

The City of South Lyon  
Regular City Council Meeting  
September 14, 2015

Mayor Wallace called the meeting to order at 7:30 p.m.  
Mayor Wallace led those present in the Pledge of Allegiance.

PRESENT: Mayor Tedd Wallace  
Council Members: Dixon, Kivell, Kopkowski, Kramer, Rzyzi, and Wedell  
Also Present: City Manager Ladner, Department Head Martin, Chief Collins, Chief Kennedy, Attorney Wilhelm and Clerk/Treasurer Deaton

**MINUTES**

**CM 9-1-15 MOTION TO APPROVE MINUTES**

Motion by Kivell, supported by Kramer  
Motion to approve minutes as presented

VOTE: **MOTION CARRIED UNANIMOUSLY**

Councilman Kivell stated the minutes were very well done.

**BILLS**

**CM 9-2-15 MOTION TO APPROVE BILLS**

Motion by Kivell, supported by Wedell  
Motion to approve bills as presented

VOTE: **MOTION CARRIED UNANIMOUSLY**

Councilman Kivell stated he would like the packet stapled together by issue, instead of all loose. He further stated there are no descriptions on the check register. City Manager Ladner stated we are using the BS&A system now, she will make sure that is added in the future. Councilman Wedell stated he likes the new format for the revenue report, but he would like all either landscape or portrait.

**AGENDA**

**CM 9-3-15 MOTION TO APPROVE AGENDA**

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Motion by Wedell, supported by Kopkowski  
Motion to approve Agenda as presented

VOTE: MOTION CARRIED UNANIMOUSLY

PUBLIC COMMENT

Carl Richards of 390 Lennox stated he wants to give big praises for the DPW. They did a great job on the entryway to Wells Street parking lot.

Linda Ross of 373 Harvard stated she is the President of the South Lyon Area Historical Society and co leader of the Village Gardening. Larry Ledbetter of 11343 Clovis Point stated he is the Historical Commission President. Ms. Ross stated they are here to thank everyone that helped move the rock moved to the Historical Village, it was estimated to weigh around 9,000 pounds. Carl Richards was the first to present the idea to the Commission a year and a half ago. She stated they want to thank everyone involved, such as Larry Ledbetter, Carl Richards, Tom Ross and Bob Trimetier for staying on top of the project. She further stated they want to thank City Manager Ladner, the DPW, City Hall, and a very big thank you to Jason Rose and to Rose Excavating for the skill, expertise in moving the rock to the Historical Village. Mr. Ledbetter stated the Depot Day was a great success and he wants to thank Bob Martin and the DPW, Ron Brock, Marianne Jamison for all their help. He further stated he wants to thank Chief Collins and Chief Kennedy for their support. Mr. Ledbetter stated he also wanted to thank Councilman Rzyzi because he helped set up the morning of Depot Day. There was a great turnout of approximately 600 people and the kids had a great time. He stated they began with a special tribute to September 11<sup>th</sup>. They also gave a special tribute for the sacrifice of Firefighter Dennis Rodeman who was murdered, and they also paid tribute to Terry and Dorothy Tennent. He further stated there were many people involved in making it a success. Brian Bach donated free helium balloons for all the kids. The Kiwanis served hot dogs which were free, donation only. He further stated there were antique cars from the Spark Plugs and classic tractors as well. There was a lot of entertainment for the kids, Thomas the Train, Zemo the Magnificent Yo yo man, The amazing Anhay the magician. There were also two Girl Scout troops selling cookies and doing face painting. Mr. Ledbetter stated the Fine Arts Society, the Garden Club and the bee man was there as well. He wants to thank the City Council for all their support. Mayor Wallace stated he wants to thank Larry Ledbetter and Linda Ross for all their hard work and for all the things they do.

