

**CITY OF SOUTH LYON
REGULAR CITY COUNCIL MEETING
JUNE 23, 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 Murphy
Retired City Manager Cook
Attorney Lee
City Clerk/Treasurer Zemke
Department Heads: Collins, Martin & Renwick

APPROVAL OF MINUTES:

CM 6-1-08- APPROVAL OF MINUTES – REGULAR MEETING OF JUNE 9, 2008

Motion by Kivell, supported by Maida

To approve the minutes of the regular meeting of June 9, 2008 as written

VOTE: MOTION CARRIED UNANIMOUSLY

APPROVAL OF MONTHLY BILLS: None

APPROVAL OF AGENDA

CM 6-2-08 – APPROVAL OF AGENDA

Motion by Maida, supported by Wedell

To approve the agenda as presented

VOTE: MOTION CARRIED UNANIMOUSLY

CITIZENS SUGGESTIONS:

Mr. Tom Duncan of 60440 11 Mile and Randy Duncan of 1009 Carriage Trace were present representing Duncan Disposal. Mr. Tom Duncan stated that the new contract for garbage pick-up commences July 1st, therefore the last pick up with the current hauler will be June 30th. He further stated that what they are proposing to do is to split the City into two pick-up days. This will allow them to complete pick-up much earlier and allow for more prompt service. He stated that this will involve informing 1300 residents. Residents north of the centerline of Lake Street will continue to be picked up on Monday and residents south of the centerline of Lake Street will be picked-up on Tuesday. He stated that they will be delivering notice to the front door of each of the affected homes.

Discussion was held on the need for the split. Discussion was held on the problems experienced with the current hauler including very late pick up times, missed residents, etc.

Discussion was held on delays due to holidays. Mr. Duncan explained that if there is a holiday that falls on or before the pick-up day during the work week then the pick-up day is delayed one day.

Discussion was held on some residents being disappointed in the Tuesday pick up as many people do weekend yard work, etc. and they will now have to let it sit for an additional day.

Mr. Doug Curry of 59400 Preston Ct., New Hudson introduced himself and indicated that he is a candidate for 38th District State Representative. He further explained his position and his campaign platform.

OLD BUSINESS:

1. Approval of Park and Recreation Master Plan

Retired City Manager Cook stated that Council did see this plan some time ago. This plan needs to be on file with the Michigan Department of Natural Resources in order to qualify for any funds that might become available. The plan has been updated and adopted by the Parks and Recreation Commission and is a five year plan.

Discussion was held on some of their proposed projects and goals. Discussion was held on a proposed recreation facility in Volunteer Park. Retired City Manager Cook stated that is something they would like to ultimately see. However, that type of project would require a larger body. That is not something that is moving forward at this time. This is a list of things they would like to see done, but it is a fairly expensive list.

Discussion was held on grant funds available. Retired City Manager Cook stated that there is an application process every year. The problem is that they have limited funds in comparison to the number of proposals. He stated that we did receive a grant for the first phase of Volunteer Park.

Councilman Selden stated that he would be opposed to spending any funds to match a grant for a non-necessity.

Councilman Kivell stated that he was hoping to see some bracketed perspective costs rather than leaving it open-ended. He further asked if the DNR looks at the lack of completed projects unfavorably. Retired City Manager Cook stated that is generally not the case. Priorities do change and that is not an issue. Further discussion was held on the small amounts of money available.

CM 6-3-08 – APPROVAL OF PARKS AND RECREATION MASTER PLAN

Motion by Kivell, supported by Selden

To approve the Parks and Recreation Master Plan as presented

VOTE:

MOTION CARRIED UNANIMOUSLY

2. Appointments

- a. South Lyon Recreation Authority
- b. Resource, Recovery and Recycling Authority of Southwest Oakland County
- c. Southwest Oakland County Trailway Management Council

Retired City Manager Cook stated that he is recommending that Council appoint City Manager David Murphy to these bodies. These are all bodies that he had been the City's appointee. He further stated that although the trailway projects have been complete, there is some continuing development in Lyon Township.

