

**CITY OF SOUTH LYON
REGULAR CITY COUNCIL MEETING
JANUARY 10, 2011**

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, and Wedell
City Manager Murphy
City Clerk/Treasurer Zemke
Attorney Lee
Department Heads: Collins, Martin and Renwick
ABSENT: Council Member Selden

CM 1-1-11 – EXCUSE ABSENCE

Motion by Kivell, supported by Kopkowski

To excuse the absence of Councilman Selden

VOTE: MOTION CARRIED UNANIMOUSLY

APPROVAL OF MINUTES:

Mayor Wallace stated that on page 3 under Manager's Report, the word interviews needs to be added.

CM 1-2-11 – APPROVAL OF MINUTES- DECEMBER 13, 2010

Motion by Kivell, supported by Wedell

To approve the minutes of the December 13, 2010 Regular Council meeting as amended

VOTE: MOTION CARRIED UNANIMOUSLY

APPROVAL OF MONTHLY BILLS:

Discussion was held on various bills.

CM 1-3-11 – APPROVAL OF MONTHLY BILLS

Motion by Kivell supported by Kramer

To approve the monthly bills as presented

VOTE: MOTION CARRIED UNANIMOUSLY

APPROVAL OF AGENDA:

CM 1-4-11 APPROVAL OF AGENDA

Motion by Wedell, supported by Morelli

To approve the agenda as presented

VOTE: MOTION CARRIED UNANIMOUSLY

PUBLIC COMMENT:

City Manager Murphy introduced the City's new Fire Chief Mike Kennedy.

Chief Kennedy gave a brief description of his background in Firefighting as well as his educational background.

The owner of the Royal Touch Pet Salon in the King Plaza stated that sandwich board signs are allowed in the DDA district, however her business is located in a B-3 district. They are allowed temporary signs where they can have a temporary sign up for 60 days and then it has to be down for 60 days. She discussed the effects on her business.

Mayor Wallace suggested that she contact the City Manager to discuss the issue. Councilman Kivell stated that the ordinance is new and the Planning Commission chose to start in the downtown area.

Discussion was held on the marquee sign. It was stated that each business gets to use that sign approximately 2 weeks every 4-5 months.

Discussion was held on the lack of sidewalk in front of King Plaza.

OLD BUSINESS: None

NEW BUSINESS:

1. Appointment to Historical Commission

Mayor Wallace stated that we have received an application from Elizabeth Pfile to fill the vacancy on the Historical Commission left by Gail Smolarz.

Ms. Pfile introduced herself and discussed her desire to get involved in the community.

CM 1-5-11 – APPOINTMENT TO HISTORICAL COMMISSION

Motion by Wallace, supported by Morelli

To appoint Elizabeth Pfile of 919 Norchester to the Historical Commission to fill the vacancy

VOTE:

MOTION CARRIED UNANIMOUSLY

2. Easement for S.W. Connector Pathway

City Manager Murphy stated that the County needs an easement to put in our path at Laser Lane. This runs along a horse farm and the owner is worried about people teasing or disturbing his horses. Mr. Johnson is asking for a pine tree barrier along the fence line. He stated that he would suggest that we simply give him the money to put those trees in rather than us put them in for him. That way we would not be responsible to maintain those trees. We did get some estimates for those trees.

Councilman Wedell asked where the funds would come from. City Manager Murphy stated that it would come from the money that we would receive for the project. He further stated that we are going to be seeing a savings on the project because the RCOC is taking the lead since they are putting in the road and there are some things that we will not have to do as a result.

Councilman Wedell asked when the trees are planted, will they be on the easement or the owner's property. Julie of the Road Commission indicated that it will be on the owner's property.

Attorney Lee stated that while we calculated the price of the trees to be paid for the easement, all we are doing is paying this amount of money for the easement. Whether he plants the trees or not, that is up to him. If he does not plant the trees, we still have the easement.

Julie of the Road Commission explained the easements for the project including the easements purchased by the County and the temporary easements. Councilman Kivell asked if there is a need to purchase any other easements. Julie of the Road Commission stated that she is handling all of the other easements.

Attorney Lee gave a brief back ground of the project. He stated that 2-3 years ago, the City received a grant for this bike path. We delayed it because the County was getting the paving project together. We have been fortunate that the Attorney General ruled that we do not have to get extra easements. If we have a highway easement we can run a bike path along that easement.

Councilman Kivell stated that we have had paths in this community for a long time and there is no history of people being malicious or encroaching on a neighboring yard. He stated that he would like us to say that in the event that ever arises, the money is still available. Attorney Lee stated that he does not have to give us the easement. He could force us to go to court and condemn the property and it would cost us much more. He further stated that we went through this a few years ago where the neighbors simply do not want a sidewalk in front of their homes. Being that we can now use the highway easement, this is the only extra one we need.

