

The City of South Lyon
Regular City Council Meeting
August 10, 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, Lt. Sovik, Chief Kennedy, Attorney Wilhelm and Clerk/Treasurer Deaton

MINUTES

CM 8-1-15 MOTION TO APPROVE MINUTES

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

VOTE: MOTION CARRIED UNANIMOUSLY

BILLS

CM 8-2-15 MOTION TO APPROVE BILLS

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

VOTE: MOTION CARRIED UNANIMOUSLY

AGENDA

City Manager Ladner stated she would like to remove item #3 due to Dennis Smith from Safebuilt not being present for this discussion. She further stated she would like to add item #9 to discuss the logistics of videotaping of the DTE public forum.

CM 8-3-15 MOTION TO APPROVE AGENDA

Motion by Rzyzi, supported by Kivell
Motion to approve the Agenda as amended

Councilman Kivell stated he would like the current building department rates along with the proposed rates in the Council packet for the next meeting.

VOTE: MOTION CARRIED UNANIMOUSLY

PUBLIC COMMENT

Carl Richards of 390 Lenox stated the rail road crossing work at Pontiac Trail turned out very nice and smooth.

Brian Dunn of 1080 Stable Lane read a statement to Mayor and Council explaining his interaction with a DTE representative regarding the ground to sky program. Mr. Dunn stated the residents depend on the trees along Nine Mile as a safety barrier against 45 mph traffic. He further stated there is a multi-million dollar lawsuit from Birmingham against DTE. He further stated he is asking Council to pass a resolution to restrict the activities of the ground to sky program. Other communities have done so as well. That resolution could require DTE to give the City and residents 30 days' notice. Also, engage an independent arborist, as well as getting permission from homeowners when they are removing trees on private property.

OLD BUSINESS

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

City Manager Ladner stated the summary of the amendment includes the permitting of single family detached homes with a maximum of 4 hens, prohibiting slaughter, fencing required which will also have to comply with our fence ordinance. Must be properly enclosed, must be located in rear yard, and must be 15 feet within any property line. A permit and fee will be required, can be renewed on an annual bases, not transferrable, and all droppings would have to be removed. She further stated if a permit was issued, a letter would be sent to surrounding property owners to inform them. City Manager Ladner stated failure to comply with the Ordinance would be a civil infraction and can be reason to revoke the permit. City Attorney Wilhelm stated if someone violated the ordinance there would be a civil infraction given. Councilman Kivell stated with the new BS&A system coming online, there is the ability to log any complaints that are received and there is a cross platform communication and a log can be generated if someone is not adhering to the Ordinance. Councilmember Kopkowski stated she doesn't think there will be too many people that take advantage of this because chickens are not easy to raise. She further stated the setbacks that are in the Ordinance make it impossible for anyone to actually have hens; you may as well just tell people they cannot have them. She further stated the 35 foot setback is too much. She stated if we are going to have an Ordinance, it should be viable and she is fine with 10 feet. Councilman Kramer stated he is against this ordinance, and many people have told him they don't want hens in the City. Councilmember Kopkowski stated there are many things in place to make sure the ordinance is complied with. Councilman Wedell stated it is a City and they are made for people to live in, not farm animals and the setbacks may not be reasonable to some people, but they are reasonable to people that do not want to live next to a

