

**CITY OF SOUTH LYON
REGULAR CITY COUNCIL MEETING
APRIL 12, 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, Martin and Renwick

APPROVAL OF MINUTES:

Councilman Kivell stated that on page 2, in talking about the beer tent, he had stated that he likes the idea of a beer tent accompanying an anchor event rather than the beer tent being the anchor. He further stated that on page 10 under Council Comments his statement should reflect freeing up the City Manager to research different angles regarding the 10 Mile Road issue to see if we can reach a different solution and re-establish the 25 mph.

CM 4-1-10 – APPROVAL OF MINUTES- MARCH 22, 2010

Motion by Wedell, supported by Selden

To approve the minutes of the March 22, 2010 Regular Council meeting as amended

VOTE:

MOTION CARRIED UNANIMOUSLY

APPROVAL OF MONTHLY BILLS:

Discussion was held on various bills.

CM 4-2-10 – APPROVAL OF MONTHLY BILLS

Motion by Selden supported by Kivell

To approve the monthly bills as presented

VOTE:

MOTION CARRIED UNANIMOUSLY

APPROVAL OF AGENDA:

CM 4-3-10 APPROVAL OF AGENDA

Motion by Kivell, supported by Morelli

To approve the agenda as presented

VOTE:

MOTION CARRIED UNANIMOUSLY

PUBLIC COMMENT:

Ms. Kim Thompson of 225 W. Lake Street stated that she has written emails to several Council Members regarding the speed limit on 10 Mile. She stated that she is simply here to introduce herself and encourage Council to allow the City Manager to explore options to restore the 25 mph.

OLD BUSINESS:

1. Maintenance Agreement

Mayor Wallace stated that this maintenance agreement is to work out a barter deal to maintain noxious weeds and clean up an area of Volunteer Park without a great expenditure. This is a proposed agreement that has yet to be approved by the farmer until we receive some assurance from the assessor's office that we will not get property taxed. As of today, the assessor's office has said to move forward on this. They have asked for a letter from our attorney's office stating what is proposed and they would provide an answer. It is looking positive. It took a lot of trying, but they have come around. They are even thinking about giving the idea to other communities. We can proceed with approval and once we get the answer from Oakland County and issues resolved with the farmer then it is up to him to sign the agreement and move forward.

Discussion was held on the language in the agreement relating to taxes. Attorney Lee stated that language would remain. He further stated that Councilman Kramer has asked that a slight modification be made that in the event that it is put on the tax roll, the caretaker would have to give the City 30 day written notice of his intent to pay the tax otherwise the contract would be void. He further stated that an additional revision would be that under the services provided by the caretaker, that he would not only set aside two acres for tree farming, but also two acres for pumpkins.

Attorney Lee stated that assuming that Council approves the agreement, pursuant to Charter this is the first step. It would then require that the agreement sit in the Clerk's office for at least 10 days prior to final passage. He will make the amendments and provide it to the Clerk for public review. At the next City Council meeting Council would then make final approval.

Councilman Kivell stated that he does not have a problem with the idea of this undeveloped parkland being used for farming, but he feels that it is important that it be put out for bid so that people have the same opportunity to access this property. The idea of having this a maintenance agreement is a clever way of circumventing that. He further stated that the idea of doing this is to eliminate the dumping, etc. that has been taking place. However, he and Superintendent Renwick walked the area and except for a few pieces of shingles, the only thing there was some items that has been there for years. Mayor Wallace stated that the idea is to deter these types of things. He stated that we are lucky to have farmer Hamblin who is willing to go in there at his cost. Councilman Kivell stated that the information provided regarding comparable uses of public land, the majority of activities are events that incumber land for very short periods of time and allowed to provide a sense of community. The second type is activity to generate revenue to enhance the services that the community can provide. The third type includes gas and oil wells as well as lumber operations on State and Federal land. He has been told that these uses are always a contract with the highest bidder. He is interested in ensuring that the City receive the best compensation for the use of the City's property and that we are protected from any tax liability.

Councilman Wedell asked Mayor Wallace who he received information from Oakland County. Mayor Wallace stated that he has spoken with Richard Vincent from Equalization.

Councilman Kramer stated that he understood that if we were to generate income that we would lose our tax exempt status on the property. The idea of having a caretaker agreement would be so that we would avoid assessment. Mayor Wallace stated that the property already has some parkland developed. The other issue is that the County has asked that we extend a path into that area from the developed area so that people could walk the area if they chose.

Discussion was held on the concerns from the Lyon Township residents and the fact that they do not pay City taxes for the use of the City park.