CM 1-6-11 – PURCHASE OF EASEMENT – EIGHT MILE ROAD

Motion by Kramer, supported by Kopkowski

To purchase the easement at Eight Mile Road and Laser Lane for the bike path in the amount of \$6,230 for the purchase and installation of a pine tree fence to be paid once the bike path is completed

VOTE:

MOTION CARRIED UNANIMOUSLY

3. Plante & Moran Invoice

City Manager Murphy stated that these invoices relate to the audit conducted on the Fire Department. We entered into an agreement not to exceed \$4,950. The invoice came in at \$12,700. He has asked Les Pulver to come in and explain it to Council.

Mr. Les Pulver and Michelle Michale of Plante Moran were present. Mr. Pulver stated that last summer there were some question with regard to the record keeping in the Fire Department and they were contacted to do an evaluation. There are three separate invoices because they looked at it as three separate projects as it evolved. They did the initial review and found that the records were in a state of disarray. They gave an oral report at that time to the City Manager and indicated that there were significant discrepancies with \$57,000 of unsubstantiated payments. However, the records were in poor condition so they did not think that based on the quality of the records that they should go public. People's lives and reputations were at stake as well as the City's. At that point they had fulfilled the original contract. There was also a sense of urgency so they suggested that they need to do more work to make sure the final report could be substantiated. It evolved into phase II. They did find some more discrepancies. With a project like this, it is difficult to estimate the amount of time needed. They felt they had authorization to move on to wrap up the project and do what needed to be done. When all was said and done, with their hourly rates, they invested over \$16,000, but discounted it to \$12,700. When they were complete, it reduced the discrepancy to \$17,000 from the initial \$57,000. After submittal of the invoices, the City Manager indicated that he was not comfortable authorizing the payment without Council approval. They felt they had the authorization to get to where we are today. He is asking Council's approval of the three invoices.

Councilman Kramer indicated to Mr. Pulver that he is upset because there were a lot of assumptions on his part. He stated that they purposely set the limit of \$4,950. They did the work without approval and are asking for approval after the fact. We had a contract. Mr. Pulver stated that in hindsight they should have stopped and not gone further without approval. They thought they had approval from the City Manager. The communication and assumptions should have been better. They thought it was unlikely that the City would have stopped and accepted what they had done to the point. With these types of projects you have to make sure that all aspects are covered before you publicize a report.

Council Member Kopkowski stated that there seems to be a communication problem on both the City Manager's and Mr. Pulver's parts. City Manager Murphy stated that he thinks that the project was getting bigger than they expected, but he did not know how far \$5,000 would have gone. We had a contract. Council Member Kopkowski stated that should have been a question. Councilman Kivell stated that Mr. Pulver did know what the limit was. The argument could have been made to Council at that time.

Council Member Kopkowski stated that it is unfortunate that it needed to be done, but we had to do it.

Councilman Morelli stated that if you have a contract and you knew that it would cost a lot more than the contract, would you pay more than the contract. The question was asked to Mr. Pulver if he was under the impression that he had approval to continue. Mr. Pulver stated that they were definitely under that impression, but it would have been better to get that in writing. They felt that there were some serious issues that could not be done half way. Procedurally they did not do it the right way. Councilman Kramer stated that if we had an original contract, and asked why we would not have a follow up letter. Mr. Pulver stated that it should have been done better.

Councilman Kivell stated that he believes that they felt they had authorization. He also believes that the City Manager had no idea where this was ultimately going to end up. We need to make sure something like this does not happen again. Mr. Pulver stated that he feels that it was their interpretation of the discussions with the City Manager who had a different interpretation.

Councilman Kivell stated that we can look at this as we have a document that if this were to end up in the legal arena we would have been able to protect ourselves as a product of this investigation.

CM 1-7-11 – APPROVAL OF INVOICES – PLANTE & MORAN

Motion by Kivell, supported by Kopkowski

To approve the payment of invoices # 019083-578995, 019083-578996 and 019083-578999 for a combined total of \$12,700 to Plante & Moran of the audit the preformed on the Fire Department

ROLL CALL VOTE:

Kivell-yea, Kopkowski-yea, Kramer-nay,
Morelli-nay, Wedell-yea, Wallace-yea

MOTION CARRIED

4. Easement for DTE

Superintendent Renwick stated that this relates to the Eight Mile Road paving. DTE is going to have to set a pole back further requiring an easement. This is at the park entrance.

Motion by Morelli, supported by Wedell

To approve the overhead easement requested by Detroit Edison and authorize the City Clerk and Mayor to sign the documents

Council Member Kopkowski stated that it looks like they are taking out the old one and putting in a new one slightly further back. She asked if this extra easement is just because of the guide wire. Superintendent Renwick stated that it is. Council Member Kopkowski stated that there are poles that do not require the guide wire. She asked why we would not ask them to install one of these poles instead of giving them the easement. If we give them the easement and we want to do something in the park, once it is theirs it remains theirs. Councilman Kivell stated that we may have to incur some of the extra cost, but we may want to entertain that. Attorney Lee pointed out that most of that easement is overhead.

