

**CITY OF SOUTH LYON
REGULAR CITY COUNCIL MEETING
May 12, 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, Renwick and Martin

APPROVAL OF MINUTES:

CM52-1-08- APPROVAL OF MINUTES – APRIL 28, 2008

Motion by Selden, supported by Maida

To approve the minutes of the regular meeting of April 28, 2007 as submitted

VOTE: **MOTION CARRIED UNANIMOUSLY**

APPROVAL OF MONTHLY BILLS:

Council Member Maida questioned Sergeant Baaki's overtime. Chief Collins stated that the bulk of the overtime was for training.

Council Member Maida questioned the charge for the Hazardous Waste Day. City Manager Cook stated that it is part of the RRRASOC collection. We are charged for our residents using the service.

Council Member Maida asked what the charge was for the Occupational Health Center. Superintendent Martin stated that this would be for a pre-employment physical.

Council Member Maida stated that it seems as though we have had a lot of maintenance done on our vehicles in all departments and inspections. Superintendent Renwick stated that this is an inspection cost divided between the departments. It is an annual inspection that has to be done.

Council Member Maida questioned the purchase of uniforms for the Fire Department. Chief Kaska stated that this is to replace worn out uniforms and boots, etc.

Councilman Kivell asked if we know how many people took advantage of the Hazardous Waste Day. City Manager Cook stated that it varies depending on the location, but we spend \$45 per vehicle.

Councilman Kivell questioned the payment to Oakland County Treasurer for Pay Local Taxes. City Clerk/Treasurer Zemke stated that this is a fee for the service, but we do get that back in different ways so it is a wash.

Councilman Kivell questioned the payment for Intel Processor. Superintendent Renwick stated that this was for a whole new system.

Councilman Kivell questioned the payment for plumbing parts for the comfort station. Superintendent Renwick stated that this was for replacement of some stools and faucets. The cost for replacement was cheaper than the cost for repair.

CM 5-2-08- APPROVAL OF MONTHLY BILLS

Motion by Kivell, supported by Morelli

To approve the monthly bills as presented

VOTE:

MOTION CARRIED UNANIMOUSLY

APPROVAL OF AGENDA

Council Member Maida requested that the appointment to the Parks and Recreation Authority be added. Mayor Doyle stated that he is not prepared to deal with that at this time. He will only be appointing to the Zoning Board of Appeals.

Council Member Maida requested that an item be added for discussion of property trading with the Township. The item was added as New Business #4.

Councilman Kivell requested that an item be added to discuss City Manager interviews. The item was added as New Business #5. Councilman Selden asked if an item should be added to discuss the email received by the City Attorney. It was concluded that the email could be discussed in conjunction with the City Manager interview discussion if needed.

CM 5-3-08 – APPROVAL OF AGENDA

Motion by Selden, supported by Wedell

To approve the agenda as amended

VOTE:

MOTION CARRIED UNANIMOUSLY

CITIZENS SUGGESTIONS:

Mr. Tedd Wallace of 115 Elm Place stated that he is representing the Wallace Family. They are here to present an award in honor of their mother Norma Wallace. She was the City Clerk here for 22 years and involved in many community events and committees. He has asked Commissioner Jeff Potter to come and be the official to make that presentation. He stated that they are asking that this be sanctioned by the City. Their criteria was that the person had to live in the South Lyon Area for a third of their life and have contributed to the community, talked positive and expressed love for South Lyon Area. This is what their mother was like. They will be looking for nominations for next year. They would like to present the First Annual Norma Jean Wallace "Townie Award".

Oakland County Commissioner Jeff Potter stated that he understands that there is a love that binds this community and makes us different from others. Times have changed since he moved here in 1984, and he has raised a wonderful family in a great area. He stated that Norma Wallace and Gail Smolarz and the rest of the City staff at City Hall were the kind of people that made him feel at home. He further discussed what it means to be a "Townie". People feel like this is a special place. He further discussed that small-town, family feel of South Lyon. He stated that it is his great privilege to award the first Norma Jean Wallace "Townie" Award. Commissioner Potter revealed the name on the plaque as his own. He stated that he was embarrassed, surprised and very flattered. He stated that it is a great honor and thanked the Wallace family.

