

The City of South Lyon
Regular City Council Meeting
April 13, 2015

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

PRESENT: Mayor Tedd Wallace
Council Members: Councilmember Kivell, Kopkowski, Kramer, Rzyzi, and Wedell
Also Present: City Manager Ladner, Department Head Martin,
Attorney Wilhelm and Clerk/Treasurer Deaton

ABSENT: Councilmember Dixon

CM 4-1-15 MOTION TO EXCUSE ABSENCE

Motion by Kramer, supported by Kivell
Motion to excuse the absence of Councilmember Dixon

VOTE: MOTION CARRIED UNANIMOUSLY

MINUTES

CM 4-2-15 MOTION TO APPROVE MINUTES

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

VOTE: MOTION CARRIED UNANIMOUSLY

BILLS

Councilman Kivell questioned the charge for Visicom Services Network Support for \$6,800. City Manager Ladner stated Tech Resources was our IT Company, but they have dissolved as a corporation. She further stated this company will be our Technical Support for updating our server, as well as our computers, and we have had issues with our server. This is a temporary contract for the rest of the current fiscal year; we will then be issuing a RFP for technical services. They were recommended by the City of Novi. Council Kivell questioned the invoice for Lake Street Paving rehab. City Manager stated that was a back ended invoice we just received from HRC. Councilman Kivell stated there should be a log of things that should be checked off as they go, and they should be invoicing us chronologically.

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CM 4-3-15 MOTION TO PAY BILLS

Motion by Kramer, supported by Kopkowski
 Motion to approve payment of bills

VOTE: MOTION CARRIED UNANIMOUSLY

AGENDA

City Manager Ladner stated she would like to amend the Agenda, under New Business, the last item was not numbered, and it should be number 5. Mayor Wallace stated he would like to add item #6 under New Business for re-appointments of Board Members. City Manager Ladner stated she would also like to amend the Agenda, under #5, she is choosing to revoke her consent to have that discussion in closed session and would like that handled under open session. Councilman Kivell stated he would like the numbering chronological under New Business and Old Business in the future.

CM 4-4-15 MOTION TO APPROVE AGENDA AS AMENDED

Motion by Kopkowsi, supported by Kivell
 Motion to approve the Agenda as amended

VOTE: MOTION CARRIED- 1 OPPOSED

PUBLIC COMMENT

Doreen Hannon of the South Lyon Salem Library stated they will be hosting two opportunities to meet government officials, first on Friday April 17 at 10:00 to meet Senator Kowell and then on April 30 at 4:00, and the community is welcome to come and meet Representative Crawford. Ms. Hannon also stated they have launched a Thousand Books before Kindergarten. They are very excited about that to promote literacy with children which it is very important.

Melissa Taylor from Hidden Creek subdivision. She stated she received a water bill for \$1,024.02 which is extremely high, especially considering she lives alone. She further stated she called the Water Department and spoke with the person doing the water billing and she stated that was purposely done to get her attention, because she has not called them regarding changing her water meter. She stated she is gone 12 hours a day, and this angers her greatly. She is also concerned because the person on the phone stated this was not the first time this was done to get a residents attention. Ms. Taylor stated she has spoken with other people, and they have stated some of their friends have had a heart attack and died when receiving an astronomical bill such as this. This needs to stop. She further stated she has

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also contacted an Attorney and was told that is fraud since it was done purposely, which also brings about other questions regarding other bills. If this person has this much control over the bills that are sent out, who knows what else may have happened, or happen in the future.

Ken Knyziel representing the First Presbyterian Church stated they requested a change in the Sign Ordinance and he is asking for help. We were previously asked to apply for a variance, and then we were told there would be a change in the Sign Ordinance that would allow us to have the same digital sign as our neighbors do. We are still having a problem with the Sign Ordinance because it limits the changeable sign area to not exceed 1/3 of the total area of the sign. What is the rationale of the ordinance and why would this be added when this would make our sign out of conformance. We are not asking to enlarge our sign, or move our sign. He further stated we do not want our Church to be on the bad side of City Hall, but we want to sign to advertise for the things our Church does to help and enhance this Community.

