

CITY OF SOUTH LYON
REGULAR CITY COUNCIL MEETING
April 27, 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, Maida, Morelli, Selden and Wedell
City Manager Murphy
Attorney Lee
Assistant Clerk/ Treasurer Lynch
Department Heads: Collins, Martin and Renwick

ABSENT: Councilmember Kopkowski
City Clerk/Treasurer Zemke

APPROVAL OF MINUTES:

No questions were asked regarding the budget meeting minutes. City Clerk Zemke was unable to finish the April 13th meeting before leaving for vacation. The minutes will be ready at the next meeting.

APPROVAL OF AGENDA

CM 4-1-09 APPROVAL OF AGENDA

Motion by Wedell, supported by Maida

To approve the agenda as presented.

VOTE:

MOTION CARRIED UNANIMOUSLY

PUBLIC COMMENT:

Linda Depoorter of 646 Maple Drive stated she did a fire hydrant survey of surrounding cities regarding fire hydrants on personal property. Brighton, Novi, Northville and Plymouth all inspect hydrants on private property at no charge. They also do all the maintenance at no charge, with Plymouth being the exception. If there is a more expensive fix that needs to be done, Plymouth will charge for it. She further stated at one time there was a house bill being discussed regarding local governments inspecting all fire hydrants once a year, but as of right now that bill has not been passed. She further stated condo owners don't get all the services other tax payers do, yet they are charged the same taxes. She asked the people in the audience to raise their hands that are here in support of this issue. Many people in the audience raised their hands.

Jerry Chandry of 22195 #1 Quail Run Circle stated the condo owners do all their own roads, snow plowing and now their own hydrants yet they still pay the same taxes as other people. He feels that condo owners are paying more than their fair share and it seems they should get a reduction in their taxes.

Mayor Doyle stated as of right now there is a number of hydrants on private property. The City Manager and the Chief of Fire are currently checking into the cost and the manpower for checking all the hydrants, then it will be brought back to council for further discussion.

NEW BUSINESS:

1. Proposed Amendment to City Charter- Language

City Attorney Lee stated there have been no changes in the language since the last meeting. The motion today is to place this proposal on the ballot in November ballot to change the nominating petitions for local office from the 49th day preceding the election to the fourth Tuesday in August before 4:00. This will give the City Clerk more time to get all the information to the County.

CM 4-2-09 APPROVAL OF BALLOT LANGUAGE TO AMEND CITY CHARTER

Motion by Selden, supported by Wedell

To approve the ballot question language as prepared by the City Attorney for November 2, 2009 election to modify Chapter 3, Section 3.8 of the City Charter requiring a filing deadline for nomination petitions to be the fourth (4th) Tuesday in August prior to each odd-year election.

VOTE:

MOTION CARRIED UNANIMOUSLY

OLD BUSINESS:

1. Resolution for DWRF

Discussion was held regarding the process of obtaining the low interest loan. Jesse VanDeCreek stated that this resolution is the next step of the process. He further stated this does not obligate the City in any way, it just approves Hubbel Roth & Clark to apply for the loan/grant for the City. We did have a public hearing on March 30th, they have not received any public comment as of now. He stated if approved by the state, the next process would be to go out for bids.

CM 4-3-09 RESOLUTION FOR DWRF

Motion by Morelli, supported by Maida

WHEREAS, the City of South Lyon recognizes the need to make improvements to its existing water treatment and distribution system; and

WHEREAS, the City authorized Hubbell, Roth & Clark, Inc., Consulting Engineers, to prepare a Project Plan, which recommends the upgrade of the existing 4" and 6" water mains located throughout the City; perform necessary maintenance on the Elevated and Ground Storage Water Tanks; upgrade the existing Backup Power System at the Water Treatment Facility; remove and replacement of the antiquated Induced Draft Aerator at the Water Treatment Facility; install an additional Low Service Pump at the Water Treatment Facility and investigate the potential of a New Raw Water Well Site; and

WHEREAS, said Project Plan was presented at a Public Hearing held on March 30, 2009 and all public comments have been considered and addressed;

NOW, THEREFORE, BE IT RESOLVED, that the City of South Lyon formally adopts said Project Plan and agrees to implement the selected alternative (Alternative No. 3).

BE IT FURTHER RESOLVED, that the City Manager, a position currently held by David M. Murphy, is designated as the authorized representative for all activities associated with the project referenced above, including the submittal of said Project Plan as the first step in applying to the State of Michigan for a Drinking Water Revolving Fund Loan to assist in the implementation of the selected alternative.

VOTE:

MOTION CARRIED UNANIMOUSLY

2. Proposed contracts with HAVEN

Mayor Doyle stated this is a contribution we make every year. Chief Collins stated the only problem he sees with this is that we are unable to verify how many people in the City that this actually helps. Discussion was held regarding the confidentiality reasons we can't verify that information.

CM 4-4-09 APPROVE CONTRACTS WITH HAVEN

Motion by Maida, supported by Morelli

To approve the proposed contracts between the City of South Lyon and HAVEN for \$2,000. for fiscal year 2008-2009 and \$2,500. for fiscal year 2009-2010.