Ms. Andrea Wilseck of 7755 Masadonia Lane in Salem Township stated that she was representing the Library Board to thank the City Council for their help and support. They are now starting their renovation and wanted to thank the City for being a part of the Library. She presented an invitation to receptions. She stated that they are able to complete the renovations without any taxes being raised. The millage will be the same as last year due to their diligence and fundraising.

OLD BUSINESS:

1. Appointments- Mayor Doyle

Mayor Doyle stated that we did receive an email from Chad Cunningham resigning from the ZBA. He served on that board for approximately three years, but has to resign due to increased family obligations.

CM 5-4-08 – ACCEPTANCE OF RESIGNATION – ZBA

Motion by Morelli, supported by Selden

To accept the resignation by Chad Cunningham from the ZBA with thanks

VOTE:

MOTION CARRIED UNANIMOUSLY

Mayor Doyle stated that Bill Rodman has submitted his name to fill the vacancy on ZBA. Mr. Rodman stated that he looks forward to serving the City again as a ZBA member. He stated that he also serves on the Beautification Committee and has run for City Council in the past. He stated that he enjoys working for the City and the community.

CM 5-5-08 – APPOINTMENT TO THE ZONING BOARD OF APPEALS

Motion by Doyle, supported by Selden

To appoint Bill Rodman of 1176 Chestnut Lane to the Zoning Board of Appeals to fill the vacancy left by
Chad Cunningham

VOTE:

MOTION CARRIED UNANIMOUSLY

2. Establish rewards for information on vandalism- Police Dept. vehicles

Councilman Selden stated that he would like the City Attorney to develop a proposal to establish a reward for information leading to the arrest of the individuals responsible for the police car vandalism.

Attorney Lee stated that he needs Council to direct him as to how encompassing they want it to be, what amount and under what conditions it would be given.

The question was asked how much damage was done. Chief Collins stated that it was \$2,500+/-.

Attorney Lee stated that rather than have a general award that anyone could claim for anything, he would recommend that it be set up as a specific reward for a specific incident, and he would assume that Council would want the reward to be given upon arrest and conviction of the individuals.

The question was asked if the amount established for a reward was recoverable. Attorney Lee stated that it is not, other than restitution that the Court would order.

Councilman Selden stated that he would recommend a reward of \$1,500 for this particular case.

CM 5-6-08 – ESTABLISHMENT OF REWARD

Motion by Selden, supported by Maida

To establish a \$1,500 reward for information leading to the arrest and conviction of the individual/individuals responsible for the recent vandalism to 3-4 police cars

Councilman Kivell asked Chief Collins if he thinks that there is much promise that would come from doing this. Chief Collins stated that we have no leads at this time. The only chance would be a reward and that would presume that somebody witnessed the act or knows about it.

Councilman Morelli asked if someone was arrested, would they have to pay for the damage. Attorney Lee stated that it would mean that we would owe the \$1,500 to the person who brought forward the information that resulted in the arrest and convictions. The most you could hope for is the restitution for the damage that was caused. There is no law that says that the judge has to award restitution.

Chief Collins stated that the bulk of the damage was paid for by the insurance company. If there was a recovery of restitution, the bulk of that would have to go to the insurance company.

Councilman Kivell stated that had we done this the meeting after the incident, he would have felt more strongly for it because it would be a clear message that we are taking it seriously and willing to step up. It still may end up accomplishing that, but it is a long shot. Councilman Selden stated that it shows that Council will not tolerate this type of conduct.

Council Member Kopkowski stated that she is not for rewarding people for doing the right thing. If somebody knows something about it then they should come forward. It would be different if a reward was offered for someone who could harm another individual.

VOTE: MOTION CARRIED (3 OPPOSED)

Mayor Doyle asked if there is any way that Council could give some discretion to the City Manager to implement a reward for this type of thing. Attorney Lee stated that the danger in making it broad is that you start dealing with claims for just about anything. Once you offer a reward, the Courts are very strict in enforcing them and making you pay them. If you offer a reward, make it a specific event, for a specific recovery and a specific amount so you know exactly what your liability is.

3. Contract: Center for Active Adults- 7/1/08 to 6/30/09- allocation \$51,775

City Manager Cook stated that this is the standard agreement between the City, Green Oak and Lyon Townships for the Senior Center. Our portion is \$51,775, which is coming down slowly based on what we negotiated. This would take effect 7/1/08 through 6/30/09.

Council Member Maida stated that this is a great opportunity for a program like this so the seniors can stay active.

