

**CITY OF SOUTH LYON  
REGULAR CITY COUNCIL MEETING  
JANUARY 28, 2008**

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

PRESENT: Mayor Doyle  
Council Members: Kivell, Kopkowski, Maida, Morelli, Selden and Wedell  
Attorney Lee  
City Clerk/Treasurer Zemke  
Department Heads: Collins, Martin & Renwick  
ABSENT: City Manager Cook

**APPROVAL OF MINUTES:**

Chief Collins stated that it should be noted that he was not in attendance at the January 14<sup>th</sup> meeting.

**CM 1-1-08- APPROVAL OF MINUTES – REGULAR MEETING OF JANUARY 14, 2008**

Motion by Kivell, supported by Kopkowski

To approve the minutes of regular meeting of January 14, 2008 as amended

VOTE: MOTION CARRIED UNANIMOUSLY

**APPROVAL OF AGENDA**

Mayor Doyle questioned whether Old Business #2 should be deleted from the agenda. It is his understanding that Bella Luna has caught up on their taxes. The consensus of Council was to leave it on the agenda for discussion.

Councilman Wedell stated that he would like to add a discussion under Old Business #1 b) for discussion on the City Manager hiring process.

**CM 1-2-08 – APPROVAL OF AGENDA**

Motion by Wedell, supported by Morelli

To approve the agenda as amended

VOTE: MOTION CARRIED UNANIMOUSLY

**APPROVAL OF MONTHLY BILLS:** None

**CITIZENS SUGGESTIONS:**

Pamela Hanson of 12685 W. Highland Road in Hartland stated that she is a pastor of a Lutheran Church in Brighton. She stated that they are starting a new a campus in the South Lyon area and want to reach people who do not have a church background. They are still looking for a location and have been making contacts with community leaders to find out what is going on in the community, what people need and what they can help with.

Mr. Scott Brown of 504 W. Liberty stated that he has some issues as a local business owner and would like to discuss those. Since he was here the last time, we have had three more businesses in town that have gone under. It is a bad business climate right now, but would ask Council to take a position on local businesses and encourage the city people to do business with local business owners. If we work together we can come up with a plan to keep businesses going.

Council Member Kopkowski asked what business Mr. Brown owns. Mr. Brown indicated that he is a contractor. Council Member Kopkowski asked if he has gone to any of the DDA meetings. It was stated that they are the first Thursday of every other month with the next meeting the first Thursday in March. Mr. Brown stated that he is looking for Council's thoughts on ways to bring their abilities to support these local businesses and salvage the situation. Councilman Selden stated that there is not a single person sitting here that does not want to see businesses succeed. He further discussed the economy throughout the State. Mayor Doyle stated that it is tough for everyone including small businesses.

Discussion was held on using local business when the City can but having the responsibility to get the most value for the tax dollars. Discussion was held on the bidding process and qualifiers that have to be met.

Mr. Brown stated that the reason he was here the last time was because there had been a job that he bid and he was not awarded. That job is still not complete. Chief Collins explained that Mr. Brown had bid on a painting job for the Police Department and his bid was over \$2,000 which would require us to go before Council before expending the funds. He did receive another bid that did come in significantly lower than Mr. Brown's and under \$2,000. This was a maintenance item that would not require Council approval. The gentleman who bid under \$2,000 was very busy and could not get the work done before the weather got bad and indicated that he would do the job in the spring. However, there was a garage door with significant rust, and in order for that not to be further damaged, he came out and sanded that door and applied a primer coat to protect it through the winter. In the spring he will come back out and do the work.

Mr. Brown stated that a lot of the business owners are concerned and they want to make sure that there is a plan to help encourage local residents to do business locally as well as the City consider using local businesses first. Discussion was held on that being a regular consideration when making decisions.

Mr. Roger Colissimo of 216 Oakbrooke stated that in reference to furthering discussion for the businesses, he believes that the City Council needs to stand up and take a leadership role to promote a stimulus to drive our residents to shop here. There has to be a collaborative effort made. A lot of individual business owners have tried to do different initiatives with some success, but in the past couple of months we have seen five businesses shut their doors, which stifles the drive and energy. He would like to be part of those discussions with the City and offer any of his services to get Council behind something large that will benefit the greatness of the community. We do not have a drive or an on-going plan to support the businesses. We are not expecting the City to tell them how to operate their business, but rather to support the operation of the business. He discussed what other communities do to drive residents downtown.

