

**CITY OF SOUTH LYON
REGULAR CITY COUNCIL MEETING
February 22, 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 Attorney Lee
City Clerk/Treasurer Zemke
Department Heads: Collins and Martin

APPROVAL OF MINUTES:

Councilman Kivell stated that on page 4 of the minutes, Mr. Patrouitch indicated that the 25 mph is not enforceable right now because there is no Traffic Control Order. Councilman Kivell stated that he would like added that he indicated that this has been the case since 2006 and Mr. Patrouitch indicated that was correct.

CM 2-1-10 – APPROVAL OF MINUTES- FEBRUARY 8, 2010

Motion by Wedell, supported by Kramer

To approve the minutes of the February 8, 2010 Regular Council meeting as amended

VOTE:

MOTION CARRIED UNANIMOUSLY

APPROVAL OF MONTHLY BILLS: None

APPROVAL OF AGENDA:

Attorney Lee requested that an Executive Session be added to the end of the meeting for the purpose of discussing possible land acquisition.

CM 2-2-10 APPROVAL OF AGENDA

Motion by Kivell, supported by Kopkowski

To approve the agenda as amended by adding Executive Session

VOTE:

MOTION CARRIED UNANIMOUSLY

PUBLIC COMMENT:

Mr. Jeff Potter of 1099 Stable Lane and County Commissioner stated he wanted Council and the public to know that the Road Commission for Oakland County does not work for the County Commission. However, he would be happy to pursue any request of Council or the City Manager with regards to the change in the speed limit on Ten Mile Road. The issue has more to do with State Legislature changes and not anything have to do with Council or the County Board. He further stated that he would agree that 35 mph is too high downtown.

Mayor Wallace asked for a show of hands of those who wished to speak regarding the speed limit on Ten Mile. He further asked that comments from individuals be limited to two minutes. He asked that any comments from Council should be made at the Council Comments section of our agenda. Councilman Kivell stated that the two minute limitation is not something agreed upon by Council.

Mr. Jeff Thompson of 225 W. Lake Street stated that he would like to thank those Council Members who responded to his emails. He thinks that everyone would agree that 25 mph is appropriate for a residential area. There is also an elementary school nearby. The primary concern is that if there is an 85 percentile study done that it could possibly increase the speed limit throughout a larger section. That is a potential risk, but there are also other circumstances that weigh into a decision by way of a study including sidewalks on both sides of the street, undue obstructions of vision, etc. He would like to encourage Council to reconsider their prior enactment of the higher speed limit and support the study. He further compared the Nine Mile Road speed limit to Ten Mile.

Lucy Salvatore of 304 E. Lake Street stated that she is worried about the decision to raise the speed limit to 35 mph. She stated that she is six years old and her best friend lives across the street and they do not want to get hit by a car while crossing the street. She asked that Council please keep the speed limit at 25 mph.

Mr. Joe Salvatore of 304 E. Lake Street stated that they are very concerned over the increase in speed limit. There are a lot of small children that live in the area. The cars are already driving too fast and it is a dangerous situation. When the speed limit is increased to 35 mph, people will increase their speed to 40-45 mph. The fact that the speed drops downtown will not slow anyone down. The prudent thing to do is slow the process down and have the study done. They are looking to the City Council to be their advocates and protect the children, residents and business owners.

Ms. Jenny Dunigan of 216 E. Lake Street stated that their home is sometimes referred to as the Christmas house during the holidays. They want people to slow down and look around, not just speed through town. She discussed the bus stop situation at Able between Reese and Donovan in the dark and sometimes dangerous road conditions. She further discussed the property values. She stated that when they bought their home, the first thing that they looked at was the speed limit. They would not have bought the house if the speed limit was not 25 mph.

Ms. Pat Nichols of 230 W. Lake Street stated that in the past two years they have lost two automobiles that were parked in front of their home. If drivers cannot see vehicles how are they going to see people trying to cross the street. She further discussed the hazards of crossing the street as well as backing out of their driveways. She stated that it is very wrong to simply increase the speed and she feels that Council should respect their opinions.

Ms. Cindy Kivell of 235 W. Lake Street stated that it is not just cars that travel on Lake Street but also semis, delivery trucks, etc. You not only have a bigger safety issue with the trucks when they try to stop but also the noise and the dirt that comes along with it. She would like Council to re-think their decision and not make such a hasty one and consider the residents that live on the street.

