

CITY OF SOUTH LYON
REGULAR CITY COUNCIL MEETING
JANUARY 27, 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: Dixson, Kivell, Kramer, Kopkowski, Rzyzi, Wedell

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

ABSENT: Chief Kennedy

MINUTES

CM 1-1-14 MOTION TO APPROVE MINUTES

Motion by Wedell, supported by Kivell
Motion to approve January 13, 2014 minutes as presented

VOTE: MOTION CARRIED UNANIMOUSLY

CM 1-2-14 MOTION TO APPROVE MINUTES

Motion by Kivell, supported Dixson
Motion to approve January 18, 2014 minutes as presented

VOTE: MOTION CARRIED UNANIMOUSLY

BILLS – None

AGENDA

CM 1-3-14 MOTION TO APPROVE AGENDA

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Motion by Wedell, supported by Rzyzi
 Motion to approve agenda as presented

VOTE: MOTION CARRIED UNANIMOUSLY

PUBLIC COMMENT

George Segal of 240 Brookwood Drive stated he enjoyed Channel 19 and he is not happy. He further stated he is a tax payer and he is not happy with the way the board has treated Mayor Wallace, because he has done a good job for the City for many years.

Dan Pelchat of 634 Stanford stated he would like to know why the Cable Commission is not on the agenda. He also asked when the cable channel will be on the air again. Councilman Kivell stated it could possibly begin showing the Council meetings again on Thursday. Mr. Pelchat stated he is interested in helping get the Cable Commission going.

OLD BUSINESS

1. SMART Municipal Credit Program

City Manager Cook stated this is a contract we need to get reimbursed for money the City spent on Peoples Express.

CM 1-4-14 MOTION TO ACCEPT SMART CONTRACT

Motion by Rzyzi, supported by Kopkowski
 Motion to accept the SMART Contract for fiscal year 2013-2014

VOTE: MOTION CARRIED UNANIMOUSLY

2. 2003 Wastewater Bond Issue

City Manager Cook stated looking at the loss of taxable value; the City will not have enough money by 2015 for the bond that is issued until 2025. He further stated we can transfer funds from Capital Improvement and the 96 Building Authority fund. Councilman Wedell asked why we should deal with this now, and not when the new Manager is hired. City Manager Cook stated when dealing with the budget, if he finds any issues he has always tried to correct it. Councilman Wedell stated he appreciates that but would like to wait until the new City

Manager arrives and he can deal with that. Councilman Kivell stated he has spoken with City Manager Cook regarding this, but he also feels we should wait for the new Manager. City Manager Cook stated he understands that, but the money in the Capital Improvement fund does belong to the debt fund and it will need to be transferred. It was levied in 2002 and 2003 and it was for that purpose. Mayor Wallace stated we can always adjust things in the future and he thinks this needs to be taken care of now.

CM 1-5-14 MOTION TO TABLE THE TRANSFER OF FUNDS

Motion by Wedell, supported by Kramer
 Motion to table the transferring of funds until a later time.

VOTE: MOTION FAILED- 3-Yes 4-No

CM 1-6-14 MOTION TO APPROVE THE TRANSFER OF FUNDS

Motion by Rzyzi, supported by Dixon
 Motion to transfer funds from the Capital improvement fund to the 2003 W.W. G.O.

VOTE: MOTION PASSED- 5 Yes 2No

4. Designation for Street Administrator

City Manager Cook stated this will be a temporary appointment until the new City Manager is hired.

CM 1-7-14 MOTION TO APPROVE STREET ADMINISTRATOR

Motion by Kivell, supported by Rzyzi
 Motion to approve City Manager Rod Cook as Street Administrator

VOTE: MOTION CARRIED UNANIMOUSLY

5. Quotes for forfeited firearms

Chief Collins stated a few months back we sold several department owned weapons for a few thousand dollars for the General Fund. He further stated we can also sell forfeited weapons to

federally licensed dealers. Chief Collins stated they asked for 7 bids, but received 2. He is now asking Council to approve the sale of the forfeited weapons for \$7,200.

CM 1-8-14 MOTION TO ACCEPT OFFER FOR FORFETITED WEAPONS

Motion by Kivell, supported by Dixon

Motion to accept the offer of \$7,200 from Gander Mountain to purchase forfeited Weapons and the money to be deposited into Law Enforcement Forfeiture Fund

VOTE: MOITON CARRIED UNANIMOUSLY

6. Resolution Approving Third Monk Brewing Co., LLC

Jeff Robinson, Darlene Dunlop and Gene Carroll were all present to discuss this issue.

