

**CITY OF SOUTH LYON
REGULAR CITY COUNCIL MEETING
February 8, 2010**

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

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

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

APPROVAL OF MINUTES:

Council Member Kopkowski stated that the roll call vote in regards to the DWRF indicates that she voted yes, however her vote was no.

CM 2-1-10 – APPROVAL OF MINUTES- JANUARY 25, 2010

Motion by Kivell, supported by Morelli

To approve the minutes of the January 25, 2010 Regular Council meeting as amended

VOTE: MOTION CARRIED UNANIMOUSLY

APPROVAL OF MONTHLY BILLS:

Discussion was held on various bills.

CM 2-2-10 – 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 2-3-10 APPROVAL OF AGENDA

Motion by Kivell, supported by Kramer

To approve the agenda as presented

VOTE: MOTION CARRIED UNANIMOUSLY

PUBLIC COMMENT:

Ms. Diane Roest of 102 N. Lafayette addressed the front page article of the January 28th edition of the South Lyon Herald. Mayor Wallace was quoted as saying the southwest corner of Ten Mile and Pontiac Trail has been referred to as "cursed". She stated that she has lived in South Lyon for 38 years and has owned a store in town for 20 years and has never heard the corner referred to as cursed. She now has customers coming into her store referring to the corner as cursed. She stated that the Mayor should be a cheerleader for our downtown and a leader to our DDA for the growth of our City. To refer to any corner in town as cursed is a slap in the face. There are many hardworking businesses throughout town and the township to

make this a great town for our residents as well as a destination town. She further discussed the downtown businesses that bring many people into town. She stated that a kinder statement would have been appreciated, and it would be nice for our local newspaper to think how simple statements can affect business.

Mayor Wallace asked if there were quotation marks on that statement. Ms. Roest stated that it does indicate that it is a quote. Mayor Wallace stated that he did not make that statement. He stated that everyone knows that he is very positive about our downtown and he apologized if it was taken wrong. He stated that he did not make that statement that it was misconstrued. He did speculate on possible reasons why there have been so many businesses there including floor lay-out, electrical usage, etc.

Ms. June Lane of Hagadorn Street asked if the statement could be retracted. Mayor Wallace stated that he did not make that statement.

Mayor Wallace stated that a very sad event took place yesterday. Karen Schwarck and her sister Edith Bono were killed in a snowmobile accident. Karen Schwarck helped start the Senior Center and her sister Edith was a classmate of his. Both were graduates of South Lyon High School. He discussed the visitation and funeral arrangements.

OLD BUSINESS:

1. Second Reading – Amendment of Utilities Ordinance, Chapter 94, Section 94-67

City Manager Murphy stated that this would require any new development or re-development to dedicate their fire hydrants to the City. There have been no changes since the first reading.

CM 2-4-10 – SECOND READING – AMENDMENT TO CHAPTER 94, SECTION 94-67

Motion by Morelli, supported by Wedell

That this be the second reading and adoption of an amendment to the City Code, Chapter 94, Section 94-67 (see attached amendments as part of these minutes)

Councilman Kivell stated that fire hydrant is defined as a discharge valve and spout at which water may be drawn from a water main as well as the pipes leading from the main water lines under the ground from the lead and shut off valve to the spout. He asked if this would include the leads off the mains. Attorney Lee stated that is correct.

VOTE:

MOTION CARRIED UNANIMOUSLY

2. Second Reading – Amendment of Vegetation Ordinance, Chapter 98, Section 98-32

Mayor Wallace stated that this is to reduce the allowable height of weeds of any kind from 12 inches to 8 inches and require that they be cut before they reach that height.

