

The City of South Lyon
Regular City Council Meeting
May 11, 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: Kivell, Kopkowski, Kramer, Rzyzi, and Wedell
Also Present: City Manager Ladner, Department Head Martin, Chief Collins, Chief Kennedy, Attorney Wilhelm and Clerk/Treasurer Deaton

ABSENT: Councilmember Dixon

CM 5-1-15 MOTION TO EXCUSE ABSENCE

Motion by Rzyzi, supported by Kopkowski
Motion to excuse Councilmember Dixon’s absence due to bereavement

VOTE: MOTION CARRIED UNANIMOUSLY

MINUTES

CM 5-2-15 MOTION TO APPROVE MINUTES AS PRESENTED

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

VOTE: MOTION CARRIED UNANIMOUSLY

BILLS

CM 5-3-15 MOTION TO APPROVE BILLS

Motion by Wedell, supported by Kivell
Motion to approve bills as presented

VOTE: MOTION CARRIED UNANIMOUSLY

AGENDA

5/11/2015

Mayor Wallace asked if the waiver of fee for the dog rescue event should be added to the Agenda. City Manager Ladner stated we could add it, but after speaking with Chief Collins, it is doubtful the local business near the location would sign off on the outdoor event. Councilman Kivell stated we could discuss it, he doesn't think the fee should be waived. City Manager Ladner stated we could discuss it during City Manager report.

CM 5-4-15 MOTION TO APPROVE AGENDA AS PRESENTED

Motion by Kramer, supported by Kivell

Motion to approve the Agenda as presented

VOTE: MOTION CARRIED UNANIMOUSLY

PUBLIC COMMENT

State Representative Kathy Crawford stated she has lived in this area for a very long time. She stated she participates in many different policy committees. She invited anyone to contact her Monday-Friday from 9:00 a.m. – 5:00 p.m. She further stated she would like to invite anyone interested in visiting the Capitol. She stated she is presenting the City with a seedling of the Catalpa tree that is on the front Capitol lawn. Ms. Crawford stated she is working very hard to find a solution to the road problems.

Scott Ward from South Lyon Watch and Jewelry stated he is interested in working with the Police Department, City Attorney, and Council regarding opening a licensed medical marijuana dispensary. He stated he became a care giver after he met a veteran who came back from the war very different than when he left.

David Law stated he is a new District Court judge and he wanted to come and introduce himself. He stated he was appointed in February. He has worked in the past in private practice and in the Attorney General's Office. He is excited to be a part of the South Lyon Community. He further stated Judge Travis Reeds would like to attend a Council meeting in the future along with him for a brief presentation of the different programs they work on.

PUBLIC HEARING

Mayor Wallace opened the public hearing at 7:50 p.m.

City Manager Ladner gave a brief summary of the 2015-2016 budgets. She stated the mill rate for the City of South Lyon is the same as last year 13.75. She further stated we have the final numbers from the County as proposed numbers for 2016-2017, which is a modest 3% increase.

5/11/2015

City Manager Ladner stated one of the main things Council needs to decide is if we pay cash for the new Fire truck from General Fund, or if we purchase it on a long term purchase agreement.

City Manager Ladner stated there is an added line item for the Cultural Arts Commission. The money is still in General Fund, but they have their own line item. She stated the Commission does have their own budget and narrative that is now included in the Budget. The total budget for the Fire Department will be either \$518, 090 if we purchase the fire truck with cash, or it will be \$998,000 if we purchase the truck with a long term purchase agreement. City Manager Ladner stated we will be getting an additional \$8,014 from the CDBG. Discussion was held regarding giving the Senior Center the additional CDBG funds. Councilman Wedell stated any use of Fund Balance for any reason other than one time capital improvement expenditures will diminish the fund quickly. He stated he is very opposed to ongoing programs.

