

**CITY OF SOUTH LYON
REGULAR CITY COUNCIL MEETING
March 24, 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
City Manager Cook
Attorney Lee
City Clerk/Treasurer Zemke
Department Heads: Collins, Martin & Renwick

APPROVAL OF MINUTES:

Councilman Wedell stated that the motion to table on page 2 was to postpone the item until this meeting.

CM 3-1-08- APPROVAL OF MINUTES – REGULAR MEETING OF MARCH 10, 2008

Motion by Wedell, supported by Morelli

To approve the minutes of regular meeting of March 10, 2008 as amended

VOTE: MOTION CARRIED UNANIMOUSLY

APPROVAL OF AGENDA

CM 3-2-08 – APPROVAL OF AGENDA

Motion by Wedell, supported by Kivell

To approve the agenda as presented

VOTE: MOTION CARRIED UNANIMOUSLY

APPROVAL OF MONTHLY BILLS: None

CITIZENS SUGGESTIONS:

Senator Nancy Casis stated that she is here tonight for a special occasion to honor one of your own who has led the City through thick and thin, good times and bad and that is Rod Cook. She stated that she got to know Rod Cook during the time she served on the Novi City Council. Rod had a passion for South Lyon which was exemplified by his involvement with the Michigan Municipal League. When she became, with privilege, State Representative and then State Senator, Rod would call her on a regular basis with pertinent questions and issues or to ask for help from State government. In general, this City in the time Rod has been the City Manager has flourished. The City has a great school system and in partnership, the City and School built this building, which is a model for the State of Michigan. They combined forces to save money. This sets the state for what we are now talking about at the State level in terms of consolidation and efficiencies in government to save tax dollars. Tonight is special both in celebration that we had this man at the helm for so long, but also sadness that he is now leaving us except he has earned retirement. She read and presented Rod Cook with a State of Michigan tribute and wished him the best.

Oakland County Commissioner Jeff Potter stated that a lot of people do not know that although the bike path was born in City Hall, it is a very complex and technical job to receive funding and grant writing in order to form a consortium, and to Rod's tribute he was able to accomplish that. He further stated that the County newsletter will be in the mailbox soon. We are facing tough times but getting through it with confidence. He discussed the County's upcoming budget. He stated that he would like to remind

residents that the County has a Housing Counseling Office which is there to help if residents are facing foreclosure or are concerned about foreclosure. The last thing we want to do is loose our neighbors and residents. He stated that as to his personal medical situation, he has passed all of his post-treatment scans. He does not expect any impediments in his ability to do his job and will be expecting to make an announcement within the next month as to the next campaign season. He thanked all who sent their well wishes. He further discussed the progress of the Wireless Oakland Project.

Mr. Roger Colissimo of 216 Oakbrook stated that he wanted to give an update of the Easter Egg Hunt. He stated that because of the weather, they needed to adjust the event. The Easter eggs and baskets that were donated, were taken to various different places. They took 60+ baskets to two women's shelters, 120 bags were taken to Maxie Training and donated a large majority to St. Joseph Parish. Their goal was to take them and give them to someone who would use them. They also contacted Fox 2 News and went to St. Leo's in Detroit. Their facility was broken into and they lost everything. They had 300 kids who could not have their Easter egg hunt so they took the remaining items there. He thanked everyone in the community for their support.

OLD BUSINESS:

1. Proposed Amendment to the Budget, FY 07-08 for the period ending 6/30/08

Mayor Doyle stated that this was tabled from the last meeting for further clarification.

