

**CITY OF SOUTH LYON  
REGULAR CITY COUNCIL MEETING  
AUGUST 23, 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, Selden and Wedell  
City Manager Murphy  
Attorney Lee  
Department Heads: Martin & Renwick  
Deputy Clerk/Treasurer Lynch  
ABSENT: Council Member Morelli, Department Head Collins and City Clerk/Treasurer Zemke

CM 8-1-10 EXCUSE ABSENCE OF COUNCILMAN MORELLI

Motion by Kivell, supported by Wedell

To excuse the absence of Councilman Morelli

VOTE:

MOTION CARRIED UNANIMOUSLY

**APPROVAL OF AGENDA:**

CM 8-2-10 APPROVAL OF AGENDA

Motion by Wedell, supported by Kramer

To approve the agenda as presented.

VOTE:

MOTION CARRIED UNANIMOUSLY

**APPROVAL OF MINUTES:**

CM 8-3-10 APPROVAL OF MINUTES

Motion by Kivell, supported by Selden

To approve the minutes of the August 9, 2010 meeting as presented.

VOTE:

MOTION CARRIED UNANIMOUSLY

**PUBLIC COMMENT:** None

**OLD BUSINESS:** None

**NEW BUSINESS:**

1. MERS Delegate

City Manager Murphy stated this is a conference to educate the employees regarding the MERS retirement system. The employees have voted for Lori Mosier to be the employee delegate and Bob Martin as alternate. Normally the City Manager is the Officer Delegate although he will not be attending.

CM 8-4-10 MOTION TO APPROVE MERS DELEGATE

Motion by Wedell, supported by Kopkowski

Motion to approve David Murphy, City Manager as the Officer Delegate and Lori Mosier, Bookkeeper as the Employee Delegate and Bob Martin as the Alternate for the 64<sup>th</sup> Annual MERS meeting

VOTE:

MOTION CARRIED UNANIMOUSLY

2. RCOC Request to use 9 Mile as detour route

Mayor Wallace stated we have good news that 9 Mile is open and striped. City Manager Murphy stated The Oakland County Road Commission is requesting the use of 9 mile as a detour route during the 8 Mile Road Construction project. It is scheduled to begin April 2011.

CM 8-5-10 APPROVAL OF USE OF 9 MILE FOR DETOUR ROUTE

Motion by Kramer, supported by Wedell

Motion to approve the request from the Road Commission for Oakland County (RCOC) to use 9 Mile Road as part of the detour route during their 8 Mile construction project

VOTE:

MOTION CARRIED UNANIMOUSLY

3. Pumpkinfest Parade Permit

Discussion was held regarding the parade route and where the kids will be picked up by their parents. Council Member Kopkowski questioned whether the VFW and Honor Guards of the American Legion would be walking at the front of the parade. Scott Black of 943 Westbrook stated they would be at the front of the parade.

CM 8-6-10 MOTION TO APPROVE PARADE ROUTE

Motion by Kivell, supported by Selden

Resolve that Julie Zemke, City Clerk/Treasurer is hereby authorized to make application to the Road Commission for Oakland County on behalf of the City of South Lyon in the County of Oakland, Michigan for the necessary permit to conduct the Pumpkinfest Parade on October 3, 2010 at 9:30 a.m. and the related street closures:

Pontiac Trail from 9 Mile Road to Liberty Street

And that the City of South Lyon in the County of Oakland, Michigan will faithfully fulfill all permit requirements, and shall save harmless, indemnify, defend, and represent the board against any and all claims for bodily injury or property damage, or any other claim arising out of or related to operations authorized by such permits as issued.

VOTE:

MOTION CARRIED UNANIMOUSLY

4. Plante & Moran Audit Services Agreement

City Manager Murphy stated a month or so ago, Plante and Moran presented their annual agreement. At that time, he asked about the possibility of a longer agreement. They have proposed a five year agreement, which locks in the rate for the first two years, then an increase for the next three years.

Discussion was held regarding the five year term. Councilman Kramer asked if the increase for the third year is consistent with the last increase. City Manager Murphy stated it has not changed since he has been here.

