

CITY OF SOUTH LYON
REGULAR CITY COUNCIL MEETING
JANUARY 13, 2014

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: Dixon, Kivell, Kramer, Kopkowski, Rzyzi, Wedell,

Also Present: City Manager Cook, Chief Collins, Chief Kennedy,
Department Head Martin, City Attorney Wilhelm,
and Clerk/Treasurer Deaton

MINUTES

CM 1-1-14 MOTION TO APPROVE MINUTES OF DECEMBER 9, 2013 MEETING

Motion by Kivell, supported by Wedell
Motion to approve minutes as presented

VOTE: MOTION CARRIED UNANIMOUSLY

BILLS

Discussion was held regarding the monthly bills.

CM 1-2-14 MOTION TO APPROVE BILLS

Motion by Kivell, supported by Kramer
Motion to approve the bills as presented

VOTE: MOTION CARRIED UNANIMOUSLY

AGENDA

City Manager Cook stated he would like to remove item 7b AFSCME contract.

1/13/14

Councilman Kivell stated he would like to change item 2 for an actionable item, not only a discussion item.

1-3-14 MOTION TO APPROVE AGENDA

Motion by Wedell, supported by Kivell
Motion to approve agenda as amended

VOTE: MOTION CARRIED UNANIMOUSLY

PUBLIC COMMENT- None

OLD BUSINESS

1. Public Hearing for CDBG Program
 - a. Project Selection
 - b. Approval of Application

Mayor Wallace opened the public hearing at 7:35 p.m. There were no members of the public that wished to comment. Mayor Wallace closed the public hearing at 7:36 p.m.

City Manager Cook stated there are no eligible areas for Capital Improvements and it is unfortunate, but we may use it for Haven, and the Senior Center. He stated he would like Council to use the bulk for the Senior Center and \$2,500.00 given to Haven. Last year the money was used for Meals on Wheels as well, but he would like to pay that through the General Fund. That would be the extent of the program. City Manager Cook stated Meals on Wheels have not been paid since 2012. He further stated there are many people on the program. Discussion was held regarding the use of Meals on Wheels by the residents in this community and the surrounding communities.

CM 1-4-14 MOTION TO APPROVE CDBG APPLICATION

Motion by Wedell, supported by Rzyzi

WHEREAS, Oakland County has requested CDBG eligible projects from participating communities.
WHEREAS, The City of South Lyon has duly advertised and conducted a public hearing on January 13, 2014 for the purpose of receiving public comments regarding the proposed use of PY 2014 Community Block Grant funds (CDBG) in the approximate amount of \$27,290 for the program year, as well as \$5,869.62 remaining from 2012, and

WHEREAS, the City of South Lyon found the following programs meet the federal objectives of the CDBG program and prioritized by the community.

Senior Center \$30, 659.62

HAVEN \$2,500.00

NOW, THEREFORE, BE IT RESOLVED, that the City of South Lyon CDBG application is hereby authorized to be submitted to Oakland County and the Mayor is authorized to execute all documents, agreements, and contracts which result from this application to Oakland County.

VOTE: MOTION CARRIED UNANIMOUSLY

2. CABLE CONTRACT

Councilman Kivell stated Council has discussed this numerous times, and according the contract it will be renewed again on the 15th of this month.

CM 1-5-14 MOTION TO MODIFY THE CURRENT CABLE CONTRACT MONTH TO MONTH

Motion by Kivell, supported by Rzyzi

Motion to modify the cable contract to month to month

Councilman Rzyzi stated it is clear the contract needs to be reviewed, and it does need to be updated. He stated this contract was implemented in 1999, and it was originally for 5 years and it is well beyond that. He further stated we need to establish a Cable Commission and he would like Rich Perry to be involved. Mr. Perry runs the 3 minute Film Festival, and he seems to be technically capable and very knowledgeable. Councilman Rzyzi summarized an email that was sent to Council from Mr. Perry regarding the need for a Cable Commission.