Discussion was held on what the City is doing including the DDA, events that take place in town and the individual support that Council Members give to local business.

### **OLD BUSINESS:**

#### 1. Goals & Objectives- City Manager

Mayor Doyle stated that there was extensive discussion at the last meeting. He reviewed the points which are to develop a redevelopment plan for downtown, enforcement plan to address blight, watch for additional grants that may become available, good financial planning, investigate cable options and improvements, overall preparing for the future and have good financial planning in place, and coordination with the special events throughout the City.

Councilman Kivell stated that he broke these items down further based on the discussion. He read through those bullet points as follows:

#### Economics

1. Develop a plan to coordinate with the Chamber of Commerce Coordinating Council and whatever other useful resources necessary to identify businesses that will enhance the customer draw and shopping experience of the Central Business District.
2. Develop a plan to identify commercial and retail needs throughout the city.
3. Research and recruit businesses meeting the criterion of the above plans.
4. Develop a redevelopment plan for underutilized areas of the city.

Councilman Kivell stated that the only thing that he did not do was to try to assign a metric because he wanted to see that done as a body.

#### Commissions support

1. Provide assistance and support to Planning Commission, Parks and Recreation Commission, Beautification Commission and Historic Commission.
2. Develop working budgets
3. Coordinate efforts to implement plans

Councilman Kivell stated that unfortunately some of the bodies complain that they do not know what their financial status is during the course of the year so it is difficult to try to get enthusiastic about any given project because they do not know if the funding is available to address their desires. The one body that stands out more than the others is Parks and Recreation.

#### Ordinance enforcement

1. Develop an enforcement plan policy relating to Residential, Commercial and Industrial areas
  - a. Blight prevention in all zoning areas
  - b. Prevention of neighborhood affronts by loaning institutions on homes in foreclosure.

Councilman Kivell stated that the Planning Commission is addressing some of these issues.

#### Financial

1. Continued strong financial planning
  - a. Establish common sense budget
  - b. Creatively pursue grant money

Councilman Kivell stated that we have had a terrific history of being successful in getting grants with our current city manager.

#### Events support

1. Coordinate with outside organizations to provide City support to Events calendar.

Councilman Kivell stated that he is not sure that we want to be the one to package the event, but we certainly want to be as supportive as we can.

#### Research new video components to improve broadcast quality

Councilman Wedell stated that he does not want to diminish the importance of this exercise, however we embarked on this as a result of the last evaluation of the current manager. We now know that we are going to have a new manager by the time we do the next evaluation. It seems that with a new manager there are a whole new set of priorities such as getting to know the community, understanding and developing a financial package for Council consideration, etc. none of which are being addressed with our goals because they were a given with the current manager. He would like to suggest taking the work compiled and leave it on the desk of the new manager so that they know that these are the things that Council feels are important. Through the interview process, there may be a new set of initial goals that are much more basic to taking over the reins of the City. This would be a good head start for the new manager and it would behoove that person to attend to some of these issues as well as some larger issues.

Councilman Selden stated that he would agree with Councilman Wedell and would suggest that we table this and choose a new manager first.

Councilman Kivell stated that he feels that this is something that needs to be addressed by anyone sitting in the seat. If Council is considering hiring somebody that we assume by discussion and interview that

they have the skills to accomplish the job, these are going to be the things that he will do in addition to what his regular operation role will be.

Discussion was held on a new person becoming familiar with the City. It was stated that this person is still going to need to know what the expectations are while they are learning.

Council Member Kopkowski stated that she feels we need to be in agreement as a Council so that we can choose the person that replaces the manager.

Councilman Morelli stated that he agrees with Councilman Kivell that it is something that a City Manager, no matter who it is, will be expected to accomplish. Anyone they interview will be able to know how to accomplish them. However, no matter how experienced the person is, there is going to be a learning curve.

Mayor Doyle stated that what has been done is a great start. However, in his experience with goal setting, it was not done in a vacuum, but rather between the supervisor and the direct report with some give and take and a review of things that may or may not be obtainable. Further, he stated that he feels all of these things are important and would like to see all of these addressed as far as goals. He is not concerned about the items, but rather the measurement. He would like to see this tabled and work through the process of hiring a City Manager then work with that individual as a team to develop goals. Councilman Morelli stated that in his experience you first have to start out with an outline similar to what we have here then sit down with the individual and it is a give and take.

