

The City of South Lyon  
Regular City Council Meeting  
January 14, 2013

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: Dixon, Kivell, Kopkowski, Kramer, Ryzi and Wedell  
Department heads: Collins, and Martin  
Deputy Clerk/Treasurer Deaton

ABSENT: City Clerk/Treasurer Zemke  
Department Head Kennedy

**MINUTES**

**CM 1-1-13 APPROVAL OF MINUTES**

Motion by Kopkowski, supported by Ryzi

Motion to approve the minutes of the December 10<sup>th</sup>, 2012 City Council Meeting as presented.

VOTE: MOTION CARRIED UNANIMOUSLY

**MONTHLY BILLS**

Some discussion was held regarding the monthly bills.

**CM 1-2-13 APPROVAL OF MONTHLY BILLS**

Motion by Kivell, supported by Wedell

Motion to approve the monthly bills as presented.

VOTE: MOTION CARRIED UNANIMOUSLY

**APPROVAL OF AGENDA**

City Manager Murphy stated he would like to add a closed session to be held regarding Attorney Client legal opinion as number 5, under New Business. Mayor Wallace stated he would like to go into closed session after Council Comments.

**CM 1-3-12 APPROVAL OF AGENDA**

Motion by Wedell, supported by Kopkowski  
Motion to approve the agenda as amended.

VOTE: MOTION CARRIED UNANIMOUSLY

PUBLIC COMMENT:

Thomas Edward of 61157 Greenwood stated, he would like to question what if anything could be done regarding Pontiac Trail being the only road running north and south through the City. He further stated another north and south road should be paved. When there are functions in downtown South Lyon, it is very difficult to get through town. Mayor Wallace stated that they have thought about this and have discussed it many times, but there are many issues regarding this.

Meg Durow of 12784 River Drive stated she has heard that another traffic light may be put in on Pontiac Trail, she is hoping this will not happen, because it is enough of a problem with the light we have now.

OLD BUSINESS:

1. Second Reading- Code of Ordinances; Chapter 90, Section 90-38

Chief Collins stated he supports the revision as requested. He further explained this is in regards to the new super drunk law that is in effect if someone is over double the legal limit, they can be charged under this law which would include higher penalties and fees.

CM 1-4-13 APPROVAL OF SECOND READING

Motion by Wedell, supported by Kivell  
To approve the second reading of the amendment to Chapter 90, Article II of the South Lyon City Code to amend section 90-38, "penalties".

VOTE: MOTION CARRIED UNANIMOUSLY

NEW BUSINESS:

1. BUDGET AMENDMENT

City Manager Murphy stated this is a budget amendment to provide the \$10,000 seed money to be used by the Community Center Committee to explore the possibility of building a community recreation center. This was approved by the City Council at the last meeting.

CM 1-5-13 BUDGET AMENDMENT

Motion by Kramer, supported by Dixon

Motion to approve the proposed amendment to the 2012-2013 Administration budgets as amended.

VOTE: MOTION CARRIED UNANIMOUSLY

## **2. TRANSFER TO DDA**

City Manager Murphy stated when the Wells street project was bonded out, \$28,588 was leftover. It has been many years since it was completed. The DDA has lost money in the last few years; they barely have enough to pay the bond payment. He further stated by transferring this to the DDA, it will cover their bond payment this year and maybe they could do something aesthetically downtown.

### CM 1-6-13 MOTION TO TRANSFER CAPITAL IMPROVEMENT MONEY

Motion by Wedell, supported by Kramer

Motion to approve the transfer of \$28,588.65 from Capital Improvement to the DDA budget as follows:

<b>Fund/Dept.</b>	<b>Account Number</b>	<b>Adopted</b>	<b>Amended</b>	<b>Line Item</b>
<b>Expenses</b>				
Capital Improvement	401-451.000-969.280	-0-	\$28,588	Transfer Out
<b>Revenue</b>				
DDA	280-000.000-675.401	-0-	\$28,588	Transfer In
<b>Expenses</b>				
DDA	280-000.000-880.000	\$1,800	\$11,800	Community Promotion
DDA	280-000.000-970.000	-0-	\$18,588	Capital Improvement

VOTE: MOTION CARRIED UNANIMOUSLY

## **3. ACCEPTANCE OF DONATION TO POLICE DEPARTMENT**

Chief Collins stated the police department received a Christmas card along with a donation of \$100.00. The card thanked the police department for all they do. The card and money was sent by Ken and Barb Turner. He further stated that the police department is happy to do vacation checks on homes. Any residents interested in having the security of their home checked out while away on vacation can come into the police station and fill out a form.

