

**CITY OF SOUTH LYON  
REGULAR CITY COUNCIL MEETING  
May 26,2009**

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

Mayor Doyle along with Carson Edry 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  
City Clerk/Treasurer Zemke  
Attorney Lee  
Department Heads: Collins, Martin and Renwick

**APPROVAL OF MINUTES:**

**CM 5-1-09 – APPROVAL OF MINUTES**

Motion by Kivell, supported by Maida

To approve the minutes of the May 11, 2009 Regular Council meeting as written

VOTE: MOTION CARRIED UNANIMOUSLY

**APPROVAL OF AGENDA**

It was stated that we need to add a Public Hearing Item for the budget after Public Comment.

**CM 5-2-09 APPROVAL OF AGENDA**

Motion by Kivell, supported by Maida

To approve the agenda as amended

VOTE: MOTION CARRIED UNANIMOUSLY

**PUBLIC COMMENT:**

Carson Edry a Brummer Elementary student was present along with his family and Dr. Brun from Brummer Elementary. Mayor Doyle explained that the young man used good judgment involving two incidents that he was involved in. Carson explained that he had been playing with his brother when his brother had a seizure during which he was able to comfort his brother as well as direct the ambulance when they arrived. The next day he was playing with a friend when the friend pulled a hand gun from underneath the seat of a car. He told his friend to put it back and went home and told his parents and the authorities were contacted. Mayor Doyle stated that these were very good decisions. Council wanted him to come and be acknowledged and congratulated him for using such good judgment. He stated that anyone with a gun should make sure that they are locked up. This could have turned out to be a terrible situation.

Mr. Tedd Wallace of 115 Elm Place stated that he is present to present the Norma Wallace "Townie" Award. He stated that this was a tradition they began last year in the name of their mother, the late Norma Wallace who was a former City Clerk and active person in the community. It is nothing official, but rather a fun thing. He stated that Gail Smolarz and Diane Wynings are very involved with the Historical Society and all of the aspects surrounding the Historical Village. He further discussed their contributions to the community. He presented the award to both Gail Smolarz and Diane Wynings. He stated that his mother would be proud to see both receiving this honor.

Ms. Wynings stated that it has always been an honor to learn the community's history and pass it on. She stated that it is an honor to receive such an award.

Ms. Smolarz stated that she is very honored. She and Norma were teammates for a very long time and nobody loved this town more than Norma. Being connected with Norma's name and The City of South Lyon, she is humbled and honored.

Mayor Doyle and Council Members congratulated both Diane and Gail.

Ms. Lise Blades of 29885 Glynn Lee Ct. in New Hudson stated that she had the opportunity to read the minutes from the last City Council meeting and noticed that the City was looking into purchasing movie equipment with other communities in the area. There was a comment made that the Township was not willing to work with the City on this effort. She is responsible for getting the Township to purchase the equipment and is responsible for setting up the equipment for the movie. She indicated that she would like to add some information. She explained that Lyon Township Park is on the former landfill, and all of the money that funds everything that happens in the park is provided by Gas Recovery. They are bound by a contract and the funds have to be used at this park. When she was approached last year about lending the equipment, she was under the impression that they could not do it because of the funding as did Lannie Young. After reading the Council minutes, she did make contact with Lannie Young and the remaining members of their Park Committee. They would like to open up some discussions with the City and see if there is any way to redirect that contract that they are bound with. She stated that she feels that this is a good opportunity for the Township and the City to work together. She did not want the impression that the Township is not willing to work with the City. She further explained some of the discussions that have taken place such as cross-promoting community events, etc. She provided her phone number if anyone wished to talk further.

City Manager Murphy stated that we are currently waiting for the other communities to take the issue of purchasing movie equipment to their Councils. It would be very difficult to pull out of this now after they have worked hard to put it together. He did go to the Township several times, and was turned down.

Councilman Kivell questioned the loaning of the equipment to Kent Lake Elementary. Ms. Blades clarified the events that took place. She stated that after much discussion, they decided to let it go to a Township school so that at least it did not leave the Township.

