

The City of South Lyon
Regular City Council Meeting
March 23, 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, Dixson, Kivell, Kramer, and Wedell
Also Present: City Manager Ladner, Department Head Martin,
Chief Kennedy, Attorney Wilhelm and Clerk/Treasurer Deaton

ABSENT: Councilmember Kopkowski, Chief Collins

CM 3-1-15 MOTION TO EXCUSE ABSENCE

Motion by Rzyzi, supported by Dixson

Motion to excuse the absence of Councilmember Kopkowski

VOTE: MOTION CARRIED UNANIMOUSLY

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

AGENDA

CM 3-2-15 MOTION TO APPROVE AGENDA

Motion by Wedell, supported by Kivell

Motion to approve Agenda as presented

VOTE: MOTION CARRIED UNANIMOUSLY

PUBLIC COMMENT

Charles Spaller of 278 Wellington stated he had sent a letter to Council regarding the Recreation Center. He stated he is a member of the Senior Center and the majority of seniors do not want their taxes raised for the purpose of a Recreation Center; he further stated they oppose McHattie Park as a site for the Recreation Center. Traffic will be an issue, and we will lose too much green space. He stated the seniors are requesting a different location if it is built. He further stated they do not want the senior center moved from the South Lyon High School.

Mayor Wallace stated they will take his comments into consideration.

Carl Richards of 390 Lennox stated he has good news and he has spoken with the railroad and something good will be happening later this year. Mr. Richards stated the Spring clean-up is scheduled for April 12th. Mr. Richards stated the Historical Society is starting a new festival day called Heritage Day Festival.

OLD BUSINESS

1. Second 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 at the last meeting there was a comment made regarding a section in the ordinance regarding the inspection of the facilities by City officials. He has done additional research and the Medical Marihuana Act states having a registered care giver card does not give probable cause for inspection and that section in the ordinance should be removed. He stated there may be another way for the City to do inspections to ensure the business is staying in compliance, possibly by some way of the special land use issue to ensure the location is in compliance. Councilman Kramer stated he is concerned regarding how we can ensure they are in compliance with the act, more than the law enforcement part of it. He stated he would like some way for the City to ensure compliance, and right now our Ordinance is silent regarding that. There should be some avenue for us to ensure they are in compliance. Councilman Wedell stated he is concerned with this as well. Some communities are dealing with issues of non-compliance regarding the number of plants allowed, and he would like to see something that will ensure they are in compliance. Councilman Kivell stated the fact they put these metrics in the act, why would the numbers be there if we do not have the ability to ensure they do not have more plants than allowed? We should be able to validate that they are not exceeding the law. Councilman Kivell stated it would be helpful to know what the repercussions are if they are not in compliance, and if they could lose their license. Attorney Wilhelm stated if they violate, we could revoke the special land use. He further stated depending on the violation, it could also be a law enforcement issue. Councilman Kramer stated he would like to see language in the ordinance regulating the zoning use, or land use, in some way to ensure they are in compliance.

CM 3-4-15 MOTION TO TABLE SECOND READING

Motion by Kramer, supported by Wedell

Motion to table the Second 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 UNANIMOUSLY

NEW BUSINESS

1. Consider recommendation to be the lead applicant on the Joint Safe Routes to School Grant being prepared to improve safety in the 9 Mile and Pontiac Trail area

City Manager Ladner stated she is requesting Council to approve the City to be the lead applicant for the Safe Route to School Grant. She is happy to be a part of this. She and Lyon Township have met with the coordinators from the State and Sencogg and this must be an Act 51 Grant, therefore either the Road Commission or the City will have to be the lead applicant. She stated the Road Commission would prefer the City to take the lead. Mayor Wallace asked if the City will be funding the adding of sidewalks to the Township property. City Manager Ladner stated if the sidewalks in the Township will be funded by their portion, and the City will be funded by our portion. It will be done at unit prices.