Council Member Kopkowski asked if we are not leasing the property, what would we be bidding out. It was stated that we would be bidding out access to the property to make a profit.

Councilman Kivell asked Mr. Hamblin how much per acre he pays for other properties that he leases. Mr. Hamblin stated that it varies. It was further stated that bidding would give others the opportunity to bid for the same type of contract. Discussion was held on some of the other agreements that Mr. Hamblin has.

Discussion was held on the maintenance of noxious weeds. Mayor Wallace stated that Mr. Hamblin would take care of the noxious weeds allowing us to be in conformance with our own ordinance. Councilman Kivell stated that if noxious weeds is a concern, then we have 3-4 times the amount of property than what Mr. Hamblin is talking about farming that we need to address.

Councilman Morelli stated that he would agree with Councilman Kivell about the bidding process, but it is late in the season to be putting this out for bid. He stated that according to the agreement, any time the Recreation Commission decides to use the property then the agreement could be terminated no matter how much work is done by the farmer. He asked Mr. Hamblin if he has long-term leases on other properties that he farms. Mr. Hamblin stated that most of his agreements are simply "hand-shake" agreements. He does however have 4-5 year leases. Councilman Kivell stated that Council has the fiduciary responsibility of overseeing the public's land. To not look at this as a business deal is inappropriate.

Councilman Kramer stated that whoever bids on the project, the City cannot generate an income from what they do. Councilman Kivell stated that he is not sure that this will not turn out to where somebody is not paying taxes. He cannot see that you can have a profit business and not pay taxes on the land that is generating that income. Attorney Lee stated that it is in the City's best interest to not pay taxes, which is why he drafted the agreement the way he did. If there is tax, it is paid by the farmer. As he reads the Statute, when proprietary functions take place on public land, it goes back on the tax roll. That is what our auditors have said and that is how he reads it. Apparently, there are some communities in Oakland County that have made some arrangements or accommodations created so that these are not taxed.

Discussion was held on the discussion that took place with Oakland County. Mayor Wallace stated that Mr. Vincent understood the barter concept.

Councilman Wedell stated that he appreciates the way the contract is written and feels that it takes care of his main concern, which is the taxes. He asked if someone makes a decision that it goes back on the tax roll and the agreement is terminated, how hard is it going to be to get it off the tax roll. Attorney Lee stated that the tax roll is created in July and the tax for the following year is not created until December. Taxes are paid in advance. Councilman Wedell stated that the issue of bidding also concerns him, but it is too late in the year to do that.

Discussion was held on the estimated taxes if the property goes back on the tax roll. Mayor Wallace stated that it would not be worth it to the farmer. Attorney Lee stated that it would be particularly difficult as we do not have agricultural zoning districts. The lowest district is R-3 and the property would have to be taxed at that zoning unless we very quickly amended our ordinance and rezoned that property as agricultural. Further discussion was held on the zoning of the property.

Councilman Morelli stated that it is late in the year for bidding, but if we say that we are going to go out for bid next year, why would this gentleman do all the work this year to possibly lose it through bid next year.

Attorney Lee discussed the Right to Farm Act. He stated that one of the difficulties is that in order to apply that act to a piece of property, it would require a 10 year commitment to farm the property.

Councilman Selden stated that given the time of year, he would suggest that we proceed with the agreement so that the farmer can begin planting.

Mayor Wallace stated that we are waiting for a letter from the County in answer to our letter regarding the taxes.

Councilman Kivell asked if next year we would look at bidding this out. Mayor Wallace stated that the farmer would not make enough profit this year to cover the cost of what he is going to put into the property. Attorney Lee stated that the contract is a five-year agreement with terminability within 30 day notice. Councilman Wedell stated that in the event that this is approved tonight, he would ask the Clerk to remind Council to review the agreement next year and each year of the contract.

Discussion was held on Council's ability to shrink or expand the area.

Councilman Kivell stated that the farmer should be mindful of the area of where the bike path will be going on the eastern border.

CM 4-4-10 – PRELIMINARY APPROVAL OF MAINTENANCE AGREEMENT – VOLUNTEER PARK

Motion by Kopkowski, supported by Morelli

To preliminarily approve the Maintenance Agreement for undeveloped property at Volunteer Park

Mr. Hamblin asked if the agreement is going to be reviewed each year after all of the work that he is going to do. He stated that he cannot commit to that. Councilman Morelli stated that he does not have a problem with a five-year agreement, but would like to review it. The consensus of Council was that it would be a five-year agreement, but that it would be reviewed annually. Councilman Kramer stated that this is subject to receiving something back from the County. Attorney Lee stated that he hopes that he will have that when Council makes final approval.