Councilman Kivell stated that it is unfortunate that it would not work, but at this point we do have something that will fulfill our needs. Councilman Wedell stated that there will be opportunities for cooperation even if it is not loaning this equipment.

**OLD BUSINESS:** None

**NEW BUSINESS:**

1. Public Hearing – 2009-2010 Budget

Mayor Doyle opened the Public Hearing for the Fiscal Year 2009-2010 Budget at 7:50 p.m. There being no public comment, Mayor Doyle closed the public hearing at 7:51 p.m.

2. Justice Assistance Grant

Chief Collins stated that the Police Department has been pursuing a grant of \$10,581 to cover the cost of a server for the Police Department including software and training. Part of the process is the Federal Government needs an Intergovernmental Agreement. He is asking Council to pass a resolution authorizing the Mayor and City Manager to sign that agreement. There is no match required so we are asking to spend \$10,581 for law enforcement services using no City funds.

Discussion was held on the file server. Chief Collins stated that it is an upgrade to our computer system. Right now the Police Department operates off of separate PCs that are tied into the County network. By



having the server tied into the County and networking all of our individual computer terminals, it will allow us to do more things and also do the things we currently are doing with more speed.

Councilman Wedell stated that this grant came with a very short turn-around time, and this is the first time that this many police agencies were included under one Edward Byrne Justice Assistance Grant Program. They did a great job in getting this all together on very short notice.

Discussion was held on how this was allocated. Chief Collins stated that as he understands, the Federal Government looked at population, crime statistics and applied some type of formula.

Councilman Selden asked if this was in the budget originally. Chief Collins stated that it was not, but eventually we would have asked for it, but we have had other priorities.

Councilman Kivell asked if all of the other communities came up with their own projects or was it all computer related. Chief Collins stated that it was up to the individual communities to determine how to spend their portion. It had to be law enforcement related

#### CM 5-3-09 – INTERGOVERNMENTAL AGREEMENT–EDWARD BYRNE JUSTICE ASSISTANCE GRANT

Motion by Wedell, supported by Maida

To approve the Intergovernmental Agreement Between and Among Participants in the 2009 Federal Bureau of Justice Assistance Edward Byrne Justice Assistance Grant Program and authorize the Mayor and City Manager to execute the agreement

VOTE:

MOTION CARRIED UNANIMOUSLY

#### 3. First Reading – Film Permit Ordinance

Kristen Delaney, Community & Economic Development Director stated that the proposed ordinance and related documents sets forth the requirements and costs for companies to come into the City and film.

Councilman Morelli stated that there does not seem to be any distinction of how big the project has to be. He stated with his recent experience, if they had to go through the process, the word South Lyon never would have been mentioned or any film taken. He further explained his experience on "The Biggest Loser". He stated that he can see where this would be important on large projects where there are hundreds of people and large equipment, there should be some exception for smaller projects.

Attorney Lee stated that the opinion that he gave "The Biggest Loser" was that being a public meeting, the City did not own or release anything that occurred during a public meeting, therefore they did not need a permit nor could we give them a permit to film here. They have a right under the statute. Discussion was held on the filming downtown, etc that took place. Kristen Delaney stated that there is a good point here because this ordinance was more designed for film versus television. Further there are exceptions that the City Manager could review. Attorney Lee stated that the ordinance also stipulates a 15 minute time frame, where if they are less than 15 minutes, they would not be required to get a permit.

Council Member Maida asked if we have a video of South Lyon yet to entice companies to film here. Kristen Delaney stated that we do not, however she has been working on getting some photos up on the Michigan State Film Office website, which is relatively inexpensive. We can look at a video in the future.

Councilman Wedell stated that we should take a look at determining and defining the scope of the project. He further questioned whether this would prohibit the filming of the Pumpkinfest, parades, etc. Kristen Delaney stated that some of the exceptions are education use, non-profit, etc.

Mayor Doyle stated that this would lay the foundation in the event that somebody did want to come film in South Lyon.