Presentation of Awards: Police Department- Vibe Credit Union Investigation

Chief Collins stated he would like to present 3 Certificates of Merit to 3 members of the Police Department for a job well done in the Vibe Credit Union robbery investigation. He further stated the criteria for one to deserve a certificate of Merit is an outstanding performance of duty under unusual or difficult conditions, it does not have to involve physical danger, but must involve unusual thoroughness,

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determination, initiative, and conscientiousness. He further stated the officers solved the investigation within 12 hours of the Vibe Credit Union robbery. Chief Collins stated on August 12, 2015 at 9:04AM, Sgt. Doug Baaki and Officer Audra Baker were dispatched to the Vibe Credit Union to investigate an armed robbery that had just occurred. Both officers responded, ensured the safety of credit union personnel, and preserved the crime scene. Lt Christopher Sovik arrived minutes later and took charge of the investigation. All three officers working as a team, mobilized resources to process the crime scene, gathered information about credit union procedures, obtained video surveillance of the suspect, and quickly disseminated information on the South Lyon Police Department Facebook page about the suspect and the vehicle used in the robbery. At approximately 12:40 p.m. Lt. Sovik received a tip from a source that had seen the Facebook post. That tip provided a lead on the suspect and suspect vehicle. Officer Baker was able to confirm that information through one of her contacts, which resulted in officers locating the suspect vehicle. Using their training, experience, and investigative skills, officers were able to positively identify the suspect and locate the suspect vehicle within twelve hours of the robbery. In addition, Sgt. Baaki was very instrumental in recovering crucial evidence that the suspect used in the robbery. Lt. Sovik provided the FBI and the Oakland County Violent Crime Task Force with the suspect's name and possible locations. The suspect was apprehended two days later in the City of Detroit. A large portion of the money taken in the robbery was recovered from the suspect's vehicle. Lt. Sovik obtained a full confession from the suspect, who is currently lodged in the Oakland County Jail awaiting trial. Chief Collins presented Lt. Sovik, Officer Baker, and Sgt. Baaki each with a Certificate of Merit Award. Mayor Wallace thanked the members of the Police Department for all they do.

OLD BUSINESS- None

#### NEW BUSINESS

##### 1. Consider demolition bids for 390 S Lafayette St

City Manager Ladner stated she and the City Attorney developed language for the rehabilitation and demolition bids for 390 S. Lafayette. She stated she did not receive any proposals for rehabilitation of the property, but we did receive 3 bids for demolition. She further stated we received one from Blue Star for \$73,900 with a possible deduction of \$16,000 for substitution of clean fill dirt to fill the area of the removed foundation, also a bid from Milford Salvage and Iron Metal Co bid \$38,575 and the low bidder was R.J. Hoffman Management at \$34,780.00 Mayor Wallace asked if the bid requires the removal of the foundation. City Manager Ladner stated the bid did include the removal of the foundation and the replacement of rock so the settling problem will not happen again. Councilmember Kopkowski stated she had asked for information regarding what we could do with the building. City Manager Ladner stated that information was included in the September 9<sup>th</sup> meeting along with a memo from Carmine. Councilman Kivell stated it was in the September 9<sup>th</sup> packet, Councilmember Kopkowski stated it was not included with her packet. Councilman Rzyzi stated he thinks this is the right step, and looking back he thinks it was a good idea to look into the rehabilitation of the building, but he didn't think we would get any proposals, but at least we are making sure all angles are covered. He further stated he is very comfortable with the bids.

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CM 9-4-15 MOTION TO ACCEPT LOWEST BID FOR DEMOLITION

Motion by Rzyzi, supported by Dixon

Motion to accept the bid from R.J. Hoffman Management in the amount of \$34,780 for the demolition of the existing structure at 390 Lafayette and authorize the Mayor to sign the contract and for the City Manager to issue the Notice to Proceed to the contractor.

VOTE:

MOTION CARRIED UNANIMOUSLY

Councilman Kramer asked if there are plans for what will be done with the property after it is demolished. He wants to ensure we have some kind of plan for what it will look like, and to make sure there is something done with it. City Manager Ladner stated they will put rock down, then fill, then reseed it. Mayor Wallace stated it will look fabulous when entering town and hopefully we can have a few picnic tables in the area. Councilman Wedell stated he wants to disclose he worked with Mr. Hoffman in the past when Mr. Hoffman was a County Commissioner and he worked with the County Commissioners, but that will not preclude his ability to vote on this issue.

