

**CITY OF SOUTH LYON
REGULAR CITY COUNCIL MEETING
OCTOBER 24, 2011**

Mayor Wallace called the meeting to order at 7:30 p.m.
Mayor Wallace led those present in the Pledge of Allegiance to the Flag

PRESENT: Mayor Wallace
Council Members: Cook, Kivell, Kopkowski, Kramer, Morelli, and Wedell
City Manager Murphy
City Attorney Lee
City Clerk/Treasurer Zemke
Department Heads: Collins, Kennedy, Renwick

APPROVAL OF AGENDA:

CM 10-1-11 APPROVAL OF AGENDA

Motion by Wedell supported by Morelli

To approve the agenda as presented

VOTE: **MOTION CARRIED UNANIMOUSLY**

APPROVAL OF MINUTES:

Councilman Kivell made two corrections. On page 2 he would like to add the discussion on the addition to the drafty windows and doors in addition to the landscape maintenance portion. On page 5, the first paragraph, the comment was regarding the trees being interference with signal transmission.

CM 10-2-11 – APPROVAL OF MINUTES- OCTOBER 10, 2011

Motion by Kivell, supported by Kopkowski

To approve the minutes of the October 10, 2011 Regular Council meeting as amended

VOTE: **MOTION CARRIED UNANIMOUSLY**

PUBLIC COMMENT:

1. Proclamation for Pancreatic Cancer Awareness Month

CM 10-3-11 – PROCLAMATION - PANCREATIC CANCER AWARENESS MONTH

Motion by Wedell, supported by Kopkowski

WHEREAS, in 2011, an estimated 43,030 people will be diagnosed with pancreatic cancer in the United States and 37,660 will die from the disease; and

WHEREAS, pancreatic cancer is one of the deadliest cancers and is the fourth leading cause of cancer death in the United States; and

WHEREAS, when symptoms of pancreatic cancer present themselves, it is usually too late for an optimistic prognosis, and 74 percent of pancreatic cancer patients die within the first year of their diagnosis while 94 percent of pancreatic cancer patients die within the first five years; and

WHEREAS, of all the racial/ethnic groups in the United States, African Americans have the highest incidence rate of pancreatic cancer, between 34 percent and 70 percent higher than the other groups; and

WHEREAS, approximately 1,670 deaths will occur in Michigan in 2011; and

WHEREAS, there is no cure for pancreatic cancer, and there have been no significant improvements in survival rates in the last 40 years; and

WHEREAS, the Federal Government invests significantly less money in pancreatic cancer research than it does in any of the other leading cancer killers; and pancreatic cancer research constitutes only approximately 2 percent of the National Cancer Institute's federal research funding, a figure far too low given the severity of the disease, its mortality rate, and how little is known about how to arrest it; and

WHEREAS, the Pancreatic Cancer Action Network is the first and only national patient advocacy organization that serves the pancreatic cancer community in South Lyon and nationwide by focusing its efforts on public policy, research funding, patient services, and public awareness and education related to developing effective treatments and a cure for pancreatic cancer; and

WHEREAS, THE Pancreatic Cancer Action Network and its affiliates in Michigan support those patients currently battling pancreatic cancer, as well as to those who have lost their lives to the disease and are committed to nothing less than a cure; and

WHEREAS the good health and well-being of the residents of South Lyon are enhanced as a direct result of increased awareness about pancreatic cancer and research into early detection, causes, and effective treatments;

NOW, THEREFORE BE IT RESOLVED that the Mayor and City Council hereby designate the month of November 2011 as "Pancreatic Cancer Awareness Month" in the City of South Lyon.

VOTE:

MOTION CARRIED UNANIMOUSLY

Mr. Tim McClurry from IBEX Insurance Agency handling the property and casualty insurance for the City through MMRMA, stated that when the City first signed up with MMRMA he promised two things. The first was access to RAP grant monies as well as access to MMRMA's Net Asset Distribution. When there is excess assets, the communities are entitled to that. This year MMRMA is giving back 19.7 million dollars. The City of South Lyon's portion is \$9,551. This is based on the number of years in the program and what has been put into it.