Council Member Kopkowski stated that she feels that it is much too broad. In one of the areas it refers to a 5 minute limit. She is also concerned about the local businesses who may want to do a promotion in front of their business. She further stated that it also refers to radio stations. It is the streets and public right-of-ways that we can control. Further discussion was held on private property versus public right-of-ways. Attorney Lee stated that he would assume that this would deal with the impact on the right-of-way in front of the private property.

Discussion was held on the fees. Attorney Lee stated that the fees would be adopted as a separate document, not part of the ordinance.

Councilman Kivell stated that the ordinance indicates that a Parks and Recreation Department would give approval for site usage. We do not have a Parks and Recreation Department, but a Commission. Kristen Delaney stated that we will have to look at that. We took parts of ordinances from a few neighboring communities. This may be something we want to be more specific about.

Councilman Kivell questioned the fee schedule for a chipper. Superintendent Renwick stated that it depends on the size of the different materials. These are fees that we get from the State for what we can charge for our equipment.

Kristen Delaney stated that she can understand that it may be somewhat vague. However, when she spoke to different communities such as Marion Township who did have filming taking place, they did indicate that it was much more confusing without this type of framework.

Councilman Selden asked how this would affect mobile equipment broadcasting the Memorial Day parade, etc. Attorney Lee stated that if we are going to include this type of broadcasting, then we would have to require them to get a permit. He further discussed the public news exception. We could not require news agencies to get a permit under the first amendment. The intent of this ordinance is to cover major film projects. Discussion was held on the definitions being too vague including radio, commercials, etc. Attorney Lee suggested that we change it to read that if the project is going to be done within a day without disrupting traffic or pedestrian traffic then they are exempt. But, if it is going to take more than a day or will disrupt pedestrian or vehicular traffic then a permit would be required. Councilman Kivell asked if we should delineate between public and private roads or parking lot. Attorney Lee stated that if it would be done within one day, there is not much concern. However, if it is longer than we do need to be concerned about public safety, security, etc. He further suggested that Council table the first reading and he will work with Kristen Delaney to make modifications.

#### CM 5-4-09 – TABLE FIRST READING – FILM PERMIT ORDINANCE

Motion by Morelli, supported by Wedell

To table the first reading of the proposed film ordinance until the first meeting in June

VOTE:

MOTION CARRIED UNANIMOUSLY

#### 4. 2009/2010 Budget

City Manager Murphy stated that he has made some minor changes based on the discussions at the workshop meeting. Our revenue sharing has been cut by 4.1% or approximately \$37,000. There was something that was accounted for twice, which equated to \$25,000 leaving a difference of \$9,000. He also put money into Local Streets taking money from Major Streets and Capital Improvement.



Councilman Wedell stated that this is a well prepared budget. We are required to pass a balanced budget where the revenues and expenditures are equal. When the State changed the revenue sharing, the City Manager was able to make those changes and other incomes to more accurately reflect what we can expect. He also noted that the proposed budget uses \$131,000 as a planned use of fund balance. Fund balance is the City's savings account and this is the way we should be using those dollars to help us through the hard times. Property taxes are going down, which is the main source of income for our City. We are going to have to weather the storm.

Councilman Selden noted that the millage rate is the same as it was last year.

Council Member Kopkowski stated that she feels that there are some shortfalls in the budget such as a 13.5% increase in one department's budget when we should be looking at keeping the budgets equal or cutting in these economic times. An 8.1% salary increase for our Police Chief without discussion she cannot agree with in this economy. She further stated that given her fiscal responsibility as a council member she cannot vote to approve this budget.

Councilman Kivell discussed the fund balance that is being proposed. He further stated that he does wish that there was an attempt to talk about the Police Chief's raise. He does not feel that it is appropriate to do that in one year, and cannot vote to approve the budget. He stated that he does applaud the rest of it, and it may be a harsh reaction given the efforts that have been made. Most of it is positive.

