

CITY OF SOUTH LYON
REGULAR CITY COUNCIL MEETING
October 14, 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, Kramer, Rzyzi, Wedell, Dixson
City Manager Murphy, City Attorney Wilhelm, Chief Kennedy,
Chief Collins, Department Head Martin and Deputy
Clerk/Treasurer Deaton

MINUTES

Councilman Kivell said his statement about the Chamber should state the Chamber added advertising for the movies in the park to their website calendar, not brochure.

CM 10-1-13 MOTION TO APPROVE MINUTES AS AMENDED

Motion by Kivell, supported by Kramer

Motion to approve minutes as amended

VOTE: MOTION CARRIED UNANIMOUSLY

MONTHLY BILLS

Discussion was held regarding the monthly bills

CM 10-2-13 MOTION TO APPROVE THE MONTHLY BILLS AS PRESENTED

Motion by Wedell, supported by Dixson

Motion to approve the monthly bills as presented

VOTE: MOTION CARRIED UNANIMOUSLY

AGENDA

City Manager Murphy stated he would like to add an item #8 for sale of assets

10/14/13

CM 10-3-13 MOTION TO APPROVE THE AGENDA AS AMENDED

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

VOTE: MOTION CARRIED UNANIMOUSLY

PUBLIC COMMENT

Tim McCurry of the Michigan Municipal Risk Management Authority stated he is here to present a check to the City for \$11,019.00. He said the MMRMA does not have stock holders, and all the members are owners, so when there is money to be given back, it goes to all the members. He said they gave back fourteen million dollars this year.

Carl Richards of 390 Lenox stated he has some general information for Council and the public. He said when the contractor opened the street in the middle of town the thickness of the street is different than it was. He also stated the Brico contractors are spending money in our town.

OLD BUSINESS

1. Knolls of South Lyon Second Reading

City Attorney Wilhelm stated at the last Council meeting, City Council approved the first reading of the rezoning of the Knolls of South Lyon. He further stated tonight Council will need to approve or not approve the second reading of the rezoning, and also the approval of the preliminary plan.

Councilman Kivell stated he spoke with Mr. Elkowe regarding the 25 foot setbacks in the front and 35 in the rear. He further stated Mr. Elkowe said the plan will be changed using the correct setbacks required by the City. Councilman Kivell stated as long as that happens, he doesn't have an issue with the plan. Discussion was held regarding the size of decks and setbacks in this development. He stated his only other concern is the plan given to Council does not have any dimensions on it. Councilman Kivell stated our planner Carmine Avantini confirmed that this would all be handled with engineering and planning. He further stated we need to set as many bench marks as possible to make sure our expectations can be fulfilled.

Councilmember Dixson stated she would like to hear the Chief's opinion on the second road access. Chief Collins stated as long as the road is open 24 hours a day, 7 days a week and it is a standard sized road that will satisfy the traffic and safety needs he has discussed at previous meetings. Discussion was held regarding the different options for the second access.

10/14/13

Councilman Rzyzi asked if there was a traffic study done. Chief Collins stated there was not, and he is basing his guidance on the opinion of the Professional Traffic Engineer, of the Traffic Improvement Association of Michigan.

Councilmember Kopkowski asked when Council will be able to see the different elevations that will be built. Carmine Avantini stated this is a 2 step process. He stated if the preliminary plan is approved, the plans will go back to the Planning Commission, and the developer will have to provide more engineering information and when the Planning Commission is happy with the plans and it meets all the ordinance requirements, it will then be brought back to Council for final approval.

Councilman Kramer asked if the primary access is on N. Mill Street, and if there was a through street or an emergency access street, wouldn't we have an access point that would exit onto Martindale. Chief Collins stated there is twice as much traffic in the morning and afternoon and a stop sign will probably be used. Discussion was held regarding the need for a second entrance for the subdivision. Chief Kennedy stated he would like to reaffirm the need for the second entrance. The emergency access is the last worst option. He further stated from a fire service perspective, a full access road is needed. Councilman Kramer asked if there have been any changes since the plan dated June 7th 2013. City Attorney Wilhelm stated there has been a change, but the revision date was not changed. Councilman Kivell pointed out the new plans do not have any dimensions on them. A representative of Washtenaw Engineering stated there were some changes regarding the setbacks, and some dimensions have been added with a revision date of October 11, 2013. Discussion was held regarding some of the changes that will be needed when they start with the engineering. He further stated they will prepare the plans according to the City's ordinances, then it will be given to HRC, and they will be working with them closely. Discussion was held regarding the wetlands consultant and if the erosion permits from the State of Michigan should be needed.

Discussion was held regarding the two separate motions needed for this project to move forward.

Councilman Kramer stated he has been leaning toward an emergency access and stated he will be voting no on both motions because he knows of two subdivisions that had only once access point, and it worked okay. Councilman Wedell stated he originally agreed with Councilman Kramer regarding the emergency access, but he has driven through the area and now agrees with the majority of Council that the second full access is needed.