Councilman Selden stated that this is one of the better run programs that he has heard of and it is used by a lot of people.

CM 5-7-08 – APPROVAL OF AGREEMENT – CENTER FOR ACTIVE ADULTS

Motion by Morelli, supported by Kopkowski

To approve the agreement between the City of South Lyon, Green Oak Township and Lyon Township for the Center for Active Adults with the City's contribution of \$51,775 for the period 7/1/08 to 3/30/09

VOTE: MOTION CARRIED UNANIMOUSLY

4. Proposed Budget Amendment- FY 07-08 for the period ending 6/30/08

City Manager Cook stated that we have both Major and Local Street operations affected because we had an extended winter season. Also, he has adjusted the General Fund for fringe benefits pay.

Councilman Kivell asked why the fringes in Major Streets is going down while the wages are going up. City Manager Cook stated that he made some adjustments due to the fact that it was clear that we were not going to spend that money.

CM 5-8-08 – APPROVAL OF BUDGET AMENDMENT

Motion by Kivell, supported by Wedell

To approve the budget amendment as presented

VOTE:

MOTION CARRIED UNANIMOUSLY

NEW BUSINESS:

1. Contract- Camp White Lake- 6 person prison crew

City Manager Cook stated that we have now been authorized a six-person crew from Camp White Lake. We have not had the crew for quite some time. Within the contract, the cost for an eight-hour day is \$30 per person or for a ten-hour day four days per week it is \$37.50. They are scheduled for May 19th and go forward. There is a possibility that the cost will be reduced to \$15 for the eight-hour day.

Councilman Wedell asked Superintendent Renwick which option would work best for them. Superintendent Renwick stated that we are going to see if we can modify it part-way through the year. During the winter time, it would be nice to have them five days. During the summer, there is more daylight and we can make better use of them. City Manager Cook stated that they have indicated that they will work with us. Council could approve the ten-hour day and we could deal with the modifications at a later date.

CM 5-9-08 – APPROVAL OF CONTRACT – CAMP WHITE LAKE

Motion by Kivell, supported by Selden

To approve the contract with the Michigan Department of Corrections for the Camp White Lake Crew for the 10 hour day

VOTE:

MOTION CARRIED UNANIMOUSLY

2. Fire Hall- Proposal to epoxy floor- low quote \$7,200

Chief Kaska stated that when the improvements to the fire hall were done, we were dealing with cost overruns. We removed the completion of the floor because of the cost. Recently, a gentleman who is a friend of one of the firefighters approached them wanting to do something for a public service unit. He has provided us a quote to do the premium epoxy on the floor after it is etched and sealed including the flake and grip. It would give the bays a professional look and it will look a lot nicer as citizens come in to vote.

Discussion was held on the quotes. Chief Kaska stated that Pietila gave us what it would cost him and then dropped it to \$7,200. We did receive other quotes so that we had something to compare to.

It was stated that in addition to looking nice, it will also be much easier to maintain.

CM 5-10-08 – APPROVAL OF LOW QUOTE – FIRE HALL FLOOR

Motion by Selden, supported by Morelli

To approve the low quote from Pietila Coating Systems in the amount of \$7,200 for installing epoxy on the fire hall floor

VOTE:

MOTION CARRIED UNANIMOUSLY

3. CDBG- Resolution- Cooperative agreement 2009-11

City Manager Cook stated that we have a letter and resolution from Oakland County. We need to accept the resolution for the cooperation agreement for the time period May 2009 through June 2011. This is standard language.

Discussion was held on the need for the language. City Manager Cook stated that not every community in Oakland County participates in the program. Some have their own program. At some point, you may want to go through the State program, which is a much more competitive issue. There are no guarantees of annual funding. If you did qualify, it would be a larger amount, but it is usually reserved for the larger communities.

CM 5-11-08 – CDBG 2009-2011 COOPERATION AGREEMENT

Motion by Wedell, supported by Kopkowski

We resolve to participate in Oakland County's Urban County Community Development Block Grant (CDBG) programs for the years 2009, 2010, and 2011. Furthermore, we resolve to remain in Oakland County's Urban County Community Development programs, which shall be automatically renewed in successive three-year qualification periods of time, or until such time that it is in the best interest of the local Community to terminate the Cooperative Agreement

VOTE:

MOTION CARRIED UNANIMOUSLY

4. Discussion – Trading of Property with Lyon Township

Council Member Maida requested explanation of the discussions taking place.

