

CITY OF SOUTH LYON
REGULAR CITY COUNCIL MEETING
MAY 13, 2013

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, Rzyzi, Wedell, Kramer and Dixon
Also Present: City Manager Murphy, Department Head Martin, Chief Collins,
Chief Kennedy, Attorney Wilhelm and Clerk/Treasurer Deaton

MINUTES

CM 5-1-13 MOTION TO APPROVE MINUTES

Motion by Kivell, supported by Kopkowski
Motion to approve the minutes as presented

VOTE: MOTION CARRIED UNANIMOUSLY

MONTHLY BILLS

Some discussion was held regarding the monthly bills as presented

CM 5-2-13 MOTION TO APPROVE THE MONTHLY BILLS

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

AGENDA

City Manager Murphy stated he would like to add as item 1A, Police Week Proclamation

CM 5-3-13 MOTION TO APPROVE THE AGENDA

Motion by Wedell, supported by Dixon
Motion to approve the agenda as amended

PUBLIC COMMENT

Mayor Wallace stated the Townie Award is not sanctioned by the City, but given in honor of Norma Wallace. He further stated this year the award is going to someone that most people in the room will know. Mayor Wallace stated this person has contributed so much to this community, and this year's award is going to Phil Weipert. Mr. Weipert stated he has lived here for 25 years and he loves this town, and has always tried to be involved and he thanked the Mayor for the award.

Chief Kennedy stated he would like to have a brief moment of silence for fallen firefighter Brian Wolkey, from the Westland Fire Department. He further stated the Fire Department has recently conducted a multi-step up promotional process, and these members have shown outstanding commitment to the fire department and administrative and operating functions. City Clerk Deaton the following in, Assistant Chief Dan Hammon, Captain Mike Wier, Sergeant Cory Armstrong, and Sergeant Todd Gerhardt.

Mr. Mcloud of 500 Willow of Parks and Recreation stated he would like to read a statement from the Parks and Recreation Committee to be entered on the record. (See attached).

George Foman of 869 Huntington stated he is here to discuss the Volunteer Park nature trails. He further stated he has some information he would like to share with Council. Mr. Foman stated that nature, bike trails and the community spirit is something he really enjoys about the City. He further stated people have worked hard to get the bike trail paved, and people have worked hard to have Volunteer Park be a very nice place. He further stated there has been a nice balance in the last few years, with the ability for sporting events, the bike trails and the hiking trails. Mr. Foman stated even the farming that was done a couple of years ago was a good addition. He further stated as of last year there was still a nice balance to the park. This spring the balance has been disturbed. Mr. Foman stated he feels that decisions have been made without reasonable and fair notice to the residents of South Lyon, and he feels there should have been a sign in the park stating what was going to be done with the park. Just making decisions at meetings that not all residents attend is not fair. He further discussed the maintenance agreement that the City has with the farmer. Mr. Foman asked Council to halt all of the destruction at the park until all residents have a chance to discuss this with Council.

Jonathan Johnson of 61393 Dean Drive stated it is a matter of balance. He stated it should be a community decision. He further stated the master plan is a goal, but it can be changed. He further stated there are discussions being held without the public's knowledge. There is no notification given to the public about what is being done at Volunteer Park. He hopes there is a way where we can find a nice balance between the different interests that people have.

OLD BUSINESS- None

NEW BUSINESS

1. Mental Health Proclamation

Motion by Kivell, supported by Kramer

Motion to approve the re-appointments made by Mayor Wallace of the following:

Margaret Kurtzweil	Planning Commission	Term Expires: March 2016
Keith Bradley	Planning Commission	Term Expires: March 2016
William Rodman	Zoning Board of Appeals	Term Expires: March 2016
Steve Mosier	Zoning Board of Appeals	Term Expires: March 2016
Mike Olando	Parks and Recreation	Term Expires: March 2016
Elizabeth Pfile	Historical Commission	Term Expires: March 2016
Randy Clark	Housing Commission	Term Expires: March 2016

VOTE: MOTION CARRIED UNANIMOUSLY

4. Police Donation Acceptance

Chief Collins stated the daughter of Mr. and Mrs. Reynold Sweet sent a check to the police department for \$100.00 as a donation in honor of her parents.

CM 5-8-13 MOTION TO ACCEPT DONATION

Motion by Kopkowski, supported by Kivell

Motion to accept the \$100.00 donation from Ms. Bonnie Piotter, and to thank her for her generosity.

VOTE: MOTION CARRIED UNANIMOUSLY

5. Lake Street Cruise-in

Mary Poole of the Lake Street Tavern stated she is proposing this event again this year for a car show featuring vintage cars. She further stated they are requesting the route from Lake Street from Pontiac trail to Reese, leaving open Wells Street for north and south traffic. Discussion was held regarding the pedestrian traffic, and the sponsors of the cruise in. Councilmember Kopkowski stated she would like to know how the cruise in is being covered by the Pumpkinfest 501c3. Ms. Poole stated they also sponsor Pumpkinfest, and they are a part of Pumpkinfest so they are using the hold harmless; because signing as an individual would put all responsibility on one person so using the Pumpkinfest hold harmless makes more sense. Councilmember Kopkowski asked if any of the money from Pumpkinfest is being used for the cruise in. Ms. Poole stated no. The question was asked why the City Manager hasn't received the financials from the Pumpkinfest Ms. Poole stated she will check into it and get the information to the Manager.

Discussion was held regarding last year's event and some issues with parking.

