

CITY OF SOUTH LYON  
SPECIAL CITY COUNCIL MEETING  
MAY 15, 2008

Mayor Doyle called the meeting to order at 7:00 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 Clerk/Treasurer Zemke  
City Attorney Lee  
Department Heads: Collins & Renwick

Mayor Doyle noted that there was no one from the public present.

Mayor Doyle stated that the purpose of the meeting is to discuss the City Manager search.

Councilman Selden stated that he hopes that whoever is chosen, that Council can make a unanimous decision so that the candidate does not see any opposition as he starts his new position.

Mayor Doyle stated that in the newspaper this week, it was noted that some of the candidates have been interviewing for other positions.

Attorney Lee stated that as of noon today, the two major candidates that Council was looking at were negotiating for other positions. One has indicated that he wanted to pursue that other position. However, if he is someone you want to offer the position to, you can still do that.

Mayor Doyle stated that Lyn Markland was mentioned as a favorite as well as David Murphy. Councilman Morelli stated that his third choice was Eric Weiderhold. Councilman Wedell concurred that he was on his list as well.

It was stated that Gary Rawlings has already taken a position. Councilman Morelli stated that he would have been his fourth pick, but there was nobody else after that.

Councilman Wedell stated that he had on his list Weiderhold, Markland and Murphy. Mayor Doyle stated that these three were his choice as well, not particularly in that order. Council Members Maida, Selden, Kopkowski and Kivell agreed.

Councilman Kivell asked that Council review the attributes as well as potential concerns for these three candidates.

Council individually reviewed the pros and cons of each applicant (Markland, Murphy and Weiderhold) as well as what they liked and disliked from the interviews.

Discussion was held on ranking of the three candidates. Mayor Doyle stated that all three are very close.

Councilman Kivell stated that he had hoped to know what their wage is now to see what kind of escalation we would be looking at from their current position to our community.

Mayor Doyle stated that with any of these there is going to be some level of give and take. Attorney Lee stated that it is typical that there is negotiation. He further stated that once you select the candidate of choice, then we can determine what our basic offer should be and then present it to him. We would get a sense of what would make him reasonable and happy. Council would then have to ratify the contract.

Discussion was held on the timing of the background check, etc. Attorney Lee stated that once you have the rudiments of the contract in place but before you sign it, you go back and do the background check or the contract would be conditional upon those items.

Discussion was held on salary range. Attorney Lee stated that if you "low-ball" someone and he feels that you are taking advantage, you may lose that candidate.

Further discussion was held on ranking.

Discussion was held on the availability of Lyn Markland. Council Member Kopkowski stated that if he is already entertaining a contract with Fenton, we would simply be setting ourselves up for failure by pursuing him. Councilman Kivell stated that he feels that he should be moved to #3 simply by virtue of the fact that he has already pushed us off. The question was asked how we know that he is not interested. Councilman Kivell stated that Rod Cook talked with him today. He further stated that one of the comments that was made was that it took so long to hear any response from us. It was stated that it would seem to be a waste of time to talk any further about him. Further discussion was held on interpreting his response.

Discussion was held on David Murphy. Mayor Doyle stated that he has indicated that he is still interested in South Lyon. Councilman Wedell stated that he is more interested in looking at Murphy and Weiderhold.

The consensus was that David Murphy is the number one choice with Eric Weiderhold being the next choice. Councilman Selden stated that he would like to give Lyn Markland the opportunity to firmly turn down an offer. However, he would not object if the rest of Council wanted to proceed with David Murphy.

Attorney Lee stated that once Council has made it's decision, Council would need to give him direction to negotiate pay, fringes, severance package, etc. The Charter says that he has to serve at the pleasure of this board, so that is a given.

Discussion was held on commitment. Attorney Lee stated that we can ask for a commitment. The problem is if you sign a three-year contract and six months go by and you do not like him, you do not want to pay 2 ½ years salary.

Discussion was held on a separation agreement. Attorney Lee stated that it is negotiable. We can offer one or not, as Council sees fit.

Discussion was held on relocation. Attorney Lee stated that State Law was passed 7-8 years ago indicating that even for emergency employees, we can only require them to live 1 ½ miles from the City. Mayor Doyle stated that David Murphy has indicated that he would like to live in this community. The housing market the way that it is, is going to make it more difficult.