Marilyn Smith stated on April 30th from 6-9 p.m. the DDA is having a Ladies Night Out, so far we have approximately 15 participating businesses. The businesses that are not staying open late, will donate gifts to go into a basket for a drawing at the end of the night.

OLD BUSINESS

1. Request for clarification of construction traffic restrictions related to the Knoll's Development

Paul Elkow stated as we left the last meeting we discussed having no traffic construction on Kestrel Court. He stated he voiced some concerns that until we can build a bridge, it will be difficult to stick to that. He further stated he has left some trees that were originally marked to be removed. He stated they have tried to be good neighbors, he will ask his trades to keep them from going through Kestrel Court. He stated he has been trying to work with the neighbors, and maybe it will be easier to remove the island, but that could make it easier for the trades to drive through there. Councilman Kivell stated that is not the concern. You stated at the meeting you will need to use Kestrel Court during the construction of the bridge, but as of now, you haven't applied for the permit for the bridge, there is room to maneuver around that vicinity. Councilman Kramer stated he recalls asking Elkow why would you need to use that entrance, and you had stated only during the construction of the bridge. Mr. Elkow stated they have applied for the bridge. He further stated he made a mistake during the last meeting stating he would not need that entrance. He stated they will only use the entrance when they have to. Councilman Kramer stated he originally stated the builder has been using it, and they were only supposed to use it during the construction of the bridge. Mr. Elkow stated from now on, he will only use that entrance when necessary, he doesn't feel he is using undue traffic on that court. More discussion was held regarding the original agreement. Councilman Kopkowski asked Mr. Elkow if he is working with the Planner regarding some tree removal. Jason Rose a Planning Commission Board

Member stated he and another board member did a spot check of the site, and there is no fencing put up yet, as well as many trees are gone that should not have been cut down. Mr. Elkow stated the surveyors were staked, and the fencing was there. Board Member Rose stated there was no care to save any trees in any of the center of the development, and there is no silt fencing installed. He further stated there are many black walnut trees that were cut down and he is sure they would be worth some money. He stated it seems it was clear cut. Councilman Rzyzi stated this is very frustrating. It seems to be one issue after another, you were told not to use Kestrel Court, now you are using Kestrel Court, you were told not to work until you attended the Council meeting, which he has been told you have been working in there every day. What can we expect 5 to 6 months from now. Mr. Elkow stated he spoke with Attorney Wilhelm regarding a possible moratorium of tree removal because of the issue of the brown bat issue. Attorney Wilhelm stated he has not spoken with him at all, and he doesn't have the authority to approve of anything anyway. Councilmember Kopkowski stated she would like to know what he will be doing about the tree removal problem. Discussion was held regarding the agreement not being signed. Councilman Kramer asked why the agreement has not been signed and why are they working on the site without a signed agreement. Councilman Kramer stated they need to get the agreement signed and should not be working in there at all until it is signed. Discussion was held regarding the multiple issues that have occurred with the developer. Councilmember Kopkowski stated she feels Carmine should reevaluate this, because there may be other trees that need to be saved, due to the ones that were cut down without being on the plan. The Developer stated the document will be signed the following morning. . Ryan Lare of Grand Court stated they have also been using Grand Court for parking their vehicles, and they were not able to get down there street for the last two days.

Debbie Higgins of 607 Kestrel Ridge stated the residents were told by the developer not to take the black walnut tree wood. She stated she has been here for 22 years and stated this is a nightmare, and it just the beginning. She further stated she has been retired since September and she can sleep in during the day, but all the construction noise, is horrible. She stated they have been going thru their subdivision to get to Eleven Mile. Mr. Elkow stated the sign says no thru traffic. Ms. Higgins stated she is glad City Council will keep up on this, and make sure they follow thru with the agreement. Discussion was held regarding the noise ordinance. Chief Collins stated homeowners may call the Police Department at any time there is construction going on other than when the ordinance allows. City Manager Ladner stated she will let email Council on the construction time and days, and copy Mr. Elkow. Carl Richards of 390 Lenox stated none of the contractor's trucks have any business names or numbers on their trucks.

