

The City of South Lyon  
Regular City Council Meeting  
June 8, 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: Dixon, Kivell, Kopkowski, Kramer, Rzyzi, and Wedell  
Also Present: City Manager Ladner, Department Head Martin, Chief Collins, Chief Kennedy, Attorney Wilhelm and Clerk/Treasurer Deaton

MINUTES

Mayor Wallace stated during his comments he stated residents from Green Oak and Salem Township helped with the Spring Clean-up day.

CM 6-1-15 APPROVAL OF MINUTES AS AMENDED

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

VOTE: MOTION CARRIED UNANIMOUSLY

BILLS

Councilman Kivell stated he would like to know about the payment for \$165.00 for minutes for the Planning Commission. City Manager Ladner stated that is a negotiated for a single meeting for someone taking minutes which is comparable to what we pay others doing the same. Councilman Kivell stated he would like to know why it went from \$75.00 to \$165.00. City Manager Ladner stated we couldn't find anyone that would take minutes for \$75.00 and the Planning Commission was insisting on more professional minutes. He further asked Department Head Martin about the payment for utilities instrumentation for wastewater treatment plant switch gear, and if it came about unexpectedly. Department Head Martin stated no, it was a budgeted item and we are now set for the next ten years. Councilman Rzyzi stated it is his understanding there was a problem with the accuracy of the minutes at previous meetings and now since we are paying double what we were, is that no longer an issue? City Manager Ladner stated it has been taken care of. The person doing the minutes for the Planning Commission is also taking the minutes for Lyon Township and two other Boards. Councilman Kramer questioned the check for the Michigan Municipal League for the help wanted ad. Clerk Deaton stated she would check with Lori in the morning that description is inaccurate. Councilman

Kramer questioned the City of Novi check for CPA graduation dinner. Chief Collins stated that payment was for the graduation dinner for the Citizens Police Academy.

CM 6-2-15 MOTION TO APPROVE BILLS

Motion by Kivell, supported by Kramer  
Motion to approve the bills as presented

VOTE: MOTION CARRIED UNANIMOUSLY

AGENDA

CM 6-3-15 MOTION TO APPROVE AGENDA

Motion by Wedell, supported by Kopkowski  
Motion to approve Agenda as presented

VOTE: MOTION CARRIED UNANIMOUSLY

PUBLIC COMMENT

Mieka Gieles of 1089 Vassar stated she is here to propose an amendment to the City Ordinance that states no person shall keep or house any animals or domestic fowl within the city except dogs, cats, birds, fowl or animals commonly classified as pets which would allow backyard hens. She stated chickens are quieter than dogs and fireworks; it promotes local economies and self-sustainability. They promote no waste, they are great composters, and properly maintained coops do not smell. She further stated backyard chickens create a healthier option, and many other local cities allow backyard chickens. She stated she has petitions of almost 200 signatures to support this. There have been a few concerns raised, noise, smell, property values, and disease. She stated bird flu and salmonella can be controlled with sanitation such as washing hands. As far as odor, it can be limited by the number of hens kept. She further stated it has been proven that if properly maintained, coops it do not affect property values.

OLD BUSINESS

NEW BUSINESS

1. Consider City Attorney Retainer Agreement

City Attorney Wilhelm stated he has provided Council with a copy of the current agreement, as well as a proposed revised contract for a renewal period of 3 years, and with a change in the retainer cost with 3 different options as well as a clarification stating personal matters and employment matters will be out of retainer services. Option #1 is flat hourly rate, #2 is a flat retainer fee or #3 is a hybrid of a retainer

