

**CITY OF SOUTH LYON
REGULAR CITY COUNCIL MEETING
OCTOBER 11, 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 Hill
Department Heads: Collins, Martin and Renwick

APPROVAL OF MINUTES:

CM 10-1-10 – APPROVAL OF MINUTES- SEPTEMBER 27, 2010

Motion by Wedell, supported by Morelli

To approve the minutes of the September 27, 2010 Regular Council meeting as presented

VOTE: MOTION CARRIED UNANIMOUSLY

CM 10-2-10 – APPROVAL OF MINUTES – SEPTEMBER 29, 2010

Motion by Wedell, supported by Kramer

To approve the minutes of the Special City Council meeting with the South Lyon Planning Commission of September 29, 2010 as presented

VOTE: MOTION CARRIED UNANIMOUSLY

APPROVAL OF MONTHLY BILLS:

Councilman Selden questioned the various bills for internet service. City Manager Murphy stated that he would check into it and report back to Council.

CM 10-3-10 – APPROVAL OF MONTHLY BILLS

Motion by Kivell supported by Wedell

To approve the monthly bills as presented

VOTE: MOTION CARRIED UNANIMOUSLY

APPROVAL OF AGENDA:

CM 10-4-10 APPROVAL OF AGENDA

Motion by Kivell, supported by Kopkowski

To approve the agenda as presented

VOTE: MOTION CARRIED UNANIMOUSLY

PUBLIC COMMENT: None

OLD BUSINESS:

1. 2nd Reading – Snow Removal Ordinance

City Manager Murphy stated that Council approved the first reading at the last meeting. However, there was some stronger language requested, which has been added to paragraph (7).

Discussion was held on the notification to the property owner. City Manager Murphy stated that he would most likely post the premises as opposed to mailing a notice.

Councilman Kivell stated that he still has concern about the 3 inches. He further discussed the language referring to "after the cessation of snow".

Discussion was held on how the measurement will be taken.

Attorney Hill stated that the goal of the ordinances is to get people to shovel the snow. As far as enforcement, the City is going to post the premises and if it is not cleared within 24-48 hours then the City can go in and clear it at the owner's expense. Then we would decide whether or not to prosecute.

Councilman Wedell asked rather than relying on the Milford Proving Ground to determine snowfall, could we designate a place such as City Hall as the official measurement place and/or cessation of the snow fall. It was stated that the Wastewater Treatment Plant use to have a State of Michigan Weather Station, but that was removed about 5 years ago. Attorney Hill stated that is an evidence question. You can designate any spot, but the best evidence would be whether there is two inches on the actual property. Discussion was held on using a ruler and camera to capture that evidence. Further discussion was held on the need to designate a place within the City. Councilman Kivell stated that he does not understand what snow anywhere other than the property in question has to do within anything. It is irrelevant.

Discussion was held on accumulation being different in different areas as well as blowing and drifting. Councilman Kramer stated that there are two separate issues that have to be proven, 1) the height and 2) the cessation of the snow. The reason we lost the last case was that they said that it was still snowing at the Proving Grounds during the 24 hour period.

Councilman Kivell stated that we could eliminate paragraph (2) dealing with the cessation of snow. Discussion was held on the problems with long snow storms, people out of town for the weekend, etc. and citing people under these circumstances. Councilman Kivell stated that as a practical matter, we would not do that.

Discussion was held on foreclosed homes. City Manager Murphy stated that we use the same procedure. There is no difference.

Further discussion was held on designating a place in the City. It was suggested that we use the DPW yard due to the fact that if it is snowing, our workers will be there. It was further suggested that the Wastewater Treatment Plant be used as it is manned 24 hours a day.

CM 10-5-10 – SECOND READING – AMENDMENT TO SECTION 82-78

Motion by Kramer, supported by Wedell

That this be the second reading and adoption of the amendment to Section 82-78 of the City Code

Discussion was held on tabling the item until the modifications can be made.

Councilman Kramer withdrew his motion and Councilman Wedell withdrew his support.