#### CM 5-6-09 – APPROVAL OF FISCAL YEAR 2009-2010 BUDGET

Motion by Wedell, supported by Selden

WHEREAS, in April 2009 the City Manager submitted to City Council a proposed budget for the fiscal year July 1, 2009 through June 30, 2010, and

WHEREAS, the City Council has received the proposed budget contained herein and has discussed and reviewed same

NOW, THEREFORE, BE IT RESOLVED, the City Council hereby adopts the 2009-10 fiscal budget as shown in the budget document on the Summary page, and detailed on the following pages, in the total amount of \$ 5,325,474.

BE IT FURTHER RESOLVED, that the City Council hereby adopts the following proposed budget or estimates for the following operations as set forth below.

	<u><b>Fund No.</b></u>
Major Street Operation	202
Local Street Operation	203
Community Development Block Grant	274
Combined Water/Sewer Operation	592
Equipment Replacement Fund	641
Capital Improvement Fund	401
Land Acquisition	509
Downtown Development Authority	280
<u>General Debt Service</u>	
2000 Water Bond	306
2003 G.W. WW Treatment/Bond G.O.	307
1996 Building Authority—Shared Administration	369
1999 Building Authority—Land Acquisition	509
2005 Downtown Development Authority	

BE IT FURTHER RESOLVED that the City Manager is authorized to advertise for bids, or authorize at the appropriate time for contractual services, commodity purchases and/or capital expenditures throughout the fiscal year in accordance with the enclosed budget document and all applicable City ordinance policies or procedures in effect.

BE IT FURTHER RESOLVED, that pursuant to the Uniform Budgeting and Account Act, Section 19 (2), the City Manager may make transfers within a fund and activity if the amount to be transferred does not exceed 10% or \$25,000, whichever is greater, of the appropriation item for which the transfer is to be made, with prior notification to the City Council.

VOTE:

MOTION CARRIED (4 YEA, 3 NAY)

CM 5-5-09 – APPROVAL OF MILLAGE RATES FOR FISCAL YEAR 2009-2010

Motion by Wedell, supported by Kivell

RESOLVED, that the City Clerk certify to the City Assessor for spreading on the Assessment Roll of the City of South Lyon for the year 2009-2010, the following amounts, based on taxable value \$362,812,480.

1. At the rate of 10.4240 mills per \$1,000 of valuation for General Fund Operation
2. At the rate of 2.5000 mills per \$1,000 of valuation for Wastewater General Obligation Bonds for wastewater treatment (2002)
3. At the rate of .2100 mills per \$1,000 of valuation for Capital Improvement Fund
4. At the rate of .3010 mills per \$1,000 of valuation for South Lyon Building Authority (1996)
5. At the rate of .3150 mills per \$1,000 of valuation for 1999 Building Authority (Land Acquisition)

RESOLVED FURTHER, that due to the May 2, 1984 election whereby the Library became a free standing and District Library for all purposes including the levy of 1.3101 and the overall levy for the City will be 15.0601 mills, of which 13.75 mills will be used for City operation and debt.

RESOLVED FURTHER, that after spreading on the Assessment Roll, the amounts as required to be raised by the general ad valorem tax, the Assessor certify and deliver the same to the City Treasurer, and the City Clerk be authorized to attach her warrant thereto, directing and required the City Treasurer to collect the same as provided by the City Charter.

RESOLVED FURTHER, that all installments reported to the City Treasurer as delinquent on Special Assessments and other charges, together with interest due thereon, as provided in Section 1.276 of the City Charter; unpaid charges for water consumption and water tap installation, as provided in Chapter 24 of the South Lyon City Code be assessed against the properties benefited and included in the 2009 Tax Roll.

RESOLVED FURTHER, that the millage for the entire fiscal year 2009-2010 budget not to exceed 13.75 mills.

VOTE:

MOTION CARRIED UNANIMOUSLY

Mayor Doyle thanked City Manager Murphy for his work on the budget as well as Lori Mosier, Bookkeeper and all of the other Department Heads. City Manager Murphy stated that Lori Mosier did an incredible job with added responsibility.

