

The City of South Lyon
 Regular City Council Meeting
 April 27, 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, Kramer, Rzyzi, and Wedell
 Also Present: City Manager Ladner, Department Head Martin,
 Attorney Wilhelm and Clerk/Treasurer Deaton

ABSENT: Councilmember Dixson, and Kopkowski

CM 4-1-15 MOTION TO EXCUSE COUNCILMEMBER DIXSON'S ABSENCE

Motion by Kramer, supported by Rzyzi
 Motion to excuse Councilmember Dixson's absence due to bereavement

VOTE: MOTION CARRIED UNANIMOUSLY

CM 4-2-15 MOTION TO EXCUSE COUNCILMEMBER KOPKOWSKI'S ABSENCE

Motion by Rzyzi, supported by Kivell
 Motion to excuse Councilmember Kopkowski's absence due to a work conflict

VOTE: MOTION CARRIED UNANIMOUSLY

MINUTES- April 13, 2015 and April 18, 2015

Councilman Kivell stated on the top of page 4, the minutes should reflect silt screening, not silk, and at the bottom there is a typo of purported instead of supported. He further stated Harvey seconded the motion regarding the reappointment of the ZBA member, not himself. Mayor Wallace stated he wanted the minutes to also reflect he thanked Sue Martin for the work she does as well.

CM 4-3-15 MOTION TO APPROVE THE MINUTES AS AMENDED

Motion by Kivell, supported by Kramer
 Motion to approve the minutes as amended

VOTE: MOTION CARRIED UNANIMOUSLY

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CM 4-4-15 MOTION TO APPROVE MINUTES APRIL 18, 2015

Motion by Kivell, supported by Kramer
Motion to approve minutes as amended

VOTE: MOTION CARRIED UNANIMOUSLY

AGENDACM 4-5-15 MOTION TO APPROVE AGENDA

Motion by Wedell, supported by Kivell
Motion to approve the agenda as presented

VOTE: MOTION CARRIED UNANIMOUSLY

PUBLIC COMMENT

Nick Kennedy stated he is the district representative for Dave Trott, and he would like to make sure if any residents would like to call their Congressman, the phone number is 248-528-0711.

Heather Dixon stated she is representing the American Cancer Society, and they wanted to say thank you to Council for allowing them to paint the town purple with ribbons and would like to welcome everyone to the Relay for Life which is May 30th at Millennium Middle School and everyone is invited, fun people, good food and events.

Chad Corliss stated he is representing a non profit animal rescue that would like to have a benefit at the Northwood Bar and Grille in town. It will be an all-day event with a car show, music, and an adoption event, on July 25th. It will be an outside event. They are requesting the application fee of \$50.00 to be waived because they are nonprofit 501C3. Mayor Wallace stated this is a good cause and they need every dime they get. Mr. Corliss stated they are currently a foster based rescue, but are trying to raise money to build a shelter. Mayor Wallace asked if this could be added to the agenda of the next Council meeting.

OLD BUSINESS

1. Consider bringing forth from the table motion to approve amendment to the City of South Lyon Ordinance adding regulations concerning the medical use of marihuana and related land uses and activities

City Attorney Wilhelm stated this was originally tabled during a Council meeting in March for the purpose of adding some additional language.

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CM 4-6-15 MOTION TO BRING FORTH FROM THE TABLE TO APPROVE THE SECOND READING OF THE AMENDMENT TO THE CITY OF SOUTH LYON ORDINANCE ADDING REGULATIONS

Motion by Kramer, supported by Wedell

Motion to bring forth from the 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

Attorney Wilhelm stated there was some discussion regarding the language relating to the right of inspection by the City. He further stated in his research, the medical marihuana industry doesn't seem to oppose inspections. Attorney Wilhelm stated he suggests Council approve the Ordinance Amendment originally proposed. The alternative would be to delete the sub section that involves the inspections by the City, or to remove the language all together, which he would not suggest. He further stated there are different options to modify the language, such as adding the phrase "inspecting with reasonable notice." Attorney Wilhelm stated another option is to make the business available for inspection semiannually, or annually. He believes that would be a mistake. He stated his recommendation is the original language, or the language including the phrase with reasonable notice. Councilman Wedell stated he is comfortable with the language that was originally presented. He further stated he has no reason to think the officials of the City of South Lyon would abuse the privilege of inspecting the sites. The laws are clear and they need to be presented. Discussion was held regarding the motion for the second reading. Chief Collins stated the Police Department would like the language left as originally presented. He would like to compare it to the liquor license establishments that are in town now. He stated they are able to enter any business liquor license establishments at any time for inspection and this should be treated the same. Councilman Kivell stated there is no information provided regarding the bookkeeping aspect, if they were to lose a client, and there was still a carryover of materials that was associated with that client, what is the probable response or result of that would be. Attorney Wilhelm stated there is a provision that if a caregiver lost their approval of being a care giver and lost their registration card, they would have to let the City know that. He further stated because of privacy issues, there is no way for the City to keep information regarding the clients of the caregivers. He stated the City would have to contact LARA (Licensing and Affairs Department) for the State of Michigan to find out how many patients a particular caregiver has. Councilman Kivell stated he agrees with that, but is there a way the City would know how many patients they may have and if any drop out without contacting LARA. Mayor Wallace stated the comparison with the liquor store isn't the same. The liquor store is open to the public, and the only people entering the dispensary would be the 5 or 6 clients. He would like the alternative language used which includes reasonable notice. It will still give the Police a right to enter, but it would give them notice ahead of time. Discussion was held regarding what is considered reasonable notice.

