

CITY OF SOUTH LYON
REGULAR CITY COUNCIL MEETING
April 13, 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 Wedell stated that on page 5, his comment regarding the Charter amendment should read egregious, not erroneous.

Councilman Kivell stated that on that same page, his comment regarding the language change being accomplished without a Charter amendment, should actually read Charter re-write.

CM 4-1-09- APPROVAL OF MINUTES –MARCH 23, 2009

Motion by Selden supported by Wedell

To approve the minutes of the regular meeting of March 23, 2009 as amended

VOTE:

MOTION CARRIED UNANIMOUSLY

APPROVAL OF MONTHLY BILLS:

Discussion was held on various bills.

CM 4-2-09- APPROVAL OF MONTHLY BILLS

Motion by Wedell, supported by Kivell

To approve the monthly bills as presented

VOTE:

MOTION CARRIED UNANIMOUSLY

APPROVAL OF AGENDA

CM 4-3-09 – APPROVAL OF AGENDA

Motion by Morelli, supported by Maida

To approve the agenda as presented

VOTE:

MOTION CARRIED UNANIMOUSLY

CITIZENS SUGGESTIONS:

State Representative Hugh Crawford stated that he is here to recognize some fine public servants. Mr. Thomas Hess is retiring from the Police Department. He was at the City of Novi for 20+ years and with the City of South Lyon for approximately 8 years.

Representative Crawford stated that Erin Welch of the South Lyon Fire Department has been recognized as Firefighter of the Year. He read a tribute to Erin Welch commending her for being named the VFW Firefighter of the Year signed by the State Representative Hugh Crawford, Senator Nancy Cassis and Governor Jennifer Granholm.

Representative Crawford stated that Officer Tony Stroufe has been recognized as Officer of the Year. He read a tribute to Tony Stroufe commending him for being named Officer of the year signed by State Representative Hugh Crawford, Senator Nancy Cassis and Governor Jennifer Granholm.

Representative Crawford stated that Firefighter Corey Armstrong has been recognized as Firefighter of the Year. He read a tribute to Corey Armstrong commending him for being named Firefighter of the year signed by the State Representative Hugh Crawford, Senator Nancy Cassis and Governor Jennifer Granholm.

Ms. Maryanne Mihalic of 392 Stanford asked the process by which the City Council approved the teen nightclub called Primal. She further questioned the process by which the business changed from a family friendly pizza establishment to a teen club. She discussed the age range from 14-19 and the identification requirement. She stated that parent supervision is not allowed after 9 p.m. and the fact that no background checks are done for their employees. She stated that the Detroit Free Press informed her that the bikini clad teenage girls were pictured on face book and their actions were questionable.

Mayor Doyle stated that everything for that business met code, and that type of business is permissible by our code. He stated that he does not think any of Council is in favor of some of those activities, and the owners have not been forthcoming. They have met the criteria. Attorney Lee stated that one of the advantages of living in a free country is that people can enter into a business as long as the business is not illegal. The only decision that the City would have is if it does not match zoning, and it does. It meets the Fire Code and we do have a requirement that a Police Officer be present and we are enforcing that. There are a lot of businesses that we do not approve of, but in a free country we do not have a choice. If it is not illegal, we must permit it somewhere in the City. In this case, Council did not have an opportunity nor does the law permit them to exclude this type of business. Our Police Chief as well as our Fire Department have been very diligent in making sure that the code is not being violated. If laws are being violated, we will be there to enforce them.

Mr. Tom Mihalik of 392 Stanford and Chair of the South Lyon Youth Assistance questioned who pulled the permits for their renovations. He further questioned how we know that the girls who participated in the bikini contest were actually 16 years old. He stated that Chief Collins indicated that the officer checks driver's license, which is the easiest thing to forge. He stated that as adults we need to be good role models for the children and asked if the owners of Primal have the best interest of these children at heart. He discussed Papa EZ's request for a liquor license. He suggested that the City Council establish a curfew. He questioned why the curtains and dark room. If you are on the dance floor, you cannot see the entrance. He is not against having activities for kids, but establish a place where they can go and have fun under proper supervision.

