

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

**APPROVAL OF MINUTES:**

**CM 4-1-08- APPROVAL OF MINUTES – REGULAR MEETING OF APRIL 14, 2008**

Motion by Kivell, supported by Selden

To approve the minutes of regular meeting of April 14, 2008

VOTE: MOTION CARRIED UNANIMOUSLY

**APPROVAL OF MONTHLY BILLS:** None

**APPROVAL OF AGENDA**

Mayor Doyle stated that he would like to remove Old Business #1 as we have not received the necessary resignation in order to make the appointment.

Council Member Maida stated that she would like to add a discussion item to discuss the South Lyon Area Recreation Authority delegate and alternate.

Council Member Maida stated that she would also like an agenda item added to discuss the Mayor's Charter Authority.

Councilman Selden stated that he would like to add an item to discuss posting a reward as it relates to the police car vandalism.

City Manager Cook also requested that an item be added to the agenda to discuss waiver of permit fees for Christmas in April given the time of the notification of the event.

**CM 4-2-08 – APPROVAL OF AGENDA**

Motion by Selden, supported by Wedell

To approve the agenda as amended

VOTE: MOTION CARRIED UNANIMOUSLY

**CITIZENS SUGGESTIONS:**

Oakland County Commissioner Jeff Potter stated that he would like to remind everyone that the Oakland County News has been mailed. If anyone does not receive one, they can call him at home or call him if there is a question or concern.

**OLD BUSINESS:**

1. Appointments- Mayor Doyle – Removed from the Agenda
2. Road Closure- Memorial Day Parade- 5/26/08- between 9:00 a.m. & 9:45 a.m.- various streets

Chief Collins stated that this is the annual VFW Parade. They will be using the same route as in previous years and would recommend Council approval.

**CM 4-3-08 – APPROVAL OF ROAD CLOSURE – 2008 MEMORIAL DAY PARADE**

Motion by Maida, supported by Kopkowski

Resolved That Julie Zemke, City Clerk/Treasurer is hereby authorized make application to the Road Commission for Oakland County on behalf of the City of South Lyon in the County of Oakland, Michigan for the necessary permits to conduct the 2008 Memorial Day Parade on May 26, 2008 from 8:00 a.m. to 9:45 a.m. and the related road closures:

- Lake Street between Warren Street and Reynold Sweet Parkway
- Whipple between Warren and Lake Street
- Stryker Street between Reynold Sweet Parkway and the South Lyon Cemetery

and that the City of South Lyon in the County of Oakland, Michigan will faithfully fulfill all permit requirements, and shall save harmless, indemnify, defend and represent the Board against any and all claims for bodily injury or property damage, or any other claim arising out of or related to operations authorized by such permits as issued.

VOTE:

**MOTION CARRIED UNANIMOUSLY**

3. South Lyon Area Youth Assistance- contract for the period 7/1/08 – 6/30/09- Annual amount- \$13,000

Mayor Doyle stated that we have received a letter from Thomas Mihalic requesting the renewal of our annual contract. They are requesting funding in the amount of \$13,000, which is the same as previous years.

Councilman Wedell asked if this amount was included in the budget. City Manager Cook stated that it was.

Council Member Maida stated that this is a good way to spend City funds to help the youth in our community.

**CM 4-4-08 – APPROVAL OF CONTRACT WITH SOUTH LYON AREA YOUTH ASSISTANCE**

Motion by Selden, supported by Morelli

To approve the contract with the South Lyon Area Youth Assistance for the time period July 1, 2008 through June 30, 2009 in the amount of \$13,000

VOTE:

**MOTION CARRIED UNANIMOUSLY**

**NEW BUSINESS:**

1. Book'n 5 K and Storyline Strut- Road Closure on 9 Mile- 9:00 a.m. to 9:15 a.m. on 5/31/08

Chief Collins stated that we have a request from the Salem/South Lyon District Library for their 2<sup>nd</sup> annual Book'n 5 k and Storytime Strut. This is a charity event and involves a small portion of 9 Mile from Millennium Middle School to the rail trail. This would cause only minimal disruption to normal traffic and would recommend approval.

