

**CITY OF SOUTH LYON
REGULAR CITY COUNCIL MEETING
April 26, 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
City Attorney Lee
City Clerk/Treasurer Zemke
Department Heads: Collins Renwick and Martin

ABSENT: Council Member Morelli

CM 4-1-10 – EXCUSE ABSENCE

Motion by Wedell, supported by Kramer

To excuse the absence of Councilman Morelli

VOTE: MOTION CARRIED (1 opposed)

APPROVAL OF AGENDA:

CM 4-2-10 APPROVAL OF AGENDA

Motion by Wedell, supported by Kopkowski

To approve the agenda as presented

VOTE: MOTION CARRIED UNANIMOUSLY

APPROVAL OF MINUTES:

CM 4-3-10 – APPROVAL OF MINUTES- APRIL 12, 2010

Motion by Kivell, supported by Kramer

To approve the minutes of the April 12, 2010 Regular Council meeting as written

VOTE: MOTION CARRIED UNANIMOUSLY

CM 4-4-10 – APPROVAL OF MINUTES- APRIL 20, 2010 – BUDGET WORKSHOP

Motion by Kivell, supported by Wedell

To approve the minutes of the April 20, 2010 Special Budget Workshop meeting as written

VOTE: MOTION CARRIED UNANIMOUSLY

APPROVAL OF MONTHLY BILLS: None

PUBLIC COMMENT:

Chief Collins stated that he is presenting Life Savings Awards to two members of the Police Department and Fire Chief Kaska. He stated that on February 21, 2010 Sergeant Sovik and Officer Walton received radio dispatch of an unconscious person at a residence. The officers arrived approximately three minutes later and found an unresponsive person on the floor. They were told that the person had choked. Both officers preformed life saving measures. Fire Chief Kaska arrived and continued life saving efforts. An obstruction was cleared from the victim's airway and breathing was restored. The victim was then transferred to an area hospital. Due to the quick response and measures taken, the victim survived. He presented all three with a Life Saving Award and pin to wear on their uniform. Mayor Wallace, on behalf of all of Council, congratulated them.

Mr. Jeff Thompson of 225 W. Lake Street stated that he wished to comment on the efforts to get the speed limit lowered on Ten Mile. He asked for Council's help in getting this accomplished. He disagrees with the comment that it is out of Council's hands. The area immediate adjacent to the downtown area on either side is significantly residential. They could go to the State Legislature but without Council's support, they would not have any leverage and nothing is going to happen. He further discussed the safety of the pedestrians and homeowners.

Pat Nicholls of 230 W. Lake Street stated that she is also here to express concerns over the speed limit on Ten Mile. She would like to remind Council that they were elected to represent the residents. She lives in a residential area and feels that Council did a disservice to them and did not represent them. She stated that they are not going to just sit back and let Council have their way.

OLD BUSINESS:

1. Maintenance Agreement

Mayor Wallace stated that we have had our ten day waiting period required, and we have received assurance from the County that the property would not be put on the tax roll. Councilman Kivell asked if the County responded with the appropriate documents. Attorney Lee stated that he and Mayor Wallace had a conference call with Mr. Vincent, Administrator at Oakland County. He advised that he could not give us something in writing without having it cleared by the Corporate Council Office, but indicated that they have not done this in other communities for taxation and would expect that they would not do ours as well. They would only consider putting it on the roll if there was a great cry to do so. In the event that there were such a cry he agreed to give us enough lead time to give the farmer notice who would then either agree to pay the tax or he would have a right to terminate the agreement at which time the process of putting it on the roll would be withdrawn. We pay taxes in advanced so it would not be put on retroactive.

CM 4-5-10 – APPROVAL OF MAINTENANCE AGREEMENT

Motion by Selden, supported by Kopkowski

To approve the maintenance agreement between the City of South Lyon and Kenneth Hamblin

Councilman Kivell stated that he would like to re-state his opposition about awarding this use of City property without at least public postings stating that the property is available for this type of use. He is not against the idea of using the property in a constructive manner, but he cannot condone handing it off without taking advantage of the bidding process. We are talking about a five year agreement simply because the planting season is upon us, and although he can understand that concern, it should not be the driving force behind a decision. We should make this opportunity available to all local famers. Furthermore, much has been made about the use of a barter arrangement rather than monetary transaction being the driving force, but bids for barter deals can be made. He further discussed the bidding process and the determination of what is in the best interest of the City through that process. He asked if bartered goods are still subject to tax. Attorney Lee stated that they are. Councilman Kivell stated that he does not understand the difference between bartered bids and monetary bids.

Councilman Selden stated that he strongly resents some of the words that Councilman Kivell has used with regards to the various participants. He feels that the process has been conducted very openly. The City is receiving benefit from this agreement.

