

**CITY OF SOUTH LYON
REGULAR CITY COUNCIL MEETING
March 12, 2012**

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, Kopkowski, Kramer, Rzyzi, and Wedell
City Manager Murphy
City Attorney Lee
City Clerk/Treasurer Zemke
Department Heads: Collins, Kennedy, and Martin

APPROVAL OF MINUTES:

Councilman Kivell stated that on page 2 of the minutes when he asked the question about the channel line-up, he was referring to the PEG channels. Also, on page 6, Councilman Rzyzi is not listed in the roll call vote.

CM 3-1-12 – APPROVAL OF MINUTES- FEBRUARY 27, 2012

Motion by Kivell, supported by Kopkowski

To approve the minutes of the February 27, 2012 Regular Council meeting as amended

VOTE: MOTION CARRIED UNANIMOUSLY

APPROVAL OF MONTHLY BILLS:

Discussion was held on various bills.

CM 3-2-12 – APPROVAL OF MONTHLY BILLS

Motion by Wedell, supported by Dixon

To approve the monthly bills as presented

VOTE: MOTION CARRIED UNANIMOUSLY

APPROVAL OF AGENDA:

CM 3-3-12 APPROVAL OF AGENDA

Motion by Wedell, supported by Kramer

To approve the agenda as presented

VOTE: MOTION CARRIED UNANIMOUSLY

PUBLIC COMMENT:

Chief Kennedy stated that it is his honor to be before Council to recognize two members of the South Lyon Fire Department and two members of the Huron Valley Ambulance team. He described an incident which occurred on Saturday, February 18, 2012 involving a response to a male patient not breathing and in cardiac arrest. The South Lyon Fire Department and HVA were able to restore a heart rhythm and transported him

to St. Joseph Mercy Hospital, Ann Arbor. He along with Mr. Lee Aho presented Paramedic Greg Hartig, Paramedic Andy Chlebek, Firefighter Chad Ulrich and Firefighter Chris Demeniuk with a letter of commendation.

Ron Evangelista Co-owner and franchisee of the Aubrees Restaurant and Bill French, Founder and CEO Of Aubrees were present.

Mr. Evangelista stated that there are currently 5 locations of Aubrees. They are seeking one of the City's two remaining liquor licenses to open a restaurant in the Brookdale Shopping Center. They are a full service family-style restaurant with 80% of their menu being other than pizza. In all of the communities they are in they are involved with the community. He discussed the employment opportunities within the local community. He discussed their programs to support local sports teams, charities, etc. They strive to use Michigan based companies as well as Michigan breweries. He discussed other community out-reach programs.

Mr. French thanked Council for the opportunity to introduce Aubrees. He stated that it is a unique company including one of the only companies that requires from their franchisees that they contribute 1.5% back to the local community. Their commitment to the community is significant. Every community they have entered, they have added value to the community. This is not a pizzeria, it is a family oriented restaurant. He discussed the menu. He discussed the communities that have awarded them liquor licenses.

Council Member Kopkowski asked where they propose to locate. Mr. Evangelista stated that they have looked at a couple spaces in Brookdale. Council Member Kopkowski asked if there were going to be any structural changes to the building. Mr. French presented pictures of one of their other franchises. Mr. Evangelista stated that there will have to be some changes made.

Mayor Wallace stated that he did do some research and they do have some good reviews.

Mr. French stated that they have been rated by the Governor as one of the top 10 businesses in the State.

Mayor Wallace asked if there is a time frame. Mr. Evangelista stated that they would hope to be open this summer.

Mr. French stated that they did look at the downtown and that was their first choice. However, they have certain restrictions with parking, etc. and felt that it was not feasible. He further stated that they actually generate business for other local businesses.

OLD BUSINESS:

1. Second Reading – Residential in B3 District

City Manager Murphy stated that there have been no changes since the last meeting and would recommend approval.

CM 3-4-12 SECOND READING – RESIDENTIAL IN B3 ZONING DISTRICT

Motion by Kivell, supported by Kopkowski

To approve 2nd reading of the amendments to City of South Lyon Ordinance, Chapter 102 Article VI, Division 10, Sec. 102-322 "Principal uses permitted" as presented (see attached amendment as part of these minutes)

VOTE:

MOTION CARRIED UNANIMOUSLY

NEW BUSINESS:

1. Reappointments

Mayor Wallace stated that we have 11 re-appointments. All of the individuals have agreed to continue to serve and several have indicated that it is an honor to serve.

CM 3-5-12 – RE-APPOINTMENTS

Motion by Wallace, supported by Kivell

To affirm the re-appoints made by Mayor Wallace of the following:

Scott Lanam	Planning Commission	Term Expires: March 2015
Jim Culbertson	Planning Commission	Term Expires: March 2015
Wayne Chubb	Planning Commission	Term Expires: March 2015
Joe Rzyzi	Zoning Board of Appeals	Term Expires: March 2015
Frank Fogarty	Zoning Board of Appeals	Term Expires: March 2015
Jim Herman	Zoning Board of Appeals	Term Expires: March 2015
Erica Wilson	Parks & Recreation	Term Expires: March 2015
Jeff Thompson	Parks & Recreation	Term Expires: March 2015
Roger Heiple	Historical Commission	Term Expires: March 2015
Larry Ledbetter	Historical Commission	Term Expires: March 2015
Norm Somers	Historical Commission	Term Expires: March 2015

VOTE:

MOTION CARRIED UNANIMOUSLY

2. Tri – Party Money

City Manager Murphy stated that the Tri-Party monies are funds that come from the Road Commission for Oakland County. This year's share is \$25,461. He stated that he feels that it is best to put it aside for now until we figure out what project we want to do along Pontiac Trail. Currently we are using Tri-Party funds on the Eight Mile Road project.

