

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

Mayor Doyle noted that Councilman Morelli was absent

CM 2-1-09 – EXCUSE ABSENCE

Motion by Wedell, supported by Maida

To excuse the absence of Councilman Morelli for reason of being out of town due to health reasons

ROLL CALL VOTE: Kivell – Nay, Kopkowski – Nay
Selden – Yea, Doyle – Yea
Wedell – Yea, Maida – Yea

MOTION CARRIED

APPROVAL OF MINUTES:

Councilman Wedell stated that during the discussion regarding the radio frequency, he had asked a question of Chief McClain about discussions held with them. He would like it reflected that this refers to the Township Board.

Councilman Kivell stated that on page 7 during Council Comments he had brought up the issue of looking at our snow ordinance. He would like it reflected that he had referred to fashioning it more like our noxious weed ordinance.

CM 2-2-09- APPROVAL OF MINUTES –JANUARY 26, 2009

Motion by Kivell supported by Kopkowski

To approve the minutes of the regular meeting of January 26, 2009 as amended

VOTE: MOTION CARRIED UNANIMOUSLY

APPROVAL OF MONTHLY BILLS:

Discussion was held on various bills. A question was asked regarding a payment to Andrew King for training. City Clerk/Treasurer Zemke stated she would check into it and report back to Council.

CM 2-3-09- 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 2-4-09 – APPROVAL OF AGENDA

Motion by Wedell, supported by Selden

To approve the agenda as presented

VOTE:

MOTION CARRIED UNANIMOUSLY

CITIZENS SUGGESTIONS:

Mayor Doyle asked Attorney Lee to give a status as far as where we are at with the composting issue. He further stated that it is not a done issue. Attorney Lee stated that Spurt Industries has come to the City with a proposal for a composting program that they wish to place on 40 acres in Volunteer Park near the corner of Eight Mile and Dixboro. He further discussed the proposal and contract. He stated that pursuant to Section 11.3 (b) of the City Charter any disposal or lease of any City property requires that whenever a contract is considered when we have it in final form, it must be posted and notice put in the newspaper. The Clerk must have it available for 10 days for public inspection prior to Council rendering its final approval of the contract. To date, we have not received any executed agreement from Spurt. It is his understanding that there are some modifications that both the City Manager and Spurt would like to make.

We will meet and attempt to find common ground, and if that is done then it will be presented to Council with those modifications. If Council gives approval then it would be presented to the Clerk for posting then final adoption will occur after the 10 days. Mayor Doyle stated that we want to make sure before we move forward that it is absolutely good for the City and the residents at large outside the City. Our biggest concerns are the noise, smell and number of trucks. If it does not look like it is going to be good, then it will not have the support. He further asked that any public notice also be put on the website.

Attorney Lee stated that this is not on the agenda, but public comment can be heard.

Mr. Mike Kramer of 963 Hidden Creek Drive stated that he has been asked to speak on behalf of the Hidden Creek Subdivision. He asked why the rush. They have some serious concern about the environment and property values. He further discussed the impact on the park where the kids play. He discussed other composting sites and the size of what is being proposed here.

Mr. Frank Fogarty of 61319 Roaring Brook stated that he lives down-wind of the proposed site. As a citizen of South Lyon he is very concerned. He discussed the Council Member who chose to appear on a TV show for health reasons resulting in many absences. He urged the Council to remedy the situation and return the Council to full representation. He discussed the preliminary tax assessments for Wayne, Oakland, Macomb and Livingston counties. He stated that it shows South Lyon to be down 15.64% and discussed the loss of revenue and suggested considering a 3-year budget process. He discussed the proposed 20% increase in water and sewer rates and stated that they had an increase last year of 10% after not having an increase in over 22 years. He discussed the sandwich board sign ordinance that took a long time to get approved yet in one meeting Council voted to approve the use of 40 acres in Volunteer Park for a compost agreement. He stated that when this comes back to Council he would like to see a roll call vote of all seven members of Council. He stated that Patti Maida, Harvey Wedell and Glenn Kivell are up for re-election in November and urged the people of South Lyon to stay informed about what is going on in the City. Finally, he thanked Kristen Delaney for the new and improved website.