### CM 1-7-13- ACCEPTENCE OF DONATION

Motion by Kramer, supported by Kivell

Motion to accept the \$100.00 donation from Mr. and Mrs. Turner, and to thank them for their donation.

VOTE: MOTION CARRIED UNANIMOUSLY

#### **4. ACCEPTANCE OF MONETARY GIFTS FOR CHRISTMAS PARTY**

City Manager Murphy stated we received a number of gifts from different companies for our Christmas party that the City has for all the volunteers work for the City throughout the year.

##### CM 1-8-13- ACCEPTANCE OF DONATION

Motion by Kivell, supported by Wedell

Motion to accept the following monetary donations for the City Christmas Party:

Duncan Disposal	\$750
Michigan Seamless Tube	\$500
Johnson Rosati	\$ Bar Bill
Hubbell, Roth & Clark	\$300
Plante & Moran	\$200
CIB Planning	\$200
IBEX Insurance	<u>\$100</u>
TOTAL	\$2,050

VOTE: MOTION CARRIED UNANIMOUSLY

#### **5. CLOSED SESSION TO DISCUSS ATTORNEY LEGAL OPINION**

Session to be held after Council Comments

##### Manager's Report

City Manager Murphy stated there is going to be an informational meeting on January 22<sup>nd</sup> from 6-8 p.m. regarding the DWRF project that will be happening. There is also information on our website and the cable channel.

He further stated there is a Managers meeting and it will be held on February 13<sup>th</sup> in Wixom, and the Council is invited.

##### Council Comments:

Councilman Kramer stated the committee currently has \$30,000 for seed money from the three participating communities, to move onto the next level. He further stated, they need to start a subcommittee for design, and finance. He stated they are also trying to reach Salem to see if they would

like to be involved as well. Councilman Kramer stated he would like to be the one to represent the City on the Committee. They are hoping to have some information to the architectural firms in early spring.

Councilman Kivell stated he hopes everyone had nice holidays.

Councilmember Kopkowski stated she would like to bring attention to the letter that we received regarding the burials at our cemetery and the cemetery workers. The Department of Public Works take very good care of the cemetery and go out of their way to accommodate the families.

Mayor Wallace stated he would like to congratulate Joe Ryzi and family on the new addition of their daughter.

Mayor Wallace further stated that there have been some issues with the new cable company Wow. He stated he did file a complaint with the Michigan Public Service Commission. He further stated there are documents at City Hall people can pick up to file a complaint. The City does not have control over the cable company.

**Roll call vote to enter into closed session to discuss attorney legal opinion at 8:00**

Roll call vote: All present

**CM 1-9-13 MOTION TO ENTER INTO CLOSED SESSION**

Motion by Wedell, supported by Kopkwoski

Motion to adjourn the regular council meeting to enter into closed session

VOTE: MOTION CARRIED UNANIMOUSLY

Council reconvened the regular council meeting at 8:34 p.m.

**CM 1-10-13 MOTION TO ADJOURN**

Motion by Wedell, supported by Kivell

Motion to adjourn the regular city council meeting at 8:35 p.m.

VOTE: MOTION CARRIED UNANIMOUSLY

Respectfully submitted,

\_\_\_\_\_  
Mayor Tedd Wallace

\_\_\_\_\_  
Deputy Clerk/Treasurer Lisa Deaton

CITY OF SOUTH LYON  
REGULAR CITY COUNCIL MEETING  
November 26, 2012

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, Rzyzi, and Wedell  
City Manager Murphy  
City Attorney Wilhelm  
City Clerk/Treasurer Zemke  
Department Heads: Collins, Kennedy, and Martin  
ABSENT: Dixon

APPROVAL OF MINUTES:

CM 11-1-12 - APPROVAL OF MINUTES – OCTOBER 22, 2012

Motion by Wedell, supported by Kramer

To approve the October 22, 2012 minutes as submitted

VOTE: MOTION CARRIED UNANIMOUSLY

CM 11-2-12 – APPROVAL OF MINUTES – NOVEMBER 12, 2012

Motion by Kramer, supported by Wedell

To approve the November 12, 2012 minutes as amended

VOTE: MOTION CARRIED UNANIMOUSLY

APPROVAL OF AGENDA:

City Manager Murphy stated that he would like to remove New Business #4 from the agenda

CM 11-3-12 - APPROVAL OF AGENDA

Motion by Kivell, supported by Kopkowski

To approve the agenda as amended

VOTE: MOTION CARRIED UNANIMOUSLY

PUBLIC COMMENT:

Carl Richards of 390 Lenox stated he wanted to let Council know of three issues. The first being the new flag pole erected in McHattie Park and how beautiful it is. The second issue is all the graffiti that has popped up the last couple of months. The third item is the concert at the witches hat, was beautiful. It was well attended and it was beautiful.

