

The City of South Lyon
Regular City Council Meeting
March 9, 2015

Mayor Tedd Wallace called the meeting to order at 7:30 p.m.

Mayor Tedd Wallace requested a moment of silence before he led those present in the Pledge of Allegiance

PRESENT: Mayor Tedd Wallace
Council Members: Mayor Pro Tem Rzyzi, Dixon, Kivell, Kopkowski, Kramer, and Wedell
Also Present: Department Head Martin, Chief Collins,
Chief Kennedy, Attorney Wilhelm and Clerk/Treasurer Deaton
ABSENT: City Manager Ladner

MINUTES

CM 3-1-15 MOTION TO APPROVE MINUTES

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

VOTE: MOTION CARRIED UNANIMOUSLY

BILLS

CM 3-2-15 MOTION TO APPROVE BILLS

Motion by Kramer, supported by Dixon
Motion to approve bills as presented

VOTE: MOTION CARRIED UNANIMOUSLY

AGENDA

Chief Collins requested an addition to old business for the second reading of the sign ordinance. City Attorney Wilhelm stated he had provided Council with three pieces of mail that fall under attorney-client privilege, and asked if Council wanted to have an executive session regarding that correspondence.

CM 3-3-15 MOTION TO APPROVE AGENDA

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

VOTE: MOTION CARRIED UNANIMOUSLY

PUBLIC COMMENT

Nick Kennedy, representative for Congressman Trott introduced himself and stated that he hopes he will be in the City more often. He encouraged everyone to reach out to him or Congressman Trott directly, and that the Congressman would be happy to attend any events in the City. Councilman Kivell stated he was glad to see Congressman Trott reaching out to us.

Tim McClurry of Michigan Municipal Risk Management League congratulated the City for participation in the MMRMA, and reminded everyone that the MMRMA was not an insurance company, did not have a board, and that the City is a stockholder. Mr. McClurry presented Chief Collins with a check for \$33,908.00 and was on track for another record-breaking distribution in the fall. Mr. McClurry thanked the department heads and staff for continuing to submit risk avoidance applications and encouraged them to keep coming. Mr. McClurry also mentioned that there would be training opportunities for department heads in the future.

Ryan Lare of 716 Grand Court stated he was present on behalf of the US Silversides Submarine Museum in Muskegon, which is holding a ceremony Memorial Day weekend to honor the 52 submarines lost in the war. He encouraged the public to visit the museum for tours and the ceremony, and that there will be guest speakers.

OLD BUSINESS

1. Revised PD Agreement for Knolls of South Lyon

Attorney Wilhelm stated this is the last item for Council approval relating to the Knolls of South Lyon. Attorney Wilhelm stated he would highlight some of the negotiations process, which began in 2003. Attorney Wilhelm stated there were 88 units total approved for the final site plan. Attorney Wilhelm briefly summarized sections from the plan development. Specifically from Section 8- roads would be concrete, roads, water, and sanitary sewer will be maintained by the City after 80% of the homes have a certificate of occupancy. Attorney Wilhelm stated that Section 10 includes specifics on open areas, which will be shown by drawing and legal description in the final site plan. Attorney Wilhelm stated that Section 11 dealt with additional requirements such as exterior colors, building materials, landscaping, curbs, and how alterations to those items may be made. Attorney Wilhelm stated that minor changes may be made administratively; major changes would be approved by the Planning Commission and Council. Attorney Wilhelm stated that Section 12 pertained to maintenance of common areas. If those