Discussion was held on waiting to see the expertise of the individuals who will be considered for the city manager position.

Councilman Kivell stated that he feels that we need to have something set that may be modified or adjusted once the new city manager is in place rather than wait and act on it later. He would like to see this brought back at the next meeting until they can come to a consensus.

#### CM 1-3-08 – TABLE CITY MANAGER GOALS AND OBJECTIVES

Motion by Selden, supported by Kivell

To table discussion of the City Manager's Goals and Objectives until the next meeting

VOTE:

MOTION CARRIED UNANIMOUSLY

#### b) City Manager Hiring Process

Mayor Doyle stated that Council had discussed whether or not they wanted to conduct the hiring of the City Manager themselves or do they want to hire a third party to collect resumes, conduct background checks, etc. and bring applicants to Council. For a number of reasons, the majority of Council felt that for the first cut, they would like an outside firm to handle it. In the packet was an overview of the typical executive search process through MML.

Councilman Morelli stated that he has reviewed the information and feels that it is exactly what we need and would support doing this.

Discussion was held on the fee schedule and the breakdown.

Councilman Selden stated that he is not comfortable with this at all. He stated we have all hired people and should be able to handle it in-house. Furthermore, the comment made in the paper looks like a decision had already been made.

Discussion was held on discounting based on things already done by us such as placing the ads. It was stated that ads have been placed with ICMA and MML.

Councilman Wedell asked if this is an appropriate thing to do through the MML without looking at other companies. Attorney Lee stated that this is so specialized that putting this out to headhunters who do not have experience in this area is unrealistic. Councilman Wedell asked if we have time to have a representative come to our next meeting to explain the scope of services and at that time make a motion to enter into a contract. Attorney Lee stated that there is no specific time limitation to hire a City Manager. Discussion was held on the need to have some questions answered.

Councilman Kivell stated that he feels that we could move forward in announcing what traits Council is looking for in a City Manager to them as the vendor. Attorney Lee stated that we have already done that when the ad was developed. Further discussion was held on defining traits. Attorney Lee stated that we have defined within the ad the kind of capability we need to see in a City Manager such as the City having its own water and sewer, fire department, etc. so he does not know whether there is any tweaking of that description that can or should be done.

Discussion was held on whether to proceed with authorization of the contract now or wait until after further discussion with MML. The consensus of Council was to direct the City Manager to contact MML and invite them to send a representative to discuss their services further at our next meeting.

#### CM 1-4-08 – INVITE MML REPRESENTATIVE TO DISCUSS THE SCOPE OF SERVICES

Motion by Wedell, supported by Selden

To invite a representative from MML to discuss the scope of their services for hiring the City Manager

VOTE: MOTION CARRIED UNANIMOUSLY

#### 2. Liquor License- Bella Luna- Authorization to retrieve License

Mayor Doyle stated that it has been communicated to him that the taxes have been paid up. He questioned whether we can do anything at this time. Attorney Lee stated that we cannot do anything relative to the Bistro. The issue of Bella Luna is still up in the air. The question is having received the license but never using it, can we ask the LCC to abate that license and put it back in the City's hands. He cannot find any similar cases where the LCC has done it nor can he find one where they were asked to do it and did not. He does think that it would be worthwhile to ask the LCC to revoke that license inasmuch as it has not been used.

Council Member Kopkowski stated that she was very disappointed that it was taken off the agenda the last meeting because the owner sat here and indicated that he was going to be opening the doors. The doors never got opened and if it had been left on the agenda and authorization given to retrieve the license, we would be two weeks closer to having an answer from the LCC. This is a huge thing for the City to have that liquor license. It has been abused on his part and we need to investigate it now so that two weeks from now when he has not opened we are now that much further behind. If for some reason he opens, serves his food and we have to stop, if the doors shut again we can immediately start again. Council Members Maida and Selden agreed.