Councilman Wedell stated that he would recommend approving the use of the Tri-Party funds but holding them in reserve at this time.

CM 3-6-12 – TRI-PARTY FUNDS

Motion by Wedell, supported by Dixon

To approve using the Tri-Party funds for future Pontiac Trail improvements

VOTE:

MOTION CARRIED UNANIMOUSLY

3. First Reading – Amendment to Ch. 38 Emergency Services (Cost Recovery Ordinance)

Chief Kennedy stated that he is requesting an amendment to Article II of Chapter 38. This came to light when we had a tractor trailer that had a crack in its engine and spilled diesel and motor oil downtown. We were able to invoice them and recover \$3,100 from their insurance, but we did not have a formal cost

recovery ordinance in place. We are one of the few communities that do not have one. The standard automobile accident would not meet the threshold nor was that our intent. The language comes from Oakland County legal division. We have also researched what other communities are doing. It is designed for more of a catastrophic incident. He discussed the response time for DTE and Consumers Energy, which we would be able to recover for anything over a two hour response.

Council member Kopkowski asked if we would bill their insurance company. Chief Kennedy stated that we would bill them directly. Further discussion was held on how the invoicing would take place. Discussion was held on the ability of the property owner/vehicle owner to turn the invoice over to their insurance company.

Councilman Wedell stated that he is in favor of this. He asked if this would cover the railroad as well. Chief Kennedy discussed the difficulties in dealing with the railroad because they are under Federal regulations.

Councilman Kramer asked if we are charging residents and non-residents the same. Chief Kennedy stated that this excludes one and two-family dwellings because they are already supporting the Fire Department with their taxes. We do not want to go after taxpayers for standard City services. Furthermore, this is cost neutral. We are simply trying to recover costs incurred under extraordinary circumstances. Further discussion was held on the inability to charge non-residents differently than residents.

Councilman Kramer asked if under mutual aid would we be in the position to bill for our services. Chief Kennedy stated that there have been cases where that has happened. He gave an example in Howell where turn out gear was contaminated, etc. and Howell asked that all of the communities that responded to submit costs through them. We would not be invoicing the municipality.

Attorney Lee stated that the ordinance provides that any invoicing would require that we make a determination of responsibility. Council would then approve the invoicing.

Councilman Kramer asked why we have to determine responsibility. Attorney Lee stated that it provides Council the ability to determine that it is an extraordinary event. Councilman Kramer asked why we could not make it more generalized. Attorney Lee stated that we have to draw the line between those normal costs paid for by taxes and extraordinary events. Councilman Kramer stated that it usually comes down to what services were provided over and above what is normally done. He does not want to be in a position where we would end up in litigation as to whether or not we are right that they are the responsible party. Further discussion was held on determining a responsible individual.

Councilman Kivell stated that it is a good idea and cannot see that it is going to happen very often, but we do need to be prepared.

CM 3-7-12 – FIRST READING – AMENDMENT TO ARTICLE III OF CHAPTER 38

Motion by Kivell, supported by Wedell

To approve the first reading to amend the Code of the City of South Lyon by amending Article III of Chapter 38 (see attached amendment as part of these minutes)

Councilman Kramer stated that he feels that this needs to be tweaked some more. He would like the responsible party language made more general. If the services are incurred, then there will be no question as to responsibility.

VOTE:

MOTION CARRIED (1 opposed)

Councilman Kivell stated that this in no way would affect whether there is a response or not. Chief Kennedy stated that they are absolutely going to respond this would not affect any service.

4. Attorney RFP

City Manager Murphy stated that as you know, Parvin Lee is going to be retiring. He has put together an RFP to look for a new firm. He would ask that Council approve the RFP and also appoint a Council Member to serve on the review committee along with himself, Chief Collins and Julie Zemke.

Councilman Wedell stated that he is familiar with the process and would be willing to serve on the committee.

CM 3-8-12 – ATTORNEY RFP

Motion by Kivell, supported by Dixon

To approve the RFP process and appoint Council Member Wedell to sit on the review committee

Councilman Kramer stated that even though he is an attorney, he may know some of the individuals. He does not feel that it would be appropriate for him to sit on the committee.

VOTE:

MOTION CARRIED UNANIMOUSLY

MANAGER'S REPORT: None

COUNCIL COMMENTS:

Councilman Rzyzi thanked the representatives from Aubrees for coming out today and making their presentation.

Councilman Kivell stated that he had a resident call inquiring about the ability to raise chickens. He spoke with the City Attorney who suggested that if there is interest in allowing the activity, that it be done under a special use permit so that we could regulate what our expectations and limitations are. He would like this to be given some consideration.

Mayor Wallace stated that the Aubrees presentation was excellent and the community is going to be very excited.

ADJOURNMENT:

CM 3-9-12 ADJOURNMENT

Motion by Kopkowski, supported Kramer

To adjourn meeting at p.m.

VOTE:

MOTION CARRIED UNANIMOUSLY

Respectfully submitted,

Tedd M. Wallace
Mayor

Julie C. Zemke
City Clerk/Treasurer