VOTE:

MOTION CARRIED (1 opposed)

NEW BUSINESS:

1. Parks and Recreation Committee Presentation – Long Term Goals

Erica Wilson, Vice Chair of the Parks and Recreation Commission stated that she has been asked to share with Council the Commissions vision for future development within McHattie Park. She gave a brief slide-show presentation of the recommendations for improvements and renovations including a park pathway, fitness trail and fitness equipment, basketball courts and spray park including a time table and estimated costs. She also discussed some funding ideas including grants, naming of park benches, brick pavers and corporate or individual naming for spray or exercise stations.

Councilman Kivell stated that he likes the ideas, but is concerned about the removal of the mature trees. Ms. Wilson stated that these are trees that are currently growing into the utility lines that will have to be cut back anyway.

Discussion was held on a possible recreation facility. Ms. Wilson stated that they have not talked about a recreation facility at this time. Mayor Wallace stated that it would be nice to look at that. He has spoken with the Supervisor of Lyon Township who has indicated that he would like to have a joint effort on something like that. Ms. Wilson stated that is addressed in their Master Plan. Right now, they are concentrating on McHattie Park. There are a lot of logistics in dealing with multiple communities for such a large project.

Councilman Kivell discussed the activities in McHattie Park. He stated that one thing that he did notice in the presentation was that parking was not addressed. With the increase in activities, there will also be an increased need for parking. Ms. Wilson stated that one thing they have talked about was the property that was donated by the Tube Mill as an extension of the existing parking.

Councilman Kramer stated that this is a great plan. A lot of people would be excited for any of these improvements.

Discussion was held on the improvements being an extension of our downtown bringing in more people to the area to support our downtown businesses.

Mr. Jeff Thompson of 225 W. Lake Street asked if there has been any consideration given to a concession stand as a way of funding. Councilman Kivell stated that there are a lot of costs involved with that.

Mr. Ken Hamblin of 8325 N. Rushton Road asked if the trees to be removed are too big to be relocated. It was stated that they are too big and they are directly underneath the utility lines. Mr. Hamblin stated that he would remove the trees for free.

2. Farmer's Market – Use of Veteran's Parking Lot

Roseana Twitchell of 558 Lyon Blvd. stated that she is speaking on behalf of the Farmer's Market Committee who has been working with the DDA. They are asking for approval to hold the Farmer's Market at the Veteran's Memorial Parking lot on Wednesdays from 2 p.m. until 7 p.m. with an hour before and after for set-up and tear down. This would be from May 26th through September 29th and then again on Saturday, October 23rd in conjunction with Pumpkinfest.

Councilman Kivell stated that we have been wanting this for quite some time. We had one at one time that evaporated. This sounds like a group that is well organized which will go a long way toward its success.

Councilman Wedell asked if the committee has made contact with individuals who may be interested in participating and asked if these spaces would be rented. Ms. Twitchell stated that they would be rented and they have preliminarily discussed \$10 per space. They do have a list of vendors, but they did not want to approach them until they had approval to use the parking lot. Councilman Wedell stated that he is supportive of the idea.

Councilman Kramer asked why they chose Wednesdays. Ms. Twitchell stated that they looked at a mid-week option because they are new and a lot of vendors at this time are already committed and it also gives vendors an opportunity to unload mid-week items that may otherwise go to waste. They have looked at what other communities are doing and there is not a lot of competition close by on Wednesday. Mayor Wallace stated that by being open later into the evening also gives people an opportunity to get home from work and get benefit. Ms. Twitchell stated that they are also hoping that it will provide additional traffic downtown for those businesses that stay open later.

Councilman Selden asked if there is any requirement to provide insurance or would the City be liable. Attorney Lee stated that we have insurance for our parking lot. We would be liable for any negligence that took place. We should contact our insurance provider to make sure that they would not require any additional rider. City Manager Murphy stated that our insurance does cover it, however we would want to try to transfer that liability to the vendor.

Council Member Kopkowski stated that she works in Northville who has a very large farmer's market and what she likes about it is that it is not just fruits and vegetables. She feels that the times from 2-7 p.m. was a step in the right direction.

CM 4-6-10 – APPROVAL OF USE OF VETERAN'S PARKING LOT

Motion by Kivell, supported by Selden

To approve the use of Vereran's parking lot for the Farmer's Market on Wednesdays from 1:00 p.m. until 8:00 p.m. beginning in May and going through September with a final market the weekend of Pumpkinfest

VOTE:

MOTION CARRIED UNANIMOUSLY

3. Purchase of Police Vehicles

Mayor Wallace stated that this request is for the purchase of two police cars. This is being budgeted in next year's budget, but is being done ahead of time to get into the group bids.

Chief Collins stated that as discussed in the budget workshop, we need to replace one vehicle that is currently in service and one vehicle that was totaled in a rear-end collision in December 2009. We have been operating with one marked patrol car short since that time. We would like to use the Capital Improvement budget next year for the purchase of one and the Drug Forfeiture Fund for the other. For the vehicle that was totaled, over \$7,000 was put back into the General fund from the insurance company. May 14th is the cut-off for police packaged vehicles which is why we are making the request at this time.