Councilman Morelli asked what happens if they are only opened on weekends because to him that is not really open. Attorney Lee stated that there is no track record as far as court records or published LCC decisions that he can find on that issue. The basis that we would go in with is that we had some pre-conditions upon which this license was issued. Given the City's goals in reviving downtown, we have lost any opportunity to attract any new servicer into the City who would want a liquor license. He is going to present it to the LCC that this was an approval predicated upon certain things some of which they have done many of which they have not.

Councilman Wedell stated that it was the summer before last that the gentleman stood before Council and indicated that he did not need that much time and he would be open by October. Several months after that when the doors were ready to open the liquor license was not approved by the LCC until a number of months after that.

Councilman Kivell stated that he does not blame them for the delays in opening, but they had not even applied for the license until they opened the door. Councilman Wedell stated that he even heard that they blamed City Council for not having their liquor license.

CM 1-5-08 – DIRECT THE CITY ATTORNEY TO PROCEED WITH RETRIEVING LIQUOR LICENSE

Motion by Selden, supported by Maida

To direct the City Attorney to take the necessary action to attempt to retrieve the liquor license issued for the Bella Luna Restaurant

Councilman Kivell asked if in the event we have to stop the process, can it be reinitiated as soon as the circumstances change. Attorney Lee stated that they could stop the process at any time if Council wished to withdraw and Council would direct him to do that.

VOTE:

MOTION CARRIED UNANIMOUSLY

Councilman Wedell stated that we now have had two recent incidences involving liquor licenses the first being a request by someone who was in arrears to the City for his water bill, the second one we had the gentleman from Bella Luna on a Monday speak to what his plans were and the following Thursday we read in the paper that the County Treasurer put lien notices on his buildings. Looking through the LCC regulations, he noticed that licenses are issued from May 1<sup>st</sup> through April 30 and are renewed each year by application. He asked if we have the opportunity to object to a renewal for good cause. Attorney Lee stated that the City has the recommendation power, not the actual power to grant or revoke licenses. He has noticed over the last 4-5 years that the LCC has been more sensitive with City and Township objections when made. Recently, a bar in Birmingham had a single violation for serving liquor after 2 a.m. When the City of Birmingham issued a resolution to ask the Liquor Control Commission to revoke the license, the LCC came out very strongly and told the owners that if they did not act quickly and get approval of the City, they were going to grant the City's request. For that reason, he feels that we have a better chance than what we used to have.

Councilman Wedell asked if Council has any interest in establishing a policy where at the last meeting in March of each year, we would review all establishments holding liquor licenses for number of violations, nuisance complaints, whether the taxes are up to date, number of DUIs occurring from that facility, etc. And, as a follow-up question, how much of an imposition on the City's resources would that be.

Chief Collins stated that some of the things we could provide without much trouble. Sometimes, drunk drivers might not always tell the truth so we might not know from which establishment they may be coming or they may be at one establishment and moved to another. They could provide any of the police department data, calls for service, liquor violations, etc.

Councilman Wedell stated that he has no desire to make life more difficult on community businesses. However, it has been his experience that police departments generally know where they have a nuisance. Attorney Lee stated that his office also has files on cases where there are incidents or violations.

Council Member Kopkowski stated that she does not have a problem in looking at these once a year. A liquor license is a responsibility of people that have them. However, she feels that we need to be very careful about what we announce about those businesses. For example, it is not necessarily that business' fault that a less than desirable person came into their establishment. Discussion was held on investigations that currently take place for selling to minors, etc.

Councilman Wedell stated that we are already close to the end of the term and suggested that we take a look at this again for next year. By then we will have a new city manager and we will have time to establish guidelines, etc. Attorney Lee stated that he would suggest that the time frame be moved up because the LCC would require more than a month for the process.

### **NEW BUSINESS:**

#### 1. Purchase of Fire Truck- Repurchase Agreement

Mayor Doyle stated that we have a request for a repurchase agreement for the purchase of a new fire truck. Fire Chief Kaska presented drawings of the truck. Mayor Doyle stated that this is a budgeted item. The rate was negotiated down from 3.9% to 3.59%.