CM 2-5-10 – SECOND READING – AMENDMENT TO CHAPTER 98, SECTION 98-32

Motion by Wedell, supported by Morelli

That this be the second reading and adoption of an amendment to the City Code, Chapter 98, Section 98-32 (see attached amendments as part of these minutes)

VOTE:

MOTION CARRIED UNANIMOUSLY

NEW BUSINESS:

1. Gary Patrouitch, Director of Traffic Safety, Road Commission for Oakland County

City Manager Murphy stated that this is in regards to changing the speed limit on Ten Mile from 25 to 35 mph as he reported to Council in his last Manager's Report. A representative from the Road Commission has come in to explain the issue to Council.

Mr. Patrouitch, Director of Traffic Safety from the Road Commission from Oakland County stated that this is a result of a change in State Law which affects how we set speed limits, specifically at the County level. One of the elements is what is called the prima facia speed limit allowing for an access point method where they count the number of access points along the roadway. Based on that number, we could set the speed limit. It eliminated the "residential speed zones" that we had as well as allowing us to set 25 mph in platted subdivisions. You can also set a speed limit using an engineering study. The largest impact of the change was how we set the speed limits on gravel roads, which caused them to take a look at all of the speed limits in the County and determine whether we had a valid traffic control order. There are a number of speed limits on our roadways that have no Traffic Control Order or were under a prima facia under the previous law that was no longer allowable. One of these locations was Ten Mile Road through the City of South Lyon. There is no Traffic Control Order for the section between Woodland Drive and Reynold Sweet Parkway, which is currently signed at 25 mph. They looked at the law, and there are two options. The first option is that we can try and establish prima facia speed limits under the current law. There is still a commercial district allowance under the law, which would affect the area between Washington and Wells and allow them to prima facia that limit at 25 mph. The remainder of that area no longer meets that 25 mph zone. Under the access point method, they could post that area at 35 mph. Without going back to the State Police, they would be allowed to change those areas to 35 mph. The alternative would be to bring the State Police in and do an engineering study. However, based on their experience so far, you may get 25 mph in the downtown area, but it is highly unlikely that the remaining areas would be 25, more likely 35 mph. It is more likely that the two ends of town would go higher. The State Police require them to survey the entire Traffic Control Order which would be Ten Mile from our west county line all the way into Farmington Hills. There is no way to simply look at the area that we do not have a Traffic Control Order, but rather everything re-reviewed. The way things are going now, speed limits are going up. The State Police are trying to set a more realistic speed to what people are driving. Mr. Patrouitch stated that when we set an 85 percentile speed, it has been proven that 85% of the people drive safe for a specific roadway. The idea of setting speed limits is not to try and slow people down, but rather keep the road safe. A lower speed does not necessarily mean a safer road. He further discussed setting speed limits.

Councilman Kramer asked if we had the State Police come in and do a study, could the speed limit be above the 35 mph. Mr. Patrouitch stated that it is possible. He stated that he has driven the stretch of road several times and paced a lot of people. The prima facia 35 mph might not go higher, but below 35 mph is highly unlikely.

Councilman Kivell stated that we are at contrary objectives. The Road Commission's objective is to move traffic as quickly at safe speeds as they possibly can. Our concern is that we have a residential area through the vast majority of downtown, which is the reason it is 25 mph. The concern is not the safety of drivers, but the safety of people that live adjacent to that street. Every subdivision in the City is 25 mph to protect the residents of those streets. He discussed the areas west of Woodland and to the east of Reynold Sweet Parkway. He stated that the safety concern of the commercial area is recognized, but not the safety concern of the residential area. He discussed gravel and rural areas and how it compares to Ten Mile. Mr. Patrouitch stated that they are simply interrupting laws and applying it. The point they like to make is that if people are already driving 34 mph even if you set the speed at 25 mph you may think you are safer. If they are going to drive 34 mph what is going to change if the sign changes. Councilman Kivell stated that we have our own studies and people are driving 25 mph. Mr. Patrouitch stated that they did some studies in the area and they were not. If they are driving 25 than we would be able to set the limit at 25.

Council Member Kopkowski stated that our only choices are to immediately raise the limit to 35 or bring in the State Police and then we do not have a choice. She asked if there is a cost to the City to bring in the State Police. It was indicated that there is no cost.

