

**CITY OF SOUTH LYON
REGULAR CITY COUNCIL MEETING
July 11, 2011**

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, Kramer, Morelli, and Wedell (1 vacancy)
City Manager Murphy
City Clerk/Treasurer Zemke
Attorney Lee
Department Heads: Collins, Kennedy, Martin and Renwick

City Manager Murphy stated that on page 4, the Traffic Control Order should be 11-01, not 11-02.

CM 7-1-11 – APPROVAL OF MINUTES – JUNE 29, 2011

Motion by Kivell, supported by Morelli

To approve the minutes of the Regular City Council meeting of June 29, 2011 as amended

VOTE:

MOTION CARRIED UNANIMOUSLY

APPROVAL OF MONTHLY BILLS:

Councilman Wedell discussed the revenue report.

Discussion was held on various bills.

CM 7-2-11 – APPROVAL OF MONTHLY BILLS

Motion by Kivell, supported by Kramer

To approve the monthly bills as presented

VOTE:

MOTION CARRIED UNANIMOUSLY

APPROVAL OF AGENDA:

CM 7-3-11 – APPROVAL OF THE AGENDA

Motion by Wedell, supported by Kopkowski

To approve the agenda as presented

VOTE:

MOTION CARRIED UNANIMOUSLY

PUBLIC COMMENT:

Diane Curley of 1257 Oxford manor Ct. #2 was present to inform Council of the Active Faith Crop Walk for Hunger. They are trying to make it bigger to try and stop hunger. She would like to challenge Council to become part of the event on Saturday September 18th. There is going to be different fundraising activities including a bake sale during Farmer's Market as well as a fundraiser at Big Boy. Councilman Morelli stated that he was involved last year and it was a very fine event.

OLD BUSINESS:

1. Second Reading: Oakland 40 Rezoning Request

City Manager Murphy stated that nothing has changed from the first reading. The Planning Commission is recommending rezoning from IRO to R-2.

CM 7-4-11 - SECOND READING: OAKLAND 40 REZONING REQUEST

Motion by Kivell , supported by Kramer

That this be the second reading and approval of the rezoning of the Oakland 40 from IRO Industrial Research Office District to R-2 Single Family.

VOTE:

MOTION CARRIED UNANIMOUSLY

NEW BUSINESS:

2. Contract with Northfield Human Services — People's Express

City Manager Murphy stated that this is a three-year contract and represents a 5% increase per year given the increasing costs including the increase in gas prices. City Manager Murphy further stated that the City had been paying a considerable amount more when People's Express was asked to take over. It is a service used by our residents and he would ask that Council approve the agreement.

Councilman Morelli stated that previously they have been supplied the number of users. Mr. Anderson of People's Express discussed the user base.

Discussion was held on the various locations that people are being transported.

Discussion was held on the proposed rate of providing service. Mr. Anderson stated that we have had a contract with the City for the past 7 years. It is broken down to hourly rate. The price per trip averages out to approximately \$17.50. Councilman Kramer asked if this is a per trip cost per month. Mr. Anderson stated that it is a flat monthly rate. He further stated that this is based on 9 hours per day and averages 21-22 days per month. He further discussed a clean air grant that they have been pursuing and received last year.

Councilman Kramer asked of the 50 trips per month are they the same individuals. Mr. Anderson stated that we have users who use the service on a regular basis, but it does vary.

Councilman Kivell asked the increase in cost of living. City Manager Murphy stated that he is not sure, but it is less than 5%. Councilman Kivell stated that he would like to see us renew this for one year and would like to see actual numbers although he does see this as a worthy cause.

CM 7-5-11 - CONTRACT WITH NORTHFIELD HUMAN SERVICES – PEOPLE’S EXPRESS

Motion by Kivell, supported by Morelli

To approve a one year contract with Northfield Human Services for the period July 1, 2011 to June 30, 2012

Councilman Kramer stated that we have a three-year contract before us and asked if we would have to re-negotiate a one-year contract. Attorney Lee stated that if Council approved a one-year contract, they would either have to accept or reject it.

VOTE

MOTION FAILED

Councilman Wedell stated that the reason that he voted “no” is because we do have a 90 day termination clause.