VOTE:

MOTION CARRIED (1 OPPOSED)

2. International Fire Code: Access Boxes

Chief Kaska stated that they have searched the internet and spoke with other Fire Inspectors and could not find any documentation regarding break-ins of buildings as a result of the lock boxes. They have also received information regarding the Knox Keysecure system. He stated that we could have these in the trucks within 1-2 weeks. He stated that the unit would have a flashing light when the key is taken out and the code of the person who opened the key box is recorded.

Councilman Morelli asked how many trucks the department has. Chief Kaska stated that we have 5 trucks, but these boxes would be in both engines and either the squad or the rescue which are the vehicles that go on the majority of the runs. The cost is \$750 per truck. This is the only system they could find that would keep a log that could be downloaded. The cost of the software is included. The procedure would remain the same. The only difference would be that one of the two people present would have to enter their code. He further stated that all of the department would be issued codes even though the majority of the time it would be the same people accessing the box.

Councilman Morelli stated that since the last meeting he has been to five different cities throughout the country and every single city has lock boxes. Chief Kaska stated that at a recent meeting he attended, many of the chiefs indicated that they actually have lock boxes in the fire department so that in the event that another department moves up, they have access to open the firehalls.

Councilman Kramer stated that on a recent trip to Phoenix, he too found that all of the buildings had lock boxes. He stated that he understands the business owners' concerns about break-ins, but it looks like the research indicates that there has been no documentation of any such issues. Chief Kaska stated that they have found nothing.

The question was asked if there is a lock box on City Hall. Chief Kaska stated that we have one, but have not installed it yet. There will also be one at McHattie Park and the entrance to the DPW yard and the Water Department currently has one. The question was asked if the schools are required to have them. Chief Kaska stated that they are supposed to have them and we are working with the schools to make sure that each school has one. In the early 1990s they were given a master key that will open every school and classroom, etc.

Councilman Kramer asked Chief Kaska if the majority of the communities that he has spoken to use this type of PIN system. Chief Kaska stated that the majority do or they have the system we currently have. The PIN system takes it one more step for security.

Council Member Kopkowski asked if the Fire Department is still looking for keys for every office in the building or just the common areas. Chief Kaska stated that if there is more than one business within a strip mall then they have one key that will open the main door on the exterior and another box mounted inside for the keys for the individual units. He stated that this would be for any door that they have to get into. This would be access to any area that they cannot see.

Councilman Kivell stated that this goes a long way in quelling some of the concerns about the security aspect. The PIN gives an extra layer of accountability.

Councilman Selden questioned the pharmacies and the drug aspect. It was stated that Rite Aid and CVS already have boxes. Discussion was held on security within a building such as locked cabinets, etc.

Mr. Randy Clark of 415 S. Lafayette presented a random, informal survey of businesses and property owners in the DDA conducted by himself and Gary Fagin, Chairman of the DDA. They asked three simple questions. With the exception of one person who was in favor of the lock boxes, it was unanimous. He stated that it appears that the whole issue of the lock box is money driven. The two largest lock box manufactures have lobbied the group who wrote the International Fire Code to include the lock boxes. The boxes are \$200 per box with 250 businesses in South Lyon alone. The survey indicates how the business people feel and would encourage Council to if not rescind the ordinance, at least modify it. There are numerous businesses that indicated that they would participate in a committee to work with the Fire Chief to find a reasonable common ground to put them where they make sense. The box on the building does not prevent a fire. There are windows that can be knocked out. He would ask that Council consider what the business owners are saying. Allow them to work with the Fire Department and find a common ground.

Dr. Kaplan of 410 N. Lafayette stated that his concern is the cost of the boxes. A lot of these buildings are leased and asked the responsibility of the landlord. He stated that businesses come and go. It should be the responsibility of the property owner and does not understand why these businesses are being hit. Councilman Morelli stated that he agrees with the Fire Code, especially because he has seen this around the country. He would also agree that it should be the responsibility of the building owner.

Michael Wier, Fire Inspector stated that they go to the business owners because that is who they deal with. They do not get involved with tenant/landlord issues, and this is a tenant/landlord issue. Attorney Lee stated that when they go to a business, they explain the need for it, but when it comes to enforcement, he only enforces against the building owner.

The question was asked how many tickets have been issued. Attorney Lee stated that there have been two issued against the property owner.

Sonny of Lafayette Party Store stated that he owns the business and the building, but when the ticket was issued, it was issued against the Liquor Store not Lafayette Plaza. Attorney Lee stated that he will ensure that is straightened out.