CM 10-6-10 – TABLE SECOND READING OF SECTION 82-78

Motion by Wedell, supported by Kramer

To table the second reading of the amendment to Section 82-78

The consensus of Council was to designate the Wastewater Treatment Plant as the location to determine the cessation of snow.

City Manager Murphy asked if we are keeping the ordinance at 3 inches or changing it to 2 inches. The consensus of Council was to keep the depth at 3 inches.

VOTE:

MOTION CARRIED (1 opposed)

NEW BUSINESS:

2. Liability Insurance

City Manager Murphy stated that the liability insurance expires October 14th. We have received the renewal proposal and he is recommending that we remain with the same company, MMRMA. The increase was 2.3%. Two years ago when we first switched to this company, we realized a significant savings and received better coverage. We entered into an agreement for the second year with the assurance that it would not increase more than 5%, and it did come in at .6%. Furthermore, within the next few weeks we will be seeing a rebate check from this year. When all is said and done, we will be looking at approximately 1% increase.

CM 10-7-10 – APPROVAL OF LIABILITY INSURANCE

Motion by Kivell, supported by Morelli

To approve the liability insurance agreement with the MMRMA in the amount of \$118,894

VOTE:

MOTION CARRIED UNANIMOUSLY

3. Easements to RCOC for the 8 Mile Road Project

City Manager Murphy stated that Mr. Alex Rucinski of the Road Commission is here to explain the required easements.

Mr. Rucinski stated that there are three required easements for this project, which is to pave 8 Mile Road from Dixboro to Pontiac Trail. The easements are in reference to the Volunteer Park property. He explained the Highway Easement, Drainage Easement and Temporary Easement.

Councilman Kivell asked if a 27'x27' highway easement is the typical size. Mr. Rucinski stated that it is what they call a "corner clip" and it is typical.

Mr. Rucinski explained that there is also a 4F letter that is required, which is a requirement of the Federal Highway Administration. It says that the City understands the project will have an impact on the park property and that the Road Commission has minimized that impact as much as possible. It also indicates that the City does not have any problem moving forward with the project as it is currently stated.

Councilman Kramer asked if there is going to be ditches. Mr. Ruckinski stated that it will be a combination of curb and gutter and ditch. It will be ditched along the park property. Further discussion was held on curb and gutters.

Councilman Kramer asked if this is going to cost us any more than we have already committed. City Manager Murphy stated that it will not. We did put some of our Tri-Party money toward the design work.

Discussion was held on the 8 Mile signalization project that the City also contributed to. City Manager Murphy stated that project was stalled. We will be taking the remainder of the Tri-Party funds and using it toward the match of the 8 Mile Road project.

CM 10-8-10 – APPROVAL OF EASEMENTS & 4F LETTER – 8 MILE ROAD PROJECT

Motion by Kramer, supported by Kivell

To accept the Temporary Construction Easements, the Drainage Easements and Highway Easements as proposed by the Oakland County Road Commission for the 8 Mile Road Project and authorize the Mayor and City Clerk to execute the documents and instruct the City Manager to send the proposed letter to the RCOC stating there is little impact to the City owned property

VOTE:

MOTION CARRIED UNANIMOUSLY

Discussion was held on the other easements required from the other property owners.

Councilman Kivell thanked Mr. Rucinski and the Road Commission for helping to streamline the project.

4. CBDG List of Potential Projects

City Manager Murphy stated that they have moved up the deadline for the application, therefore it is now due November 27th. We had looked at some projects last year and he has supplied the same list because Council chose the Whipple Street Parking lot rehabilitation, which is approximately \$119,355. Council chose to roll those funds over to this year because of the cost. We did get a little more than anticipated, but it is still well short of the total cost. His recommendation would be to roll over the funds this year as well and do the project the following year. This would be the time for Council to add any other projects they would like to consider. He is also asking that Council set the public hearing for our next meeting so that we can get the application in on time.

Discussion was held on the condition of the parking lot. Discussion was held on the size of the parking lot in relation to the size of the property. City Manager Murphy stated that he would hope that we can expand the lot and utilize the property available.

