The City of South Lyon
Regular City Council Meeting
March 28, 2016

Mayor Galeas called the meeting to order at 7:30 p.m.
Mayor Galeas led those present in the Pledge of Allegiance.

PRESENT: Mayor Galeas
Council Members: Dedakis, Kivell, Kramer, Kurtzweil, Ryzyi and Wedell
Also Present: City Manager Ladner, Chief Collins, Chief Kennedy,
Department Head Martin, Attorney Wilhelm, and Clerk/Treasurer Deaton

MINUTES- For approval at April 11, 2016 meeting

BILLS- None

PUBLIC COMMENT

Carl Richards of 390 Lenox stated he wanted to correct an earlier statement he made regarding a new business in the City. It was not a new business, but a temporary business that has been in the City previously.

OLD BUSINESS

1. Consider approval of second reading of Ordinance to amend Chapter 58 and add provisions regulating tobacco products, vapor products and alternative nicotine delivery products

Attorney Wilhelm stated this is the second reading and there have been no changes from the first reading. He further stated the language he is using is states it is illegal for a minor to possess vapor products whether or not there is nicotine in it. He stated this is designed on the Youth Tobacco Act. Councilmember Ryzyi stated his concern is there is no way for anyone to know what is in the vapor device. Chief Collins stated there is no field test to show if there is nicotine in the device or not. Attorney Wilhelm stated if you read the Ordinance, it includes the equipment, not just vapor products with nicotine in it. Councilmember Kramer stated his understanding of this Ordinance; it doesn't appear to include the equipment unless there is nicotine involved. Councilmember Kurtzweil stated her major concern is the vaporizing of Marijuana because of the potency of it. She further stated there is also an issue with second hand smoke. Further discussion was held regarding the enforcement of the Ordinance. Attorney Wilhelm stated we can add the phrase "or designed or intended to contain nicotine" under the definition of vapor product. This language will include the vaping device, regardless if it has any liquid of any kind within it.

CM 3-1-16 MOTION TO APPROVE SECOND READING OF ORDINANCE SECTIONS 58-271 THROUGH 58-280

Motion by Kramer, supported by Ryzyi
Motion to approve the second reading of the ordinance to add Sections 58-271 through 58-280 to add provisions regulating the possession, use and sale of tobacco products, vapor products and alternative nicotine delivery products specifically as to minors as amended

VOTE: MOTION CARRIED UNANIMOUSLY

2. Consider approval of second reading of Ordinance to amend Sec 58-221 and add provisions prohibiting the use of vapor products and alternative nicotine delivery products on school property

Attorney Wilhelm stated this ordinance regulates the use of vapor products on school property and there have been no changes since the first reading, but he would like to add the same language for the definition of vapor products as was changed in Ordinance 58-271

CM 3-2-16 MOTION TO APPROVE SECOND READING OF ORDINANCE TO AMEND SECTION 58-221 AND ADD PROVISIONS THE USE OF VAPOR PRODUCTS ON SCHOOL PROPERTY AS AMENDED

Motion by Kramer, supported by Wedell
Motion to approve the second reading of the ordinance amending Section 58-221 to prohibit the use of tobacco products, vapor products and alternative nicotine delivery products on school property

VOTE: MOTION CARRIED UNANIMOUSLY

3. Consider approval of second reading of Ordinance to amend Chapter 22 and add Mobile Food Vending

Attorney Wilhelm stated there have been no changes since the first reading. He further stated this is an Ordinance that explains the process for mobile food vendors in the City of South Lyon. He further stated we will also need to set locations and fees for the licenses. Councilmember Kivell asked how the licenses are impacted by special events. Attorney Wilhelm stated they are essentially outside of the location, however the City should encourage anyone asking to have a special event will have to make sure the vendors get their licenses, but the City has the flexibility to waive the fees for the vendor. Councilmember Dedakis asked if we are regulating how many licenses per season or term? Attorney Wilhelm stated he did not put any language in the Ordinance for the limitation of licenses. Councilmember Ryzyi stated he is concerned that the people having a special event may use out of town vendors instead of local vendors that would like to participate. Discussion was held regarding the distance requirement for a vendor to be located from a special event. Councilmember Wedell stated this Ordinance promotes cooperation and communication between the business owners as well as the special event sponsors. Councilmember Ryzyi asked if this Ordinance will be upheld for everyone within the City because this isn't how it has been in the past. Attorney Wilhelm stated the City needs to be even handed. Chief Kennedy stated the City has been lax in enforcement in the past. He further stated there will be an action and a reaction to this Ordinance. This is a very helpful tool to ensure the uniformity and fairness of food vending. He further stated many times this happens during the weekends when City staff isn't available. Attorney Wilhelm stated there is a lot of detail to this type of activity, and this is a set of regulations that are reasonable to know when it is going on and where it is happening. Chief Kennedy stated we don't want to start writing citations, there will be a learning curve, but if people continue to be non-compliant, there will have to be a citation written. Councilmember Kivell stated he believes this will be a very helpful tool and the Planning Commission and Attorney Wilhelm did a great job on this Ordinance.