barnyard. He further stated there is a reason there is only a small handful of cities that allow hens. The City does not need chickens, and just because a small number of people want them, is not a reason to change the ordinance. Councilman Kivell stated he is disturbed about the unknown fear rather than any real information that is driving people's resistance. Discussion was held regarding the presented ordinance and civil infractions. Councilman Rzyzi stated he feels obligated to explain his personal opinion. He stated if anyone is in a subdivision with a homeowner association, the homeowner association will trump the ordinance and residents will not be able to have hens. He further stated himself and Councilman Kramer both live in subdivisions with homeowner associations and will not have neighbors with hens. Councilman Kramer said that is his point, there are people that will be affected, that do not want their neighbors to have hens. Councilman Rzyzi stated he feels the hand full of people that will have hens will take care of them. Discussion was held regarding the number of people that have homeowner associations. Ron Grenda of 724 Hidden Creek Drive stated he is against this ordinance which allows farming in South Lyon because it is a City. He stated his nephew raises chickens, and the smell of ammonia is bad. He further stated, there are so many people that demonstrate they don't care what the rules and regulations are, and if people want chickens, they need to move somewhere else. He further stated there will be a rodent problem no matter if there is a fence or not. He stated he is curious as to how many people actually asked for this. He further stated there is no way the City will be able to track everyone that is in violation of this ordinance and shut them down. Don Hotky of 1081 Stable Lane stated he would like to know if someone is non-compliant, and they do not get their permit reinstated, he would like to know the cost to the City to do that. Attorney Wilhelm stated he doesn't have an actual cost. He further stated there would be code enforcement, set a hearing, if it is not resolved, a decision would be made the same day. Mr. Hotky stated he is disappointed the City Attorney couldn't give him a general cost. Councilman Rzyzi stated, he is trying to put this in perspective, there is currently an Ordinance allowing 3 dogs per household and 3 cats. He further stated you can have 6 total animals in your home, but some people are against having 4 hens in the back yard. Steve Kennedy of 1079 Vassar stated his neighbor is one of the few people that want hens in their yard. The neighbors on all sides of this individual do not want it. He stated he would like to know why all the concern about what one person wants, but no concern for the neighbors that do not want it. Council needs to be concerned with the majority of the residents, not just one or two. He further stated he agrees with Councilman Kramer, this will only affect a small number of residents, and the majority are the ones that do not want hens. As far as the setback goes, if this ordinance happens, he is fine with the 35 feet setback.

CM 8-4-14 MOTION TO APPROVE SECOND READING OF AMENDED ORDINANCE TO CHAPTER 14

Motion by Kivell, supported by Kopkowski

Motion to approve the second reading of amendment for allowing hens in the City

ROLL CALL VOTE:

MOTION FAILED- Dixon- No
 Kramer- No
 Wedell- No
 Wallace- No
 Kopkowski- Yes
 Kivell- Yes
 Rzyzi- Yes

NEW BUSINESS

1. Commission Resignation/Appointment Planning Commission

Mayor Wallace stated Maggie Kurtzweil resigned from the Planning Commission because she is running for a seat on City Council. He further stated we have received an application from Michelle Berry to replace Maggie.

CM 8-5-15 MOTION TO ACCEPT RESIGNATION

Motion by Kopkowski, supported by Rzyzi
 Motion to approve the resignation of Maggie Kurtzweil with thanks and good luck on her run for Council

VOTE:

MOTION CARRIED UNANIMOUSLY

Mayor Wallace stated he would like to appoint Michelle Berry to the Planning Commission and she is present. Michelle Berry stated she has been a resident since 1976 and she is looking forward to helping our Community. Councilmember Kopkowski stated she has been a neighbor of Michelle for a long time, and she knows she studied very hard to further her career and welcomed her to the Planning Commission. Councilman Rzyzi welcomed her as well. Mayor Wallace stated she will be very knowledgeable as well.

CM 8-6-15 MOTION FOR APPOINTMENT

Motion by Wallace, supported by Rzyzi
 Motion to appoint Michelle Berry to the Planning Commission

VOTE:

MOTION CARRIED UNANIMOUSLY

2. Purchase of 2 LifePak 1000 automated external defibrillators

Lieutenant Sovik stated we normally put things like this out for bid, but this time we did not for two reasons. The current ones we have are the LifePak 500 models, but they are out of warranty and most are over 10 years old. They are not serviceable anymore. Lieutenant Sovik stated the manufacturer of the LifePak1000 is willing to credit us \$250.00 for each Lifepak 500 we give back to them. He further stated the

Fire Department and HVA also use the Lifepak 1000 so rendering service with each department will be a seamless matter. Mayor Wallace stated this would be good in all of our cars. Lt. Sovik stated that is in our 5 year plan.