OLD BUSINESS:

1. Second Reading – Amendment to Chapter 46, Section 46-65 through 46-66

Chief Kennedy stated this is a follow up from the first meeting, and there have been no requested changes. He further stated this is just to align the ordinance with the current fire department operation and administration.

CM 11-4-12 SECOND READING – AMENDMENT TO CHAPTER 46, SECTION 46-65 THROUGH 46-66

Motion by Kramer, supported by Kivell

That this be the second reading and adoption of an amendment to Chapter 46, Section 46-65 through 46-66 fire prevention and protection.

VOTE:

MOTION CARRIED UNANIMOUSLY

NEW BUSINESS:

1. CDBG public hearing

Mayor Wallace opened the public hearing at 7:40 p.m.

Mr. Carl Richards of 390 Lennox stated that he would hope that the City will use these funds for the benefit of the community, and there are many projects that could be addressed.

Mayor Wallace closed the public hearing at 7:42 p.m.

2. CDBG Application

City Manager Murphy stated we no longer have a low income area according to the 2010 census, but we still get the money, and we can use 30% of the total for Haven and Meals on Wheels, the rest we could possibly use for the Senior Center. If we are unable to use it for the Senior Center, we possibly could use it for the street nodes.

CM 11-4-12 - RESOLUTION OF THE CITY COUNCIL CITY OF SOUTH LYON ADOPTED ON NOVEMBER 26, 2012

Motion by Ryzyi, supported by Wedell

WHEREAS, Oakland County is preparing an Annual Action Plan to meet application requirements for the Community Development Block Grant (CDBG) program, and other Community Planning and Development (CPD) programs, and

WHEREAS, Oakland County has requested CDBG-eligible projects from participating communities for inclusion in the Action Plan, and

WHEREAS, the City of South Lyon has duly advertised and conducted a public hearing on November 26, 2012 for the purpose of receiving public comments regarding the proposed use of PY 2013 Community Development Block Grant funds (CDBG) in the approximate amount of \$25,858, and

WHEREAS, the City of South Lyon found that the following projects meet the federal objectives of the CDBG program and are prioritized by the community as high priority need.

Project Name	Amount
Haven	\$ 2,500
Meals on Wheels	\$ 5,000
Center for Active Adults	<u>\$18,358</u>
	\$25,858

THEREFORE, BE IT RESOLVED, that the City of South Lyon CDBG application is hereby authorized to be submitted to Oakland County for inclusion in Oakland County's Annual Action Plan to the U.S. Department of Housing and Urban Development, and that the City Manager is hereby authorized to execute all documents, agreements, or contracts which result from this application to Oakland County.

Ayes: Kivell, Kopkowski, Rzyzi, Kramer, Wedell & Wallace

Nays: None

3. Construction Board of Appeals

City Manager Murphy stated that he recommends, we advertise in our local area. He further stated, he would then bring the applications back to the council to approve.

CM 11-5-12 – CONSTRUCTION BOARD OF APPEALS

Motion by Kopkowski, supported by Kramer

To approve the advertisement for qualified South Lyon area residents to sit on the City's Construction Board of Appeals

VOTE:

MOTION CARRIED UNANIMOUSLY

4. Intergovernmental Agreement – Removed from the Agenda

5. Cancellation of Second Meeting in December

CM 11-6-12 – CANCELLATION OF SECOND MEETING IN DECEMBER

Motion by Wedell, supported by Kramer

To cancel the second regular City Council Meeting of the month which falls on December 24, 2012 and to authorize the City Manager to schedule the meeting on another date in December if the need should arise

VOTE:

MOTION CARRIED UNANIMOUSLY

MANAGER'S REPORT:



City Manager Murphy stated that he met with Congressman Curson last week to discuss getting the appropriation moved. He did seem amenable to the idea. If it works out it will be great.

**COUNCIL COMMENTS:**

Councilman Kramer stated they will be presenting information from the surveys to Lyon Township on December 3<sup>rd</sup>, then the City on December 10<sup>th</sup>. He further stated it is very obvious with the results of the survey, that these communities are very interested in having a community center. He further stated they are hopeful to also present to Salem Township in Salem.

Councilman Kivell stated that the open house for planning was a success and was well received. He further stated there were a lot of ideas that were generated, and reasonably attended.