NEW BUSINESS

2. Consider request for sponsorship funding South Lyon Area Youth Assistance

City Manager Ladner stated she has received a request for sponsorship for the South Lyon Area Youth Assistance. She stated we are required by law to have a Youth Assistance for young adults that run into issues with the courts. We have sponsored this organization as opposed to creating our own in the City.

She further stated the agreement is for \$13,000. Councilman Kivell stated this is the same amount we have paid in the past. Mayor Wallace stated we have been doing this since the 60's.

CM 4-5-15 MOTION TO APPROVE CONTRACT FOR SOUTH LYON YOUTH ASSISTANCE

Motion by Wedell, supported by Kivell

Motion to continue to support the South Lyon Area Youth Assistance Organization for fiscal year 2015-2016 for \$13,000 and for the City Manager to sign the agreement

VOTE: MOTION CARRIED UNANIMOUSLY

3. Consider request for permission to conduct the Book'nTrilogy Run

Chief Collins stated this is the annual fundraiser for the Library. He has reviewed the route and it would require the closing of west 9 Mile from 9:00 a.m. to 9:15 a.m. on May 16, 2015. He suggests Council approve the closure.

CM 4-6-15 MOTION TO APPROVE THE ROAD CLOSURE FOR BOOK N' TRILOGY RUN

Motion by Kopkowski, supported by Rzyzi

Motion to approve the closure of westbound Nine Mile Road from Millennium Middle School To the South Lyon Rail Trail from 9:00a.m. to 9:15a.m. on Saturday May 16, 2015.

VOTE: MOTION CARRIED UNANIMOUSLY

4. Consider resolution for declaring April 24th Arbor Day in South Lyon

Mayor Wallace stated we are known as a Tree City in the USA and he would like a motion to approve the resolution adopting April 24th as Arbor Day in the City of South Lyon.

CM 4-7-15 MOTION TO ADOPT RESOLUTION DECLARING APRIL 24TH ARBOR DAY

Motion by Kramer, supported by Rzyzi

Motion to adopt resolution declaring April 24th Arbor Day in the City of South Lyon

VOTE: MOTION CARRIED UNANIMOUSLY

5. Agreement for purchase of storm sewer easement and to pay part of labor cost to relocate city storm sewer

Attorney Wilhelm stated issue arises from an issue of a storm sewer pipe that is located under a vacant parcel which is adjacent to 200 E McHattie. The owner at 200 E McHattie would like to expand their business but cannot until this issue is dealt with. He further stated this will allow the City an easement for the relocated storm sewer. He further stated the cost will be \$17,000.00 for the cost of relocating the City Storm drain, as well as the \$5,800.00 for the cost of the easement. Councilmember Kopkowski stated she will be voting no, she is opposed to this as setting a precedent and being in the building industry, she has other concerns that were discussed in closed session. Mayor Wallace stated this is an unusual case, and not everyone has a storm sewer running across their property.

CM 4-8-15 MOTION TO APPROVE THE AGREEMENT FOR EASEMENT AND RELOCATION OF STORM SEWER

Motion by Kivell, supported by Wedell

Motion to approve the agreement with the Fagin Family Real Estate, LLC and South Lyon Collision for the purchase of a storm sewer easement at a price of \$5,800 and to pay \$17,000 as part of the cost of relocating a City storm sewer on 150 E McHattie and authorize the City Manager to execute the agreement on behalf of the City.

VOTE: MOTION CARRIED- 1 OPPOSED

6. Board Reappointments

Mayor Wallace stated he will be reappointing some board members whose terms expired in March. He further stated these are re appointments and the people are willing to serve on the Board again.

