

The City of South Lyon  
Regular City Council Meeting  
July 27, 2015

Mayor Wallace called the meeting to order at 7:30 p.m.  
Mayor Wallace led those present in the Pledge of Allegiance.

PRESENT: Mayor Tedd Wallace  
Council Members: Dixson, 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

Councilman Kivell stated on page 6, it should state the size of the building envelope.

CM 7-1-15 MOTION TO APPROVE MINUTES AS AMENDED

Motion by Kramer, supported by Wedell  
Motion to approve the minutes as amended

VOTE: MOTION CARRIED UNANIMOUSLY

BILLS- None

AGENDA

City Manager Ladner stated a representative of DTE was not available to attend the meeting tonight, therefore she would like to remove item #2 and place it on an Agenda for an August Council Meeting.

CM 7-2-15 MOTION TO APPROVE AGENDA AS AMENDED

Motion by Kramer, supported by Dixson  
Motion to approve the Agenda as amended

VOTE: MOTION CARRIED UNANIMOUSLY

PUBLIC COMMENT

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Carl Richards of 390 Lenox stated he will be bringing attention to the Planning Commission the 9 vacant buildings downtown. He stated he and another business lady in the Community do not feel the vacancies have anything to do with Sweetwater closing. Mr. Richards stated he will also be running as a write in for Council. He stated he is running as a write in to stay out of the way and not interfere with the candidates that filed. Mr. Richards stated he also wanted to bring up the City's Tree Ordinance. He stated the City has enough standing trees we could easily have a forester division, and enough logs that are laying around, we could bring in our own sawmill.

Diane Dunlap of 1000 Oak Creek Drive stated she is the first house in the subdivision. She further stated during the wind storm on July 5<sup>th</sup> she contacted DTE regarding two trees that were arching from a power line. She stated no one came out. If that tree would have fallen, it could have caught her yard on fire and blown up the gas line. She stated 24 hours later, someone showed up and asked about a downed power line. She stated she was calling about the trees arching in the backyard. She further stated they eventually sent someone out and they lopped off the top of the trees. She stated she will take any legal action necessary against DTE for damaging her yard and her wellbeing. She further stated the Township of Bloomfield Hills filed a lawsuit against DTE and they had to get an injunction to make them stop chopping trees down. Ms. Dunlap discussed everything she has done to take care of the trees in her yard and the easement.

Luke Voss of 999 Westbrooke stated he lives across from Ms. Dunlap. He stated we need to be careful with trusting DTE. He stated he received a flyer on his door speaking of tree trimming around power lines. He called the phone number, and they said they were going to clear cut down Nine Mile. He further stated if they need to do this, they need to do this properly. He is happy he was able to discuss this with Councilman Rzyzi to bring this to everyone's attention. Mr. Voss stated if DTE comes in and lops off the tops of the trees, it will change their sightlines when they sit on their deck, it will change their property values. He further stated he is happy DTE will set this aside for now, and come to an August meeting.

#### OLD BUSINESS

1. Consider Amendment to Ordinance: Chapter 14- Animals- to allow for and to provide regulations on the keeping of female chickens (hens)

City Manager Ladner stated at a previous meeting, Council asked to have the Planner and City Attorney draft an ordinance amendment to allow backyard hens. She further stated they have done that, and they are also reviewing an application as well. Councilman Kivell stated there is no impact on backyard chickens to home values according to house appraisers he has spoken with. Discussion was held regarding the criteria for allowing a hen permit. Attorney Wilhelm stated this type of permit would be an administrative process that does not go through a hearing, unless that is what Council would like. Councilman Kivell stated that is ok, but there needs to be a process each year in case someone is not taking care to follow the rules. There should be some kind of review process. Attorney Wilhelm stated