6. Closed Session to Discuss Legal Opinion

**CM 11-6-12 – MOTION TO ENTER INTO CLOSED SESSION**

Motion by Wedell, supported by Kivell

To enter into Executive Session for the purpose of discussing a legal opinion

ROLL CALL VOTE:

**MOTION CARRIED UNANIMOUSLY**

Council entered in to Executive Session at 7:48 p.m. and reconvened the regular session at 8:17 p.m.

**ADJOURNMENT:**

**CM 6-13-12 ADJOURNMENT**

Motion by Kivell , supported by Kramer

To adjourn meeting at 8:17 p.m.

VOTE:

**MOTION CARRIED UNANIMOUSLY**

Respectfully submitted,

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Tedd M. Wallace  
Mayor

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Julie C. Zemke  
City Clerk/Treasurer

# **AGENDA NOTE**

**New Business: Item #1**

**MEETING DATE:** January 28, 2013

**PERSON PLACING ITEM ON AGENDA:** Manager

**AGENDA TOPIC:** Street Administrator

**EXPLANATION OF TOPIC:** The City Council needs to update the Street Administrator Resolution. The Council last approved the Resolution For Designation Of Street Administrator on January 26, 2009 when they changed it from Rod Cook to me. The State has notified me that a new resolution is needed.

**MATERIALS ATTACHED AS SUPPORTING DOCUMENTS:** Resolution for Designation of Street Administrator

**POSSIBLE COURSES OF ACTION:** Approve/do not approve the current Manager as the Street Administrator.

**RECOMMENDATION:** Approve making the current Manager the Street Administrator.

**SUGGESTED MOTION:** Motion by \_\_\_\_\_, supported by \_\_\_\_\_ to approve appointing David Murphy as the Street Administrator for the City of South Lyon.

## RESOLUTION FOR DESIGNATION OF STREET ADMINISTRATOR

*This information is required by Act 51, P.A. 1951 as amended. Failure  
to supply this information will result in funds being withheld.*

**MAIL TO:** Michigan Department of Transportation, Bureau of Finance  
and Administration, P.O. Box 30050, Lansing, MI 48909.  
or Fax to: 517-241-2589

**NOTE:** Indicate, if possible, where Street Administrator can usually be reached during normal  
working hours, if different than City or Village Office. List any other office held by the Administrator.

Councilperson or Commissioner \_\_\_\_\_  
offered the following resolution and moved its adoption:

Whereas, Section 13(9) of Act 51, Public Acts of 1951 provided that each incorporated city and village to which  
funds are returned under the provisions of this section, that, "the responsibility for street improvements,  
maintenance, and traffic operations work, and the development, construction, or repair of off-street parking facilities  
and construction or repair of street lighting shall be coordinated by a single administrator to be designated by the  
governing body who shall be responsible for and shall represent the municipality in transactions with the State  
Transportation Department pursuant to this act."

Therefore, be it resolved, that this Honorable Body designate \_\_\_\_\_  
\_\_\_\_\_ as the single Street Administrator for the City or Village of  
\_\_\_\_\_ in all transactions with the State Transportation Department  
as provided in Section 13 of the Act.

Supported by the Councilperson or Commissioner \_\_\_\_\_

Yeas \_\_\_\_\_

Nays \_\_\_\_\_

I hereby certify that the foregoing is a true and correct copy of a resolution made and adopted at a regular meeting  
of the governing body of this municipality on the \_\_\_\_\_ day of  
\_\_\_\_\_

CITY OR VILLAGE CLERK (SIGNATURE)	EMAIL ADDRESS	DATE
STREET ADMINISTRATOR (SIGNATURE)	EMAIL ADDRESS	DATE
ADDRESS OF CITY OR VILLAGE OFFICE		P.O.BOX
CITY OR VILLAGE	ZIP CODE	PHONE NUMBER

# **AGENDA NOTE**

New Business: Item #2

**MEETING DATE:** January 28, 2013

**PERSON PLACING ITEM ON AGENDA:** Police Chief

**AGENDA TOPIC:** First Reading - Ordinance Amendment (Sec. 58-243)

**EXPLANATION OF TOPIC:** State and federal courts have ruled that it is unconstitutional to require a minor suspected of alcohol consumption to submit to a breath test without a search warrant. The proposed amendment to Chapter 58-243 (5) would remove language that renders the ordinance unconstitutional on its face.

**MATERIALS ATTACHED AS SUPPORTING DOCUMENTS:** letter of explanation from City Prosecutor Charles Snell, proposed ord. 58-243 (5) – “red-lined” copy; “clean” copy of proposed ordinance.

**POSSIBLE COURSES OF ACTION:** Approve/do not approve the proposed amendment.

**RECOMMENDATION:** Approve the proposed amendment.

**SUGGESTED MOTION:** Motion by \_\_\_\_\_, supported by \_\_\_\_\_ to approve the first reading of the amendment to Chapter 58-243 (5) of the South Lyon City Code.