Mr. Mark Christenson of 61362 Roaring Brook voiced his concern about the health and safety of his children and other children in this community. He discussed some data and items that need to be reviewed in the process of contemplating a compost facility and the need for a third party independent review. He voiced his concern about water safety, environmental safety, air safety and the ground area that will be affected. He discussed the EPA and other regulatory agencies' regulations. He discussed various diseases and respiratory problems associated with these types of facilities. He discussed the affect on private wells and the City's wells.

Mr. Mike O'Sullivan of 21290 Laser Lane asked if anyone researched a regional compost facility of this size. He discussed the Wixom and Tuthill Farms composting sites. He discussed complaints from residents about the noticeable stench. He discussed the Napier and Six Mile Viola facility. He stated that he visited an elementary school about a mile away from the facility. Office staff indicated that there are times when they have had to bring the children in from the playground because of the odor from the site. He further discussed complaints from residents. He discussed the size of the sites in comparison to this proposed site. He stated that this site is only 50 feet from his neighbor's property. All of the other sites were at least ½ mile from neighboring homes. He discussed the rolling of the piles and stated that there is no way to prevent the odor. He discussed the number of yards required to be processed in order for the City to earn \$150,000. He discussed the number of trucks that would be required and the affect on the roads.

Eileen Daskalakis of 9652 Wall Gene Road stated that she has been in contact with the Erin Brokovitch people. They indicated that it would take more than 10 days to go through this. They are experts in lawsuits as well as experts in seeing what could possibly go wrong. She further stated that she will be pursuing this issue.

Melinda Moore of the Hidden Creek Subdivision asked when there is such an overwhelming lack of community support why would Council even entertain this. She further asked if Council would like their children playing looking at a compost heap. She stated that this is far more than dollars and cents. It is about our lifestyle and quality of life.

Alicia Naumann of 7942 Bart Ct. representing the Soccer Club stated that you have kids 3-13 years old playing on the fields in Volunteer Park. She stated that she does not believe that the City has taken the time to look at all of the negative effects of having a compost site. She further discussed the City's plans to add soccer fields.

Mr. Michael Andrews of 61900 Eight Mile Road discussed the Viola site. He stated that they are the largest waste service company in the world and they have every available resource to process the compost properly and cannot do it.

Jill O'Sullivan of 21290 Laser Lane presented a document showing the number of residents and area businesses that will be most dramatically affected by the proposed compost yard. She stated that it is being estimated 4000-5000 people live within 1 ½ miles of the proposed site. She further discussed the document. She asked if the loss of property tax revenues have been looked at because of the site. She discussed the effect on area businesses as well as other events such as the Pumpkinfest. She discussed the proposed contract and the language which addresses the clean-up.

Mr. Paul Benedict of 21121 Laser Lane stated that he has questions for Spurt Industries. He would like to know if they have other facilities and if they are in residential areas. He further asked about scrap generated from industrial processing facilities. How do bio-solids from City Wastewater Treatment Plant fit into compost facilities with the inclusion of food, disposable tableware, etc. and what guarantee do we have that employees will only deposit the appropriate material? How can you visually inspect a truck of 30-40 yards of waste material? He questioned the general appearance of the site. He asked if there is a limit as to how much can be held on the site at one time and is there a time period in which it has to be processed. He discussed the funds the City will receive. He reviewed the number of cubic yards of material being proposed.

Mr. Jim Culbertson of 22134 Brookfield and President of Parkside Homeowner's Association discussed the public outcry. He discussed the number of public hearings held on the recently approved cell tower. He stated that Council wants to pass a compost site with no public hearings. We recently passed a sandwich board sign and no less than four public hearings were held between the Planning Commission and Council. He asked what kind of recommendation did Council get from the Planning and Parks and Recreation Commissions.

Mr. Bruce Murda of 21220 Laser Lane stated that he can appreciate that Council is looking for additional revenue and he can appreciate that Spurt Industries is looking for a place for their operation. They believe that this is the wrong place. He further stated that he would stress to Council to do their due diligence and it appears that has not been done. He discussed concerns and issues we know about at the two smaller sites in Oakland County.

Mr. Dennis Patton of 21211 Laser Lane stated that the west border of his property abuts the proposed facility. He discussed some research that he did on the internet and stated that the consensus around the world is that these facilities need to be put as far from human contact as possible. He discussed temperature inversion and the affect on these sites. He stated that he questions if the City has really looked at the overall picture and whether this is going to generate what you want.