CM 8-7-15 MOTION TO APPROVE PURCHASE OF 2 LIFEPAK 1000 AEDS

Motion by Kramer, supported by Dixon

Motion to approve the purchase of 2 LifePak 1000 AEDs.

VOTE: MOTION CARRIED UNANIMOUSLY

3. Removed from Agenda
4. Consider accepting donations to the Cultural Arts Commission of South Lyon

City Manager Ladner stated she would like Council to accept the donations to the Cultural Arts Commission that were donated by numerous people. She listed them individually; Joseph & Sheila Rzyzi donated \$75.00, McHattie Center Associates donated \$100.00, Mayfair Real Estate Group donated \$50.00, Jan's Skin Spa donated \$50.00, Briarpoint Veterinary donated \$50.00 and an anonymous donation of \$100.00.

CM 8-8-15 MOTION TO ACCEPT DONATIONS TO THE CULTURAL ARTS COMMISSION

Motion by Wedell, supported by Kivell

Motion to accept the donations as listed above with thanks

VOTE: MOTION CARRIED UNANIMOUSLY

5. Consider the sale of surplus Fire Equipment

Chief Kennedy stated we received 23 self-contained breathing apparatuses' from a grant in 2010. He further stated we reduced our fleet with the replacement of engine one, and currently we have more air packs than we have riding positions. It is a surplus of equipment and OSHA requires the packs to be tested, serviced and maintained monthly, regardless if they are being used or not. Chief Kennedy stated the Brighton Fire Department and Lyon Township Fire Department are interested in purchasing them from us.

CM 8-9-15 MOTION TO APPROVE THE SALE OF VIKING ISI SCBA

Motion by Kramer, supported by Kivell

Motion to approve the sale of four Viking ISI SCBA for the minimum price of \$500.00 each

VOTE: MOTION CARRIED UNANIMOUSLY

6. Discussion item: Options for Pontiac Trail

8/10/15

Mayor Wallace stated he is very disappointed at the estimated cost for fixing Pontiac Trail. He stated it could have been done cheaper in previous years. We should have done something at the time the project was completed. City Manager Ladner stated the cost last year was just to cover part of Pontiac Trail where the water main development took place. The new cost reflects from City limit to City limit. Mayor Wallace stated he is more concerned about the part from rail road tracks to Browns. City Manager Ladner stated there is the Roadway Asset Management Plan that needs to be looked at and she believes we should have a work session to discuss that. Councilman Kivell stated he is surprised to see that RCOC would not agree to a chip and seal application on this road. Johnathon Booth from HRC stated his concern is they haven't discussed this with RCOC yet and until they meet, he cannot say if they would agree to that. Councilman Kivell stated he is hoping the entire stretch of Pontiac Trail will not be looked at as one thing, he further stated he would like the Asset Management plan will prioritize which roads need to be fixed first and to get the best return on our investment. Mr. Booth stated Pontiac Trail is a federal aid road, so he is unsure it will be included in the Asset Management plan, because the Asset Road Management Plan is related to City Streets. Department Head Martin stated we did the right thing by using concrete as opposed to asphalt in the patches. Discussion was held regarding the problem with the drainage issue along Pontiac Trail. City Manager Ladner stated she and Department Head Martin will be meeting with the Oakland County Water Resources Commissioner to discuss the issue of the storm water drainage along Pontiac Trail and we will try to get on their schedule to get the flooding fixed. Further discussion was held regarding the condition of Pontiac Trail. Mayor Wallace asked the City Manager to get a cost for fixing Pontiac Trail from rail road tracks, to McHattie Street curb to curb.