01/28/13



JOHNSON ROSATI SCHULTZ JOPPICH PC

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Phone: 248.489.4100 | Fax: 248.489.1726

Charles D. Snell  
csnell@jrsjlaw.com

www.johnsonrosati.com

January 3, 2013

Lloyd T. Collins, Chief  
South Lyon Police Department  
219 Whipple Street  
South Lyon, MI 48178

RE: Minor in Possession Ordinance  
Section 58.243(5)

Dear Chief Collins:

On September 10, 2009, the Michigan Court of Appeals issued a published opinion in the case of *People of the City of Troy v Chowdhury*, Case No. 288696. In that case, a number of minors were allegedly drinking alcohol at a house party. The officer proceeded to administer preliminary breath tests to the minors. The result of defendant's preliminary breath test was .025%. The defendant was charged under city ordinance with Minor in Possession.

The City of Troy ordinance at issue in the case reads that "A peace officer who has reasonable cause to believe a person less than the age of 21 years of age has consumed alcoholic beverages may require the person to submit to a preliminary chemical breath analysis."

The defendant moved to suppress the results of the preliminary breath test. Defendant argued that the ordinance was unconstitutional because it allowed a police officer to perform a warrantless search, and that no exception to the search warrant requirement applied.

In support of their position, defendant cited two cases in which the United States District Court for the Eastern District of Michigan had ruled that a similarly worded state statute was unconstitutional. See, *Spencer v Bay City*, 292 F. Supp. 2d 932 (ED Mich, 2003); *Platte v Thomas Township*, 504 F. Supp. 2d 227 (ED Mich, 2007).

The City of Troy argued that the federal case law relied on by the district court and circuit court failed to adequately address the "special needs" exception to the search warrant requirement. The City contended that the "special needs" exception should be applied in this case because there is a compelling state interest in protecting minors from the dangers of alcohol abuse and in protecting the public from potential consequences of alcohol abuse by minors.

The Court of Appeals ruled that "the decision in *Spencer* and *Platte* are well-reasoned and consistent with existing Fourth Amendment law." The Court concluded that the Troy Ordinance was unconstitutional on its face.

As to the "special needs" exception, the Court agreed with the *Spencer* Court that "there is nothing special in the need of law enforcement to detect evidence of ordinary criminal wrongdoing and that reasonableness generally requires the obtaining of a judicial warrant." Therefore, the "special needs" exception to the search warrant requirement was not applicable.

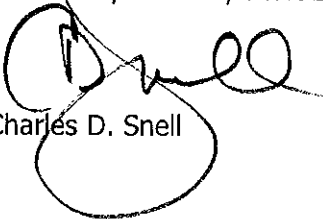
I know the Department has been in compliance with the *Spencer* and *Platte* federal court decisions. In light of the Court of Appeals decision, it may be time to address a minor wording change in our Ordinance, particularly Section 58-243(5).

Enclosed is a copy of an amendment to our Ordinance. The wording has been adopted in other communities that we represent and would amend the language that made the ordinance unconstitutional on its face.

I look forward to hearing your thoughts on this issue.

Sincerely yours,

JOHNSON, ROSATI, SCHULTZ & JOPPICH, P.C.

A handwritten signature in black ink, appearing to read "C. Snell", is written over the printed name. The signature is fluid and cursive.

Charles D. Snell

CDS:jah  
Enclosure

cc: Timothy Wilhelm, Esq.

**ORDINANCE NO. \_\_\_\_-13**

**CITY OF SOUTH LYON  
OAKLAND COUNTY, MICHIGAN**

**AN ORDINANCE TO AMEND PARAGRAPH 5 OF SECTION 58-243, "PENALTIES, SANCTIONS, SUBMISSION TO PRELIMINARY CHEMICAL BREATH ANALYSIS," OF THE CITY OF SOUTH LYON CODE OF ORDINANCES, CHAPTER 58, "OFFENSES AND MISCELLANEOUS PROVISIONS," ARTICLE V, "OFFENSES INVOLVING MINORS," DIVISION 2, "ALCOHOLIC BEVERAGES"**

**THE CITY OF SOUTH LYON ORDAINS:**

**PART I. Amendment of Section 58-243.** Article V, "Offenses Involving Minors," Chapter 58, "Offenses and Miscellaneous Provisions," of the City of South Lyon Code of Ordinances is amended to amend paragraph 5 of Section 58-243, "Penalties, Sanctions, Submission to Preliminary Chemical Breath Analysis," to read as follows:

Sec. 58-243. Offenses Involving Minors

\* \* \*

5. A peace officer who has reasonable cause to believe a minor has consumed alcoholic liquor or has any bodily alcohol content may request the person to submit to a preliminary chemical breath analysis. A peace officer may arrest a person based in whole or in part upon the results of a preliminary chemical breath analysis. The results of a preliminary chemical breath analysis or other acceptable blood alcohol test are admissible in a criminal prosecution to determine whether the minor has consumed or possessed alcoholic liquor or had any bodily alcohol content.