Discussion was held on how the study is conducted. Mr. Patrouitch stated that they do radar checks over an hour or two period. He stated that 25 mph in this area is not enforceable right now because there is no Traffic Control Order. Further, when a study is done, they would require that the signs be taken down.

Discussion was held on the study being required along the entire length of Ten Mile. Mr. Patrouitch stated that this is in order to keep the Traffic Control Orders up to date.

Discussion was held on the time frame in which Council needs to make a decision. Mr. Patrouitch stated that Council does not have to make a decision tonight. He stated that he is making Council aware of the situation. They are going through a lot of these situations right now, which are not going to get done over night.

Councilman Kivell stated that he is going to do everything he can to see that the study is conducted and get in to the cycle with the State Police as soon as possible. He asked if the whole segment would have to be complete before signage. Mr. Patrouitch stated that the whole segment would have to be complete before the Traffic control Order can be changed. Council Member Kopkowski asked if there is another community along that Ten Mile corridor where this has been proposed. Mr. Patrouitch stated that South Lyon is at the leading end and if Council chooses to move forward with the study, they will go to the other communities and inform them as to what is taking place. The other speed limits are 45-50.

Discussion was held on the school crossing for the elementary school at Warren Street.

Councilman Kivell stated that we have a better chance of controlling what is going on if we force the issue to have the study done.

Discussion was held on the change of speed on Nine Mile.

CM 2-6-10 – TEN MILE ROAD TRAFFIC STUDY

Motion by Kivell, supported by Morelli

To request that the Road Commission for Oakland County have the State Police perform a speed survey on Ten Mile Road in the City of South Lyon

VOTE:

MOTION FAILED (6 opposed)

Councilman Kivell stated that if a child is hit, Council will be sorry that they made this decision. Discussion was held on the number of children that cross Nine Mile Road in a 35 mph area.

It was stated that until Council takes action, there is no speed limit in these areas.

Councilman Morelli asked Chief Collins for his recommendation. Chief Collins stated that for three days subsequent to the contact made by Oakland County, he had the Traffic Officer conduct an abbreviated study. He reviewed the times and results of the study. Discussion was held on the way the study was conducted. He stated that with this limited study, it would appear that an 85 percentile study would be closer to 25 than 35 mph. He stated that his recollection is that the speed limit can be set within 5 mph of the 85 percentile. Mr. Patrouitch stated that these speeds that Chief Collins has presented are average speeds not 85 percentile, and the 85 percentile is always going to be higher than the average speed. They always conduct the study during off-peak and daylight hours. The signs will also be taken down. He stated that if the 85 percentile indicated 31 mph, they would automatically go to the next higher. They go up, not down.

Further discussion was held on the elementary school crossing. Mr. Patrouitch stated that school crossings are not a basis for setting a speed limit. It was stated that we would maintain our crossing guards.

CM 2-7-10 – ACCEPTANCE OF RECOMMENDATION - ROAD COMMISSION FOR OAKLAND COUNTY

Motion by Wedell, supported by Selden

To accept the recommendation of the Road Commission for Oakland County for a prima facia 35 MPH speed limit on Ten Mile from Woodland Drive to Washington Street and from Wells Street to Reynold Sweet Parkway

VOTE:

MOTION CARRIED (1 opposed)

2. Gary VandenVork, Lawrence Technological University

Superintendent Martin stated that late last winter we started talking about looking at the wastewater plant to see if we could be more energy efficient. In doing that, we went to Lawrence Institute, and the college and the City has worked very closely. Gary VandenVork who is a graduate student at the college has come forward to present to Council what they have done.