Council Member Kopkowski asked for explanation of the curfew. Chief Collins stated that it varies by day of week and by age.

Discussion was held on the requested liquor license. Councilman Kivell stated that Council did not say that they could have a beer and wine license. Further discussion was held on the types of liquor licenses. Councilman Kivell stated that the City has two Class-C licenses available that Council would not give to them. It was stated that nothing would preclude them from going out into the open market and purchasing one.

Mayor Doyle stated that any permits needing to be pulled were pulled and our Building Department has been out their several times. The renovations that were done were minimal.

Council Member Kopkowski stated that she visited the club and her one concern was the curtain and not being able to see the exit. Our Fire Department indicated that the curtains are fire retardant and there is supposed to be someone at the door so that if something occurs that person would open the curtain. When she was there the curtain was closed and there was not someone there. The Fire Department is keeping up with that. Council Member Maida stated that when she was there, there was nobody at the

curtain. Erin Welch, Fire Inspector stated that she does go there randomly, and every time she has been there, there has been somebody at the curtain. Councilman Kivell stated that there is supposed to be an Exit sign in front of where the opening is. Inspector Welch stated that it is okay as long as you can see the exit sign through the opening, and when she is there you can see it. She stated that she always does a head-count, check every room and make sure that fire codes are being met.

Mayor Doyle stated that the club is being treated just as any other business would be. They are not being singled out, but every code is being enforced and we continue to go through and monitor. He further stated that people may not like it and he can respect that, however thus far they are following everything they should be.

Council Member Maida questioned whether the City can force them to conduct background checks on their employees. Attorney Lee stated that there is no legal obligation for them to do background checks.

Uldis Mendis of 1184 Fountain View Circle stated that he would like to know from the Police Chief why they are not enforcing the noise ordinance. Chief Collins stated that officers have been there a number of times. The noise level has been fairly minimal. They took statements from those residents who wished to give us written statements and who agreed to be complaining witnesses and who agreed to go to court if necessary. The entire investigative package was given to the City's Prosecuting Attorney who declined to issue a warrant so there is no other course of action thus far that can be taken with respect to the noise. Attorney Lee stated that the reason the warrant was not issued is because the readings do not rise to a level that is recognized by the EPA as being a noise offense in an urban area. When it does rise to that level he will issue a warrant.

It was stated that it is not necessarily the noise, but rather the bass. Mr. Mendis stated that as the City Attorney, he needs to come by and listen to the noise. He questioned what the fine would be or would they be required to install some type of barrier so that the people do not hear that noise from 8:30 p.m. until 12:30 a.m. Attorney Lee stated that as soon as we have evidence that he has a chance to prevail and get to a jury then he will issue a warrant.

Discussion was held on the filters that were to be put in the ventilation system. City Manager Murphy stated that Mr. LaFave did come before Council and indicate that he would be installing filters and if that did not work he would install some type of barrier to push the sound to the front. His understanding is that one of the owners told Chief Collins that the filters were actually rags stuffed in and around the air vents, which is not code. Our Building Official did verify that and those were removed.

Brian White of 1130 Fountain View Circle questioned what they can do to make this a better case to address the noise levels. He stated that he could get 10 or more people affected by the noise. He does understand that there are no decibel levels in the City Code, however the code does indicate an offense if it becomes a public nuisance. Attorney Lee stated that there are public nuisances and private nuisances. He can only deal with the public nuisance. The hurdle that needs to be overcome is that the EPA did a study on urban commercial and industrial noise levels both daytime and night time. Unless we can get to a decibel level that exceeds the level that the EPA has said is intolerable, Judges will look at that and say that you have not reached the threshold necessary to put it in front of a jury. Mr. White stated that his concern is that the decibel level is low because it is a low frequency. Attorney Lee stated that he has asked the officers to check the bass such as that which you can feel pounding against your chest, and he has been advised that at the property line, they have not been able to detect that vibration. We will keep checking.