Mayor Doyle stated that nothing has been finalized and it is not being done in a vacuum or under the cover of darkness. We want to make sure that if it goes forward that it has to be right for the community at large. He invited everyone to come back when it is on the agenda. He stated that he as well as other Council Members have received emails and phone calls and encouraged everyone to keep doing that.

Mr. Joe Grima of 9376 N. Dixboro Road stated that he is a neighbor of Mr. Renwick's and is somewhat confused why he is for this. He further stated that he recently found out that Mr. Renwick originally was not for it until he found out he could not get grants or funding for the park. He stated that they drive by the Napier Road site almost every day and the stench from the site stays in the car for approximately three minutes and can only imagine what they are going to have to deal with given this site is only ½ mile from his home. He further discussed his concern over the smell. He voiced his concern about the effect on the water system and wells and the potential leakage from the site. He discussed the DEQ regulations. He further stated that he is most concerned about child safety on Eight Mile Road including bike riders, walkers, etc.

Donna Rabie of 9988 Wall Gene Road stated that she moved away from the City and her idea was to retire here and enjoy the peace and quiet and here we are proposing a compost site ½ mile from her home. She expressed her concern about the trucks that will be coming down Eight Mile as a result of this site. She asked Council to think about the people of the community that this will effect.

Myron and his son Matthew Pennet of 20901 Dixboro were present. Mr. Pennet stated that he works for a large environmental consulting firm and a lot of the sites that he goes to are usually because of the assumption that everything will be okay, but it does not always turn out that way. He voiced his concern about their wells and stated that it is virtually impossible to stop leaching. Matthew Pennet expressed his concern about the smell and the effects on the park. Mr. Pennet expressed his concern about the effect on property values and stated that he hopes the City can find another way to get the revenues to develop the park the rest of the way.

T.J. 22 Connelly of 286 Brookfield Drive thanked Council Member Kopkowski for her "No" vote at the last meeting. He discussed the need to work together with our neighbors and stated that Supervisor Young was not even aware of the proposal. He discussed a county park in Macomb County which had this type of site. He stated that Sterling Heights now has no county park and a trail of lawsuits may be the cause. He stated that he and his wife love the community and the City prides itself as being an outdoor community, but who wants to be outside when there is a smell in the air. He discussed his experience in working with composting facilities and stated that the smell is not there every day, but when it is there it is bad. He stated that this is the time for the officials to do the right thing. They do remember names and bad decisions can have a lasting impact for all.

Kimberly Sparks of 21355 Laser Lane read a speech expressing her concerns and the reasons they moved into this "beautiful" City. She further discussed the feeling of a "Village" including the parks and recreation functions, programs, Pumpkinfest and other community and school functions.

Tom Turner, owner of Spurt Industries at 5204 Adams in Zeeland, Michigan stated that he understands everyone's concern. He can understand that 40 acres is a very large site, but everyone can be rest assured that if the DEQ limits them to 5,000 yards per useable acre, on this 40 acres it probably would allow them to use 25 acres for composting. They would only expect 30-50,000 yards to come into this site. This is just yard waste or other organic material. He provided his cellular phone number and invited anyone with concerns to call him. He also provided the cellular number of his general manager. He further stated that both he and Steve Renwick have spoken to the DEQ's head of composting and recycling division and he would also be happy to any answer any questions. He addressed the issue of bio-solids and food waste and stated that they can see this as a developing market about three years from now. It is not non treated sewage. He discussed cases of irresponsible operators. They are proposing a covered

wind row system including tarps over the area so that nothing can escape. It is not what you see at the Tuthill Farms or Viola facility.

George Metzner of 11188 Hammerstone Drive suggested that another location be used at any future meeting when this will be discussed so that more people can be accommodated.

Laura Spearman of 20871 Greenbriar Circle discussed the residents' opposition to the Meijers and questioned how this is any different.

Robert Camien of 21075 Parkwoods Drive expressed his concern over Mr. Turner's comment about "when" they develop the property because they are being told it is not a done deal, but it sounds like it is to Spurt. Furthermore, Mr. Turner's indication that a site was already there and it was his choice to live there. These residents feel that they do not have a choice, but they were here first. Now he has to look at Meijers and smell a compost pile. He further stated that they are begging Council to not let this happen.