Chief Kaska stated that this would be a truck to replace our 1979 Pearce that is getting old and according to NFPA we would have to mark it as a back-up, second or third run vehicle. What they would like to do is to keep the Pearce until the new one comes in and request a new ISO rating. The last ISO rating we had, the ladder truck did not have a pump on it and we had the two other pumpers. This would give us three pumpers and a tower with a pump. Since that time as well, there have been a lot of water mains replaced with 8 inch mains. At our last rating we went to 5. This is a KME truck, we already own two KMEs both being demos and both being outstanding apparatus. Maintenance records have been outstanding and reliability has been great.

Mayor Doyle asked if we will need to make any modifications to the garage for this truck. Chief Kaska stated that we would not require any. This should fit in a 10 foot door and we have one left, if not, our 1996 truck will fit in a 10-foot door.

Councilman Morelli asked if they will want to keep the old truck after the ISO rating. Chief Kaska stated that we had KME give us a proposal to buy it, but we could strip the truck and keep the equipment which is worth more than what they would give us. At that time we could sell. A department in the Upper Peninsula would be able to use it for example. The engine and frame may be worth more to a contractor.

Councilman Kivell asked if it would be helpful to keep it as back-up. Chief Kaska stated that if we could keep it, if one of the trucks is out for maintenance, it would not hurt. It would still be certified every year. Councilman Kivell asked if all of the pumps on the KMEs are typical of each other. Chief Kaska stated that they are all identical, which is very helpful.

Council Member Maida asked for an explanation of the ISO. Chief Kaska stated that it is the national insurance rating. They rate the fire departments and the lower your number, the better the residents get their fire insurance rate. It depends on the area, population, hydrants, etc.

Discussion was held on this being a demo. Chief Kaska stated that when we originally looked at this truck, the truck was in the system. During the forest fires in LA, they lost a lot of equipment and they put in a large order so they put the demo on hold and started constructing the equipment for that order.

Councilman Selden stated that he wants residents to know that this purchase will save them in the long run on the insurance rates. Councilman Selden further questioned whether there is additional equipment that will be needed for this truck. Chief Kaska stated that if we keep the older truck we will need some appliances and extra hoses. In the past, we would strip the older truck for the newer truck.

Councilman Selden questioned whether the interest rate is reflective of the recent cuts in rates by the Federal government. Chief Kaska stated that the City Manager did negotiate that interest rate.

Further discussion was held on this truck being labeled as a demo. Chief Kaska stated that once they put it in the system it is marked as a demo because nobody owns it. We are going to buy it at demo price, but it is brand new.

Council Member Kopkowski asked if our platform truck is back and how it is working. Chief Kaska stated that we got it back last Tuesday and it is working outstanding.

CM 1-6-08 - RESOLUTION AUTHORIZING INSTALLMENT PURCHASE AGREEMENT

Motion by Morelli, supported by Wedell

WHEREAS, an Installment Purchase Agreement (the "Agreement") among the City of South Lyon, County of Oakland, State of Michigan (the "City"), KME Fire Apparatus (the "Vendor"), and SunTrust Equipment Finance & Leasing Corp. (the "Bank"), for the purchase of KME Predator X-MFD Engine Demo TM7001 as set forth therein (the "Equipment"), has been prepared, pursuant to MCLA 123.721 as amended; and

WHEREAS, the total purchase price of the Equipment from the Vendor is \$460,770.00; and

WHEREAS, pursuant to the Agreement, the amount of \$460,770.00 (the "Purchase Price") in principal installments at an interest rate equal to 3.59% per annum, all as specified on Exhibit B to the Agreement; and

