

CITY OF SOUTH LYON  
REGULAR CITY COUNCIL MEETING  
APRIL 14, 2008

Mayor Doyle called the meeting to order at 7:33 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  
Assistant Clerk/Treasurer Lynch  
Department Heads: Collins, Martin & Renwick  
ABSENT: City Clerk/Treasurer Zemke

**APPROVAL OF MINUTES:**

**CM 4-1-08- APPROVAL OF MINUTES MARCH 24, 2008**

Motion by Kivell, supported by Maida

To approve the minutes of the regular City Council meeting of March 24, 2008 as presented.

VOTE: MOTION CARRIED UNANIMOUSLY

**APPROVAL OF MONTHLY BILLS**

Council Member Kopkowski stated there were a lot of invoices paid for police vehicles. There were 3 fuel pumps on the police cars, which were replaced. Two of them were taken to a dealership and one was fixed at Norms. She further questioned why our mechanic did not repair them. Chief Collins stated unfortunately these problems were not from wear and tear. He stated normally there are 2 cars on the road and 4 behind the station. About a month ago, it appears someone added something to the gas tanks of these vehicles. No one knew that happened and after driving the vehicles for a week or so, they would not accelerate at all. A portion of the fees will be paid by insurance. Superintendent Martin stated part of the reason these were not fixed by our mechanic is because the gas tank must be dropped and that is quite a large job. Chief Collins stated we are now using locking gas caps on all vehicles, so this will not happen again.

Council Member Kopkowski also questioned on page 5, there are some payments to HRC. She asked if these are part of a draw for roadwork. City Manager Cook stated it is.

Council Member Kopkowski questioned the street sweeper repairs; it seems there were a lot of them, which is fine because it needs to be fixed but some of the repairs were drawn from the fire, water and the DPW. She questioned why all the repairs were not being paid from the same fund. Councilman Kivell stated it gets divided among all of these funds.

Council Member Maida questioned the payments for new street signs, and which signs were replaced. Superintendent Renwick stated we replaced some stop signs, and speed limit signs. City Manager Cook stated we do have to replace them sometimes because they get weather damaged.

Councilman Wedell questioned a couple of the checks paid to AT&T, and some to Consumers because they seem to overlap. City Manager Cook stated we have multiple accounts and they get paid at different times. We now use AT&T because McLeod was unable to provide service for us. We had some electrical problems with the storms and the phones were out and Mcleoud could not provide service for us and it happened twice. It actually saved us money to switch to AT&T and they can provide the service we need if the phones go out at the water plant.

Councilman Wedell also questioned the payroll payout for the City Manager. City Manager Cook stated it is for sick days and vacation days that were accrued over time. Councilman Wedell further questioned what, if any, is the maximum accumulation of sick and vacation days each employee has. City Manager Cook stated we do not have that program anymore, and we do not have many employees that are still working that were on that program. Councilman Wedell asked if we could get the information on what vacation and sick days each of the department heads have accumulated. City Manger Cook stated he would gather that information and present it to Council.

Councilman Kivell questioned the increase on the revenue report for the trailer park. It shows an increase of \$4900.00. City Manager Cook stated there was a slight increase in tax per trailer, but he would check into that and let Council know.

#### CM 4-2-08- APPROVAL OF MONTHLY BILLS

Motion by Wedell, supported by Selden

To approve the monthly bills as presented

VOTE:

MOTION CARRIED UNANIMOUSLY

**CITIZENS SUGGESTIONS:** None

#### **OLD BUSINESS:**

1. Second Reading- Zoning Ordinance- Chapter 102- Sections 102-6; 102-11; 102-39; 102-61; 102-81, 82, 83, 85, 87 and 102-158

City Attorney Lee stated there were no changes since the first reading. Council Member Kopkowski stated the general overall feel of the document is that they are trying to take away more authority from the Council and giving it to the ZBA. Attorney Lee stated they are trying to make zoning more developer friendly. They are giving the developer more opportunity to object to things, and they will get quicker access to circuit courts when they are unhappy. Attorney Lee stated they have substantially increased the notice requirements to any change we make. It is basically saying let's be a more transparent government. Councilman Kivell stated he does not mind the idea of quickening the pace of the whole discussion by going to court as long as the court is being stand up about the whole thing, but if there are things taking place that completely contrast to the will of the community. It could be a real problem. Councilman Morelli stated it does not state a hardship anywhere in the document. There are a lot of things in here that are subjective. He further stated that it was always

that a hardship could not be monetary. Councilman Kivell stated that has changed. More discussion was held regarding the changes.