CM 10-4-11 – ACCEPTANCE OF MMRMA'S NET ASSET DISTRIBUTION

Motion by Kramer, supported by Morelli

To accept \$9,551 from MMRMA for the City's portion of the Net Asset Distribution

VOTE:

MOTION CARRIED UNANIMOUSLY

Beverly Dixson of 25453 Concord Lane stated that she is a candidate running for City Council. She stated that she is pleased to run and excited about the prospect of serving on City Council.

Mr. Charlie Page of Colonial Acres stated that he would like to focus on the Veteran's Day festivities. There will be an event at Pontiac Trail and Liberty on November 11th. They would like to put some special emphasis on our World War II Veterans. All are invited to attend the event on 11/11/11 at 11:11 a.m.

OLD BUSINESS:

1. Cell Tower – Agreement Letter

Mayor Wallace stated that he was glad that Council did not take action at the last meeting. This allowed our City Manager to pursue the issue further.

City Manager Murphy stated that he spoke with a gentleman in White Lake Township after the Mayor's comments. This individual did receive a \$25,000 signing bonus although is not making as much as we would on a monthly basis. He further stated that he went back to Crown Castle who has agreed to a \$30,000 signing bonus.

CM 10-5-11 – APPROVAL – LETTER OF AGREEMENT – CROWN CASTLE

Motion by Kivell, supported by Wedell

To approve the letter agreement with Crown Castle and the modifications to the lease agreement

VOTE:

MOTION CARRIED UNANIMOUSLY

2. Security System for Historical Village/Warming Station

City Manager Murphy stated that at the last meeting Councilman Morelli had asked if this was a budgeted item. He did think that it was, but after looking into it further although we had discussed it at budget time, it was not actually put into the budget. Therefore, he has brought it back so that Council could make a decision knowing that. He further stated that although Steve Renwick did indicate that his recommendation was not the lowest bid, we did not pursue that issue any further. Councilman Kivell stated that the qualifier was that the contract for maintenance was significantly lower.

Discussion was held on the difference between labor and material versus the maintenance charges. Attorney Lee stated that Council should recognize that issue.

Councilman Morelli stated that he would have been happier if it was a budgeted. However since he has been involved with the City, we have had problems with vandalism, etc. This could be the stepping stone to put a stop to it.

Councilman Kivell stated that it will identify the negative influences in the area.

CM 10-6-11 – SECURITY SYSTEM – HISTORIC VILLAGE/WARMING STATION

Motion by Morelli , supported by Cook

To approve the purchase and installation of the security system for the Historic Village and Comfort Station from Coactive Systems in the amount of \$16,363.95 and affirm the contract and acknowledge that we are not accepting the initial low bid

VOTE:

MOTION CARRIED UNANIMOUSLY

NEW BUSINESS:

1. Budget Amendment #2011-01

City Manager Murphy stated that this is to amend the budget to pay for the security just approved as well as the receipt of the grant from MMRMA. This will affect both the Historical and the Parks and Recreation Budget.

Councilman Wedell asked if this is the only budget amendment required after the first quarter. City Manager Murphy stated that this is the only one thus far.

CM 10-7-11 – BUDGET AMENDMENT

Motion by Cook , supported by Kivell

To approve the 2011-2012 budget amendment for the Historical Village and Warming Station security system as presented

Fund/Dept.	Account Number	Adopted	Amended	
Revenue				
General Fund-Grant Monies	101-000-000-692.000	-0-	\$7,500	MMRMA Grant
Expenses				
G. F. – Historical Society	101-732-000-962.000	250	13,239	Miscellaneous Expense
G. F. – Parks and Recreation	101-690-000-962.000	500	3,875	Miscellaneous Expense

VOTE:

MOTION CARRIED UNANIMOUSLY

2. DWRF Milestone

City Manager Murphy stated that the Drinking Water Revolving Fund project was brought back to Council a month ago. We are in the eligible range for the low interest loan with a portion of that eligible for 50% forgiveness. This would be a \$2.5 million forgiveness. According to the emails that he has received, the money is there. If the City should move forward, once the project is completed, we would be eligible for 50% of the \$5,780,000. Approval of the milestone schedule does not obligate the City to the DWRF loan, it just saves our spot. The DEQ has requested this because there are other municipalities waiting to move up on the list if a community should drop out.

