

**CITY OF SOUTH LYON
REGULAR CITY COUNCIL MEETING
MAY 14, 2012**

Mayor Wallace called the meeting to order at 7:30 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
Department Heads: Collins, Kennedy, and Martin

APPROVAL OF MINUTES:

Mayor Wallace stated that on page 3 of the minutes, the roll call vote indicates that he voted yes, but he did vote no.

CM 5-1-12 – APPROVAL OF MINUTES- APRIL 23, 2012

Motion by Kivell , supported by Kramer

To approve the minutes of the April 23, 2012 Regular Council meeting as amended

VOTE: MOTION CARRIED UNANIMOUSLY

CM 5-2-12 – APPROVAL OF MINUTES- MAY 1, 2012 SPECIAL MEETING

Motion by Kivell, supported by Wedell

To approve the minutes of the May 1, 2012 Special Council meeting as written

VOTE: MOTION CARRIED UNANIMOUSLY

APPROVAL OF MONTHLY BILLS:

Discussion was held on various bills.

CM 5-3-12 – APPROVAL OF MONTHLY BILLS

Motion by Kramer, supported by Kopkowski

To approve the monthly bills as presented

VOTE: MOTION CARRIED UNANIMOUSLY

APPROVAL OF AGENDA:

City Manager Murphy stated that he would like to move New Business #7 to New Business #1.

CM 5-4-12 APPROVAL OF AGENDA

Motion by Wedell, supported by Kopkowski

To approve the agenda as amended

VOTE: MOTION CARRIED UNANIMOUSLY

PUBLIC COMMENT:

Mayor Wallace presented the 2012 Townie Award to Mrs. Dayna Johnston. Mrs. Johnston thanked Mayor Wallace and his family for such an honor. Mayor Wallace stated that she was chosen for the Norma Jean Wallace Townie Award for her humble dedication to organizing the annual Memorial Day parade for decades; working with the high school color guards; and being a founding member and active volunteer of Pumpkinfest, as well as working with fire victims and promoting fire safety. She was also a member of the Jaycees, which sponsored the Easter Egg Hunt in McHattie Park.

Dayna Johnston stated that this year the Memorial Day Parade will be concentrating on the families of active military members and are asking them to walk and carry pictures of their family member. We will begin at Bartlett Elementary School (at Warren and Second Street), along 10 Mile Road and ultimately into the South Lyon Cemetery for a memorial service. The line-up begins at 8 a.m., and the parade steps off at 9 a.m. She stated that this is a community-oriented event that effectively pays tribute to veterans from every branch of the United States military who have served in any war, foreign or domestic, as well as members of the police and fire departments. They are actively seeking military pets as well.

1. Memorial Day Parade Request

CM 5-5-12 – APPROVAL OF ROAD CLOSURES – MEMORIAL DAY PARADE

Motion by Wedell, supported by Kramer

Resolved That Julie Zemke, City Clerk/Treasurer is hereby authorized to make application to the Road Commission for Oakland County on behalf of the City of South Lyon in the County of Oakland, Michigan for the necessary permits to conduct the Memorial Day Parade on May 28, 2012 from 9:00 a.m. to 10:00 a.m. and the closure of Warren Street from Second St. to Lake Street; Lake St. from Warren St. to Reynold Sweet Parkway; Reynold Sweet Parkway from Lake St. to Stryker St.; Stryker St. from Reynold Sweet Parkway to the South Lyon Cemetery and that the City of South Lyon in the County of Oakland, Michigan will faithfully fulfill all permit requirements, and shall save harmless, indemnify, defend and represent the Board against any and all claims for bodily injury or property damage, or any other claim arising out of or related to operations authorized by such permits as issued.

VOTE:

MOTION CARRIED UNANIMOUSLY

Mayor Wallace proclaimed the following:

Whereas, National Curves Day on May 17 was initiated as a partnership with the United States Office of Women's Health and Curves International, Inc. in celebration of National Women's Health Week, May 13-19, to increase awareness of women's health issues nationwide;

Whereas, from that day forward, National Curves Day will occur in the spring on the first Thursday following Mother's Day during National Women's Health Week;

Whereas, National Curves Day is a celebration of women taking responsibility for their own health through greater knowledge and understanding;

Whereas, National Curves Day celebrates the efforts of national and community organizations working with partners and volunteers through fundraising efforts to improve awareness of key women's health issues;

Now, Therefore, I Tedd Wallace, Mayor of the City of South Lyon do hereby proclaim the Thursday following Mother's Day, Thursday, May 17, 2012 to be National Curves Day in the City of South Lyon and urge all citizens to participate in the activities planned.

Mr. Steve Mosier of 205 Harvard stated that Boy Scout Troop #38 began clean-up along the City's bike path April 28th. They picked up garbage and debris from Oak Creek to 12 Mile Road. He stated that Girl Scouts from Troop #21746 also participated.