CM 3-5-15 MOTION TO APPROVE THE CITY TO BE LEAD APPLICANT IN SAFE ROUTES TO SCHOOL PROGRAM

Motion by Rzyzi, supported by Kramer

Motion to approve the City being the lead applicant in the Safe Routes to School program for necessary improvements for the safety and walkability of students to Centennial Middle School, Millennium Middle School and Sayre Elementary School

VOTE: MOTION CARRIED UNANIMOUSLY

2. Consider resolution of support for the State ballot issue Proposal 1

Mayor Wallace stated the proposal is confusing to many people. He further stated if approved the Proposal will raise the State Sales Tax from 6% to 7% and a portion of the money will be used to fix the roads, and some will go to schools. Mayor Wallace stated he and City Manager Ladner were involved in a phone conference with the Governor and he seemed to have all the right answers as you might expect. He stated Department Head Martin, Councilman Wedell and himself, met with Oakland County and they were told within two years a substantial amount of roads would be improved. Councilman Rzyzi stated everyone knows the roads are terrible, but Council is being asked to take a position on how our residents should vote. He stated he feels voting is a personal thing and government shouldn't be telling people how to vote. He doesn't want to take a position on this proposal. Mayor Wallace stated this is a resolution of support for the Proposal, it would reflect Council being in support of the proposition. Councilman Wedell stated he doesn't understand how restoring the earned income tax credit has anything to do with improving the roads, also on the first and last slide of the power point presentation that was presented by the Road Commission reflects there is no plan B if this proposal fails. He stated it is irresponsible for there not being a plan B, it is also irresponsible for the Legislatures to continuing with this proposal to make the voters make the decision they wouldn't make. He further

stated he would have a hard time supporting this. Councilman Kivell stated our Legislatures failed in not taking leadership in trying to get some answers to take this off the backs of the voters and them making the decisions themselves. He further stated this changes Michigan's constitution to allow this revenue generation and this is something that future Legislatures will have the ability to keep the citizens of Michigan from acting on this to roll it back down if another solution is found.

CM 3-6-15 MOTION TO NOT SUPPORT THE RESOLUTION TO SUPPORT PROPOSAL 1

Motion by Kivell, supported by Dixon

Motion to NOT support the resolution supporting the State Proposal 1 for raising the Sales Tax from 6% to 7%

VOTE:

MOTION CARRIED UNANIMOUSLY

3. Consider allowing the City Manager to submit an application to hire a 12 week Summer intern subsidized by the MGMLA Fellowship Program

City Manager Ladner stated is something new for the City. This will allow us for a summer intern to work on particular projects and give them experience working with a governmental body, preparing them for future city staff, department heads and so on. There are several different things we can ask the intern to work on. This is paid for by the MGMLA. They pay us the \$3,000, and then we pay the intern weekly.

CM 3-7-15 MOTION TO APPROVE THE CITY MANAGER TO SUBMIT APPLICATION TO HIRE AN INTERN

Motion by Kivell, supported by Wedell

Motion to approve the City Manager to submit application to hire a summer intern through the MGMLA program

VOTE:

MOTION CARRIED UNANIMOUSLY

4. Budget Amendments

City Manager Ladner stated the budget amendments were done to ensure everything is up to date. Councilman Kivell stated he would like to know why there was an increase for Parks and Recreation fuel prices. Mayor Wallace stated they were asked to cut the grass at Volunteer Park more often for the ball fields. City Manager Ladner stated in that department they are already over the amount budgeted. Councilman Rzyzi stated the amended amount for the Cultural Arts Commission has been reduced. He stated the Cultural Arts Commission has done a lot of the City and he feels it is a shame to reduce their budget; they have a lot of good stuff coming in the future. He would like the budget amount to stay the original budget amount. City Manager Ladner stated originally Council only wanted to give the Cultural Arts Commission seed money. The minutes reflected at the time it was commissioned, it was