CM 4-7-15 MOTION TO APPROVE SECOND READING OF PROPOSED ZONING ODINANCE AMENDMENT TO ADD SECTIONS 102-494 THROUGH 102-502 TO THE SOUTH LYON ZONING ORDINANCE ADDING

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REGULATIONS CONCERNING THE MEDICAL USE OF MARIHUANA AND RELATED LAND USES AND ACTIVITIES WITH ALTERNATIVE #1

Motion by Kramer, supported by Wedell

Councilman Rzyzi stated he is torn on this issue, and he understands the law, but he also knows in the past we have passed a moratorium and he doesn't feel that is out of reach to do that again. He further stated there is a drug problem in South Lyon and he knows this will pass, but it doesn't sit well with him and he is going to vote no on this issue. Mayor Wallace stated alternative #1 states they can be inspected at any time for no reason. Attorney Wilhelm stated there is a slight modification to 102-499 sub (a) which clarifies the special land use does not run with the land.

Councilman Kramer stated he will amend his motion to include that modification. Councilman Wedell stated he will support that motion as well.

CM 4-8-15 MOTION TO APPROVE SECOND READING OF PROPOSED ZONING ORDINANCE AMENDMENT TO ADD SECTIONS 102-494 THROUGH 102-502 TO THE SOUTH LYON ZONING ORDINANCE ADDING REGULATIONS CONCERNING THE MEDICAL USE OF MARIHUANA AND RELATED LAND USES AND ACTIVITIES WITH ALTERNATIVE #1 WITH MODIFICATION TO SECTION 102-499 (a)

Motion by Kramer, supported by Wedell

Motion to approve the second reading of proposed zoning ordinance amendment to add Regulations concerning the medical use of marihuana and related land uses and activities with Alternative #1 to include modification to section 102-499 (a)

Mayor Wallace stated he is not happy with the alternative #1 included so he will vote no on this issue.

ROLL CALL VOTE:

MOTION PASSED -WALLCE AND RYZYI OPPOSED

NEW BUSINESS

1. Presentation from HRC of the Roadway Asset Management Plan

John Booth of HRC presented a power point presentation regarding the Roadway Asset Management Plan. Mr. Booth stated a summary of our roads are 2% good, 70% fair and 8% poor. Councilman Kramer asked for an idea what the cost would be if the City improved some of the roads. Mr. Booth stated it would cost an estimated in excess of 7.5 million dollars to improve all roads to good or excellent. He further stated the idea is to spread the different improvements out over the years. Councilman Kivell stated the benefit of having this plan is it will free up the Major Street money after it is received. He further stated it would be more valuable to see the number of vehicles traveling down these roads per day to see how many people it will benefit from fixing that portion of road. Councilman Kramer asked

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the difference between structural versus nonstructural. Mr. Booth stated it is the same material, just a more aggressive and costly repair. Councilman Kramer stated based on the PASER rating to replace the roads 4 or less, it will cost \$375,000 per lane mile, up to reconstruction which would be one million per mile. City Manager Ladner stated the City of Wixom, Novi and Green Oak Township all have a dedicated street mill on their taxes. Councilman Rzyzi asked if this would possibly be a ballot proposal in the future. City Manager Ladner stated depending on what happens with the State Proposal we would be looking at a ballot proposal for the Primary Election in 2016. It will take some time to have the ballot language approved, as well as some time for public education. The mill will only be on there for a certain amount of time, 10-15 years. Councilman Kivell stated if it would be possible to get traffic counts on the different roads. Mr. Booth stated it would be very costly to do a traffic count on every road. Councilman Kivell stated it could be more of a common sense issue, where we can look at the different subdivisions, compared to a few roads without many people using. City Manager Ladner stated there are several private developments in the City that may ask to dedicate their utilities and roadways to the City, in which case we will have no idea what condition those roads will be in. Councilman Kivell stated the roads would have to be brought up to our standards before we would accept them. Councilman Wedell stated each development will have to be considered individually.

2. Consider request for permission for Blues, Brews and Brats on August 22, 2015

Andrea Meyer of the Chamber of Commerce stated the Chamber is requesting the Council to use the City parking lot on Whipple Street on August 22nd of this year, which is the same location as last year. Councilman Rzyzi stated he thinks this is a great location and he would like to see there for many years.