Councilman Kivell asked Sonny why he paid the ticket. Sonny stated that he was not going to do anything until he saw what was going to happen. Councilman Kivell stated that there was talk at the last meeting from businesses who felt that the Fire Department was bullying. However, it was not until the business owner told the Fire Department that they were not going to do it, then they were cited and suddenly they were being bullied.

Mr. Brett Fielding of Oakland Management representing Brookdale Square stated that in the summer of 2008, the Fire Department persistently went to their tenants requesting the lock boxes. The tenants called them and asked for direction. They were told that they had no rights outside of the lease lines and the Fire Department should contact them. He did receive a call from the Fire Inspector. He understands the need for the Fire Department to access fire panels, riser rooms, etc., but he does not see the need for access to the tenant spaces. This is an additional expense that neither the property owner nor tenant can afford. He tried to reason with the Fire Department and possibly deal with it. Within two days of that conversation, he received 17 citations. They did not comply with the request and went before the Judge. The Judge's response was that it was above and beyond what was needed. Attorney Lee stated that was not accurate. Mr. Fielding stated that the Fire Department requested 17 boxes, but they only had to install 5. In other communities, they require fewer boxes. The boxes are available in different sizes and shapes for multiple keys. He stated that they have gone around and around with the Fire Department regarding this issue as well as other issues over the past several years.

Discussion was held on the fact that there was a ticket issued for each unit. Attorney Lee stated that although a ticket was issued for each unit, it was consolidated into one proceeding. Their attorney argued before the Judge that our ordinance was unconstitutional. The Judge disagreed. We then sat down and worked out an agreement as to how to lock box that shopping center. We reached a compromise and they paid \$200 for the ticket. Further discussion was held on the settlement agreement. Discussion was held on the need to issue 17 tickets versus 1 ticket to the property owner. Council Member Kopkowski stated that she feels that issuing 17 tickets is bullying. Discussion was held on working with the property owners versus going to court. Councilman Kivell stated that when somebody refuses to comply with the ordinance, then he feels that we should not "dance with them much longer". When the bullying charge comes up, it is after they say they will not comply. Fire Inspector Welch stated that the Fire Department did try to work with Brookdale. The boxes they use are for 2 or 4 keys. They offered them the option of one box for every two businesses. Mr. Fielding was emphatic that he was not going to put up the boxes. They wrote 17 tickets because each business needed to have a box. Discussion was held on the type of boxes used. Inspector Welch discussed the problems with multiple keys in a box that may be located at one end of a plaza when the need for a key is at the opposite end of the plaza. She stated that is why the keys need to be easily accessible. Councilman Morelli stated that we should concentrate on moving forward rather than what has happened in the past.

Councilman Selden stated that he feels that a code cannot cover all situations and there has to be some type of appeal situation when a business feels that a lock box is not needed and there should be an exception.

Council Member Kopkowski discussed the comments from business owners provided by Mr. Clark. She stated that there are some bad comments about our Fire Department. She stated that it bothers her that the people of this town do not trust our Fire Department. She is going to have to side with the businesses. The level of trust on the part of the businesses is not here to have something like this. Until the businesses feel safe and confident, she will vote on the side of the businesses.

Councilman Morelli stated that he would like to see our Fire Department work with the business owners, especially the strip mall owners so that every business does not need its own separate box. He does feel that the code should be kept in place, but he would like to make sure that we purchase the PIN boxes for every truck that holds keys.

CM 4-5-10 – INTERNATIONAL FIRE CODE ENFORCEMENT

Motion by Morelli, supported by Kivell

To lift the suspension of enforcement of the lock boxes as required by the International Fire Code and acquire 3 Knox Keysecure systems at a cost of \$750 each

ROLL CALL VOTE:

MOTION FAILED:

Kivell – Yes
Kopkowski – No
Kramer – No
Morelli – Yes
Selden – No
Wedell – Yes
Wallace – No

CM 4-6-10 – TABLE DISCUSSION – INTERNATIONAL FIRE CODE

Motion by Selden

To table discussion about the International Fire Code until the next meeting

Motion failed due to lack of support.

Councilman Wedell suggested that Council ask the City Manager, Fire Chief and City Attorney to bring back a revision to the International Fire Code for action at the next meeting. Councilman Kivell stated that they have to have some parameters.

Council Member Kopkowski suggested a committee of some of the business owners with the Fire Inspectors. Councilman Morelli stated that he does not feel that is a good idea. He further stated that of the 70+ business owners who have not complied, we would end up with a group that just does not want to do it. He stated that he agrees with the code, though there may need some modifications for specific situations, but what he is hearing from the business owners is that they do not want these boxes so what compromise would there be. Councilman Wedell stated that it is Council's job to set the ordinances. It is Council's responsibility for recommendation and enforcement by the administration as well as the Fire Chief and his staff. Council Member Kopkowski stated that it is Council's responsibility to listen to the community also.