CM 5-9-13 MOTION TO APPROVE THE LAKE STREET CRUISE-IN

Motion by Kivell, supported by Wedell

Motion to approve the Lake Street Cruise-in application and resolve that Lisa Deaton, 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 Lake Street Cruise-in on May 22, June 26, July 24, August 28, and September 25, 2013 and the related road closures: Lake Street between Lafayette Street and Reese Street from 6:30 p.m. to 9:30 p.m. 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 APPROVED 3 OPPOSED
Wallace, Rzyzi, Kopkowski

6. Adoption of Cultural Arts By-laws

Linda Lemke of the Cultural Arts Commissions stated she is here to present the proposed by-laws of the commission. She stated the first project will be the atrium at City Hall. She stated they have completed their mission statement as well. She stated the atrium could be a unique community gallery and utilize the space for the enjoyment of the liberal arts. Ms. Lemke stated the Cultural Arts Commission will put on two shows for local artists. For the shows they would charge an entry fee, plus 20% commission on work sold at that time. The remainder of the year, they would like to rent out the space for a range of \$200 or \$300 dollars for anyone that would like to have a one or two person show. It will give the commission an income of \$1600. – \$2400. Discussion was held regarding the art shows they would like to do. She further stated eventually they will have an itemized budget. She stated they are asking for \$6500.00 budget for the commission from Council. Councilman Kramer asked if the Commission has asked the schools to donate any money because the shows will be utilizing some of the student's artwork. She stated they have not asked the schools. The City will be purchasing the entire display panel system. He further asked if the commission will be coming back every year asking for money. Ms. Lemke stated no, this is a one-time request to purchase the panel systems.

Councilman Rzyzi stated he voted no on forming this Commission because he doesn't feel this is something the taxpayers should have to pay for.

Councilmember Kopkowski stated she is a big supporter of the arts, but she struggled with the DWRP decision, but had to approve it, and she understands they are only asking for seed money, but she can't support the tax payers paying for it. She further stated art is a luxury, and not a necessity. She further stated the commission should possibly have a fundraiser to get the seed money. Councilman Wedell stated we can approve the by-laws and deal with the budget money at another time. Discussion was held regarding the first show being held in the fall of this year.

CM 5-10-13 MOTION TO APPROVE CAC BY-LAWS

Motion by Kramer, supported by Wedell

Motion to approve the revised By-Laws as presented by the Cultural Arts Commission.

VOTE:

MOTION CARRIED – 1 OPPOSED
RZYZI

7. Title VI Plan

Attorney Wilhelm stated this is a plan that is required by the State of Michigan. He further stated it is part of the Civil Rights plan and it provides for procedures and guidelines to ensure no one is discriminated against. MDOT has approved it and it is ready for Council to approve.

CM 5-11-13 MOTION TO APPROVE TITLE VI PLAN

Motion by Kivell, supported by Wedell

Motion to approve and adopt the Title VI Non Discrimination Plan as presented.

VOTE:

MOTION CARRIED UNANIMOUSLY

8. HRC's Lake Street Project Agreement

Jesse VanderCreek from HRC stated he is here to answer any questions Council may have. Mr. VanderCreek discussed the Lake Street Project Agreement. He stated this is a significant project, and it is going to be a challenge because the state is requiring them to upgrade all the sidewalk ramps to meet ADA requirements. Councilman Kivell asked about the charge for the resident representative fee. Mr. VanderCreek stated that is an obligation and it must be observed on a daily basis, and it doesn't just begin with the beginning of the project. It begins well in advance, there is a significant public engagement with the homeowners and business owners in that area. Mr. VanderCreek gave a brief summary regarding the quality control position that is required on site; they check all the materials to ensure all materials are up to standards. He further stated this is to protect our investment, and to ensure the taxpayers are getting what they pay for. Councilman Kramer asked the question about how HRC comes up with the numbers for the fees. Mr. VanderCreek stated, his company does these projects all over Michigan, and they have been doing this for a long time, and they know within 1% what the cost will be. He has 6-8 people assigned to this project over an 8-10 week period. He further stated that he could do a time and materials basis if Council would like. Discussion was held regarding the process of HRC estimating projects.

Councilman Rzyzi asked City Manager Murphy if he had spoken with the County about using their engineers since it is a County Road. City Manager Murphy stated if we did contact them for this project, they would then turn around and have HRC do the job. They contract out their projects and use the same three engineers most of the time, and they would normally go with the local one, which would be HRC. Councilman Kramer stated he would like to see the fee schedule that HRC uses when doing work for Oakland County, such as a maximum hourly rate, and cap.

CM 5-12-13 MOTION TO APPROVE THE LAKE STREET PROJECT

Motion by Kivell, supported by Wedell

Motion to approve the remainder of the engineering

VOTE:

MOTION APPROVED

COUNCIL COMMENTS:

Mayor Wallace stated this Saturday is the City-Wide Spring cleanup, from 9-noon. Anyone who would like to volunteer is welcome to meet us at City Hall. He further stated there will be a Memorial Day parade on Monday the 27th, and the Council meeting for the 27th was changed to Tuesday the 28th.

CM 5-13-13 TO ENTER INTO CLOSED SESSION

Motion by Kramer supported by Wedell

Motion to enter into closed session in accordance to Section 8(h) of the OMA to discuss a written legal opinion from the City Attorney.

ROLL CALL VOTE

MOTION CARRIED UNANIMOUSLY

ADJOURNMENT

Motion by Kramer, supported by Kopkowski

Motion to adjourn the council meeting at 10:10 p.m.

VOTE:

MOTION CARRIED UNANIMOUSLY

Tedd Wallace Mayor

Lisa Deaton Clerk/Treasurer