Mayor Doyle questioned when this will come back to Council. Attorney Lee stated that is not clear at this point. There are some additional items to be negotiated. Assuming they can come to agreement, it could be as early as the next meeting. However, it would take at least two more meetings before it could be approved.

Jean Benedict of 21121 Laser Lane asked when the minutes have to be posted. Mayor Doyle stated that Council receives them Thursday before the meeting. Attorney Lee stated that the minutes are not official until approved by Council at the next meeting. Ms. Benedict asked when the public can make comments regarding those minutes.

Council took a brief recess at 8:45 p.m. and reconvened the meeting at 9:02 p.m.

OLD BUSINESS:

1. Manager Goals

Discussion was held on goals in common amongst Council. Discussion was held on a balanced budget. City Manager Murphy questioned whether that meant a budget without dipping into the fund balance. Councilman Kivell stated that it would have to be justified and limited. City Manager Murphy stated that he planned on presenting Council with one that does not dip into fund balance and one that gives some options. Councilman Wedell stated that the last two budgets we did have a planned use of fund balance and we already know we are going to have less revenue for next year and the year after. We need to recognize that is what it is there for. Further discussion was held on budget. The consensus of Council was that the City Manager should provide two separate budgets; one using limited fund balance and one without. Discussion was held on the difficulty of predicting the revenue stream.

Councilman Kivell discussed having a budget as accurate as possible for a year's worth of activity. Councilman Wedell stated that the budget is a planning document, and it will change throughout the year. He does advocate analyzing the budget as we go through the year so that we do not end up in the third quarter having a problem and a short time to correct it.

Discussion was held on looking at a three-year budget. City Manager Murphy stated that being that this is his first here, once you have one in place it is not that difficult to go to the next year and a third year. Councilman Wedell discussed the continuation budget and how amendments of the first year are going to affect the next.

Discussion was held on what method these goals are going to be applied and measured.

Discussion was held on the cable programming. City Manager Murphy stated that he does have plans for improvement. He will have to have discussion with the City Attorney regarding our contractual agreement for the studio.

Discussion was held on economic development.

Discussion was held on shared services. Council Member Kopkowski stated that she would like to see the Plante Moran analysis done for shared services and make use of the funding available through Oakland County. Councilman Wedell stated that he is not sure those funds are going to be available. They may be discontinuing it to try to solve the County's own budget problems. City Manager Murphy stated that he could send a letter to the Supervisor of Lyon Township to find out their interest in approaching the County. Discussion was held on Police and Fire services being the services to look at with this type of analysis. The consensus of Council was to send a letter to the Township.

Further discussion was held on the cable programming. Discussion was held on the need for additional equipment. City Manager Murphy stated that what he would like to do is start putting our own messages up so there is a continuous scroll with information for our residents. He believes the City needs to take that back, but we will have to wait until Tedd Wallace gets back to town. Councilman Kivell further discussed other programming and providing a forum for residents who do their own programming. Discussion was held on the problems with censoring.

Councilman Selden questioned investigating using AT&T for an access channel. City Manager Murphy stated that it uses different technology and the equipment would be very costly. He further discussed the need to get everything digital.

Councilman Wedell discussed the quality of the picture from the Council meetings. He stated that he would like us to look at lighting, camera angles, and the background.

Discussion was held on following up on blight as a goal. Council Member Kopkowski stated that this falls under downtown development. City Manager Murphy stated that it is his understanding that we have been and continue to do this. The problem is that people are just meeting the letter of the law and doing as little as they can. Councilman Kivell stated that this just means that you continue to do what you are doing.

Discussion was held on improving economic development and encouraging the Community and Economic Development Director to be more high profile. The consensus was to leave that as part of the goal.

Councilman Wedell stated that his intention was to make a broad statement and then some suggestions as to how he would like to see that accomplished. He further suggested that we stop with these four goals that have been identified. We are four months away from the new year.

Councilman Kivell stated that we could have been here a year ago. All of these things would have been as valid as they are now. It is not specific to a person, but rather a job. Further discussion was held on the need to establish the goals with a person. Councilman Kivell stated that Council is to determine the direction of the community and the City Manager performs the tasks that Council has identified.