3/16/15

areas were not properly maintained, the City could provide notice of necessary repair. If those repairs were not made, the City could, under certain circumstances, make the repairs and bill the builder. Attorney Wilhelm stated that Section 14 covered financial issues and assurances. Specifically, the developer requested no financial assurance for guarantee of completion of water, sanitary sewer, and roads. Attorney Wilhelm stated that the City agreed to that on the condition that building permits would not be issued until those common improvements are completed, inspected, and approved by the City. Attorney Wilhelm stated that this approval was not the same as the dedication of those projects. Attorney Wilhelm stated there are other financial issues, most notably the maintenance and repair agreement. Attorney Wilhelm stated that once the water, sewer, and roadways were dedicated by the City, the developer would be required to place a deposit of 25% of the cost of those items to guarantee the workmanship of those projects. Section 19 maintains that each unit must be 7200 square feet, specifies the acreage of open areas, and requires an asphalted path connected to the Rail Trail and is available for public use. Attorney Wilhelm stated that there must be a second access point at Kestrel Court and the island that is currently there be removed and repaved with City approval at the developer's expense. Councilman Kivell stated that he received a letter from a resident on Kestrel Court who was concerned about the construction traffic and requested that construction traffic use the Mill Street entrance instead. Attorney Wilhelm stated that designating the Mill Street entrance for construction traffic could be a condition of approval for the agreement. Mayor Wallace stated that he hoped the builder would do his best to honor that request, and that he didn't want the builder to be further delayed. Paul Elkow stated they will do the best they can to keep construction traffic to Mill Street. Mr. Elkow further clarified that heavy equipment and trucks would use Mill Street, however there may be construction workers in vans and pick-up trucks that use Kestrel Court. Councilman Kivell stated they want to mitigate construction traffic as much as possible on Kestrel Court, and that even construction employees should use the Mill Street entrance. Developer Ron Cook stated that they will have to use the Kestrel Court entrance when they are building a bridge over the wetlands, which should take about 30 days. Councilman Kramer asked if Mr. Elkow and Mr. Cook were okay with making that a condition of the approval, which they agreed to.

CM 3-4-15 MOTION TO APPROVE PD AGREEMENT FOR KNOLLS OF SOUTH LYON

Motion by Kramer, supported by Kivell

Motion to approve PD agreement for Knolls of South Lyon as revised

DISCUSSION:

Councilman Kramer added that he would like to include a provision to grant City Attorney Wilhelm authority to make minor spelling and grammar changes to the agreement as necessary. Mayor Wallace asked if the trees on the Kestrel Court island could be transplanted to another part of the City instead of being demolished. Mr. Elkow stated that he would look into it.

VOTE:

MOTION CARRIED UNANIMOUSLY

2. Second Reading of Sign Ordinance

City planner Carmine Avantini stated that the revised sign ordinance would allow use of electronic displays to institutions in multi-family zoning areas. Mr. Avantini stated that the size of the sign would be limited, and would only apply to those institutions located on major thoroughfares such as Pontiac Trail, 10 Mile, 11 Mile. Councilman Kivell asked if Reynolds Sweet was considered an arterial road. Mr. Avantini replied that it was an arterial road.

CM 3-5-15 MOTION TO APPROVE SECOND READING OF SIGN ORDINANCE AMENDMENT

Motion by Kramer, supported by Dixon
 Motion to approve the Second Reading of an amendment to the City of South Lyon Ordinance Chapter 70, "signs" Section 70-7 "Additional sign standards"

VOTE: MOTION CARRIED UNANIMOUSLY

NEW BUSINESS

1. Use of Volunteer Park for the Kiwanis Club's Easter Egg Scramble on April 4, 2015

Phil Weipert of South Lyon Kiwanis stated that they would like use of Volunteer Park for their annual Easter Egg Scramble on Saturday, April 4th from 11:00 a.m. until approximately 2:00 p.m. Mr. Weipert stated that the Easter Egg Scramble takes about 10,000 eggs and about 100 hours of planning. Abe Ayoub, also of the Kiwanis Club, stated that this is the same request as the last seven years.

CM 3-6-15 MOTION TO APPROVE USE OF VOLUNTEER PARK FOR THE KIWANIS CLUB'S EASTER EGG SCRAMBLE ON APRIL 4, 2015

Motion by Rzyzi, supported by Kopkowski
 Motion to approve the use of Volunteer Park for the Kiwanis Club's Easter Egg Scramble on April 4, 2015

VOTE: MOTION CARRIED UNANIMOUSLY

2. First Reading: Amendment to the City of South Lyon Ordinance Adding Regulations Concerning the Medical Use of Marihuana and Related Land Uses and Activities

Attorney Wilhelm stated that the Michigan Medical Marihuana Act allows for use of medical marihuana to certain people who fit specific criteria under the Act. Attorney Wilhelm stated that this Act also allows for caregivers of medical marihuana patients to assist them with the cultivation and growth of marihuana plants. Attorney Wilhelm stated that communities are not allowed to prohibit what is authorized in the Michigan Medical Marihuana Act; however, communities can regulate some aspects of those activities. Attorney Wilhelm stated that we had been through this with the Planning Commission.

