

**CITY OF SOUTH LYON  
REGULAR CITY COUNCIL MEETING  
NOVEMBER 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: Kivell, Kopkowski, Ryzi, Dixson, Kramer, and Wedell  
City Manager Murphy  
Attorney Wilhelm  
Deputy Clerk/ Treasurer Deaton  
Department Heads: Collins, and Martin  
ABSENT: City Clerk/Treasurer Zemke

**APPROVAL OF MONTHLY BILLS:**

Some discussion was held regarding the monthly bills.

**CM 11/1/12 APPROVAL OF MONTHLY BILLS**

Motion by Kivell, supported by Kramer

To approve the payment of the monthly bills as presented.

VOTE: MOTION CARRIED UNANIMOUSLY

**APPROVAL OF MINUTES:**

Mayor Wallace stated the minutes for the last meeting are unavailable, and should be ready at the next meeting.

**APPROVAL OF AGENDA**

City Manager Murphy stated he would like Council to remove item #5 under Old Business due to the fact it was not properly advertised. He further stated he would like to add an item 7a in conjunction with the earmark, and the HRC invoice which was handed out.

**CM 8-2-12 APPROVAL OF AGENDA**

Motion by Kivell, supported by Kopkowski

To approve the agenda as amended.

VOTE: MOTION CARRIED UNANIMOUSLY

**PUBLIC COMMENT:**

Tim McClury stated he is here to represent the MMRMA, he stated the City joined a few years back, and as a part of the MMRMA asset distribution, he is here to present the city with a check for \$21,909.00. He further stated MMRMA is not a regular insurance company, and when there is money to be given back, it goes to the members. Discussion was held regarding the different aspects of being a member.

**CM 11-3-12 MOTION TO ACCEPT THE CHECK FROM THE MMRMA**

Motion by Wedell, supported by Kramer  
To accept the check from the MMRMA for the amount of \$21,909.00

VOTE: MOTION CARRIED UNANIMOUSLY

**NEW BUSINESS:** None

**OLD BUSINESS:**

1. First Reading- Amendment to Chapter 46, Section 46-62 through 46-66.

Fire Chief Kennedy stated this is a matter of housekeeping. The original ordinance was amended back in the 80's, so there have been many changes since then. The goal is to make sure the ordinance is mirroring the current day fire operating procedures. He further stated he and the City Attorney worked together to research what other communities were doing. City Attorney Wilhelm stated 46-64 the second sentence states the hiring and firing of the fire fighters is initiated by the fire chief, but it ultimately falls on the City Manager. The rest are just changes in the language. More discussion was held regarding the language of the amendments.

**CM 11-4-12 MOTION TO APPROVE FIRST READING OF CHAPTER 46, SECTION 62-62 THROUGH 46-66**

Motion by Kivell, supported by Wedell  
To approve the first reading to amend the City of South Lyon Code of Ordinances, Chapter 46, "Fire Prevention and Protection," Article III, "Fire Department," Sections, 46-62 through 46-66.

VOTE: MOTION CARRIED UNANIMOUSLY

2. Well #4 Repairs

Department Head Martin stated that back in 2011 we had a problem with well #3, we took it down and the casing was broken, so we had to dig a new well. He further stated at the time, he knew we would have to check on well #4 as soon as possible. Well #4 is used for not only City consumption, but also for cooling water for the tube mill. He further stated we started looking at

Well #4 earlier this year, and it needs to be repaired. The City Manger spoke with the tube mill, and they agreed to pay half the cost of repair. He further stated we pulled the well and went out for bids, to have it reworked with a brand new motor and VFD installed. We received 4 bids, 3 being viable quotes, Peerless came in with a strong bid, even though it is higher than the lowest bid by \$18.00, he stated we should go with them. They are giving us a better warranty and for that reason, he is asking Council to approve the bid. Department Head Martin stated this is a budgeted item, and it was budgeted for \$30,000 and with us splitting it with the tube mill, we will only be paying \$9,988.00.