CM 6-4-08 – APPOINTMENTS – DAVID MURPHY

Motion by Wedell, supported by Morelli

To appoint City Manager David Murphy to the South Lyon Recreation Authority, The Resource, Recovery and Recycling Authority of Southwest Oakland County and the Southwest Oakland Trailway Management Council

Council Member Kopkowski asked if he should also be appointed to the DDA. Retired City Manager Cook stated that he would automatically be a part of that body as City Manager. He further stated that there will need to be another appointment as Street Administrator when it is time to deal with the Act 51.

VOTE: MOTION CARRIED UNANIMOUSLY

3. Continuation of Advisor Services of Retired City Manager to 7/2/08

City Manager David Murphy stated that he has discussed this continuation with Rod Cook and they feel that two weeks should be sufficient. He further stated that Rod has been a wealth of knowledge.

Councilman Selden questioned the car allowance for Mr. Cook. Retired City Manager Cook stated that it will discontinue at the end of June. Discussion was held on health insurance. Retired City Manager Cook stated that when the next payment comes due, he will be paying his portion, but there is a portion that the City will also be paying based on the agreement.

CM 6-5-08 – CONTINUATION OF ADVISOR SERVICES

Motion by Selden, supported by Maida

To continue the Advisor Services of Retired City Manager Rod Cook to July 2, 2008

VOTE: MOTION CARRIED UNANIMOUSLY

4. Michigan Municipal League Annual Convention- October 1, 2 and 3, 2008

Council Members Maida and Selden indicated that they would be attending the convention.

Council Member Kopkowski indicated that she would not be attending. She does not feel that all seven members need to attend. It is very expensive and maybe they should start rotating two people per year.

Councilman Kivell stated that he is looking forward to City Manager Murphy attending. However, we do not have any issue that we would be lobbying for. It is a very expensive endeavor. He does not intend on attending.

Mayor Doyle stated that he does not intend on attending. This particular venue is very expensive and he cannot justify it.

The question was asked what the two that want to go intend to accomplish. Council Member Maida stated that she recently completed an Elected Officials Academy Program and they will be passing out awards at the convention. It is also very good for networking and education. Councilman Selden agreed that it is good education and learning from talking with other communities. Further discussion was held on reasons for attending as well as information that could be brought back by the City Manager to share with Council.

Discussion was held on the escalating cost of the convention as well as rising gas prices. Discussion was held on the per diem for Council Members to attend training.

Discussion was held on City Manager Murphy attending based on his role and being a new administrator for the City.

The consensus of Council was that City Manager Murphy as well as Council Members Maida and Selden would attend the convention. Both Council Members Maida and Selden indicated that they would not be requesting the per diem.

NEW BUSINESS:

1. Block Party – Arabian Court 7/6/08 10:00 a.m. to 8:00 p.m.

Chief Collins stated that we have received a request for the Arabian Court Block Party on Sunday, July 6th. The original request was from 10:00 a.m. until midnight, however after discussion it was agreed to end the event at 8:00 p.m. He stated that he does not anticipate any problems and would recommend approval.

CM 6-6-08 – APPROVAL OF STREET CLOSURE

Motion by Morelli, supported by Selden

To approve the street closure of Arabian Court on Sunday, July 6, 2008 from 10:00 a.m. until 8:00 p.m.

VOTE:

MOTION CARRIED UNANIMOUSLY

2. Collective Bargaining Agreement- Police Officers Association of Michigan for the period 7/1/07 to 6/30/2010

Retired City Manager Cook stated that before Council is the negotiated contract with the Police Officers Association of Michigan which has been ratified. The contract is for a three year period retroactive to 7/1/07. It is his recommendation to approve the contract and move forward. It is basically the same as the command unit with the exception of the holidays which would be retroactive to January 1, 2008 anything prior to that would be lost.