3/16/15

He stated that after some thought, it was decided there was a distinction between caregivers and qualifying patients. This Ordinance would prohibit the use of medical marijuana with exceptions. Attorney Wilhelm stated that caregivers would be allowed to grow marijuana plants in compliance with the Act, but this ordinance would control the locations in which these activities are allowed. Under this ordinance, caregivers will be allowed to have a medical marijuana grow facility in I1 and I2 zoning districts. Qualifying patients would be allowed to have up to 12 plants for personal use in their own dwelling in accordance with the Act. Caregivers may have up to five qualifying patients, for a total of 72 plants allowed. Caregiver grow facilities will be considered special land use and will require an application and additional information to be approved by the Planning Commission. Attorney Wilhelm stated that there will be a variety of questions asked before approval, and the goal would be to minimize activity at the grow site. Attorney Wilhelm stated that no transfers of medical marijuana would be allowed at the grow site. Caregivers must transport the medical marijuana off-site, to the qualifying patient's home or other location. Attorney Wilhelm stated that law enforcement should be the first point of contact in determining compliance with the Act. Attorney Wilhelm also stated that the use of marijuana at these sites is prohibited under the Act. Attorney Wilhelm stated these facilities must also be compliant with all City Code.

There was some discussion regarding the transport of the marijuana, protections given to caregivers; specifically if they feel they are being harassed, inspections of facilities, distancing requirements between facilities and residential areas. Attorney Wilhelm stated that grow facilities may not be within 1000 feet of another grow facility. Attorney Wilhelm reiterated that qualified patients may cultivate, grow, and possess up to 12 plants for their personal use in their dwelling and must be compliant with all City Code.

There was some discussion regarding the reporting and inspection of qualified patients and their rights. Councilwoman Kopkowski stated that she felt there should be no distinction between licensed caregivers and qualified patients with regard to inspections. Councilman Kramer stated that there was a great potential for abuse under this law. There was further discussion regarding searches of caregiver grow facilities. Police Chief Collins stated that he felt the commercial caregiver grow facilities were no different to an establishment which held a liquor license, in which law enforcement had the authority to look for violations of the license. Councilwoman Kopkowski again stated that she felt that there should be no differences between caregiver grow facilities and qualified patient home facilities. Attorney Wilhelm stated that he could review the language. Councilwoman Kopkowski stated that she would like him to do so. Councilman Kivell stated that if a caregiver felt they were being harassed, they could bring that complaint to Council so that Council could address the issue with the PD. Attorney Wilhelm stated that the qualified patient may not use an accessory structure such as a garage or shed for growing plants due to security concerns. Attorney Wilhelm stated that dispensaries, cooperatives, or joint grow facilities were prohibited. Councilwoman Kopkowski asked how much availability the City has for the caregiver facilities, with the distance restrictions. Attorney Wilhelm stated that he would look into it.

CM 3-7-15 MOTION TO APPROVE FIRST READING: AMENDMENT TO THE CITY OF SOUTH LYON ORDINANCE ADDING REGULATIONS CONCERNING THE MEDICAL USE OF MARIHUANA AND RELATED LAND USES AND ACTIVITIES

Motion by Kivell, supported by Kramer

Motion to approve the First Reading of the amendment to the City of South Lyon ordinance adding regulations concerning the medical use of marihuana and related land uses and activities

VOTE: MOTION CARRIED- ONE OPPOSED

3. Purchase of a Dump Body Replacement for (2) DPW Trucks

Superintendent Martin stated that the DPW uses nine trucks to service the City. Superintendent Martin stated that the dump truck beds are wearing out, and that DPW has already rebuilt one of them two or three times and it can no longer be repaired. Superintendent Martin stated that because of the wear and rust these trucks are not always usable. Superintendent Martin stated that the cost to replace the body of the large dump would be \$18,806, and the mini dump would be \$11,780. Superintendent Martin stated that these replacements will keep both vehicles in service for many more years. Mayor Wallace asked Superintendent Martin to confirm that DPW did not purchase a new large truck this year as expected, so money was available. Superintendent Martin confirmed that the other purchase was not made, so it was decided to repair the current fleet.