Councilman Kramer stated he doesn't think we can just modify the contract without both parties agreeing on it. Attorney Wilhelm stated it would depend if Council wanted to modify the terms or cancel the contract. He further stated we could cancel the contract, then approach the company to modify the terms and if they disagree, it would fall back to the contract being renewed.

Councilman Kivell stated we can terminate the contract and everything that has happened up until now, can still continue. He further stated no one would notice if this contract is in play or not. Councilman Kivell stated he asked Mr. Perry if he would be interested in being on the Cable Commission, and he stated he would. Discussion was held regarding the possibility of a month to month contract and the probability of doing so when Mr. Heiple is in Florida.

Councilman Kopkowski stated she would like the members of the Cable Commission to also have cable access and be able to watch channel 19.

Discussion was held regarding the cable channel and the current contract.

1/13/14

Mayor Wallace stated if the contract is cancelled, there will be financial expenses to the City. He stated the majority of the equipment in the media room belongs to SLCTV. Mayor Wallace stated the other local community channels have fallen to the wayside, including the school channel. He stated this channel is close to being dead in the water. At one time there were over 7,000 subscribers, currently there are fewer than 2,200.

Brian Dunn of 1080 Stable Lane stated he agrees this contract needs to be updated. He further stated terminate the contract and go to an online format. Councilman Kivell stated we don't have to cancel one to accommodate the other. It is a City asset and we should take advantage of it. It is a good vehicle to get the word out to our residents, for things such as a snow emergency.

Councilman Kramer stated we need to decide if we terminate the contract or renew the contract and try to go month to month, and establishing a commission to decide the content that appears on the channel, and also to see if anyone is interested in being part of the Cable Commission. More discussion was held regarding the cable contract and the option to terminate or renew.

Attorney Wilhelm stated we can terminate with written notice and we do not have to give a 30 day notice. He explained terminating means it is done, there is no contract, and you can make an approach to make a modification. He further stated Council could ask the contract holder to modify the contract month to month, but if he says no, it will go on for another year. Councilman Kivell stated he would like to terminate then possibly see if we can have a contract for month to month.

Mayor Wallace stated he has asked the audience in the past for content to play on the channel. He further stated he talked to Roger Heiple and if they want to change the contract, Mr. Heiple has stated he is ok with the contract being terminated.

Councilman Wedell stated he feels any employees of SLCTV should recuse themselves from voting on this issue.

Councilman Kivell rescinded his motion to modify the current cable contract to month to month.

CM 1-6-14 MOTION TO TERMINATE CABLE CONTRACT

Motion by Kramer, supported by Kivell
Motion to not renew the current contract with SLCTV

Councilman Kramer withdrew the motion

CM 1-7-14 MOTION TO TERMINATE THE CONTRACT

Motion by Kramer, supported by Kivell

Motion to exercise our written termination of the cable contract

VOTE: MOTION CARRIED- 1 RECUSED

Mayor Wallace asked who would like to give him a hand for running the cable channel at no cost. The audience applauded.

3. Contract with South Lyon Schools for 2013 Senior Center (CDBG) for \$19,103

City Manager Cook stated we need a contract to get reimbursed for the monies we have already paid for the Senior Center.

CM 1-8-14 MOTION TO APPROVE CONTRACT WITH SOUTH LYON SCHOOL FOR SENIOR CENTER

Motion by Rzyzi, supported by Dixon

Motion to approve the contract with the South Lyon Schools for the CDBG \$19,103.00

VOTE: MOTION CARRIED UNANIMOUSLY

4. Contract with MML for City Manager Search with Joyce Parker as Consultant

City Manager Cook stated we need to approve the proposed contract for Ms. Parker to be our consultant through the MML for our City Manager search.

CM 1-9-14 MOTION TO APPROVE CONTRACT WITH MML

Motion by Kivell, supported by Kopkowski

Motion to approve contract with the Michigan Municipal League with Joyce Parker as Consultant

VOTE: MOTION CARRIED UNANIMOUSLY

CM 1-10-14 MOTION FOR SPECIAL MEETING

Motion by Kivell, supported by Wedell

Motion to schedule a special meeting for Saturday January 18, 2014 at 11:00 a.m.

