

CITY OF SOUTH LYON  
REGULAR CITY COUNCIL MEETING  
SEPTEMBER 8, 2008

Mayor Doyle called the meeting to order at 7:30 p.m.

Mayor Doyle led those present in the Pledge Allegiance to the Flag

PRESENT: City Manager Murphy  
Mayor Doyle  
Council Members: Kivell, Kopkowski, Maida, Morelli, Selden, and Wedell  
Attorney Hill  
Assistant Clerk/Treasurer Lynch  
Department Heads: Collins, Martin, Renwick  
ABSENT: Attorney Lee and City Clerk/Treasurer Zemke

**APPROVAL OF MINUTES:**

Councilman Kivell stated on the last page of the minutes it should say, Councilman Kivell stated it would be valuable to have a discussion on the streetscape project as to what went wrong and what went right, so the next project may go smoother.

**CM 9-1-08- APPROVAL OF MINUTES AUGUST 25, 2008**

Motion by Kivell, supported by Maida

To approve the minutes of the regular meeting of August 25, 2008 as amended.

VOTE: MOTION CARRIED UNANIMOUSLY

**APPROVAL OF MONTHLY BILLS**

Council Member Maida questioned the bill for replacement equipment for \$1900.00 and \$1700.00. Chief Collins stated those bills are for the removal of police radio and lights from old vehicles and placed into other vehicles. He further stated there was some new equipment purchased as well.

Council Member Maida questioned the bill on page 3 for the sprinkler repair. Department Head Renwick stated that was for the repair at the Witch's Hat, it had to be repaired under the decking.

Council Member Maida questioned the bill for the sidewalk damage on page 4. Department Head Martin stated that was to replace some damaged sidewalk that was damaged by the snowplows in Colonial Acres.

Councilman Wedell stated he would like to see labels on top of the columns on the revenue report to make it easier to follow. City Manger Murphy stated we could do that.

Councilman Wedell questioned if we only use the Cruisers Inc for lights. Chief Collins stated he does not use them; he uses a company from Madison Heights. Those charges are for the fire department.

Councilman Selden questioned the bill from Larry's Foodland on page 2. Department Head Martin stated we purchase distilled water from them.

Councilman Selden also asked if we lost cable revenue. City Manager Murphy stated no we have not. Mayor Doyle stated they are on a quarterly basis.

Councilman Kivell asked what the payout is for State Revenues. City Manager Murphy stated it is every 2 months.

#### CM 8-2-08- APPROVAL OF MONTHLY BILLS

Motion by Selden, supported by Wedell

To approve the monthly bills as presented.

VOTE: MOTION CARRIED UNANIMOUSLY

#### APPROVAL OF AGENDA

Mayor Doyle stated Jennifer Hill requested to be added to the agenda for an update on Demaria. He further stated he would like to add that under the Manager's Report.

#### CM-8-3-08- APPROVAL OF AGENDA

Motion by Kivell, supported by Morelli

To approve the agenda as amended.

VOTE: MOTION CARRIED UNANIMOUSLY

#### PUBLIC COMMENTS

Nancy Kern of 450 W. Liberty stated she is here to make a complaint about the increase in noise level at the Seamless Tube Company. She then read a letter that she emailed to each Council Member. It stated she is very concerned that the City does not enforce the noise ordinance, and since there has been a change in ownership, they are making much more noise, and they want to do an expansion. Mayor Doyle asked her what she was looking for Council to do tonight. She stated she would like Council to comment on why the noise ordinance is not enforced for the tube mill. Mayor Doyle stated the tube mill has been there for many years, and we do go through and investigate the noise complaints. He further stated this is the first complaint they have heard of in a long time. Councilman Kivell stated she is looking at the worse case scenario, just because they are talking about an expansion, does not mean they will do one. If they do want to do an expansion, they will have to go through regular site plan procedures.

City Manager Murphy stated he has spoken with Larry Ledbetter, and he stated there have been no changes in their process. He did state they would shut the door when the lathe is on and he would change the time of day they run that. He further stated there are bins that are being dumped more than one or two times a day and he stated they would change that to one time during the day.