CM 2-5-09 – CITY MANAGER GOALS

Motion by Wedell, supported by Maida

To establish the goals for the City Manager to the end of the fiscal year as follows:

- Present a balanced budget using minimal fund balance
- Continue to work with surrounding municipalities and investigate the possibility of shared services
- Work toward improvement to the Channel 19 cable programming
- Improve Economic Development with focus on downtown
 - Re-energize the DDA with enthusiastic appointees
 - Make use of Main Street and other county resources available to enhance the downtown
 - Support downtown focused activities
 - Encourage higher profile for Community & Economic Development Director with Council
 - Maintain pressure on owners of dilapidated properties

VOTE:

MOTION CARRIED UNANIMOUSLY

NEW BUSINESS:

1. Drinking Water Revolving Fund (DWRf) Discussion

Superintendent Renwick stated that this proposal is for engineering services so that we can apply for these funds. When the Economic Stimulus funds are approved, if we are ready, we stand a good chance of being approved. We need to get these projects lined up.

Councilman Kivell questioned whether we provide them the list and they pick and choose which ones we receive funding for. Jesse VanDeCreek of HRC stated that these items have been identified as a need for the water system. It works very similar to the process we went through for the SRF process that we went through for the Wastewater Treatment Plant. He further explained the process and reviewed the list of needs to the water system including the plant, mains, etc. He stated that this is really the only method available to finance a large scale project for the City that is reasonable. He stated that they worked with the City Manager to develop a list of all the needs the City has and we had approximately \$34 million in projects. The MML asked us to break out our water and wastewater projects and our transportation projects. We will be dealing with transportation next on the agenda. If we have our preliminary engineering in place and give that to the Federal Government when they ask for them, we are in a much better position. You are in competition now for funds.

The question was asked if there are certain items on this list that are more important than others. Mr. VanDeCreek stated that in his experience what they look at (DWRf) is whether you are addressing something that will collectively solve the problem. This not only addresses the treatment aspect but also the distribution aspect. This is an overall system improvement. This proposal is to perform the evaluation and go through it with the State. These projects have been identified but not evaluated. We have not done anything significant to the drinking water in over ten years. If we do not do this, we are not going to be in a position to capture any money if there is any.

Councilman Wedell asked that if we are not chosen to receive money is the work still useable. Mr. VanDeCreek stated that it is still relevant. Councilman Wedell asked if the \$55,000 is in the water fund. Superintendent Martin stated that it is.

CM 2-6-09 - DRINKING WATER REVOLVING FUND (DWRf) DISCUSSION

Motion by Selden, supported by Maida

To approve funding in the amount of \$55,000 for the Drinking Water Revolving Fund Application by Hubble, Roth and Clark

VOTE:

MOTION CARRIED UNANIMOUSLY

2. Engineering Design for 2,600' of Nine Mile Road

City Manager Murphy stated that through the Stimulus Program, there is supposed to be funds that will funnel down to the Huron Valley Federal Aid Program which we are a part of with Howell, City of Brighton, Livingston County as well as Oakland County. Last week he attended a meeting to figure out who had what projects. Eight Mile and Pontiac Trail and the resurfacing of Milford Road from Ten Mile to Grand River projects were approved. We talked about Nine Mile between Pontiac Trail 2600 feet west. Jesse VanDeCreek has assured him that they would be able to put the project together for us immediately so there would be no concern with timelines. He talked with the County and asked if they would support this project. It was approved for \$517,000, but the Stimulus monies will not cover engineering. We will be getting \$517,000 in free money and get Nine Mile paved in the process. He is asking that Council to approve the design engineering.

Council Member Kopkowski asked if part of this engineering was already done. Mr. VanDeCreek stated that this section was not done. This portion is from Pontiac Trail to Dean Drive. This is the portion of old

broken concrete. Council Member Kopkowski asked if the curbs are going to stay. Mr. VanDeCreek stated that the curb is connected to the concrete road. It is better to remove what is there and they will be putting in new curb and gutter the whole stretch. He stated that if the City were to do this project it would take an entire year's local road program. This happens to be a Federal Aid route which is why it falls into this program.

