

CITY OF SOUTH LYON
REGULAR CITY COUNCIL MEETING
March 23, 2009

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

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

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

APPROVAL OF MINUTES:

Councilman Kivell stated that Council Member Kopkowski did have a change and requested that we delay approval until she arrives.

APPROVAL OF MONTHLY BILLS: None

APPROVAL OF AGENDA

CM 3-1-09 – APPROVAL OF AGENDA

Motion by Selden, supported by Wedell

To approve the agenda as presented

VOTE:

MOTION CARRIED UNANIMOUSLY

CITIZENS SUGGESTIONS:

Mr. Uldis Mendis of 1184 Fountain View Circle stated he wished to express his complaint regarding Primal Dance Club. He explained the process he took to make a complaint with the Police Department. He further expressed his concern about the noise from the business and the need for enforcement.

Mayor Doyle asked for any update to the noise complaints. City Manager Murphy stated that he does understand that filters were put on. Mayor Doyle stated that this was brought up at the last meeting. We are aware of it, but we do not know if the filters are working or not. He stated that we are asking that people be patient while we are working on it.

OLD BUSINESS: None

NEW BUSINESS

1. Erica Wilson – Park and Recreation

Ms. Erica Wilson, Chairperson of the Parks and Recreation gave presentation of the compost (leaves, etc.) being put in Volunteer Park including a slide show presentation. She also indicated recent dumping on the site.

*Council Member Kopkowski arrived at 7:39 p.m.

Ms. Diane Beagle of 14089 Chestnut and Parks and Recreation Commissioner stated that they felt it important that the Parks and Recreation Commission take a stand on what is happening in Volunteer Park and they put together a position statement. She read the statement including their concerns about the park being developed and the dumping by the City is encouraging residents to dump there and they are

dumping more than just yard waste. They would like a barrier put across the dirt road entrance and signs put along Eight Mile Road indicating that this is a park and no dumping is allowed. They would like the City to find an alternative place for the yard waste or other disposal method.

Mayor Doyle stated that we are currently receiving bids to remove the material. We can take the other suggestions under advisement.

Council Member Kopkowski asked if we have determined how much in one season we dump. Superintendent Renwick stated that we collect approximately 750 yards, but it will change from year to year. That is just leaves.

Councilman Kivell asked if the Wastewater Treatment Plant has enough storage space to store that amount of leaves. Superintendent Renwick stated that he does not think so.

Discussion was held on alternative spaces for storage.

Discussion was held on the garbage that is being dumped. Councilman Kivell stated that it is not acceptable to dump trash on any City property. He further stated that he does not agree with the idea that because these leaves are there that it is an invitation to people to bring their trash to dump on that property.

Ms. Wilson asked why Duncan Disposal is not picking up the leaves. It was stated that these are the leaves that people push to the street. Duncan does pick them up if they are in paper bags.

APPROVAL OF MINUTES:

Council Member Kopkowski stated that on page 7 she would like the minutes to reflect that a contractor possibly come in once per year to haul away the leaves, not City personnel.

Councilman Kivell stated that on page 2 regarding the noise, the spelling should be bass instead of base.

CM 3-2-09- APPROVAL OF MINUTES – MARCH 9, 2009

Motion by Kivell supported by Kopkowski

To approve the minutes of the regular meeting of March 9, 2009 as amended

VOTE:

MOTION CARRIED UNANIMOUSLY

2. Adoption of National Incident Management Plan (NIMS); Update of Support Emergency Operations Plan.

City Manager Murphy stated that Chief Collins has recommended approval of the plan.

City Attorney Lee stated that he does have some questions he would like to be addressed before approval and would request that the item be tabled until those questions can be answered.

CM 3-3-09 – TABLE ADOPTION OF NATIONAL INCIDENT MANAGEMENT PLAN (NIMS)

Motion by Wedell, supported by Maida

To table adoption of the National Incident Management Plan until the next meeting

VOTE:

MOTION CARRIED UNANIMOUSLY

3. Book'n 5K Run

Mayor Doyle stated that we have a request for the approval of the Book'n 5K Run and the closure of Nine Mile Road.

CM 3-4-09 – APPROVAL OF ROAD CLOSURE

Motion by Kivell, supported by Morelli

To approve the closure of Nine Mile Road from Millennium Middle School to the South Lyon Rail Trail from 9:00 a.m. until 9:15 a.m. on Saturday, May 30, 2009

VOTE:

MOTION CARRIED UNANIMOUSLY

4. Private Fire Hydrant Permit Discussion

Attorney Lee stated that Council had requested that he look into an ordinance to deal with private fire hydrants. In reviewing the ordinances, we have adopted the International Fire Code which does deal with maintaining private hydrants. In his view the only change we need to make is to change the penalty provision to a civil infraction as opposed to a misdemeanor. Council could require a certification of inspection if they chose.