**MANAGER'S REPORT:**

City Manager Murphy stated that we received a request for a block party for the Stanford/Vassar area, which came too late to get it on the agenda. Given that we are going to have several of these types of request through the summer months, he would like to ask Council to suspense in bringing each of these separately to Council. According to our ordinance, he as the City Manager and the Police Chief can approve these.



Attorney Lee stated that as long as we are not blocking a County where we need permission from the Road Commission, there would not be a problem. Council could adopt a resolution indicating that the City Manager can approve these closings.

Council Member Maida stated that in the event that a request was denied, she would like it brought to Council's attention. Chief Collins stated that the ordinance does have a provision that the applicant has a right to come before Council in the event their application is denied.

Attorney Lee stated that he will draft a formal resolution for the next meeting. Council has always reserved that authority for themselves. If Council is going to delegate that authority, we should have some type of document indicating that.

Discussion was held on the need to act on the closing for Vassar.

#### CM 5-6-09 – SUSPENSION OF COUNCIL RULES

Motion by Wedell, supported by Kivell

To suspend Council rules to consider a block party request

VOTE: MOTION CARRIED UNANIMOUSLY

#### CM 5-7-09 – APPROVAL OF BLOCK PARTY – VASSAR & STANFORD

Motion by Wedell, supported by Morelli

To approve the request to close Vassar and Stanford for a block party on June 6<sup>th</sup>

VOTE: MOTION CARRIED UNANIMOUSLY

#### COUNCIL COMMENTS

Councilman Morelli stated that he received a letter in his packet about a subcontractor not being paid for the streetscape project. City Manager Murphy stated that he has not received that letter. Council Member Kopkowski asked if HRC "dropped the ball" causing this. Attorney Lee stated that HRC does nothing more than approve contractual compliance. Council Member Kopkowski asked if HRC checks to make sure that the subcontractors did the work to pay them. Attorney Lee stated that they certify to the City that the work is complete and done to specification. Council Member Kopkowski stated that this letter seems to indicate that has not been done and requested that it be checked into further. Discussion was held on liens against property. Attorney Lee stated that it is against the law to lien City property. Discussion was held on the contractor's bond.

Councilman Morelli stated that his son will be having a walk in the park on Sunday, May 31<sup>st</sup> at 1:00 p.m. and invited everyone to join them.

Council Member Maida stated that we have the 25<sup>th</sup> anniversary of Pumpkinfest this year. There will be a spaghetti dinner fundraiser on June 3<sup>rd</sup> 5-8:00 p.m. at the Kiwanis Hall on Warren Road.

Councilman Wedell stated that the Memorial Day Parade was a great event and thanked all of the people who participated and those who came out to appreciate the parade. The VFW hosted a large part of the event and did a great job as did the American Legion. Further he stated that the cemetery looked great.

Councilman Selden encouraged everyone to come to the spaghetti dinner. The Pumpkinfest Committee group is starting again with very little money.

Council Member Kopkowski stated that she expected to see something on the agenda regarding the fire hydrant inspection suggestion. City Manager Murphy stated that it was his understanding that it was done. We were simply waiting for a hold harmless agreement and then he would be sending out a letter to the owners of the private fire hydrants. Council Member Kopkowski stated that she thought it would be on the agenda so that the people who were watching for this issue would be aware and could make comment. She thought that it was merely a suggestion and not something voted on by Council. Mayor Doyle stated that his understanding was that Council discussed it and the City Manager would move forward with it. Council Member Kopkowski stated that she would like to see it on the next agenda.

Mayor Doyle stated that this is Nathan Mueller's of the South Lyon Herald last meeting for South Lyon. He stated Nathan did a great job covering the City and wished him well.

CM 5-8-09 ADJOURNMENT

Motion by Selden, supported by Maida

To adjourn meeting at 8:45 p.m.

VOTE:

MOTION CARRIED UNANIMOUSLY

Respectfully submitted,

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John Doyle, Jr.  
Mayor

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Julie C. Zemke  
City Clerk/Treasurer