CM 4-8-15 TO APPROVE THE USE OF THE WHIPPLE STREET PARKING LOT FOR THE SOUTH LYON AREA CHAMBER BLUES, BREWS AND BRATS EVENT ON AUGUST 22, 2015

Motion by Rzyzi, supported by Kivell

Motion to approve the use of the Whipple Street parking lot for the South Lyon Area Chamber Blues, Brews and Brats with set up beginning at 12:00 p.m. on August 21, 2015 and Clean up completed by 12:00 p.m. on August 22, 2015

VOTE: MOTION CARRIED UNANIMOUSLY

MANAGERS REPORT

City Manager Ladner stated she was contacted by a local business in regards to paving the alley behind their property. She further stated the business will have something in writing for Council to consider. City Manager Ladner stated the Historical Society will be having the Depot Day this year on September 12, 2015 and there are no road closures needed for that event. City Manager Ladner stated she attended the RRRASOC meeting last week and she was appointed Treasurer, and they finalized their budget as well.

City Attorney Wilhelm stated there may be an issue regarding the roll call vote for the medical marijuana ordinance which was 3 yes, 2 no. Section 13.4 of the Charter states a majority of the Council is quorum, then it states that the concurring vote of a majority number of said Council shall be necessary for official action. He further stated because there are two absences, it appears you would need 4 votes to pass the ordinance. Attorney Wilhelm stated if 3 members make a motion to reconsider, the issue could be tabled until the following meeting, and he can research this issue.

CM 4-9-15 MOTION TO RECONSIDER THE MOTION TO APPROVE SECOND READING OF PROPOSED ZONING ORDINANCE AMENDMENT TO ADD SECTIONS 102-494 THROUGH 102-502 TO THE SOUTH LYON ZONING ORDINANCE ADDING REGULATIONS CONCERNING THE MEDICAL USE OF MARIHUANA AND RELATED LAND USES AND ACTIVITIES WITH ALTERNATIVE #1 WITH MODIFICATION TO SECTION 102-499 (a)

Kivell, supported by Wedell

Motion to reconsider the original motion to approve the second reading of the proposed zoning Ordinance amendment

MOTION WITHDRAWN

More discussion was held regarding the issue of a quorum of Council for the number of present Council members or the total number of Council. City Attorney Wilhelm will research the correct vote for a quorum of Council when there are Council members absent. He suggests Council make a motion to postpone this issue until he can research some attorney general rulings. He further stated the moratorium is through the end of May so we have some time.

COUNCIL COMMENTS

Councilman Kivell stated there was a miscommunication regarding the sign ordinance and what the Church wanted to do. With the new language the Planning Commission approved doesn't allow for what the Church wanted to do. He is stricken with the idea why there were additional restrictions added. He understands putting a size limitation on it, but to limit them to 1/3 of the size face of the digital sign, but they don't want to have 2/3 of just stuff to fulfill the sign ordinance. He stated it is unfortunate that they now have to apply for a variance to accomplish a simple thing for someone to go out and unhook the light box and change the language, as opposed to them being able to program the sign from the inside. He spoke with Carmine and his concern was it would give them a chance to present video, and then we would have to monitor it. Video is already prohibited from our Ordinance. It seems an archaic approach, and he would like them to revisit the sign ordinance. Councilman Kivell stated the art gallery on Saturday was very nice, and it was great meeting some of the students who did some of the artwork. The Cultural Arts Commission did a good job.

Councilman Rzyzi stated he received some complaints from residents regarding the parking lot at Volunteer Park. Department Head Martin stated they have recently added gravel, and it is drying up. The DPW back bladed it and it is a work in progress.

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Councilman Kramer stated he would like to have a consideration of adding Email addresses for Council Members through the City. He would like that add to the Agenda item.

Councilman Kivell stated he would also like to add an agenda item for an evaluation for the City Manager.

Mayor Wallace stated he wanted to thank Bob Martin for the Red Maple that was planted at Paul Baker Park for Arbor Day, which he dedicated to Mr. Svend Hill-Matson. Several people attended, Department Heads, merchants and citizens. It is a nice cause and we are a Tree City. Mayor Wallace stated this Wednesday the Chamber of Commerce is having an awards banquet which our Fire Department, Police Department and Browns Root Beer are being honored. Mayor Wallace stated the school bond Election is coming up. He stated it doesn't add anything to your tax bill; it extends the bond that has been happening for many years. Mayor Wallace stated the artwork at City Hall will remain up until May 15th for anyone that would like to see it. Mayor Wallace stated he would like to extend his condolence to Councilmember Dixon on the loss of her husband of 66 years. She lost him last week, and it is very tough, and our thoughts and prayers are with her.

CM 4-9-15 MOTION TO ADJOURN

Motion by Kramer, supported by Kivell
Motion to adjourn the meeting at 8:50 p.m.

VOTE: MOTION CARRIED UNANIMOUSLY

Respectfully submitted,

Tedd Wallace Mayor

Lisa Deaton Clerk/Treasurer