants, but he would like to see the legal descriptions so that they are dedicated to us. He would also like to direct the Planning Commission to look at language that would not allow this to take place any further and require that these things are dedicated to the City. We can continue to deal with the other issues. It does not need to take place overnight and we would put ourselves in jeopardy if we proceed too quickly.

Attorney Lee stated that a place to start would be to amend our ordinance to state that for any future development and redevelopment that all hydrants be dedicated to the City. He does not think that the Planning Commission would have to initiate that, but rather Council can take those steps.

Councilman Kivell reiterated the fact that this is not an everything can be accepted once we know where everything is. We are still looking at mains too close to foundations of buildings, etc. For them to dedicate their system, they may end up having to re-construct areas to meet the standards that the City imposes on any other development. Councilman Morelli stated that he would not want to hold up some developments because of others. They could come in piece by piece, and most of them probably fit the criteria.

Attorney Lee stated that he could draft a proposed policy dealing with some of these exceptions. We could give these developments notice that if they wish to have their hydrants turned over to the City they must do certain things and if so would be accepted if approved by the City.

Mr. Bruce Nausbaum of 525 Willow Drive stated that six months ago the City Attorney drafted a document for each development to sign for all of the fire hydrants to be inspected. The City now knows where all the hydrants are. Make it simple and get it done. If you are looking for more money, that is another issue. He stated that he pays the same millage as everyone else. If you can find the money to do water and sewer for everyone else, you can find the money to do it for them too. He further stated we should get the fire hydrants done and does not understand why all this time is being spent on this and talking about making residents spend extra money. Councilman Kivell stated that there has not been anyone making a comment to make anyone spend extra money for no reason. We simply do not want the rest of the community to pay for the private developments getting the benefit of having these things dedicated to the City. Mr. Nausbaum stated that he just helped pay to have all of the public mains surveyed. Councilman Kivell stated that if you talk about paying the same millage, that is correct. However, you are talking about a development being developed in a way to maximize the profit for the developer, and at the expense of the community these developments were given the advantage of being developed at a higher density and concentrations then able to achieve any place else. That gave the developer the ability to charge less than the same unit if it were developed with land space densities, etc. that you have to develop under public densities. Mr. Nausbaum stated that the City's Planning Commission allowed it. Councilman Kivell stated that he is fine with that, but you have to look at the entire picture. Mr. Nausbaum stated that if they are being asked to pay

the cost, they will. They take care of their own roads and do not ask for anything. He further stated that the hydrants have been inspected, they work now the City should take them over. Attorney Lee stated that there is a big difference between taking over the fire hydrants and agreeing to inspect them.

Council Member Kopkowski asked what has to be done to take them over. Attorney Lee stated that we need to start in steps. He stated that if it is Council wishes, they could approve a policy to say no new development or redevelopment without dedication of the fire hydrants.

Councilman Kramer stated that we had an agreement for the inspection, and it appears that there is a consensus that the City should assume the responsibility for the maintenance. The second step would be to consider taking over the entire system. Attorney Lee stated that you can do the repairs and maintenance with just the license without taking dedication; that would be another step. Attorney Lee stated that we would have to have another license. The license we had was for a one time entry.

CM 12-7-09 – FIRE HYDRANTS ON PRIVATE PROPERTY

Motion by Kopkowski, supported by Selden

To direct the City Attorney to draft a policy to assume responsibility for the inspection, repair and maintenance of fire hydrants on private property and to draft an ordinance to preclude any new development or redevelopment without dedication of the fire hydrants. Further to direct the City Attorney to draft licenses for private developments to allow access to the premises for repair and maintenance of fire hydrants on private property including the lead and valve

VOTE:

MOTION CARRIED UNANIMOUSLY

Maggie Kurtzweil of 417 S. Pontiac Trail stated that she would like to propose a possible solution. She would like to commend the City Manager for engaging this conversation and City Council for discussing both sides of the issue. She would propose that she have an opportunity, and if the other individuals would waive their fees, she would waive her fee to use Lafayette Woods as a pilot project. She would work with Lafayette Woods if she could get the as built drawings, review certain documents, work with the City Manager and City Attorney and have a model to work with this issue. Nothing would be contractually bound, but proposal documents for how to move forward with one particular project. She would represent Lafayette Woods as their Attorney and work with the City Attorney to begin moving forward to get this issue resolved on a timely basis. She just would need to see some waiver of fees from HRC.