Mr. Carl Richards 390 Lenox discussed the hole caused by the drain on McMunn at the Tube Mill. The job has been great and they have had no cave-ins, pot holes, etc.

A resident of 897 West Hills Drive stated that he is here over concerns about the on-going development of Volunteer Park. It now looks like it has been turned over to commercial development. They would like a restriction to keep the present nature trail intact. Mayor Wallace stated that there are three former pastures there that we are trying to reclaim. We are going to be reorganizing the path and suggested that he contact the City Manager for further information and input on the re-laying of the path.

OLD BUSINESS:

1. Second Reading - Cultural Arts Commission

City Manager Murphy stated that there have been no changes since the first reading.

CM 5-6-12 – SECOND READING AND ADOPTION – AMENDMENT TO CHAPTER 2

Motion by Kramer, supported by Wedell

To approve the proposed amendment to the City Code, Chapter 2, Article V, Division 6 – Cultural Arts Commission

Mayor Wallace stated that he does not support this because he thought that this would be an extension of the DDA, and he does not agree with creating additional budget items.

VOTE:

MOTION CARRIED (2 opposed)

NEW BUSINESS:

2. Lexington Place

City Manager Murphy stated that the Planning Commission has approved the final site plan and are recommending approval to City Council.

Mr. Jim Clark of 69059 Telegraph Road, Bloomfield Hills, Michigan representing Robertson Brothers stated that they have worked with the Planning Commission to address their concerns and are awaiting final engineering approval. They are anxious to get going and will get started getting rid of the dirt pile.

The question was asked if our planner switched companies. City Manager Murphy stated that we are still working with Mr. Avantini, however he has started his own company. Additional information will be forthcoming.

Discussion was held on the site plan.

Attorney Lee stated that if they are going to edit the Master Deed, the City will need to review it as well as the By-laws.

Councilman Ryzyi stated that he was in favor of the development the first time, however he asked how we make sure that the contingencies are adhered to. Attorney Lee stated that we would not issue permits until those items are addressed. It is part of the site plan. They do not all have all of the items complete before issuing a permit, but final approval will not be granted.

Discussion was held on Units 33 & 38 and the transition from those units to the rest. Mr. Clark stated that he would like to start basements without holding it up because of these two sites.

CM 5-7-12 – APPROVAL OF SITE PLAN – LEXINGTON PLACE CONDOMINIUMS

Motion by Kivell, supported by Kramer

To approve the Final Site Plan for Lexington Place Condominiums with the last two units being built subject to the contingencies of the engineers and legal department

VOTE:

MOTION CARRIED UNANIMOUSLY

3. Outdoor Seating at Lake Street tavern

Mary Poole of Lake Street Tavern at 127 E. Lake Street thanked Council for their support of the Cruise-In. She stated that she is here to request the use of 4 parking spaces for a patio to accommodate outdoor seating. She stated that she is proposing a covered patio with retractable awnings surrounded by steel fencing.

Discussion was held on the March 15th time frame still being a snow season. Ms. Poole stated that the would not have seating if it snows.

Attorney Lee questioned the use by private individuals using public property.

Council Member Kopkowski stated that she is concerned about the liability. She further stated that although she likes the drawings, it is not that pretty back there and does not know if that is going to be a desirable location. Council Member Kopkowski stated she is also concerned about setting a precedent. She discussed the parking spaces. She stated that on Friday night she looked and there was only 1 space left. Council Member Kopkowski stated that she knows that a lot of the Tai Kwon Do patrons use the back door and she is concerned about the children walking past the liquor and smoking. Ms. Poole stated that there would be no smoking.

Councilman Kramer stated that he loves the fact that she is looking for ways of getting more business downtown, but he does have some concern. This is on public property. He is not sure that this is the best idea given the adjacent businesses.

Attorney Lee stated that we own the property. We would have to, at best, lease the property and would have to have procedures in place for doing so.

Discussion was held on the difference between this and the public sidewalk. Attorney Lee stated that there is not much difference, but we did have an ordinance revision to allow the sidewalk seating.

Ms. Poole discussed the insurance they provide for the sidewalk seating.

Attorney Lee suggested that if Council wishes to allow the use, then a policy should be set.

Ms. Poole stated that we are talking about bringing new business in. Councilman Kramer stated that he would like to deal with something that would benefit a lot of businesses.

Discussion was held on other businesses wanting to use the public parking in connection with their business.

Discussion was held on platform dining. Councilman Kivell discussed the traffic going through downtown.

Discussion was held on the size of the proposed structure. Discussion was held on the safety aspect of the proposed fencing.