Councilman Kivell stated this is a reasonable bid, this was the expected outcome, but he is still disappointed everyone was in such a hurry to demo the building. The idea of having only a month for a rehabilitation proposal was not feasible. Clearly when there is a demolition job, it is easy for a company to see what their cost will be, if you are trying to see what the cost would be for a rehabilitation project and envision a redevelopment of a building, there is much more due diligence to calculate into the idea. It would not have been fair to let the building sit as it is forever, but he wishes we could have given it a reasonable amount of time, yet that argument is hard to make due to the fact no one inquired about the rehabilitation or redevelopment of the building. Mayor Wallace stated the company will have 45 days to complete the project after notice is given.

2. Consider the purchase of three Kaeser Bare Blowers

Department Head Martin stated our wastewater plant was refurbished in 2005, which seems relatively new, but it is actually 10 years old. He further stated the wastewater plant and the clean water plant both are running 7 days a week and 24 hours a day, there are always 2 running blowers. We had some issues, and 1 ½ years ago he discussed looking at what we have and what we decided is to look at what was on the market. We have looked at numerous companies such as Roots, and Curb & Pump for a long term fix. There are a lot of good blowers out there. After looking at other companies, they have found if we purchase a new blower from another company it will cost thousands to just change the footprint and hardware at the plant itself. Department Head Martin stated throughout the years, his DPW workers have spoken with Kaeser, and Kaeser took their suggestions and made improvements to the blowers. He further stated this is a much improved blower and if we stick with Kaeser it will benefit the City in the long term. He stated they have given us a price for an individual blower for \$11,000 and we could purchase up to 4. He believes it will be wise to purchase 3 new blowers. One will be used

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immediately, and that will leave 2 on the shelf for future needs. Department Head Martin stated it is a good opportunity. Mayor Wallace stated we are lucky we can do this with such an affordable range and it is due to the effort of the DPW. Councilman Kramer asked if we are just replacing the internal component or the entire unit. Department Head Martin stated the motor is fine, we just need to replace the blower and this is budgeted for as well. Councilman Kivell stated when this conversation was first brought up a while ago, Kaeser realized they had some problems with failing pumps, and the fact they were willing to make some needed improvements that we suggested goes a long ways besides just the cost.

CM 9-5-15 MOTION TO APPROVE PURCHASE OF THREE KAESER PUMPS

Motion by Kramer, supported by Rzyzi

Motion to approve the purchase of three Kaeser bare blowers from Professional Pump Inc. for the amount of \$33,062.25

VOTE: MOTION CARRIED UNANIMOUSLY

3. Consider reimbursing Chief Kennedy for travel and lodging costs to attend the International Fire Chiefs Conference where he presented and represented the City of South Lyon

Councilman Kramer stated Chief Kennedy attended a conference and was a presenter and he paid for the Conference, air fare and hotel from his personal funds. He further stated he believes since he was a presenter and representing the City he feels the City should reimburse him for the costs. Chief Kennedy stated he never expected the City to pay for this conference, and he never went to the City Manager except to let her know he would be attending the conference. He stated he appreciates the offer, but he doesn't want to seem disingenuous to his staff. He had let them know he was doing this on his own, and in the future he will let the City know, but he doesn't need to reimburse. He further stated he respectfully asks Council to pass on this. Mayor Wallace stated he believes Chief Kennedy deserves some kind of a stipend for this.