Councilman Rzyzi stated he would like to see a job description for the job that is being proposed from part time to full time. Councilman Ladner stated they will be working on developing a job description for Council to approve. She further stated the part time employee is mainly working on community development and she would like to add more economic development duties to this person. She would like her to work with existing business owners and look to fill the vacant buildings with new business. Councilman Rzyzi stated he would like to see a job description before the full time position is approved by Council. Councilman Rzyzi stated he is also concerned regarding the increase for legal fees. City Manager Ladner stated the increase was based on the audited numbers. She further stated our City Attorney's contract is up for renegotiation so she left a little room for that as well. Councilman Rzyzi stated he doesn't feel we need to raise the cost of legal fees.

Councilman Kivell stated he feels we should purchase the fire truck as a one-time expenditure to save on interest. City Manager Ladner stated we may also get a better deal without financing. Councilmember Kopkowski stated she agrees with Councilman Wedell regarding the use of fund balance and she does not agree with the direction that is going. Councilman Kivell asked when she is hoping the position will go to full time. City Manager Ladner stated not before July. Councilman Kivell stated he is also concerned with using fund balance for a new position. Councilman Rzyzi stated he would like to see what type of grants the City is striving for. Councilman Kivell stated we have two issues, the fire truck and the new full time position. Councilman Kramer stated he is in favor of saving money on the interest and paying cash for fire truck, it is something we need and hopefully we can receive some money for the one we sell. Councilman Wedell stated he is in agreement with that as well. Mayor Wallace stated he is in favor of purchasing the fire truck outright as well. Councilman Kivell stated he would like the City Manager to find some other funding sources to allow for the full time position. City Manager Ladner stated she will work on that. Councilman Wedell stated he doesn't have any difficulty with using fund balance to balance the budget, but to dedicate it to ongoing programs or positions is a problem. City Manager Ladner stated she understands that, and that is why she chose to wait a year before making any changes to the vision or dental care. She stated she will look into that after we have a year under our belt to see the total cost of the new health insurance. City Manager Ladner stated she will work on the job description and funding for the new full time position. Councilman Kivell stated he is counting on cost containment and another way to fund the full time position other than fund balance.

Mayor Wallace closed the public hearing at 8:10 p.m.

OLD BUSINESS

1. Review of Knolls Development Tree Inspection Report

Carmine Avantini of CIB Planning stated the normal process was not followed by the developer. The normal process consists of the project being approved, followed by the tree protection plan. Then they would decide yes, or no as to where the tree fencing is installed. If it is approved, CIB would go to the site and approve of the location of the fencing. Mr. Avantini stated the developer jumped the gun and didn't follow the process. He further stated they were not supposed to take trees down until phase 2, but they began cutting trees during phase 1. He went to inspect the trees for phase 1, and they had already cut down trees in phase 2. He stated he reviewed the plan as if no cutting had been done, and the engineer gave him a plan on where the tree fencing should have gone. Mr. Avantini stated they did add the tree fencing for the rest of the site, and in the end, there were only two trees that were removed that should not have been removed. Yet there are 5 trees that were saved, that were originally meant to be removed. He further stated he believes the developer is currently in compliance. The original concern the Planning Commission had was they didn't know if the developer was in compliance, because the normal process wasn't completed. Councilman Kivell stated he is happy the situation wasn't as bad as everyone originally thought. He further stated he was walking the bike path, and he stated there is an incline, that was stripped, and he is concerned about what they will be able to use there for soil retention. Mr. Avantini stated the developer will have to ensure that any areas that have been cleared, they will have to make sure any slopes are seeded and stabilized.

NEW BUSINESS

1. Consider approval of the resolution for the proposed 2015-2016/2016-2017 City of South Lyon Budget

City Manager stated there are two resolutions that need to be passed. One to approve and separate the mills and the second actually lists out the individual funds for the City.

CM 5-5-15 MOTION TO APPROVE RESOLUTION FOR THE PROPOSED BUDGET

The following resolution was offered by Wedell, and supported by Kivell

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 2015-2016 the following amounts, based on taxable value

At the rate of 10.3212 mills per \$1,000 of valuation for General Fund Operation

At the rate of 2.5000 mills per \$1,000 of valuation for Wastewater General Obligation Bonds

5/11/2015

At the rate of .5838 mills per \$1,000 of valuation for Capital Improvement Fund
 At the rate of .3450 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 become a free standing and District Library for all purposes including the levy of 1.5002 and 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 of Special Assessments and other charges, together with interest due thereon, as provided in Section 7 Taxation 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 2015 Tax Roll.