Attorney Lee stated that we could add an appeal process to the ordinance. If a business owner or property owner is aggrieved then he could appeal to a committee of the Fire Chief, City Manager and City Attorney or we could bring in another Fire Chief from another community to hear objections.

Mr. Clark stated that he does feel that it would be smart to have a lock box on his building. Enforcement of how the interior suites are handled is his major question. In his building, every suite has a glass door. The Fire Department can see into each individual office, so why would they need a key. If they need to get into it, they could break a single pane of glass and turn the doorknob. He stated that there should be some compromise and use of common sense.

CM 4-7-10 – RECONSIDERATION – SUSPENSION OF ENFORCEMENT OF FIRE CODE

Motion by Kramer, supported by Wedell

To reconsider suspension of the enforcement of the International Fire Code

VOTE:

MOTION CARRIED UNANIMOUSLY

CM 4-8-10 – DIRECT CITY ATTORNEY TO DRAFT AMENDMENT

Motion by Kramer, supported by Selden

To direct the City attorney to prepare an amendment to the City Code to include an appeal process with regards to lock boxes as required by the International Fire Code to be brought back at the next meeting

VOTE:

MOTION CARRIED UNANIMOUSLY

Attorney Lee questioned Council's intent with regards to the suspension of enforcement.

CM 4-9-10 – SUSPENSION OF ENFORCEMENT OF INTERNATIONAL FIRE CODE – LOCK BOXES

Motion by Morelli, supported by Kopkowski

To keep the suspension of enforcement of lock boxes in place until the next meeting

VOTE:

MOTION CARRIED UNANIMOUSLY

3. Ten Mile Road

Councilman Kivell stated that since the time that RCOC came to Council to ask if we wanted a survey conducted on Ten Mile or simply change the speed limit to 35 mph, the City Manager felt that he was not been able to act on behalf of the City because he felt that he was "handcuffed" by the decision that Council had made. He would like to give the City Manager the understanding that he can act on behalf of the City if he is able to find something to assist us with the lowering of that 35 mph speed limit.

Council Member Kopkowski asked the City Manager if he had any ideas as to accomplish this. City Manager Murphy stated that he could talk with the MML and some other cities that may be affected to see if there is anything that we can do.

Council Member Kopkowski stated that she was fearful of the State study and liked the fact that Councilman Kivell discovered the ability to have TIA come in to conduct a survey in the hopes that it would help Council make a decision about the State study. She stated that she was disappointed with what went on during that study and does not understand why some things took place. She read the following email into the record;

Mr. Murphy--

I received the counts for the speed study on 10 Mile Road this AM. Someone pulled the tubes on 3 of the 4 counters and there were less than a full day's worth of counts for the speed study.

The one location that did have a full count was on EB 10 Mile Road east of Reese. The 85th percentile speed for that one direction was 32 MPH. Taking into account that the residents were interfering with the free flow of traffic and that the 85th percentile speed was still 32 MPH it is probably safe to assume that a good study would have the 85th percentile speed at least at 35 MPH.

Based on the little information I have, my educated guess is that the 35 MPH speed limit is probably appropriate, although there is no way for me to know.

I am not planning on doing another study, nor would I recommend doing another one, since we will not get a good study anyway.

Let me know what you would like to do and feel free to call me if you would like to discuss this.

David F. Allyn, P.E.
Traffic Engineer
Traffic Improvement Association

Council Member Kopkowski stated that she does not understand why this happened when the people wanted the speed study. Councilman Kivell stated that this is not pertinent to the idea of having the City Manager work on behalf of the City. He further stated that he cannot justify anything that had taken place maliciously in regard to the traffic study. Council Member Kopkowski questioned what if something happens maliciously again, then he is working for nothing. Councilman Kivell stated that it is a simple question whether Council has a problem with the City Manager doing his job on behalf of the residents of the community. Council Member Kopkowski presented a picture taken during the study of a vehicle parked 3' away from the curb. Further discussion was held on cars parked on Ten Mile as well as other actions that took place during the study.

Councilman Kivell stated that giving the City Manager a chance to fight on their behalf is only appropriate.

Discussion was held on the result of the studies. Councilman Morelli stated that we did get some good results.

Council Member Kopkowski stated that she is all for the City Manager doing his job, but she wants the people in the community to be aware that sabotaging what he does, does not help.