Councilman Wedell stated after using them for the past 27 years, it is not a stretch to use them for five more years. He further stated there have not been any issues with using them. They are an excellent company, and they do many audits for other municipalities.

#### CM 8-7-10 APPROVAL OF AUDIT AGREEMENT

Motion by Kivell, supported by Selden

To approve the five year agreement with Plante & Moran for audit services as presented

VOTE:

MOTION CARRIED UNANIMOUSLY

#### 5. Temporary suspension of Noise Ordinance

City Manager Murphy stated the Pumpkinfest Committee is requesting a suspension of the noise ordinance for the downtown so the band can play until 11 p.m. Discussion was held regarding this only applying to the downtown where the band will be playing.

#### CM 8-8-10 APPROVE SUSPENSIONS OF NOISE ORDINANCE

Motion by Selden, supported by Kramer

WHEREAS, the South Lyon Downtown Development Authority has applied for a special permit from the City of South Lyon to allow a band to play at the Pumpkin festival; and

WHEREAS, South Lyon City Code 42-62(9) specifically addresses the playing of musical instruments and states as follows:

Each of the following acts is declared unlawful and prohibited, but this enumeration shall not be deemed to be exclusive, namely:

- (9) *Radio, television and musical instruments.* The playing of any radio, television set, phonograph, or any musical instrument in such a manner or with such volume, particularly during the hours between 10:00 p.m. and 7:00 a.m. or at any time or place so as to annoy or disturb the quiet, comfort, or repose of persons in any office or in any dwelling, hotel, or other type of residence, or of any persons in the vicinity; and

WHEREAS, South Lyon Downtown Development Authority has requested that the band be permitted to play until 11:00 pm; and

WHEREAS, the Pumpkin festival is a Celebration of the City of South Lyon for its citizens, and the event attracts other visitors to the area, enhances its public image, promotes economic development and fosters a sense of civic pride among its citizens; and

WHEREAS, the City Council of the City of South Lyon considers this request to be in the best interests of the City of South Lyon and in the interests of the citizens' safety, health and welfare for the above-stated reasons;

NOW THEREFORE, the City Council for the City of South Lyon does hereby grant permission to Downtown Development Authority to allow the band Global Village to play until 11:00 pm on Saturday, October 3, 2009 in the areas specifically requested by the Downtown Development Authority.



VOTE:

MOTION CARRIED UNANIMOUSLY

6. Permission to operate beer tent

Mr. Phil Weipert of 135 N. Warren stated they have submitted the drawings and received approval for the license. They are proposing that it be located in front of the South Lyon Herald.

Councilman Kramer asked who will be actually serving the alcohol. Mary Poole of 127 E. Lake stated there will be 60 responsible volunteers serving the beer. They will be checking identification when they enter the tent, and if they are 21 and over, they will receive a wristband. Attorney Lee stated the LCC requires a training session for the servers with the temporary issuance of a permit. He further stated they are providing insurance to cover the City.

Councilman Selden stated for many years the Pumpkinfest committee did not want a beer tent under their name, although they did not mind if someone else did it. He further stated this is going to upset some people.

Discussion was held regarding children being in the beer tent after 9:00 p.m. Attorney Lee stated they need to check into that with the LLC. He believes they require children to leave the tent after 9:00 p.m.

CM 8-9-10 APPROVAL TO OPERATE BEER TENT

Motion by Wedell, supported by Kramer

To approve the request from the South Lyon Area Pumpkinfest Committee, a non-profit Organization for a temporary LCC License for a beer tent to be located on Pontiac Trail between Lake Street and Whipple Street on Saturday, October 2, 2010 from 12:00 p.m. to 11:00 p.m. and Sunday October 3, from 12:00 p.m. to 5:00 p.m.

VOTE:

MOTION CARRIED 1- OPPOSED

7. Purchase of Mower

Superintendent Renwick stated we had a bid opening for a budgeted replacement of a 5 ft mower that is used to mow all parks and open areas. The current mower is close to 13 years old and we have to do a lot of repairs to it. We received three bids, and Thieser Equipment had the low bid of \$14,275.00. He further stated this was a budgeted item.