Discussion was held on the elimination of 0 days accident. Retired City Manager Cook stated that we have had a number of short term disabilities due to participation in athletic activities. We are trying to control that and if that happens they have to use 7 days sick time before short-term disability begins.

Council Member Kopkowski stated that she would have rather had the contract to review instead of a memo. Retired City Manager Cook stated that because they changed unions, they need to totally reconstruct the contract whereas the other unions already have them on their computer. Council Member Kopkowski stated that she is being asked to approve a contract that she does not have in front of her, and that disappoints her. She further stated that she is disappointed with the notion that whatever the Command Unit gets the Patrol Unit gets. We have less income coming into the City and we are not even thinking of cutting back. At some point we will be looking at laying people off.

Discussion was held on what happens next if the contract is not approved.

Mayor Doyle stated that he feels that this is a fair and reasonable proposal.

Councilman Kivell stated that in the past we were concerned about turnover because we were lower than comparable communities, however we do not have that turnover anymore. He further stated that arbitration is always a gamble.

CM 6-7-08 – APPROVAL OF COLLECTIVE BARGAINING AGREEMENT

Motion by Selden, supported by Morelli

To approve the Collective Bargaining Agreement with the Police Officers Association of Michigan for the period of 7/1/07 to 6/30/2010 with the changes as noted

VOTE:

MOTION CARRIED (1 OPPOSED)

3. Resolution to Annex and Detach properties with Lyon Twp.
 - a. Resolution Annexing certain property- 10.0275 acres
 - b. Resolution Detaching certain property- 22000 Pontiac Trail
 - c. Approval of negotiated Annexation Agreement- Exhibit B with attached Township Resolution

Attorney Lee stated that this began when the City Manger discovered that the Township was attempting to cross through the City with their sewer line. Rather than negotiate a franchise agreement, we elected to negotiate with the Township to allow the church, which is the only parcel east of Pontiac Trail and south of Nine Mile in the City, to detach and go back into the Township in the event that they would allow the northern 10 acre parcel of Carriage Trace to be annexed into the City. Their only concern was that a new site plan could allow a street to empty onto Trebor Lane which is a gravel Road. We would never wish to or consent to have a paved City Street empty onto a gravel road. Therefore, we had no problem getting into an annexation agreement which would limit us in our site plan approval. We would provide for a berm along Trebor Lane so that no outlet would go into that street. Other than that restriction the City Planning Commission is under no constraint as to how to approve and what to require in the site planning of that 10 acres. There are three items that need to be approved in order to accomplish this. The Township will be holding a special meeting on June 25th to approve the agreement and required resolution.

Discussion was held on the current site plan with the Township. Retired City Manager Cook stated that the site plan is no longer valid. They would have to come through our Planning Commission for approval. He further stated that the road that goes out to Pontiac Trail is built to City standards. It was stated that it will come into the City as R1-A as a blank slate.

Discussion was held on water and sewer to the church. Attorney Lee stated that the reason we can detach it is that we cannot provide water and sewer to the church. Once detached they will have to look to the Township for water and sewer. It should be to their benefit because they can connect to the sewer that is currently being installed. Further discussion was held on the cost to the church to bring water and sewer across Pontiac Trail if it were to remain in the City.

Council Member Kopkowski asked if we have to have an agreement for the detachment. Attorney Lee stated that under State Law, municipalities can mutually agree as long as the detachment is back to the community the property was taken, and there must not be water and sewer provided. Both those qualifications have been met. This was the simplest way to handle this otherwise we would be in negotiations over a franchise agreement for the Township to run their sewer lines, which would be very difficult. Discussion was held on contact with the church and their best interests.