Mr. Ken Nyquist of 311 E. Lake Street stated that everyone has made very good points. He would like to add that they would appreciate more enforcement. He would like to see the speed remain at 25 mph.

Ms. Linda Lemke of 335 W. Lake Street stated that a lot of the points have been covered and she did supply a letter to Council. She stated that as a Landscape Architect she has worked with many communities in the area. What they always strive to do is save our residential areas. She discussed the commercial and industry affect on our residential areas. We have an opportunity to keep this as a historic, significant part of South Lyon instead of making it a thoroughfare to go through. She suggested using some traffic calming techniques such as striping the parking spaces, etc. A study with the Road Commission is very important and would urge Council to do so.

Mr. Frank Fogarty of 61349 Roaringbrook Drive thanked the City for putting the packet online to view what is going to be discussed ahead of time. He stated that he feels that Council's decision was fine. The problem was the decision that was made in 2006 in Lansing. He stated that he lives south of Nine Mile and there are two middle schools along this area. This year Nine Mile will be closed which means that all of the traffic will be going down Ten Mile. He discussed the problems with the speed limit on Nine Mile being 35 mph.

Mr. Frank Leimbach of 335 W. Lake Street stated that they have lived in their home since 1995 and have worked very hard upgrading their home. They like the community and work very hard in the community. There are numerous driveways that empty onto Ten Mile. People are already having trouble get onto Ten Mile when the speed is 25 mph, and he would hate to think what it is going to be like when it is raised. Also, if the speed limit is 25 and people are going 35 he would hate to think how fast they are going to go. There has to be a compromise so that they can maintain the residential character.

Mr. Tom Marchant of 334 W. Lake Street stated that he has done some research and it seems to indicate that speed limits should not be set arbitrarily but rather based on studies. It seems that uping the speed limit to 35 is an arbitrary decision. We should take the time before we change the speed limit and have the study done.

Ms. Nancy Yee Wate of 305 E. Lake Street stated that she has lived on Ten Mile most of her life and has been a businesswoman. She stated that she does not feel this is a good move and would hope that Council would represent them and leave the speed at 25 mph.

Lloyd Hilligoss of 317 E. Lake Street read certain parts of the City Charter relating to protecting the safety, character of the community, etc. He would ask that Council reflect on the Charter and figure out what we can do to find a loop hole within the criteria that our legislators have set up. The traffic on Ten Mile has progressively gotten worse and will continue to get worse. We all make hard decisions every day and he would hate to be responsible for this decision if someone was to get hurt.

Ms. Kim Ritchie of 224 W. Lake Street stated that they moved in three years ago because they like the small town atmosphere. She has two children who ride their bikes sometimes close to the edge of the street or chase their soccer ball.

Mr. Ross Garcia of 409 W. Lake Street stated that he has heard a lot of valid concerns. He stated that he lives at the corner of Woodlawn and Lake Street. There is an industrial site behind them, there are large trucks going fast down Ten Mile, etc. It takes time for these larger trucks to stop and will take even longer going 35 mph. It is difficult to get out of their driveways, and he cannot imagine traffic going that fast down Ten Mile.

OLD BUSINESS: None

NEW BUSINESS:

1. Request for Road Closure – McHattie Street on June 27, 2010

Mayor Wallace stated that Brown's Rootbeer is celebrating their 50th anniversary on Sunday, June 27th. They are requesting the closure of McHattie Street from 12:00 noon to 7:00 p.m. If it is a rainy day, they have also made arrangements to rent the VFW Hall.

Chief Collins stated that they will assist Mr. Brown with the closing of the street and keeping everything safe. He would recommend approval.

CM 2-3-10 – CLOSURE OF MCHATTIE STREET

Motion by Kopkowski, supported by Wedell

To approve the closure of McHattie between Pontiac Trail and South Lyon Collision on Sunday, June 27, 2010 from 12:00 noon until 7:00 p.m.

VOTE:

MOTION CARRIED UNANIMOUSLY

2. Proposal from Plante & Moran

Mr. Brian Camiller of Plante Moran stated that approximately 15 months ago, City Council authorized a water and sewer rate tool to help calculate what the water and sewer rates should be moving forward. Now that it has been 15 months it makes sense to update the model to see if the assumptions have held true. Also, if the latest construction project is to be done, they need to know the impact it will have on the rates. They have provided a proposal to update the existing model with current information. One of things that may change that he has seen in other communities that have done similar studies is the volume of water sold could be significantly down part is due to empty houses and houses in transition but also part due to people simply trying to cut back.

