

The City of South Lyon  
Regular City Council Meeting  
March 14, 2016

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

PRESENT: Mayor Pro Tem Wedell  
Council Members: Dedakis, Kivell, Kramer, Kurtzweil, and Rzyzi  
Also Present: City Manager Ladner, Chief Collins, Chief  
Kennedy, Department Head Martin, Attorney Wilhelm, and Clerk/Treasurer Deaton  
ABSENT: Mayor Galeas

CM 3-1-16 MOTION TO EXCUSE ABSENCE OF MAYOR GALEAS

Motion by Kramer, supported by Kurtzweil  
Motion to excuse absence of Mayor Galeas

VOTE: MOTION CARRIED UNANIMOUSLY

MINUTES

Mayor Pro Tem Wedell stated he asked Clerk Deaton to correct the minutes from the last meeting to state he was looking forward to reading Chief Collins report, not Chief Kennedy's. Councilmember Kurtzweil asked if minutes may be amended without the change being stated during the meeting. Attorney Wilhelm stated Council needs to be aware of changes made to the minutes.

CM 3-2-16 MOTION TO APPROVE MINUTES

Motion by Kivell, supported by Kramer  
Motion to approve the minutes as amended

VOTE: MOTION CARRIED UNANIMOUSLY

BILLS

Councilmember Kivell asked about the charge for a water cooler. Chief Collins stated it is a quarterly bill for a water filtering unit. Councilmember Kurtzweil asked about the insurance stipend on the payroll report. City Manager Ladner stated that is for City employees that opt out of our insurance. Councilmember Rzyzi asked how long the copier lease is and if we are charged per copy. City Manager

Ladner stated there is a maximum number of copies made before we are charged and we haven't gone over that amount.

CM 3-3-16 MOTION TO APPROVE BILLS

Motion by Kramer, supported by Kivell  
Motion to approve the bills as presented

VOTE: MOTION CARRIED UNANIMOUSLY

PUBLIC COMMENT

Carl Richards of 390 Lenox stated there is a new business in the Busch's Shopping Center. Mr. Richards stated he would like to praise all of the people working at City Hall, they are always very helpful.

OLD BUSINESS

1. Consider approval of SLARA lease agreement

City Manager Ladner stated this lease renewal was brought before Council in December but there were some concerns. She further stated Councilmember Kurtzweil has withdrawn her concerns therefore she is presenting the original lease to Council today. The lease is for two years with a 2% increase in rent and she feels having South Lyon Recreation in the City of South Lyon is good for our residents and good use of our City property.

CM 3-4-16 MOTION TO APPROVE THE 2 YEAR LEASE AGREEMENT WITH SOUTH LYON AREA RECREATION AUTHORITY

Motion by Kurtzweil, supported by Rzyzi  
Motion to authorize the renewal of the lease agreement between the City of South Lyon and the South Lyon Area Recreation Authority for the property located at 318 W Lake Street for a two year term and authorize the Mayor to sign the agreement

VOTE: MOTION CARRIED UNANIMOUSLY

NEW BUSINESS

- 1) Resignation from Parks & Recreation Commission: Jason Nezich

City Manager Ladner stated we have received a resignation letter from Jason Nezich for the Parks and Recreation Commission.

CM 3-5-16 MOTION TO ACCEPT RESIGNATION

Motion by Kivell, supported by Dedakis  
Motion to accept the resignation of Jason Nezich from the Parks and Recreation Commission with thanks

3/14/16

VOTE: MOTION CARRIED UNANIMOUSLY

- 2) Resolution declaring April 2016 Child Abuse Prevention Awareness Month

Mayor Pro Tem Wedell stated we have received a letter from the Care House of Oakland County asking the City to pass a resolution stating the month of April is Child Abuse Prevention Awareness Month.

CM 3-6-16 MOTION TO APPROVE RESOLUTION PROCLAIMING APRIL AS CHILD ABUSE PREVENTION AWARENESS MONTH

Motion by Kivell, supported by Kramer

Motion to approve resolution proclaiming April as Child Abuse Preventions Awareness Month

VOTE: MOTION CARRIED UNANIMOUSLY

- 3) Resolution asserting right of City Council to approve or reject Master Plan

City Attorney Wilhelm stated the Planning Commission is in the process of reviewing the Master Plan. He stated this resolution asserts the right of Council to approve or reject the Master Plan.