Ms. Kim Thompson of 225 W. Lake stated that she is very disappointed that this happened. But you are insinuating that the people who are fighting for this issue did that. She is scared for her daughter to be in the front yard and would never suggest to anyone to unplug the readers. They had nothing to gain from it.

Councilman Kramer stated that Council did what they did because they are trying to control a larger section of Ten Mile. He stated that even with everything that went on during the study, the 85% was over 30 mph. It was stated that with it posted at 35 mph people are going to go much faster. Mayor Wallace stated that during the study there was only 1 car that went 42 mph.

Councilman Morelli stated that the 85% speed was 32-33 mph which would indicate that the gentleman from Oakland County was correct that people will drive what they feel is safe. According to a lot of the emails that he received, that is how fast people were traveling when it was posted 25 mph. He stated that the information that we did get from the study was what he expected it to be.

Councilman Kivell stated that he does not feel that the speed study is where the answer is going to be. It is going to be working with the State Police to re-examine how they apply the existing prima facia laws. We do not have ½ mile to be able to assign vehicle access points in proportion they are speaking to. He has been speaking to MML and State Police to try to get them to re-assess if they can impose a proportionate version of the vehicle access points on our situation. That is the kind of thing that the City Manager could be doing. Councilman Morelli stated that he understands that, but could see that this issue could take up 90% of the City Manager's time if he has people in his office every day. He further stated that we have State legislation that has to change.

Councilman Kramer stated that the people who need to know about this are the people who are making the laws in Lansing. It was not our choice to randomly change the speed limit. The City Manager can write letters or make a phone call, but the way things get done is when a lot of people write letters or make phone calls to their State Representatives. The more people do that, the better chance we have in getting a bill presented.

Councilman Kivell asked if there is an acceptance of letting the City Manager work on behalf of this issue. He felt as though he could not do anything because he felt that the sense of Council was not to work on it. He asked what is keeping Council from allowing him to do this.

Mr. John Galeas of 134 N. Warren stated that he believes that it should have stayed 25 mph. The traffic drives too fast. He watches the children walking to school and the cars speeding and going through the stop sign. At 35 mph the cars are going to go faster. Let the City Manager do his job and argue with the State to

do what we can to get that back to 25 mph. He further stated that his son was hit by a car at 7 years old on Pontiac Trail for the same reason.

CM 4-10-10 – DIRECT CITY MANAGER TO PURSUE OPTIONS – 10 MILE ROAD SPEED LIMIT

Motion by Kivell, supported by Morelli

To free up the City Manager to work unimpeded to work towards restoring a 25 mph speed limit on Ten Mile Road

Councilman Kramer asked specifically what Councilman Kivell would like the City Manager to do. Councilman Kivell stated that he would like the City Manager to do what he himself has been doing. He stated that he would give the City Manager the information that he has been able to gather. The City Manager has not had an interest or willingness to work on it because of the constraints Council has been put on him.

City Manager Murphy stated that it would not take him long to do some things. He can talk with other City Managers, put a question on the Manager's listserve, etc. Councilman Morelli stated that he does not have a problem with him doing these things. His problem is that if we keep running into dead-ends and not getting the results, then it could be never ending. He further stated that he has received emails indicating "what if this happened in Trotters Pointe" and other residential streets. The fact is that Ten Mile Road is a major thoroughfare that goes through town with residential, understanding that the people who live there feel that it is a residential area.

Councilman Kivell stated that the people he has talked to at MML and the State Police have indicated that they are hearing from more communities with similar situations and they are trying to find an answer whether it be through a study, interpretation or legislative action. We are not alone in this.

Dr. Kaplan asked if we could get Representative Crawford or Senator Casis to attend a Council meeting. Councilman Kivell stated that we cannot even get response from emails.

Councilman Wedell stated that his biggest concern is that the Councilman from W. Lake Street will monopolize the City Manager's time, will constantly be in his office and be extremely persistent. Councilman Kivell stated that there has not been one ounce of cooperation on this since day one. Councilman Wedell stated that is not correct. He stated that at the first meeting after the 35 mph passed, Council was asked if we could get a study and everyone said "yes". We asked the City Attorney to check with Ann Arbor and he did that. We conducted the study and it was sabotaged and skewed. When the City Attorney reported back his findings from Ann Arbor, he was argued with. We did accommodate Councilman Kivell.

VOTE:

MOTION FAILED (1 Yea, 6 Nay)

Councilman Wedell stated that he has had two people tell him that they have seen cars passing other cars on Ten Mile. He noticed that the entire stretch of the road did not have double-yellow lines, in particular the area from Hagadorn to the City limits. He asked the City Manager to look into having the striping done.