Discussion was held regarding the lawn mowing. The question was asked if we should look into contracting it out. Mayor Wallace stated he was told the cemetery workers need new mowers and maybe we should add that. They keep our cemetery spectacular and well kept. Renwick stated that can be done, but it does not need to be brought to Council. Discussion was held on contracting out the mowing and if it would save money.

CM 8-10-10 APPROVAL OF MOWER PURCHASE

Motion by Kivell, supported by Kramer

To approve the purchase of a Flex Wing Mower from the low bidder, Theiser Equipment at a cost of \$14,275.00

VOTE:

MOTION CARRIED UNANIMOUSLY

8. Purchase of De-Icing Unit

Superintendent Renwick stated this is also a budgeted item. This is a unit that slides into the back of one of the big trucks and holds the brine solution for de-icing the roads. We had three bids and the low bid was from Knapheide Truck in the amount of \$13,039.

CM 8-11-10 APPROVAL OF PURCHASE - DE-ICER EQUIPMENT

Motion by Wedell, supported by Kivell

To approve the purchase of a De-Icing Unit from the low bidder, Knapheide Truck Equipment Co.  
in the amount of \$13,039.00

VOTE:

MOTION CARRIED UNANIMOUSLY

9. Medical Marijuana Moratorium

Pam Wiepert of 135 N. Warren stated in April of this year the City Manager and City Attorney asked the Planning Commission to look at making changes to the Zoning Ordinance to incorporate medical marijuana. At that time, the attorney was not sure if they could ban it all together. Over the last few months, there has been a lot of information in the papers. Communities are dealing with these in different ways. They were either banning the dispensaries or they were incorporating them into the Zoning Ordinance. Our attorney believes in order for us to abide by the law, we cannot ban them, but rather regulate them in our Zoning Ordinance. We have to figure out what business district we want them in. Right now because we do not have any rules, they could put it wherever they want. The Planning Commission is recommending a moratorium on medical marijuana for 90 days so we can study the issue and talk with Council about what their wishes are. She further stated the resolution created by the City Attorney states a 6 month moratorium, and they feel that would be better.

Attorney Lee stated this is a constitutional amendment and we are obligated. We have all taken an oath to uphold the constitution whether we like it or not. We have to follow the laws that are passed. He further stated we can regulate it, but we cannot ban it. Attorney Lee stated the cities that have banned it are already being challenged in the courts and it will likely get costly for them.

Discussion was held regarding there not being any guidelines for the distribution and cultivation of medical marijuana. Councilman Wedell stated he thinks the 6 month moratorium is a perfect amount of time, but if we completed the work before the 6 months is up, can we remove the moratorium. Attorney Lee stated we can lift the moratorium or extend it if needed.

Councilman Selden stated we need more information on who can and who cannot apply to have a marijuana dispensary.

Council Member Kopkowski stated she has done her homework on this. She further stated that there are people growing marijuana in their homes, and we need to grandfather these people in. The law speaks of the caregiver and the patient. It doesn't cover the dispensing. Attorney Lee stated there is the criminal aspect of marijuana use and growing. The people who are growing for medical use and using, are doing so under their constitutional right to not be charged with a crime. We are talking about the City issuing a license to be a dispensary. Attorney Lee stated if we grandfather people in, we are then issuing them a license. They could then do whatever they want, and we could not control it. We are just saying this City administration shall not issue a license or permit for the sale or dispensary of marijuana for the next 6 months. Councilman Kramer stated that is the problem with the law as it stands right now; there are too many different interpretations of the law that was passed by the voters. That is why so many communities are struggling with this issue. He further stated he agrees with the moratorium language and he is not worried about the individual users because they are protected by the administrative rules.



Councilman Selden stated he wants to make this very clear that we are talking about medical marijuana and we are talking about people who have permits to use it. We are not loosening up on the illegal use of marijuana. Another problem is that there are clubs forming in other areas. The state legislature has a lot of work to do.

Councilman Kivell asked what the Planning Commission's objective is. Pam Weipert stated the Planning Commission's objective is to regulate where the dispensaries will be located.

Council Member Kopkowski stated you cannot tell people how to do it, but you can tell them where they can do it.

Mayor Wallace stated we need to get the moratorium passed so we can get a sense of direction before something happens and it gets out of control.

