

**CITY OF SOUTH LYON
REGULAR CITY COUNCIL MEETING
JUNE 9, 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:

CM 6-1-08- APPROVAL OF MINUTES – MAY 27, 2008

Motion by Kivell, supported by Selden

To approve the minutes of the regular meeting of May 27, 2007 as written

VOTE: **MOTION CARRIED UNANIMOUSLY**

APPROVAL OF MONTHLY BILLS:

Councilman Kivell questioned payment to the American Arbitration Association. City Manager Cook stated that we have an ongoing arbitration with a DPW employee.

Councilman Kivell questioned the payment to Chiefs for boots for the Fire Department. He asked for clarification of the expenditure for this as well as a number of expenditures for the same last month.

Councilman Kivell questioned the payment to Ultra Unlimited for mowing on Mill Street. City Clerk/Treasurer Zemke stated that this would be for the weed mowing of the 40 acres on Mill Street. They are invoiced and if they do not pay, it will be put on their taxes.

Council Member Maida asked Chief Collins what the painting and decorating repairs were for. Chief Collins stated that this is for the exterior of the main police building. There was rust and peeling of paint. They painted the trim, entry doors as well as the two garage doors. Had those garage doors not been painted, we would have to deal with replacement of the doors due to heavy rust.

Council Member Maida questioned the small employee pay amounts within the Police Department. Chief Collins stated that Wilcox is our part-time custodian, McDonald is a cadet and the others are school crossing guards.

CM 6-2-08- APPROVAL OF MONTHLY BILLS

Motion by Wedell, supported by Maida

To approve the monthly bills as presented

VOTE: **MOTION CARRIED UNANIMOUSLY**

APPROVAL OF AGENDA

Mayor Doyle stated that we need to add an Executive Session Item after Council Comments to discuss a possible partial settlement with DeMaria.

CM 6-3-08 – APPROVAL OF AGENDA

Motion by Wedell, supported by Maida

To approve the agenda as amended by adding an Executive Session item for discussion of partial settlement with DeMaria

VOTE:

MOTION CARRIED UNANIMOUSLY

CITIZENS SUGGESTIONS:

Sergeant Hoydic of the South Lyon Police Department gave a demonstration of the Thermal Imager recently received through a Federal Grant under the Commercial Equipment Direct Assistance Program in the amount of \$19,707.69

OLD BUSINESS:

1. Bid Proposals-
 - a. Witch's Hat Roof- removal/replacement

Superintendent Renwick stated that we advertised and sent out bids to ten different companies. We received six responses. They came in very low and very high. The low bid was from Bear Roofing. He did check them. They have been in business for a number of years and have a good clientele. They are a licensed builder and have all the necessary paperwork. He would recommend the low bid from Bear Roofing in the amount of \$8, 440 for the removal and replacement of shingles at the Witch's Hat Depot.

The question was asked if this is the same bid price we received last time. Superintendent Renwick stated that it is slightly higher. The shingles have gone up in price again. It has a lot to do with the oil industry.

Councilman Morelli asked if we expect much decking repair. Superintendent Renwick stated that we do not.

Councilman Wedell asked if the contractor has the necessary lift and equipment. Superintendent Renwick stated that he does.

Mayor Doyle questioned whether a contingency amount is necessary. Superintendent Renwick stated that we could add 5%, but we do not foresee any additions. Consensus of Council was to leave the bid amount as is, and any additions would be brought back to Council for approval.

CM 6-4-08 – APPROVAL OF LOW BID – WITCH'S HAT ROOF

Motion by Selden, supported by Maida

To approve the low bid from Bear Roofing, Inc. in the amount of \$8,440 for the removal and replacement of shingles and necessary repairs at the Witch's Hat Museum

VOTE:

MOTION CARRIED UNANIMOUSLY

- b. FY 2008-2009 Street Improvements

Jessee VanDeCreek of Hubbel, Roth and Clark stated that before Council is a bid recommendation for the 2008/2009 Street Improvement Program. We had 13 contractors purchase plans, but ultimately received

6 bids. He presented a schematic because this year's projects are scattered throughout the City. We have 5 major locations. He discussed the proposed projects and their locations. He stated that his office did re-estimate the project prior to going out to bid. The engineer's estimate was \$376,830. The low bid came in at \$421,929, a difference of approximately \$40,000. The three lowest bidders were all in the same area. The construction cost that they estimated in December of last year was \$599,000 and today the construction cost comes in at \$421,929. He discussed the difference between the engineer's estimate and the low bidder. He stated that we are in a maintenance mode throughout the State. It is labor intensive and those people are in very high demand. We are seeing increased cost in maintenance type work, but this is a very reasonable price, good contractor and well within the scope.