Discussion was held on the proof of the test. Attorney Lee stated that Council could include a requirement that they provide to the Fire Inspector a certification in a form satisfactory to the Fire Inspector.

Attorney Lee stated that in 1990, it came to his attention that our Fire Department was servicing private hydrants. They did not have the authority or right to perform such work. As a result, the practice was terminated at that time. Unfortunately, we did not provide for any other procedure to assure that the hydrants were tested as the ordinance requires.

Chief Kaska stated that they would like something sent to the Inspectors. There are companies that do this testing. He does know that Colonial Acres does have maintenance personnel capable of doing this. We simply need somebody to tell us that it has been done once per year.

Councilman Selden asked why it has never been enforced. Chief Kaska stated that their Fire Inspection Division is only three years old. Councilman Selden asked if the hydrants could be dedicated to the City. It was stated that they could not. Attorney Lee stated Colonial Acres was built as a private development under Federal Standards. The development itself violates City ordinance and would become an immediate non-conforming use. Further discussion was held on the approval by the City as a private development.

Councilman Wedell stated that it is important to us that we have the confidence that all of the hydrants in the City work, and if it takes an ordinance to accomplish this, he would urge Council to enact that ordinance and make sure that the citizens are protected.

Council Member Kopkowski stated that sections 508 5.2 and 5.3 appear to refer to a commercial building and asked for clarification. Attorney Lee stated that 5.3 is specifically for commercial buildings. 5.2 is for hydrant systems of any kind. Council Member Kopkowski stated that the bottom line is public safety.

Councilman Kivell stated that this is an equitable way to accomplish the public safety issue. It distinguishes the difference between private and public, but public safety is being addressed fully. He further stated that even having the inspection, a hydrant could still fail, but this gets us closer to having the assurance.

Discussion was held on an annual notice for the need for inspection. The question was asked if we have the staffing to do this. Chief Kaska stated that they could do that. Councilman Kivell asked if the Code establish a credential requirement to certify inspectors. Chief Kaska stated that it does not.

Discussion was held on flow testing. Superintendent Martin stated that the Water Department has done 15 tests throughout the City that are representative of every hydrant in the City and all were satisfactory. Further discussion was held on flow rates. Superintendent Martin stated that his main concern is that that they are pumped down late in the fall. The right time to test hydrants is an important aspect of this issue. City Manager Murphy stated that when we send the first notice out, we can provide a check list as well some additional information. Then it is up to owner.

Mr. Bruce Nusebaum of 525 Willow Drive stated that he has concern and suggests that Council should consider that they are private property built with roads too small to plow and the only services they receive are police and fire. He does not understand at such a small cost why the City would not do this and put the fee on their water bill. They get nothing beside police and fire yet they pay the same taxes.

Councilman Selden asked if all of the developments have been advised of this. City Manager Murphy stated that they have not as of yet. Discussion was held on the City previously providing these inspections. Superintendent Martin stated that if they have a case of red water then they will go in and flush the hydrants to clear the water for the residents, but they have not inspected the hydrants since 1990.

Attorney Lee asked if Council wished to include language that would require a report to be submitted to the Fire Department. Consensus of Council was that they wished the language to be included. Attorney further questioned if Council wished to offer the service at a particular price to private developments for the City to come in and do the inspection. Councilman Wedell stated that any offer of services is a separate issue. We are talking about an ordinance. Further discussion was held on dealing with any offer of service at a later date

Discussion was held on tabling the issue. Councilman Wedell suggested that we act on the first reading at this meeting and deal with the changes at the second reading.

CM 3-5-09 – FIRST READING – AMENDMENT THE FIRE CODE

Motion by Wedell, supported by Morelli

That this be the first reading – amendment to section 46-32 of the fire code and sections 107 and 508 of the fire code

VOTE:

MOTION CARRIED (1 OPPOSED)

5. MERS:

A. Upgrade Administrative Group from B-3 to B-4.

City Manager Murphy stated that last year when the administrative group moved to new health care insurance to achieve a cost savings, they were promised that their pension would then move to B-4. Two unions have done the same thing. The cost to the City would be approximately 1.075% or \$5,190 per year based on the December 31, 2007 actuarial. Councilman Kivell stated that the employee would pay ½ of the increase.

B. Reduce vesting threshold from 10 to 8 years.

City Manager Murphy stated that he is requesting to have the vesting period for the administrative group be changed from 10 years to 8 years.

Councilman Wedell asked if the additional cost for the B-4 is off-set by savings in health care. City Manager Murphy stated the savings in health care this year was \$15,745 as compared to the \$5,190.