if there are complaints, the City could take that in to account when reissuing the permits. Councilman Wedell stated when this was discussed earlier, he asked for reasonable setbacks, as well as the concurrence of the neighbors. He feels the setbacks are far too permissive, they will be right on top of each other, and it is reasonable to ask the adjacent neighbors to agree and understand what their neighbors will be doing. Councilman Kopkowski stated she doesn't agree that anyone's neighbor must approve of anything their neighbor is doing with their property if within the ordinance. Councilman Kramer stated the setbacks seem very close. There is a lot of wildlife and who would he call regarding noise if there is something attacking a chicken in the middle of the night, would people call the Police. Chief Collins stated many of the issues surrounding chickens and chicken coops will fall upon the Police Department, because the Ordinance Inspector is only part time and not available as often as the Police are. He further stated he is concerned about the setbacks, he anticipates complaints regarding other domestic animals attacking the hens. Councilman Kramer stated if it is a continuous problem, there will be more neighbors prosecute the noise ordinance complaints. He further stated the setbacks are way too close. Councilman Kopkowski stated hens will sleep at night and are very quiet. Discussion was held regarding the ability of the Homeowner Associations over riding the Ordinance Amendment. Councilmember Kopkowski stated chickens are not easy to raise for egg production. It is time consuming and it is not easy. She doesn't think the City will be overrun with people having backyard hens. There will be a small number of residents that try to do this. Councilman Rzyzi stated this is the first reading and this doesn't mean people can go out and get chickens today, but with this being the first reading, if there are any concerns, we need to look at the permitting process as well as the setbacks. City Manager Ladner stated this ordinance does not address what the process is if someone is denied a permit after they already have chickens, how does the City help re home the animals. Animal Control does not take hens, and people cannot slaughter them. Councilman Kivell stated chickens do not last forever, or live forever and there are processing centers they could take them too. Mayor Wallace stated he doesn't feel this is a City issue. City Manager Ladner stated she recommends looking at the setbacks again, as well as the permitting/approval process and bring this back for a second reading at a later time. More discussion was held regarding setbacks for hen coops as well as the fencing. Councilman Kivell stated he would like this Ordinance to reflect a way for a log to be created for any complaints that any neighbors have, and that should be used when the permitting process is done each year. Councilman Kivell stated he doesn't intend on having hens, but he doesn't understand why we would stop someone from having hens. Councilman Kramer stated he doesn't want chickens in his neighbor's back yard. Would the Police come back to take the hens away, if they were annoyed. Councilman Kopkowski stated she would like to see a compromise, but your neighbor shouldn't have to allow someone to have backyard hens. She further stated she visited a friend's home, and she didn't know they had backyard hens until she was there for a few days. They are very quiet animals. Attorney Wilhelm stated he wants to ensure Council is clear regarding the language regarding the setbacks and any other buildings in the neighborhood and what they would like for the setbacks. Steve Kennedy of 1079 Vassar stated he appreciates being able to address Council regarding this issue. Mr. Kennedy then read a letter he previously gave to Council and stated he is not in support of allowing backyard hens.

CM 7-3-15 MOTION TO APPROVE THE FIRST READING WITH CHANGES

Motion by Kivell, supported by Rzyzi

Motion to approve the first reading of the proposed amendment of Chapter 14 to allow for and to provide regulations on keeping of female chickens (hens) with requested changes

ROLL CALL VOTE: MOTION PASSED- 3 OPPOSED

NEW BUSINESS

1. Consider amendment to Safebuilt Professional Services Agreement

City Manager Ladner stated our Plumbing/Mechanical Inspector Dave Murray is retiring. She has spoken with Safebuilt which she is presenting to Council to approve which will allow their Plumbing/Mechanical Inspector to also handle the City's inspections. She further stated she spoke with Brandon this afternoon who is our Electrical Inspector and he would like to stay on as our Electrical Inspector. Therefore she is asking Council to approve the amendment to our Safe built Contract to allow Safebuilt to also do our Plumbing and Mechanical Inspections. Dennis Smith of Safebuilt stated it is always the most ideal to have one company handling all inspections. There haven't been any major issues in the past, but it is easier to control the whole thing, plan reviews as well as inspections. Councilman Kivell stated it doesn't make sense to stop using our electrical inspector just because our plumbing inspector retired. City Manager Ladner stated the current electrical inspector gets 75% of the permit fee, and it would be the same with Safebuilt.

CM 7-4-15 MOTION TO APPROVE THE AMENDED CONTRACT WITH SAFEUILT

Motion by Kramer, supported by Kivell

Motion to approve the amended contract with Safebuilt to include the mechanical, plumbing  
And plan review services

VOTE: MOTION CARRIED UNANIMOUSLY

2. Consider bids for the replacement of the Police Station roof and authorize accepting the bid from low bidder

Chief Collins stated the roof on the Police Administration building is over 24 years old. We have experienced some leaks in the past that have caused damage. He further stated we received 3 bids, and we prefer the low bidder. The contractor is offering to use his best materials at a basic material cost price. He further stated the contractor would like to have this as a show case job. Chief Collins stated this is a budgeted item. Councilman Kramer asked if the bid included the 4'x8' sheet of decking that will be \$35.00 per sheet. Chief Collins stated they do not know how much they will need until they begin the job, but up to the first 10 sheets are included in the bid.