Councilman Kivell stated that he does understand their desire to protect the Trebor Lane residents, but we have a capable Planning Commission that would be mindful of that. The Township is the one that needs their water and sewer lines to go through, and he does not see why we are being restricted. Pam Weipert, Planning Commission Chairperson stated that she did understand that it could come in with restrictions and she is happy that there are relatively few restrictions. It will not burden the planning process. Further discussion was held on the site planning process

CM 6-8-08 - RESOLUTION ANNEXING CERTAIN PROPERTY LOCATED IN LYON CHARTER TOWNSHIP TO THE CITY OF SOUTH LYON

Motion by Wedell, supported by Kopkowski

WHEREAS, statutes of the State of Michigan provide that a city and township may mutually detach property from a township and attach property to an adjoining city, and

WHEREAS, said attachment of property to a city will become immediately effective upon the execution of the resolutions by both governmental bodies affected and certification by the Secretary of

State's Office of the State of Michigan, and

WHEREAS, the City Council of the City of South Lyon wishes to annex the following property pursuant to an agreement between the Charter Township of Lyon and the City of South Lyon:

Beginning at the west ¼ corner of Section 17, T 1 N, R 7 E, Lyon Charter Township, Oakland County, Michigan; thence N 00°56'04" E, 660.14 feet along the west line of said section and the centerline of Pontiac Trail to a point on the westerly extension of the centerline of Trebor Drive, thence S 89°02'39" E, 661.00 feet along said centerline (and the westerly extension thereof); thence S 00°56'04" W, 661.50 feet to a point on the east and west ¼ line of said section; thence N 88°55'35" W, 661.00 feet along said east and west ¼ line to the point of beginning. Being a part of the southwest ¼ of the northwest ¼ of Section 17, T 1 N, R 7 E, Lyon Charter Township, Oakland County, Michigan and containing 10.0275 acres of land, more or less. Being subject to the rights of the public over the easterly 33 feet of Pontiac Trail also being subject to and together with perpetual easement for road and public utility purposes over the northerly thirty (30) feet of the subject property (Trebor Drive). Also being subject to easements and restrictions of record, if any. Containing 436,801 square feet or 10.0275 acres.

The above legal description includes the following parcels:

21-17-151-001

21-17-151-002

21-17-151-003

21-17-151-004

21-17-151-005

WHEREAS, the City of South Lyon and the Charter Township of Lyon have reached an agreement to mutually detach and annex the above parcel to allow said property to become a part of the City of South Lyon,

NOW THEREFORE, the City Council of the City of South Lyon resolves and hereby authorizes the annexation of the property legally described above to become a part of the City of South Lyon upon the detachment of said property by the Charter Township of Lyon as provided by state law.

It is further resolved that the Mayor and City Clerk of the city of South Lyon are directed to execute such documents and deliver this resolution, as required, to accomplish the annexation set forth herein.

VOTE:

MOTION CARRIED UNANIMOUSLY

CM 6-9-08-RESOLUTION DETACHING THE TERRITORY COMMONLY KNOWN AS 22000 PONTIAC TR

Motion by Wedell, supported by Maida

WHEREAS, MCLA 117.9b of the State of Michigan provides that a City may detach a territory by resolution if certain conditions are met, and

WHEREAS, the Territory to be detached was annexed to the city in March, 1996 by resolution of the City Council, and after the city was incorporated, and

WHEREAS, the Territory to be detached originally had the Parcel Identification Number K-21-32-100-043, but the legal description of the property remains the same, and

WHEREAS, the territory will be reattached to the Charter Township of Lyon, the territory from which it was annexed, and

WHEREAS, the city does not provide water or sewer service in the territory to be detached, and the Township will soon be capable of providing such services, and

WHEREAS, this detachment is made contingent upon the Charter Township of Lyon

simultaneously approving a detachment of a separate parcel of land on the North boundary of the City, commonly known as Carriage Trace V entrance, and

WHEREAS, the City Council does hereby approve this resolution authorizing detachment of the territory and confirms the agreements related to the attachment,

NOW THEREFORE, the City Council of the City of South Lyon does hereby authorize the detachment of the following property from the City of South Lyon to the Township of Lyon:

T1N, R7E, Sec 32 Part of NW ¼ of NW ¼ Beg at Pt Dist S 561 ft from NW Sec Cor, th S 89-54-40 E 478.50 ft, th N 297 ft, th S 89-54-40 E 147.50 ft, th N 264 ft, th S 89-54-40 E 100 Ft th S 264 ft, th S 89-54-40 E 439.36 ft then S 73-22-40 E 114.35 ft, th S 42-56-40 E 73.42 ft, th S 382.40 ft, th N 89-32-30 W 1322.32 ft, th N 163.07 ft to beg 11.35 A

More commonly known as 22200 Pontiac Trail, South Lyon, MI
Parcel ID # 21-32-100-055, and

The City Council does hereby authorize the Mayor and Clerk to execute all documents necessary to accomplish the detachment.

VOTE: MOTION CARRIED UNANIMOUSLY

CM 6-9-08 – APPROVAL OF NEGOTIATED ANNEXATION AGREEMENT

Motion by Kivell, supported by Morelli

To approve the negotiated Annexation Agreement – Exhibit B with attached Township Resolution

VOTE: MOTION CARRIED UNANIMOUSLY

COUNCIL COMMENTS

Councilman Morelli questioned the work being done on Lafayette. Retired City Manager Cook stated that they decided to limit left hand turns at McHattie Street and Pontiac Trail which requires action by the Road Commission. Hopefully they will be out tomorrow.

Council Member Maida stated that we need to move the construction sign that says “Do Not Block Intersection” because you cannot read it and it is blocking the sign indicating that the businesses are open. Retired City Manager Cook stated that they can be moved.

Council Member Maida stated that she will decline attending the MML convention.

Councilman Wedell stated that at the last meeting there was discussion relating to the tornado signals. He presented maps of the coverage areas of the signals and indicated that he will leave copies with the City Clerk for anyone who wants one. Further discussion was held on the sirens. Chief Collins stated that we have the ability to activate our sirens independently of Oakland County. At any time a tornado warning comes from Washtenaw or Livingston Counties, our dispatch is under instruction to activate our sirens.

Discussion was held on the problems with the railroad crossing activations. Chief Collins stated that over the last two weeks we have had intermittent problems with false signal activation for no apparent reason at all four of the crossing in the City. When one mechanism falsely signals, they all go down. CSX seem to temporarily fix the problem, however we have continued to have false activation. He further stated that he has emailed both CSX and the Michigan Department of transportation and has had phone conversations with CSX Signal Division and one of their supervisors. They are working on the mechanisms. Further discussion was held on a drainage problem that has been an issue over the years.

Councilman Selden stated that he has not seen the semi trucks at Huntington Square. City Manager Cook stated that the property owner did ask them to move. They did not have permission to be there.

Councilman Selden stated that he would like to remind the public that there is a reward for information leading to the arrest and conviction of the individuals responsible for the damage to the police cars.

Council Member Kopkowski stated that the weeds seem to be out of control on City properties and asked what we are doing about it and who does it. Retired City Manager Cook stated that the DDA is contracting with a company and work should start shortly. Council Member Kopkowski stated that she would like to give credit to Julie Zemke and her staff for the work done in front of City Hall, it looks very good. She further stated that she is hoping that it will be an inspiration to the police department.

Councilman Kivell stated that the Bodnar appeal is scheduled for July 7th so it is moving forward. He further stated that the new sign in front of City Hall looks very nice and is much more readable than the old one.

Mayor Doyle asked City Clerk/Treasurer Zemke if we are still in need of election workers. City Clerk/Zemke stated that we could use additional workers for the November election. Anyone interested should contact the Clerk's Office.

Mayor Doyle stated that this is Rod Cook's last official meeting. On behalf of the City Council he would like to thank Rod for everything he has done.

ADJOURNMENT

CM 6-10-08 – ADJOURNMENT

Motion by Selden, supported by Wedell

To adjourn the meeting at 8:44 p.m.

VOTE:

MOTION CARRIED UNANIMOUSLY

Respectfully Submitted,

John Doyle, Jr.
Mayor

Julie C. Zemke
City Clerk/Treasurer