CM 3-6-09 – MUNICIPAL EMPLOYEES RETIREMENT SYSTEM – CHANGE TO B-4

Motion by Selden, supported by Wedell

To change the benefits for Division 10 non Union from B-3 to B-4

VOTE:

MOTION CARRIED UNANIMOUSLY

The question was asked how many people are affected by the change in vesting. City Manager Murphy stated that it would be three people.

City Manager Murphy stated that he would like to discuss with Council at a later date the change from a defined benefit. Councilman Wedell suggested that this be brought up with discussion of budget.

CM 3-6-09 – MUNICIPAL EMPLOYEES RETIREMENT SYSTEM – CHANGE IN VESTING

Motion by Morelli, supported by Kopkowski

To change the benefits for Division 10 non Union from a vesting from 10 years to 8 years

VOTE:

MOTION CARRIED UNANIMOUSLY

6. Charter amendment discussion.

Councilman Kivell stated that at the last meeting the Clerk suggested an amendment to the Charter making her able to comply with the Election Law. At this time, an existing member of a Board or Commission would have to resign from that Commission in order to run for election. It seems to be a disservice to the community. He does not know why it would be necessary. He stated that it also talks to employees being subject to the same, which he does feel appropriate. He further stated that he does feel that it is important to look at doing a complete review of the Charter, but we do not have time for that at this stage.

Attorney Lee discussed the process for a Charter revision. He stated that it is a serious undertaking.

Councilman Kivell stated that the issue of a Charter amendment to remove the language he suggested could be accomplished without a Charter amendment.

Council Member Kopkowski stated that although she has no problem with the change, we should stop "piece meal" the Charter and look at the whole Charter and bring it up to date.

Discussion was held on the cost for a Charter revision. Attorney Lee discussed the ramifications of opening the Charter for revision.

Mayor Doyle stated that there are some things that are out of date and it does need to be addressed at some point. As far as the suggested change, he would not support it. We do have stability on our boards.

Councilman Wedell stated that the Clerk asked that the Charter be changed because since the adoption of the Charter, the laws have changed. That is a reasonable reason to bring a Charter amendment. He further stated that the clause being asked to change is not so erroneous that people cannot live with it. It does promote stability on the boards.

Council Member Maida stated that she does not see the need for the change.

Councilman Morelli stated that he did bring up this same issue a few years ago, and it was explained to him a few of the reasons why the language is there.

Councilman Kivell stated that a Council Member can run for Mayor without resigning from City Council, but a board member has to resign to run for election.

Attorney Lee stated that many communities have Charters over 100 years old.

Councilman Morelli stated that one board he feels that a person running for election should resign is the Zoning Board of Appeals given the nature of their duties. Councilman Kivell questioned whether Board of

Review might also be included. Councilman Wedell stated that with more exceptions, it makes the original document look good.

Attorney Lee stated that this Charter is written so that all politics take place outside of the administration of the City's business. When you allow an individual to run against the people for whom they are recommending policy changes, you end up paralyzing the City during an election year. Council Members could become very suspicious of what is being presented and whether it is being presented for political reasons.

Discussion was held on the proposed language change to provide the suggested change by the Clerk. It was stated that it will be put on a future meeting for Council approval.

MANAGER'S REPORT

COUNCIL COMMENTS

Mayor Doyle stated that he received a letter addressed to Bob Martin from the Michigan Water and Environment Association congratulating him for being selected as the Education Professional of the year award. He congratulated him for that award.

Superintendent Martin stated that the Michigan Rural Water Association announced the City as the Community of the year out of approximately 350 communities in Michigan.

Mr. Bill Weingarden from Lafayette Woods Condominiums asked if the City knows how many hydrants are in the City and asked if that information is available. Superintendent Martin stated that he does have a list of where all of the fire hydrants are. Mr. Weingarden asked how a fire hydrant is shut-off if it is damaged. Superintendent Martin stated that every fire hydrant has a shut-off. Further discussion was held on who does it and the problem with private developments not having the key. Mr. Weingarden asked if each private development could be contacted to let them know what Council is doing and what it might cost them. Attorney Lee stated that the information is available at the Clerk's office and they are entitled to get a copy.

Council Member Kopkowski asked if Council is going to be discussing the Volunteer Park issue further. Superintendent Renwick stated that we are getting further pricing and reviewing what are options are.

Council Member Kopkowski discussed a recent vacation in a third-world country and the efficiency of their DPW and Water Departments.

Councilman Kivell reminded everyone of the public hearing next Monday for the DWRF.

ADJOURNMENT:

CM 3-7-09 – ADJOURNMENT

Motion by Selden, supported by Maida

To adjourn the meeting at 9:12 p.m.

VOTE:

MOTION CARRIED UNANIMOUSLY

Respectfully Submitted,

John Doyle, Jr.
Mayor

Julie C. Zemke
City Clerk/Treasurer