Council Member Kopkowski stated that she does like loud music, and this club is unbelievably loud and has a great sound system. But, it can be turned down 50% and still sound good. Attorney Lee stated that his biggest concern is that they have not done what they promised they would do. We talked about filters, not rags in the vents.

Mayor Doyle stated that we can appreciate the concerns and we will continue to monitor the situation, but until we have evidence, we cannot move forward. Mayor Doyle asked Mr. Chris Cortis to come forward. Mr. Cortis indicated that he is simply here to observe.

Mr. Les Whitfer, Vice President of Michigan Seamless Tube stated that he is here to give follow up from when he was here in November regarding a noise complaint from a resident on Liberty. They have installed baffles around some of the equipment and have curtailed all of the traffic around the machine shop at the north end and they are keeping the door closed and doing what they can to keep the noise down. They did take some decibel readings with a south wind and the loudest they hit was a 58 dba which is equivalent to a dishwasher running in an adjacent room or talking one meter apart. He does not understand the complaint and the poor police officers that have to come over and address the complaint. He stated that they are there and making money and surviving in this economy. They have been there for 82 years and trying to be a good neighbor. When you handle steel products, you are going to make some noise, but the biggest one you can get is equivalent to a dishwasher. Councilman Kivell stated that he lives off of Ten Mile and he did log the incidents when they took place and they were in the early morning hours and random with pipes clanging. If there is some of those incidents that could be handled during regular business hours, the rest of the process going on as it has to would be appreciated. Mr. Whitfer stated that they do close the doors, but in the heat of the summer, it will be difficult on the employees. It is not an air conditioned building and they do run around the clock.

Mr. Tom Mihalic stated that he lives at 392 Stanford very close to the tube mill and in the summer the sound is very nice. They are paying tax dollars and giving us jobs.

Dave Byers of 11250 Clovis Point asked if Papa Ez's submitted a change of business to the Zoning Board of Appeals. He stated that he could not find anything in the City's file. He further asked if Papa Ez's is still engaged in business. He stated that there are two signs one for Papa Ez's and one for Primal. He stated that the Primal banner had been a temporary sign and later became permanent. He further asked the maximum occupancy and how is that determined. He asked how the smoking room is monitored. He stated that in the City file there is an application for video games for Papa Ez's and not Primal. According to one of the City ordinances for teen dances, it requires that the owner should go before the Director of Safety to pull a permit 24 hours prior to every dance and asked if that is being followed.

Oakland County Commissioner Jeff Potter of 1099 Stable Lane stated that based on some of the budget issues the County is facing and other tax issues we have determined that it would be good to have a district town hall meeting to talk about budgetary declines and how our communities will face these challenges. He has invited Deputy Executive Phil Bertilini. It is scheduled for May 11th at 7 p.m. The reason South Lyon was chosen to host was not only do we have a nice facility, but we also have the capability of video taping. He presented miscellaneous literature including car pool matching, county maps, prescription discount card information, etc. He discussed the Primal Teen Club. He stated that as a parent the name says it all. He stated that he shares the same feelings of the individuals that have spoken. Council is trying to be responsible and enforce the ordinances. He is sure that it will be monitored and taken care of. He further discussed soundproofing. He stated that any business that does not have a base of patrons who go there and spend money, regardless of what they do they will dry up and go away.

Ms. Maryanne Mihalic asked how the Police Officer is paid for that is there and who is responsible for worker's compensation, etc. Mayor Doyle stated that Primal is paying for their services. Chief Collins stated that the officer is paid by the City. The price that the business pays includes not only the hourly overtime rate but also some benefits including worker's compensation. If the officer were to be injured, he would be covered just like he would if he were working normal duty.

