

**CITY OF SOUTH LYON
REGULAR CITY COUNCIL MEETING
MARCH 26, 2012**

Mayor Wallace called the meeting to order at 7:33 p.m.
Mayor Wallace led those present in the Pledge of Allegiance to the Flag

PRESENT: Mayor Wallace
Council Members: Dixon, Kivell, Kramer, Rzyzi, and Wedell
City Manager Murphy
City Attorney Lee
City Clerk/Treasurer Zemke
Department Heads: Kennedy, and Martin
ABSENT: Council Member Kopkowski and Chief Collins

CM 3-1-12 – EXCUSE ABSENCE

Motion by Kivell, supported by Kramer

To excuse the absence of Council Member Kopkowski

APPROVAL OF AGENDA:

CM 3-2-12 APPROVAL OF AGENDA

Motion by Wedell, supported by Dixon

To approve the agenda as presented

VOTE: MOTION CARRIED UNANIMOUSLY

APPROVAL OF MINUTES:

CM 3-3-12 – APPROVAL OF MINUTES- MARCH 12, 2012

Motion by Kivell, supported by Wedell

To approve the minutes of the March 12, 2012 Regular Council meeting as presented

VOTE: MOTION CARRIED UNANIMOUSLY

PUBLIC COMMENT: None

OLD BUSINESS:

1. Second Reading – Amendment to Ch. 38 Emergency Services (Cost Recovery Ordinance)

City Manager Murphy stated that there were some changes that Councilman Kramer had asked Council to consider. Councilman Kramer stated that the only change he is suggesting is that in paragraphs 1,2,4,5,6 &7 "the cost of the emergency response shall be assessed to and paid by the person(s) or entities, without regard to fault, that are involved in the incident causing the response in the following circumstances". The second portion proposed was paragraphs 3 & 8 "The costs of an emergency response shall be assessed to and paid by the person(s) or entities responsible for causing the response in the following circumstances."

Councilman Kramer stated that his major concern was the fault issue. Attorney Lee asked what is meant when you say "in the involved incident". Councilman Kramer stated that would include anyone/everyone whether or not they caused the incident. Attorney Lee stated that he does not have a problem with incidents involving cars, however trucks are handled differently. He further discussed the difference in the laws involving over the road trucking.

Councilman Kramer stated that he does not want Council to be involved with determining fault. Attorney Lee stated that his concern is the word "involved" and somebody's attempt to use that to spread the cost around to someone who should not. Councilman Kramer stated that it is limited to "individuals involved in the response". He further stated that he is using the language in the No Fault Act.

Further discussion was held on determining the parties at fault.

Further discussion was held on Interstate Trucking. Attorney Lee suggested tabling the issue so that he can contact the Michigan Department of Transportation.

CM 3-4-12 – APPROVAL OF SECOND READING – ARTICLE III OF CHAPTER 38

Motion by Wedell, supported by Kivell

To postpone the second reading to amend the Code of the City of South Lyon by amending Article III of Chapter 38 until the next meeting.

VOTE:

MOTION CARRIED UNANIMOUSLY

NEW BUSINESS:

1. Set Special Meeting

CM 3-5-12 – SET SPECIAL MEETING

Motion by Kivell, supported by Dixon

To approve setting a Special Meeting to go into closed session for the purpose of Oakland 40 litigation on Tuesday April 3, 2012.

VOTE:

MOTION CARRIED UNANIMOUSLY

2. Declaration of Restrictive Covenant – 138 Lafayette Street

Attorney Lee gave a brief history of the parking lot known as 138 Lafayette, formerly a BP/Amoco gas station. He stated that the City is being asked to enter into a Declaration of Restrictive Covenant with the DEQ to close out the site. This will run with the property, not the owner. He stated that the question has been raised about if the City were to sell the property and the owner wanted to develop commercial with residential as permitted by our Zoning Ordinance. He stated that we would be able to go and get a waiver from the DEQ. He further stated that since we got the property for free, this is a small price to pay and would recommend approval.

The question was asked what advantages does this have to the City. Attorney Lee stated that this does not take BP off the hook, they are still liable for the entire clean-up. It governs our conduct on the property or our successors conduct. It protects BP from any further contamination that they have not caused and protects any further use of the property. It is a requirement that our legislators put in place to ensure that when you are dealing with this type of tank clean-up that those issues are resolved and there is no further liability from misuse of the property.