CM 7-6-11 - CONTRACT WITH NORTHFIELD HUMAN SERVICES – PEOPLE’S EXPRESS

Motion by Kopkowski, supported by Wedell

To approve the agreement with Northfield Human Services for the period July 1, 2011 through June 30, 2014 for People’s Express Transportation Service

VOTE:

MOTION CARRIED (1 opposed)

3. Mutual Aid Agreement – Building Officials

City Manager Murphy stated that this is a mutual aid agreement with other communities’ building departments. This agreement would allow Building Officials from one municipality to help another municipality in a case of emergency. Novi is already a party to this, but we need to become a part of it so that building officials could write permits for the City if there was a disaster.

Councilman Wedell asked why it is dated 2009 and why we were not approached earlier. City Manager Murphy states that he spoke with Joe Veltri who thought that we were already a part of the mutual aid, however after looking further, we are not.

Councilman Kramer stated that the way that he reads the agreement is that if we are not part of the agreement then we would be charged. City Manager Murphy stated that we would be charged for services in that case.

CM 7-7-11 - MUTUAL AID AGREEMENT – BUILDING OFFICIALS

Motion by Wedell, supported by Kivell

To approve joining the Oakland County Building Officials Association Damage Assessment Mutual Aid Agreement

VOTE:

MOTION CARRIED UNANIMOUSLY

4. MDOT Contract – Eight Mile Road Project

City Manager Murphy stated that he pulled this from the agenda at the last meeting because RCOC indicated that MDOT was to contract directly with them and then we would contract with RCOC. However, in order to eliminate any delay in the project, this would simply allow the State to bill us direct.

Councilman Kramer asked if there is going to be any problem with the extension of the trail to the Library given that it is in Salem Township. City Manager Murphy stated that we have the easements in place

Further discussion was held on contracting directly with RCOC versus MDOT. City Manager stated they would have billed us directly as they have oversight of the project.

CM 7-8-11 – MDOT CONTRACT – EIGHT MILE ROAD PROJECT

Motion by Kramer, supported by Kivell

To approve MDOT Contract No.: 11-5365 with an estimated contribution of \$230,729.85 for Pedestrian pathway on Dixboro from Volunteer Park to 8 Mile Road, 8 Mile from Dixboro to Pontiac Trail from 8 Mile to the Salem-South Lyon District Library

VOTE:

MOTION CARRIED UNANIMOUSLY

5. Purchase of thermal imaging cameras

Chief Kennedy stated that back in February the Fire Department received a FEMA grant in the amount of \$18,000 for the purchase of two thermal imaging cameras. They had put together a working group of two officers and three firefighters to review the latest in thermal imagers. In June they put it out for bid and received 5 bids back. They did not specify a vendor when the bids went out. The working group recommended the Bullard T320 in the amount of \$17,500 for the two units. Based on the recommendation of the working group, he is recommending waiving the low bid and purchase the two units from Time Emergency Equipment. Although the bid amount is less than the grant, the grant monies cannot be used for anything else.

Chief Kennedy described how the thermal imaging camera is used and the reason why they need multiples.

CM 7-9-11 – PURCHASE OF THERMAL IMAGING CAMERAS

Motion by Kramer, supported by Kopkowski

To approve the purchase of two Bullard T320 thermal imaging cameras for the amount of \$17,500.00 from Time Emergency Equipment and waive the lowest bid

The question was asked if this is the same model that we already have. Chief Kennedy stated that this is a newer model. However, the batteries and charges are interchangeable.

VOTE:

MOTION CARRIED UNANIMOUSLY

6. Sale of Used Fire Department Equipment

Chief Kennedy stated that they are continuing to clean up some of their equipment. He stated that there are several items that are no longer needed. He described the equipment to be sold.

Discussion was held on the sale of equipment and the need for Council approval. City Manager Murphy stated that Council does have to approve the sale. Attorney Lee stated that our ordinance does not have a dollar limit.

Councilman Wedell asked if these items were paid for by City funds or were they purchased through State or Federal funds. Chief Kennedy stated that is something that he cannot speak to. However, based on the age, they would have depreciated. He further stated that he does not see anyone buying the equipment, but rather the department donating it for training purposes.

CM 7-10-11 – SALE OF USED FIRE DEPARTMENT EQUIPMENT

Motion by Kivell, supported by Wedell

To approve placing the attached list of used South Lyon Fire Department equipment for sale on the Michigan Inter-Governmental Trade Network. If minimum prices are not received, SLFD has permission to donate or dispose of the equipment

VOTE:

MOTION CARRIED UNANIMOUSLY

7. Intergovernmental agreement

Superintendent Renwick stated that this is part of our Suburbs Alliance Group. We are looking for them to go out and seek out grants for residents as well as businesses within the City.