Councilman Kivell asked if we could just mill and cap. Mr. VanDeCreek stated that it is not feasible given the condition of the road. If you did cap it, those cracks would come right up through.

Mr. VanDeCreek stated that this is a fast-track project. He has to submit final plans within six weeks. The survey work will be done by Friday.

CM 2-7-09 – APPROVAL OF DESIGN ENGINEERING

Motion by Wedell, supported by Maida

To approve the Design Engineering for 2,600 feet of Nine Mile Road by Hubbell, Roth & Clark in the amount of \$122, 200

VOTE:

MOTION CARRIED UNANIMOUSLY

3. Tri-Party Money

City Manager Murphy stated that at the last meeting there were some questions that he could not answer at the time. This is the same request to use the 2009 Tri-Party funds for the design of the paving of Eight Mile Road between Pontiac Trail and Dixboro Road. We need to get the design done as soon as possible so that if some money elsewhere is not utilized sometimes additional funds become available. They are anticipating getting the project done in 2011. If there is Stimulus money or other funds available we could fast track it.

Councilman Wedell asked if this would help get the bike path project done. City Manager Murphy stated that they are somewhat connected. Attorney Lee explained the problems that we had in getting the temporary construction easements required and the fact that we cannot condemn property outside the City limits. He further explained that if and when they pave Eight Mile had we put the trail in, they more than likely would have to tear up the trail to complete the development of the roadway. We got some assurance that although the path cannot be part of the same project, it could correspond at the time the road was built. Further discussion was held on the path project.

City Manager Murphy stated that it had been asked about the use of the funds for the Eight Mile signalization, and we can put off that project at this point. It had also been asked about the Phase II downtown project money, and we have to get that back from the County.

CM 2-8-09 – 2009 TRI-PARTY PROJECT

Motion by Kivell, supported by Maida

To approve the use of the 2009 Tri-Party funds to help pay for the design of paving Eight Mile between Pontiac Trail and Dixboro Roads

VOTE:

MOTION CARRIED UNANIMOUSLY

4. Approval of Sale of the City Van

Superintendent Martin stated that we have tried for four years to sell this van. He saw an ad in the newspaper that someone was looking for passenger vans for church and senior centers. He called them and they came out and looked and are interested in purchasing it. This vehicle has been sitting in the DPW yard for almost four years not being utilized. This is a good thing for everyone.

CM 2-9-09 – APPROVAL OF SALE OF CITY VAN

Motion by Kopkowski, supported by Selden

To approve the sale of the City Van in the amount of \$2,500 based on our previous attempts to gather bids having failed

VOTE:

MOTION CARRIED UNANIMOUSLY

5. 2nd Reading – Sidewalk Ordinance

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

CM 2-10-09 – SECOND READING – SIDEWALK ORDINANCE

Motion by Kivell, supported by Wedell

That this be the second reading of an amendment to the City Code Chapter 82, Section 79 (b) (see attached amendment as part of these minutes)

VOTE:

MOTION CARRIED UNANIMOUSLY

6. 2nd Reading – Fire Code Update

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

CM 2-11-09 – SECOND READING – FIRE CODE UPDATE

Motion by Kivell, supported by Kopkowski

That this be the second reading of an amendment to Section 46-31 and 46-32 of the City Code (see attached amendment as part of these minutes)

VOTE:

MOTION CARRIED UNANIMOUSLY

7. Annual Liquor License Review Policy Resolution

Council Member Kopkowski questioned the intent. Councilman Wedell stated that we talked about this when the Bella Luna came back to us and there were some issues revolving around Screwie Louie's Restaurant. He started looking at Liquor Control regulations and discovered that every year every establishment has to renew their licenses. At that time he had suggested to Council that we look at establishing a review each year and make any objections to the Liquor Control Commission that we had a problem license. Each establishment would be treated exactly the same.

Council Member Kopkowski questioned whether the State does their due diligence before renewing the license. Attorney Lee explained that Liquor Control looks for convictions and action taken by their inspectors. Liquor Control very rarely takes action to remove a license, however if a local community files a recommendation that the license should not be renewed they would give that strong consideration. What this policy provides for is that each year our Police Department would report any incidents relating to these establishments such as selling to minors, fights, etc. Council would be in a position to determine whether they would like to take action. He further explained the process.