**PART II. Severability.** Should any section, subdivision, clause, or phrase of this Ordinance be declared by the courts to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

**PART III. Savings Clause.** The amendment of the City of South Lyon Code of Ordinances set forth in this Ordinance does not affect or impair any act done, offense committed, or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment, pending or incurred prior to the amendment of the South Lyon Code of Ordinances set forth in this Ordinance.

**PART IV. Repealer.** All other Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

**PART V. Effective Date: Publication.** The provisions of this Ordinance shall become effective fifteen (15) days after its adoption and shall be published within fifteen (15) days of its adoption by publication of a brief notice in a newspaper circulated in the City, stating the date

of enactment and the effective date of the ordinance, a brief statement as to the subject matter of this Ordinance and such other facts as the Clerk shall deem pertinent, and that a copy of the Ordinance is available for public use and inspection at the office of the City Clerk.

Made, Passed and Adopted by the South Lyon City Council this \_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Tedd M. Wallace, Mayor

\_\_\_\_\_  
Lisa Deaton, Deputy City Clerk

**Certificate of Adoption**

I hereby certify that the foregoing is a true and complete copy of the ordinance adopted at the regular meeting of the South Lyon City Council held on the \_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Lisa Deaton, Deputy City Clerk

Adopted:  
Published:  
Effective:



ORDINANCE NO. \_\_-13

CITY OF SOUTH LYON  
OAKLAND COUNTY, MICHIGAN

AN ORDINANCE TO AMEND PARAGRAPH 5 OF SECTION 58-243, "PENALTIES, SANCTIONS, SUBMISSION TO PRELIMINARY CHEMICAL BREATH ANALYSIS," OF THE CITY OF SOUTH LYON CODE OF ORDINANCES, CHAPTER 58, "OFFENSES AND MISCELLANEOUS PROVISIONS," ARTICLE V, "OFFENSES INVOLVING MINORS," DIVISION 2, "ALCOHOLIC BEVERAGES"

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Sec. 58-243. Offenses Involving Minors

\* \* \*

5. A peace officer who has reasonable cause to believe a minor has consumed alcoholic liquor or has any bodily alcohol content may require-request the person to submit to a preliminary chemical breath analysis. A peace officer may arrest a person based in whole or in part upon the results of a preliminary chemical breath analysis. The results of a preliminary chemical breath analysis or other acceptable blood alcohol test are admissible in a criminal prosecution to determine whether the minor has consumed or possessed alcoholic liquor or had any bodily alcohol content. A minor who refuses to submit to a preliminary chemical breath test analysis as required in this subsection is responsible for a civil infraction and may be ordered to pay a civil fine of not more than \$100.00.

**PART II. Severability.** Should any section, subdivision, clause, or phrase of this Ordinance be declared by the courts to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

**PART III. Savings Clause.** The amendment of the City of South Lyon Code of Ordinances set forth in this Ordinance does not affect or impair any act done, offense committed, or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment, pending or incurred prior to the amendment of the South Lyon Code of Ordinances set forth in this Ordinance.

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Made, Passed and Adopted by the South Lyon City Council this \_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Tedd M. Wallace, Mayor

\_\_\_\_\_  
Lisa Deaton, Deputy City Clerk

**Certificate of Adoption**

I hereby certify that the foregoing is a true and complete copy of the ordinance adopted at the regular meeting of the South Lyon City Council held on the \_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Lisa Deaton, Deputy City Clerk

Adopted:  
Published:  
Effective:

# AGENDA NOTE

News Business: Item #3

**MEETING DATE:** January 28, 2013

**PERSON PLACING ITEM ON AGENDA:** City Manager

**AGENDA TOPIC:** Appointments to the Community Center Committee

**EXPLANATION OF TOPIC:** The Community Center Committee discussed representation of the communities at their last meeting. The Committee decided to have three representatives from each of the three communities and that only one of them should be an elected official. Currently the City of South Lyon is represented by five people, three of which are elected to the City Council. The other communities have only one elected official and to be fair the Committee decided to go with one elected official and two residents at large.