Mr. Robinson of Third Monk Brewing Co. stated they are looking to open a brewing company at 228 S. Lafayette. It is a 1400 square foot building. There will be seating in the front and two thirds of the building will be used for brewing. He stated they are hoping to brew between 338 and 340 barrels of beer annually. Discussion was held regarding the square footage of the building. Mr. Robinson stated Gene Carroll is the owner of the building and he did help with the drawings. He further stated they are expecting about 10 feet per person which is a standard limit. He stated a density of 25-40 people can be expected. Councilman Kopkowski stated that will be tight and they have to keep in mind the number of employees as well. Mr. Robinson stated in the future they would like to have some outside seating as well. Mayor Wallace asked Mr. Carroll when he will be having the house behind the building demolished. Mr. Carroll stated he has already contacted the utility companies to have the utilities removed. Mr. Robinson stated based on the approval from the State and Federal government, they will probably be opening this summer. It normally takes 4-6 months. Carmine Aventini stated they will have to receive zoning approval, and it is an administrative review, not a planning commission review. City Attorney Wilhelm stated this provides the required local government approval, which they will then take to the State. Chief Collins stated this will be a non-quota license. It will not impact the Liquor License's available to the City of South Lyon.

1-9-14 MOTION TO APPROVE MICROBREWERY LICENSE

Motion by Kramer, supported by Kopkowski

Motion to approve microbrewery license for Third Monk Brewing Company, LLC

VOTE: MOTION CARRIED UNANIMOUSLY

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7. Proposal to Deal with Absence of City Manager

City Manager Cook stated he would like Council to appoint Chief Collins as Assistant City Manager. He further stated he is asking for 5 hours per week allocated whether used or not. Councilman Kivell asked what is the justification for the 5 hours of pay if he doesn't work 5 hours. City Manager Cook stated it is up to Council how they want to deal with that. City Manager Cook stated it will be very difficult and time consuming for him to keep track of every few minutes that he is communicating with City staff, and he has no way to control it. Councilman Kopkowski stated he will probably be working more than that. He further stated it takes time to keep track of that, and he is proposing a way for him to still have access to the City and help with anything needed. He stated he does not expect his time to go over 5 hours a week while away. He will be accessible with his phone and computer and he doesn't want to keep track of every minute he is working for the City while on vacation. City Attorney stated there is a conflict of interest for the Chief of Police to be Interim City Manager, but he can act as Assistant City Manager. Councilman Rzyzi stated he is happy with City Manager's proposal. Councilman Kramer stated, if our City Manager can work 5 hours a week from Arizona, it doesn't sound like we need a full time City Manager. City Manager Cook stated it is a City Manager form of government and we do need a full time Manager. Councilman Kramer stated he just wants to make sure all issues will be handled while City Manager Cook is away. Councilman Wedell stated this is an imperfect solution to a situation that was thrust upon us unnecessarily.

CM 1-10-14 MOTION TO ACCEPT PROPOSAL FOR CITY MANAGERS ABSENCE

Motion by Kopkowski, supported by Kivell

Motion to accept City Managers Proposal for the absence of City Manager Cook

VOTE: MOTION PASSED- 1 OPPOSED

NEW BUSINESS

1. First Reading: Sign Ordinance Chapter 70

Carmine Avantini stated he has been working on this for several months. The Planning Commission has also reviewed it as well as City Attorney Wilhelm. He stated we built a new

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Sign Ordinance. We wanted it to be well organized and business friendly. Mr. Avantini stated they used a middle of the road approach to what has worked in other communities. One of the changes is we are now allowing sandwich board signs anywhere in the City, but they do have to follow the regulations. They have to be professional and within 10 feet of door. Discussion was held regarding the sandwich board signs and what is considered professional. Councilman Rzyzi asked how many non-conforming signs are currently in the City. Mr. Avantini stated he does not know, they would have to drive around and look at each of the signs. Mr. Avantini stated that this is a very businesses friendly ordinance and they held a focus group meeting with the local business and they were happy with the changes. He further stated they are trying to suggest businesses use monument signs and not pylon signs.

CM 1-11-14 MOTION TO APPROVE THE FIRST READING OF SIGN ORDINANCE

Motion by Wedell, supported by Kivell

Motion to approve the First Reading of Sign Ordinance Chapter 70

VOTE: MOTION CARRIED UNANIMOUSLY

2. Liquor License Request for Aubree's Pizzeria and Grill, LLC

Ron Evangelista and Linda Mayor of Lyon Capital were present. Ms. Mayor started since Mr. Evangelista was here last, their plans have been approved by the Planning Commission. She further stated they are here to request the local approval of the liquor license for Aubree's Pizzeria. She further stated they will be employing 30-40 local people, and it is a complete family dining experience.