Councilman Kivell stated that this would provide for equal application for all of the establishments holding a license.

Councilman Kivell stated that in the first paragraph reads "This review shall will consist...." It was determined that the "will" should be removed.

Chief Collins stated that by utilizing the CLEMIS system we can fairly easily produce a report relevant to any or all of our liquor establishments.

CM 2-12-09 – RESOLUTION – ANNUAL LIQUOR LICENSE REVIEW POLICY

Motion by Wedell, supported by Maida

THE CITY COUNCIL OF THE CITY OF SOUTH LYON RESOLVES:

That each year, at the first meeting in the month of March, the Council shall review the previous year's experience of each establishment in the City, which holds a license to sell alcoholic beverages. This review shall consist of examining police contacts, complaints, or other concerns the City Administration have recorded relating to said establishments for the purpose to determining whether the Council desires to make any recommendation to the Michigan Liquor Control Commission relating to the renewal of any of the Licenses currently issued to establishments within the City Limits.

In the event Council determines that any establishment has compiled a significant record of violations of law, local Ordinances, or complaints which requires further consideration, the City Attorney shall be directed to give notice to such establishments and the license holder of a formal hearing to be held by Council with not less than fifteen days (15) notice prior to the hearing. At the hearing, the license holder shall be afforded an opportunity to review the material on which Council has determined that a hearing is required, and present any defense, extenuating circumstances, or information it desires Council to consider in determining whether Council shall issue a formal resolution requesting MLCC to escrow, or terminate the license.

Council shall reach a decision whether to submit a recommending resolution on or before the 15th of April each year.

8. Mobile Data Computer Replacement

Chief Collins stated that we budgeted to replace ½ of our mobile data computers, which is 3 out of 6. They are all over seven years old and beyond their serviceable life. CLEMIS no longer supports the particular model computer. The newer computers will be supported and come with the warranty. He stated that he recommend approval of the expenditure of \$15,585. We will be requesting the replacement of the other ½ in the upcoming budget. He further stated that the reason we did not take bids is that CLEMIS has a contract with Motorola to be the sole provider.

Discussion was held on the need to waive the bid process. Attorney Lee stated that we do not need to waive the bid process because it is a mandatory purchase through Oakland County. To be part of CLEMIS we have to purchase through their contract.

CM 2-13-09 – PURCHASE OF MOBILE DATA COMPUTERS

Motion by Selden, supported by Wedell

To approve the purchase of three mobile data computers from Motorola through Oakland County's contract in the amount of \$15,585

VOTE:

MOTION CARRIED UNANIMOUSLY

MANAGER'S REPORT

City Manager Murphy stated that he would like to bring to Council's attention the letter from the DEQ giving our Wastewater Treatment Plant high praise after they completed a Compliance Evaluation Inspection. He

further wanted to inform Council that he has been appointed to the City Manager's Association Conference Committee, the MML's Transportation Infrastructure Committee and MML's Legislative Government Committee.

COUNCIL COMMENTS

Council Member Maida asked the status of the Agreement with Lyon Township for the radio frequency. Attorney Lee stated that they are working on it.

Council Member Maida asked how many people have applied for a sandwich board sign. City Clerk/Treasurer Zemke stated that it is not yet in effect. It will be in effect after publication.

Councilman Selden congratulated Superintendent Martin for the DEQ letter. He further suggested that we look into AT&T cable rates for the City. It was stated that we receive free cable from Broadstripe.

Discussion was held on the DDA. City Manager Murphy stated that we currently have one vacancy.

Councilman Kivell stated that it is nice to see work being done at the Lake Street Tavern. He further stated that he has given the City Clerk a copy of an article that appeared in the Detroit Free Press regarding Eastpointe considering a new snow shoveling ordinance. She will get a copy to the rest of Council. It also refers to other communities with similar ordinances requiring the removal of snow or a contractor would do it and the cost would become a lien against the property in the event they did not pay that cost.

ADJOURNMENT:

CM 12-14-09 – ADJOURNMENT

Motion by Selden, supported by Maida

To adjourn the meeting at 10:22 p.m.

VOTE:

MOTION CARRIED UNANIMOUSLY

Respectfully Submitted,

John Doyle, Jr.
Mayor

Julie C. Zemke
City Clerk/Treasurer