**MATERIALS ATTACHED AS SUPPORTING DOCUMENTS:** January Minutes.

**POSSIBLE COURSES OF ACTION:** appointment Ron Morelli, Scott Black and \_\_\_\_\_ from the City Council to represent South Lyon on the Community Center Committee.

**RECOMMENDATION:** appointment Ron Morelli, Scott Black and \_\_\_\_\_ from the City Council to represent South Lyon on the Community Center Committee.

**SUGGESTED MOTION:** Motion by \_\_\_\_\_, supported by \_\_\_\_\_ to appointment Ron Morelli, Scott Black and \_\_\_\_\_ from the City Council to represent South Lyon on the Community Center Committee.

## **Community Center Committee Meeting**

**January 9, 2013 7:00 PM City of South Lyon Administration Building Conference Room 2**

### **Draft Minutes**

Present: Committee members:

City of South Lyon: Scott Black, Bev Dixon, Mike Kramer, Ron Morelli, David Murphy

Lyon Township: Steve Fletcher, Doreen Hannon, Nancy Kessler, Jennifer Urtel

Green Oak Township: Mark St. Charles, Amy Ponsock, Karen Weber

Absent: Gary Childs, Michael Faubert, Paul Peters, Tedd Wallace

Brian Kischnick, Chairperson of the Freeland Community Sports Association (FSCA) had been scheduled to attend this meeting to discuss the Freeland Community's process of forming a Sports Association. Mr. Kischnick was not able to attend due to illness.

M. Kramer started the meeting with the following information. Presentations to the City and both townships (Green Oak and Lyon) occurred. Each community has contributed \$10,000, making a total of \$30,000 in seed money for this project.

There is a need to form an Oversight committee to run under the South Lyon Area Recreation Authority (SLARA) with three representatives from each community and bylaws such that bids for designs/plans can be solicited in the future. Once this is in place, sub-committees can be formed. It is easier to have an elected official on the Oversight committee so that they can take information back to their respective City/township Boards.

There is also a need to set a timeline and go to the SLARA with a formal presentation regarding this idea. It was noted that the SLARA has taxing ability.

M. St. Charles suggested getting a sample set of bylaws. There is one in the information packet from Freeland Community Sports Association provided for tonight. Additionally, K. Weber and S. Fletcher will send M. Kramer some example bylaws. It is likely that a version of the sample bylaws will be created, possibly utilizing a version of the Parks & Recreation bylaws.

The SLARA Articles of Incorporation would have to be approved by the three communities. Green Oak Township and South Lyon have the same attorney. Once the bylaws are drawn up, it would be desirable to have attorneys review the bylaws prior to presenting them to the township and City boards.

Steve Fletcher, Nancy Kessler, and Jennifer Urtel would like to represent Lyon Township. Doreen Hannon also resides in Lyon Township and is an interested participant.

Tracey Edry is interested in serving on the executive committee from Green Oak Township.

The group feels it will be necessary to obtain bids for what a Community Center facility will cost and that the Oversight committee be under the umbrella of the SLARA. All funds would go to the SLARA and any payments would come from that account. The Oversight committee would recommend expenditures and the SLARA would need to approve any payments.

The committee sees a target of November 2014 to put a millage for the Community Center on the ballot.

The committee wants to understand if there are any plans for a YMCA in the community. There is a possibility that the local REPS Center may be closing. REPS is a non-profit "volunteer run organization" funded through donations which consist of drop-in fees and rental fees for using the facility, donations, general donations, grants, and money generated through fundraisers. S. Fletcher and M. Kramer will be meeting with Troy Weidman, the REPS Center Director on January 10, 2013.

The City of Farmington Hills has shared how they solicited bids for an \$11 million renovation of their City Hall. S. Black can recommend a construction manager who is willing to sit down with the committee to help get a better understanding from the construction aspect as to what would be needed for this size community, i.e., is it a \$1 million facility or a \$10 million facility. The committee plans to have a draft of the bylaws at the next meeting when Brian Kischnick is able to attend.

The next Salem Township Board meeting is January 22, 2013. M. Kramer may try to make a presentation. G. Whittaker, Salem Township Supervisor, was invited to attend tonight's meeting but was absent.

Meeting adjourned at 8:00 PM.

Respectfully submitted,

Doreen Hannon, Recording Secretary

# **SOUTH LYON POLICE DEPARTMENT**

*Lloyd T. Collins*  
Chief



## **Memorandum**

**To:** David Murphy, City Manager

**From:** Chief Lloyd T. Collins

**Subject:** 2013 Winter Witch's Hat Run

**Date:** January 23, 2013

I have received a permit request for the above-mentioned event. I reviewed the proposed route, which is similar to last year. The organizer, Mr. Scott Smith, has agreed to direct participants to utilize the sidewalk when they travel parallel to 11 Mile Road. The event is scheduled to begin at 10:00 a.m. on Saturday, February 9, 2013. It will conclude by 10:45 a.m. A copy of the application for permit is attached for your information.

