

**CITY OF SOUTH LYON  
REGULAR CITY COUNCIL MEETING  
JUNE 29, 2011**

**Rescheduled from June 27, 2011 due to the passing of Councilman Dick Selden**

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: Kivell, Kopkowski, Morelli, and Wedell  
City Manager Murphy  
City Attorney Lee  
City Clerk/Treasurer Zemke  
Department Heads: Collins, Kennedy, Renwick and Martin  
**ABSENT:** Councilman Kramer

A moment of silence was observed in memory of Councilman Dick Selden. The Honor Guard from the American Legion Post 32 from Livonia, Michigan was present conducting Rifle Volleys and Taps in honor of Councilman Selden.

**CM 6-1-11 – EXCUSE ABSENCE**

Motion by Wedell, supported by Kivell

To excuse the absence of Councilman Kramer

**VOTE:** MOTION CARRIED UNANIMOUSLY

**APPROVAL OF AGENDA:**

City Manager Murphy stated that he would like to add New Business #10 for discussion of the South Lyon Woods lawsuit. He further stated that he would like to remove New Business #2 and #5.

**CM 6-2-11 APPROVAL OF AGENDA**

Motion by Kivell, supported by Wedell

To approve the agenda as amended

**VOTE:** MOTION CARRIED UNANIMOUSLY

**APPROVAL OF MINUTES:**

**CM 6-3-11 – APPROVAL OF MINUTES- JUNE 13, 2011**

Motion by Morelli, supported by Kopkowski

To approve the minutes of the June 13, 2011 Regular Council meeting as written

**VOTE:** MOTION CARRIED UNANIMOUSLY

**APPROVAL OF MONTHLY BILLS:** None

**PUBLIC COMMENT:** None

**OLD BUSINESS:**

1. Second Reading: Amendment to Fire Prevention and Protection Ordinance

Chief Kennedy stated that we have amended the language since the last meeting after feedback from Council and the public. We are currently under the 2006 International Fire Code. We were able to determine that the 2009 Fire Code addresses the portable units and we were able to pull language from that code for one and two family dwellings. The other concern was the nuisance language, which we have removed but added objectionable or offensive because of smoke conditions. Outdoor wood furnaces language has also been changed to leave that within the confines of the building department.

Councilman Wedell stated that he was pleased with the changes and appreciates the diligence

**CM 6-4-11 – SECOND READING AND ADOPTION – FIRE PREVENTION AND PROTECTION**

Motion by Wedell, supported by Morelli

To approve the second reading and adoption of the amendments to the Fire Prevention and Protection Ordinance as amended

VOTE:

**MOTION CARRIED (1 OPPOSED)**

**NEW BUSINESS:**

2. GASB 54 Implementation

City Manager stated that at the last meeting Mr. Les Pulver was present to explain the changes to the GASB 54. This will make changes to our Capital Improvement and our Equipment Fund as well as the Land Acquisition Fund changing them from a Special Revenue Fund to a Capital Project Fund. It includes giving the City Manager the authority to assign fund balance. It is not giving the manager authority to spend money but simply assign money.

**CM 6-5-11 – GASB 54 IMPLEMENTATION**

Motion by Morelli, supported by Wedell

To make the following changes:

**Capital Improvement Fund** – Change from a Special Revenue fund to a Capital Project fund. Commit the current fund balance of \$2,119,249 and future changes to fund balance in this fund for future infrastructure improvements.

**Equipment Fund** – Change from a Special Revenue fund to a Capital Project fund. Commit the fund balance of \$70,419 and future changes to fund balance in this fund for future equipment purchases.

**Land Acquisition Fund** – Change to Capital Project Fund. Commit the fund balance of \$137,681 and future changes to fund balance in this fund for the purchase land.

Grant the City Manager the authority to assign fund balances that are not previously restricted or committed.

VOTE:

**MOTION CARRIED UNANIMOUSLY**

3. Contract with Northfield Human Services – People's Express – Removed from the Agenda
4. 2010-2011 Budget Amendments

City Manager Murphy stated that this is some housekeeping items for the end of the fiscal year.

