

**CITY OF SOUTH LYON
REGULAR CITY COUNCIL MEETING
JULY 12, 2010**

Mayor Wallace called the meeting to order at 7:32 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
Attorney Lee
Department Heads: Collins, Martin & Renwick

Mayor Wallace noted City Clerk/Treasurer Zemke is absent due to an injury.

APPROVAL OF MINUTES:

CM 7-2-10- APPROVAL OF MINUTES - JUNE 28, 2010

Motion by Kivell, Wedell, supported by Kopkowski

To approve the minutes of the regular City Council meeting of June 28, 2010.

ROLL CALL VOTE:

Kivell-Nay
Kopkowski-Yea
Wallace-Yea
Wedell-Yea
Kramer-Yea
Selden -Yea
Morelli-Yea

MOTION CARRIED

APPROVAL OF MONTHLY BILLS:

Discussion was held on various bills.

CM 7-3-10- APPROVAL OF MONTHLY BILLS

Motion by Kramer, supported by Selden

To approve the monthly bills as presented.

VOTE:

MOTION CARRIED UNANIMOUSLY

APPROVAL OF AGENDA:

City Manager Murphy noted he would like to remove Business Item #6 – Proposed Park Use Policy. The wrong policy was inadvertently submitted without the necessary changes. This will be brought back to next meeting.

CM 7-4-10 APPROVAL OF AGENDA

Motion by Kivell, supported by Wedell

To approve the agenda as amended.

VOTE:

MOTION CARRIED UNANIMOUSLY

PUBLIC COMMENT:

None.

OLD BUSINESS:

1. 2nd Reading: Ordinance to Amend Section 62-64 of City Code of Ordinances.

Mayor Wallace noted that this deals with the proposed park use policy. The ability to take an animal into the park as follows:

- a) The animal is tethered by leash and controlled by a person.
- b) The person controlling the animal is in possession of items needed for collection, containment and disposal of animal feces.
- c) The person controlling the animal collects and disposes of any of that animal's feces deposited on park grounds. I would hope that would work in town as well.

Councilman Kivell noted that it is a civil infraction if it is violated.

Attorney Lee made the two (2) changes Council requested at the last meeting. It reflects the changes the Council desired to make.

CM 7-5-10 – 2ND READING – AMENDMENT TO CHAPTER 62, SECTION 62-64

Motion by Morelli, supported by Kopkowski

That this be the second reading of an amendment to Chapter 62, Section 62-64 of City Code of Ordinances – Animals as presented (see attached amendment as part of these minutes)

VOTE:

MOTION CARRIED UNANIMOUSLY

NEW BUSINESS:

1. Downtown Saturday Night – July 24, 2010

Gary Childs of 125 N. Lafayette here on behalf of the South Lyon Chamber of Commerce. We are going to be hosting our second downtown Saturday night event on July 24. I am requesting that the streets be closed from 2:00 pm to 12:00 a.m. There will be music, food and a dunk tank. Council Member Kopkowski had questions regarding the beer tent and the barrier that surrounds it. Childs responded that it is a State Law and a boundary of 6' is required. Council Member Kopkowski spoke with the Liquor Commission and was informed it had to be a 4' fence. Childs will inquire with her contact at the Liquor Commission. Also suggested is placement of more tables for dining.

Council Member Kopkowski noted she had received a letter in her door today from Kristen Delaney regarding a Sidewalk Sale for August 28. The vendors coming down there are being charged by the South Lyon Area Chamber of Commerce to have a space for selling. Attorney Lee noted that the DDA approved it. This has nothing to do with the Downtown Saturday Night.

Discussion took place on the map for street closures. The usual detour is being utilized.

CM 7-6-10- APPROVAL OF ROAD CLOSURES – DOWNTOWN SATURDAY NIGHT

Motion by Kramer, supported by Morelli

Resolved That Julie Zemke, City Clerk/Treasurer is hereby authorized 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 permits to conduct the Downtown Saturday Night event on July 24, 2010 from 2:00 p.m. to 12:00 a.m. and the related road closures:

Lafayette St. from Whipple St. to Liberty St.

Lake St. from Wells St. to Alleyway between Lafayette St. and Washington St.

and that the City of South Lyon in the County of Oakland, Michigan will faithfully fulfill all permit requirements, and 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

2. Utilization of City Parking Lot for Farmers Market

Mayor Wallace noted that this is being considered for Saturday mornings now.

RoseAna Twitchell of 558 Lyon Blvd. – Thanked the Council for their initial support of the Farmers Market. It has been a huge success. A request for Saturday mornings has been made and we are again looking for the Council's input and support. We request to use the "Crossroad's" Municipal Parking Lot. Councilman Kivell noted that this has expanded already to where this is necessary. Twitchell noted on Saturday it will be more of a food based market. We will use the north lot on Saturday. Also, this is a two part request; for overflow use of the north parking lot on Wednesday's from noon until 8:00 p.m. on July 28, August 25 and September 29, 2010 to do special programs. We are looking to increase the interest at the market.