City Manager Cook stated that the Township is extending sanitary sewer up Pontiac Trail and they have come to the property within the City of South Lyon, which would be the 11 acre site of the church. In order to cross that property, it would require them to have a franchise agreement. There are two locations where that occurs both on Pontiac Trail and Nine Mile. Based on our discussions, the Township has agreed to swap the 10 acres, which is the last phase of Carriage Trace. It should have been in the City, but was not annexed at that time. We are working on an agreement and meeting with the developer of Carriage Trace. We would come back with an attachment/detachment resolution for both pieces.

Attorney Lee stated that he suggested the swap. To do a franchise agreement to allow them to come across city property would make it almost impossible for us to put our pipe under or over theirs to serve that 11 acres. It makes no sense to have two sewer lines going in and crossing the same property. This franchise would be virtually impossible to govern. He feels that it is the best solution. The church is one isolated piece of city property surrounded by township property.

The question was asked how this property came to be in the City. City Manager Cook stated that the church requested to be annexed. They wanted water and sewer but were never able to come up with the funds to do it.

Councilman Morelli asked if we did not agree with the swap, would we have to give them an agreement and asked why they have to go across the property. City Manager Cook stated that it was an oversight on their engineer's part. When they started planning the project, they should have approached the City and that never occurred. It was only when he was driving up Pontiac Trail that he realized that they were getting close to city property. He informed the Township Supervisor that it would require a franchise

agreement to pass through the City.

Attorney Lee stated that the purpose of what they are doing is to ensure that the City does not grow any further to the south. It precludes us from annexing any property east of Pontiac Trail south of Nine Mile. If

we simply said "No" they would have to re-route their project behind that 11 acres and it would make it impossible for them to service the gas station and other facilities. Their current plan makes no sense without this swap.

Council Member Maida asked for explanation of a franchise agreement. Attorney Lee stated that under the Michigan Constitution in the Home Rule Act, no utility may function in the City of South Lyon without a franchise whether that be municipal or private.

Discussion was held on what some of the requirements might be. City Manager Cook stated that he will be meeting with the developer. We have not seen the site plan. They would like to leave the densities the same, but we do not have a response to that. Attorney Lee stated that our concern is that if that is going to be Carriage Trace, we do not want it to be any different than the existing Carriage Trace. He further discussed the reasons. He stated that homeowners' associations pay dues based on lot size and all you would be doing is causing a problem within that subdivision that ultimately becomes our problem. Further discussion was held on the problems with having lots that are very different within the same subdivision.

Councilman Morelli asked if the township would have to run water and sewer to the five lots. Attorney Lee stated that they would not have to, but their current plan says they want to.

Councilman Morelli asked what the advantages are to the City. If you have 11 acre for new development, then you would be talking about more tax dollars. City Manager Cook stated that you do not have 11 acres for development. The church occupies 11 acres and they would have to divest and leave the property, which is not likely to happen in the near term. We have no way to anticipate that.

Councilman Morelli stated that he feels that if down the road the Boundary Commission were to get involved, then Lillian Street, Marjorie Ann, etc. makes more sense in the City rather than the township. City Manager Cook stated that the subdivision will never come into the City unless there is a health issue related to shallow wells. This has been an issue for the last 35 years. The chance of this happening is slim or non-existent. If it were to go before the State Boundary Commission, they would not rule on it, but rather order an election.

5. Discussion – City Manager Interviews

Councilman Kivell stated that we had a discussion with Bill Richards regarding the fact that Council wanted to see the remaining qualified candidates. He stated that he did not know how that ended up being all of the remaining candidates. Mayor Doyle stated that the email that he received from Bill Richards indicated that these were the rest of the qualified candidates. Councilman Kivell stated that after looking at them, none of them met the qualifications.

Mayor Doyle stated that we have seen nine candidates and a number of them would do a good job. He stated that he would prefer to look at those we have already dealt with and sooner rather than later. Some of these are already interviewing with other cities. He stated that without re-posting again, we would have to start over again. Attorney Lee stated that if you take and interview someone with less qualifications than you advertised for, you risk there being a minority or specialized candidate who could later say that they would have applied had they known Council would take someone with less qualifications. If you do want to interview that person, we would have to start over and develop a new advertisement with different criteria.