7. Discussion item: Dorothy Street Parking Lot

City Manager Ladner stated Councilman Rzyzi asked for this to be added to the Agenda. She further stated the Dorothy Street lot is in significant disrepair. She stated if we maintain it as a City parking lot, there is significant work necessary. She asked HRC for a cost of bringing it up to street level. She stated she has had concerns expressed from different City residents as well. City Manager Ladner stated there is a parking issue on Dorothy Street. Mayor Wallace stated if we don't bring it up to street level, we could use it as an ice rink in the winter time. City Manager Ladner stated she and Department Head Martin have discussed using the parkland across from the parking lot as an ice rink in the winter time. City Manager stated she will speak with South Lyon Recreation to see if they have any interest in the ice skating rink. Councilman Rzyzi stated he asked for this to be added to the Agenda because of all the traffic and the lack of parking on Dorothy Street during different events. He stated this is a safety issue, not just a cosmetic issue. He further stated if we don't want to spend the \$295,000 to fix the parking lot, we could at least look at the drainage problem and fix that. Councilman Kivell stated we should at least keep the idea of that parking lot being gravel as well to look at all options. Department Head Martin stated he thinks it would be a huge step backwards if we went back to gravel, we need keep moving forward. Councilman Kramer stated he would like to see something done as well, but he would like to look at the Roadway Asset Management Plan before any decision is made on the Dorothy parking lot. City Manager Ladner stated the bigger issue is the huge pothole at the entrance of the parking lot, if that isn't filled in, there will still be flooding in that area.

Mayor Wallace stated the City purchased that property many years ago. Carl Richards of 390 Lenox stated the City purchased the property in 1957. He further gave a brief history of the Dorothy Street parking lot.

8. Discussion item: 390 Lafayette

Mayor Wallace stated the City purchased 390 Lafayette and it has been an eye sore for many years. He further stated it should be torn down as soon as possible. He further stated when the original building was built; it was not on good soil. Mayor Wallace stated he was at that location today, and the water was flooding through the doors, and the walls are ready to come down. It is a total disaster, and a dangerous building. He stated if we demolish it, we can recoup those costs and it would be a good place for a pocket park and we could keep some of the parking until a developer purchases it from us. Carmine Aventini of CIB Planning stated that area will become part of the central business district. He and the City Attorney are currently working on the zoning ordinance. Mr. Aventini stated the goal is to create development sites and to get buildings that are multi story. That would be a good location for such a building. Also in the future if a developer was to come in and purchase any surrounding parcels, it will be a good site for redevelopment. Councilman Rzyzi stated he would also like the building torn down, it is blight and there are critters in there, we owe it to the residents to tear it down as soon as possible. Councilman Wedell stated we should get bids for the demolition for the next meeting. Councilmember Kopkowski stated she is concerned about the rezoning. She asked if the Central Business District will go all the way to the railroad crossing on both sides of Pontiac Trail. Mr. Aventini stated yes, that will become part of the central business district. Councilmember Kopkowski stated the current businesses had to supply their own parking because they were not part of the downtown Business District, this rezoning will enable them to build out their building envelope, which then the City will be supplying the parking. Councilman Kivell stated he has asked for a long time for the building envelope for that property. He further stated if that building can be remodeled and they take everything except one wall down, it will be grandfathered under the old zoning ordinance. He further stated we should look at all options before we decide to tear the building down. Councilman Kivell stated if there is a way for the remodel to occur and they keep their parking, with a viable business, but the difficult part is the two accessible sides for delivery are on private property, and it will tie up McHattie. If there is a loft on the second floor, people will have to walk at least 500 feet for parking, and it seems unrealistic. He further stated Northville has a formula used for parking which depending on the kind of business, they have to supply so much parking, and if they are unable to, they pay into a fund that will support either the existing parking lots or when they accrue enough need to build more parking lots. He would like to see us move toward that. Councilmember Kopkowski stated she would like more information before she makes a decision. She further stated we should get bids for demolishing the building as well as proposals for renovation. Councilman Kramer stated he has lived in this town since 1998 and we have an opportunity to make some significant positive changes, one being tearing down an eye sore that has been there for many years. We have an opportunity to create a downtown area that is more pedestrian friendly. He further stated we need to start change now, and this is our opportunity. Councilman Kramer further stated we are 100% liable if anything ever happens in and around this building. City Manager Ladner stated she will get bids for demolishing the building for the next meeting, but she doesn't think that will be enough time for redevelopment proposals.