RESOLVED FURTHER, that the millage for the entire fiscal year 2015-2016 budget not to exceed 13.75 mills.

VOTE: MOTION PASSED – 2 OPPOSED Kopkowski and Rzyzi
CM 5-6-15 MOTION TO APPROVE THE RESOLUTION TO APPROVE THE CITY OF SOUTH LYON BUDGET AND FUND NUMBERS

The following resolution was offered by Wedell, and supported by Kivell

WHEREAS, in May 2015 the City Manager submitted to City Council a proposed budget for the fiscal year July 1, 2015 through June 30, 2016, 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 2015-2016 fiscal budgets as shown in the budget document on the Summary page, and detailed on the following pages, in the total amount of \$ 5,827,218.

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

Fund No.

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
General Debt Service	
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

2. First reading of Ordinance to Repeal Section 82-78 (4) Sidewalks to be cleared of snow and ice to clarify and provide that a violation of Chapter 82 is a municipal infraction

City Attorney Wilhelm introduced David Gillian of Johnson, Rosati, Schultz & Joppich to discuss the Ordinance. Mr. Gillian stated he has experience with the 52nd-1st district court. He also works with the City of Wixom and their ordinance violations. Mr. Gillian stated the Ordinance states any property that has a structure on it, and utilities on the property, must have sidewalk maintenance, including snow and

5/11/2015

ice. He further stated the ordinance goes back to the late 1980's and when this was put in place, it was a criminal misdemeanor meaning you could be arrested for it. A couple of years later, the legislature had an idea that some things that were historically criminal infractions should be civil infractions in providing the judges with more authority to take more equitable actions. In 1994, City records reflect Council adopted an ordinance changing the language to a civil infraction. It was put into place at that time, but it was probably an oversight, because the language saying failure to remove the snow is a criminal misdemeanor. This is more housekeeping than anything else. Mayor Wallace asked Department Head Martin if the City still has the 50/50 program with homeowners when sidewalks need to be replaced. Department Head Martin stated we have not had that program in a long time. City Manager Ladner stated she developed a program at her previous community for the City and property owners to split the cost. She stated the City would set aside a certain amount of money each year to match property owners cost for curb/gutter/sidewalk/driveway apron replacement. She further stated she can look into this as a program for the next fiscal year.

CM 5-7-15 MOTION TO APPROVE FIRST READING OF ORDINANCE TO REPEAL SECTION 82-78(4)

Motion by Kramer, supported by Kivell

Motion to approve First Reading of Ordinance to repeal Section 82-78(4) Sidewalks to be cleared of snow and ice to clarify and provide that a violation of Chapter 92 is a municipal infraction

VOTE: MOTION CARRIED UNANIMOUSLY

3. Consider request that Mayor and Council be provided with City issued email addresses for City business.

Councilman Kramer stated he does not want to have to keep track of all City related emails within his own personal email address. He stated he has checked with other communities and they have emails that use the City server for email. It is not a difficult task to have City email forwarded to your regular email address. Councilman Kivell or you may go to the City's site and login at that point. City Manager Ladner stated her personal email is on her phone and iPad. Mayor Wallace stated he believes we need to look into this a little more. City Manager Ladner stated there are two options. You can login to the website for the City server, or you can have your work email forwarded to your personal email. Councilman Rzyzi asked if there would be any safety concerns such as hacking, and such. City Manager Ladner stated the City server is protected by a firewall, for hacking and viruses.

CM 5-8-15 MOTION TO APPROVE CITY EMAIL ADDRESSES FOR MAYOR AND COUNCIL

Motion by Kramer, supported by Kivell

Motion to approve City Manager Ladner to have IT Company set up email accounts for Mayor and Council Members

VOTE: MOTION CARRIED UNANIMOUSLY

5/11/2015

4. Consider and approve form to be used for City Manager's performance evaluation

City Manager Ladner stated she gave Council 3 different samples of performance reviews for City Managers. Councilman Kivell stated all three forms accomplished the same goal, but he did like the Temple Terrace format a little better. Councilmember Kopkowski stated she doesn't have a preference. Discussion was held regarding the date for the evaluation. It was the consensus of Council to have the evaluation at the first meeting in June.