Council Member Kopkowski asked why Lafayette Woods. Ms. Kurtzweil stated that she chose them because she thinks they are ready to go. Attorney Lee stated that Lafayette Woods could be difficult because they were built as an apartment complex then converted into condominiums.

MANAGER'S REPORT:

City Manager Murphy stated that where Lake Street meets the trail by the old hardware store, there is an old propane tank in an area where people like to park their cars. He talked with someone from CSX and they will be putting up some jersey barriers. We can see what they look like and if we need to change them or install bushes, etc. we can deal with that later. He would just like to make sure nobody runs into it. Councilman Kivell asked if they were willing to put up a guard rail. City Manager Murphy stated that he did not discuss that with them. This is what CSX has proposed.

City Manager Murphy stated that DTE has indicated that the light at Heritage and Eleven Mile would be up in 60 to 90 days.

City Manager Murphy stated that he attended an annexation hearing on the two properties south of Nine Mile on Pontiac Trail for a sufficiency hearing, and it was approved. They will have a public hearing on March 4 or 25th.

With regards to the movie equipment, Canton will be taking it to their board in January. He would like to know so that if they do not move forward, he can go get someone else. Plymouth was one of the original communities they were working with. They pulled out because of their Theatre. Councilman Morelli asked if there are five communities, how long is the season. It was stated that summer is essentially eight weeks now with school starting sooner. He stated that some communities want it during the week, and they have had no scheduling problems to this point. They thought that each community would have 2-3 dates. Further discussion was held on the use of the equipment for indoors, etc. City Manager Murphy stated that the initial expense is \$6,600. The cost would be \$300-400 for the movie rental and cost for the Park and Recreation to oversee the event. He stated that this issue will be brought back in January.

City Manager Murphy stated that there seems to be some interest in Belle Luna. He has had some inquiries as to the liquor license, and one party does seem promising.

City Manager Murphy stated that we recently attended a meeting with some individuals regarding People's Express. In particular, one woman who was upset because they are not taking her out to Ann Arbor. We contacted People's Express and we are looking at setting up another meeting with all parties because we feel that there has been some miscommunication.

COUNCIL COMMENTS:

Councilman Kramer stated that he wanted to point out that the Hidden Creek Subdivision is having their annual holiday light display. It is a great opportunity for the kids with 90% of the subdivision participating.

Councilman Wedell wished everyone a Merry Christmas and Happy New Year. Councilman Selden wished everyone the same and encouraged everyone to drive through town to look at the holiday displays.

Council Member Kopkowski stated that with a lot of citizens in attendance tonight, they came for a specific issue without having all of the facts that Council had. Some of the other cities' websites that she has seen, they are putting their entire packet on the site in pdf format so that the citizens not only know what is on the agenda but they have the same information that Council will be discussing. She stated that it could be helpful and asked that we consider doing the same. Councilman Kivell stated that Council packets are always available at City Hall.

Councilman Kivell asked if we have used the brine dispenser. Superintendent stated that we did and so far so good. Councilman Kivell asked if we pre-treated. Superintendent Renwick stated that we have not. The equipment that we have is not just the liquid treatment, but mixes with the salt.

Councilman Kivell stated that it seems to be happening more and more that the gates to the trail at the access points are being left open. Superintendent Renwick stated that this is done mostly at the tube mill, but also with other utilities that need to get back into that area. He stated that he has closed them a number of times. Councilman Kivell stated that if they want to use our path then they need to take the responsibility of locking it after. We make ourselves liable for potential problems. He wished everyone happy holidays.

Councilman Morelli wished everyone a Merry Christmas. He further asked if the issue of the Charleston Park lift station that was tabled at the last meeting is being brought back. Attorney Lee stated that it could possibly come back in January if he gets a response from the Plaintiff. Superintendent Martin stated that he was not going to pay the DTE and Consumers, but if the subdivision is in limbo we need to take a look at who is going to pay those.

Mayor Wallace stated that he would like to give his condolences to Councilman Wedell who lost his father last week. Our thoughts were with he and his family. Councilman Wedell thanked the City employees and Council for the flowers.

Mayor Wallace wished everyone a Merry Christmas and Happy New Year. We will not be meeting our regularly scheduled meeting on December 28th.

ADJOURNMENT:

CM 12-8-09 ADJOURNMENT

Motion by Selden, supported by Kopkowski

To adjourn meeting at 9:34 p.m.

VOTE:

MOTION CARRIED UNANIMOUSLY

Respectfully submitted,

John Doyle, Jr.
Mayor

Julie C. Zemke
City Clerk/Treasurer