CM 9-6-16 MOTION TO REIMBURSE CHIEF KENNEDY FOR THE COST OF ATTENDING FIRE CHIEFS CONFERENCE

Motion by Kramer, supported by Rzyzi

Motion to reimburse Chief Kennedy for the cost of attending Fire Chiefs Conference

VOTE: MOTION CARRIED UNANIMOUSLY

4. Discussion regarding putting in place and enforcing aggressive begging/panhandling ordinance

Mayor Wallace stated the issue that really upset everyone regarding the out of town solicitors were they were at every major intersection in the City. They also were not a local charity, nor did they have any kind of uniforms, and cut out milk cartons for collecting, and no one could tell what they were collecting for. They were also out Labor Day weekend. He further stated the permit they had from the State of Michigan was expired as of July 31<sup>st</sup>. Mayor Wallace asked our City Attorney what we could do to control this because it effects our local charities when then they try to collect. Mayor Wallace stated there is a safety concern as well, who will be liable if someone gets hit. Attorney Wilhelm stated collecting donations for charitable groups is protected under the First Amendment protected speech. He further stated any kind of ordinance that is put in place will have to apply to all charitable groups, including local charities and it will have to be content neutral. Attorney Wilhelm stated you want to avoid a permitting process because it could reflect a prior restraint meaning we are infringing on their rights before they are allowed to engage. He further stated you could require a registration with the Police Department to let everyone know they will be in the area. You should not try to regulate what they wear or what kind of collection container they use. Attorney Wilhelm stated whatever is done will apply to everyone across the board. Mayor Wallace stated they didn't have any safety vests on at all. Councilmember Kopkowski stated she overheard a couple of the people arguing over who goes to what car, it seemed they may get paid a commission on what is collected. Councilman Kivell stated a complication is whatever we employ for outsiders will also have to go for all of the local charities as well. He further stated the Supreme Court has mutilated the historic perspective of what the First Amendment and what free speech pertains to. He further stated there were many people on Facebook that were very upset about the people from outside our community collecting. He stated he thinks the City will be better off if we do not take an action regarding this issue. If people do not donate to the outside groups that come in, they will go elsewhere. Councilman Kivell stated he has always been concerned with people in the roadways collecting for charities due to a safety issue. Councilman Kramer asked if we can force them to wear/carry some sort of identification, or if we can limit when and where? Attorney Wilhelm stated he doesn't have a definitive answer but he thinks the registration may be acceptable. More discussion was held regarding how much the City can control this without violating the First Amendment. Councilman Wedell stated he collects for the American Legion and the weekend they sell poppies is very important for the support of veterans. He further stated he would prefer to take a hands off approach, and he also feels if people do not donate to the charities that are from out of town, they will move on to another City. Attorney Wilhelm stated the City currently has an aggressive begging ordinance that can be enforced. Chief Collins stated the Second Chance Network did submit paperwork to the Police Department. He furthers the Police in plain clothes as well as in uniform monitored throughout the day. Chief Collins stated they didn't see any aggressive behavior, and he did see safety vests being worn by some of the collectors. He further stated it seems easier for people to go home and complain on Facebook rather than take the time to call the Police Department. If anyone feels threatened at any time, they need to contact the Police Department. He stated to his knowledge the Police Department didn't receive any complaint calls from the Public. Councilmember Kopkowski

stated she is around town often, and she didn't see any aggressive behavior. Mayor Wallace stated he is upset the freedom of speech can be flipped to mean freedom to solicit. Further discussion was held regarding the limited options the City have regarding charitable solicitors.

5. Discussion and consideration regarding allowing the DDA Board to meet with HRC to develop plans to present to the Council for the utilization of the federal earmark funds

City Manager Ladner stated the DDA Board is requesting permission to meet with HRC and discuss plans for some work they would like done using the \$90,000 earmarked funds. Councilmember Kopkowski stated the DDA isn't paying for anything, why do they need to be involved. City Manager Ladner stated the DDA would like to be involved in the planning for the use of the money because the money must be used in the downtown district. Councilman Kivell asked if the engineering fees can be paid by the earmarked money. City Manager Ladner stated the earmarked money can be used for engineering fees. Councilmember Kopkowski stated the whole amount of money will be spent in engineering costs, then who would pay for the project. She further stated anyone can brainstorm, but we don't need to give anyone permission to do so. Councilmember Kopkowski stated she doesn't think we should spend the entire amount of money on engineering fees when there will be nothing left for the construction of the project. Councilman Wedell stated it is a small amount of money and it is designated to such a small area, if we can't come up with some idea to use the money that is logical, we need to give it back, it is still taxpayer money. It doesn't make sense to spend money just to spend it. Councilman Kivell asked if some of the money could be used for the 390 Lafayette building. City Manager Ladner stated we could use it for sidewalk or right of way items.