Mayor Doyle asked how far out the repair goes at Eagle Heights and Eleven Mile. City Manager Cook stated that it goes out into the Road Commission right-of-way. We are taking care of all of the bumps and holes.

City Manager Cook stated that we were going to be required to deal with signalization consistent with what we are required to do at McHattie Street and Eight Mile. They now have backed off that issue. We only have to deal with the ramps on both sides of Reynold Sweet Parkway to bring those into compliance. Further discussion was held on barrier free for the signals. City Manager Cook stated that almost all of the intersections throughout the County will have to have this done, but we are dealing with a small maintenance project and does not warrant the cost of doing it at this time.

Councilman Kivell stated that Council has been given some reasons for the difference between the estimate and the bid, but \$45,000 is 11-12% of the project. Mr. VanDeCreek stated that at the time they did the estimate, they used the bid prices from the last project. It is a supply and demand issue. There is a lot more maintenance projects going on now versus new build work. Councilman Kivell stated that this is still a very attractive price.

CM 6-5-08 – APPROVAL OF LOW BID – 2008/2009 STREET IMPROVEMENT PROGRAM

Motion by Kivell, supported by Morelli

To approve the low bid from Florence Cement Company, Inc. in the amount of \$421,929.75 for the 2008/2009 Street Improvement Program

VOTE:

MOTION CARRIED UNANIMOUSLY

2. Contract for Police/Fire Dispatch- City of Novi- for the period 7/1/08- 6/30/09

Chief Collins stated that the City of Novi directed their City Manager to commission a study to try to assess the actual cost per user of the dispatch services. The CPA firm that they hired came back and said for this year the City of South Lyon should pay Novi over \$139,000 for dispatch and lock-up services. The City Manager directed him to speak with Chief David Molloy, and after much discussion, came up with a three year contract with a \$15,000 increase the first year, \$18,000 the second and \$13,000 the third. Chief Molloy also agreed to include the ability for reverse 911 service, which is a way for us to get emergency information by telephone out to our residents in case of a wide-spread HAZMAT or other situation where we wanted to contact a large number of residents in a short period of time. Even though it is a significant increase, we did negotiate with them thousands of dollars less. It is far cheaper than if we had our own dispatch both in terms of personnel cost and initial equipment cost. Therefore, he would recommend approval of the contract.

Councilman Morelli asked how a call is handled if someone calls 911 from a cell phone. Chief Collins stated that sometimes it will go directly to Novi dispatch, but sometimes it will be routed through Livingston County.

Councilman Wedell asked if anyone from our staff looked at the study. City Manager Cook stated that we did look at it, however did not agree with how they arrived at the large numbers.

Councilman Selden stated that this does show what a good deal we have gotten in the past.

Councilman Kivell discussed how the reverse 911 system would work with an Amber Alert. Chief Collins stated that we also have another agreement with Child is Missing, which gives us different capabilities.

Discussion was held on the agreement being very equitable.

Councilman Kivell asked if this would be a program that would benefit from the joint services program review process through Oakland County and Plante Moran. Attorney Lee stated that program would be for new ventures only.

CM 6-6-08 – APPROVAL OF DISPATCH CONTRACT – CITY OF NOVI

Motion by Selden, supported by Kivell

To approve the Agreement for Dispatch Services between the City of Novi and the City of South Lyon for fiscal years 2008-2009, 2009-2010 and 2010-2011

VOTE: MOTION CARRIED UNANIMOUSLY

3. City Manager Contract- David Murphy

Mayor Doyle stated that before Council is the contract with David Murphy as prepared by Parvin Lee.

Attorney Lee stated that the document was prepared in line with the offer sheet. The offer sheet will be attached to the contract as Exhibit #1. He stated that our Charter says that the City Manager serves at the pleasure of Council, which is even stronger than "at-will". If there is not compatibility between Council and Manager you can terminate the relationship. If you start spelling out the purposes to terminate the relationship, you can get into an issue that could go to court. He further explained the possible legal issues. This is cleaner and simpler. It would be better to separate and pay the severance.

CM 6-7-08 – APPROVAL OF CITY MANAGER CONTRACT

Motion by Morelli, supported by Maida

To approve the City Manager Contract between the City of South Lyon and David M. Murphy

VOTE: MOTION CARRIED UNANIMOUSLY

Mr. David Murphy, City Manager thanked Council for approving the contract but also thanked them for giving Parvin Lee the authority to negotiate with him in such a timely fashion. He stated that it went very well and he looks forward to starting on June 18th.