CM 1-12-14 MOTION TO APPROVE LIQUOR LICENSE APPLICATION FOR AUBREE'S

Motion by Kramer, supported by Wedell

Motion to approve the Liquor License application for Lyon Capital, LLC

VOTE: MOTION CARRIED UNANIMOUSLY

3. Purchase of Vacation Time:

- a. Chief Collins
- b. Superintendent Bob Martin

City Manager Cook stated he was approached by Department Head Martin and Chief Collins about the City paying out part of their vacation time in payments as opposed to taking the paid time off, or a larger lump sum when they retire. This will also pay them at their current hourly rate. Councilman Kivell asked if there is a penalty involved. City Manager Cook stated we are paying them money that is owed to them, not out of a retirement fund. It will go toward their final rate of compensation. City Manager Cook stated they can accrue their time until they retire. Chief Collins and Superintendent Martin do not fall under a contract; they fall under the personnel manual. There is no limit on vacation time for employees that do not fall under a contract.

CM 1-13-14 MOTION TO APPROVE PURCHASE OF VACATION TIME

Motion by Kivell, supported by Rzyzi

Motion to approve the buyout of vacation time for Chief Collins and Superintendent Martin

VOTE: MOTION CARRIED UNANIMOUSLY

4. Acceptance of Resignation of ZBA Board Member and Nomination of new ZBA Board Member

Mayor Wallace stated he received a resignation letter from Bill Rodman from the ZBA. He further stated Mr. Rodman has done a lot for the City of South Lyon. He was more than a ZBA person; he at one time was on Planning Commission, and many volunteer groups.

Mike Joseph of 1120 Appaloosa stated has worked for over 25 years in the construction business, and he has a bachelor's degree in business. He has worked with the same commercial construction company for over 20 years. Councilman Rzyzi stated he would like to welcome Mr. Joseph on board.

CM 1-14-14 MOTION TO APPOINT MIKE JOSEPH TO ZBA

Motion by Wallace, supported by Kopkowski

Motion to accept the appointment of Mike Joseph to Zoning Board of Appeals

VOTE: MOTION PASSED UNANIMOUSLY

CM 1-15-14 MOTION TO ACCEPT RESIGNATION FROM ZBA

Motion by Wedell, supported by Kivell

Motion to accept Bill Rodman's resignation with thanks.

VOTE:

MOTION CARRIED UNANIMOUSLY

MANAGERS REPORT- None

COUNCIL COMMENTS

Councilman Kopkowski stated she would like to thank Fire Chief Mike Kennedy for the Annual Fire Report. It was a very nice job. She further stated she would like to express her disappointment with what has happened with Channel 19. She stated she was interested in going month to month with the current contract. She was led to believe it would be seamless and she had asked repeatedly how the change was going to work. It has not been seamless, and she feels like there was a vendetta against Mayor Wallace. She further stated she would like to see the information on the equipment that needs to be purchased brought before Council and not purchased from a discretionary fund.

Councilman Rzyzi thanked the Department of Public Works for their hard work with the snow this winter. He further stated he recently had to get his smart phone replaced. He went to Digicomm and the owner helped him out and he had it fixed in one hour. He further stated he went to a big box store and asked them what it would take to have it fixed and their answer was 5 days and more money. Councilman Rzyzi stated that proves it is good to stay in town for business and he would like to thank Jim from Digicomm for his help.

Councilman Kramer asked City Manager Cook if the Novi Building Department have ended our contract with them. City Manager Cook stated they do have a 45 day notice for termination of the contract, and he was told it will happen, they are very busy in Novi. Councilman Kramer stated that we now have to replace our Building Inspector as well as a City Manager.

Mayor Wallace stated he would also like to thank the excellent Fire report by Chief Kennedy, it was done really well.

He also stated he would like to let everyone know our City was voted third safest place in Michigan to live. Mayor Wallace stated that also shows what a great job our Police Department does.

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He further stated he will be absent for the next two meetings so the gavel will be passed to Mayor Pro Tem Rzyzi

ADJOURNMENT

CM 1-16-14 MOTION TO ADJOURN MEETING

Motion to adjourn by Kopkowski, supported by Dixson

Motion to adjourn meeting at 8:55 p.m.

VOTE: MOTION CARRIED UNANIMOUSLY

Respectfully submitted,

Tedd Wallace Mayor

Lisa Deaton Clerk/Treasurer