VOTE: MOTION CARRIED UNANIMOUSLY

5. Western Oakland Meals on Wheels Program 2013 (CDBG)contract for services \$5,000

1/13/14

City Manager Cook stated we have appropriated \$5,000 from our Community Development Fund. We need to be reimbursed; therefore we need to have a contract. We haven't had a contract since 2007. He further stated we need to get reimbursed for the current fiscal year.

CM 1-11-14 MOTION TO APPROVE CONTRACT WITH WESTERN OAKLAND MEALS ON WHEELS PROGRAM

Motion by Kopkowski, supported by Rzyzi

Motion to approve the 2013 contract with Western Oakland Meals on Wheels Program for \$5,000

VOTE: MOTION CARRIED UNANIMOUSLY

6. Proposed amendment for Budget year 2013-2014

City Manager Cook stated we tried to do some budget amendments. This modifies the existing budget, but he may have to come back again with some issues we are facing. He further stated we had to raise the contractual because of the expenditure to Novi Building Dept a considerable amount has already been spent, and we will have more cost than Council originally thought.

Councilman Wedell asked if the \$40,000 includes the not to exceed \$10,000 for the Management search. Discussion was held regarding the budget amendments and the expenditure reports.

CM 1-12-14 MOTION TO APPROVE BUDGET AMENDMENTS

Motion by Kivell, supported by Rzyzi

Motion to approve Budget Amendment for fiscal year 2013 as presented

VOTE: MOTION CARRIED- 2 OPPOSED

7. Memorandum of Understanding- Opening of Existing Labor Contract

City Manager Cook stated the union has approved the changes in the contract with a 2% raise, as well as the change in the cost of health care to 10%, 15% and 20%, as well as a change in the MERS for future hires. Councilman Rzyzi stated he is happy the City can give raises to our employees for the first time in 5 years. Councilman Wedell stated he has no problem with the 2% raises, but would like to know who this will include. City Manager Cook stated it will include everyone except the police.

CM 1-13-14 MOTION TO APPROVE OPENING EXISTING OPERATING ENGINEERS LABOR CONTRACT

Motion by Wedell, supported by Kivell

Motion to approve the reopening of the Operating Engineer's contract and to approve the same

raise to include all include all other employees that do not have a contract.

VOTE: MOTION CARRIED UNANIMOUSLY

8. Witch's Hat Brewing Co. LLC

Mayor Wallace stated they are a very successful business in our town, and they are hoping to move to a larger location to expand their business.

Councilman Kivell stated he loves the success and the hard work they have put in, but he is doesn't see the location working out. He spoke with the City Planner, and the parking circumstances with a restaurant and the brewery in that parking lot, he doesn't think it can be handled at that location. He further stated he hopes the traffic problem can be solved.

Ryan Cottongim of Witch's Hat Brewing Co stated he is aware of the parking lot issues, but the owner of the building has assured them that they will have enough spaces for their business. He stated they are already assured 26 spaces, and that will give them more spaces than they have at their current location.

Councilman Kivell stated the parking pressure is genuine while the building is perfect, the parking is not. He further stated he wishes them the best, but he cannot support this at this time because of the parking issue.

CM 1-14-14 MOTION TO APPROVE THE MICROWBREWERY LICENSE OF WITCH'S HAT BREWING CO. LLC

Motion by Kramer, supported by Kopkowski

Motion to approve the microbrewery License for Witch's Hat Brewing Co. LLC

VOTE: MOTION CARRIED-1 OPPOSED

NEW BUSINESS

1. Parks and Recreation Master Plan Update for 5 year plan

City Manager Cook stated our master plan expired on the 31st of December and we must have a plan in place by March to continue to get funding. Our planning consultant stated they can have this done by March. He further stated we have a letter from Marc Russell and Carmen Aventine stating it will cost approximately \$10,000.