VOTE: MOTION CARRIED UNANIMOUSLY

3. Liquor License Transfer- Crossroads Grille

Paul Elkins stated they are asking Council to approve the liquor license transfer for their new business Crossroads Grille. He stated it will be a restaurant with an outside barbeque with outside seating, and it will be a family style restaurant with a no smoking area.

Discussion was held regarding the history of the building and the previous businesses that have tried to be successful there before.

Leanne Tolinski of 101 S. Lafayette stated she has been in contact with the owners and she is very excited to see the finished project. She has been inside and it is looking really good.

CM 4-5-09 APPROVAL OF LIQUOR LICENSE TRANSFER

Motion by Selden, supported by Kivell

To approve the transfer of the escrowed 2008 Class C and SDM Licensed business with dance-entertainment permit, official permit (food); with conditional approval of the requested new additional bar permit and new outdoor service area from Screwie Louie's, Inc. to Crossroads Grille, LLC, as detailed on the LC-1800 form.

VOTE: MOTION CARRIED UNANIMOUSLY

4. Resignation of ZBA member

Mayor Doyle stated Tom Goodcase is resigning from the ZBA and he thanked him for his service.

5. New Liquor License Request- Lake Street Tavern

Lauren Romeo stated they are opening the Lake Street Tavern in the old Bistro 127 building. It will be family friendly dining, and it will be away from the bar area. It will be a non smoking establishment. She further stated the Chef is incredible and they are looking forward to opening. Discussion was held regarding Mr. Romeo's past arrest, but no conviction.

Lauren Romeo stated they intend to have outside seating, two tables in front by the windows. She stated the tables will draw in more people. It will bring some interest to people driving by. Discussion was held regarding how excited everyone is about the opening of this restaurant.

CM 4-6-09 RESOLUTION TO APPROVE NEW LIQUOR LICENSE

Motion by Wedell, supported by Maida

To approve the request of RPP Group, LLC for a new Class C license with conditional approval of the dance-entertainment permit, and the new outdoor service area, as detailed on the LC-1800 and LC-1636 forms.

VOTE:

MOTION CARRIED UNANIMOUSLY

6. Membership in PROTEC

City Manager Murphy stated it is an organization for government bodies and looking out for the cities' right of ways. He stated they do a great job, but he would like to not approve this contract and save the money and use it elsewhere. We have been a member for 3 years. City attorney Lee stated PROTEC is an organization that has brought law suits against Comcast for trying to move the local channels to the high digital channels. The question was asked if being a member of this would keep the companies away. City Attorney Lee stated it would not. There doesn't seem to be a big problem for us right now.

CM 4-7-09 MEMBERSHIP IN PROTEC

Motion by Kivell, supported by Selden

To reject the proposal by PROTEC

VOTE:

MOTION CARRIED UNANIMOUSLY

COUNCIL COMMENTS

Councilman Morelli stated he likes the idea of outdoor seating for downtown restaurants, but questioned the liability issue. Attorney Lee stated we are not liable. We are only liable if someone trips and falls because the sidewalk was broken or not level. We are only liable for travel on the right-of-ways, not conduct on the right-of-ways. If someone gets drunk and falls, or gets in to a fight, it will be the restaurant's liability.

Councilman Wedell stated he had heard there was a ticket issued to Primal. Attorney Lee stated we requested to authorize a warrant for both a civil infraction and misdemeanor. The decibel levels were 78. The police will issue the tickets this week. Chief Collins stated two weekends ago there were complaints and the police officer went out and asked them to turn it down because we believed it was causing a disturbance and the owner was uncooperative and refused. He further stated there were no complaints on this past Friday night, but there was a couple on Saturday, and the police officer went out, but didn't think it was as loud as the previous weekend.

Councilman Kivell stated the agenda was not on the website over the weekend. He doesn't think people should have to come up to City Hall and look in the display case to see what will be discussed.

Councilman Kivell stated Saturday May 2nd is the household hazardous waste drop off in Farmington Hills at the William Costick center at 28600 11 Mile Road. Residents can bring paint, and old medications to drop off, as well as 3 containers of paper to be shredded.

Councilman Selden asked the status of the Bodnar building lawsuit. City Attorney Lee stated Bodnar has been convicted twice. He further stated it will now go to the next level.

Councilman Kivell stated this weekend is the City-wide yard sales. Everyone interested can have a yard sale without a permit on May 1, 2 and 3rd. He further stated we need to waive the fees for the yard sales.

CM 4-8-09 MOTION TO WAIVE AGENDA RULES

Motion by Kivell, supported by Wedell

Motion to waive the agenda rules to add an agenda item to waive the fees for the city wide yard sales.

VOTE: MOTION CARRIED UNANIMOUSLY

CM 4-9-09- WAIVE YARD SALE FEES

Motion by Kivell, supported by Selden

Motion to waive the \$5.00 yard sale fee for May 1, 2 and 3rd.

VOTE: MOTION CARRIED UNANIMOUSLY

CM 4-10-09 ADJOURNMENT

Motion by Selden, supported by Morelli

Motion to adjourn meeting at 8:26 p.m.

VOTE: MOTION CARRIED UNANIMOUSLY

Respectfully submitted,

John Doyle, Jr.
Mayor

Lisa Lynch
Assistant Clerk/Treasurer