Consensus of Council was to roll the funds over to next year.

CM 10-9-10 – SET PUBLIC HEARING – 2011 CDBG APPLICATION

Motion by Kopkowski, supported by Selden

To set a public hearing for November 8, 2010 for the purpose of hearing public comments on the Oakland County Community Development Block Grant Program 2011 annual application

VOTE:

MOTION CARRIED UNANIMOUSLY

5. Halloween Trick or Treat Hours

Mayor Wallace stated that a few years ago the times were changed to allow for two hours. He stated that he personally feels that is too long. Councilman Wedell stated that when people run out of candy, they can simply turn their light off.

City Manager Murphy stated that Halloween falls on Sunday this year and some municipalities have opted to change trick-or-treating to Saturday. Some people do not like Halloween on Sunday for religious reasons. The consensus of Council was to not change trick-or-treating to another day.

CM 10-10-10 – TRICK OR TREAT HOURS

Motion by Selden, supported by Kivell

To set the hours for trick-or-treating from 6:30 p.m. to 8:30 p.m. on October 31, 2010

VOTE:

MOTION CARRIED UNANIMOUSLY

6. Amendments to Personnel Policy

City Manager Murphy stated that he is proposing two amendments to the Personnel Policy. The first change is to the first section. It currently covers just full-time employees and should cover full-time, part-time, seasonal, and paid on-call. The second change is that he wanted to tighten up the nepotism policy so that someone could not be hired in one department that perhaps would have a relative in another. It does not work having relatives work for each other, it is difficult on the department heads. He does recommend that we amend what is before Council to include in the exemption Election Inspectors.

Council Member Kopkowski stated that she does not have a problem with the election workers who only work 1-2 days per year. However, she does have a problem with exempting the paid on-call fire services. They are paid by the City and are City employees and should be treated the same as everyone else. Discussion was held on the makeup of fire departments across the country including father-son, brothers, etc. within the same family. Council Member Kopkowski stated that she feels that different language should be included rather than simply stating on-call fire services. It was stated that it does indicate that it is due to the uniqueness of the department.

Councilman Kramer asked if this would affect any of our current employees. City Manager stated that they would be grandfathered.

Councilman Morelli stated that there are some relatives such as aunt, uncle, sister in-law, brother in-law, niece and nephew that were not put into the proposed version. City Manager Murphy stated that they should be. Council can add those to their approval.

CM 10-11-10 – AMENDMENTS TO THE PERSONNEL POLICY

Motion by Morelli, supported by Wedell

To approve the amendments to sections 1 and 7 of the Personnel Policy with the addition of aunt, uncle, sister in-law, brother in-law, niece and nephew into Section 7 and to exempt Election Workers from that Section

Councilman Selden asked if he should abstain from voting due to the fact that his wife is an election worker. The consensus of Council was that he did not have to abstain.

VOTE:

MOTION CARRIED UNANIMOUSLY

MANAGER'S REPORT: None

COUNCIL COMMENTS:

Councilman Selden stated that they had a beautiful Pumpkinfest despite the weather. With the many changes, they have learned some things.

Councilman Kivell stated that the Pumpkinfest parade was terrific, and the response from the public was outstanding especially in light of the awful weather. The non-profit groups that he spoke to indicated that they still had twice the business than last year. He further described the event and the location change this year. Kudos to the people who planned the event.

Councilman Kramer stated that he worked Sunday downtown during Pumpkinfest and there were a lot of people. He thanked everyone involved in the event. Councilman Wedell concurred and thanked everyone.

Mayor Wallace stated that the weather during Pumpkinfest was a shame. He reminded everyone that the High School Homecoming game is this coming Friday. The Homecoming parade will be running its normal route.

ADJOURNMENT:

CM 10-12-10 ADJOURNMENT

Motion by Morelli, supported by Selden

To adjourn meeting at 8:20 p.m.

VOTE:

MOTION CARRIED UNANIMOUSLY

Respectfully submitted,

Tedd M. Wallace
Mayor

Julie C. Zemke
City Clerk/Treasurer