Councilman Kramer asked if the additional \$9,500 engineering is in addition to the estimated cost of the project. City Manager Murphy stated that our original estimate was \$6 million. Mr. Jessee VanDeCreek stated that we are already under the original projections. It is an additional fee. The project is over two years old and the State has said that we have to go through the exercise of updating the project. He stated that the \$9,500 would be eligible in the SRF monies. Councilman Kramer asked if they see that there are any other costs to make sure we get on track. Mr. VanDeCreek stated that he does not at this time. If there were any, he would come to Council immediately, but he does feel confident.

Councilman Kramer asked if we go over, would it be eligible for the 50% forgiveness. Mr. VanDeCreek stated that what they do in the bond sale is an automatic 6% contingency. The previous SRF projects only had a 4% contingency.

City Manager Murphy stated that this does not obligate the City to anything at this point

Councilman Morelli asked if the engineering that has already been done included. Mr. VanDeCreek stated that it is all rolled in. If we do not move forward, the City will incur all of those costs.

Councilman Wedell asked that if the action today is to just stay on the list. Mr. VanDeCreek stated that all Council is doing right now is to execute the 4th quarter milestone schedule.

Council Member Kopkowski stated that she does not have a problem with the milestone schedule. However, she is looking for the plan to pay. The project will be eligible to qualify for the 50% completion, and it also says that it is at the completion of the project. We need to have a set schedule as to how we are going to pay that full amount if we do not get the 50%. Mr. VanDeCreek stated that is part of this process. That will be provided to Council before submission of the project.

Councilman Cook stated that if we move forward with the schedule, at some point you can provide some explanation and estimates of how we are going to pay for it prior to the February time frame. All we are doing is keeping this moving forward. If we do not like it, we do not have to approve it. Council Member Kopkowski stated that we need to know that before we continue.

Councilman Kivell stated that the problem is that we cannot get an affirmative answer that we will qualify for the forgiveness. He further stated that as far as he can see, as long as we complete the project within five years, we would qualify and asked what could be held against us. Mr. VanDeCreek stated that the principal forgiveness will be known before the loan is closed with the completion of the public hearings, final bid, etc.

Councilman Kivell stated that he does feel that we need to keep moving forward. Mayor Wallace stated that he is willing to move ahead and see more.

Attorney Lee stated that the email from the DEQ does indicate that upon completion, 50% of the amount will qualify for principal forgiveness and that the funding has already been allocated to the South Lyon project.

Councilman Morelli stated that he would like to make it clear that where the taxpayers are going to pay is through water bills, not taxes.

CM 10-8-11 – DWRF MILESTONE

Motion by Kramer, supported by Wedell

To approve the 4th quarter DWRF milestone schedule and the cost estimate from HRC.

VOTE:

MOTION CARRIED UNANIMOUSLY

3. CDBG Public Hearing

Mayor Wallace opened the public Hearing at 8:02 p.m.

City Manager Murphy explained that this is Community Development Block Grant money from the Federal Government through the County.

There being no public comment, Mayor Wallace closed the public hearing at 8:03 p.m.

4. CDBG Application Approval

City Manager Murphy stated that the consensus at the last meeting was to proceed with the Whipple Street Parking lot. This has also been discussed the last two years.

Councilman Cook stated that he feels that this could be better used for low to moderate income families which would have a more direct benefit. Whipple Street parking lot is a generic parking lot, which would not have a direct benefit if they do not use the lot.

CM 10-9-11 – CDBG 2012 APPLICATION

Motion by Kivell, supported by Morelli

WHEREAS, Oakland County is preparing an Annual Action Plan to meet application requirements for the Community Development Block Grant (CDBG) program, and other Community Planning and Development (CPD) programs, and

WHEREAS, Oakland County has request CDBG-eligible projects from participating community's for inclusion in the Action Plan, and

WHEREAS, the City of South Lyon has duly advertised and conducted a public hearing on October 24, 2011 for the purpose of receiving public comments regarding the proposed use of FY 2012 Community Development Block Grant funds (CDBG) in the approximate amount of \$25,581, and

WHEREAS, the City of South Lyon found that the following project meets the federal objectives of the CDBG program and prioritized by the community as high priority need:

Whipple Street Parking Lot Rehabilitation Alt. A in the amount of \$119,355

NOW, THEREFORE, BE IT RESOLVED, that the City of South Lyon CDBG application is hereby authorized to be submitted to Oakland County for inclusion in Oakland County's Annual Action Plan to the U.S. Department of Housing and Urban Development, and the Mayor is hereby authorized to execute all documents, agreements, or contracts which result from this application to Oakland County.