Conan Smith representing Suburbs Alliance stated that they are asking the City to join in an Interlocal Agreement for the establishment of the South East Michigan Regional Energy Office Community Alliance. He stated that this is another fundraising tool. He discussed the Energy Office and the limited amount of financing available. He discussed the availability of funding for local communities. He stated that there is no fee to join or liability to the City.

Councilman Kramer asked how this is funded. Mr. Smith stated that they are trying to use staffing through the Energy Office. He further stated that in the event that large programs develop, it may take additional staffing.

Councilman Kramer stated that if the cities are not going to be liable, he does not see how this association will be able to do this. Mr. Smith stated that it is going to take some time for the municipalities to build a track record for bonding and similar tools. Attorney Lee stated that Full Faith In Credit Bonds could not be done without the consent of this Council.

Mayor Wallace discussed the communities in the agreement and asked if other communities can be added. Mr. Smith stated that they can be added and their ultimate goal is that there would be no payback from the member communities by generating enough revenue. Councilman Kramer asked if more cities are added are the grant funds going to be diluted. Mr. Smith stated that it is hard to say. He further stated that the people who are in first have the ability to accept or reject added communities.

Councilman Kivell asked out of the six in the group, how many have ratified. Mr. Smith stated that one has ratified, the others are in process. Once that is done, they will be asking others.

Councilman Kramer stated that he feels uncomfortable without knowing the specific types of grants. He would suggest that we postpone this until the next meeting. Councilman Kivell stated that we are not vulnerable and we do not have to accept any grant.

Discussion was held on possible funding alternatives and grants.

CM 7-11-11 – INTERLOCAL AGREEMENT – SUBURBS ALLIANCE

Motion by Kramer, supported by Wedell

To table discussion of the Interlocal Agreement for the South East Michigan Regional Energy Office Community Alliance until the next meeting

Councilman Morelli asked that if we want to get out, how would we do that. Mr. Smith stated that it would be a simple notification and would be an approximate 30 day process

Mr. Smith stated that the City would have to hold a public hearing before approving the agreement. Attorney Lee stated that he is not aware of anything that would require a public hearing. Mr. Smith stated that their legal counsel has interpreted the law to require a hearing.

Discussion was held on the scheduling a public hearing for the next meeting. The consensus of Council was that there was no hurry on this item and that they can set the public hearing at the next meeting.

VOTE:

MOTION CARRIED UNANIMOUSLY

8. Agreement with Center for Active Adults/Invoice

Mayor Wallace stated that this is the agreement for senior citizen activities. The fee to the City is 5% less than last year.

CM 7-12-11 - AGREEMENT WITH CENTER FOR ACTIVE ADULTS

Moved by Wedell, supported by Morelli

To approve the new agreement with the South Lyon Community Schools for the Senior Citizen Program and authorize the first of two payments

VOTE:

MOTION CARRIED UNANIMOUSLY

Councilman Kivell stated that it should be noted how much we care about our seniors.

9. Purchase of Compact Wheel Loader

Superintendent Martin stated that he is seeking approval for the purchase of a compact loader. He has provided some history. This is a nice way to outfit both the DPW and Water departments and this is very attractive finance offer. We can take two pieces of outdated equipment that are not being used and purchase the compact wheel loader. This would allow us to transfer the five-year old Komatsu frontend loader to the DPW. Superintendent Martin stated that this equipment is multi-faceted and could be used throughout the City as needed.

Discussion was held on the age of the two pieces of equipment to be traded.

Superintendent Martin stated that we solicited three bids with two of them not offering a trade-in. The trade in would give us a credit of \$14,000 and would take care of the first year's payment.

Councilman Wedell asked if this is in the budget. Superintendent Martin stated that it is not in this year's budget because of the credit. However, it is in the second year of the two-year budget.

CM 7-13-11 – PURCHASE OF COMPACT WHEEL LOADER

Motion by Kramer, supported by Kopkowski

To approve the purchase of John Deere Model 304J from JDE Equipment at the bid price of \$80,000 minus \$14,000 trade-in allowance for Model #302 and Model #444C

VOTE: MOTION CARRIED UNANIMOUSLY

Superintendent Martin stated that he would like to point out that our water plant is working overtime. He further stated that the DEQ finally approved the new well today.