#### CM 11-5-12 APPROVAL OF WELL #4 REPAIRS

Motion by Kramer, supported by Dixon.

To approve the Well #4 pump repair and VFD installation by Peerless Midwest.

VOTE:

MOTION CARRIED UNANIMOUSLY

#### 3. Mini Backhoe Purchase

Department Head Martin sated this is for the Department of Public Works, and it is a budgeted item in the amount of \$42,000. This machine will allow the workers to get into tight spaces in the Cemetery, as well as repairing water service leaks throughout the City. Department Head Martin stated we put a Ford backhoe on the trading block, and we received 5 bids, and the trade in was between \$10,000 and \$12,000. He further stated we need a small trailer to haul it around, and Carlton Equipment is also supplying the trailer. They are the only one that included that in the quote. The total cost with the trade in comes to \$27,163.00 for the backhoe, and \$4,700.00 for the trailer. The total cost of this is \$31,868.00.

#### CM 11-6-12 APPROVAL OF PURCHASE OF MINI BACKHOE

Motion by Wedell, supported by Kivell

To approve the purchase of a E35 ZTS Bobcat compact (mini) excavator and trailer from Carleton Equipment Co. in the amount of \$31,868.00

VOTE:

MOTION CARRIED UNANIMOUSLY

#### 4. Budget Amendment

City Manager Murphy stated we are trying to keep up on the budget amendments, at the beginning of the fiscal year Council approved some small street projects and they have been completed, and we have received the bill. We have paid it, but we need to have the budget amended properly. He further stated, it is \$106,900.00 that will come into the local streets, via the Capital Improvement fund. It is really an accounting issue.

#### CM 11-7-12 BUDGET AMENDMENT

Motion by Kopkowski, supported by Ryzi  
To approve the proposed amendment to the 2012-2013 Capital Improvement and  
Local Streets budget as presented.

VOTE: MOTION CARRIED UNANIMOUSLY

5. CDBG Public Hearing- Removed from agenda

City Manager Murphy stated he would like Council to schedule the public hearing for the next meeting on November 26, 2012. He further stated he would like to discuss what Council would like to do with the money. He stated with the new census, we don't have any low income areas; therefore, we can only use the money for other things, such as Haven, Youth Assistance, or removing architectural barriers, or possibly for the Center for Active Adults. He stated he is working with the County right now to verify if it is possible to use it for the Center for Active Adults. City Manager Murphy stated we could use the \$25,581.00 on a combination of those things. We currently spend money on these things now, and it comes out of general fund, so by using the money from the CDBG instead of it coming out of the general fund, we would be saving money. City Manager Murphy stated we cannot use it for sidewalks, roads or sewers. More discussion was held regarding the possible uses for the CDBG money.

6. Request by Kiwanis to use Mchattie Park to sell Christmas Trees

Phil Weipert stated that Christmas is coming fast and the Kiwanis is once again requesting the use of the park to sell Christmas trees. City Manger stated our insurance company would like a hold harmless agreement. Mr. Weipert stated that would not be a problem. He further stated the trees will arrive the weekend after Thanksgiving.

CM 11-8-12 APPROVAL OF KIWANIS SELLING CHRISTMAS TREES AT MCHATTIE PARK

Motion by Ryzi, supported by Kramer

Motion to allow the use of the Historical Village/Depot Grounds South end of Mchattie Park by the Kiwanis Club of South Lyon to sell Christmas trees, contingent on the hold harmless clause being added to the agreement.