Councilman Wedell stated that he understands that the manufacturer only makes police packaged vehicles during a certain time. If you do not place the order then you miss it until the next year. Chief Collins indicated that was correct. We also have prices from the Oakland County bid, the Macomb County bid and State of Michigan bid. We are recommending the purchase through the lowest bidder which was the State of Michigan.

Councilman Kivell asked if this is the last year of the Crown Victoria patrol unit. Chief Collins stated that we do have one more year until they change the model.

Council Member Kopkowski stated that she does like the idea of using the forfeiture money for the purchase of one of the cars, but she does not like the idea that we are not looking at economically efficient, green cars. Chief Collins stated that he would have to credit the City Manager for the use of the Forfeiture funds. He further stated that we have tried to down-size to a 6-cylinder vehicle. They have tried both the Intrepid and Impala that get slightly better mileage, but there is not much difference between any of those vehicles when you are talking primarily City driving. The other problem is there is so much electronic equipment, radios, fingerprint devices, lights, etc. with many of those cars there is barely enough room for the officer. Council Member Kopkowski asked the difference in mileage between the Crown Vic and the SUV we have. Chief Collins stated that he does not have those numbers. Council Member Kopkowski stated that she has recently seen the SUV more than the Crown Vic. Chief Collins stated that is due to the fact that SUVs were running and a couple of the Crown Vics were not.

Councilman Selden asked why we are bidding fire suppression equipment on these units. Chief Collins stated that is simply an option, we are not adding that option.

Councilman Selden asked how long we would be keeping the one unit that requires all of the repairs. We have purchased a number of cars based on the high cost of repairs yet they are still within the City after that. Chief Collins stated that he would be turning the unit over to the DPW mechanic who will probably dispose of it. In the past, vehicles have gone to another department for use for non-emergency purposes.

CM 4-7-10 – AUTHORIZE PURCHASE – TWO POLICE VEHICLES

Motion by Wedell, supported by Kramer

To approve the purchase of two 2010 Crown Victoria Police Interceptor vehicles from Gorno Ford under the State of Michigan bid at a cost of \$40,198

VOTE:

MOTION CARRIED (1 opposed)

4. Request by South Lyon Junior League Baseball and Softball – Non-profit Recognition

CM 4-8-10 – NON-PROFIT RECOGNITION – SOUTH LYON JUNIOR LEAGUE BASEBALL & SOFTBALL

Motion by Kopkowski, supported by Wedell

Motion by Selden, supported by Kopkowski

That the request from South Lyon Junior League Baseball & Softball, County of Oakland asking that they be recognized as a nonprofit organization operating in the community for the purposes of obtaining charitable gaming licenses be considered for approval.

VOTE:

MOTION CARRIED UNANIMOUSLY

MANAGER'S REPORT:

City Manager Murphy stated that the movie equipment has been ordered and should be here in three weeks.

City Manager Murphy stated that ITC will be conducting vegetation maintenance on the trees over the next couple weeks.

City Manager Murphy stated that with regards to the gentleman who came to Council regarding Crossroads Grille, he has provided the information to start the investigation for the liquor license. He stated that he also heard that the gentleman who owns the building wanted to put in a chip making business. Mayor Wallace stated that he has also heard that Mike Mills has been asking some questions about the building. He has had businesses in the area in the past, but is not sure that he will be pursuing it.

COUNCIL COMMENTS:

Councilman Kivell stated that there is going to be a posting in the paper for two sets of bids for the Bodnar property. The one will be for removing combustible materials from the facility and providing storage and the other bid will be for facade improvements. The costs will be assigned to the property owner. This is a step in the right direction. The courts have given us the ability to deal with a bad neighbor that affects neighboring businesses as well as everyone who has to drive by the facility.

Councilman Kramer stated that he is excited about the four-phase proposal from the Recreation Commission. He would like to see all of these but in particular phases 1,2 and 4. Councilman Wedell agreed and stated that he and his family have enjoyed the park for many years. He further stated that he would like to see phase four moved up even though it is the most expensive.

Mayor Wallace stated that he would like to publicly commend our Fire Department for their efforts on the very large fire at Brookwood during some very strong winds. It was commendable that the Fire Department accomplished what they did and saved an area that was in danger. He thanked the help from Green Oak and Lyon Townships.

Mayor Wallace reminded everyone that this upcoming weekend is the City-wide garage sale where residents can conduct a garage sale without a permit.

Mayor Wallace stated that with regards to the Ten Mile Road speed limit, he would be willing to write a letter as the Mayor in support of keeping the residential speed.

Mayor Wallace stated that at the next meeting the third annual Norma J. Wallace "Townie" Award will be awarded.

ADJOURNMENT:

CM 4-9-10 ADJOURNMENT

Motion by Selden, supported by Kramer

To adjourn meeting at 8:30 p.m.

VOTE:

MOTION CARRIED UNANIMOUSLY

Respectfully submitted,

Tedd M. Wallace
Mayor

Julie C. Zemke
City Clerk/Treasurer