CM 4-5-08 – APPROVAL OF ROAD CLOSURE – BOOK'N 5K AND STORYTIME STRUT

Motion by Maida, supported by Wedell

To approve the closure of 9 Mile from Millennium Middle School to Rail Trail on May 31, 2008 at approximately 9:00 a.m. for the Book's 5k and Storytime Strut

VOTE: MOTION CARRIED UNANIMOUSLY

2. Traffic Control Order

Chief Collins stated that this is actually what he thinks is a replacement of a sign that disappeared over the years for one reason or another. It is predicated on the fact that the same woman's house at the end of Whipple Street where it turns into Calkins was hit twice in two weeks by drunk drivers. Although the speed limit is fairly low and a safe, sane and sober driver would not need a sign, the sign would indicate a 90 degree turn. And, since we have two incidents in two weeks, we are recommending that it be replaced.

Council Member Kopkowski asked if the drunk drivers were apprehended. Chief Collins indicated that they were.

CM 4-6-08 – APPROVAL OF TRAFFIC CONTROL ORDER NO. 08-01

Motion by Wedell, supported by Maida

To approve Traffic Control Order No. 08-01

VOTE: MOTION CARRIED UNANIMOUSLY

3. SLARC Representative & Alternate

Council Member Maida stated that with Rod Cook retiring, she wanted to find out if he intended to remain in that position. Furthermore, we do not have an alternate. Lyon and Green Oak Townships have two people, yet we only have one. City Manager Cook stated that we do not have an alternate, but he has attended all of the meetings. He did intend to continue with the position, and he would assume that the new Manager would become the delegate or Council could choose someone else.

City Clerk/Treasurer Zemke stated that Councilman Dryer had been the alternate and was never replaced. City Manager Cook stated that Council could appoint a delegate at this time if they chose to do that. Council Member Maida stated that she would be happy to fill that position. With being a new Manager, there will be a lot going on and he may not be able to attend the meetings.

City Manager Cook stated that he would think that Council would want the manager involved. Councilman Kivell stated that when this issue began, he was the delegate. However, because the manager is available all of the time to make those meetings, and knows the mechanics, budgets, etc., he was appointed.

Mayor Doyle stated that Council can address this issue at the next meetings along with the other appointments.

#### 4. Mayor's Charter Authority Discussion

Council Member Maida stated that in the Charter, it talks about the Mayor's authority. She was surprised by what was reported in the newspaper with regards to shared services when nobody on Council knew about it. She feels that it is above the authority of the Mayor to speak with Lyon Township regarding these issues. She was embarrassed when people asked her questions and she knew nothing about it. On February 25<sup>th</sup> a discussion was held regarding shared services and needing further information before talking about any joint services.

City Manager Cook stated that in last week's newspaper there was a retraction. It was not supposed to be shared services, but rather the City would provide services to the Township. Councilman Kivell stated that is a distinction without a difference. The real discussion is that this is a City Council/City Manager form of government. This whole issue should have gone through the City Manager not the Mayor. He further stated that when we discussed shared fire services, we also discussed at that point with the new manager right around the corner, further discussion would take place once the new manager was in place. Council Member Maida stated that was her understanding as well. Councilman Kivell stated that he was surprised to read the article, but was not offended. The follow-up letter caused him more concern. He would hate to find out that an opportunity would be damaged because it was not properly channeled.

Attorney Lee stated that his biggest concern is that when you talk about personnel issues and things that impact jobs, especially when there is no formal plan to be considered, it simply complicates collective bargainings and makes it difficult to deal with any employees that may be on the defensive about their jobs. It makes it difficult to administer the needs of the City when speculation is taking place in the newspaper. This is a subject that should not even come before Council unless and until there is a specific proposal to do something for the benefit of the City.

Councilman Kivell stated that the other concern is that direction was given to a department head by the Mayor and that is not his role. Department heads are directed by the City Manager.

Council Member Kopkowski stated that she feels that this set us back with our communications with the Township.