Mr. Jeff Potter questioned if there is a civil rights issue by not letting an adult go into an ordinary commercial business. He further asked if the business can keep a parent from an operating business to see if their child is there. Attorney Lee stated that it is an issue that they are willing to accept the liability that comes with that position. The owner of the business excludes the parent. It is not discrimination but rather standing between a parent and a child. Chief Collins stated that the Police Department on one hand enforces the ordinance that says that there has to be a police officer there, they enforce the 14-19 age restrictions, if someone over the age of 19 is permitted we could be violating our own City ordinance for having a person too old participating in a teen dance.

Mr. Mihalic stated that on May 6th South Lyon Youth Assistance will be having their Youth Recognition event and invited Council to attend. It will be at the South Lyon High School Auditorium

Councilman Morelli stated that his son Max works at Primal and he is not a fan of the Bikini contest or the foam party. On all the other days he asks his son how did work go, how many people were there and were there any incidents. He also likes loud music, but he is not a fan of the type of music they play just like his parents did not like the music he played when he was younger. Every Friday and Saturday night he knows where his son is and knows that he is standing no farther than 75 feet from a Police Officer. There have been no incidents that have happened at that club that would have happened at any other high school dance. For most accounts it is a safe place. Maryanne Mihalic stated that the Police Officer will patrol the parking lot, etc. He is not standing in Primal and watching what is going on. The community was excited when they heard that it was going to be a place for teens to hang out to play games, etc. and then this came in.

Councilman Kivell stated that as far as any criminal activity, it is no different than any other gathering of teenage kids.

Bob Martin of 695 Crest Lane stated that he has a 15 year old daughter and she goes to Primal and has a good time. Because she goes does not mean she is a bad kid. It is not a den of iniquity. Not all the kids that are going there are doing bad things. She goes with the entire cross country team as well as kids from church.

Councilman Kivell stated that there have been some bad decisions. The bikini contest and foam party caused public out-cry. It put enough pressure on them to re-think it.

A resident of 6210 Ridgefield Ct. stated that to the comment that it is no different than any other event that kids go to, parents are allowed to be at those events.

Councilman Selden stated that his biggest concern is that we were promised that certain things would be done and they have not been. We were told that they could not adjust the volume any lower, but apparently they can. He does feel that we should work with them and they should work with us. He would like to see more done about the volume.

OLD BUSINESS:

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

Chief Collins stated that we need to adopt the NIMS plan to be in compliance with Homeland Security Presidential Directive #5 which has to do with eligibility of federal grants. He would urge Council to adopt the plan. The update of support of the Emergency Operations Plan is a clean-up of a clerical correction of the plan that was adopted on December 19, 2002. The City Attorney had a question about one item, which had to do with responsibility of the hazmat clean-up by the Fire Department. We did change that language to assist with hazmat clean-up and the City Attorney now has now problem with the language.

CM 4-4-09 – NATIONAL INCIDENT MANAGEMENT SYSTEM

Motion by Kivell, supported by Morelli

WHEREAS, the City Council of the City of south Lyon, County of Oakland, State of Michigan, does hereby find as follows:

WHEREAS, the President in Homeland Security Directive (HSPD)-5, directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System (NIMS), which would provide a consistent nationwide approach for Federal, State, and local governments to work together more effectively and efficiently to prevent, prepare for, respond to and recover from domestic incidents, regardless of cause, size or complexity;

WHEREAS, the collective input and guidance from all Federal, State, and local homeland security partners has been, and will continue to be, vital to the development, effective implementation and utilization of a comprehensive NIMS;

WHEREAS, it is necessary and desirable that all Federal, State, and local emergency agencies and personnel coordinate their efforts to effectively and efficiently provide the highest levels of incident management;

WHEREAS, to facilitate the most efficient and effective incident management it is critical that Federal, State, and local organizations utilize standardized terminology, standardized organizational structures, interoperable communications, consolidated action plans, unified command structures, uniform personnel qualification standards, uniform standards for planning, training, and exercising, comprehensive resource management, and designated incident facilities during emergencies or disasters;

WHEREAS, the NIMS standardized procedures for managing personnel, communications, facilities and resources will improve the city's ability to utilize federal funding to enhance local agency readiness, maintain first responder safety, and streamline management processes,

WHEREAS, the Incident Command System components of NIMS are already an integral part of various city/county incident management activities, including current emergency management training programs; and

WHEREAS, the National Commission on Terrorist Attacks (9-1-1 Commission) recommended adoption of a standardized Incident Command System.