Nancy Kern stated she knows of a Joe Loughead of Ada Street and he has complained numerous times of the noise level and they did change something for him, so why can't they put up abatement walls for the other homeowners. Councilman Kivell stated there were exhaust fans on that side of the building, and they put up baffling to send the noise up into the air. Nancy Kern stated she would still like a clarification on the noise ordinance and why it does not pertain to the tube mill. Mayor Doyle stated we get inquiries from people regarding the tube mill before they move here. It is a tough situation. We need to wait and see if the changes they are making will help any of the issues. More discussion was held regarding the noise level and the noise ordinance issue.

Robin Ronan of 425 W. Liberty stated she was aware of the tube mill when she moved in. She stated some of her neighbors are here as well. She further stated the noise has gotten worse; it wakes her kids up every night. She further stated she has been in her home for 6 years and just now it has gotten much worse. It probably didn't help that Ameritech came in and took down some trees that were probably a sound barrier. Now there is just a big hole and looking out her back yard all she sees is the tube mill.

Martin Gaut of 459 W. Liberty stated he has lived here for 11 years. He does not feel the problem is the way the tube mill is run, he stated there is a 40 foot steel bin where they dump the steel pipes into, and it is very loud. He stated he brought this up to the police 2-3 years ago. It is not a constant noise, but when they drop those steel tubes into that bin it is like a bomb going off in your back yard. Even during the day it is very loud. He further stated if they could move that to a different area in the yard, or put some kind of barrier around it, it would help a lot.

City resident of 445 W. Liberty stated she has lived here for 21 years, and her grandmother lived here before that, so for 83 years someone from my family has been in that house. She is use to the sounds of the tube mill. Someone cut down a couple of trees and that was probably a sound barrier. There are a few things that are different, they have machines that load the tubes and drop them into a tub and it is very loud. She further stated it has gotten louder. They have semi trucks that come around the back and they have moved a large high-low next to her yard where the fence is. There are definitely a few things that are different. More discussion was held on the noises that come from the tube mill.

Scott Brown of 504 W. Liberty stated he is here to say the noise has gotten louder. Mayor Doyle asked City Manager Murphy to speak with Mr. Ledbetter to see if they have changed anything and what they can do to help and be good neighbors.

Tedd Wallace of 115 Elm stated as he said before he is very happy to hear the noise of the tube mill because that means our City is doing well. He further stated that it sounds like the tree cutters may have caused some of the problems we are having. He suggested maybe the City could offer to help the tube mill buy some big trees to be planted to help as a sound barrier.

Martin Gaut of 459 W Liberty stated last year he discussed with Ray Dryer, who was on Council at the time, the missing sidewalks around the City. He stated you could not get down Pontiac Trail without having to cross the street a few times. He further stated there are no sidewalks down McMunn in front of the tube mill. There is also no sidewalk leading into McHattie Park from Warren. Mayor Doyle stated Lyon Township does not require sidewalks, and we cannot make them require it. Martin Gaut stated they replaced the sidewalks on N. Hagadorn, but not on S. Hagadorn. Mayor Doyle stated we would like to have sidewalks down both sides, but it is something that is ongoing. Mayor Doyle stated we go through once a year and look into what sidewalks and streets

need repair. We receive a certain amount of money we can use and we try to put in new sidewalks every year. Some discussion was held on the sidewalks and curbs that have been replaced and which ones need replacing.

**OLD BUSINESS: NONE**

**NEW BUSINESS**

1. Homecoming Parade

Chief Collins stated the route is the same as the past. He further stated we have had some issues because they insist on creating an unsafe situation by allowing the people on the floats to throw out candy to the children, which could cause a child to run into the road to retrieve it. They have promised they will identify the people they had that particular problem with last year and they will not have those issues again this year.

Chief Collins stated he would recommend Council approve the Homecoming Parade, but there is a good chance, we will be barring a number of vehicles from the parade for safety purposes.

**CM 9-4-08-HOMECOMING PARADE**

Motion by Maida, supported by Wedell

Motion to approve the closure of Pontiac Trail, University, Oxford, Cambridge, McMunn, W Liberty, Warren and Lake Street on October 10, 2008 between 4:00 p.m. and 5:00 p.m. for the South Lyon High School Homecoming Parade.