CM 7-7-09- MOTION TO USE NORTH MUNICIPAL PARKING LOT

Motion by Kivell, supported by Selden

To approve the request for the additional use of the north municipal parking lot for the Farmers Market.

VOTE:

MOTION CARRIED UNANIMOUSLY

3. Plant & Moran Audit Agreement

City Manager Murphy stated that this is the agreement to perform our audit for the FY ending June 30, 2010. They kept their price the same as last year. I suggest inquiring about a three (3) year contract.

Mayor Wallace noted that they have been here since 1985. He would be all for something like that. Councilman Morelli asked if we ever bid this service out. Attorney Lee responded that years ago we did, the first time they were hired. It is good to get the same auditor's since they are familiar with the City operation and personnel. They know where to look and what to look for. Some auditor's are not accustomed to a City Manager form of government and they audit differently. We are obligated to have an audit every year by State Law.

CM 7-8-10- MOTION TO APPROVE AGREEMENT FROM PLANTE/MORAN

Motion by Wedell, supported by Kivell

To approve the Agreement to Plant/Moran to audit the City's financial statements for the 2009/2010 end fiscal year in the amount of \$54,000.00.

VOTE:

MOTION CARRIED UNANIMOUSLY

4. Fall Witch's Hat Run

Mayor Wallace stated that this has been Scott Smith's project for many years. Chief Collins has worked diligently with him on it. Chief Collins noted that the planned run benefits both high schools cross country teams. They plan to do it the same as in past years. Requires streets closures of portions of Eleven Mile and Martindale. The Cross Country team charges a fee for the event and from that fee they pay for the over-time required for one of the officers we use to close the roads. We supplement that with on-duty personnel. Councilman Kramer and his wife ran it last year and it was a great race.

CM 7-9-10 - APPROVAL OF ROAD CLOSURES – 2010 WITCH'S HAT RUN

Motion by Kramer, supported by Kivell

Resolved That Julie Zemke, City Clerk/Treasurer is hereby authorized 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 permits to conduct the 2010 Witch's Hat Run on September 11, 2010 at 9:30 a.m. and the related road closures:

Eleven Mile Road – East Drive of South Lyon High School to Eagle Heights Drive
Martindale Road – Arrow to Eleven Mile Road

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

5. ICMA-RC 457 Plan

Mayor Wallace stated that this is an employee plan. City Manager Murphy noted it is pension plan that the employees put money into. The City does not put anything in. This is supplemental to MERS. I was asked to consider letting employees take out loans against their plan. Currently it is not available.

I was concerned about added administrative work on Lori. It is set-up where the employee applies on-line and can pay the loan back through their checking account. It is virtually no work for the City to allow this to happen. The employee can receive one loan per year not to exceed five loans out at one time. If the employee defaults on the loan, the IRS is notified and they will be taxed heavily and will also have a penalty for early withdraw. The City would be notified about the default. Attorney Lee stated that the way they handle defaults, is the ICMA would send a 1099 to the defaulting person. Councilman Wedell stated that the 457 program is a pre-taxed deduction that an employee puts into a savings. It is one of the best options the government can give to their employees.

CM 7-10-10- MOTION TO APPROVE THE RESOLUTUION FOR THE ICMA RC LOAN OPTION

Motion by Selden, supported by Kivell

WHEREAS, the Employer has employees rendering valuable services; and

WHEREAS, the Employer has established a retirement plan (the "Plan") for such employees which serves the interest of the Employer by enabling it to provide reasonable retirement security for its employees, by providing increased flexibility in its personnel management system, and by assisting in the attraction and retention of competent personnel; and

WHEREAS, the Employer has determined that permitting participants in the retirement plan to take loans from the Plan will serve these objectives;

NOW THEREFORE BE IT RESOLVED that the Plan will permit loans.

VOTE: MOTION CARRIED UNANIMOUSLY

6. Eight Mile Road Participation Agreement

City Manager Murphy stated that in April, we had talked about putting the tri-party monies toward that and this is an agreement showing what our portion of the cost will be. Councilman Morelli questioned what if Lyon Township does not participate? City Manager Murphy thought that the project would go forth regardless since they won't want to waste the federal dollars. Lyon Township is on-board.

CM 7-11-10- MOTION TO APPROVE AGREEMENT FROM OAKLAND COUNTY FOR THE EIGHT MILE ROAD PROJECT

Motion by Morelli, supported by Kramer

To approve the agreement for the Road Commission for Oakland County for the participation of The Eight Mile Road project as presented.

Mayor Wallace noted that this work is for next year.