VOTE: MOTION CARRIED (1 Opposed)

5. HRC Engineering Agreement

City Manager Murphy stated that last May after an RFQ process, Council decided to remain with HRC and instructed he and the City Attorney to draft an agreement. The rates remained the same, which is good through the life of the contract.

Attorney Lee stated that Councilman Kramer pointed out that on page 2, Paragraph (B) the word "days" was left out. He further pointed out that the City or the firm can terminate the agreement 30 day notice.

CM 10-10-11 – APPROVAL – ENGINEERING AGREEMENT

Motion by Kramer, supported by Kivell

To approve the three-year agreement with Hubbell, Roth & Clark as presented.

VOTE: MOTION CARRIED UNANIMOUSLY

6. Trick or Treat Hours

CM 10-11-11 – TRICK OR TREAT HOURS

Motion by Wedell, supported by Kopkowski

To set the hours for trick or treating from 6:00 p.m. to 8:00 p.m. for this Halloween

Mayor Wallace stated that he personally does not feel that we need two hours for trick or treating.

VOTE: MOTION CARRIED UNANIMOUSLY

7. Appointments

Mayor Wallace stated that there are two vacancies on the Housing Commission. The Housing Commission meets quarterly. Joyce Ramsey who is a resident of Washington Manor has agreed to serve on that Commission. She will have an inside track on what is going on within that complex.

CM 10-12-11 – APPOINTMENT – HOUSING COMMISSION

Motion by Wallace, supported by Kramer

To support the appointment of Joyce Ramsey to the Housing Commission to fill one of the vacancies

VOTE:

MOTION CARRIED UNANIMOUSLY

Mayor Wallace stated that Claude Danielson is a resident of Colonial Acres, former Council Member, and long time resident of South Lyon.

CM 10-13-11 – APPOINTMENT – HOUSING COMMISSION

Motion by Wallace, supported by Cook

To support the appointment of Claude Danielson to the Housing Commission to fill one of the vacancies.

VOTE:

MOTION CARRIED UNANIMOUSLY

MANAGER'S REPORT:

City Manager Murphy stated that Steve Renwick will be retiring after 35 years of service.

COUNCIL COMMENT:

Councilman Kivell stated that the Pumpkinfest Committee had their final wrap-up meeting after the event. There were a lot of good, positive thoughts. They have a fund balance and it is a much more stable environment.

Councilman Kivell stated that he noticed that the pavers were installed at the Veterans parking lot. It looks great and he is looking forward to their November 11th ceremony.

Councilman Morelli thanked Steve Renwick for his years of service to the City and wished him well in his retirement.

Councilman Morelli stated that this is his last meeting and thanked the citizens and administration for their support over the years. He stated that he decided not to run for office due to his time commitments, but he does intend to stay involved.

Councilman Kramer wished his wife a happy anniversary. He mentioned that the Panthers play-offs start tomorrow at South Lyon East. He further thanked Steve Renwick and stated that he will be missed. Lastly, he stated that he will miss Councilman Morelli on City Council and it has been a pleasure serving with him.

Councilman Wedell stated that it has been a pleasure serving with Councilman Morelli. He further stated that he will miss Superintendent Renwick and thanked him for his great letter of resignation.

Mayor Wallace asked that the rail committee consider signs where the trail crosses certain roads such as Martindale and Milford Road so that people know where they are. He further stated that we need to ask Lyon Township to trim back some of their brush along the trail.

Mayor Wallace stated that he was glad that the Veteran's Day event was brought up and encouraged everyone to attend.

Mayor Wallace stated thanks to Fox Sports who will be filming the South Lyon v Holly game, SLCTV has been shut out because they have exclusive rights. This is ending a streak of filming 282 games over a 29 year period.

Mayor Wallace stated that he would like to see the City use the extra funds from the tower lease for a digital message board sign to replace our existing event sign at McHattie Park.

ADJOURNMENT:

CM 10-14-11 ADJOURNMENT

Motion by Cook, supported by Kopkowski

To adjourn the meeting at 8:17 p.m.

VOTE:

MOTION CARRIED UNANIMOUSLY

Respectfully submitted,

Tedd M. Wallace
Mayor

Julie C. Zemke
City Clerk/Treasurer