

CITY OF SOUTH LYON
REGULAR CITY COUNCIL MEETING
JANUARY 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, Maida, and Wedell
City Manager Murphy
Attorney Lee
Assistant Clerk/Treasurer Lynch
Department Heads: Martin & Renwick
ABSENT: Department Head Collins & City Clerk/Treasurer Zemke

Mayor Doyle noted Councilman Selden and Morelli are absent.

CM1-1-09 EXCUSE ABSENCE

Motion by Wedell, supported by Maida

To excuse Councilman Selden due to illness

ROLL CALL VOTE:

Kivell-Yea
Kopkowski- Yea
Doyle- Yea
Wedell- Yea
Maida- Yea

VOTE:

MOTION CARRIED UNANIMOUSLY

CM 1-2-09 EXCUSE ABSENCE

Motion by Maida, supported by Wedell

To excuse Councilman Morelli for health reasons.

ROLL CALL VOTE:

Kivell-Nay
Kopkowski- Nay
Doyle- Yea
Wedell- Yea
Maida- Yea

VOTE:

MOTION CARRIED

APPROVAL OF MINUTES:

Councilman Kivell stated on page 2 it should say civility, not civilization.

CM 1-3-09- APPROVAL OF MINUTES JANUARY 12, 2009

Motion by Kivell, supported by Kopkowski

To approve the minutes of the regular City Council meeting of January 12, 2009 as amended.

VOTE:

MOTION CARRIED UNANIMOUSLY

APPROVAL OF AGENDA:

CM1-4-09 APPROVAL OF AGENDA

Motion by Wedell, supported by Maida

To approve the agenda as presented

VOTE:

MOTION CARRIED UNANIMOUSLY

CITIZENS SUGGESTIONS:

Becky Morelli of 179 Eagle Crest stated she would like to thank council for their support for Ron. She further stated on the surface it is a television show, but after watching it is obvious it is a medical necessity although unusual and very public. Although at some degree she understands the respect the right of council members to vote to not excuse his absences, as anyone that knows Ron would agree that he would agree and stand by his convictions and regardless of his popularity. The people of South Lyon have been overwhelmingly supportive. This sense of community is why they have lived in this community for 17 years. Ron loves serving this community. He is anxious to get back to his seat on council and hopes he will have that opportunity.

Councilman Wedell stated he would like to mention that this situation was brought the city a lot publicity and it has been positive, but he further stated the negative publicity has been from this council and that is too bad.

OLD BUSINESS:

1. Discussion of Manager Goals

It was the consensus of council to review the goals each of the council members suggestions for the manager and they would discuss them at the next meeting.

NEW BUSINESS:

1. Water/Sewer Report

Les Pulver of Plante and Moran spoke briefly and introduced Brian Camille and Blake Roe form Plant/Moran. There was a power point presentation shown regarding the water rate study they completed. Some discussion was held regarding the rate study and the rates of other communities.

CM 1-5-09-MOTION TO ACCEPT WATER RATE STUDY FOR CONSIDERATION

Motion by Wedell, supported by Kopkowski

To accept the water rate study and consider it with the budget

VOTE:

MOTION CARRIED UNANIMOUSLY

2. Liquor License Transfer

Attorney Lee stated this is a straightforward transfer. It is a request from Mrs. Baker to transfer the license from her husbands name to her name.

CM1-6-09- MOTION TO TRANSFER LIQUOR LICENSE

Motion by Maida, supported by Kivell

To approve the request to transfer the Class C Licensed Business With Dance-Entertainment Permit from the Paul F. Baker Trust to Cathleen M. Baker.

VOTE:

MOTION CARRIED UNANIMOUSLY

3. Liquor License Request

Mayor Doyle stated Mary Poole is present and she is requesting the liquor license to open the Lake Street Tavern at 127 E. Lake Street. Mayor Doyle further stated the Chief has done the background check and all is in order. Mary Poole stated she is hoping to acquire this license to open an upscale, artsy tavern. She further stated she currently has a tavern in Northville since 1997.

Ms. Poole stated she is looking forward to opening her business and becoming a part of South Lyon.

Councilmember Maida asked if it was going to be smoking or non-smoking. Ms. Poole stated that is a touchy area and it really hasn't been decided yet. Councilmember Kopkowski asked when she is hoping to open. Ms. Poole stated she is hoping to open as soon as the Liquor Control grants it.

CM 1-6-09- MOTION TO APPROVE LIQUOR LICENSE

Motion by Wedell, supported by Kopkowski

To approve the resolution for the request from RPP Group LLC DBA as Lake Street Tavern for a Class C/SDL for dance/entertainment Sunday sales at 127 E Lake Street South Lyon, MI 48178

VOTE:

MOTION CARRIED UNANIMOUSLY

4. Second reading – Sign Ordinance

Attorney Lee stated there have been no changes since the first reading. Councilman Kopkowski questioned item 5 on page 2, she is concerned about the interchangeable letters. Councilman Kivell stated that is in regards to chalk board or marker sign. Some discussion was held regarding other cities ordinances regarding sandwich board signs.