WHEREAS, the Agreement is to be assigned by the Vendor to the Bank; and

WHEREAS, it is necessary to approve the Agreement and authorize the Mayor and the City Clerk to execute the Agreement and other related documentation.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Agreement is hereby approved substantially in the form on file with the City Clerk. The City shall incur the debt described in the Agreement through execution of the Agreement by the officers authorized below which debt shall consist of the Purchase Price of \$460,770.00, which Purchase Price shall be payable in four semi-annual principal installments on February 14 of each year commencing August 14, 2008 in the principal installment amounts shown on Exhibit B and pay interest on the unpaid balance of the Purchase price at the interest rate of 3.59% per annum payable February 14, 2008 and shall be payable on the 14<sup>th</sup> each February and August thereafter to the final date of payment of the agreement.
2. The Mayor and City Clerk are hereby authorized and directed to execute the Agreement and deliver it to the Vendor, substantially in the form on file with the City Clerk with such additions, changes and modifications as shall be approved by the City.
3. The useful life of the Equipment is hereby determined to be not less than ten (10) years.
4. The City Clerk is hereby directed and authorized to execute such additional documentation as shall be necessary to effectuate the closing of the Agreement and the assignment thereof.
5. The assignment of the Agreement by the Vendor to the Bank is hereby approved.
6. The City hereby agrees to include in its budget for each year commencing with the current fiscal year, a sum, which will be sufficient to pay the principal of and interest on the Agreement coming due to before the next fiscal year. In addition, the City hereby pledges to levy ad valorem taxes on all taxable property in the City each year in an amount necessary to make its debt service payments under the Agreement, subject to applicable constitutional, statutory and charter tax rate limitations.
7. The City hereby designates its obligations under the Agreement as "qualified tax-exempt obligations" for purposes of deduction of interest expense by financial institutions.
8. The City hereby covenants that, to the extent permitted by law, it shall take all actions within its control necessary to maintain the exemption of the interest on the obligations under the Agreement from general federal income taxation (as opposed to alternative minimum or other indirect taxation) under the Internal Revenue Code of 1986, as amended, including but not limited to, actions relating to the rebate of arbitrage earnings, if applicable, and the expenditure and investment of proceeds of the Agreement and moneys deemed to be proceeds.
9. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

VOTE:

MOTION CARRIED UNANIMOUSLY

2. Audit service- Plante & Moran

Mayor Doyle stated that this is our annual agreement with Plante & Moran. It is different than last year. We will not have a Federal Compliance Audit, which is typically done when we receive federal grant funds. This will cover the fiscal year ending June 30, 2008.

Council Member Maida questioned the fees associated with the new auditing standards. Councilman Wedell stated that this indicates that the new standards would be implemented for audits with fiscal years ending December 31, 2007 and that any additional costs would be provided prior to them beginning the 2008 audit. Further discussion was held on additional costs from time to time.

CM 1-7-08 – APPROVAL OF LETTER OF ENGAGEMENT – PLANTE & MORAN

Motion by Wedell, supported by Morelli

To approve the letter of engagement with Plante & Moran for auditing services for the 2007-08 fiscal year

VOTE:

MOTION CARRIED UNANIMOUSLY

3. Proposed Ordinance Amendments
  - a. Chapter 102- Section 102-131 Material Board

Pam Weipert, Planning Commission Chair stated that the Planning Commission has been reviewing several ordinances. This change will require the developer to present a material board at every Planning Commission meeting, which would be a pallet of materials that they plan on using on the building so they can get an idea of the colors and textures that are going to be used on the exterior of the building. The developers have cooperated with their request for material boards, but this is formalizing that.

Pam Weipert stated that there are two changes being proposed to the sign ordinance. The first deals with the calculation used to compute the size of signs. There have been some confusion in the past as to where the front facade starts and ends. Furthermore, downtown we have buildings where there are retail establishments on both floors. If both floors are being used for commercial use, they want to allow for more signage versus those buildings where the upper floors are used for residential.

Chairperson Weipert stated that the third amendment is also to the sign ordinance and deals with illumination. They are trying to prohibit excessive or poorly shielded illumination of signs and eliminate light pollution and trespass. What they would like is that internal sign illumination to be a steady light, not flashing or moving. Also, if you are illuminating signage externally that those also be steady. They have also included that no sign lighting to be hazardous to traffic, which broadens it.

Councilman Kivell stated that the language for hazardous signs is very subjective. He asked if that is a defensible position without some type of metric. Attorney Lee stated that it is until we have a situation. As he interprets that is lighting which might shine in your car that would prohibit you from seeing another car or sign, etc. We would have to prove what the hazard was.

CM 1-8-08 – FIRST READING – AMENDMENT TO CHAPTER 102 - SECTION 102-131

Motion by Kivell, supported by Morelli

That this be the first reading of an amendment to Chapter 102 Section 102-131 – Material Board

VOTE:

MOTION CARRIED UNANIMOUSLY

b. Chapter 70- Sections 70-2 and section 70-4

Council Member Kopkowski stated that she disagrees with the front façade calculation. She believes that the whole building needs to be taken into consideration. The front façade is just that; the upper story and the lower story and it all needs to be taken into consideration. She does not believe looking at it this way is appropriate.