NEW BUSINESS

1. Proposed purchase and replacement of Vactor Sewer Cleaner- cost \$228,000 and waiver of bid

Superintendent Renwick stated that we need to do some repairs on the sewer truck. However, the estimated repairs are approximately \$60,000. At that price, it exceeds the value of the truck. It is a 15 year old vehicle. The vehicle that we have looked at is the last of the last model year. It does have an engine package that does not fall under the new regulations, which has cut the price considerably. The price that they have offered is a good price and it is in stock and available within approximately one week.

Councilman Morelli stated that he would agree that \$60,000 is a lot of money to pay for a 15 year old

truck. We could pay the \$60,000 and lose the \$25,000 trade-in. He stated that he understands that the vehicle we have now was bought used. He asked if the proposed vehicle is new. Superintendent Renwick stated that it is new, never been used and will have a warranty.

Councilman Wedell stated that when he toured the DPW operation and looked at the equipment he asked the question whether the vactor is something that could be shared with another community. The answer he was given was emphatically No, we need it when we need it. It is a critical piece of equipment.

Superintendent Renwick stated that we have had the current vactor for 10 years but had been a leased vehicle. They will lease these vehicles out for five years. Councilman Selden asked the life expectancy of these vehicles. Superintendent Renwick stated that it is typically 10 years. At that time, you will find some type of major repair, and that is basically any vehicle reaching 10 years. Many times it is cheaper to make the repair and try to make it last for as long as we can. We have always tried to make them last 15 years, which is where we are at now. Councilman Selden asked what the yearly maintenance has been the last few years on this vehicle. Superintendent Renwick stated that we have replaced the rear engine, which was \$9,000. We were spending approximately \$5,000 per year on the vehicle.

Discussion was held on the engines. Superintendent Renwick stated that the main engine is an 8 cylinder. Discussion was held on maintenance. Superintendent Renwick stated typically maintenance is something that we can handle. There will be times that it is something that we cannot, but that is not often. Councilman Selden asked what kind of engine is in it. Superintendent Renwick stated that the rear engine is John Deere.

Council Member Kopkowski asked if this was budgeted. Superintendent Renwick stated that it was not because we had intended to do some repairs. When we found out the value of the vehicle, it became prohibitive. We thought that we could make it last for another few years. Council Member Kopkowski stated that she would have liked to see the budget more accurate. If this was something that was being looked at, she would have liked to have seen it in the budget. She understands that it is a piece of equipment that we need. Superintendent Renwick stated that we had budgeted for the repairs. City Manager Cook stated that we will have to amend this year's budget because we are acquiring it in this fiscal year. It will not show up in the new budget.

Councilman Kivell stated that he wants to inform Council that his brother in-law does work for Doheny so he is fairly well versed in the equipment. Being that they are the only ones in town, he does not feel there is any conflict of interest. He stated that in talking with the mechanic, he compared this piece of equipment to what a fire engine is to a fire department. We want to have a piece of equipment that we can rely on.

Mayor Doyle stated that this is not a surprise. This has been communicated to Council for some time.

City Manager Cook stated that he would suggest that in authorizing the purchase you also amend the budget at the same time. He can provide Council with the detail. Attorney Lee stated that Council also has to waive the bid.

Councilman Kivell stated that they also offer a lease buy-back program. After five years they will give you back half of what the purchase value was. Our Capital Fund is such that our money is cheaper than using bank money, however in the future, it may be something we want to look at.

Mayor Doyle asked Councilman Kivell if his brother in-law was directly involved with this bid. Councilman Kivell stated that he was not.

CM 6-8-08 – WAIVER OF BID PROCESS – PURCHASE OF VACTOR

Motion by Morelli, supported by Wedell

To waive the bid process for the purchase of Vactor Sewer Cleaner due to the lack of sufficient number

of available qualified bidders

VOTE: MOTION CARRIED UNANIMOUSLY

CM 6-9-08 – APPROVAL OF PURCHASE – VACTOR SEWER CLEANER

Motion by Kivel, supported by Selden

To accept the bid from Doheny Supplies, Inc. for the purchase of a 2008 vactor mounted on a 2007 Sterling Chassis in the amount of \$228,000 and amend the Fiscal Year 2007-08 budget for the purchase

VOTE: MOTION CARRIED UNANIMOUSLY

COUNCIL COMMENTS

Councilman Morelli stated that with the storms over this past weekend, the storm sirens went off out near Peer Road and within a few minutes the storm went by. Five minutes later they heard South Lyon sirens go off, but by that time the storms already went by. He asked how we get notified before the storm hits rather than after. Chief Collins stated that we do have independent siren activation in place. The way the system is designed to work is when the Livingston County or Washtenaw County sirens are activated, we can do a local activation of our sirens. In this instance, the tornado warning was for the Fenton area moving east or northeast. Dispatch, in error, decided to contact the Fire Chief who was not available so they contacted the Assistant Fire Chief who made a decision to not activate the sirens. He has spoken to the Dispatch Manager and reminded him of the policy and indicated that as Emergency Management Coordinator, he would make that call. He would not have made a decision to not activate the sirens.