Councilman Kivell stated that he thought the idea of a model was to enable us to put in assumptions, etc. Mr. Camiller stated that is true, however he understands that there are some time constraints with the DWRF project. City personnel could certainly use the model. The idea was to come in and do it this year as quickly as possible. The model is flexible so that you could add the project in or take it out and still have what the rate needs to be for July 2010.

City Manager Murphy stated that there had also been some discussion regarding forecasting and putting some money aside so that we could do an infrastructure project in the future with some lump sum. With Plante Moran we will be able to do that

Councilman Kramer asked what kind of time frame we are looking at. Mr. Camiller stated that the next milestone is March 15th.

Councilman Kivell stated that we need this information in order to make a reasonable decision. Council Member Kopkowski stated that we should have had this information prior to authorizing spending \$500,000 for drawings.

CM 2-4-10 – APPROVAL OF WATER/SEWER RATE FINANCIAL STUDY

Motion by Kivell, supported by Morelli

To approve the water/sewer rate projection by Plante & Moran as presented

VOTE;

MOTION CARRIED UNANIMOUSLY

MANAGER'S REPORT: None

COUNCIL COMMENTS:

Councilman Selden cautioned people with small animals and small children to keep a close eye on them. Coyotes have been spotted and recently one killed a deer.

Councilman Wedell thanked the residents for coming out and expressing their opinions about the speed limit.

Councilman Kramer stated that what Council does as a whole is not going to make everyone happy. The Road Commission came in to talk to Council about speed limits. He felt that they had to do something when they were told that the 25 mph speed limits outside the commercial district were unenforceable. He had a problem with that because he knows that people are driving faster than 25 mph down Lake Street. He met with the State Police during the course of business and asked how the speed limits are set. He explained the process. His concern was that we may be able to expand the commercial district limit slightly but felt that it was a gamble that we could go up to 40-45 speeds based on the survey. The question was do we accept

the speed study and possibly have the speeds increase. We already know that people are speeding and that will reflect in the speed study. The law changed in 2006 and they are trying to enforce it now. He stated that he has a list of State Representatives as well as a copy of the Statute. His main concern was that we would lose control of a larger area of Ten Mile.

Councilman Morelli stated that he does not think that the 35 mph speed limit is right, but the speed was unenforceable and he did not want to leave it unenforceable until the State Police got done with their survey. We do not know how the study will turn out. He spends time as a substitute school bus driver and it does concern him that the State can come in and automatically set the speed limit or conduct an 85 percentile study. He would welcome the study and will stand by what the study says, but he did not want those roads unenforceable until that was done.

Councilman Kivell read the following statement into the record:

Request for reconsideration of Ten Mile Rd. Speed Limit

At the Feb. 8 meeting, Council approved supporting the recommendation of the RCOC regarding the speed limit of Ten Mile being raised to 35 mph except in the business district which would retain the prima fascia 25 mph. The choices presented to council were to accept the RCOC recommendation or conduct a traffic study that could produce a variety of results. The representative for RCOC painted a picture that lead Council to believe we were vulnerable to higher speeds if the traffic study was conducted. No one on council suggested they believed 25 mph was the wrong speed for the residential sections adjoining the business district. It was a matter that 25 mph was presented as not likely to be a traffic study result.

At the risk of people thinking they could speed through town because it was announced during the meeting that we had no enforceable speed limit, council approved the RCOC recommendation to create the perception that with that action we had an enforceable speed limit. That is not the case. The traffic order needs to be written and signs need to be installed for the speed limit to be enforceable. The South Lyon Police still have many tools to use to control traffic in spite of no speed limit. The unfortunate consequence of acting so quickly is how the City's ability to negotiate has been diminished. State Representative Hugh Crawford thought it made no sense to increase the speed in the downtown area and called some contacts at RCOC to see if something could be done to help us out. Brent Bair, the head of RCOC said nothing further could be done because we had approved the recommendation.

I have researched this issue to identify tactics we might use to attain a different outcome. I would like to share some of them with you.