The planned event should cause only minimal disruption to normal traffic in the area. The Police Department will provide support for the event utilizing regular-duty personnel. Therefore, I have approved the request and have so notified the organizers.

c: Lt. S. Sharpe





# SOUTH LYON POLICE DEPARTMENT

219 Whipple

South Lyon, Michigan 48178

Ph: (248)437-1773 / Fax: (248)437-0459

Lloyd T. Collins

Chief of Police

## PARADE / DEMONSTRATION APPLICATION

Date Application Submitted: Jan 8, 2013 Requested Date of Event: Feb 9, 2013

Applicant / Contact's Name: Scott Smith PH #: 248-207-5135

Applicant Address: 9734 Silverside Dr., South Lyon, MI 48178

Business / Organizations Name (if Applicable): South Lyon High School / South Lyon East Boys cross country

Bus. Ph#: 248-573-8150 Bus. Address: 1000 N. Lafayette, South Lyon, MI 48178

President / CEO (Responsible for Event): Scott Smith Direct Ph#: 248-207-5135

Parade START Time: 10 (a.m.) / p.m. Parade END Time: 10:30 (a.m.) / p.m.

Approximate Number of PERSONS: 400 Organization Names: \_\_\_\_\_

Approximate Number of VEHICLES: 4 Types of Vehicles: 2 Bikes / 2 Cars

Approximate Number of ANIMALS: X SPECIFIC Animals: \_\_\_\_\_

Amount of space to be maintained between and /all units in Parade: 30 minutes between lead runner and last runner

Route to be traveled (Include Street Names and Turning Directions): \_\_\_\_\_

Run starts in North driveway at South Lyon High School and turns right onto East driveway. The run picks up the bike path near the track complex and takes the bike path south to 10 Mile Road. At 10 mile, the route picks up the sidewalk to Mill St. Mill to Kestrel Ridge, to Eagle Hts Drive. At Eleven, the route takes the sidewalk back to the bike path. The run finishes at South Lyon High School on driveway near tennis court.

Applicant's SIGNATURE \_\_\_\_\_

Responsible Party's SIGNATURE \_\_\_\_\_

Organizer will station monitors at 11 Mile & Eagle Hts. to keep runners on sidewalk.

APPROVED [✓]

DENIED [ ]

Lloyd T. Collins  
Lloyd T. Collins, Chief of Police

01/23/13

for  
01/18/13  
1623 hrs.



# CERTIFICATE OF INSURANCE

<b>Producer</b> <b>SET SEG</b> 415 W. Kalamazoo Street Lansing, MI 48933	THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.
<b>Insured</b> <b>South Lyon Community Schools</b> 345 S. Warren South Lyon, MI 48178-1358	<b>COMPANIES AFFORDING COVERAGE</b> <b>A</b> MASB-SEG Property/Casualty Pool, Inc.

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED, NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES.

CO LTR	TYPE OF INSURANCE	POLICY NUMBER	EFFECTIVE DATE	EXPIRATION DATE	LIMITS	
<b>A</b>	<b>GENERAL LIABILITY</b> [X] Comprehensive Form [X] Premises/Operations [X] Incidental Medical Malpractice Coverage [X] Products/Completed Operations [X] Contractual [X] Independent Contractors [X] Broad Form Property Damage [X] Personal Injury	PC-00474-201211	11/1/12	11/1/13	BI & PD COMBINED OCCURRENCE	\$1,000,000
					BI & PD COMBINED AGGREGATE	N/A
					PERSONAL INJURY OCCURRENCE	\$1,000,000
					PERSONAL INJURY AGGREGATE	N/A

**DESCRIPTION** The City of South Lyon, all elected and appointed officials, all employees and volunteers, all boards, commissions, and/or authorities and board members, including employees and volunteers are hereby added as additional insureds but only as respects to the activities performed by or on behalf of the named Insured as it represents the district's participation in the Winter Witch's Hat Run being held February 9, 2013.

<b>CERTIFICATE HOLDER</b> City of South Lyon 335 South Warren South Lyon, MI 48390	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL ENDEAVOR TO MAIL <b>30</b> DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE COMPANY, ITS AGENTS OR REPRESENTATIVES.
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**AUTHORIZED REPRESENTATIVE**

Tara Stage

TARA STAGE  
PROPERTY/CASUALTY DEPARTMENT

Date January 7, 2013