City Manager Murphy stated that he does like the idea, but there have been some valid points brought up. He further discussed the need for a policy and suggested that be the next step.

Ms. Poole stated that she would encourage our new restaurant in town apply for outdoor dining as well. She stated that it is common place in other communities to have outdoor dining.

CM 5-8-12 – APPROVAL OF USE OF PARKING SPACES – WELLS STREET PARKING LOT

Motion by Kramer, supported by Kopkowski

To refer the issue of the use of City parking spaces to the City Planner and City Attorney for review and recommendation

VOTE:

MOTION CARRIED UNANIMOUSLY

Brian Olander of 121 E. Lake Street stated that you have the noise concern and there are residents who live above some of those buildings. Cleanliness of the area is a concern. He already picks up cigarettes, etc. He also has safety concern. Parking concern has been brought up in the past and now we are talking about giving up four of our parking spots. The business was open knowing full well there was no outdoor dining. He is totally opposed to this and does not see why Council would entertain the idea.

George Roest of 102 Lafayette stated that the parking lot is filled up most of the time. He stated that if four parking spaces are going to be given to her, then they want four to five spaces also. He further discussed selling the spaces to her.

Amy Han of 131 E. Lake Street stated that they oppose the plan. Even if they moved Mary over one space, they have children crossing all of the time. She stated that currently they have employees from the restaurant smoking in the parking lot, and if she cannot control her employees she will not be able to control the patrons.

Cindy Jones of 115 E. Lake Street discussed the use of the parking lot.

4. 2012 Road project

City Manager Murphy stated that we put out for bid two projects, Warren between Whipple and Second and Dean Drive between Brookfield and Dean Ct. Both came in much higher than expected. He explained the road conditions and the proposed repair work. He discussed the various options to be considered.

Council Member Dixson asked if we ever looked at just patching. City Manager Murphy stated that we can look at that, but that has not been past practice.

Discussion was held on Dean Drive needing to be done.

Discussion was held on Warren Street. The question was asked if curb and gutter is included. It was stated that it was not.

Discussion was held on the list developed of the street needs.

City Manager Murphy stated that he would like Council to approve Dean Drive and at the next meeting bring something more forward for Council's review.

CM 5-9-12 – 2012 STREET IMPROVEMENTS

Motion by Kramer, supported by Wedell

To approve the reconstruction of Dean Drive and not exceed 2 days of engineering time to come up with additional alternatives

VOTE:

MOTION CARRIED UNANIMOUSLY

5. Public Hearing for the 2011-2012 Budget

Mayor Wallace opened the public hearing at 9:05 p.m. Hearing no public comment, the public hearing was closed at 9:07 p.m.

6. Adoption of the 2011-2012 Budget

CM 5-10-12 – APPROVAL OF MILLAGE RATES

Motion by Kivell, supported by Wedell

RESOLVED, that the City Clerk certify to the City Assessor for spreading on the Assessment Roll of the City of South Lyon for the year 2012-2013, the following amounts, based on taxable value \$307,317,686.

1. At the rate of 10.7375 mills per \$1,000 of valuation for General Fund Operation
2. At the rate of 2.5000 mills per \$1,000 of valuation for Wastewater General Obligation Bonds for wastewater treatment (2002)
3. At the rate of .1560 mills per \$1,000 of valuation for Capital Improvement Fund
4. At the rate of .3565 mills per \$1,000 of valuation for 1999 Building Authority (Land Acquisition)

RESOLVED FURTHER, that due to the May 2, 1984 election whereby the Library became a free standing and District Library for all purposes including the levy of 1.5002 and the overall levy for the City will be 15.2502 mills, of which 13.75 mills will be used for City operation and debt.

RESOLVED FURTHER, that after spreading on the Assessment Roll, the amounts as required to be raised by the general ad valorem tax, the Assessor certify and deliver the same to the City Treasurer, and the City Clerk be authorized to attach her warrant thereto, directing and requiring the City Treasurer to collect the same as provided by the City Charter.

RESOLVED FURTHER, that all installments reported to the City Treasurer as delinquent on Special Assessments and other charges, together with interest due thereon, as provided in Section 1.276 of the City Charter; unpaid charges for water consumption and water tap installation, as provided in Chapter 24 of the South Lyon City Code be assessed against the properties benefited and included in the 2012 Tax Roll.

RESOLVED FURTHER, that the millage for the entire fiscal year 2012-2013 budget not to exceed 13.75 mills.

VOTE:

MOTION CARRIED UNANIMOUSLY

CM 5-11-12 – APPROVAL OF FISCAL YEAR 2012-2013 BUDGET

Motion by Kivell, supported by Kramer

WHEREAS, in April 2012 the City Manager submitted to City Council a proposed budget for the fiscal year July 1, 2012 through June 30, 2013, and

WHEREAS, the City Council has received the proposed budget contained herein and has discussed and reviewed same

NOW, THEREFORE, BE IT RESOLVED, the City Council hereby adopts the 2012-2013 fiscal budget as shown in the budget document on the Summary page, and detailed on the following pages, in the total amount of \$ 4,855,042.