VOTE: MOTION CARRIED UNANIMOUSLY

7. On street parking discussion

Mayor Wallace noted that this is regarding the ordinance we have for winter rules. I have to ask Council to consider this – eliminating the rule due to times and changes in society. There are so many people living at home still which makes for more cars. It looks bad when they have to park in their front lawns to get off the road every night. Pitfalls to this are that sometimes there are cars that are parked in the street during a normal snow fall when they are out trying to plow. If a snow emergency was called that means everyone is off the streets and that way they would be cleaned. Overall during a

bigger snow fall, it would be nice to have the streets open to clean them. We could set up some parameters for people to follow such as having the news declare we are under a snow emergency.

Councilman Morelli noted he is against changing the ordinance. He could consider moving the dates in 2 weeks on both sides.

Councilman Kramer would also like to see changes in the ordinance.

Councilman Wedell looked into this topic a year ago. The rule we have now is the best. If changed, it could be a monumental mess with snow piled up. If it is working, don't fix it.

Councilman Selden agreed with if it is not broke, don't fix it.

Mayor Wallace noted that it is broke because society has changed.

Councilman Kivell noted but the streets haven't changed. Perhaps allow parking on City easement when the snow falls is better than cars parked on the street. I think the idea of moving it to December to mid-March is workable.

Council Member Kopkowski noted that it all comes down to enforcement whichever way we go.

The Council decided to put it on the next agenda.

MANAGERS REPORT

Julie is having surgery on her heel on Friday, July 16, 2010. She has to be off her feet for 2 months after the surgery. The "lumber" hardware store is supposed to be open August 1, 2010.

Last meeting it sounded as if I blamed an employee for something and threw her under the bus so to speak. Absolutely not. My intent was to only notify you that I messed up, not the employee. I just wanted to clarify that.

The Engineering RQ – I mentioned I wanted to put that out for bid. I would choose whatever qualified engineering firms that could do the work. Request for their qualifications and then have them put their cost in a sealed envelope and set it aside. Go through and narrow it down to approx. 5 and then interview those. Narrow it down from there to say 3. Once you have those 3, interview them again and after that interview, open the cost sheets and look at them. Rank them accordingly. Then bring the ranking to the Council for the Council's approval. Through the different processes, you can bring up items such as do you write the grants as part of your services for us? Questions like that would all count. I wanted to make clear to you what that process would be like.

I had a Workman Compensation meeting and for the tenth year in a row we are below one. The last 2-3 years we were at about .74. Average is .1. By having a .74 we're saving about \$20,000.00 to \$25,000.00 on our policy. All the departments and employees are doing a wonderful job at safety.

COUNCIL COMMENTS:

Councilman Wedell – I attended the concert Friday with a friend and I would like to thank Council for making my friend legal as of tonight, and we did enjoy concert.

Councilman Selden – There was quite a crowd at that concert on Friday. When are we going to start emptying the old building the judge gave a court order for – do we have all the quotes? Attorney Lee

stated that not to negotiate with people once a court has made an order. I directed them that if they wish to obtain a stay, they should appeal to the judge who issued the order. We are currently drafting a contract to protect the City. It will be sent tomorrow. Selden added that there was a big crowd at the high school on Saturday.

Councilman Kramer – South Lyon Jr. League did an outstanding job for the All-Star games for the kids. Thank you to the Police Department for the increased presence on Princeton. There is a 5 K and a 10 K run at the Witch's Hat.

Councilman Morelli – I noticed on Nine Mile that the curb work is done and they tore out both sidewalk approaches and are replacing those. Why are they not replacing that crushed curb? Dave responded it will increase the cost of the job and it is Oakland County's responsibility.

Councilman Kivell – Regarding the outdoor seating, Erin notified me about a couple platforms that Northville has established. They take the parking space in their downtown. They have a tenth of volume of traffic through their downtown that we have. That is a clever idea to free up to sidewalk space for outdoor seating for an establishment. I would like everyone to consider that. Wallace noted that our downtown is on County roads. Also, the nursery for trees and pumpkins down off of Eight Mile (Volunteer Park) I don't know where those sections are. Wallace noted the farmer will be donating the pumpkins this year (approx. 1,500 pumpkins). Another item is the encroachment into the Mountain Bike Path; the farmer has plowed into the area. Wallace noted that the farmer put out the posts but someone has removed them, they are gone. Superintendent Renwick stated that the trail is currently being mowed. Kivell asked about the RFQ Engineering that Dave had talked about. The isolated costing has always been the real challenge trying to assess one from another. Nothing is standardized where the costs are assigned. To have that as a separate outside issue won't get us any closer unless we define what the categories are and I don't know if we have the qualifications to assign those kinds of values. Dave explained that you will have the same problem either way.

Mayor Wallace – There is a renewal up for the Oakland County parks and also there is a renewal up for the Oakland County College (OCC) and they are concerned the mileage might not pass. Remember it is a renewal not additional.

CM 7-12-10- ADJOURNMENT

Motion by Wallace, supported by Selden

To adjourn the regular city council meeting at 8:50 p.m.

VOTE:

MOTION CARRIED UNANIMOUSLY

Tedd Wallace
Mayor

Marianne Jamison
Recording Secretary