CM 4-3-08- APPROVAL OF SECOND READING- ZONING ORDINANCE

Motion by Kivell, supported by Morelli

That this be the second reading of zoning ordinance- Chapter 102-Sections 102-6; 102-11; 102-39; 102-61; 102-81, 83, 85, 87, and 102-158 (see amendments as part of these minutes)

VOTE: MOTION CARRIED UNANIMOUSLY

2. Bid- DDA Streetscape- Phase II

City Manager Cook stated we received bids for the DDA Streetscape Phase II and HRC recommends we accept the low bid of \$387,090.32. Some discussion was held regarding the amount coming in under what HRC originally thought we would get.

CM 4-4-08- MOTION TO APROVE THE LOW BID FOR THE DDA STREETSCAPE

Motion by Selden, supported by Maida

Motion to award the contract for the DDA Streetscape project Phase II as recommended by HRC to Peter Basile for the cost of \$387,090.32

VOTE: MOTION CARRIED UNANIMOUSLY

3. Budget Workshop Session(s) – early May

Some discussion was held on which day of the week would work for Council. It was decided to try for a Tuesday and Council should email Rod and copy Julie with the date.

4. Reschedule May 26<sup>th</sup> meeting to Tuesday May 27<sup>th</sup>

Mayor Doyle stated we need to make a motion to move the meeting from May 26<sup>th</sup> to May 27<sup>th</sup> due to Memorial Day.

CM4-5-08- MOTION TO RESCHEDULE COUNCIL MEETING

Motion by Selden, supported by Wedell

Motion to reschedule May 26<sup>th</sup> Council Meeting to Tuesday May 27<sup>th</sup>.

VOTE: MOTION CARRIED UNANIMSOULY

4. Contract with People's Express

City Manager Cook stated this is basically the same contract we had before, except this shows an increase of 5% for each year. Council Member Maida stated this is an excellent program for our residents and it is well worth the money. Council Member Kopkowski stated she would like the media to let our residents know of this service. She further stated it is a great service for our community. Councilman Kivell stated he would like the ridership numbers. City Manager Cook stated the number is between 200 and 250. It seems to be used by the same group of people. The numbers have not gone up much since we changed it to being used by anyone and not just seniors. Discussion was held on getting the information out to people that this service is there for our residents to use. Councilman Selden stated he knows a lot of people who use it, and he has not heard any complaints.

CM 4-6-08- MOTION TO APPROVE CONTRACT WITH PEOPLES EXPRESS

Motion by Selden, supported by Kopkowski

To approve the contract with People's Express from 7/1/08 to 6-30-11 with a 5% increase each year.

VOTE: MOTION CARRIED UNANIMOUSLY

6. Proclamations

a. April Fair Housing Month

Mayor Doyle stated we have received a document from Oakland County declaring April Fair Housing Month. Mayor Doyle read the document from Oakland County Executive L. Brooks Patterson.

CM4-7-08- MOTION TO PROCLAIM APRIL AS FAIR HOUSING MONTH

Motion by Wedell, supported by Kopkowski

Whereas April has been declared as Fair Housing Month in recognition of the 40<sup>th</sup> anniversary of the signing of the Federal Fair Housing Act; and

Whereas this landmark law along with other federal and state legislation strictly prohibits housing discrimination on the basis of sex, color, race, age, religion, national origin, disability, family or marital status; and

Whereas Fair Housing Month is designed to heighten people's awareness of their rights under the law when pursuing the purchase or rental of housing; and

Whereas all citizens are entitled to freedom of choice in the selection of housing and are guaranteed certain protections under the law if they are victims of discrimination.

Now Therefore The Mayor and City Council do hereby authorize the issuance of this special proclamation, which declares April 2008 as Fair Housing Month.

VOTE: MOTION CARRIED UNANSIMOUSLY

b. Arbor Day- April 25<sup>th</sup>

Mayor Doyle stated that he would like to proclaim April 25<sup>th</sup> as Arbor Day. We have received notice that again we are named as a 2007 Tree City USA by the National Arbor Day Foundation. He further stated that he and Superintendent Renwick would be planting a tree on that day in McHattie Park. Council Member Maida questioned how the City became a Tree City USA. Superintendent Renwick stated we have been for 7 consecutive years now, and it is by allocating a certain amount of money to planting, watering and maintaining the trees. City Manager Cook stated we planted 150 to 175 trees last year.

CM 4-8-08- MOTION TO PROCLAIM APRIL 25<sup>TH</sup> AS ARBOR DAY

Motion by Wedell, supported by Kopkowski

Whereas, in 1872 J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and,

Whereas, this special day, called ARBOR DAY, was first observed with the planting of more than a million trees in Nebraska; and,

Whereas, trees planted within our city increase property values, Enhance the economic vitality of business areas and beautify our community; and,

Now, Therefore, the Mayor and Council of the City of South Lyon Proclaim the last Friday in April as ARBOR DAY from this date forward and urge all of our citizens to recognize the responsibility we have to support the encouragement of conservation.