CM 4-9-15 MOTION TO REAPPOINT PLANNING COMMISSION MEMBER

Motion by Wallace, supported by Rzyzi

Motion to reappoint Scott Lanam to Planning Commission

VOTE: MOTION CARRIED UNANIMOUSLY

CM 4-10-15 MOTION TO REAPPOINT PLANNING COMMISSION MEMBER

Motion by Wallace, supported by Kivell

Motion to reappoint Wayne Chubb to Planning Commission

VOTE: MOTION CARRIED UNANIMOUSLY

CM 4-11-15 MOTION TO REAPPOINT ZBA COMMISSION MEMBER

Motion by Wallace, supported by Wedell
Motion to reappoint Frank Fogarty to Zoning Board of Appeals

VOTE: MOTION CARRIED UNANIMOUSLY

CM 4-12-15 MOTION TO REAPPOINT PARKS AND RECREATION COMMISSION MEMBER

Motion by Wallace, supported by Kramer
Motion to reappoint Erica Wilson to Parks and Recreation Commission

VOTE: MOTION CARRIED UNANIMOUSLY

CM 4-13-15 MOTION TO REAPPOINT PARKS AND RECREATION COMMISSION MEMBER

Motion by Wallace, supported by Kivell
Motion to reappoint Alexandra Clark to Parks and Recreation Commission

VOTE: MOTION CARRIED UNANIMOUSLY

CM 4-14-15 MOTION TO REAPPOINT HISTORICAL COMMISSION MEMBER

Motion by Wallace, supported by Kramer
Motion to reappoint Roger Heiple to Historical Commission

VOTE: MOTION CARRIED UNANIMOUSLY

CM 4-15-15 MOTION TO REAPPOINT HISTORICAL COMMISSION MEMBER

Motion by Wallace, supported by Wedell
Motion to reappoint Larry Ledbetter to Historical Commission

VOTE: MOTION CARRIED UNANIMOUSLY

CM 4-16-15 MOTION TO REAPPOINT HISTORICAL COMMISSION MEMBER

Motion by Wallace, supported by Wedell

Motion to reappoint Gary Wickersham to Historical Commission

VOTE: MOTION CARRIED UNANIMOUSLY

City Manager Ladner stated they have one open position on the Downtown Development Authority Board.

7. Consider or hear concerns or complaints against the City Manager

Councilman Rzyzi stated he has reservations on how this is worded on the Agenda. He further stated this isn't about complaints; it is about discussing if there was misconduct used regarding the City Manager's misuse of his name during the termination of an employee. He further stated it should reflect to consider discipline action Councilman Kramer asked if he is wanting to fire another City Manager. He further stated he has turned in a letter stating basically his name was falsely used during the termination of an employee. Councilman Kramer asked what Councilman Rzyzi would like to happen from this? Does he want to fire another City Manager? Councilman Rzyzi stated he is not trying to have anyone fired. He further stated if anyone's name was used in a false way, the end game is the truth needs to come out. He stated if anyone's name is misused used, there should be a discussion about it. Councilman Kramer again stated, what do you want to happen here? Suspend or fire the City Manager. Councilman Rzyzi stated he feels this should be brought out into the open. Councilman Kramer stated he would like to request that all City business emails go through the City email, instead of each member having their own private email. He further stated he doesn't understand why he couldn't inform the Council of this information on a phone call, and again what does he want Council to do. Councilman Rzyzi stated the City Manager admitted she wrongly used his name. Councilman Kivell asked the City Manager if she could validate that she used his name inappropriately. City Manager Ladner stated according to her employment contract, if Council has any questions or concerns, and based on her attorney's recommendation, she is willing to answer any questions in writing after the meeting. Councilman Kivell asked how we can ask questions for the City Manager to answer in writing and provide them in the future if we don't have a closed session. City Manager Ladner stated according to her employment contract Section 11, states the Council shall review Employee's job performance at least once annually with the first being in February 2015, and subsequent annual reviews to occur during the month of February of each year thereafter unless the parties agree otherwise. The annual performance reviews and evaluations shall be in writing and in accordance with criteria and format developed jointly by the City Council and the Employee. The City Council shall provide the Employee with reasonable and adequate opportunity to discuss the Employee's evaluation with the City Council. The annual performance reviews and evaluations shall be reasonable related to the Employee's written job description and shall be asked, in whole or in part, on goals for the Employee's performance that are jointly developed and adopted by the City Council and the Employee. Councilman Kivell stated that it states we do not have the opportunity to review your performance other than February? City Manager Ladner stated on February or another date approved by Council and the employee. Councilman Kivell