Councilman Morelli stated that he would like to thank the Fire Department and Ambulance service. His son was in need of the service and they responded. He stated that his son called 911 and it took about 3-4 minutes for an officer to call him back. He stated that he is not sure if that was because of how the cell call was routed. Chief Collins stated that people can also call the dispatch direct.

Council Member Maida thanked the DPW for painting the light posts downtown.

Councilman Selden discussed the tree damage in Colonial Acres and throughout town due to the storms.

Council Member Kopkowski stated that Milford's sirens went off before Green Oak. She stated that a lot of people could not hear ours. She asked if ours are updated and tested to know if people can hear them. It was stated that we have three sirens and they are tested monthly. Chief Collins stated that the sirens are designed as an outdoor warning system. If you are indoors with windows closed and air conditioning running, etc. it would be hit or miss with the design of the system.

Council Member Kopkowski asked Chief Collins how he decides when you put a traffic officer out. The railroad crossing was down for a considerable amount of time over the weekend. Sometimes it was smooth because there was an officer there and sometimes it was congested because there was no officer. Chief Collins stated that it would depend on staffing availability. There were times when there was emergency calls where we had to pull them off of the traffic detail to handle a priority call. He stated that if we had three officers working we could have an officer at both of the crossings and still have the third officer to respond to the calls for service. Further discussion was held on the problems with the crossings. City Manager Cook stated that this is a continuous problem we have had over the years. At one time there was a problem with trucks going over the tracks that would trigger the problem. When they put the crossings in they did not deal with the appropriate drainage to drain the tracks which triggers the system. We have been trying to get them to correct it. The question was asked if they pay us anything for having our officers out there. Chief Collins stated that generally, we do bill them, but because of the National Transportation Act, they pay us if they feel like it, but sometimes they do not. We have no means to enforce it. Attorney Lee stated that until 1998 we regularly ticketed them if they had the gates down for more than 15 minutes. However, they went to the United States Supreme Court who determined that Federal Courts have sole and singular jurisdiction over rail traffic in the United States thereby finding our

ordinance unconstitutional. Therefore we have no capability of fining them, charging them or directing them to do anything relative to rail traffic through the City.

Council Member Kopkowski stated that she has noticed that there are a lot of dead trees throughout the cemetery and with the recent storms there is a possibility that some of them could come down and damage some of the old historic headstones. Superintendent Renwick stated that he will have a tree service come in and look. Some of the evergreens are over grown and starting to die out.

Councilman Kivell asked if we called anyone in to handle the railroad track situation over the weekend. Chief Collins stated that we did pull in someone for overtime for the railroad as well as the storm coming through. Councilman Kivell stated that he would like to bill them even if it goes nowhere if not to simply say that you have an obligation to maintain your equipment. Chief Collins stated that he has directed Lieutenant to bill them even knowing full well they may not pay.

Councilman Kivell asked if a siren goes off anywhere in Oakland County do all of the sirens in Oakland County go off. Chief Collins stated that the way that Oakland County chooses to operate the system is if one goes off they all do. This is why we chose to independently have the ability to activate our own sirens. Due to our location in Oakland County, many times the storms would already pass us before the sirens go off.

City Manager Cook stated that at the last meeting, Councilman Kivell asked about the semi-trucks at Huntington Square. We have found out that they do not have the permission of the property owner and they are being asked to leave or they will be ticketed. Discussion was held on the zoning allowing for such parking if they had the permission of the property owner.

EXECUTIVE SESSION

1. Potential Partial Settlement with DeMaria

CM 6-10-08 – ENTER EXECUTIVE SESSION – POTENTIAL SETTLEMENT – DEMARIA

Motion by Wedell, supported by Selden

To enter into Executive Session for the purpose of discussing a potential partial Settlement with DeMaria

VOTE: **MOTION CARRIED UNANIMOUSLY**

Council entered into Executive Session at 8:43 p.m. and reconvened the regular meeting at 9:12 p.m.

CM 6-11-08 – RECONVENE THE REGULAR CITY COUNCIL MEETING

Motion by Morelli, supported by Selden

To reconvene the regular City Council Meeting

VOTE: **MOTION CARRIED UNANIMOUSLY**

CM 6-12-08 – ADJOURNMENT

Motion by Selden, supported by Morelli

To adjourn the meeting at 9:12 p.m.

VOTE: **MOTION CARRIED UNANIMOUSLY**

Respectfully Submitted,

John Doyle, Jr.
Mayor

Julie C. Zemke
City Clerk/Treasurer