10. Discussion of Council vacancy

Mayor Wallace stated that he has been informed that Council needs to declare the vacancy left with the passing of Councilman Selden

CM 7-14-11 – DECLARATION OF VACANCY ON CITY COUNCIL

Motion by Morelli, supported by Kramer

To declare a vacancy on Council due to the passing of Councilman Selden

Councilman Kivell stated that it is self-evident. He stated that the term would expire in November. City Attorney Lee stated that pursuant to State Law, Council does need to declare the position vacant.

VOTE: MOTION CARRIED UNANIMOUSLY

Mayor Wallace asked the question of whether we want to fill the vacancy or leave it vacant.

Councilmen Morelli, Kramer and Kivell indicated that they would like to see the position filled. Council Member Kopkowski stated that she would like to see it left vacant.

Councilman Wedell asked if the seat is officially vacant as of today. Attorney Lee stated that it would be effective today. It was stated that it would take a majority of the sitting members of Council to fill the position. It was further stated that City Charter gives Council 30 days to fill the seat. Therefore, there is time to solicit applicants.

Attorney Lee stated that in the past typically Council would solicit applications, conduct interviews and then entertain motions until someone gains the majority of the votes.

It was stated that person would have to run in November if they wish to retain that seat. Attorney Lee stated that in some instances, councils will appoint an individual who pledges not to run.

Discussion was held on the possible number of interested individuals. Councilman Kramer asked if we have 20 people who apply, do we have to interview all of them. Attorney Lee stated that Council could select a committee to narrow the field in they choose as well as set up guidelines, etc.

Attorney Lee stated that if Council chooses not to fill the seat, within 60 days we have to notify the Governor who then is to appoint someone. However, given the timing of the election, that is unlikely.

Mayor Wallace stated that he would rather leave the position vacant. It is not that long of a period of time. Councilman Wedell stated that the Charter indicates that we have an obligation to fill the seat. He further stated that he was appointed to a seat and consequently ran in the following election.

CM 7-15-11 – VACANCY ON CITY COUNCIL

Motion by Wedell, supported by Morelli

To solicit letters of interest to be submitted by August 1st with interviews the first meeting in August

Council Member Kopkowski stated that we have an obligation to the voters and the voters elected Dick Selden. She feels that we should allow the voters to elect his replacement. She further stated that she feels the position should stay open out of respect for Dick. Councilman Morelli stated that the voters will have that opportunity in November.

Councilman Kramer stated that we have no idea of how many applicants we will get. We could spin our wheels through the interview process and still not come up with a majority. It could be a waste of time with an election coming up.

Councilman Kivell stated that nobody that they put in the seat would but putting the City in jeopardy. He stated that he has been through this process twice and it was simple and straight forward.

Councilman Morelli stated that the process should be fairly quick. There are people who come to meetings or watch the meetings from home. Councilman Kramer stated that there could also be unfair advantage of being on Council and running for election.

Council Member Kopkowski stated that there is no disadvantage to leaving the seat empty. Councilman Kivell stated that we have an obligation to follow the Charter.

Council Member Kopkowski asked Councilman Morelli if they should have filled his seat while he was gone for six months. It was stated that this is a very different situation. Councilman Morelli stated that a vote was taken each time to excuse him. However, it could have happened and he would have accepted that.

VOTE:

MOTION FAILED (3 opposed)

MANAGER'S REPORT:

City Manager Murphy stated that he will be out of town on vacation next week.

COUNCIL COMMENTS:

Councilman Kramer stated that he has been out of town and would like to extend his sympathy to the Selden family.

Councilman Kramer stated that he read the newsletter and liked it very much. He stated that he has heard a lot of positive feedback.

Mayor Wallace stated that he received a letter from Madelyn Seiden thanking Council and the community for the tributes to Dick.

Mayor Wallace stated that he noticed some patching of 9 Mile. He stated that some of the spots were done beautifully, but others not so good.

ADJOURNMENT:

CM 7-16-11 ADJOURNMENT

Motion by Kopkowski, supported by Kramer

To adjourn meeting at 8:49 p.m.

VOTE:

MOTION CARRIED UNANIMOUSLY

Respectfully submitted,

Tedd M. Wallace
Mayor

Julie C. Zemke
City Clerk/Treasurer

DRAFT