VOTE:

MOTION CARRIED UNANIMOUSLY

7. City- Wide Garage Sale- May 2, 3, and 4, 2008

Mayor Doyle stated the City wide yard sales will be May 2-4<sup>th</sup>. The big garbage pick-up day is Monday May 5<sup>th</sup>, when almost anything that can be lifted by 2 men will be picked up. He further stated in the past we have waived the permit fees and we could do that again this year. Council Member Maida stated last year we also waived the sign ordinance. Attorney Lee stated we actually suspended the enforcement of the sign ordinance for those 3 days. City Manager Cook stated they still cannot put signs on public property.

CM 4-9-08- APPROVAL OF CITY WIDE YARD SALES MAY 2, 3, AND 4, 2008

Motion by Maida, supported by Kivell

To approve the waiving of the yard sales fees and waiving the enforcement of the sign ordinance for the citywide garage sales May 2-4<sup>th</sup>.

VOTE:

MOTION CARRIED UNANIMOUSLY

NEW BUSINESS:

## 1. Contract for Assessing- Oakland County

City Manager Cook stated Oakland County has presented us with a new contract, which includes an increase of \$6,662.00. The majority of the increase is for a separate charge for Colonial Acres. Council Member Maida asked the City Manager to explain what this means. City Manager Cook stated Oakland does our assessing, they figure the taxable and state equalized values. Attorney Lee stated they also act as our expert witness at the Tax Tribunal. City Manager Cook stated we could not hire anyone at a lower cost to do this for us. Councilman Selden stated at one time we had 2 people in that department and we paid much more than this. Councilman Wedell stated that more communities are using this service and it is an excellent service. There is no way it can be cheaper. City Manager Cook stated they do a great job. Some discussion was held regarding the difference between Colonial Acres and other condos. Council Member Kopkowski stated she would like to know what they are doing now, that they were not doing before in regards to Colonial Acres that we are seeing this increase. City Manager Cook stated there is not anything different they will be doing, but all this time they have been doing a certain amount of extra work regarding Colonial Acres and they have not been appropriately paid for it. It was more work than they thought and we just have not been charged accordingly until now. More discussion was held regarding their services.

### CM 4-10-08- APPROVAL OF CONTRACT FOR OAKLAND COUNTY ASSESSING

Motion by Wedell, supported by Morelli

To approve the renewal of the contract with Oakland County Equalization Division for Real and Personal Property equalization services for the amount of \$61, 842.00

VOTE: MOTION CARRIED UNANIMOUSLY

## 2. Discussion- To establish a process for appointing an interim City Manager

Councilman Kivell stated he knows this has not been an issue the last 25 years with Rod being here, but it is something we should be thinking about. We need to have a chain of command in case the City Manager is unable to do his duties. He further stated the City Clerk is probably the best person to do that on a day-to-day basis for a short-term situation. He stated we have had good fortune, but if an accident should happen, or health problem, we could end up being stuck. He further stated we should handle this before hand as opposed to after it happens. Councilman Wedell asked Attorney Lee if this should be a policy established by Council or an amendment to our Charter. Attorney Lee stated if Council wanted to have a permanent Assistant City Manager you would have to amend the charter. He stated that in a situation, Council could call an emergency meeting within 18 hours, and look at the situation and take all the factors into consideration, then make a decision. Attorney Lee stated the Council has the authority to say who would act as City Manager in the City Manager's absence. Mayor Doyle stated there is nothing our department heads could not handle within the 18 hour time period. Councilman Wedell stated the definition of short-term disability is at the discretion of Council. The appointment would basically need a motion and a second and majority vote. Attorney Lee stated you would have to determine by a majority vote that the Manager is incapable of carrying out his function and at the same time you could make a motion for his interim manager. Council Member Maida questioned if the MML had a list of candidates for that. City Manager Cook stated they do, but that process takes time and that is basically what we are doing Saturday. He further stated he has never

been out of contact with the office, even when on vacation, he is always in contact. More discussion was held regarding the different situations that could occur.

### 3. Annual Awards Banquet- Chamber of Commerce

Discussion was held regarding the Chamber of Commerce awards banquet who would and would not be attending. It was stated Councilman Wedell, Council Member Maida will be attending. Councilman Selden stated he might be attending.