#### MANAGERS REPORT

City Manager Ladner stated she has tried to make contact with CSX to remove or empty the dumpster on their property. She has also contacted Waste Management but they have no record of delivering the dumpster, therefore they do not know who to charge. We have asked them to remove it regardless of who they charge for it. Councilmember Kopkowski suggested the City Manager contact the Road Commission as well. She further stated she this should have been realized before she had to bring it to her attention. Discussion was held regarding the dumpster and how long it had been full. City Manager Ladner stated this is the second week in the conversion to BS&A. City Manager Ladner stated the DDA is seeking volunteers for Cool Yule because the Chamber has decided to no longer run it. She further stated she wanted to remind everyone Pumpkinfest is coming in 11 days. City Manager Ladner stated she and the Mayor will be attending the MML Convention for the rest of the week, but she will be available by phone or email.

#### COUNCIL COMMENTS

Councilman Wedell stated he is sorry he missed Depot Day, when he got there it was raining and people were taking the tents down, it is always a great event.

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Councilmember Dixon stated she wanted to thank the Chief and Department Head Martin for having the cameras fixed and that Depot Day was a great event.

Councilman Kivell stated he also unfortunately missed Depot Day because of the weather. He further stated he contacted our Senators to see if they have any pull with CSX, but he isn't expecting too much. Councilman Kivell stated there is progress being made at the Knolls, significant changes have happened.

Councilman Rzyzi stated when there were issues with the tracks at 9 Mile he was able to find some contact information for the Director of Program Management and he will forward the contact information to the City Manager. Councilman Rzyzi stated that South Lyon Recreation did a great job sponsoring the Labor Day Bridge Walk and it was great seeing the residents at the South Lyon Senior and Rehabilitation Center participating as well. It was a great event. He further stated the rock that was moved to the Historical Area looks great. Councilman Rzyzi stated the Fire Department ran the 5K in full uniform and carried American flags, it was very impressive. He further stated there were hundreds of flags in Paul Baker Park in memorial of the Firefighters that passed during September 11<sup>th</sup>.

Mayor Wallace stated the Bridge Walk was fun and it was wonderful seeing the people in their wheel chairs in that final lap. He further stated he is disappointed the Chamber of Commerce will no longer be working on Cool Yule. The reason they gave was other communities they are involved with didn't feel it was proper for them to be involved with a City project such as that, and he wanted to point out that Cool Yule is for the children and the school district is an 85 square mile district and he thinks that is a lame excuse. Mayor Wallace stated Pumpkinfest is coming and it always brings out the Community, they have moved the dogs by Norms. He further stated he mentioned at the last meeting during the parade the dance groups need to keep moving, but they do a great job, but we need to keep it moving. He further stated St Joseph's Parish held their 50<sup>th</sup> Jubilee over the weekend, and they had a fund raiser to have Church bells installed, but they are not loud, they are musical. Mayor Wallace stated the car show is the 4<sup>th</sup> Wednesday of the month, same weekend as Pumpkinfest. He further stated he is disappointed the South Lyon Herald isn't in attendance to represent what is actually being said in our meetings.

A resident from the audience asked if Council could discuss the Fire Hydrants in Colonial Acres that aren't working. Department Head Martin stated every fire hydrant works in the City. Mayor Wallace stated he understands his concern, but the City Manager and everyone are working on the hydrant issues in Colonial Acres.

## ADJOURNMENT

### CM 9-7-15 MOTION TO ADJOURN

Motion to adjourn meeting at 8:55p.m.  
Motion by Kramer, supported by Dixon

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VOTE: MOTION CARRIED UNANIMOUSLY

Respectfully submitted,

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Tedd Wallace, Mayor

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Lisa Deaton Clerk/Treasurer