VOTE: MOTION CARRIED UNANIMOUSLY

7. Construction Board of Appeals

City Manager Murphy stated we need to have a Construction Board of Appeals, we did have one at one time, but it was a long time ago. He further stated he spoke with Andy about using theirs. We can have an agreement with Novi to use their board, or we can advertise to try to get local people on it. Councilmember Kramer asked if there would be a charge for the service. City Manager Murphy stated there would be no charge for the service. Councilmember Kopkowski stated if someone here in the City that has an issue with our Novi inspectors, she feels, they

should be able to be heard by a board of their peers. She further stated she doesn't think necessarily what is right for the people in Novi, may not be the right thing for the people of South Lyon. Councilmember Kivell stated on the convenience side they do already have an existing board, and the frequency it would be used, he doesn't have a problem using the Novi Board of Appeals. City Manager Murphy stated it probably would not take long to set up a board using local people if that is what Council would like. City Attorney Wilhelm asked the question if the Novi City Council has approved the use of their Construction Board of Appeals. City Manager Murphy stated he does not know if the council approved it, but the Board itself has agreed, according to Andy. It was the consensus of council to post pone the decision until further questions can be answered.

CM 11-9-12-POSTPONE THE DECISION REGARDING THE CONSTRUCTION BOARD OF APPEALS.

Motion by Kramer, supported by Wedell

To postpone the decision on the Construction Board of Appeals until the next meeting on November 26, 2012.

VOTE:

MOTION CARRIED UNANIMOUSLY

7a. Earmark

City Manager Murphy stated we have an earmark that was given to the City for road work on Second Street back in 2002. It was an earmark for \$100,000.00, by the time congress agreed, the street enhancement was already completed. We went back to Congressman McCotter to see if we could have it changed, but to no avail. They are very specific about what we can use this money for. It has to be used for Pontiac Trail between Liberty and Mchattie, in the road right away. He further stated we it could possibly be used for irrigation of the trees, hanging baskets, garbage cans, planters and decorative benches. City Manager Murphy stated he would like to use it further south before you enter the downtown. It will cost approximately, \$22,500.00 for the design and engineering. He further stated because of those issues, he believes we should walk away from it, and say thank you, but no thank you. He further stated he would like to talk with the person holding the Congressman's seat, and see if we could get it changed, but he doesn't hold out a lot of hope for that. City Manager Murphy stated he doesn't see it being worth spending our match money on it. Consensus on council was to have the City Manager see if we can get this changed, and if not, to walk away from it.

Managers report:

City Manager Murphy stated he would like to thank Lisa, the Deputy Clerk/Treasurer as well as everyone from the office, Anne Badarak, Lori Mosier, Phyllis Popravsky, as well as our newest person Debbie Nogle. They all really stepped up and put in a lot of hours and hard work into the election. They all did a tremendous job in a very difficult situation.

COUNCIL COMMENTS:

Councilman Kivell stated he would like to thank all the veterans.

Councilman Ryzi stated he would like to thank all the election workers.

Mayor Wallace stated he has received some complaints about not having a service at the veteran's rock. He further stated we did have a service, but it was actually held on Veterans Day at 11:11.

Mayor Wallace asked the question if the street lights are set on the right timer. Department Head Martin stated they are working, they are set on five different timers.

Mayor Wallace stated there will be a meeting tonight regarding the community center project. The results of the survey were very positive and he is now in talks with other communities to be involved as well. He further stated it won't be done in 6 months, but they are working on it.

CM 11-10-12 MOTION TO ADJOURN INTO CLOSED SESSION PERSUANT TO SECTION 8H OF THE OPEN MEETINGS ACT

Motion by Kramer, supported by Wedell  
To adjourn into closed session meeting to discuss written attorney client privilege on zoning issue at 8:30.

Roll call vote was taken and it was unanimous.

Council reconvened the meeting at 9:10 p.m.

CM 11-11-12 MOTION TO ADJOURN

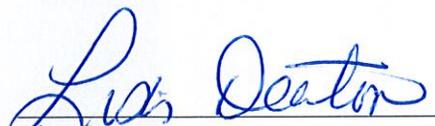
Motion to adjourn by Wedell, supported by Kivell  
To adjourn the meeting at 9:12 p.m.

VOTE:

MOTION CARRIED UNANIMOUSLY



Tedd Wallace  
City Mayor



Lisa Deaton  
Deputy Clerk/Treasurer