Councilman Kivell asked about the General Fund expenditures. He stated that there is a discrepancy he cannot determine. City Manager Cook stated that if you look at Land Acquisition, there is now \$177,200 where it had been \$0. This was for the purchase of the Nettles property and there had been no money budgeted. Councilman Kivell inquired as to the increase in Interest Income in Land Acquisition. City Manager Cook stated that we simply re-evaluated this based on the reduction and the federal rates. Councilman Kivell inquired as to the difference in the beginning proposed fund balance and the ending fund balance. City Manager Cook stated that this is a re-evaluation based on what the audit was. Councilman Kivell inquired as to the retention of \$63,604 in Land Acquisition after the property purchase. City Manager Cook stated that we were collecting taxes while this took place. The funds were not available at the time so we did not zero it out. Councilman Kivell asked about the Capital Improvement Fund and the difference between the previous and proposed. City Manager Cook stated that when we did the Sewer Treatment Plant, we levied millage and did not sell bonds at that point, so we moved those funds out because they were not correctly appropriated. Those funds will be used to pay the debt so we can keep our millage at 2.5 mills. Those monies are going back to where they belong. Councilman Kivell asked about the Nine Mile Special Assessment funds. City Manager Cook stated that it is paid off and we can now transfer those funds from that account back to General Fund.

Discussion was held on why the columns do not add up. City Manager Cook stated that they will not add up and are informational.

Council Member Kopkowski questioned the increase in Professional Services within the Local Street Fund. City Manager Cook stated that this is for the new projects that will be done this summer. These were approved by Council in a modified proposal. There were no changes in the engineering costs. Council Member Kopkowski questioned because we will be doing less projects. City Manager Cook stated that we are not doing less projects. We took the ones that we could not do out and added others. We have to do engineering now in order to get the projects complete. The projects will be done within the next budget.

Council Member Kopkowski questioned the amount of the Nine Mile Special Assessment Project. City Manager Cook stated that this goes back to the 1990s and included paving from the school to Dixboro and was assessed to the property owner. She questioned if there is something that says that if it is a certain percentage that it has to go back to the people who paid into the project. Attorney Lee stated that the surplus in a special assessment district is used to reduce the debt and then prorate out to the payers. It was stated that this is not enough to prorate back out.

CM 3-3-08 – APPROVAL OF BUDGET AMENDMENT

Motion by Selden, supported by Maida

To approve the budget amendment for fiscal year 2007-2008 as presented (see attached copy of the amendment as part of these minutes)

VOTE:

MOTION CARRIED UNANIMOUSLY

2. City Manager selection process
 - a. Reimbursement for travel expense- \$500
 - b. Number of interviews

City Manager Cook stated that within the packet are a couple of recommendations. The first is to set a flat rate for travel expense reimbursement. The second issue is to determine the number of interviews either group A or both A and B. The recommendation is to do both A & B because there is only one candidate in that group. Also, Mr. Richards is recommending that we set a level of \$500 for travel expenses for those who have to travel.

Discussion was held on setting a radius for travel. City Manager Cook stated if you set a 50 mile radius, you would be eliminating four candidates. Further discussion was held on setting the limit. The consensus of Council was to set a 100 mile radius.

CM 3-4-08 – APPROVAL OF REIMBURSEMENT EXPENSES – CITY MANAGER CANDIDATES

Motion by Kivell, supported by Morelli

To approve the reimbursement for travel expenses for City Manager candidates outside 100 mile radius of South Lyon at \$500

VOTE:

MOTION CARRIED UNANIMOUSLY

Council Member Maida stated there is only one candidate within the second group for a total of six.

CM 3-5-08 – APPROVE THE INTERVIEW OF CANDIDATES

Motion by Kivell, supported by Kopkowski

To approve the interview of both A and B candidates

VOTE:

MOTION CARRIED UNANIMOUSLY

NEW BUSINESS:

1. Purchase of 2008 Police Vehicles- Oakland County Bid- \$37,554

Chief Collins stated that one of the two vehicles that they are requesting is under the Oakland County bid for the 2008 Chevy Impala in the amount of \$17,556. They are requesting to bid the second vehicle under the Macomb County bid for purposes of staying with Signature Ford who has been our usual supplier of our Crown Vic vehicles. The prices are the same under the bids. He stated that they are requesting two vehicles this year. Last year, we only replaced one vehicle and we are starting to experience additional maintenance costs and it would be prudent to get two vehicles.