CM 3-8-15 MOTION TO APPROVE PURCHASE OF A DUMP BODY REPLACEMENT FOR (2) DPW TRUCKS

Motion by Rzyzi, supported by Dixon

Motion to approve purchase of a dump body replacement for (2) DPW trucks and waive bid process due to nature of the vendors

VOTE: MOTION CARRIED UNANIMOUSLY

4. Purchase of a John Deere 1575 Terrain Cut with Comfort Cab and Attachments

Superintendent Martin stated that their current piece of equipment has been in service since 2001. Superintendent Martin stated that this machine is used year-round for mowing grass, sweeping, snow removal, etc. Superintendent Martin stated that using this machine all year for 14 years has caused it to start breaking down and it needs repair often. He would like to purchase a new machine that can be used in addition to the current machine, until the current machine breaks down completely. Superintendent Martin stated that he attempted to get three bids, but one of their usual suppliers can no longer sell John Deere equipment; another company's machine was too wide for our sidewalks. Superintendent Martin stated that we could purchase this machine from Bader & Sons for \$42,105.52.

CM 3-9-15 MOTION TO APPROVE PURCHASE OF A JOHN DEERE 1575 TERRAIN CUT WITH COMFORT CAB AND ATTACHMENTS FROM BADER & SONS IN THE AMOUNT OF \$42,105.52 AND WAIVE THE BID PROCESS

Motion by Wedell, supported by Kramer

Motion to approve purchase of a John Deere 1575 Terrain Cut with Comfort Cab and attachments from Bader & Sons in the amount of \$42, 105.52 and waive the bid process

VOTE: MOTION CARRIED UNANIMOUSLY

MANAGERS REPORT- Chief Collins stated that he gave Council members a letter from the Oakland County Road Commission outlining their next community meeting taking place Thursday, March 12, at Lyon Township Hall and encouraged Council to attend. Chief Collins stated that he has made two contacts with CSX regarding the potholes at the railroad crossings, particularly on southbound Pontiac Trail. Chief Collins encouraged residents and Council to call CSX to get the potholes fixed. Mayor Wallace stated that the City could not patch the potholes due to liability concerns. Chief Collins stated that this is true, because that road is CSX property located on a County road.

COUNCIL COMMENTS

Councilwoman Dixon welcomed back Mayor Wallace. Councilman Kramer stated that the next Rec/Community Center meeting would be Monday, March 16, at Lyon Township. Councilman Kramer stated that the group has a Facebook page which includes a conceptual drawing of possible facilities. Councilman Kramer said the Center has received a lot of positive feedback, and thanked the Herald for the press coverage. Councilman Kramer stated that they have made a lot of progress in the last month, and thanked everyone for their participation. Councilman Kivell stated he's glad the weather has finally been breaking. Mayor Wallace thanked Mayor Pro Tem Rzyzi for filling in during his absence. Mayor Wallace stated that he has been working with City Manager Ladner to decide whether or not to support the sales tax proposal on the May ballot.

CM 3-10-15 MOTION TO ENTER INTO CLOSED SESSION

Motion by Wedell, supported by Kramer

Motion to enter into closed session pursuant to the Open Meetings Act 8(d) and 8(h) at 8:55p.m. to discuss three items

ROLL CALL VOTE: MOTION CARRIED UNANIMOUSLY

Council reconvened the regular meeting at 9:50 p.m.

CM 3-11-15 MOTION TO ADJOURN

Motion by Kramer, supported by Kopkowski
Motion to adjourn meeting at 9:52 p.m.

VOTE: MOTION CARRIED UNANIMOUSLY

Respectfully submitted,

Tedd Wallace, Mayor

Lisa Deaton Clerk/Treasurer