CM 1-15-14 MOTION TO APPROVE THE MASTER PLAN UPDATE IN THE AMOUNT OF \$10,000

Motion by Kramer, supported by Wedell

Motion to approve the Master Plan update from Russell Design and CIB Planning for the

amount of \$10,000

VOTE: MOTION CARRIED UNANIMOUSLY

2. Resolution to execute Oaktac Binder Agreement and join Oaktac

Chief Collins stated this is primarily a training group to ensure all agencies have the same and consistent training in all instances such as active shooter situations. There is no cost to the City.

CM 1-16-4 MOTION TO EXECUTE OAKTEC BINDER AGREEMENT AND JOIN OAKTAC

Motion by Wedell, supported by Dixson

Motion to execute Oaktac Binder Agreement and join Oaktac

VOTE: MOTION CARRIED UNANIMOUSLY

3. Acceptance of donations to the City

City Manager Cook stated we have three donations for the Holiday party, and also a donation to the Fire and Police Department from Ken and Barb Turner.

CM 1-17-14 MOTION TO ACCEPT DONATIONS TO THE CITY

Motion by Wedell, supported by Kivell

Motion to accept donations from Michigan Seamless Tube, Duncan Disposal, and Ken and Barb Turner with thanks.

VOTE: MOTION CARRIED UNANIMOUSLY

4. ITC Temporary Access Agreement

City Manager Cook stated ITC made a request to gain access, because they have an easement by the railroad, but they do not have any access. They need to replace electricity poles, and they will grind up the ones they are removing and they will be replaced with steel. They have agreed to handle any damage that may be done.

CM 1-18-14 MOTION TO APPROVE THE TEMPORARY ACCESS AGREEMENT FOR ITC

Motion by Wedell, supported by Kramer

1/13/14

Motion to approve the ITC Temporary Access Agreement

VOTE: MOTION CARRIED UNANIMOUSLY

MANAGERS REPORT

City Manager Cook stated we are starting the budget a little earlier than normal, and he is hoping to get more involved and will have some numbers for Council to look over in the next couple of months.

Chief Collins stated at an earlier meeting Council approved the sale of a Kawasaki motorcycle, and they did sell that for \$1,837. He further stated for 2013 they have recouped \$4,056 at auction.

COUNCIL COMMENTS

Councilman Kivell stated with the snow emergency that occurred recently, we need to get a handle on the process of letting everyone know. Our guys did a great job, and it is a monumental job they do to keep the roads open for people to get around town. He stated he spoke with Bob Martin about the horrible road repairs that were done by Bricco.

Councilmember Kopkowski stated she didn't see the snow emergency on our website. City Manager Cook stated the problem was there was no emergency called until 3:00 in the morning, and then we have no one to let everyone know. He is suggesting we get another computer so the police department can also put a snow emergency on the website and sign. Department Head Martin stated it was on 6 local radio and news channels. Chief Collins stated they also added it to their facebook page and to the Nixel program.

Councilman Rzyzi stated he would like to thank the DPW for the great job they did with the snow removal. He further stated many of his neighbors commented what a great job they did as well. He asked City Manager Cook if he would like to also be on the Board for the Chamber. City Manager Cook stated he does not need to be on the board because of his term here, but the new City Manager should be on there, as well as the DDA Board.

Councilman Kramer stated they have been asked to give a presentation to Salem Township for the Community Recreation Center and they will be at the next meeting.

Mayor Wallace stated SLCTV had a great run. He further stated there is more to the channel than hitting a button. He stated there is so much more than meets the eye. This was a hobby job for the love of his community. It was for everyone. He further stated he has always paid out more money than he has ever made. It was a great run, and he enjoyed it. He wanted to thank everyone involved with it all these years.

ADJOURNMENT

CM 1-19-14 MOTION TO ADJOURN MEETING

Motion by Kopkowski, supported by Kramer
Motion to adjourn the council meeting at 9:15

VOTE: MOTION CARRIED UNANIMOUSLY

Respectfully submitted,

Tedd Wallace Mayor

Lisa Deaton Clerk/Treasurer