NOW, THEREFORE, BE IT HEREBY PROCLAIMED by the City Council of the City of South Lyon, County of Oakland, State of Michigan that the National Incident Management System (NIMS) is established as the City standard for incident management

VOTE:

MOTION CARRIED UNANIMOUSLY

CM 4-4-09 – SUPPORT EMERGENCY OPERATIONS PLAN

Motion by Kivell, supported by Morelli

To accept the updated Support Emergency Operations Plan for the City of South Lyon

VOTE:

MOTION CARRIED UNANIMOUSLY

2. 2nd Reading; Private Fire Hydrants

Attorney Lee stated that pursuant to the request by City Council we required documentation for inspections and provided also that in the event that the inspection is not done, the City would then conduct the inspection and charge the property owner. This would be the second reading with changes.

Councilman Morelli asked if the property owner can hire the Fire Department to conduct the inspection for a fee. Attorney Lee stated that who can and cannot inspect is in the hands of the Fire Inspector. We do not specify who must do the inspection.

Council Member Kopkowski stated that she feels that this is an issue of public safety, and public safety is a responsibility of the City. She would like to see that the inspection is done by the City if the property owner would allow the City to come onto their property. She stated that she has come up with an amendment to be considered. Attorney Lee stated that Council can do that by separate resolution with a policy under the ordinance rather than put that into the ordinance itself. Council Member Kopkowski stated that she would like to see it done at no charge. We do not salt or plow their roads, etc. so there is some savings to us in other areas. She further stated that if there is some need for repair then she does feel that is the responsibility of the property owner.

Councilman Morelli stated that he would like to know that they work also. Much like the cost of police officers at Primal or parades, etc. there is a charge. Maybe it could be minimal cost, but he feels that we would be opening up a whole new issue.

Councilman Wedell stated that he would agree with Councilman Morelli that a cost is fine, but the whole point of this is public safety. Who does it does not really matter. He stated that there is a typographical error in section (c), "...available upon request by the fire inspector" he stated that it should read "...request to the fire inspector". Attorney Lee agreed.

Councilman Selden stated asked if it is a mandate that the City is not responsible or is it an option of the City. Attorney Lee stated that it does not direct either way. He further stated that if Council wishes to adopt the proposed amendment, he would suggest that it be tabled because it does contradict Section 46-38.

Mayor Doyle stated that we do not know if we have the resources to conduct all of these inspections. He further stated there are costs associated with this.

CM 4-5-09 – TABLE SECOND READING – PRIVATE FIRE HYDRANTS

Motion by Kopkowski, supported by Selden

To table the second reading of an amendment to Chapter 46 – Inspections of Fire Hydrants until the first meeting in May

Councilman Wedell stated that we could pass the amendment and discuss a policy at a future date following a study by administration as to the cost, etc.

VOTE:

MOTION FAILED

Councilman Kivell stated that this ordinance is exactly what we have been talking about. Irrespective of who conducts the inspection, it only says that it works at that time. It does not mean that it still could fail. He simply wants us to make the best effort to try to get the best assurance that the system will work.

CM 4-6-09 – SECOND READING – PRIVATE FIRE HYDRANTS

Motion by Wedell, supported by Kivell

That this be the second reading of an amendment to Chapter 46 – Fire Prevention and Protection, Section 46-37, 46-38 and 46-39 (see attached amendment as part of these minutes)

VOTE:

MOTION CARRIED (2 opposed)

Mr. Claude Danielson of Colonial Acres stated that several of these fire hydrants are on school property. He stated that they are residents of South Lyon and pay the same millage as everyone else. He stated that they did present an ordinance from another community who inspects the hydrants on these private properties. If there is anything wrong with the hydrant they pay for it. He stated that Council is being very "hard-headed" to not at least pay for the inspection and make sure that it is a uniform inspection on all fire hydrants. He stated that there is 158 hydrants and you will have various people inspecting hydrants.