CM 3-7-16 MOTION TO APPROVE THE RESOLUTION ASSERTING THE RIGHT OF CITY COUNCIL TO APPROVE OR REJECT MASTER PLAN

Motion by Kramer, supported by Dedakis

Motion to approve the resolution asserting the right of City Council to approve or reject Master Plan as provided for in Section 43(3) of the Michigan Planning Enabling Act

VOTE: MOTION CARRIED UNANIMOUSLY

- 4) Consider approval of first reading of Ordinance to amend Chapter 58 and add provisions regulating tobacco products, vapor products and alternative nicotine delivery products

Attorney Wilhelm stated this is largely based on the Youth Tobacco Act. He stated Lyon Township recently addressed this issue as well. He stated this will expand the current ordinance to include the use of vapor products and alternative nicotine products. He further stated this prohibits use by minors, attempt to purchase it as well as attempt to possess it. Councilmember Kramer asked if we are limited to a \$50.00 fine. Attorney Wilhelm stated we are limited by statute. Councilmember Kurtzweil asked if this is restrictive to tobacco products and vaporizing. Attorney Wilhelm stated it is, the nicotine products that are chemical or liquid may not be considered tobacco, therefore that left a gap which is why this Ordinance expands to include this. Councilmember Kurtzweil stated the real problem is the use of these products with marijuana not the nicotine because of the high potency. Councilmember Rzyzi stated he is concerned because there is no way for people to know what is in the device. He thinks this ordinance should go further. Councilmember Kivell asked how the Police Department would deal with the issue of a minor in possession of the device. Chief Collins stated it is not enforceable unless they can prove what is in the product. Further discussion was held regarding the issue.

CM 3-8-16 MOTION TO APPROVE THE FIRST READING OF THE ORDINANCE TO ADD SECTIONS 58-271 THROUGH 58-274 TO ADD PROVISIONS REGULATING THE POSSESSION, USE AND SALE OF VAPOR PRODUCTS

Motion by Kivell, supported by Rzyzi

Motion to approve the first reading of Ordinance to add Sections 58-271 through 58-274 to add Provisions regulating the possession, use and sale of vapor products and vapor delivery products

VOTE: MOTION CARRIED UNANIMOUSLY

- 5) Consider approval of first reading of Ordinance to amend Sec 58-221 and add provisions prohibiting the use of vapor products and alternative nicotine delivery products on school property

Attorney Wilhelm stated this Ordinance is related to the previous discussion. This is not limited only to minors; this does not apply to outdoor stadiums during the weekends or other days when school is not in session. Councilmember Kivell stated he is concerned we are passing an ordinance limiting when people can use these products on school property without the School being involved. Attorney Wilhelm stated South Lyon Schools currently has an Ordinance regulating this.

CM 3-9-16 MOTION TO APPROVE THE FIRST READING OF THE ORDINANCE AMENDING SECTION 58-221 TO PROHIBIT THE USE OF TOBACCO PRODUCTS, VAPOR PRODUCTS AND ALTERNATIVE NICOTINE DELIVERY PRODUCTS ON SCHOOL PROPERTY

Motion by Kramer, supported by Rzyzi

Motion to approve the first reading of the Ordinance amending Section 58-221 to prohibit the use of tobacco products, vapor products and alternative nicotine delivery products on school property

VOTE: MOTION CARRIED UNANIMOUSLY

- 6) Consider approval of first reading of Ordinance to amend Chapter 22 and add Mobile Food Vending

Attorney Wilhelm stated this is the mobile food vending truck Ordinance that was approved by the Planning Commission. He stated this will require the food vendor to apply for a license, as well as the property owner. He further stated if this is approved, we will need to consider setting locations and fees which can be handled at a later time. Councilmember Kramer asked if this Ordinance will limit the number of licenses that may be issued at one time. Attorney Wilhelm stated there is not a limit in the presented Ordinance.

CM 3-10-16 MOTION TO APPROVE THE FIRST READING OF MOBILE FOOD VENDING ORDINANCE

Motion by Kurtzweil, supported by Kivell

Motion to approve the first reading of Mobile Food Vending Ordinance

VOTE: MOTION CARRIED UNANIMOUSLY

- 7) Consider approval of first reading of Ordinance to amend Chapter 2 Administration by addition Article VIII – Review Fee Escrow Deposits

Attorney Wilhelm stated this Ordinance is designed to properly place cost incurred by the City by applicants seeking approvals that require extraordinary cost by the City, and would put the cost onto the applicant. An example is the when applicants ask for utility dedication. This provides for the discretion by the City Manager for when the escrow fee of \$1500.00 is required, and if the applicant is unhappy with the amount, it can be appealed to the City Council. He further stated any of the deposit that isn't used will be returned to the applicant. Councilmember Kurtzweil asked if this supplements performance bonds. Attorney Wilhelm stated it is a similar concept. He further stated this involves different deposits to ensure the City doesn't have to pay money to finish a development. Councilmember Kurtzweil stated this is a nice model we could use for performance bonds as well. Attorney Wilhelm stated this will only be used when the City will expend major expenses and any unused escrow funds will be returned to the applicant.

CM 3-11-16 MOTION TO APPROVE THE FIRST READING TO AMEND CHAPTER 2 ADMINISTRATION BY ADDITION ARTICLE VIII REVIEW FEE ESCROW DEPOSITS

Motion by Kivell, supported by Kramer

Motion to approve the first reading of Ordinance to amend Chapter 2 Administration by adding Article VIII review fee escrow deposit

VOTE: MOTION CARRIED UNANIMOUSLY

Discussion – Downtown

City Manager stated there is a grant sponsored website that can be used for any public project. It is crowd sourcing or funding. She further stated this allows for allowing funds to be raised, and the State will match it. She further stated the Parks and Recreation plan on using this. She further stated as we look at other projects we will look at using it in the future.