with an hourly rate for hours worked over the hours set per that retainer. He further stated he is asking for a renewed contract for a 3 year period with a fair compensation to both the City and his Firm. Councilman Rzyzi stated looking at the numbers, he will summarize it, with either option it is a 100% increase. Councilman Kramer asked if Councilman Rzyzi has an option he would like us to consider. Councilman Rzyzi stated he would like it to stay at \$75,000. Councilman Kramer stated we need to work with the Attorney instead of getting back to the same situation we were in 3 years ago and start all over with an RFP. Councilman Rzyzi stated this contract was presented months ago, and there haven't been any negotiations since then. He further stated he would like to see a revised proposal. Councilman Kivell stated our negotiator City Manager Ladner was off for a while, and was unable to negotiate for some time. Councilman Kramer stated the last line of the proposal stated the Attorney is willing to sit down with Council and re negotiate. Councilman Kramer stated he is interested in having three members of Council discuss this and take a proposal to the Firm. Councilman Kivell stated where in the presented data did Councilman Rzyzi see another Firm working for a municipality for what we are paying? Councilman Rzyzi stated he would rather negotiate. He stated November and December of 2014 the Attorney made more money because there weren't many hours used. Councilman Kivell stated there weren't many hours billed during those months, because those were the two months our Interim City Manager was out of town, nothing was getting done during that time. Councilman Rzyzi stated we may not need to use the City Attorney as much as he is being used, he would rather not accept any of the presented options, and he would like to see a revised offer which he requested months ago. Councilman Kramer stated there needs to be an ad hock committee to meet and City Attorney Wilhelm stated it would help if Council could tell him which option Council would prefer over the other two. City Attorney Wilhelm stated he is very proud to represent the City of South Lyon, and it means a lot to him, if there is a way for him to cut hours, he is willing to explore that. His ultimate goal is to provide the City with the highest level of service and to reach the hourly rate he is looking for. He would like some feedback from Council. Councilman Wedell stated he recalls 5 months ago when they were provided with the breakdown of the hourly rate information he realized there needed to be an adjustment because it was far below the City Attorney's personal and professional standards are. He further stated he appreciates the hybrid option #3, and he is willing to go along with that, or a version of that. Councilman Kivell stated by nature of City Government there are always things that come up that need to be addressed on a more immediate basis, therefore he believes the hybrid would make more sense and he is hoping some middle ground can be found to make both sides happy. Councilmember Kopkowski stated the agreement states employment and personal issues will be pulled out of the retainer. City Attorney Wilhelm stated he feels that is more specialized and it is outside of the general attorney work. She further stated she is concerned with the hours used. She stated it is probably more of an internal issue, than an Attorney issue. She has an issue with how the Attorney is used within the City. City Attorney Wilhelm stated he understands that and he is happy to look into other options. Councilman Kramer stated he is happy with his services, and he is happy with the hybrid option with some discussion to work out the best situation for everyone. Councilman Kivell stated he would like the City Manager and the City Attorney to meet to discuss if there are ways they can cut down on the City Attorney's hours. Councilman Rzyzi stated he would prefer to see a one year contract as opposed to a 3 year contract. City Attorney Wilhelm stated the current contract states the contract may be cancelled

at any time. Councilmen Wedell, Rzyzi and Kivell agreed to meet to discuss the options for the Attorney contract.

CM 6-4-15 MOTION TO POPOSE CONSIDERATION OF CITY ATTORNEY'S RETAINER AGREEMENT UNTIL NEXT MEETING

Motion by Wedell, supported by Kivell

Motion to propose consideration of City Attorney's retainer agreement to next meeting

VOTE: MOTION CARRIED UNANIMOUSLY

2. Consider allowing City staff to pursue options related to seeking MECD cost-sharing opportunities related to Crowdfunding initiatives for development of additional playing fields and nature trail systems at Volunteer Park.

City Manager Ladner stated there was a group that presented the City with a Master Plan for Volunteer Park and she has been looking into ways to help with funding, including finding grant funding. She stated MECD has worked with a crowdfunding site called Patronocity based in Detroit. It allows individuals to donate funds to different things. She further stated this site is strictly used for governmental and nonprofit organizations in Michigan. City Manager Ladner stated there are tax credits and if we tie our project to this site the MECD will match funds and there are tax credits. The City of Sparta is currently using crowdfunding to build a similar athletic park with a \$100,00 potential funds from the MECD is what caught her eye. She would like Council to have our Community Development Director and Department Head Martin to work with the volunteer committee that already exists to put together a project that can be developed and get outside funding, such as corporate funding, as well as private funding. Councilman Kramer stated he is happy we are trying to find funding for improvements to our parks. There are many organizations in need of more sports fields. Councilman Kivell asked why the City doesn't currently have an approved master plan, and why are we backing a plan from an outside group. City Manager Ladner stated she is hoping the volunteer group and our Parks and Recreation Commission can work together on this, along with City staff. There are some modifications that need to be changed in their plan. Councilman Kivell stated we need to have an official Master Plan every five years, what is the hold up? City Manager Ladner stated she will speak with the Parks and Recreation Committee and see where they are with it. City Manager Ladner stated we can apply for multiple grants for the parks. Councilmember Kopkowski stated she is for this, but she has some concerns whether the Parks and Recreation Commission want to work with the volunteer group, and there should be a formal discussion.