Chairperson Weipert stated that if there is commercial on both stories, the total signage area would be bigger than if it were commercial only on one floor. Councilman Kivell stated that there could be two signs for two separate entities, one for the top and one for the bottom.

CM 1-9-08 – FIRST READING – AMENDMNT TO CHAPTER 70 – SECTION 70-2

Motion by Selden, supported by Morelli

That this be the first reading of an amendment to Chapter 70 Section 70-2

VOTE:

MOTION CARRIED (1 opposed)

Councilman Morelli stated that when he read this amendment, he got the impression that the signs that would fall under this would be both the “race track” blinking signs as well as the signs like Big Boy has with scrolling text. He stated that he can understand that we do not want to have a strobe light shining in people’s eyes, but does not see the hazard in looking to see a dinner special. Chairperson Weipert stated that this would only be for the ones that are moving. They would be able to use it as a sign with a fixed message. Further discussion was held on the message type signs at Big Boy and McDonalds. Discussion was held on these existing signs being grandfathered.

Discussion was held on the scrolling signs becoming more popular. Chairperson Weipert stated that the idea was that the message had to remain for a certain period of time rather than scrolling because it does take the driver’s eyes off the road and unless you are sitting in front of it, it is a hazard.

Council Member Kopkowski stated that she understands that the Planning Commission is updating a lot of ordinances and although she thinks it is good, she does worry that there are things in the City now that we do not like and we are using them as an example to change the ordinance rather than looking at the broad picture. She is worried that these are being specifically directed to certain businesses. Chairperson Weipert stated that she does not think that is the case. The last time the sign ordinance was updated was over 10 years ago. They did make some changes and they thought things would happen because of the changes and they did not or it was not interpreted the way they thought. They are trying to make it stronger so that it will act in the way they want. They do have one other change that will be coming before Council shortly. She further discussed other changes that will be coming forward. She stated that they have been lucky that the developers have done what the Commission wanted, but they would not necessarily have to because it is not in the ordinance.

Discussion was held on how this would affect existing businesses. Councilman Kivell stated that he can understand not having scrolling text, flashing text, chase lights, etc., but this does not preclude having changeable text, it simply has to be solid. Councilman Morelli discussed existing signage in the City. He stated that he sees more of the changing signs coming in and this is the only part of this change that he does not agree with. He does not see it being a problem.

Mr. Roger Colissimo of 216 Oakbrooke stated that if he had the funds he would be making a request to put in a sign like McDonald’s has done. It is an up and coming technology. He stated that in the City of Wixom, their Library and City hall have installed these which promote what is happening in the City. There is a delayed time and there are no flashing lights. The sign he has is very difficult to change especially during bad weather. Even driving down the expressway, there are digital boards with a message that stays for two minutes and changes. It is becoming a greater technology and businesses are going to want

to take advantage of that. He does have a scrolling sign in his window so that people in the parking lot can see what they do.

Mr. Gary Butler of 879 West Hills Drive stated that the technology that is being talked about is fairly common and evolving. He stated that there should be data somewhere indicating what level of hazard it is. He discussed illumination measured in foot candles and distance. He stated that he is sure that there are a lot of business owners who would like to have input into some of this discussion and he would like to see some facts on it. He discussed the businesses within the Brookdale shopping center having difficulty in getting location recognition and signage. He stated that there are new businesses coming into town and signage is a big issue with them.

Discussion was held on existing business owners feeling as though signage is the reason their business is suffering versus current economic times.

Councilman Morelli stated that he would like to see this ordinance go back to the Planning Commission for some revision. As much as we do not want to see a "Compuware" type sign here in town, he certainly does not have a problem with the sign like at McDonalds. Chairperson Weipert stated that this amendment does not prohibit these types of signs just how often it changes.

Discussion was held on signage in Wixom. It was stated that the sign at Wixom City Hall is tastefully done, however right down the road there is a car wash with a digital sign which includes fireworks, and changes from one set of text to another. Councilman Kivell stated that his concern is not necessarily the hazard issue as much as the aesthetics. Possibly the text can be developed in such a way restricting what manner the text is exposed or how quickly it scrolls.