9. Logistics for videotaping DTE public forum meeting

City Manager Ladner stated we have a DTE public forum on the 19th at 7:00 for any concerned property owners. She further stated Councilman Rzyzi asked for it to be recorded. She has spoken with both of our videographers, and neither one can be there, but she will be trained on recording so she can record it. Mayor Wallace stated he doesn't think DTE will make them any less honest with people whether the meeting is recorded or not. Councilman Wedell stated it is a good use of our resources. Councilman Rzyzi stated the City has an interest in this, it isn't just property owner issue, it is a City issue. He further stated DTE has been under fire and hit with lawsuits over the tree cutting issue. Councilman Rzyzi read part of an article that was in the Detroit Free Press. His original request was to have DTE at a Council meeting, but he can accept the forum. Councilman Rzyzi stated he would like the resolution on the next Council meeting agenda. Department Head Martin stated he spent a few hours with a representative from DTE. He further stated he has a tough job because DTE says they want 15 feet on each side of the wires, and 15 feet down from the wires. He stated it is a touchy subject and he listened to him and voiced his opinion. The representative showed him what needs to be done by the wastewater plant, and he understands why and it does need to be done. Councilman Kivell stated our Planning Commission wants trees to beautify subdivisions, but they are usually on the easements, we create our own hazards, unfortunately DTE's typical position is they blame the subcontractor. Mr. Dunn stated the contractor he spoke with stated they want to remove most trees, not just trim trees. Department Head Martin stated he was told if a homeowner disagrees with having a tree removed on private property, they will only trim it, but if it is in the easement, they feel they have the right to remove the tree if necessary. Councilman Kivell stated he received a notice in June regarding the tree trimming. He further stated he assumed that notice was given to everyone that would be impacted, but the more he asks around, that didn't take place.

MANAGERS REPORT

City Manager Ladner stated the Safe Route to School Grant was submitted on August 3rd and she will be meeting with the State to review changes they are suggesting. City Manager Ladner stated she met with Oakland County Economic Development Group, and she will be putting together a summary of information she gathered from them along with some ideas she has. She is hoping to post the job opening for the Community Economic Development Director by the end of this week. City Manager Ladner stated she is hoping to have a proposal ready for the next Council Meeting, regarding changing Cemetery fees, along with information for opening an area in the Cemetery for the creation of a columbarium which is a place to store cremation urns, which will allow people to purchase a smaller are for cremation burials. City Manager Ladner stated she was notified by CSX they will be closing the 10 Mile and Reese Street crossing, but they said it will not take place until the Griswold Construction is done. They have additional work they need to complete. She further stated she and Department Head Martin will be meeting with the Drain Commission regarding the issues we have with the County drains in the City.

COUNCIL COMMENTS

Councilman Rzyzi stated the Blues, Brews and Brats Festival was nice and they had a great turnout. He further stated the artwork that is placed around the City is very nice and adds a classy touch to the City. Councilman Rzyzi stated he has noticed all of the donation boxes around the City and he is curious if there is anything we can do about them. Attorney Wilhelm stated it is a thorny issue, he is aware of one lawsuit regarding this issue. Councilman Rzyzi asked if Attorney Wilhelm can gather information regarding this by the next meeting.

Councilman Kivell stated the official ceremony for the Inside/Out art downtown is Tuesday the 11th at Paul Baker Park. He further stated the Blues, Brews and Brats was a nice event and well attended and good music as well.

Mayor Wallace stated everyone should bring their own chairs to the Inside/Out event at Paul Baker Park. He further stated the Garden Club is helping out a lot with this. Mayor Wallace stated it is a beautiful park. Mayor Wallace stated we are having a makeup concert by the Moxie Strings on the 20th at 7:00.

ADJOURNMENT

Motion by Kramer, supported by Wedell

Motion to adjourn meeting at 9:30

VOTE: MOTION CARRIED UNANIMOUSLY

Respectfully submitted,

Tedd Wallace Mayor

Lisa Deaton Clerk/Treasurer