Discussion was held on tabling the issue to make a request to DTE.

Motion and support withdrawn.

CM 1-8-11 – TABLE EASEMENT FOR DTE

Motion by Kivell, supported by Kopkowski

To table the discussion of the easement for DTE until the next meeting for further discussion

VOTE:

MOTION CARRIED UNANIMOUSLY

5. Second Reading – Proposed Amendments to Chapter 74

City Manager Murphy stated that Council approved the first reading at the last meeting. When Council approved the permissible height of grass and weeds, this was not included. This section deals with alleys.

CM 1-9-11 – SECOND READING – AMENDMENTS TO CHAPTER 74

Motion by Wedell, supported by Morelli

That this be the second reading and adoption of amendments to Chapter 74 of the City Code (see attached amendment as part of these minutes)

VOTE:

MOTION CARRIED UNANIMOUSLY

6. Letter to Lyon Township Board

City Manager Murphy stated that he wanted to discuss with Council the issue of sending a letter to the Lyon Township Board requesting a joint meeting to discuss possible opportunities to work together and save taxpayers' dollars. We could do it general or get down to more specific areas. He wanted to get some input from Council.

Councilman Kivell asked the City Manager if he has gotten any sense from the new legislators about consolidation. He asked if it seems likely that there would be some incentives coming forward. City Manager Murphy stated that it seems likely, but at this point it is difficult to tell. Councilman Kivell stated that the new Governor seems motivated.

Councilman Kivell stated that he has been part of these discussions in the past and there seems to be a sense that if there is no downgrade in services, then there is no down side to looking into it.

Councilman Wedell stated that he has no objection to sending a letter, but he would like to see some individual contact between the City Manager and the Supervisor prior to a meeting, which could save a lot of time. He asked the City Manager if he would be willing to make that contact. We have had a few meetings with the Township and a lot of time spent yet nothing came of it. He would like to see some type of framework established. These guidelines could be taken back to the respective bodies for discussion.

Councilman Kivell stated that the benefit of these meetings is that the boards have the ability of making recommendation in an open forum.

Councilman Wedell suggested that we send the letter so that the Township Board is aware of our desire. If they choose not to participate then we have our answer. If they are serious about looking at some options then the Supervisor and Manager can enter into some discussions.

Further discussion was held on looking for solutions in these economic times.

MANAGER'S REPORT:

City Manager Murphy stated that he would like to apologize to Council Member Kopkowski for interrupting her comments during the audit discussion.

City Manager Murphy stated that the special City Council meeting has been moved from January 12th to the 19th.

City Manager Murphy stated that he would like to thank Chief Collins for taking over the Fire Department during the interim period.

City Manager Murphy stated that he has hired Phil Shulz to do some ordinance enforcement. He stated that he is not able to devote enough time to some of these issues and maintain his normal duties. Mr. Shulz will be working approximately 10 hours per week.

City Manager Murphy stated that we will be having our second MSU Small Town Design Initiative program meeting on January 18th at Millennium Middle School at 6:30 p.m.

COUNCIL COMMENTS:

Councilman Morelli stated that he will be out of town for business for four weeks and will miss the next two meetings.

Councilman Morelli stated that when King's Plaza originally came into the City, they did because their septic was failing due to a Pizza business that had been there, which was corrected when the business left. When that happened, it is his understanding that they did not have to install a sidewalk until they connected to the City's sewer and got rid of the septic tank which is under the green space along Pontiac Trail. He asked if that has ever been done. Superintendent Martin stated that it has not been. Councilman Morelli stated that he is more concerned about getting a sidewalk.

Discussion was held on the existing sidewalk along Pontiac Trail.

Attorney Lee stated that we have an ordinance that mandates connection to the City's sewer if the property is within 200 feet of a City sewer. We do have a right to compel it. Superintendent Martin stated that we have had other situations like that where we did not compel them to connect until their septic failed. Discussion was held on the economic hardship to the property owner. Further discussion was held on the gaps in sidewalks.

Councillman Kramer welcomed Chief Kennedy. Wedell echoed the welcome.

Mayor Wallace stated that with a snow storm approaching, he would like to remind everyone of the need to keep their sidewalks cleared.

ADJOURNMENT:

CM 1-10-10 ADJOURNMENT

Motion by Kramer, supported by Kopkowski

To adjourn meeting at 8:55 p.m.

VOTE:

MOTION CARRIED UNANIMOUSLY

Respectfully submitted,

Tedd M. Wallace
Mayor

Julie C. Zemke
City Clerk/Treasurer

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