Mr. Bruce Neusbaum of 525 Willow Drive and President of Lafayette Woods Condominium Association stated that his taxes are \$5,100 per year and he receives no City services. He stated that if Council wants them to live here, shop here, go to church here and be part of the community, why can't the City inspect a few more fire hydrants. If the City is already inspecting 500, they can certainly inspect 650. Their taxes are going to support the Fire Department and he does not understand what Council wants. He stated that they deserve some consideration for services.

NEW BUSINESS:

3. Streetlight at 11 Mile Rd and Heritage

City Manager Murphy stated that representatives of Colonial Acres have requested to have a streetlight put at 11 Mile and Heritage. DTE has given us a price. The initial cost is \$73 and over a three-year period, it would be \$221.67 for operating cost. Residents of Colonial Acres are having difficulty seeing the entrance. He would recommend proceeding.

Councilman Selden stated that he would like to abstain from voting as he has a vested interest. The consensus of Council was that they did not have any problem with Councilman Selden voting.

Councilman Kivell stated that he does not know why this was not done when the entrance was opened. We would have picked up the operational costs regardless.

CM 4-7-09 – APPROVAL OF INSTALLATION OF STREETLIGHT – 11 MILE AND HERITAGE

Motion by Maida, supported by Kopkowski

To approve the installation of a streetlight at the intersection of 11 Mile and Heritage as presented

VOTE:

MOTION CARRIED UNANIMOUSLY

4. Removal of leaf piles in Volunteer Park

Superintendent Renwick stated that he has provided quotes from four different companies to remove everything. Spurt Industries has given us the lowest price at \$11,305. He would recommend approval.

The question was asked how long after approval could we expect the work to begin. Superintendent Renwick stated that it should be complete within 30 days.

Councilman Wedell stated that one of the bids indicates that the area would be graded smooth and asked if that is included with Spurt's quote. Superintendent Renwick stated they will leave everything smooth. Councilman Wedell stated Council has received several emails regarding the accessibility for people to illegally dump. Superintendent Renwick stated that the entrance has been blocked off. City Manager Murphy stated that even though we have blocked the entrance, people still can get in there and it still may be a problem.

Council Member Kopkowski stated that Spurt Industries was going to haul 1800 cubic yards and Rose Excavating was going to haul out 2173 yards making them the lowest bidder. Superintendent Renwick stated that Rose Excavating's quote does not include dumping costs, this was just trucking. Whatever it costs them, it will be over and above the \$12,874. The number of cubic yards is their estimate after looking at it. It was stated that Spurt's quote indicates "all" organic material. Further discussion was held on the difference in quotes.

Council Member Kopkowski asked if we requested a quote from Viola. Superintendent Renwick stated that we did, but they want \$19 per yard to dump.

Councilman Kivell stated that this has turned into an extraordinarily blown out of proportion issue in his view. We are going to have to find some place to stage this activity. Neither the Wastewater Treatment area nor the DPW have the area for this activity. He stated that the DPW personnel that he has talked to indicated that the few trash items that have showed up there only came as a result of the site being identified because of the recent publicity that has been going on. This may not be the ideal location, but it does seem as though some portion of our property is going to be needed for this activity.

Mayor Doyle stated that he was out there Saturday morning and it was way overblown. He disagrees with many of the comments and presentation made before Council. There are a lot of woodchips and leaves. From the comments, you would have thought that it was a massive landfill, which it is not.