Mayor Doyle stated that the newspaper had called him and he told them that there really was nothing to talk about. He as well as Council have been looking at things to ensure that we are making the right choices and being fiscally responsible. He informally talked with Lannie Young as well as different people. With the documents that are available, being public documents he was looking to see is there anything worthwhile talking about. He was not acting on behalf of Council. Council Member Maida stated that she feels that subjects to be brought up in that manner, should be discussed with Council first. Mayor Doyle stated that he was simply looking to see if there was anything that would merit discussion, and if there was, Lannie would talk to his board and he would talk with Council. He stated that he does not know where the newspaper got their information, but he has no control over that.

Councilman Selden stated that he feels that it was improper to furnish documents with the intent to have a discussion. He stated that like everyone else, he does not like being surprised. Mayor Doyle stated that these are public documents and anyone could get copies.

Mayor Doyle stated that if he caught anyone off-guard then he apologizes to each and everyone. That was not his intention.

Council Member Maida stated that she was told that there was a comment made at the ZBA meeting that she was not happy with. The comment was in regards to if the ZBA continued to grant variances, then he would get rid of all of them. Mayor Doyle stated that was not his comment at all. He spoke to the members after the meeting. We have had a continuing history of granting variances, and that is not something new and is not uncommon with ZBAs. The City Attorney has come in and spoken to them.

This was meant as more of a “re-set”. He further stated that Councilman Morelli was present and could confirm that.

The question was asked if the comments are the reason why there was a resignation. Mayor Doyle stated that it was not. He stated that he does wish he would stay. The resignation is due to increased family commitments taking more of his time.

Councilman Kivell stated that we have talked about the ZBA before. These cannot be whimsical decisions. There has to be justification. He further stated that he does not care how many variances are granted as long as they are justified. If they are not doing that, then they need to be reminded of what their real goal is. Further discussion was held on the granting of variances.

#### 5. Discussion of Reward for Police Car Vandalism

Councilman Selden stated that it is spring and soon kids will be out of school. He stated that he is not saying that it was kids that damaged our vehicles, but it could have had a major impact on us. He thinks that it is time to post a good reward. We have nothing to lose.

Discussion was held on how to proceed with this item. It was stated that Council would have to have a super-majority to take action. This item was put on as a discussion item.

Councilman Selden stated that he would like to take action because the longer you wait, the less chance you have in accomplishing anything.

The question was asked how long it has been since the incident. Chief Collins stated that it probably happened a week or more before we experienced difficulty with the cars because the substance introduced to the gas tanks took a while to have its affect. It has probably been a month or more. Discussion was held on the possibility of apprehending anyone. Chief Collins stated that we are still investigating, but we do not have any good leads.

Councilman Wedell asked if the City Manager has authority to offer a reward without City Council. Attorney Lee stated that he does not. He further recommended that if Council wishes to proceed that they direct him to draft specific language so that you do not end up with anything open-ended. It needs to be specific to a certain set of conditions.

Motion by Selden, supported by Maida

To direct the City Attorney to draft language to set a reward for the apprehension of the individuals responsible for the police car damage

Discussion was held on proper procedure. Attorney Lee stated that to take any action on an item not previously set on an agenda, according to Council’s rules would require a super-majority. He stated that a motion would have to first be made to accept a motion on a reward tonight.

Councilman Selden withdrew the motion and Council Member Maida withdrew her support.

#### CM 4-7-08 – APPROVAL TO TAKE ACTION ON SETTING A REWARD

Motion by Selden, supported by Maida

That Council take action at this meeting on setting a reward for the police car damage

Councilman Kivell stated that he feels that an action item should be on the agenda prior to the meeting so that we do not get pushed into items that could be frivolous. There is no urgency taking place now and does not feel that they should be dealing with this as an emergency item now.

VOTE:

MOTION FAILED

Councilman Selden requested that the item be added to the next agenda.

6. Christmas in April – Waiver of Permit Fees

City Manager Cook stated that we have a request from the Building Department to waive the fees related to the Christmas in April project. We have done that every year that they have done this in the City. Unfortunately we did not get notice until Thursday, but we did not want to stop the function.