BE IT FURTHER RESOLVED, that the City Council hereby adopts the following proposed budget or estimates for the following operations as set forth below.

	<u>Fund No.</u>
Major Street Operation	202
Local Street Operation	203
Community Development Block Grant	274
Combined Water/Sewer Operation	592
Equipment Replacement Fund	641
Capital Improvement Fund	401
Land Acquisition	509
Downtown Development Authority	280
<u>General Debt Service</u>	
2003 G.W. WW Treatment/Bond G.O.	307
1999 Building Authority—Land Acquisition	369
2005 Downtown Development Authority	369

BE IT FURTHER RESOLVED that the City Manager is authorized to advertise for bids, or authorize at the appropriate time for contractual services, commodity purchases and/or capital expenditures throughout the fiscal year in accordance with the enclosed budget document and all applicable City ordinance policies or procedures in effect.

BE IT FURTHER RESOLVED, that pursuant to the Uniform Budgeting and Account Act, Section 19 (2), the City Manager may make transfers within a fund and activity if the amount to be transferred does not exceed 10% or \$25,000, whichever is greater, of the appropriation item for which the transfer is to be made, with prior notification to the City Council.

VOTE:

MOTION CARRIED UNANIMOUSLY

7. Well #4 Inspection

Superintendent Martin stated that we finished Well #3, which went on line August 15, 2011. The other well in the park was drilled approximately 1957. We want to make sure that we addressed this well before it fails like we had with Well #3. We can pull that well, do a video inspection, look at the existing pump, etc. There has been money put into the budget that was just approved and we have a commitment from the Tube Mill for some cost sharing. We can make this inspection for approximately \$4,500.

Councilman Rzyzi asked if Peerless Midwest is the only company that can do this. Superintendent Martin stated that we have been dealing with this company for the past 10 years. It is an outstanding company that we work well with.

CM 5-12-12 – APPROVAL OF INSPECTION OF WELL #4

Motion by Kopkowski, supported by Dixon

To approve the inspection of Well #4 in the amount of \$4,500

VOTE: **MOTION CARRIED UNANIMOUSLY**

Superintendent Martin stated that on June 11th they are going to be doing hydrant testing, which could really stir the system and cause yellow water.

8. Cancellation of the May 28, 2012 Council Meeting

Mayor Wallace stated that we need to cancel the May 28th meeting because it falls on Memorial Day.

CM 5-13-12 – CANCELLATION OF MAY 28, 2012 REGULAR CITY COUNCIL MEETING

Motion by Wedell, supported by Kivell

To cancel the second regular City Council Meeting of the month which falls on May 28, 2012 and to authorize the City Manager to schedule a special meeting if the need should arise.

VOTE: **MOTION CARRIED UNANIMOUSLY**

MANAGER'S REPORT:

City Manager Murphy stated that the trail on 8 Mile has been completed. We are going to be having a ribbon cutting ceremony on June 23rd along with some additional activities.

City Manager Murphy stated that the Ball fields in McHattie Park are looking great.

City Manager Murphy discussed recent legislation passed regarding Personal Property Tax and the potential impact on the City.

City Manager Murphy stated that we had our 2nd Annual City-wide clean-up Day on May 12th. It was a great event and a lot was accomplished.

COUNCIL COMMENTS:

Councilman Kramer thanked the City Clerk/Treasurer for coordinating the City-wide clean-up. It was very successful. Councilman Wedell agreed.

Councilman Kivell thanked Pam Weipert who stepped down as Chair of the Planning Commission. He stated that he is grateful she is still on the Commission and is looking forward to Scott Lanam filling the Chairman position.

Council Member Kopkowski discussed the garden plots in the cemetery.

Councilman Rzyzi questioned the City Planner and the change in companies. City Manager Murphy he has asked Carmine Avantini to attend the next meeting to discuss the contract.

Mayor Wallace stated that if there are any families whose family member is a soldier and would like to be part of the Memorial Day Parade, please contact Dayna Johnston.

Mayor Wallace asked how many of the 74 trees have been planted. Superintendent Martin stated that 16 at Baker Park and the rest will be going in beginning next week.

ADJOURNMENT:

CM 5-14-12 ADJOURNMENT

Motion by Kopkowski , supported by Kivell

To adjourn meeting at 8:54 p.m.

VOTE:

MOTION CARRIED UNANIMOUSLY

Respectfully submitted,

Tedd M. Wallace
Mayor

Julie C. Zemke
City Clerk/Treasurer