CM 4-8-09 – APPROVAL OF QUOTE FOR REMOVAL OF LEAF PILES AT VOLUNTEER PARK

Motion by Kivell, supported by Kopkowski

To approve the quote from Spurt Industries in the amount of \$11,305 for the removal of leaf piles at Volunteer Park

VOTE:

MOTION CARRIED UNANIMOUSLY

Ms. Erica Wilson was present. Mayor Doyle asked if she was speaking as a resident or member of the Parks and Recreation Commission. Ms. Wilson indicated that she was speaking as a resident. She stated that she has had residents call her indicating that a lot more is being dumped there, and it is not the City dumping. She described a situation that occurred while she was out there with a vehicle that appeared to be looking for a place to dump. According to the residents of Laser Lane it has been going on for years. It is not something that has just started.

Mayor Doyle stated that Council has done everything that has been asked. A gate is being put up and we have gone out and received quotes for the removal of the leaves. He further stated that Mike Olando, Chairman of the Parks and Recreation Commission indicated that he will represent the Commission with any concerns. Ms. Wilson stated that looking at the debris that is out there, you can see the growth around it, therefore it is not something that has occurred recently, it has been going on for years. She stated that putting the gate up will help, but it is not going to go away. She presented additional pictures.

5. Purchase of Police vehicle

Chief Collins stated that one of our vehicles, vehicle #252 is currently in need of \$1,000 worth of repairs. It is a 2005 vehicle, the second oldest vehicle in our fleet. We have already spent over \$6,272 worth of repairs on that vehicle. Rather than putting additional funds into that car to make it operational for the summer, he is recommending that we purchase an Explorer 4x4 under the Macomb County bid at a cost of \$21,849. Council should note that if we are able to purchase the vehicle at this time, and there is currently funds available in the Police Department Budget, then we would not request a vehicle in the upcoming budget.

The question was asked how many miles are on this vehicle. Chief Collins stated that he does not have the exact mileage. However, it is not necessarily the amount of miles, but rather the amount of maintenance that we have had to do on it. Discussion was held on shifting the vehicle to another department and still requiring the repair. Chief Collins stated that he would not recommend keeping this particular vehicle anywhere.

Discussion was held on the number of miles being deceiving due to the slow speed and idle time. Councilman Selden asked if we have ever looked at installing hour indicators on the vehicles. Chief Collins stated that he does not know if it is possible, but he could look into it.

Discussion was held on the overall age of the fleet. Chief Collins stated that the oldest vehicle is the existing 4x4 which is a 2004. This is part of the reason he is asking for a four-wheel drive vehicle. We have 2-2006 vehicles, 1-2007 and 1-2008. Council Member Kopkowski asked how many miles are on the SUV. Chief Collins stated he does not have the information immediately available, but that one will be high on miles.

Councilman Wedell asked if the equipment from the Crown Victoria can be moved to the new SUV. Chief Collins stated that the light bars would as well as most of the other equipment.

Councilman Selden stated that the State Police are now moving to using Tahoes and asked if we have looked at that. Chief Collins stated that we went with what was immediately available through State and County bids. Councilman Selden asked when would the 2005 be taken out and would it be put back into the City's fleet or disposed of. Chief Collins stated that he would recommend disposing of the vehicle. Councilman Selden asked if we have looked at trade-ins. Chief Collins stated that he is not aware of any of the dealers through State or County bids that would accept trade-in of police vehicles.

Council Member Kopkowski asked the price difference between the Crown Vic and SUV. Chief Collins stated that the difference is only approximately \$1,000, which is one of the reasons why he is asking for the four-wheel drive.

Councilman Kivell stated that he has talked with one of the officers and he was shocked to see how cramped the front seat is, and if you shrink it more for the explorer it will be more cramped. Chief Collins stated that vehicle #243 is an Explorer. All of the vehicles do have a lot of equipment. What starts out looking like a lot of room ends up being a very small space.