Councilman Morelli asked if these are things that we have talked about throughout the year. City Manager Murphy stated that generally they are. However, in addition for example, general fund Administration Legal Fees have been increased due to two lawsuits that the City has been involved with.

#### CM 6-6-11 – APPROVAL OF BUDGET AMENDMENTS

Moved by, Morelli, supported by, Kopkowski

To approve the 2010-2011 budget amendments as presented

VOTE:

MOTION CARRIED UNANIMOUSLY

5. First Reading – Oakland 40 Rezoning Request

Attorney Lee stated that Council had made recommendation to the Planning Commission after discussion with Counsel to ask them to review the zoning. They have recommended a rezoning from IRO to R-2. If Council agrees, tonight would be the first reading of an ordinance change rezoning that property.

Councilman Kivell stated that this was Council's request for the Planning Commission to determine if this property were not IRO, what residential class would be appropriate. He further stated that this was prompted by Counsel.

Councilman Morelli stated that this property has been before Council before, but it has always been a more dense use at the request of the property owner. He further gave a brief history of the property

#### CM 6-7-11 – FIRST READING – REZONING OAKLAND 40 PROPERTY ON MILL STREET

Motion by Kivell, supported by Morelli

that this be the first reading of the rezoning request of Oakland 40 from IRO Industrial Research Office District to R-2 Single Family.

Carl Richards of 390 Lennox stated that he agrees with the City completely. However, there are some other facts to look at. He stated that 27% of the property is undevelopable. He further discussed the size and make-up of the property.

Mark Hipp of 691 Grand Ct. stated that he purchased his property knowing that the property was zoned light industrial. He asked what has changed after all of these years. He further stated that he had thought that this property had gone all the way to the Supreme Court. He discussed the existing industrial use on Mill Street. He stated that if there is a problem selling the property as industrial, maybe the owner is asking too much. Everything will sell at the right price.

Maureen Sandefur of 796 Stoney Drive and Secretary of the Eagle Heights Association stated that perhaps they are asking too much money for the property. She would like the owners to step up and protect the City too. She further discussed the maintenance of the property.

Councilman Kivell stated that he did vote against Council making a recommendation to the Planning Commission, but he did not feel that residential was an inappropriate class for this property. Recently, we had discussion about an abatement for another industrial property and this would have been a site that if the owner had entertained the thought of developing industrial, the City could have considered a similar situation. However, the owner had never had intention of developing this industrial and it was a deliberate attempt to push it into the residential state. He further discussed the update of the Master Plan. He stated that this is compatible with the surrounding residential zoning. Although he is voting for this, he would have preferred it to remain industrial. However, he is comfortable with the residential.

VOTE:

MOTION MARRIED UNANIMOUSLY

6. MDOT Contract – Eight Mile Road Project – Removed from the agenda
7. Traffic Control Order No. 11-01

Chief Collins stated that this request from the Recreation Authority is the same as last year for their Rec Fest. Because of the location of the function at Volunteer Park, they would like to have directional signs to help people find parking, etc. The traffic control order would allow for those signs to be placed for direction and parking only, but would not allow them to place advertising signs.

Councilman Morelli asked if we are going to have a second request for advertising. City Manager Murphy stated that he has been informed that they have withdrawn that part of their request.

CM 6-8-11 – TRAFFIC CONTROL ORDER 11-02

Motion by Kopkowski, supported by Morelli

To approve Traffic Control Order No. 11-02 as presented

VOTE:

MOTION CARRIED UNANIMOUSLY

8. Non-Profit Recognition – Football Boosters

City Clerk/Treasurer Zemke stated that this is simply recognizing the Football Boosters as a non-profit organization so they are able to obtain a gaming license.

CM 6-9-11 – NON-PROFIT RECOGNITION

Motion by Wedell, supported by Kopkowski

To approve Local Governing Body Resolution for Charitable Gaming Licenses recognizing South Lyon High School Football Boosters as a non-profit organization operating in the community for the purpose of obtaining charitable gaming licenses

VOTE:

MOTION CARRIED UNANIMOUSLY

9. Homecoming Parade – South Lyon High School

Chief Collins stated that Mr. Tsavalias, Advisor to the Student Council and he worked together to accomplish their goals, one of which was to end up at the high school. This route will accomplish that. They were able to work together for a staging area on the north end of Mill Street. He explained the route and stated that the route is workable and would recommend approval.