#### CM 1-10-08 – AMENDMENT TO CHAPTER 70-SECTION 70-4

Motion by Morelli, supported by Kopkowski

To send the amendment to Chapter 70 Section 70-4 back to the Planning Commission for further Review

VOTE:

MOTION CARRIED UNANIMOUSLY

#### **COUNCIL COMMENTS:**

Council Member Kopkowski stated that in the memo from Kristen Cunningham, she references bi-monthly blight reports. She asked if Council could receive copies of these reports. Mayor Doyle stated that this is a newer activity given the fact that inspections are down.

Council Member Kopkowski asked what is happening with Bugsy's Restaurant. Mayor Doyle stated that the action taken by Council was upheld by the Liquor Control Commission. Attorney Lee stated that they are still working under an operating agreement. The license has not moved from the original grantee. He can have an operating agreement that lasts no longer than two years and the LCC would not allow them to renew that agreement with the people that Council rejected.

Councilman Kivell stated that the memo from Kristen Cunningham refers to the Coordinating Council for marketing and advertising and special events efforts. He stated that he did find out that this is actually a function of the Chamber and is comprised of a number of people from DDA and different entities and even citizens.

Councilman Kivell asked when we would be re-bidding the roofing for the Witch's Hat. Superintendent Renwick stated that we anticipate that this will be done the first part of March.

Councilman Kivell stated that the protective trellis has been installed on the T-Mobile tower and was happy to see that they put a decorative cove cut on the outside elements so it is a little more attractive than the original drawings.

Councilman Kivell stated that some time ago there was a story in the newspaper about the Little Monkey's resale having mold problems. It was his understanding that was not true and he never saw any update on that information in the newspaper. He was hoping to get an update either validating that was the case, or if not, give us some credence in pushing the newspaper to modify their story.

Councilman Kivell stated that he noticed that the Police Department has received a grant from FEMA. He asked if these are hand held or mounted infared. Chief Collins stated that it is actually thermal imaging not infared. It is a hand held unit worth over \$13,000. We are always looking to get new equipment to do the job more efficiently and still save the city money. This is better than our existing night-vision system because the thermal imager does not depend on any light or infared light. Over a very wide area we will be able to see body heat or object heat. We will be able to see in total darkness. For example, it might be helpful in finding someone in the park after hours doing something they should probably not.

Councilman Kivell stated that it should be noted that we have been given official notice that the project for the rail trail connector has been approved.

Councilman Selden stated that Friday, February 1<sup>st</sup> is the opening of the Advanced Emergency Medical Care Center is scheduled. It is located behind Walgreen's Drug Store. This is a welcome addition to our community.

Councilman Selden stated that it should be noted that Mr. Bodnar has been cited with two violations for his building at 397 S. Lafayette.

Chief Collins stated that in the case of the abduction from the residence in South Lyon a couple of months ago and the criminal sexual conduct against the 8-year old child, the suspect plead no contest in Circuit Court today on several counts. Sentencing is scheduled for February 12<sup>th</sup> and we are anticipating 25-40 years. The good news is that he will not be walking the streets and the victim and family will not have to re-live the incident by going to court and testifying. The question was asked if there was any aiding and abetting looked at from the local people that housed him. Chief Collins stated that it would have been difficult to prove that they knew there was a warrant for his arrest out of Ohio.

Councilman Wedell stated that he was pleased to see the letter of violation to Mr. Bodnar. The question was asked if there is any update to the letter. It was stated that the letter only went out January 24<sup>th</sup>.

Council Member Maida stated that she would like to congratulate Craig Kaska, Steve Caswell, Craig Johnston, Craig Lundquist, Dan Hammon and Kevin Schuldt for passing the Fire Officer III series.

Council Member Maida stated that the Relay For Life Kick-off is scheduled for February 27<sup>th</sup>, the wrong date was given at the last meeting.

Council Member Maida stated that she would like to thank Bob and Ron from the Water Department for their assistance when one of her properties which is bank-owned had the pipes burst.

## **ADJOURNMENT**

### **CM 1-11-08 – ADJOURNMENT**

Motion by Selden, supported by Morelli

To adjourn the meeting at 10:04 p.m.

VOTE:

**MOTION CARRIED UNANIMOUSLY**

Respectfully Submitted,

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John Doyle, Jr.  
Mayor

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Julie C. Zemke  
City Clerk/Treasurer