Manager's Report

City Manager Ladner stated at a past meeting Department Head Martin asked Council to approve money for a repair for \$60,000 and he was able to get two repairs done for less than that and she wanted to thank him and his departments for their hard work. She further stated the Strategic Planning session will be held this Saturday at the Brookwood Clubhouse at 8:00 a.m. City Manager Ladner stated the Parks and Recreation will be bringing the Master Plan to Council the first meeting in April. She further stated the Mayor is on jury duty this week, and there is a meeting he will not be able to attend if someone else can fill in for him. Mayor Pro Tem Wedell stated he will attend. City Manager Ladner stated she was approached by someone to ask if the City will make an ordinance keeping all city parks tobacco free. She further stated the DPW are picking up a lot of cigarette butts around the playground and the sports field. Councilmember Kivell stated it is a legal activity and it isn't appropriate for the City to eliminate it. Councilmember Dedakis asked if the City has cigarette dispensers currently in the City? Department Head Martin stated there are none currently.

Council Comments

Councilmember Kivell stated the Cable Commission had a demonstration, and everyone seemed very excited about the transition into the new hardware and software package. The intent was to let everyone know the need for content to create a library of different things to be shown on the cable channel.

Councilmember Dedakis stated she also attended the Cable Commission and the turnout was fantastic. She further stated there were many volunteers that turned out to help stuff the eggs for the Easter egg hunt.

Councilmember Rzyzi stated he wants everyone know the Strategic Planning Session is open to the public. Councilmember Rzyzi stated he would like to thank Attorney Wilhelm for getting the Ordinance together so quick for the vaping issue. He further stated he doesn't want it to go unnoticed that there are many places that sell these products, it isn't just the dispensaries that are an issue. Councilmember Rzyzi stated he wants to give credit to South Lyon East and South Lyon Key Club Members, there were 75 students that partnered with the Kiwanis Club for Kids against hunger. They filled many bags and raised \$2400.00 Councilmember Rzyzi stated he wants to thank all of the Election workers for their long day and for helping all our residents.

Councilmember Kramer stated he is concerned with the number of hours the City is being billed for the criminal complaint that was filed regarding the Board of Review. Attorney Wilhelm stated the only time he would bill the City related to that issue is if it related to the City. Councilmember Kramer stated he would like to know the cost Attorney Wilhelm and City Manager Ladner had to pay for their own attorney fees.

Councilmember Kurtzweil stated there wasn't a criminal complaint filed, it was a request for investigation. She further stated she requested the matter to be added to an agenda, but the Mayor said no. She was not given the opportunity to discuss this with Council. So I made every effort to do the right thing and try to come to City Council and to talk certain issues out and was not given the opportunity to do so. I tried to follow the channels and tried to do the right thing. I also believe Mayor Galeas reported to the paper he wished she would have come to Council first, but Mayor Galeas didn't tell the paper she made the request and he denied it. Councilmember Kurtzweil stated she would like to congratulate Phil Weipert for being person of the year, and she would like to thank his wife Pam for being extremely gracious for sharing him with the community. Councilmember Kurtzweil stated she would like to thank the Salem/South Lyon Library for the fabulous jazz quartet they had on Saturday. She further stated Larry Smith is an alto sax player and he has played with Aretha Franklin. She stated Greg Cook played upright bass and Oliver Nevel was there playing the guitar as well. It was incredible. Councilmember Kurtzweil stated the Cultural Arts Commission will be having their art show opening at City Hall on Friday April 15<sup>th</sup> from 7 until 9:00. She further stated the poets will be at the Third Monk Brewery and it is a fabulous event.

Mayor Pro Tem Wedell stated he didn't know he was going to be chairing this meeting until he got here, but he wanted to thank staff and Council for making it a smooth and easy meeting.

- II. Closed Session pursuant to Section 8 (c) For strategy and negotiation sessions connected with the negotiation of a collective bargaining agreement related to negotiations with the Police Officer's Labor Council and the Police Officers Association of Michigan.

#### CM 3-12-16 MOTION TO ENTER INTO CLOSED SESSION

Motion by Kivell, supported by Kramer

Motion by enter into closed session pursuant to Section 8 © for strategy and negotiation sessions connected with the negotiation of a collective bargaining agreement related to negotiations with tkyhe Police Officer's Labor Council and the Police Officers Association of Michigan at 9:25 p.m.

VOTE: ROLL CALL VOTE  
KIVELL- YES  
DEDAKIS- YES  
RYZYI- YES  
KRAMER- YES  
WEDELL- YES  
KURTZWEIL-YES

III. Adjournment

Council reconvened meeting at 9:40 p.m.

CM 3-13-16 MOTION TO ADJOURN

Motion by Kivell, supported by Kramer  
Motion to adjourn regular meeting at 9:40 p.m.

VOTE: MOTION CARRIED UNANIMOUSLY

Respectfully submitted,

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Mayor Pro Tem Wedell

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Lisa Deaton City Clerk