CM 4-9-09 – APPROVAL OF VEHICLE PURCHASE

Motion by Maida, supported by Wedell

To approve the purchase of a 2009 Ford Explorer 4x4 under the Macomb County bid at a cost of \$21,849

VOTE:

MOTION CARRIED 2 OPPOSED

6. Resolution for Letter Carriers

Mayor Doyle stated that we are being asked to declare Saturday, May 9, 2009 as National Association of Letter Carriers Food Drive Day.

CM 4-10-09 – NATIONAL ASSOCIATION OF LETTER CARRIERS FOOD DRIVE DAY

Motion by Morelli, supported by Maida

WHEREAS, America's Second Harvest reports that 38 million Americans are food insecure, hungry or at risk of hunger .25 million Americans receive emergency food assistance from large and small food banks across the Nation; and

WHEREAS, nearly 9 million children and 3 million seniors who live in America at the poverty level receive food assistance. One in four people in a soup kitchen line is a child; and

WHEREAS, poverty adversely affects birth weight, deaths, abuse and neglect, education and the general health of our most precious resource, our children and also affects our seniors; and

WHEREAS, the National Association of Letter Carriers (NALC) in conjunction with the United States Postal Service (USPS) is sponsoring the 17th Annual National Food Drive Day on Saturday, May 9, 2009; and

WHEREAS, the NALC Branch 3126 in South Lyon is participating in the National Food Drive Day; and

WHEREAS, the cost of inaction is too high, particularly in the face of many negative outcomes for our children and community which are preventable;

NOW, THEREFORE BE IT RESOLVED THAT THE CITY OF SOUTH LYON endorses and supports the National Association of Letter Carriers Food Drive; and

THEREFORE BE IT FURTHER RESOLVED THAT THE CITY OF SOUTH LYON publicly advocates that the residents of South Lyon leave non-perishable food at their mailboxes on Saturday, May 9, 2009; and

THEREFORE BE IT FINALLY RESOLVED THAT THE CITY OF SOUTH LYON go on record proclaiming Saturday, May 9, 2009 as National Association of Letter Carriers Food Drive Day.

VOTE:

MOTION CARRIED UNANIMOUSLY

Councilman Selden asked if we know where the food goes. Ms. Maryanne Mihalic stated that it does go to Active Faith.

7. Acceptance of Police Equipment

Chief Collins stated that under the Federal Commercial Equipment Direct Assistance Program, the Police Department has received a night vision monocular kit. The equipment is valued at \$3,795, and he is requesting that Council accept the equipment.

Councilman Kivell asked if this is the same type of equipment that we recently received. Chief Collins stated that it is slightly different. This is a monocular kit whereas the other equipment is binocular.

CM 4-11-09 – ACCEPTANCE OF POLICE EQUIPMENT

Motion by Wedell, supported by Selden

To accept the PVS-14 night vision monocular kit under the CEDAP program from the Department of Army

VOTE:

MOTION CARRIED UNANIMOUSLY

MANAGER'S REPORT: None

COUNCIL COMMENTS:

Council Member Kopkowski stated that our budget workshop meeting will be next Monday at 7 p.m. and asked if it is open to the public. It was indicated that it will be held in one of the conference rooms and will be open to the public.

Councilman Kivell stated that we had an issue with the phone system at City Hall. Although he does feel that it was necessary to act on it, as a reminder we have a \$5,000 cap for the Manager to unilaterally act. He felt that the Manager should have at least made phone calls to Council to get a consensus. Mayor Doyle stated that he did speak with him and he felt that due to the nature of the issue that it was appropriate to move forward. City Manager Murphy stated that he saw it as an emergency and something that needed to be acted upon right away. We were without phones for two days. Council Member Kopkowski stated that she does know somebody in that business, and if she received a phone call, she may have been able to direct the City Manager to this company.

ADJOURNMENT:

CM 4-12-09 – ADJOURNMENT

Motion by Selden, supported by Maida

To adjourn the meeting at 9:33 p.m.

VOTE:

MOTION CARRIED UNANIMOUSLY

Respectfully Submitted,

John Doyle, Jr.
Mayor

Julie C. Zemke
City Clerk/Treasurer