Discussion was held on the remaining candidates that were not interviewed.

Councilman Wedell discussed the memo from Bill Richards dated March 19th indicating the criteria

including a combination of experience and education substituting for the degree with at least seven years responsible City/County management. He asked how the people not banded in tiers A, B & C not fit those qualifications, particularly the person we have been talking about. He stated that he sees seven years management experience. Councilman Kivell stated that he sees that as a misreading or misunderstanding of what the qualifications are. He stated that you could have a DPW director who worked for a city for 20 years and asked if it is being assumed that person would also meet the criteria.

Councilman Wedell stated that he was quoting from Bill Richard's memo. He stated that from his own experience having been an assistant to a leader for many years, when that leader was in a position to retire, he would be more than qualified for that position. He stated that he has seen this happen with many other people as well.

Discussion was held on the need to move forward as soon as possible. Discussion was held on Council's top choices also interviewing with other communities.

Discussion was held on the need to set a special meeting to discuss moving forward with an offer.

Further discussion was held on the criteria published in the advertisement. City Clerk/Treasurer Zemke provided Council a copy of the advertisement. City Manager Cook stated that the advertisement indicates "responsible city management experience".

Councilman Wedell stated that he does not see anywhere in the advertisement that the experience has to be the CEO of a city or county, it indicates responsible city management experience. Attorney Lee stated that the question is what does the word "responsible" mean. It does not mean assistant, it means responsible. He further stated that his concern would be that someone could argue that they were effectively precluded from consideration by this advertisement. Further discussion was held on the advertisement. Further discussion was held on the confusion with the emails from Mr. Richards.

City Manager Cook stated that he would suggest that in fact the first 17, of which there was one C-3, were the qualified candidates. The rest have some management experience or some type of government experience, but do not meet the advertisement. There was some confusion as to what was to go out to Council. He further stated that from a practical standpoint, Council needs to move forward quickly, if not, then he would suggest that you drop everything and re-advertise. We are going to lose interest from the other applicants.

Councilman Morelli stated that he is fine with the applicants that have already been interviewed. If it was not a big issue to deal with the additional candidate, then they could move forward with that.

County Commissioner Potter stated that there is a big distinction being made between the word "management experience" and "city manager". He further stated that he feels that any type of manager from any municipality who felt that they fit the qualifications would have applied. He further discussed the advertisement.

Councilman Morelli stated that of the people that were interviewed, there is more than one person that would do a fine job. However, he would not think that "responsible city management" would mean that you would have to be a city manager. But, the City Attorney is indicating that "responsible" means that you would have to be the #1 person. City Manager further quoted the advertisement "full service city responsible for administration for all city services and employees. Further discussion was held on liability.

Discussion was held on moving forward. Mayor Doyle stated that the majority of the City Council would like to deal with the applicants that we have already interviewed.

It was concluded that Council will hold a special meeting on Thursday, May 15th at 7:00 p.m. to consider candidates and decide to whom to make an offer.

COUNCIL COMMENTS

Council Member Maida asked if we could get the lamp posts at the corner of Lafayette and Lake painted. She stated that the paint at the bottom is chipped and hoped that it could be done by the Memorial Day parade. Superintendent Renwick stated that he would check into it.

Council Member Maida stated that there has been no toilet paper in the bathrooms at McHattie in the mornings. Superintendent Renwick stated that they are in there every morning, but he will check. Councilman Kivell stated that it might be a better idea to load the paper when it is closed the night before.

Council Member Maida stated that the Relay for Life will be held on May 17th & 18th at Millennium Middle School. She stated that if anyone is interested, this is a time to come out and support the community.

Councilman Wedell stated that this is the time of year that the Veteran's organizations sell poppys and they appreciate the support.

Councilman Selden stated that on Memorial Day, we will be having a parade to honor our war veterans. He asked if the burnt trailer along Stryker Street would be removed. City Manager Cook stated that it is close to being eliminated.

Councilman Kivell stated that Superintendent Martin took him on a tour of the wastewater treatment plant, and it was very impressive.

CM 5-12-08 – ADJOURNMENT

Motion by Selden, supported by Wedell

To adjourn the meeting at 9:00 p.m.

VOTE:

MOTION CARRIED UNANIMOUSLY

Respectfully Submitted,

—

John Doyle, Jr.
Mayor

Julie C. Zemke
City Clerk/Treasurer