Mr. Gary VandenVork stated that he has been working on his MBA at Lawrence University and has a concentration in Energy Environment Management and Alternative Energy Engineering. He stated that an upgrade to the facility was started in 2005 as a result of a mandate from the DEQ because of phosphate limits, etc. He described the new system versus the old system including a new building with approximately 21 motors. He discussed the way that the electric power enters the facility, which is part of what the study was about. He discussed the difference in power consumption and gas consumption before and after the upgrade with electric increasing 90% and gas 103%. He stated that electricity typically increases 2-3% each year and can increase up to 5%. He looked at the efficiency of the motors including the power factor and the amp analysis of the motor. He discussed capacitors, which is a small way of holding energy in order to draw it. He stated that the power factor of the facility is running at approximately 94%, which is good. He discussed the capacitors that are currently there. He stated that what he is proposing is to make sure the motor is working efficient, and if not we could add additional capacitors. Two areas to resolve inefficient motors is to install a high-efficiency motor the other is to put in a capacitor. He discussed the process of looking at amperage and power factor. He discussed the apparatus and how it works. He presented information some of the motors that they tested. He stated that the cost of the capacitor is \$23,000 and it guarantees a 6-10% savings. The guarantee is associated with the motor that has the capacitors on it. If you look at the savings, you are looking at approximately a 2 year payback.

Councilman Morelli asked the life expectancy of the unit. Mr. VandenVork stated that the life expectancy would be approximately 20 years and guaranteed for 5.

Councilman Selden asked if there is any grant monies available for this type of project. Mr. VandenVork stated that they are working with DTE and FEMA trying to get this approved for some grant or rebate money.

Councilman Selden asked if we should be looking at a more efficient motor. Mr. VandenVork stated that it is cheaper to put in capacitors.

Mr. VandenVork thanked Superintendent Martin for allowing Lawrence Tech to work with the City and he is sure he will be working with them again with some other students.

Councilman Morelli asked if we looked at any other types of alternative energy such as solar or wind. Mr. VandenVork stated that the class he is taking this semester is wind and solar generation. If they do a project, he will be coming out to do more work. Further discussion was held on wind energy. Mr. VandenVork stated that it does depend on the size of wind turban as well as wind factor, etc.

Superintendent Martin stated that the relationship that they have had with the people from Lawrence Tech has been outstanding. They have given a lot of themselves and the amount of knowledge they have gained at the plant is great. He cannot thank Gary and his professors enough.

3. Waiver of Permit Fees for City-wide Garage/Yard Sale

Mayor Wallace stated that this was established years ago by the City Council. It was to coincide with the large item garbage pick-up. Now with Duncan Disposal, that once a year pick up is no longer necessary. People still like to have the big garage sale with no permit required.

CM 2-8-010 – WAIVER OF GARAGE/YARD SALE PERMIT FEES

Motion by Morelli, supported by Selden

To waive the Garage/Yard Sale permit fees for April 30, May 1st and 2nd, 2010 for households who wish to participate in the City-wide Yard Sale

VOTE:

MOTION CARRIED UNANIMOUSLY

Councilman Morelli stated that he would also hope that we would be lenient on enforcement of the sign ordinance as it relates to garage sale signs for this weekend.

4. Agreement for Tax Collection for the South Lyon School District

City Clerk/Treasurer Zemke stated that this is our annual agreement with the School District in which we agree to collect the taxes on behalf of the district. We do not charge for that service, but we are entitled to any interest earned on those funds.

Councilman Wedell asked how much interest the City receives on the funds. City Clerk/Treasurer Zemke stated that it does depend on the time of year. However, given the current interest rates and the fact that we distribute to the Schools twice per month, it does not add up to much.