Councilmember Maida wanted to thank Joe Veltri and the Planning Commission.

CM 1-7-09- SECOND READING SANDWICH BOARD SIGN ORDINANCE

Motion by Maida, supported by Wedell
To accept the Second reading of the sandwich board sign ordinance in the DDA overlay district.

VOTE: MOTION CARRIED UNANIMOUSLY

5. ADDITION TO FEE SCHEDULE

CM1-8-09 ADDITION TO FEE SCHEDULE

Motion by Kivell, supported by Kopkowski
To approve a fee in the amount of \$50.00 annually for sandwich board permits in the DDA overlay district.

VOTE: MOTION CARRIED UNANIMOUSLY

6. SECOND READING DENSITY ORDINANCE

Attorney Lee stated the changes that were requested at the last meeting have been made.

CM 1-9-09- SECOND READING DENSITY ORDINANCE

Motion by Kivell, supported by Maida
That this be the second reading of Section 102-3 and the removal of section 102-460c1 &2 and the amendment of Section 102 460c3.

VOTE: MOTION CARRIED UNANIMOUSLY

7. FIRST READING SIDEWALK ORDINANCE

Attorney Lee stated this is simply adding a sentence to Chapter 82 Section 79b, which states the sidewalk signs, may be permitted and may not be deemed obstruction for the enforcement of this provision.

CM 1-10-09- FIRST READING SIDEWALK ORDINANCE

Motion by Wedell, supported by Maida
That this is the first reading of an amendment to Chapter 82 Section 79 B –Sidewalk Obstruction ordinance.

VOTE: MOTION CARRIED UNANIMOUSLY

8. COMPOST AGREEMENT

Department Head Renwick stated he has been contacted by Spurt Industries regarding a contract for the use of Volunteer Park. He further stated we have and do accumulate brush and chips and something is

going to have to be done with it, this would help us. This company has offered to come and handle that with no charge to the City. Department Head Renwick stated this would be an ongoing situation for a number of years and it could also create some revenue for the City. He further stated this would be good for the city residents as well. It would use a good chunk of Volunteer Park; we have been unable to get funding to develop Volunteer Park. He further stated this is a good proposal. Department Head Renwick stated some composting sites have caused problems before, but that was because they were taking in the compost but this company will be here and they will be processing it properly. Some discussion was held regarding composting issues. Eventually they are thinking they will be able to help with the sludge from the water plant.

Rick from Spurt Industries stated they would be operating from 7am to 5pm. He further stated the smell is a problem when it is not processed properly. That will not be a problem here because it will be processed. He stated the noise is no louder than a front-end loader. Attorney Lee stated they are a licensed, controlled and regulated by the DEQ. Rick from Spurt Industries stated they want to be good neighbors and they will introduce themselves to the neighbors and give them cell phones numbers in case they have any problems. Councilman Wedell asked Attorney Lee if the revenue estimates seemed reasonable. Attorney Lee stated they are. Councilman Wedell questioned the amount of traffic coming and going from this site. Rick of Spurt Industries stated 6-10 trucks a day, maybe 5 during the slow time. Councilmember Kopkowski questioned if the building authority had issued bonds for this property. Attorney Lee stated no the bonds were issued for the first northerly piece of land. He further stated it is in that portion of the property that we don't have any recreational use. Attorney Lee stated it was purchased as residential, and the City can use their land as they see fit. He further stated that composting is our obligation and a state requirement. Councilmember Kopkowski stated she is very concerned about the noise and the smell for the neighbors around the land. She further stated we would be putting a commercial business in a residential area and the smell and noise will be a problem for the neighbors. Councilman Kivell asked if we would be stuck with a pile of compost if the company closed. Attorney Lee we would not be because there is a provision that the property must be left as it was found. Councilman Kivell stated they are monitored by the DEQ. More discussion was held regarding composting.

Maggie Kurtzweil of 939 West Hills stated she just wanted to let the council know there are some concerns for this. This is an opportunity to use land that is not being used, and it is a good land use. She further stated if you look at the operation they are bringing in, traffic would be a major issue, especially with the Meijer going in. She is hoping that the City could regulate the traffic pattern for the trucks and she hopes 9 Mile would not be the regular routes for the trucks. She further stated she doesn't agree with the estimated number of trucks, she feels it would be many more. She stated this is not necessarily this is a bad idea, but that there are more issues to look at. You are talking about 40 acres of land. She would also like to ask what council would do with the money that is generated from this contract. She hopes they would take into consideration how hard it is to raise money and maybe they could use some of that money for Volunteer Park.