CM 3-3-16 MOTION TO APPROVE SECOND READING OF ORDINANCE TO AMEND CHAPTER 22 AND ADD MOBILE FOOD VENDING

Motion by Kivell, supported by Dedakis
Motion to approve second reading of Ordinance to amend Chapter 22 and add mobile food vending

VOTE: MOTION CARRIED UNANIMOUSLY

4. Consider approval of second reading of Ordinance to amend Chapter 2 Administration by addition Article VIII – Review Fee Escrow Deposits

Attorney Wilhelm stated there have been no changes since the first reading. This Ordinance will allow the City to collect a deposit to offset any extraordinary costs relating to requests or applications to the City. Councilmember Kurtzweil stated the fees in Section 2-302 subsection C and D seem to be conflicting. Councilmember Kivell asked if there was an estimate that the City has absorbed for not having this in place. City Manager Ladner stated it is in access of $100,000

CM 3-4-16 MOTION TO APPROVE THE SECOND READING OF REVIEW FEE ESCROW DEPOSIT ORDINANCE ADDING SECTIONS 2-301 AND 2-302

Motion by Kivell, supported by Wedell
Motion to approve the second reading of the review fee escrow deposit ordinance adding Sections 2-301 and 2-302 to the City of South Lyon Code of Ordinances as amended

VOTE: MOTION CARRIED UNANIMOUSLY

New Business

1. Resignation from Cultural Arts Commission: Cheryl Moreno

Mayor Galeas stated Cheryl Moreno has resigned from the Cultural Arts Commission. Councilmember Dedakis stated this will be a loss for the Commission and she hopes whoever takes her place will be as passionate as she was. Councilmember Kurtzweil stated she also met Cheryl Moreno and she would like to thank her husband Gus as well and she hopes she may be able to return to the Commission one day.

CM 3-5-16 MOTION TO ACCEPT RESIGNATION FROM CULTURAL ARTS COMMISSION

Motion by Kramer, supported by Kurtzweil
Motion to accept resignation of Cheryl Moreno with thanks

VOTE: MOTION CARRIED UNANIMOUSLY

2. Resolution to Establish and Designate Permissible Locations for Mobile Food Vending on City-Owned and Public Property within the City of South Lyon

Attorney Wilhelm stated he met with the Department Heads regarding any concerns they have regarding the parking areas that have been proposed for mobile food vending. Chief Collins stated his concerns regarding the locations at Lafayette and Liberty are the sight lines. He suggests removing the two furthest south parking spots because if large trucks are parked there, it will cause severe obstruction of the site lines. He further stated his other concern with the current proposal is the parking lots at McHattie Park. During certain times of the year, the parking lots fill up quickly. Councilmember Kivell stated he would like to allow the parking at McHattie Park unless it becomes an identified problem. He further stated he agrees with Chief Collins regarding the site line issues. Discussion was held regarding the number of

food trucks which should be allowed within McHattie Park at any given time. Kelly Smith stated she is the wedding coordinator for the City and parking is definitely a problem in the parking lot by the Witches Hat. She further stated there have been times when there was not enough parking for the wedding party and it is a problem. Department Head Martin stated the vendor trucks could park in the overflow lot in McHattie Park.

CM 3-6-16 MOTION TO APPROVE RESOLUTION ESTABLISHING PERMISSIBLE LOCATION FOR MOBILE FOOD VENDING ON CITY OWNED PROPERTY AS AMENDED

Motion by Kramer, supported by Dedakis
Motion to approve resolution to establish and designate permissible locations for mobile food vending on City owned and public property within the City of South Lyon as designated in the amended attachment Exhibit A to the resolution as amended

VOTE: MOTION CARRIED UNANIMOUSLY

3. Resolution to Establish Fire Department Regulations and Requirements Pertaining to Mobile Food Vending Units and Operations within the City of South Lyon

Chief Kennedy stated this isn't stricter than the current adopted code; this is more like a how to guide or checklist for the vendors. This tells them what we will be looking for to approve the license. He further stated he has spoken with other communities and it seems the biggest problem is the extension cords and generators. Chief Kennedy stated this will let them know they cannot do that.