stated we should have had this conversation while you were out on medical. He further stated he finds this troubling and worries him about the conduct on how the termination was handled. More discussion was held regarding the issue of Councilman Rzyzi's name being used inappropriately. Councilmember Kopkowski stated she has a problem with how much money the City Attorney has charged for a 3 page letter, when this could have been a simple answer. Councilman Kramer stated the purpose of this letter was to make it clear what Council may or may not discuss. Councilman Wedell stated it can be discussed at another time.

MANAGERS REPORT

City Manager Ladner stated she had a joint meeting with Lyon Township and Road Commission regarding the Safe Route to School grant. She further stated it is moving forward, the student and parent surveys have been completed. The walk audits are the next step and the paths have been laid out. The principals and building directors will be putting together a time to do the walking audit. They will meet again in early May. City Manager Ladner stated we need to set a date for the Budget workshop. Council decided to hold a budget workshop on Saturday the 18th at 10:00. City Manager Ladner asked if any Council Members were interested in attending the Council Chamber Awards Banquet. Discussion was held which Council members would be attending.

COUNCIL COMMENTS

Councilman Rzyzi stated he would like to know what the Church must do as the next step to have their sign installed. City Manager Ladner stated she didn't know the LED would be a problem. She is working with Carmine to see what can be done to help the Church have their sign installed.

Councilman Kivell stated he would like to know the process for the walking path audit for the Safe Route to School route. City Manager Ladner stated they watch the natural paths the children take. Councilman Kivell stated the water bill is not a capricious amount, it is a function of pricing and the amount of water used and he doesn't understand how it can become so high. Department Head Martin stated he has spoken the concerned resident, and they changed her meter, and Phyllis may have taken some liberties with the water bill that was sent, and he will discuss this with her. They were able to get into her home and changed her meter within 5 minutes, and the problem is alleviated and taken care of. Councilman Kivell stated Mr. Ledbetter led the boy scouts to clean the Yerkes drain in the City. Department Head Martin stated they had 40 boy scouts and 10 leaders and we cleaned all the water ways within the City.

Councilman Kramer stated they will be having a Recreation Center meeting on April 20th at 7:00 p.m. here at City Hall.

Councilman Wedell stated this question is prompted by the question by Councilmember Kopkowski regarding the use of the City Attorney. He stated he has been on Council for many years and he has only spoke with the City Attorney a few times, and he feels there may be Council Members that have the City Attorney on speed dial. Attorney Wilhelm stated he speaks occasionally with Council Members.

Councilman Wedell stated he would like to thank the Police Department for their report.

Mayor Wallace stated he would like to let the Community know there is a Tornado Drill on Wednesday at 1:00. He further stated he dropped by the drain clean up and thanked the Scouts that were working hard to clean up the waterways, and he would also like to thank Bob Martin, Larry Ledbetter and Sue Martin as well. Mayor Wallace stated he would also like to extend an invitation he received from the Michigan Seamless Tube to all of Council and Department Heads, it will be on May 9th.

CM 4-17-15 MOTION TO ADJOURN

Motion by Kivell, supported by Kopkowski

Motion to adjourn the Council Meeting at 9:20 p.m.

Respectfully submitted,

Tedd Wallace Mayor

Lisa Deaton Clerk/Treasurer