CM 6-5-145 MOTION TO APPROVE STAFF TO SEEK FUNDING FOR VOLUNTEER PARK

Motion by Wedell, supported by Rzyzi

6/8/15

Motion to authorize the City Staff to work with the Parks and Recreation Commission, the MEDC and local volunteer groups to develop a collaborative plan for leveraging and Obtaining funding for the continued development of Volunteer Park

VOTE: MOTION CARRIED UNANIMOUSLY

3. Review and consider new policy documents as drawn up for the City of South Lyon as applies to the statutory requirements for updating the City's FOIA policies, procedures and cost recovery fee structure

City Manager Ladner stated the State of Michigan has change the FOIA laws that go into effect July 1. We must have the updated policies, procedures and costs in place before July 1. We had training with Carleto Young last week. Most important document is the fee itemization form, and which we are still identifying the costs. The cost per page can no longer be more than 10 cents, it must be actual cost and if over 15 minutes for labor we can charge for that as well. Councilmen Wedell asked if the document will be completed by the next meeting, because there are a lot of blank spaces on the current documents. City Manager Ladner stated it will be a completed document by the next meeting, but we wanted to get the information in front of Council because of the many changes. Councilman Wedell asked if the FOIA work will be considered retainer work by the Attorney? Attorney Wilhelm stated he has not spoken with Lynne regarding this being a special project as of yet, but Carlito Young has been very instrumental in dealing with this issue with all of their governmental clients. Councilman Kivell stated we are obligated to tell the FOIA requester about any information that is available on our website. City Manager Ladner stated if the information is available on our website, we are obligated to tell them that, but if they still request the information from us, we may be able to charge them for the information.

#### MANAGERS REPORT

City Manager Ladner stated it has been a quiet week. This week is the first movie in the park which is the Leggo movie. There is also a concert in the park this week, and the turnout for the last concert in the park was really good considering the weather. Also the Farmers Market has had great turnouts as well.

#### COUNCIL COMMENTS

Councilmember Dixson stated she would like to thank our EMS workers that responded to her home when she called 911, and she is very proud of having these first responders in her community. She thanks each and every one of them; she saw how hard they worked to save her husband. She further stated she would also like to thank the Council for their understanding while she was adjusting to her new life, and for all their prayers, phone calls and cards.

Councilman Kramer stated he has been asked by the representatives of Green Oak and Lyon Township to see if there is support from City Council for the possible development of a Recreation Center to be located in McHattie Park and he would like that placed on the next Agenda.

Councilman Wedell stated this is not the first time the backyard hens issue has been brought up. He stated he feels it should be more rural. He has had at least two neighbors who that have told him they would be in opposition, and he just wants Ms. Gieles to be aware there may be as much opposition as support.

Councilman Kivell stated personally he thinks there are remedies that could allow these type of activities, with the same courtesy of a neighbor going for a variance for a deck; they would have to ask their neighbors if they would have any opposition to that. He further stated he doesn't see much support for the issue.

Councilmember Kopkowski stated she requested the backyard hen issue to be added to the next agenda, she had requested that once before, and it was added, but then removed. She further stated it is the farm to table issue, it is more than just chickens in the backyard, there is a whole concept to it and if done properly it can be compatible. Councilmember Kopkowski stated there seems to be more and more food trucks in the City, which is good, but she doesn't know if there are regulations and if the City can permit them. City Manager Ladner stated she will check with Carmine to see what other cities do. Councilmember Kopkowski stated we should be considerate to our business owners that have a mason standing building and pay taxes in the City.

Councilman Rzyzi stated the last concert was very nice, and he encourages everyone to attend the future concerts. He stated for the record we are having another closed session and for the record we would like to have more open than closed sessions. The closed session tonight is for an employee evaluation, and we have had evaluations in open session and wanted that noted for the record he would rather that be held in open session. Councilman Rzyzi stated the information presented for the backyard hens was very informative. The last time it was brought up, we didn't have that much information. He further stated it is really more than just having backyard chickens, it is more about having whole and organic food, providing for your family, and there is a reason so many communities are allowing it. He understands there are some concerns, but we do have an Ordinance Officer if the rules weren't being followed and there were issues.

Mayor Wallace stated he will only use his personal email, not the city email. He always responds to his emails, and his cell phone is also on the website. At the last meeting he asked if the 7 porta johns were going to be enough for the Feast for Fury event. He stated there should be at least 20 porta johns at the event. He further stated he doesn't understand how the overflow isn't going to go into Alexander's lot. He thinks the logistics will be difficult to pull this off. Mayor Wallace stated he is willing to listen to more discussion regarding chickens. If it is not approved by Council, the last option would be to try to get the proposition on the November ballot. For that to happen you would need 2,158 valid signatures for the

issue to be on the ballot. It is a difficult chore. They would have to be valid signatures of residents of the City only.

CM 6-6-15 MOTION TO ENTER INTO CLOSED SESSION AS ACCORDING TO SECTION 8(a) OF THE OPEN MEETINGS AT 8:45 P.M.

ROLL CALL VOTE: MOTION CARRIED UNANIMOUSLY

Meeting reconvened at 9:40 p.m.

ADJOURNMENT

CM 6-7-15 MOTION TO ADJOURN

Motion by Rzyzi, supported by Kopkowski  
Motion to adjourn meeting at 9:40 p.m.

VOTE: MOTION CARRIED UNANIMOUSLY

Respectfully submitted,

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Tedd Wallace Mayor

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Lisa Deaton Clerk/Treasurer