Councilman Selden asked why they are requesting one Chevy and one Ford. He thought that they were not satisfied with the last Chevy vehicles. Chief Collins stated that the dissatisfaction with the Chevys was with respect to a fully marked patrol car with all of the equipment. This Impala, although it is a police package, is to replace a 2001 vehicle in the Detective Bureau so we will not run into those same issues.

Councilman Selden asked if Liberty Chevrolet and Varsity Ford in Lyon Township were asked to bid. Chief Collins stated that we do not get directly involved in the bidding processes. The various counties and State put out the requests. Whatever dealers choose to participate do so.

Councilman Wedell asked if the issue about the Chevy was because the Crown Vic has simply more room. Chief Collins stated that there is more room for both the officer and the equipment.

Council Member Maida asked which car the Crown Vic will be replacing. Chief Collins stated the Impala will replace the detective vehicle. We are not certain which of the two 2005 Crown Vics we would replace. Normally, we would replace the one with the most mileage. However, now we will also look very closely between now and July what shape the vehicle is in and what our experience is with repair.

Council Member Kopkowski asked if the detectives' cars are V-8. Chief Collins stated they are not. They still have the police package, but 6 cylinder. Council Member Kopkowski asked if we have thought about getting them a smaller car. She asked if they need a 6 or 8 cylinder cars. Chief Collins stated that a 4 cylinder car probably would not hold up more than a year. Council Member Kopkowski asked where and how much are they driving. Chief Collin stated that typically they are going to and from court and prisoner transports. Part of the reason we have the police package vehicle is that at any time, any one of these vehicles could be called on for an emergency response. Detectives as well as himself are available and are expected to respond to a bank robbery in progress, active shooter and any number of other things they could respond to at a moment's notice although that is not a part of the daily routine. Council Member Kopkowski stated that he is the only department head that has a car to go home with and asked if it is equipped with computers, etc. Chief Collins stated that he lives in the City and has, on numerous occasions, responded from home. His car is a fully equipped emergency vehicle.

Council Member Kopkowski asked if the school officer needs a car. She stated that there are six patrol cars and only three officers on patrol at a time. Chief Collins stated that there are six fully marked cars. During weekdays, there are at least four officers out at one time. When you add the traffic car, that would leave only two cars. If there are maintenance issues, that does not leave many extra cars. Furthermore, there is significant equipment in the School Resource Officer's car in case of an emergency at the high school.

Council Member Kopkowski stated that she still finds it hard to believe that the cars are dead at 50,000.

Councilman Kivell asked if the original Chevys that they had problems with are still in the fleet. Chief Collins stated that he does not believe any are left in the fleet. Councilman Kivell asked why not purchase two Crown Vics. Chief Collins stated that it is a 6 cylinder versus an 8 cylinder and the cost is less. Also the front wheel drive is sometimes an advantage.

CM3-6-08 – APPROVAL OF PURCHASE OF POLICE CARS

Motion by Selden, supported by Kivell

To approve the purchase of 2008 Chevrolet Impala through the Oakland County bid in the amount of \$17,556 and the purchase of 2008 Ford Crown Victoria through the Macomb County bid in the amount of \$19,998

VOTE:

MOTION CARRIED (1 opposed)