### 4. Mayoral Appointment- Parks & Recreation Commission

Mayor Doyle stated Mike Lando has been having some discussions regarding joining the Parks and Recreation Committee. He also met with Randy Cortright and he seems to fit in well. Councilman Kopkowski stated it seems most of the people that are being appointed, live in the Mayor's neighborhood. She further stated Trotters Point seems to be well represented in our commissions. Mayor Doyle stated that he does not seek people out, and volunteers are hard to come by. Councilman Morelli stated it seems when new people move into the City, they want to get involved and maybe that is why most of the volunteers may be from Trotters. Maybe they are experiencing more new homeowners in that subdivision, as opposed to some of the older subs.

### **COUNCIL COMMENTS:**

Councilman Kivell stated there was a comment made regarding the ticket that was to be issued on the property at McHattie and Pontiac Trail. He further stated he spoke with Joe and he was going to issue the ticket so the court date would not come about while he was on vacation. He issued it just before he left on vacation.

Council Member Kopkowski thanked Superintendent Martin for the memo on the fire hydrants. She questioned Attorney Lee if we would put a water main in or a fire hydrant if we did not get an easement, and if we get the easement does that not become a public easement. Attorney Lee stated there are different types of fire hydrants, there are public hydrants on private properties, such as Brookdale shopping center where we service the hydrant, versus private hydrants such as Colonial Acres which is different. Superintendent Martin stated the trailer park hydrants are metered, but we do not do service on those meters. Council Member Kopkowski stated her concern is that the privately owned hydrants may not be getting serviced properly, which may put people in danger. Attorney Lee stated the City is liable for a hydrant we maintain. He further stated it is the same as the roads, if there is a condo project where the roads are private the City does not maintain them, if they dedicate the roads to the City, we would maintain them. It is the property owner's choice at the time of the development what they want to do. Councilman Selden stated he does not believe people in Colonial Acres are aware that the City does not maintain the hydrants. Attorney Lee stated we could pass an ordinance requiring that privately owned hydrants must have a City employee check the hydrants. Councilman Kivell stated the only concern he has is if we check the hydrants and it becomes damaged, are we then responsible for the repairs. Council Member Kopkowski stated she would like an ordinance drawn up to ensure the safety of the citizens. Attorney Lee stated, if you do start having mandatory inspections, we do become liable for negligent inspections. Councilman Morelli stated that if we did something like that, the majority of the property owner's, if there were a charge for it, would be against it. Attorney Lee stated he and Bob would get together and come up with some minimal plan for Council to look at. Councilman Selden stated he is sure that people in Colonial Acres are not aware of that.

Councilman Selden stated he would like the public to know this Saturday is the open meeting for the interviews for the City Manager position, and the public is welcome to attend. Councilman Selden stated there is a burned out trailer in front of the cemetery and it looks awful. City Manager Cook stated it was last month, and it was being dismantled the other day. Councilman Selden stated when he was at the cemetery, he noticed there were some grave blankets that were bundled together along with the American flags, and there are still some on the graves. He further stated the American flags should be burned, not thrown on the ground. Councilman Selden stated that Tammy and Byron, who owned the Lyons Marketplace would be moving to Virginia. He has accepted a really good job in Virginia. Tammy was the director for the Coalition of Substance Abuse and if anyone were interested in replacing her, he would like them to call himself or Council Member Maida.

Councilman Wedell asked if the meeting Saturday would be taped. City Manager Cook stated we do not have any plans of taping the meetings. Councilman Selden stated that would be a good idea. City Manager Cook stated we do not have anyone to run the camera so it would not be taped.

Council Member Maida stated they are looking for volunteers for Christmas in April and they will be working on 2 houses. April 26<sup>th</sup> is the date. If anyone is interested please contact Patti Carcone in Lyon Township.

Councilman Morelli stated he received something from Broadstripe in the mail and again they are raising rates. He further stated he has been asked why AT&T will not offer cable and internet in the City. City Manager Cook stated AT&T as well as Comcast can come into the City, but they will have to bring in their own equipment and their own hardware. Attorney Lee stated there was a bill passed and now any cable company can come into any area it likes.

Councilman Morelli stated he would like us to look into changing the charter so a person does not have to resign from a board to run for Council. He would like this added to a future agenda. Councilman Kivell and Mayor Doyle also agreed.

## **ADJOURNMENT**

### **CM 4-11-08- ADJOURNMENT**

Motion by Selden, supported by Maida

To adjourn the meeting at 9:07 p.m.

VOTE:

**MOTION CARRIED UNANIMOUSLY**

Respectfully submitted,

\_\_\_\_\_  
John Doyle, Jr

\_\_\_\_\_  
Lisa Lynch

Mayor

Assistant Clerk/Treasurer