Council Member Kopkowski is opposed to the language of the moratorium.

Discussion was held regarding the language of the moratorium.

#### CM 8-12-10 APPROVAL OF MEDICAL MARIJUANA MORATORIUM

Motion by Kramer, supported by Wedell

WHEREAS, the cultivation sale or dispensation of medical marihuana was not envisioned when the current Zoning Ordinance was adopted in 1995 and is not regulated in any way; and

WHEREAS, allowing the cultivation, sale or dispensation of medical marihuana prior to the amendment of the Zoning Ordinance would be contrary to the goals of the City Master Plan; and

WHEREAS, the City desires to ascertain the best and safest path to compliance with the Michigan Medical Marihuana Act, P.A. 2008, Initiated Law, MCL 333.26423(d) in order to protect the public health, safety, and welfare; and

WHEREAS, the City Council determines that it is desirable to immediately forbid the cultivation, sale or dispensation of medical marihuana until an amendment to the Zoning Ordinance (Chapter 102 of the City Code) becomes effective; and

WHEREAS, Chapter 2, § 2.1 (b)(1) of the City Charter authorizes the City Council to enact resolutions immediately necessary for public health, peace, or safety to be adopted at the session at which first introduced, and the City Council determines that the following resolution satisfies that requirement.

RESOLVED, that the following resolution – to impose a moratorium on the issuance of permits or licenses for the cultivation, sale or dispensation of medical marihuana for a period of six (6) months from the effective date of this resolution, or until the effective date of the adoption of proper text amendments to the Zoning Ordinance (Chapter 102 of the City Code) and any necessary licensing requirements, whichever occurs first – is hereby adopted and given immediate effect.

VOTE:

MOTION CARRIED 1 OPPOSED

#### MANAGER'S REPORT:

City Manager Murphy stated there will be a Cub Scout troop at the next Council meeting to lead us in the Pledge of Allegiance. He further stated he recently received a call from 434 Gallery from Grosse Pointe and they offered to fix the vandalized head stones in the cemetery. Attorney Lee is checking into it because they are private property.

City Manager Murphy further stated he received a report from EHIM and our savings are well above what was expected by the change in employee insurance.

City Manager Murphy stated the Bodnar building is almost completed, and he and a building inspector will go through and inspect it when finished.

**COUNCIL COMMENTS:**

Councilman Wedell asked when the Audit would be completed. City Manager Murphy stated it should be the end of next month.

Councilman Kramer stated he is happy 9 mile is completed. He stated he was up north for a week and he is more thankful than ever for our water here in the City. He wants to give kudos to the water department.

Councilman Kivell asked if there have been any leads on the vandalism in the cemetery. City Manager stated not that he has heard. Councilman Kivell further stated we should be doing more to advertise the movies in the park. It was a lot of trouble to get the equipment, and we need to do a better job of informing the citizens of when the movies are on.

Council Member Kopkowski asked if there has been any communication or payment from Mr. Bodnar. City Manager Murphy stated there has been no payment, and he only spoke with Mr. Bodnar once regarding the keys to the building.

Council Member Kopkowski asked if Singh had a time frame for finishing the lots in Charleston Park. City Manager Murphy stated they have pulled a permit for the construction trailer, but they have no time frame on finishing the subdivision.

Councilman Selden stated the reward announcement was in the paper and he has heard the teenagers are very interested in the reward being offered regarding the vandalism in the Cemetery.

Mayor Wallace stated the vandalism in the Cemetery and the reward has been well covered by the news and the papers. He is hoping the reward will stop the vandalism and the desecration that is happening in the cemetery.

Mayor Wallace read a letter aloud from Nancy Cassis congratulating the City on working so well on such a tight budget.

Councilman Kivell stated he wanted to thank the Herald on covering the need for help with Pumpkinfest.

**ADJOURNMENT:**

**CM 8-13-10 MOTION TO ADJOURN**

Motion by Selden, supported by Kramer

To adjourn the Council meeting at 8:53 p.m.

VOTE:

**MOTION CARRIED UNANIMOUSLY**

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Ted Wallace  
City Manager

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Lisa Lynch  
Deputy Clerk/Treasurer