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CM 7-5-15 MOTION TO APPROVE LOW BID FROM HOME PRO ROOFING

Motion by Wedell, supported by Rzyzi

Motion to accept the bid by Home Pro Roofing to replace the roof on the police station at a cost Of \$15,370; plus \$35.00 per 4'x8' sheet of decking, (over 10 sheets), if needed

VOTE: MOTION CARRIED UNANIMOUSLY

3. Consider bids to for the purchase of a new fire truck to replace the 1996 KME engine currently in service known as Engine 1 and authorize accepting the Pierce Saber bid with the Chassis payment option, class A foam system, tool mounting, loose equipment, compartment, and cab customization options for a total purchase price of \$478,683.00

Chief Kennedy stated this is the accumulation of a solid 2 years of work for himself, our mechanic Doug Buers, Lt. Jim Shekel, and Deputy Chief Mike Weir. He stated we believed we would be in the \$550,000 neighborhood in cost, but we were happy all of the bids came under that number. He stated we worked with a series of vendors so we could get competitive bids. Chief Kennedy stated this is a budgeted item as well. He further stated Pierce is a very reputable firm. He stated there is a Chassis prepayment option as well. Councilman Rzyzi stated he is confident Chief Kennedy is making the best decision. Mayor Wallace stated Chief Kennedy is constantly making good decisions, and our Fire Department is outstanding.

CM 7-6-15 MOTION TO APPROVE PURCHASE OF LOW BID FOR FIRE TRUCK

Motion by Rzyzi, supported by Kramer

Motion to approve the authorization to purchase Fire Truck not to exceed \$478,683.00 for Pierce Saber Fire pumper and related equipment

VOTE: MOTION CARRIED UNANIMOUSLY

4. Consider resolution authorizing the City as the Act 51 Agency for the joint Safe Routes to School Grant in partnership with the South Lyon Schools, Lyon Township and the Oakland County Road Commission

City Manager Ladner stated the application is due in August. The resolution authorizes the City to be the Act 51 Agency for the Joint Safe Route to School Grant. She further stated our Attorney Wilhelm has made some changes to the language. City Manager Ladner stated this allows us to partner with Lyon Township, as well as the Oakland County Road Commission. Lyon Township will also be approving a resolution to approve their portion of their funds. Councilman Kivell asked if the agreement holds the City harmless if the ongoing maintenance outside of our City is not kept up. City Manager Ladner stated it does reflect the City is only responsible for any ongoing maintenance within the City. Mayor Wallace

stated he still has some concerns if the Township will add sidewalks to their property. If they don't, the kids will still be walking in the roads to get to the City side of town.

CM 7-7-15 MOTION TO APPROVE RESOLUTION AUTHORIZING THE CITY AS THE ACT 51 AGENCY FOR THE JOINT ROUTES TO SCHOOL GRANT

Motion by Kivell, supported by Kramer

Motion to approve the resolution authorizing the City as the Act 51 Agency for the Joint Safe Routes to School grant in partnership with the South Lyon Schools, Lyon Township and Oakland County Road Commission.

VOTE: MOTION CARRIED UNANIMOUSLY

5. Consider resolution authorizing the Mayor to sign the required fiduciary letter of commitment for the Joint Safe Routes to School Grant

CM 7-8-15 MOTION TO AUTHORIZE THE MAYOR TO SIGN THE FIDUCIARY LETTER OF COMMITMENT

Motion by Wedell, supported by Kivell

Motion to authorize the Mayor to sign the Safe Routes to School Fiduciary Letter of Commitment

VOTE: MOTION CARRIED UNANIMOUSLY

6. Consider purchase of an Xtreme XV6000 Vac Leaf Collector

Department Head Martin stated he has been here for 37 years and we have always picked up leaves in the Fall, and we take a lot of heat for getting the leaves picked up quickly. He spoke with his guys, and he asked if they wanted to put money towards a chipper or a new leaf vac. They decided the leaf vacuum is needed. He further stated they pick up leaves for 28 miles of City streets, and it takes a full 8-10 weeks of intensive work. We will keep the old leaf vacuum truck and use it this fall as well. He further stated he believes the new leaf vacuum will service the City for the next 20 years. We will have to build another box, but that will be done in house. By using the old vehicle as well, we will have two crews out picking up leaves. Councilmember Kopkowski stated she feels this is a great service the City offers.