Erica Wilson of 952 S Parkwood stated this proposal was brought up at the last Parks and Recreation meeting. We had a lot of concerns. One of the things we are concerned about is as long as they are at or below 5000 cubic yards of acre; they don't need another approval from the DEQ. With 40 acres of land that is 200,000 cubic yards of compost and that is a lot. At first glance this sounds wonderful, but there are many concerns and no matter what, it is going in some ones backyard.

Brian Herick of 873 West Hills stated he has recently started going to Volunteer Park a lot and they walk the trails and pick up garbage. He stated composting is a great idea, but composting everyone else's stuff on 40 acres is a lot. He further stated the 40 acres they will be using is the trails they people walk.

Some discussion was held regarding what are the citizens of South Lyon would get out of this.

More discussion was held regarding where the money could be used.

CM 1-11-09- MOTION TO APPROVE LEASE AGREEMENT

Motion by Maida, supported by Kivell

To approve the lease agreement as presented by Spurt Industries, LLC.

VOTE:

MOTION CARRIED

1 OPPOSED

9. Pierce Engine

Chief Kaska stated this is the donation to the Oakland Community College Crest Center in exchange for \$4500.00 for future education. Attorney Lee we asked for this to be in contract form because our charter has a specific procedure to get rid of unused city tucks, and this satisfies an exchange.

CM 1-12-09- DONATION OF PIERCE ENGINE

Motion by Maida, supported by Kivell

To approve the agreement with Oakland Community College Crest Center to donate the Pierce Engine for future educational purposes as presented.

VOTE:

MOTION CARRIED UNANIMOUSLY

10. MUTUAL AID AGREEMENTS

Councilman Wedell asked if this would present a conflict between the two counties. Attorney Lee stated these are two different agreements. Some discussion was held regarding the different communities, which are already part of these agreements. Councilman Kivell asked how much additional activity would this cause. Chief Kaska stated not anymore than we already have.

CM 1-13-09- MOTION TO JOIN LIVINGSTON COUNTY MUTUAL AID ASSOCIATIONS

Motion by, Wedell, supported Maida

To approve joining the Livingston County Mutual Aid Association

VOTE:

MOTION CARRIED UNANIMOUSLY

CM 1-14-09- MOTION TO JOIN OAKLAND COUNTY MUTUAL AID ASSOCIATIONS

Motion by Wedell, supported by Maida

To approve joining the Oakland County Mutual Aid Association.

VOTE: MOTION CARRIED UNANIMOUSLY

11. FIRE CODE UPDATE

Chief Kaska stated this is updating the fire codes from 2003 to 2006.

CM 1-15-09- MOTION TO ADOPT THE ITNERATION FIRE CODE 2006

Motion by Kivell, supported by Kopkowski
To approve adopting the First reading of the International Fire Code 2006 with supporting addendums.

VOTE: MOTION CARRIED UNANIMOUSLY
12. RADIO FREQUENCY

Chief Kaska stated we had discussed about working together with our area residents and Chief McClain came to us with a radio problem, and the solution we came up with is a win win for the city. The township has offered to purchase a general business license and putting our water department and the DPW department on this frequency, which would leave the emergency frequency just for the fire and police department. They are also willing to pay half a general maintenance fee and any other repair costs to the radio system. He further stated this is an outstanding deal for us. Ron McClain Chief of the Lyon Township fire department stated that their radio system is unreliable and not efficient. He further stated he would really appreciate the council's support for this.

Councilman Wedell stated that this letter represents some of the costs for switching over the radios and phones, does the board agree with this. Chief McClain stated he has spoke with them and they are behind it.

CM 1-16-09 DRAFT AGREEMENT FOR SHARED RADIO FREQUENCY

Motion by Kopkowski, supported by Kivell
To direct Attorney Lee to draft agreement with Lyon Township to share radio frequency.

VOTE: MOTION CARRIED UNANIMOUSLY

13. STREET ADMINISTRATOR

Discussion was held regarding removing Rod Cook's name from the Street Administrator and adding the current City Manager David Murphy.

CM 1-17-09- STREET ADMINISTRATOR

Motion by Kopkowski, supported by Maida
To approve appointing David Murphy as the Street Administrator for the City of South Lyon.

VOTE:

MOTION CARRIED UNANIMOUSLY

14. TRI-PARTY AGREEMENT

City Manager Murphy stated he spoke with Tom Noechel of the RCOC and he stated there is a balance that hasn't been used, by the program. We pay a 1/3 of whatever the project is. He further stated we may be better off putting our money to help pay for the design of paving 8 Mile between Pontiac Trail and Dixboro. Some discussion was held regarding what the money should be used for. Attorney Lee stated you could only defer the money for 2-3 years. Mayor Doyle suggested the council can table this until the next meeting.