CM 2-9-10 – AGREEMENT WITH SOUTH LYON COMMUNITY SCHOOLS – TAX COLLECTION

Motion by Selden, supported by Kopkowski

To approve the agreement between the City of South Lyon and the South Lyon Community Schools for the 2010 tax season as presented

VOTE:

MOTION CARRIED UNANIMOUSLY

5. SLARA Swim Passes

City Manager Murphy stated that the City has been paying South Lyon Area Recreation Authority (SLARA) \$3,845 for the last several years for swim passes. Any City resident can go over to the SLARA office and receive a free swim pass. In 2007-2008 there were 131 passes issued which means that we paid \$29.35 for each pass. We could buy 200 passes for \$400 and have more than enough. Nobody can give explanation as to why or how this was ever done. It appears that it was done when the City and the Townships took over the senior programs. We could purchase passes or eliminate the program all together. Both Lyon and Green Oak have opted to eliminate the program. It is his understanding that the former director used these monies to balance his budget.

Councilman Morelli stated that he would like to see us continue the program by purchasing a limited number of passes. He does not agree with the way that it is currently being done.

Discussion was held on how the passes could be distributed or using a reimbursing option for those who purchase the passes. It was stated that it would be an accounting problem if we chose to reimburse.

Discussion was held on how the passes work. It was stated that there are different colors for each month.

CM 2-10-10 – SLARA SWIM PASSES

Motion by Kopkowski, supported by Morelli

To stop paying SLARA for swim passes beginning with the 2010/1011 fiscal year

VOTE:

MOTION CARRIED UNANIMOUSLY

Discussion was held various options to continue to provide swim passes for those who use the pool. Discussion was held on SLARA billing the City for those who receive the passes. City Manager Murphy stated that he feels that we should set a limit. Councilman Kivell stated that we could monitor the passes and if it gets out of control we could address it then. City Manager Murphy indicated that he would review the options with SLARA.

6. Resignation/Appointments

Mayor Wallace stated that Lori Mosier has submitted her resignation from the Parks and Recreation Commission due to her busy schedule.

CM 2-11-10 – ACCEPTANCE OF RESIGNATION – PARKS & RECREATION

Motion by Wallace, supported by Wedell

To accept the letter of resignation from Lori Mosier from the Parks and Recreation Commission

VOTE:

MOTION CARRIED UNANIMOUSLY

Mayor Wallace stated that we also have a number of vacancies that need to be filled and several people who have agreed to fill those positions.

CM 2-12-10 – APPOINTMENT – PARKS & RECREATION

Motion by Wallace, supported by Kramer

To appoint Keith McCormick of 810 Westhills Drive to the Parks and Recreation Commission to a term ending 2011

VOTE:

MOTION CARRIED UNANIMOUSLY

CM 2-13-10 – APPOINTMENT – HOUSING COMMISSION

Motion by Wallace, supported by Morelli

Nancy Rypkowski of 205 Maplewood Ct. #9 to the Housing Commission to a term ending 2014

VOTE:

MOTION CARRIED UNANIMOUSLY

CM 2-14-10 – APPOINTMENT – HOUSING COMMISSION

Motion by Wallace, supported by Selden

G. Randall Clark of 10030 Seven Mile Road, Salem Township to the Housing Commission to a term ending 2015

VOTE:

MOTION CARRIED (1 opposed)

CM 2-15-10 – APPOINTMENT – BOARD OF REVIEW

Motion by Wallace, supported by Kramer

Joseph Gurski of 304 W. Liberty to the Board of Review to a term ending 2013

VOTE:

MOTION CARRIED UNANIMOUSLY

CM 2-16-10 – APPOINTMENT – BOARD OF REVIEW

Motion by Wallace, supported by Kopkowski

Claude Danielson of 25111 Jefferson Ct. to the Board of Review as an alternate

VOTE:

MOTION CARRIED UNANIMOUSLY

7. Acceptance of Grant- South Lyon Fire Department

Chief Kaska stated that Inspector Welch has received a grant for the Fire Department from Walmart for \$1,000. This money will be used to purchase the additional SCBA masks that the department will need. He stated that the self-contained breathing apparatus is a mask and regulator that goes over the face. Each one is adjusted to a firefighter. We have 22 packs coming under a grant from the federal government, but we have 26 personnel so we will have to purchase 4 extra masks.