CM 4-8-08 – SUSPENSION OF COUNCIL RULES TO TAKE ACTION

Motion by Wedell, supported by Maida

To suspend Council rules in order to take action on the waiver of permit fees for Christmas in April

VOTE:

MOTION CARRIED UNANIMOUSLY

CM 4-9-08 – WAIVER OF PERMIT FEES – CHRISTMAS IN APRIL

Motion by Wedell, supported by Morelli

To waive the permit fees for the Christmas in April project that occurred on April 26, 2008 on N. Crest

VOTE:

MOTION CARRIED UNANIMOUSLY

COUNCIL COMMENTS

Councilman Kivell stated that he was hoping that Chief Collins would have another conversation with Oakland County. The traffic signal at the parking lot of the high school still is not sequenced with the 11 Mile intersection. He discussed the coordination of the lights. He stated that after waiting at 11 Mile you drive a short distance and wait at the parking lot.

Council Member Kopkowski stated that in the spirit of being “green” she would like to have a discussion on re-introducing our recycling drop-off site that we had in the past. She stated that it does not have to be on the next agenda, but possibly when we have a light agenda. A lot of cities are doing it. She does understand that we had a problem with people dumping inappropriate materials, but other cities are doing things differently and are successful. This would give us a chance to ‘brainstorm’. City Manager Cook stated that part of the difficulty was that when we did catch people and ticket them, the District Court would dismiss the ticket. Council Member Kopkowski stated that was years ago and would hope that the Court would understand more. City Manager Cook stated the other problem is with this economy, you are going to see a lot more people dumping. They trashed the site and trashed the recyclables. There was a lot of money being lost. He stated that we can talk about it, but he does not know how to control it.

Council Member Kopkowski asked if we will be taping the budget workshop and the Saturday interviews. It was stated that we did try to tape the first set of interviews, but were not able to. It was stated that if we did not do it the first time, we should not tape the second. It was stated that the budget workshop could be taped.

Councilman Selden stated that he had heard that the Kiwanis appeared before the Board of Review and were denied their tax exemption. Mayor Doyle stated that he understands that in the past, it was more of a “gentlemen’s agreement”, however they could not provide appropriate paperwork that they were indeed tax exempt.

Councilman Wedell asked for a review of the April 24<sup>th</sup> Liquor Control Commission hearing. Attorney Lee

stated that we did appear as well as Mr. Waldenmayer. Mr. Waldenmayer voluntarily conceded that he did not meet his obligation under our agreement and the Liquor Control Commission did revoke the license. Councilman Wedell commended the good work of both the City Manager and City Attorney.

Council Member Maida stated that the Farmington Hills Household Hazardous Waste Day will be held on Saturday, May 3<sup>rd</sup> from 9:00 a.m. to 2:00 p.m. and is open to South Lyon residents. Additional information will be available at City Hall. It was stated that they will also be offering paper shredding. Councilman Selden stated that the Senior Center also provides shredding services.

Council Member Maida stated that the Conditional Principal Residents Exemption forms are available. She further explained the conditions of the exemption. The property cannot be occupied, it must be for sale, not leased or available for lease or being used for business or commercial purpose. The paperwork must be filed by May 1<sup>st</sup>. Additional information is available at City Hall.

Council Member Maida asked what is happening with Revenue Sharing. City Manager Cook stated that there will be no change from what we received last year.

Council Member Maida thanked all of the volunteers who came out for Christmas in April. They did a great job and got a lot accomplished. She further thanked those who supplied the lunch.

Councilman Morelli stated that he would like to see an item for discussion at a future meeting to discuss an amendment to the Charter to allow appointed volunteers to keep their position while running for office.

Councilman Morelli stated that Friday afternoon a company came in and took all of the equipment out of the Bella Luna building. He stated that he wants to make sure that the building does not fall into disrepair. City Manager Cook stated that it is now up for sale. It was stated that a U-Haul was also at the Bistro. City Clerk/Treasurer Zemke stated that we were out there and we are aware of what is going.

City Manager Cook stated that we have our City-wide Garage Sale this Friday, Saturday and Sunday.

Mayor Doyle stated that our next round of interviews is this Saturday starting at 8:00 a.m. and the public is welcome to observe.

## **ADJOURNMENT**

### **CM 4-10-08 – ADJOURNMENT**

Motion by Kopkowski, supported by Selden

To adjourn the meeting at 8:20 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