CM 1-18-09 MOTION TO TABLE TRI PARTY AGREEMENT

Motion by Kivell, supported by Kopkowski
To table the Tri-Party Agreement until next meeting

VOTE:

MOTION CARRIED UNANIMOUSLY

15. Proposed 09/10 Street Project

Department Head Renwick stated we have a list of streets that should be worked on. He further stated he is asking for approval of \$59,800 .00 The question was asked how the list of streets to be fixed are determined. Department Renwick stated we are using the previous list. Some discussion was held regarding different streets and which ones need fixed. Mayor Doyle stated the streets on the list are Harvard from Pontiac Trail to Oxford, University from Pontiac Trail to Oxford, Oxford from Harvard to University, Scott from Elm to Mchattie, E. Mchattie between Scott and Pontiac Trail, Winchester from Wellington to Wellington and Covington from Mayfair to Norchester. Councilmember Kopkowski stated she would like to see this reduced by two. She stated University and Harvard are not in that bad of shape. She would like to hold off on those two. Councilman Kivell stated as usual we have to put together a list of streets when the weather is bad and the streets are snow covered. Mr. Brown came to a previous meeting asking about the Hagadorn/ Liberty section, which is in bad shape. He further stated he would like to know much would it cost to add that to the project. Jesse VanderCreek of HRC stated we utilize historical data to determine what streets go on this list. He further stated they have been evaluated by a technical format that is utilized by the state to uniformly evaluate roads. We looked at 15 roads total and we narrowed this down to 7 that are within the range of the budget. More discussion was held on the different streets that need fixed and the cost.

CM 1-19-09- MOTION TO APPROVE STREET PROJECTS

Motion by Wedell, supported by Kivell
To approve the Preliminary Engineering Fees in the amount of 59,800.00 for the attached projects.

VOTE:

MOTION CARRIED
1 OPPOSED

16. Chester Street Project

Department Head Renwick stated the CDBG funds were to be used for the Chester Street Improvement.

We now have all the costs in for that project. The total estimated cost is \$67,165.00.

CM 1-20-09-MOTION TO APPROVE CHESTER STREET IMPROVEMENT

Motion by Kivell, supported by Maida

Motion to approve \$9,100 for Engineering Design Fees for the Chester Street Storm Sewer Improvements.

VOTE:

MOTION CARRIED UNANIMOUSLY

17. DPW VEHICLE

City Manager Murphy stated a few weeks ago we had a problem with the DPW superintendents' car and the transmission. The mechanic stated it would take about \$2000.00 to fix, and it wouldn't make sense to put that kind of money into a vehicle that will only last another 6 months to a year. It also has some suspension problems. He further stated he believes it would be in the city's best interest to purchase a new vehicle. Some discussion was held regarding the use the city vehicles get. Councilmember Kopkowski asked what type of truck would this be replacing. City Manager Murphy stated this would replace a small S10. It was used on the trails years ago and basically it is a pickup with a box on it, other than that it was used to pick up garbage. Councilmember Kopkowski asked if we considered purchasing a used vehicle. City Manager Murphy stated they did, but there is not a lot to choose from.

CM 1-21-09- MOTION TO PURCHASE VEHICLE

Motion by Kivell, supported by Wedell

Motion to approve the low bid for the purchase of a Ford F-250 truck for the DPW in the amount of \$25,000 from Brighton Ford and for the Manager to bring back a budget amendment so the funds can be taken from the equipment funds fund balance.

VOTE:

MOTION CARRIED UNANIMOUSLY

MANAGERS REPORT

City Manager Murphy asked if anyone in the audience or watching could please let the City know if anyone is losing there homes or of any vacant houses, we need to turn the water off to prevent pipes from freezing and busting.

COUNCIL COMMENTS:

Councilmember Maida stated the grand opening for the hair salon and there was a great turnout and she would like to welcome them to the community.

Councilmember Kopkowski asked if there was any progress with the DDA openings. City Manager Murphy stated that one resigned but we are holding that open for them.

Councilman Kivell asked if we could look into the snow ordinance, because some people just will not shovel their sidewalks, then it turns to ice. He asked Joe if he could leave a notice on their door

regarding the snow shoveling, and he did and the snow was shoveled. He further stated he would like to come up with something that is more easily managed.

Mayor Doyle congratulated Doreen and the Library staff and the board, they did an outstanding job.

CM 1-22-09- ADJOURNMENT

Motion by Wedell, supported by Maida
To adjourn the regular city council meeting at 10:10 pm.

VOTE:

MOTION CARRIED UNANIMOUSLY

John Doyle, Jr
Mayor

Lisa Lynch
Assistant Clerk/Treasurer