2. First Reading- Michigan Zoning and Enabling Act to Ordinance- Chapter 102 Zoning Multiple

Sections

Attorney Lee stated that in 2006 the Legislature passed a number of amendments to the Village and City Zoning Act. Last February Council endorsed a resolution asking to rescind some of those changes. As we speak, the Legislature is making some new amendments. We decided rather than dealing with more amendments at one time, we should move forward with incorporating the 2006 changes into our Zoning Ordinance so that in the event any litigation came up we would be in compliance with that act. He reviewed the changes including changes to the notice requirements for written objections and comments and eliminated the waiver of notice where major re-writes take place. We now have to give notice of every change. It requires a 2/3 vote to pass a zoning ordinance amendment if a protested petition is received with at least 25% of the land owners or 20% of people within 100 feet. It does permit us to charge fees for granting zoning permit, it requires two annual open meetings of the Planning Commission. It requires 300 foot notice for any proposed special use permit. One of the major changes is that it requires ZBA membership must be representative of the community, and he is not sure what that means. It also added that the ZBA would consider site plan issues that are objected to by the developers, and it gives them power to take objections to PUDs that are voted on by the Planning Commission. In our Zoning Ordinance, final authority for PUDs rests with City Council. We are on the edge of having our Zoning Ordinance not be effective if we do not adopt these changes. This will bring us into compliance with the most recent Legislative Act.

Councilman Kivell asked what the rationale was behind this as well as the new version. Attorney Lee stated that the Builder's Association has a great deal of sway over our current Legislature. This is clearly development friendly.

Councilman Kivell stated that a number of these issues such as a member of the Planning Commission also being a member of the ZBA are already in place. He asked if the two annual open meetings of the Planning Commission were in addition to their regular meetings. Attorney Lee stated it is not, and has no affect on us, but the provision has to be in our Zoning Ordinance to comply with State Law.

Further discussion was held on the amendments.

CM 3-7-08 – FIRST READING OF AMENDMENT TO ZONING ORDINANCE

Motion by Wedell, supported by Kivell

That this be the first reading of the Michigan Zoning and Enabling Act amending Chapter 102 - Zoning Ordinance, Sections 102-6, 102-1, 102-39, 102-61, 62 & 64, 102-81, 82, 83, 85, 86, 87 and 102-158

VOTE:

MOTION CARRIED UNANIMOUSLY

COUNCIL COMMENTS:

Councilman Kivell stated that he feels that it would behoove us to establish a format for appointing an interim Manager in the event that the City Manager must be absent for a period of time, sickness, etc. not with regards to Rod Cook, but future. Attorney Lee stated that the City Council has the power to appoint an interim City Manager in any circumstance where the City Manager is not able to act. Councilman Kivell stated that he would like to have a formal process for that issue. Attorney Lee stated that Council could adopt a policy or pass an ordinance.

Council Member Kopkowski questioned the letter in the packet from HRC. City Manager Cook stated that this is in relation to the Treatment Plant and hopefully we will be closing that out. This was part of the amendment approved tonight.

Council Member Kopkowski asked if Attorney Lee will be present at the April 24th Liquor Control hearing. Attorney Lee indicated that he would be there to represent the City.

Council Member Kopkowski asked how the overtime for DPW is calculated. Superintendent Renwick

stated that they receive overtime after eight hours. Further discussion was held on overtime also for anything over 40 hours per week.

Councilman Selden stated that the SEMCOG Newsletter indicates that there are grants available for Homeland Security and asked if we have applied. City Manager Cook stated that Police and Fire have looked at it and they are very difficult to qualify for. Chief Collins stated we do have Sergeant Hoydic in Chicago this week getting training for the \$13,000 piece of night-vision equipment that we received under a different grant. We do apply whenever possible.

Councilman Selden asked the status of the citations issued for the building on McHattie and Lafayette. Councilman Kivell stated that the first ticket was issued last week and they have two weeks to respond or a second ticket will be issued.

It was stated that Councilman Morelli participated in a St. Baldricks Society fundraiser and shaved his head. All of that money goes to Children's Cancer Research. Councilman Morelli stated that his participation raised \$344.

ADJOURNMENT

CM 3-8-08 – ADJOURNMENT

Motion by Wedell, supported by Selden

To adjourn the meeting at 8:32 p.m.

VOTE:

MOTION CARRIED UNANIMOUSLY

Respectfully Submitted,

John Doyle, Jr.
Mayor

Julie C. Zemke
City Clerk/Treasurer