understood they were not to come back each year for more money. She stated it is Council's choice if they wish to continue to give them funding. She stated they should also keep in mind it is a City Commission and by funding them, we leave ourselves open to other commissions coming forward and asking for funds also. She further stated we do fund the Historical, but that is for them to maintain the historical village that the City owns. Councilman Rzyzi stated the Cultural Arts did a great job raising some money, and it is amazing what they have accomplished and they plan on having future fundraisers, and he thinks we should support this. Councilman Kivell stated he also feels they can be a benefit to our Community, but like other commissions they need to come up with a budget explaining what their intentions are with any money they ask for. Councilman Wedell stated the line item that would be removed is for equipment purchases. Mayor Wallace stated they have already made their purchases. Councilman Kramer stated part of the problem is we had an interim City Manager and we had to rush a budget through without too much detail, he is surprised because at the beginning it wasn't the intention of Council Members to fund another Commission, now there is interest in funding them. He further stated he doesn't have a problem looking into their funding, but we need to see what they will be spending their money on. He stated this was a big concern when this Commission was enacted that they would come back each year for more money. Councilman Kivell stated he doesn't have an issue with giving them money if it is justifiable. He stated he doesn't have a problem with leaving the money for the time being. Councilman Rzyzi stated he isn't opposed to having a detailed plan, but he is not comfortable taking this money out of a budget when the money is already there. Councilman Wedell asked if anyone knows if the Commission plans on spending any money on that equipment. City Manager Ladner stated there is some equipment they would like to purchase. She stated she has spoken with Kelly Smith regarding the Commission making a budget to present to Council for the next fiscal year. Bookkeeper Lori Mosier stated she spoke with Kelly at length today. She stated they have plenty of money in their account from the revenues they made last year. She stated she suggested different ways they could gain revenue, such as sponsorships, and more advertising for the fundraisers. She stated Kelly seemed open to that. Ms. Mosier stated they are thinking of purchasing a tent as well as a P.A. system. She was just trying to clean up the budget and after reading the minutes from when the Commission was enacted, the Chairperson did say they would not come back for more money each year. She thinks they are set for equipment for this year. Councilman Wedell asked where their revenue is reflected in the budget. Ms. Mosier stated it is in the General Fund under contribution. Councilman Kivell stated this group is different from other commissions because they are making revenue and he would like to see that as a rolling tally. Ms. Mosier stated she suggested to Kelly that the Commission could become their own entity and they could have their own board decide where the money goes to. Councilman Wedell stated the City Manager is not asking to gut out their entire budget, all the City Manager is asking is to reduce their budget for Equipment purposes not the entire budget. He further stated he is delighted to see the budget amendments being done. He stated the total increase for the General Fund line item is an increase of \$7,700.00, and where is the money coming from for that increase. Ms. Mosier stated it is coming from General Fund.

CM 3-8-15 MOTION TO APPROVE BUDGET AMENDMENTS AS PRESENTED

Motion by Wedell, supported by Kivell

Motion to approve the proposed budget amendments as presented

MOTION CARRIED 1-OPPOSED

MANAGERS COMMENTS

City Manager Ladner stated she is happy to be back to work and she plans on meeting with Department Heads this week for budget discussions. She is hoping to have it ready for Council at the first meeting in April, because it must be approved by the end of April per Charter. She stated she went with Department Head Martin to look at a few different locations in the community where there is concern with where the road meets the railroad crossing. There is a question regarding if it is railroad property or City property. She stated she has been contacted by Councilman Rzyzi as well as a few residents regarding an issue with the Knolls Development. She stated the project may be red tagged if they don't comply with what was originally agreed upon.

COUNCIL COMMENTS

Councilman Kivell stated he is hoping for warmer weather. Councilman Kivell stated the bike path is in need of repair and we may need to consider repaving portions.

Councilman Rzyzi stated thanked the City Manager for contacting Elkow and thanked Mr. Spaller for attending the meeting and for his comments. He further stated he has received many comments/concerns from residents regarding the discussion of the Recreation Center being built at McHattie Park. He stated most people do not like the idea of it being built there.

Councilman Kramer stated the Recreation Council are doing a feasibility study for the location of the Recreation Center. He further stated they have no interest in ruining McHattie Park. It is a situation where the land is already owned by the City, and there are utilities there. He further stated they have no intention of moving the Senior Center.

Mayor Wallace stated he recently returned from a trip to Denmark where he attended the funeral of the man that attempted to save his life. He further stated he presented a2191

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Key to the City to the family, and had lunch with the Mayor.

CM 3-8-15 MOTION TO ENTER INTO CLOSED SESSION

Motion by Kivell, supported by Kramer

Motion to enter into closed session in accordance with Section 8 (e) and (h) of the Open Meetings Act regarding law suit

ROLL CALL VOTE- MOTION CARRIED UNANIMOUSLY

CM 3-9-15 MOTION TO RECONVENE REGULAR COUNCIL MEETING

Motion by Kramer, supported by Wedell
Motion to reconvene the regular Council meeting at 9:00

CM 3-10-15 MOTION TO ALLOW ATTORNEY TO TAKE ACTION

Motion by Kivell, supported by Kramer
Motion to allow attorney to take action as discussed in closed session

VOTE: MOTION CARRIED UNANIMOUSLY

CM 3-11-15 MOTION TO ADJOURN

Motion by Kivell, supported by Kramer
Motion to adjourn meeting

VOTE: MOTION CARRIED UNANIMOUSLY

Respectfully submitted,

Tedd Wallace Mayor

Lisa Deaton Clerk/Treasurer