I would like council to instruct Mr. Murphy to arrange for TIA (Traffic Information Assoc.) to conduct an independent traffic study to get their professional assessment of our situation. As members, the study would be free to us. Their conclusion will either support or differ with RCOC's recommendation. We would be better off taking advantage of their expertise.

The MML told me Ann Arbor has the same problem we are having. I would like council to instruct Mr. Lee to contact Ann Arbor's attorneys to see if they have found a course of action they believe will be successful to correct the problem. As a large city, they carry a lot of influence we may benefit from. I might add that Mr. Lee had not been asked his opinion as to a strategy he thought might be pursued.

In looking at the legislation, it defines prima fascia 25 mph as 60 vehicle access points within ½ mile. Since we know from our own ordinances, the lack of specifics can give some flexibility in interpretation. The language does not state a minimum distance of a ½ mile must be considered. This language creates a ratio. When that ratio is applied to the section ¼ mile from the end of the business district heading west we have 31 Vehicle access points. The 1/4 mile is at 444 W. Lake. This is two or three houses from Hagadorn. This would provide 25 mph for the entire stretch from Washington to Hagadorn.

The approval had been made based on the information available at the time. New information has come forward to influence the situation. I understand the motivation for acting quickly to create the impression we have an enforceable speed limit. In seeing that that action has eliminated our bargaining power, I humbly ask city council to rescind the approval of the RCOC recommendation and move to implement the suggestions that have been made.

Sincerely, Glenn Kivell

Council Member Kopkowski stated that she lives off of Lake Street and understands what the residents' concerns are. She stated that she does not have children therefore does not have first-hand knowledge of kids playing in the yard, etc. A few years ago a similar crowd came to a Council meeting expressing their concerns over their children crossing Nine Mile and there are a lot more kids in that area than Lake Street. We do have a crossing guard on Ten Mile for the children going to and from school. She did take into consideration these concerns. Council did authorize a speed study on Nine Mile and the speed was set at 35 mph. Therefore she is afraid of a speed study on Ten Mile. She further stated that she does appreciate the emails and did try to respond to everyone. She is always open to answer any questions and welcomes any emails or calls.

The question was asked if there could be more enforcement to try to slow people down. Mayor Wallace stated that we can now because now there is a speed limit.

Councilman Kivell asked if Council would have an objection to having the City Manager contact someone at TIA (Traffic Improvement Association) to conduct a survey. Councilman Morelli stated that he does not have a problem with having someone conduct a study, but he does have a problem leaving it the way it was where there is no speed limit. He stated that he does not want these people left unprotected. Councilman Kivell stated that they are no less protected now than they have been. The speed limit is not the only tool to control traffic.

Councilman Kivell asked if there is any problem having the City Attorney contact the City of Ann Arbor's attorneys to see if there is an angle generated from that discussion. The consensus of Council was that there was not a problem with the City Attorney contacting Ann Arbor.

Councilman Kivell stated that he would like Council to entertain the idea of rescinding the motion for the Road Commission to proceed so that we can negotiate with them. It was stated that if we rescind that then we are back to having no speed limit. The consensus of Council was not to rescind the motion. Councilman Kivell stated that decision was based on the information we had at the time. We could unearth some new information.

Mayor Wallace stated that he lived on Lake Street several times through his life and that was the era of the muscle car and it was a drag race. We are beyond those days. When he had children they were contemplating moving to Lake Street again, but his wife had concerns about the children. These are legitimate concerns. This is a county road and they want to move traffic through. They laid out our options and if they do the study, they could come back and say that the speed should be 40-45 and we would be hard pressed to keep the 35. He stated that he would like to commend the crowd who expressed their concerns.

EXECUTIVE SESSION:

1. Discussion of possible Land Acquisition

CM 2-5-10 – ENTER INTO EXECUTIVE SESSION

Motion by Wedell, supported by Kramer

To enter into Executive Session for the purpose of discussing possible land acquisition

VOTE:

MOTION CARRIED UNANIMOUSLY

Council entered into Executive Session at 8:31 p.m. and reconvened the regular session at 8:57 p.m.

ADJOURNMENT:

CM 2-6-10 ADJOURNMENT

Motion by Kivell, supported by Kramer

To adjourn meeting at 8:57 p.m.

VOTE:

MOTION CARRIED UNANIMOUSLY

Respectfully submitted,

Tedd M. Wallace
Mayor

Julie C. Zemke
City Clerk/Treasurer

DRAFT