CM 5-9-15 MOTION TO APPROVE THE TEMPLE TERRACE FORMAT FOR THE CITY MANAGER'S PERFORMANCE EVALUATION

Motion by Kivell, supported by Kramer

Motion to approve the Temple Terrace form for Managers evaluation

VOTE: MOTION CARRIED UNANIMOUSLY

CM 5-10-15 MOTION TO SCHEDULE MANAGERS EVALUATION FOR JUNE 8TH

Motion by Kramer, supported by Kopkowski

Motion to schedule the evaluation for Monday June 8th 2015

VOTE: MOTION CARRIED- 1 OPPOSED

5. Consider approval of the Lake Street Cruise-In application

Chief Collins stated there are representatives present that would like to speak with Council, but he would like to point out a few things. The resident at 216 E Lake did not sign off approving the street closure. He also wanted to point out the fact there is an issue with the insurance language which the City Attorney may want to discuss. City Attorney Wilhelm stated there are two issues. He recommends that the applicant strike the current language regarding the additional insured regarding limitation of extent the City would be an additionally insured and use the language that all other applicants have to use. He further stated he has not been able to find anything reflecting the Lake Street Cruise-In as a recognized entity by the State of Michigan. Debbie Cook stated she is here to represent the Lake Street Cruise-In. She stated she has spoken with their insurance carrier and they will change the language to what the City is requiring. Attorney Wilhelm stated he would like to see a copy of the entire insurance policy, not just the certificate of insurance. She stated they have applied for a 501c4. Mary Poole stated they are under the impression Council may act on it if it is in the process of being approved. Councilman Kivell asked how they can have insurance for an entity that isn't a recognized entity. Discussion was held regarding the Lake Street Cruise-In as a legal association, not a corporation. Chief Collins stated their initial application reflected South Lyon Area Pumpkinfest as their insurance carrier. He spoke with

South Lyon Pumpkinfest Committee and they are not involved with this group. Attorney Wilhelm stated they will need to supply the City with additional information to understand the existence of an association.

CM 5-11-15 MOTION TO APPROVE THE LAKE STREET CRUISE-IN APPLICATION AND TO THE ROAD COMMISSION FOR OAKLAND COUNTY CONTINGENT ON APPROVED DOCUMENTS BEING PRESENTED TO THE CITY ATTORNEY AND COUNCIL

Motion by Kivell, supported by Rzyzi

Motion to approve the Lake Street Cruise-In application and to the Road Commission For Oakland County contingent on approved documents being submitted to Council

VOTE: MOTION CARRIED UNANIMOUSLY

6. Memorial Day Parade

Chief Collins stated there are no changes from previous years and recommends approval.

CM 5-12-15 MOTION TO APPROVE THE ROAD CLOSURES FOR THE MEMORIAL DAY PARADE

Motion by Kramer, supported by Wedell

Resolved That Lisa Deaton, City Clerk/Treasurer is hereby authorized 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 2015 Memorial Day Parade on May 25, 2015 at 9:00 a.m. and the related road closures:

Lake Street between Warren Street and Reynold Sweet Parkway

VOTE: MOTION CARRIED UNANIMOUSLY

MANAGERS REPORT

City Manager Ladner stated she and Clerk/Treasurer Deaton attended FOIA training at the MMRMA office in Livonia on Wednesday, and our City Attorney is currently working on an up to date FOIA policy. She stated on Monday May 18th, she and Kristen will be attending a free training session by the MML in Westland.

City Manager Ladner stated the next Pumpkinfest Committee meeting is on Wednesday evening at 7:00 p.m. at the Police and Fire training hall.

City Manager Ladner stated Mr. Corliss is requesting Council to waive the fee for a charity outdoor event at Northwoods Bar. She further stated she has spoken with Chief Collins and there are a few concerns.