CM 3-7-16 MOTION TO APPROVE RESOLUTION TO ESTABLISH FIRE DEPARTMENT REGULATIONS AND REQUIREMENTS PERTAINING TO MOBILE FOOD VENDING UNTS AND OPERATIONS WITHIN THE CITY OF SOUTH LYON AS AMENDED

Motion by Kramer, supported by Wedell
Motion to approve resolution to establish Fire Department regulations and requirements pertaining to mobile food vending units and operations within the City of South Lyon as attached in Exhibit A as amended

VOTE: MOTION CARRIED UNANIMOUSLY

4. Resolution to Establish and Set Mobile Food Vending Application and License Fees

City Manager Ladner stated she is working on the fees. She stated she is recommending a fee of $25.00 per year for the application license fee and renewal fee. She further stated she is recommending a fee of $240.00 for 6 months, for the mobile food vendor license fee because they don't have a brick and mortar store in the City. City Manager Ladner stated the sponsor fee would be $75.00 a year. Councilmember Kivell stated it seems there should be a break in the cost if there are no changes to their application. Councilmember Ryzyi asked if there will be any kind of break in cost for local businesses. City Manager Ladner stated she has not considered that. Councilmember Dedakis stated she also thinks there should be a break in cost for local business owners. Councilmember Kivell stated he doesn't have a problem giving them a break on the license fee. Further discussion was held regarding fees and the legality of charge residents versus

non-residents different fees. Attorney Wilhelm stated he will look into this further and will bring more information to Council at a future meeting.

CM 3-8-16 MOTION TO TABLE ITEM UNTIL FUTURE MEETING

Motion by Wedell, supported by Kramer
Motion to table Mobile Food Vending application fees until future meeting

VOTE: MOTION CARRIED UNANIMOUSLY

5. Annual Report presentation by Cultural Arts Commission

Kelly Smith, Ken Mihalic and Josey Kearns of the Cultural Arts Commission gave a presentation updating Council on the Cultural Arts Commission. Mr. Mihalic stated they are very proud of their efforts; they have had art shows, a concert in Paul Baker Park that was very well attended, and other events as well. He stated they are planning many more events such as poetry readings, art shows and photography shows.
Josey Kearns stated she is working on getting a planning grant. She further stated they will be having a survey to ask our residents what they would like in the City. Ms. Kearns stated there are other grants they will be going after as well. Kelly Smith stated she wants to let everyone know they are looking for volunteers to assist with the Commission, and also someone to fill the vacant seat that has passion for the Arts. She further stated she is hoping they can have someone from the City to attend their meetings occasionally as a liaison. Ms. Smith stated there needs to be more communication between the Commission and the City. Councilmember Dedakis asked how the Cultural Arts Commission does fund raising. Ms. Smith stated they have done a lot of fundraising on their own such as marketing and many times they have used their own money. She further stated she wants to break down any communication barriers that may be there. Councilmember Kivell stated the Commission needs to come up with a budget explaining what your financial need will be and what the money will be used for. Ms. Smith stated they are a newer Commission so they are learning and they are here to help the City. Councilmember Kurtzweil stated this is a new Commission and there will be growing pains, but everyone brings something to the table, and she is willing to have a work session with the City Manager as well as the Cultural Arts Commission to have some of these things worked out. Councilmember Ryzyi stated he originally voted against funding a Cultural Arts Commission but he has since seen everything they have accomplished and he is very happy with the Commission.

Discussion – Downtown

Councilmember Ryzyi stated the vision session was very successful and the downtown was one of the top topics and he is looking forward to discussing it further after the paperwork is returned from the facilitator. City Manager Ladner stated she just received the paperwork and she will be meeting with Department Heads shortly to move forward with the goals coming before Council, which will possibly be the second meeting in April.
Councilmember Kurtzweil asked Attorney Wilhelm if he has had time to look into the Ordinances regarding South Lyon Woods because that is located in the downtown. Attorney Wilhelm stated he will have to look into this further. We are having trouble getting the Fire Code applied to the mobile home park, so they are still evaluating this issue.

Manager's Report

City Manager Ladner stated she is reminding everyone of the Budget Workshops on April 9th and the 23rd, but Council still needs to set a time. The consensus of Council is to begin the meetings at 9:00 a.m. City Manager Ladner stated the Arts and Education art show will begin on April 15th here in the gallery at City Hall. She further stated the Creek Cleanup will be Saturday April 16th. City Manager Ladner stated the Chamber awards Banquet is April 27th. Department Head Martin stated the City Wide cleanup will be May 14th.

Council Comments

Councilmember Dedakis stated the Easter Egg Hunt was well attended and Happy belated Easter to everyone.

Councilmember Ryzyi stated the vision meeting that was held was a great working session and it was good for Council to get together to come up with common goals. Downtown improvement was discussed and one of his suggestions was to have the street crossings as they do in Milford. Volunteer Park was also discussed.

Councilmember Kurtzweil stated she met an individual that was considering applying to be on a City Commission, but she was wondering if it is allowed to have a married couple on City Commissions. She further stated she did some investigating and you are allowed to be on a Commission with your spouse.

Mayor Galeas stated he would like to thank the City Manager for putting together the vision session that was held on Saturday. He further stated everyone came away with the same ideas.

Adjournment

CM 3-9-16 MOTION TO ADJOURN

Motion by Kivell, supported by Kurtzweil
Motion to adjourn meeting at 10:30 p.m.

VOTE: MOTION CARRIED UNANIMOUSLY

Respectfully submitted,

Mayor John Galeas

Lisa Deaton Clerk/Treasurer