Councilman Kivell stated that he is disappointed that it is not going through town, but if this is what they have chosen, he will support it.

Discussion was held the language of the motion as required by Oakland County.

Discussion was held on the parade not going through downtown. Council expressed their disappointment.

Discussion was held on the timing of the application.

Councilman Kivell stated that the Boosters in conjunction with Mr. Tsavalias came to a consensus and indicated that they did not want to go through what they did last year.

#### CM 6-10-11 – APPROVAL OF HOMECOMING PARADE

Motion by Kivell, supported by Wedell

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 permit to conduct the South Lyon High School Homecoming Parade on September 30, 2011 between 4:00 p.m. and 5:00 p.m. and the related street closures:

N. Mill Street from Lake St. to Kestrel Ridge, Kestrel Ridge from N. Mill Street to Eagle Heights, Eagle Heights from Kestrel Ridge to Eleven Mile Rd., Eleven Mile Rd. from Martindale to Pontiac Trail.

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

#### 10. Proposed A.F.S.C.M.E. Union Contract

City Manager Murphy stated that we have been in negotiations with AFSCME for the past 6-8 weeks and was surprised that we did come to an agreement fairly quickly. He reviewed the changes to the contract and stated that it is a good agreement.

Councilman Wedell asked if the union has ratified. City Manager Murphy stated that they did on Monday.

Councilman Kivell discussed mileage allowance and the benefit of the federal rate.

Councilman Kivell stated that there is a typo on page 21, Section 2, paragraph B.

Councilman Kivell stated that he would like to commend AFSCME as well as the other unions and employees for understanding the economic times and the value of having a job and how much the City does appreciate them.

#### CM 6-11-11 – APPROVAL OF UNION CONTRACT - AFSCME

Motion by Kivell, supported by Wedell

To approve the contract between the City of South Lyon and Local 2720, Council 25 AFSCME for the period 7/1/2011-6/30/2014

Mayor Wallace stated that it is nice to have a contract approved before the previous contract expired.

VOTE:

MOTION CARRIED UNANIMOUSLY

11. Discussion – South Lyon Woods Lawsuit

Attorney Lee stated that we have prevailed on all counts. The Court has denied the Plaintiff's motion for summary disposition and approved our motion for summary disposition. As a result, there will be no refund of any kind. This will put an end to the litigation unless they file an appeal. He further stated that our utility ordinance says that we only go back three months when there is an error in the meter, whether it is the City's loss or the customer's loss. It has worked very well and makes sure that if people feel that there is an error, then they get it resolved so that we do not have things over our head for many years.

The tragic thing to their detriment is that the City agreed that they overpaid by \$63,000. They claimed they over paid \$107,000. The issue was that there was an overpayment beyond the three months. We agreed that we owe them \$11,000 and we will be cutting a check back for that amount only after the 21 day appeal deadline.

Councilman Wedell asked if we would be reimbursed legal fees. Attorney Lee stated that we are not entitled to legal fees.

**MANAGER'S REPORT:** None

**COUNCIL COMMENTS:**

Councilman Kivell wished everyone a happy July 4<sup>th</sup> holiday.

Council Member Kopkowski stated that she enjoyed serving on Council with Mr. Selden and her heart is with his family. Councilman Wedell & Morelli concurred.

Councilman Morelli commended the Water Department on how fast they were able to fix the transformer at the wastewater plant. He asked that the letter that was sent to Council be sent to the paper and stated that the citizens should know about it.

Mayor Wallace stated that he is proud that we continue to say The Pledge of Allegiance at every meeting.

**ADJOURNMENT:**

**CM 6-12-10 ADJOURNMENT**

Motion by Kopkowski, supported by Morelli

To adjourn the meeting at 8:36 p.m.

VOTE:

MOTION CARRIED UNANIMOUSLY

Respectfully submitted,

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Tedd M. Wallace  
Mayor

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Julie C. Zemke  
City Clerk/Treasurer