Discussion was held on the pay range. Attorney Lee stated that he feels that we should stay within the published pay range. He stated that we can negotiate out of it, but we have to start there. It was stated that we do not want to "low ball" an offer.

Attorney Lee stated that Council should first pass a resolution to offer the position and negotiate then we can move forward with discussion as to what is to be offered.

#### CM 5-1-08 – OFFER THE POSITION OF CITY MANAGER

Motion by Wedell, supported by Maida

To authorize City Attorney to negotiate with David Murphy to fill the position of South Lyon City Manager

VOTE:

MOTION CARRIED UNANIMOUSLY

Mayor Doyle thanked all of Council for their hard work. It is not easy, but this is a very good message to send to a candidate.

Discussion was held on car allowance. Councilman Selden asked if it would be more advantageous to buy the City Manager a vehicle. He further asked if Rod Cook gets mileage in addition to the car allowance. It was stated that the car allowance is in lieu of mileage. It was further stated that car allowance is the way to go.

Discussion was held on retirement. Attorney Lee stated that he would assume that we would offer him the standard City retirement with the option to go through the State or ICMA at the same percentage we do for all other employees. Council concurred.

Discussion was held on annual vacation. Councilman Kivell stated that he would like to see language so that there would not be an accrual of sick and vacation time. Attorney Lee stated that sick time accrual ended in the 1990s. He stated that vacation is always a question with the City Manager. The consensus of Council was that accumulation should not be more than double the annual vacation leave. Further discussion was held on the use of vacation. Attorney Lee stated that there is a Personnel Policy in place.

Further discussion was held on car allowance. It was stated that it should not be less than \$250, but should not exceed \$350. Attorney Lee stated that an alternative would be that he could use a city vehicle. Consensus of Council was that they would not like to offer a city vehicle.

Further discussion was held on wage. It was stated that the low side would be close to what Beverly Hills offered. It was stated that Beverly Hills could come back with another offer. Councilman Wedell stated that we should make a distinction from what they had offered. Discussion was held on a range of \$85-95,000. It was stated that we would not want to lose him over a few dollars. Further discussion was held on negotiating. Attorney Lee stated that the top amount advertised was \$90,000. Council Member Maida stated that she would not want it to go over \$90,000.

Discussion was held on Rod Cook's salary. It was stated that he has been here for 25 years. Attorney Lee stated that we also should realize that we never paid him at the top of the scale of comparable city managers.

Further discussion was held on residency. Mayor Doyle stated that at some point, he would like to see him get here, but he does have two other homes. Attorney Lee stated that he can impress to him that one of the reasons Council liked him was that he wanted to be a member of the community. Councilman Kivell stated that one of the benefits of him being in Brighton Township is that it is not that far away. His access to outside the normal business hours activities would not be an issue.

Discussion was held on severance. Discussion was held on offering 2-6 months severance. Attorney Lee stated that if we go out to 6 months he would structure it so that it would be six months if he is terminated within a year, 3 months if terminated after 2, etc.

Discussion was held on timing given the weekend and the offer by Beverly Hills. Attorney Lee stated that he would be making contact tomorrow.

Discussion was held on conducting a background check. Discussion was held on Chief Collins being in an awkward position to conduct a background check on his potential boss. Further discussion was held on using the company suggested by Bill Richards.

Discussion was held on vacation time. Attorney Lee stated that being a city manager, you come with 15-20 years experience. Unless you are lucky enough to stay in a position for a long period of time, you are not going to be around long enough to receive four weeks per year. Further discussion was held on the number of weeks. It was stated that there is also an annual evaluation where this can be renegotiated.

CM 5-2-08 – SALARY & FRINGE PACKAGE FOR CITY MANAGER OFFER

Motion by Morelli, supported by Selden

To authorize the City Attorney to offer and negotiate with David Murphy a salary and fringe package for the position of City Manager as follows:

- Salary range - \$85-95,000
- Car allowance - \$250-350 per month
- Standard Retirement through the State or ICMA the same as other non-union employees
- Negotiated severance package up to six months for the first year and three months for the second year
- Residency requirement according to State Law
- Up to three weeks vacation per year with an accrual no greater than two times earned
- Standard sick days according to the Personnel Policy

VOTE:

MOTION CARRIED UNANIMOUSLY

CM 5-3-08 – ADJOURNMENT

Motion by Selden supported by Maida

To adjourn the meeting at 8:33 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