Councilman Morelli stated that we did have a resident at a previous meeting who discussed ways to calm traffic such as striping the parallel parking lines, etc. He is not opposed to 35 mph nor is he opposed to 25 mph, but nobody should be passing or driving 40 mph. He stated that he cannot see anyone driving any differently than they have for the past several years.

The question was asked to Chief Collins if he has noticed any difference since the limit was changed. Chief Collins stated that they have not seen a big up-swing. In fact, for a brief time after the speed limit signs were changed he gave specific direction for enforcement on Ten Mile and there were very few tickets issued for speeding over 35 mph.

NEW BUSINESS:

4. Book' n Trilogy Run

Chief Collins stated that this is an annual fund raising event for the Salem-South Lyon District Library. It will necessitate a closure of westbound Nine Mile from Millennium Middle School to the South Lyon Rail Trail. This will be a very brief closure

CM 4-11-10 – APPROVAL OF ROAD CLOSURE – MAY 22, 2010

Motion by Morelli, supported by Kramer

To approve the closure of westbound Nine Mile Road from Millennium Middle School to the South Lyon Rail Trail from 9:00 a.m. to 9:15 a.m. on Saturday, May 22, 2010

VOTE:

MOTION CARRIED UNANIMOUSLY

5. Traffic Control Order 10-01

Chief Collins stated that this is in response to an issue that was raised by South Lyon Senior Care Center citing problems with cut-through traffic. Council has been presented with a letter from the administrator. There was an issue of whether they could have barricades or tape or chains. Some of those things were problematic with the Fire Department and some not acceptable to the Center. To do away with the issue, he has recommended that we issue a Traffic Control Order that will allow the Police Department to enforce the cut-through traffic. They currently have signs that are not properly posted, which they would have to change. If Council approves the Order we could enforce it and after a week or so, that would eliminate the bulk of the cut-throughs and cause people to slow down if for no other reason than to check to see if a police car is there. This seems like a good compromise to the barricade/no barricade problem. He would recommend that Council approve the Traffic Control Order to allow the Police Department to enforce the cut-throughs and help the Senior Center.

Councilman Kivell stated that this will help the relationship between the Center and The Fire Department as well.

Council Member Kopkowski asked why this needs a traffic control order to enforce cut-throughs. Chief Collins stated that the law says driving through private property to avoid a traffic control device is not permitted. Here they are not driving through private property to avoid a traffic control device, but rather to take a short cut or for their own convenience. Further discussion was held on enforcement.

Discussion was held on the safety needs of the residents of the Center.

Council Member Kopkowski stated that she is disappointed that it took this long to get the issue resolved. Chief Collins stated that this issue was not called to the attention of the Police Department. It was being dealt with between the administrator and the Fire Department. As soon as he became aware of it at the last Council meeting, he suggested a solution. Council Member Kopkowski stated that it could have been dealt with quicker.

Mayor Wallace stated that he lives on Elm Street and asked that the administrator to talk with her staff who "roar" down Elm Place.

CM 4-12-10 – TRAFFIC CONTROL ORDER 10-01

Motion by Selden, supported by Kivell

To approve Traffic Control Order 10-01 as presented to allow enforcement of no cut-through traffic through the South Lyon Senior Center

Cindy Klucharich of the South Lyon Senior Care & Rehab Center stated that she is very sorry for her staff and would address the issue. On behalf of the residents and the staff she would like to express how grateful they are for this action. She would agree that after a week or two of enforcement, their problem will go away. They are not doing it for their convenience, but rather the safety of their residents which is their first priority. Going outside and enjoying the grounds is a large part of the quality of life for them.

VOTE:

MOTION CARRIED UNANIMOUSLY

6. Tri-Party Money

City Manager Murphy stated that Tom Noechel from RCOC sent a letter indicating that this year we will be receiving \$25,882 in Tri-party funds. The last few years we have banked the money. According to Mr. Noechel this is the last year of funding. We will have a cost in the paving of Eight Mile. We could use that money to off-set that cost. When the County does a road, they do defer a part of those costs to the local municipalities that are adjacent. Lyon Township will also pay for a portion.

Discussion was held on the Nine Mile Road project. City Manager Murphy stated that they will be re-doing the lights at Nine Mile and we could use these funds for that, but either way we do have to use the funds. We are going to have those costs regardless. Further discussion was held on both projects. City Manager Murphy stated that Eight Mile will begin in the construction season of 2011. We have to let the County know where we are going to use the money.