CM 7-9-15 MOTION TO APPROVE PURCHASE OF VACUUM LEAF COLLECTOR

Motion by Kramer, supported by Wedell

Motion to approve the purchase of an Xtreme XV6000 Vac Leaf Collector for the price of \$32,910.00

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VOTE: MOTION CARRIED UNANIMOUSLY

7. Consider purchase of a 2016 DPW salt/plow dump truck

Department Head Martin stated after leaf season comes the snow. He stated it sometimes lasts up to 8 months. Last year we only had 4 salt trucks because a 20 year old truck broke down and was not fixable. He further stated he and Doug Buers found a consortium of 7 communities that got a MI deal program in place. Since then, there are 29 communities that have joined, which we are a part of. They put a bid package together, and they get the lowest bid available. He further stated in doing so, we received a bid for a new salt truck, we buy the cab and chassis from Wolverine Freight Liner, they will ship that to Flint to Knapheide and they will add the equipment for the snow plow and salt spreader. Department Head Martin stated this is a budgeted item for \$165,000 and the low bid came in at \$163,981.00 He further stated we should receive this truck by February of next year.

CM 7-10-15 MOTION TO APPROVE PURCHASE OF SNOW PLOW/DUMP TRUCK AND SALT SPREADER

Motion by Dixon, supported by Kramer

Motion to approve the purchase of a cab and chassis from Wolverine Fright Liner and equip it with attachments from Knapheide Truck Equipment for a total cost of \$163,981.00

VOTE: MOTION CARRIED UNANIMOUSLY

MANAGERS REPORT

City Manager Ladner stated she received a letter from the State of Michigan which explains Public Act 84 passed which is a one-time funding, and the City will be receiving \$92,000 to be spent on local and major street quarterly, which the first payment will be in November. There are no limitations on which streets we may spend the money on. She will meet with HRC and Department Head Martin to decide which roads should be worked on first. City Manager Ladner stated Kristen Delaney has moved on to a new position outside of the City. She stated she will soon be advertising for that position. She further stated we hired a new Deputy Clerk/Treasurer, Judy Pieper, and she is doing very well.

COUNCIL COMMENTS

Councilmember Dixon stated she would like to remind everyone about the quartet in Paul Baker Park on August 11<sup>th</sup>, and Lyon Township is having a festival on August 15<sup>th</sup>.

Councilman Rzyzi stated he has a lengthy list. He stated he wanted to bring attention to the DIA August 11<sup>th</sup> kick off, violins, showcasing of the art, and a very classy event. He further stated Blues Brews, and Brats is this Saturday at 3:00. Councilman Rzyzi stated he is very pleased we purchased the 390 S Lafayette and he has spoken with many residents and most of them want the building torn down, the sooner the better. He further stated he wanted to let everyone know the history behind the tree and

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DTE issue. Last Monday several of his neighbors in Oak Creek Subdivision came to him to let him know they received notices from DTE which stated they would be out to trim and remove trees three days after the notification. There was a lot of confusion and mixed emotions. He stated he did some research and the homeowners concerns have merit. He further stated he contacted the City Manager and asked if she could do anything to help with this. She stated she heard about this in June. Councilman Rzyzi stated he asked for a resolution to ask DTE for responsible tree removal, he also asked to have information placed on our website, and he asked to have DTE meet with Council to answer concerned homeowners questions, which that will be done as well.

Councilmember Kopkowski stated she was passing by Paul Baker Park and there were wedding pictures being taken. It was nice to see they wanted their pictures taken at the park. She further stated he was in his military uniform and the bride was in a beautiful gown. The park is a good asset for our community.

Councilman Kivell stated he is looking forward to the DIA program on August 11<sup>th</sup>.

Mayor Wallace stated he believes we should tear down the building at 390 S Lafayette as well. It is full of black mold, the back wall is almost caving in, the roof is caving in and there are cracks everywhere. It is an eyesore and it is a detriment to our Community. It could be a small pocket park or used for parking for Active Faith. Mayor Wallace stated he would also like to discuss the condition of Pontiac Trail, it is full of pot holes and in very bad shape, and it isn't even safe for bicycles to cross it. Something needs to be done. Mayor Wallace stated he officiated a wedding at Paul Baker Park the previous week. He further stated it was a wonderful event. He stated he has done several weddings at that location. Mayor Wallace asked if we would be repainting the lines for the cross walk. Mayor Wallace stated she spoke with Kristen Delaney and she didn't leave for any personal issues at City Hall, he received a good opportunity for another position and decided to take it. Mayor Wallace stated he would like to thank the DPW for the memorial tree that was planted at Paul Baker Park.

## ADJOURNMENT

### CM 7-10-15 MOTION TO ADJOURN

Motion by Kopkowski, supported by Kramer  
Motion to adjourn meeting at 9:15

VOTE:

MOTION CARRIED UNANIMOUSLY

Respectfully submitted,

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Tedd Wallace Mayor

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Lisa Deaton Clerk/Treasurer