5/11/2015

The adjacent business is a hotel, and will most likely not agree to the outdoor event which includes live bands, as well as it being close to Carriage Trace subdivision. Councilman Wedell stated there are many 501c3 organizations, and if we waive the permit fee for this group, we will have to waive it for all 501c3 groups.

City Manager Ladner stated the Spring Clean up is Saturday the 16th of May beginning at 9:00 a.m.

Councilman Kramer stated he would like to thank everyone that bought flowers on Mother's Day from the boy scouts.

Councilman Wedell stated the veterans will be selling poppy's within the next couple of weeks, and all the money goes to support veterans.

Councilman Rzyzi stated he is disappointed we are having another closed session, for the record we have had 5 closed sessions in the last 7 meetings. He feels going forward we need to be not so liberal with having closed sessions. Councilman Rzyzi stated he is looking forward to seeing everyone during the City-Wide garage sales, and he would like to remind everyone about the Relay for Life later this month.

Councilmember Kopkowsi asked if the Ordinance Officer could nudge Providence to cut the grass in their empty lot. They normally do, but a reminder wouldn't hurt. Councilmember Kopkowsi stated she received an email regarding the Election going well, as well as the turnout. She further stated in the email Clerk Deaton thanked her Election workers, and she would like to thank Clerk/Treasurer Deaton as well.

Councilman Kivell stated Michigan Seamless Tube had an employee appreciation day on Saturday, and they invited City Council. He stated it is very impressive, and it is huge and awesome from the exterior and interior. It is a very cool process which takes place. It is very extraordinary what they do there, and length of time they have been doing it is a real compliment to their efforts as well as an economic boom to our Community. He further stated they were very kind and patient to explain the processes that occur there. Councilman Kivell stated they top out at 280 employees, and currently there are approximately 200. He stated there is no material loss in the process, it is all extrusions and it is fascinating.

Mayor Wallace asked when will the streets and cross walks be painted on the major streets? Department Head Martin stated they will be painted by the County, and they should be happening soon. Mayor Wallace stated there was a clash at the four corners last week. He stated there was a group from Royal Oak tried to chase off our VFW people and he doesn't care for that. He further stated there should be a way that we can protect our local groups. Chief Collins stated the group Second Chance Network notified the Police Department asking for permission. He stated the Police Department will not give any group permission, because that would then make the safety of the group the Police Department's responsibility. He further stated there was a 6th Circuit Court of appeals decision in which an anti-begging ordinance similar to our prior begging ordinance was struck down. He stated the group was not in violation of the aggressive begging ordinance that we currently have. He further stated the Police Department sent unmarked cars, marked cars as well as the Chief himself to ensure the group was not violating the aggressive begging ordinance, or holding up traffic. Chief Collins stated our disadvantage is that we have not limited our local groups that they cannot be in the roadway; therefore we cannot stop other groups. He further stated he thinks the group may have been waiting for the Police Department to challenge them, and use it as a test case to take us to court. Chief Collins stated we walk a fine line between trying to cooperate with our local groups in the past, and not violating the constitutional rights of outside groups. Councilman Kivell stated he thought they needed a Solicitors permit. Chief Collins stated if they were going door to door soliciting, a permit would have been required. Mayor Wallace just wanted to remind everyone of the City Wide garage sales are from May 14-May 17, as well as the city wide clean up happening on Saturday May 16th.

CM 5-13-15 MOTION TO ENTER INTO CLOSED SESSION

Motion by Kivell, supported by Kopkowski
Motion to enter into closed session at 9:25 p.m.

ROLL CALL VOTE: MOTION CARRIED UNANIMOUSLY

Council reconvened regular meeting at 9:47 p.m.

CM 5-14-15 MOTION TO ADJOURN

Motion by Kivell, supported by Kramer
Motion to adjourn meeting at 9:47 p.m.

VOTE: MOTION CARRIED UNANIMOUSLY

Respectfully submitted,

Tedd Wallace Mayor

Lisa Deaton Clerk/Treasurer