VOTE:

**MOTION CARRIED UNANIMOUSLY**

2. Indemnification agreement with Lyon Township

Attorney Hill stated all the paperwork has gone out to the State Boundary Commission. In order for Lyon Township to continue installing their sanitary sewer system we were asking them to provide an indemnification agreement in case something happens to anything or person they would indemnify the City of South Lyon. Councilman Kivell questioned if there is any concern regarding if they put hardware in there and the transaction does not go through, we are stuck with a chink in the armor of our system. Attorney Hill stated there is no contingency clause in this agreement. Councilman Kivell stated this is a good step, but there is nothing to protect our system and us if for some reason it does not end up happening. Discussion was held regarding the consequences we would have to deal with if they left this half done. Attorney Hill stated she could add a paragraph to the indemnification agreement for a contingency.

Maggie Kurtzweil of 939 West Hills Drive stated she would like to suggest that the City require the engineers to post a performance bond and the City could file a claim against it if there were any issues. You always want to think of the worse case scenario. Councilman Kivell stated whether they get it done or not, really is not our issue, our concern is if the sanctity of our community is breached by their system.

It was the consensus of council to table this until the next meeting.

CM 9-5-08- INDEMNIFICATION AGREEMENT WITH LYON TOWNSHIP

Motion by Wedell, supported by Kivell

Motion to table the Indemnification Agreement with Lyon Township until next meeting

VOTE: MOTION CARRIED UNANIMOUSLY

**MANAGERS REPORT**

City Manager Murphy stated that Reynold Sweet Parkway was supposed to be finished already. Some discussion was held regarding why it wasn't completed.

Mayor Doyle questioned City Manager Murphy about a light being placed at Martindale. City Manager Murphy stated there would be a light there. He further stated he requested to be notified ahead of time the next time they decide to put in a new light.

Jennifer Hill of Booth Patterson stated she has good news on the Demaria case. It is over and the judge granted Trotters Pointe's motion for summary disposition without a trial, What that means is the open space parcel will remain a part of Trotters Pointe. It was in favor of the City and Trotters Pointe. They do have until the 19<sup>th</sup> of September for an appeal. Councilman Morelli stated he would not be at the next meeting.

Council Member Maida stated she would like Department Head Martin to explain the monthly water report that is in the packet. Department Head Martin stated this is an overlook of what happened in the month of July relating to the Water Department.

Some discussion was held on the report.

Councilman Kivell stated he would like Department Head Martin to keep an eye on the untreated water that is used at the tube mill to see if there is an increase.

Martin Gaut of 459 W Liberty questioned why the water is so hard. Department Head Martin stated there are minerals deep in the ground that make up hardness. He further stated we remove the iron, but it would be very expensive to remove the hardness level. It is not a health issue. Iron is much easier to remove than hardness.

Council Member Maida stated Depot Days was this past weekend and it was wonderful. She further stated the weather was great and thanked the DPW for all their work.

Councilman Wedell stated he also enjoyed the Depot Days.

Council Member Kopkowski questioned when the lights are scheduled to go on for the streetscape project. City Manager Murphy stated they are waiting for the bulbs. Council Member Kopkowski questioned when the brick is going to be finished. City Manager Murphy stated they want to do the brick when they do the trees. He further stated he is pushing it along the best he can.

Councilman Kivell stated Depot Days was terrific. The museum is such a huge resource and such an interesting place, and it is remarkable to know that all the things that are in there came from the people that had been neighbors in this community over the last 100 years. The grounds and buildings looked terrific.

Councilman Kivell stated the driveways are finally filled in from the streetscape project. We ended up paying over time to take the burden off the store-owners to get this thing done, then they do just next to nothing for a week. He further stated we need to make sure that never happens again.

Mayor Doyle stated he has spoken with Ramona Harris regarding the opening on the Board of Review and he would like the City Manager to add that appointment to the next meeting.

Ramona Harris of 1009 Birch Way introduced herself and stated she was a level 2 assessor and is anxious to get back into it.

CM 9-6-08- ADJOURNMENT

Motion by Selden, supported by Maida

Motion to adjourn meeting at 8:50 p.m.

VOTE:

MOTION CARRIED UNANIMOUSLY

Respectfully submitted,

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John Doyle Jr

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Lisa Lynch Assistant Clerk/Treasurer