Further discussion was held on the Eight Mile Road project. Attorney Lee stated that we have monies committed to the project. The previous Council approved running our pedestrian trail to the Library. We could not get easements along Eight Mile. One of the reasons we did not proceed with condemnation to do that was that with this paving project, the County agreed that we could have our trail on their easement. Therefore, we have good reason to support the project.

CM 4-13-10 – APPROVAL OF TRI-PARTY PROJECT – EIGHT MILE ROAD

Motion by Wedell, supported by Morelli

To approve the use of the remaining Tri-Party funds to help pay for the City's portion of the Eight Mile Road project

VOTE:

MOTION CARRIED UNANIMOUSLY

MANAGER'S REPORT:

City Manager Murphy stated that he will be attending a Governance Committee in Lansing on Tuesday and Legislative Conference on Wednesday.

COUNCIL COMMENTS:

Councilman Morelli stated that at the last meeting we talked about Nine Mile, and it was his understanding that they would be re-doing the curb and straightening out the road and extending the turn lane. However, he has been told by the City Manager that they are not going to do anything, but just re-surfacing what is there. Since they paved Nine Mile in Livingston County, truck traffic has destroyed the radius on Nine Mile

turning right onto Pontiac Trail. It was upsetting to know that they are not going to do anything with that. City Manager Murphy stated that he has received an email from the engineers that indicated that we could do the intersection because it is the City's road, but it would be approximately \$100,000. He stated that he could ask the engineers to come to a Council meeting to discuss the issue.

Councilman Morelli stated that the trees on ½ of the road along Ten Mile downtown look beautiful, the other ½ do not and would like to make sure that it is simply the amount of sun they are receiving and not a watering issue.

Councilman Morelli stated that during the fire today, he noticed that Milford was pulling water from a hydrant at McDonalds and Lyon Township was pulling water from a hydrant behind Telecom Credit Union. He was happy to see that they could do that all at the same time and was glad that we could supply water for a fire in Lyon Township. However, it has been indicated that one of the hydrants was broken and asked who would pay to fix it and who pays for the water. Superintendent Martin stated that we are experiencing yellow water as a result of this. He stated that we pay for the water as well as the repair. We have no way to meter that and we have never charged anything in the past. He was glad that we could supply the water. We drew water from three separate locations. Councilman Morelli asked if we would have been able to pump that much water through 4" mains. Superintendent Martin stated that he doubts that we could have.

Councilman Kivell stated that it was good to see how well our mutual aid agreement worked in order to help support the Township with their fire. There was a recent story in the Detroit Freepress regarding Northville and Plymouth's difficulty in complying with their mutual aid agreement. He was happy to see Green Oak having a pumper at the firehall to back us up in the event that something else happened. Further discussion was held on the cooperation between all of the departments.

Councilman Kivell stated that we are creating a history of very long meetings and would like to see us purchase longer DVDs to cover the entire meeting.

Council Member Kopkowski asked if we have had anymore contacts regarding the vacant restaurant on Pontiac Trail and Ten Mile. City Manager Murphy stated that we have only had one, which was Ron Way who appeared before Council. Council Member Kopkowski asked if we have any other information regarding the purchase of the Lumber Yard. City Clerk/Treasurer Zemke stated that we have heard nothing new.

Councilman Selden stated that the trees downtown look great and look forward to the planting of the flower baskets.

Councilman Kramer stated that he would like to re-emphasize to the residents of Ten Mile that Council does take the issue seriously. It was not an easy decision to make. It is a terrible law that was passed in 2006 as it relates to residential areas. Again, one person cannot do much, but if thousands of people write and call, changes will be made.

Councilman Kramer stated that in a recent conversation, he was told that Novi will be holding their first Farmer's Market this year. He would love to see something like this happen in South Lyon. City Manager Murphy stated that he has a meeting scheduled to discuss the issue.

Mayor Wallace stated that he would like to thank Larry Ledbetter and Boy Scout Troop 228 who took a section of bike path and cleared out debris.

Mayor Wallace thanked the Kiwanis Club for their efforts in the Easter Egg Hunt.

Mayor Wallace stated that on April 30th, L. Brooks Patterson of Oakland County will be hosting a breakfast in Farmington at 7:00 a.m. if anyone is interested in attending.

ADJOURNMENT:

CM 4-14-10 ADJOURNMENT

Motion by Kopkowski, supported by Selden

To adjourn meeting at 10:09 p.m.

VOTE:

MOTION CARRIED UNANIMOUSLY

Respectfully submitted,

Tedd M. Wallace
Mayor

Julie C. Zemke
City Clerk/Treasurer

DRAFT