Discussion was held on the original corrective order. Attorney Lee stated that he will attempt to get a copy of the plan. The question was asked that if we sign this covenant, they still have to complete the corrective plan. Attorney Lee stated that they do.

Discussion was held on the fact that this is a covenant between the City and DEQ. Discussion was held on what could happen if we did not enter the covenant. Attorney Lee stated that they could have an "out" stating that they could not be protected from further contamination. Attorney Lee stated that there is no real advantage or disadvantage.

Discussion was held on postponing any further action until we know that BP has done what they were supposed to do. It was further stated that it would be nice to see an activity chart to see what was done when.

CM 3-6-12 – RESTRICTIVE COVENANT – 138 LAFAYETTE

Motion by Kramer, supported by Kivell

To postpone the discussion of the Restrictive Covenant for 138 Lafayette until the next meeting

VOTE:

MOTION CARRIED UNANIMOUSLY

3. Discussion - Permitting of Chickens

Councilman Kivell stated that there are a lot of communities that do not have a problem with doing this. He further stated that these ordinances deal with restrictions establishing set distance from adjoining structures or property lines, the noise issue and the odor and sanitary issues. He stated that if you have a dog, you cannot allow it to use the bathroom endlessly without cleaning it up. Further discussion was held on restrictions to deal with neighbors.

Discussion was held on Subdivision Associations that could prohibit this through their by-laws. Councilman Kramer stated that any change in by-laws would require 2/3 of the residents' approval. He further stated that he understands the philosophy behind it, but he moved into the City, and would not have done so if he wanted to raise chickens.

It was stated that this was a discussion item only with no action required.

CM 3-7-12 – DISCUSSION – PERMITTING OF CHICKENS

Motion by Wedell, supported by Kramer

To receive and file the information on permitting of raising/housing chickens

VOTE:

MOTION CARRIED UNANIMOUSLY

MANAGER'S REPORT: None

COUNCIL COMMENTS:

Councilman Wedell stated that he attended the SEMCOG meeting last week and received a set of demographic maps which he forwarded to the City Clerk for anyone who wishes to see them.

Mayor Wallace stated that he met with the Mayor of Troy as well as other Mayors recently. The speaker was from the County and discussed the possibility that we may need to look at our technology and technical training of the workers. He further stated that another topic touched on was the declining film industry.

Mayor Wallace stated that he has spoken to the owner of Sweetwater. They are hoping to open the restaurant within the next couple of weeks. He further discussed the improved décor.

4. Closed Session – Oakland 40 Litigation

CM 3-8-12 – EXECUTIVE SESSION

Motion by Kivell, supported by Wedell

To enter Executive Session for the purpose of discussing the Oakland 40 Litigation

VOTE: MOTION CARRIED UNANIMOUSLY

Council adjourned into executive Session at 8:17 p.m. and reconvened the regular meeting at 8:29 p.m.

CM 3-9-12 – RECOMMENDATION – OAKLAND 40 LITIGATION

Motion by Kivell, supported by Wedell

To accept the recommendation as to strategy for the Oakland 40 litigation

VOTE: MOTION CARRIED UNANIMOUSLY

ADJOURNMENT:

CM 3-9-12 ADJOURNMENT

Motion by Kivell, supported by Dixson

To adjourn the meeting at 8:30 p.m.

VOTE: MOTION CARRIED UNANIMOUSLY

Respectfully submitted,

Tedd M. Wallace
Mayor

Julie C. Zemke
City Clerk/Treasurer

**CITY OF SOUTH LYON
SPECIAL CITY COUNCIL MEETING
APRIL 3, 2012**

Mayor Wallace called the meeting to order at 7:04 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

PUBLIC COMMENT: None

EXECUTIVE SESSION:

Oakland 40 Litigation

CM 4-1-12 – ENTER INTO EXECUTIVE SESSION

Motion by Wedell, supported by Kramer

To Enter into Executive Session for the purpose of discussing the Oakland 40 litigation

VOTE: **MOTION CARRIED UNANIMOUSLY**

Council entered into executive session at 7:07 p.m.

Executive Session was closed at 8:37 p.m.

ADJOURNMENT:

CM 4-2-12 ADJOURNMENT

Motion by Kopkowski, supported by Dixon

To adjourn the meeting at 8:37 p.m.

VOTE: **MOTION CARRIED UNANIMOUSLY**

Respectfully submitted,

Tedd M. Wallace
Mayor

Julie C. Zemke
City Clerk/Treasurer