CM 2-17-10 – ACCEPTANCE OF GRANT – SOUTH LYON FIRE DEPARTMENT

Motion by Kivell, supported by Kopkwowski

To accept the grant of \$1,000.00 from Wal-Mart for the purchase of SCBA masks.

VOTE:

MOTION CARRIED UNANIMOUSLY

MANAGER'S REPORT:

City Manager Murphy stated that we received a grant from the Department of Energy, Labor and Economic Growth of \$67,991 for lighting of City buildings. He will be receiving more information this week.

City Manager Murphy stated that we have received some recent information regarding the purchase of the lumber yard.

City Manager Murphy stated that he received a call from DEQ who wanted us to sign a document indicating that we would meet certain milestones as it relates to the DWRF. This would not obligate us to anything. One of those milestones coming up is March 15th submittal. He needs to work with a financial person to

work out how we would pay back the loan. We have been receiving some free advice from Mr. Warren Cramer to this point. He stated that we will be looking at different options.

City Manager Murphy stated that he completed his International City Manager's Credentials.

COUNCIL COMMENTS:

Councilman Selden asked the timing on further action against Mr. Bodnar. City Attorney Lee stated that we have put in our motion for a show cause hearing. Judge McKenzie has been on vacation and his Clerk will have to set us a date. We will also be filing another motion because Mr. Bodnar has defaulted on his ticket for the exterior failures of the building as well. We are hoping to have both motions heard at the same time.

Councilman Selden expressed his sympathy to the Schwarck family for their loss.

Councilman Kramer congratulated the City Attorney for his victory regarding the property at Trotter's Point. Hopefully, it will not go to the Supreme Court. He spoke with the attorney representing the homeowner's association who had good things to say.

Councilman Kramer applauded all those who participated in the Witch's Hat Run.

Councilman Morelli thanked Mayor Wallace for attending the State of the County address and providing Council with the information. He discussed the Brooksie Way mini grants that are available to organizations who promote health events. These are things that the City already has, but he would like to see if we would qualify for any of these.

Councilman Morelli stated that the cost for cable through Broadstripe keeps going up. He stated that a friend of his has Uverse. He was told by AT&T that the reason why he cannot get the City Council meetings is because the City has to allow Broadstripe to give AT&T access. Attorney Lee stated that we have been trying to get AT&T to utilize the access that they have pursuant to the State Franchising Act. We have been unsuccessful to motivate them. He further discussed the issues in getting this accomplished. He stated that he does not know why AT&T would say that they are precluded from doing it. They do not want to take on the cost of doing it. City Manager Murphy stated that you can put the meetings up, but it is streamed. You have to purchase equipment from AT&T to stream the information.

Councilman Kivell stated that Active Faith is a popular place on Mondays, and would like to request that the people taking advantage of that situation be mindful that it is a street and try to obey as much of the traffic laws as possible and not be an obstruction to traffic.

Mayor Wallace stated that he has provided information from the State of the County address. He stated that there are 32000 counties in the United States with only 24 having positive fund balances. Oakland County is one of them and is the only one who does their budget three years in advance. He stated that Mr. Patterson noted that all Oakland County employees have taken a 2.5% paycut this year and again next year. He discussed the hope for the Wixom Ford Plant and how that would affect many City residents. He stated that the Oakland County Airport is the second busiest in Michigan. He discussed the Brooksie Way mini grants. Finally, he stated that we need to remind our "snowbirds" to make sure that their census is done here to make sure that we do not lose those monies.

Councilman Selden stated that the Census Bureau is still looking for employees. City Clerk/Treasurer Zemke stated that we do have additional information at City Hall.

ADJOURNMENT:

CM 2-18-10 ADJOURNMENT

Motion by Selden, supported by Kramer

To adjourn meeting at 9:04 p.m.

VOTE:

MOTION CARRIED UNANIMOUSLY

Respectfully submitted,

Tedd M. Wallace
Mayor

Julie C. Zemke
City Clerk/Treasurer