CM 10-4-13 MOTION TO APPROVE THE 2ND READING OF REZONING ORDINANCE NO 10-13 WITH CONDITIONS

10/14/13

Motion by Kivell, supported by Wedell

I move that the Council approve the second reading of Ordinance No. 10-13 to amend the Official Zoning Map of the City of South Lyon rezoning the 39.39 acres of real property bearing tax parcel number 80-21-20-176-002 located at the north end of Mill Street and north of Kestrel Ridge Drive from the R-2 District (single family residential) to the PD District (planned development) based on the following findings and subject to the following conditions:

FINDINGS:

The rezoning and uses proposed by Applicant Oakland Forty Group, LLC and Contract Purchaser Paul Elkowe in the Preliminary (Stage I) Planned Development Site Plan of Knolls of South Lyon, May 2013, prepared by Washtenaw Engineering, Job No. 31064, File No. 9747, [consisting of 7 sheets, and which was last revised October 11, 2013 – if this remains accurate], contains, depicts and shows the following:

- i. 89 detached condominium units;
- ii. Minimum lot sizes of 7,200 square feet;
- iii. 18.06 acres for residential use and development;
- iv. 15.78 acres of open space, including wetlands and preservation of stands of mature trees;
- v. 5.55 acres of proposed right of way within the proposed development;
- vi. A 20-foot buffer between the adjacent Eagle Heights Subdivision and the proposed development;
- vii. A paved pedestrian trail system throughout the proposed development that allows residents and the public access to the natural features in the development and connects to the City's rail trail adjacent to the western boundary of the Property;
- viii. A primary access road into the proposed development via North Mill Street;
AND
A secondary access point via a through road meeting City standards connected through Kestrel Court.

The rezoning and Preliminary (Stage I) Site Plan meet the standards contained in Section 102-382 of the Zoning Ordinance for the Planned Development district, and specifically:

(a) The rezoning and proposed development will have a beneficial effect, in terms of public health, safety, welfare or convenience on present and potential surrounding land uses which cannot be achieved under a single zoning district. The uses proposed will encourage a more efficient use of public utilities and services and lessen the burden on circulation systems, surrounding properties, and the environment.

(b) The proposed development is consistent with the City's anticipated master plan designation for the Property.

- (c) The rezoning is warranted by the design and amenities incorporated in the Preliminary (Stage I) Site Plan.
- (d) The usable open space provided for in the Preliminary (Stage I) Site Plan is greater than the total minimum usable open space required under the Property's existing R-2 zoning.
- (e) The proposed development meets the City's off-street parking requirements.
- (f) The proposed development provides adequate landscaping to ensure the proposed uses will be adequately buffered from adjacent uses.
- (g) The proposed development provides adequate vehicular and pedestrian circulation and allows safe, convenient, uncongested and well-defined circulation within and to the Property.
- (h) The proposed development reasonably protects and preserves natural and historical features on the Property by preserving open space, stands of mature trees, and wetland areas.

CONDITIONS:

The rezoning and proposed uses and development shall be subject to the following conditions imposed pursuant the City's Zoning Ordinance and applicable state law:

Sections 102-381 through 102-392 of the City of South Lyon Zoning Ordinance pertaining to the PD Planned Development zoning district, as amended.

Council approval of Preliminary (Stage I) Planned Development Site Plan of Knolls of South Lyon, May 2013, prepared by Washtenaw Engineering, Job No. 31064, File No. 9747, [*consisting of 7 sheets, and which was last revised October 11, 2013 – if this remains accurate*].

City Council approval of a Final (Stage II) Site Plan for Knolls of South Lyon on the Property pursuant to the City's Zoning Ordinance.

Any and all conditions on the Council approvals relating to the Property, the rezoning of the Property, the proposed development, and the Preliminary (Stage I) and Final (Stage II) Planned Development Site Plans for Knolls of South Lyon, as reflected in the official minutes and documentation of such approvals.

All development, improvement and use of the Property being subject to and in conformity with the approved Preliminary (Stage I) and Final (Stage II) Planned Development Site Plans for the Property.

All applicable City Ordinances and design standards.

Submission of satisfactory proof of Applicant's ownership of and Contract Purchaser's interest in the Property, the sufficiency of which shall be determined by the City in its sole discretion.

A financial guarantee (e.g. letter of credit), satisfactory to the City in its sole discretion, to ensure completion of any and all site improvements contained, shown and depicted in the Preliminary (Stage I) and Final (Stage II) Planned Development Site Plans for the Property, specifically including those referenced in Section 102-388(1) of the City's Zoning Ordinance, which shall be provided to the City prior to the issuance of any permits for development.

A Recordation Affidavit recorded in the Oakland County Register of Deeds reflecting the rezoning of the Property and the conditions thereof, including the requirement that no development of the Property shall occur except in accordance with the approved Preliminary (Stage I) Site Plan and Final (Stage II) Site Plan, and or approved amendments thereto.

VOTE: MOTION CARRIED – 1 OPPOSED

CM 10-5-13 MOTION TO APPROVE THE PRELIMINARY PLANNED DEVELOPMENT FOR
KNOLLS OF SOUTH LYON WITH CONDITIONS

Motion by Kivell, supported by Wedell

I move that Council approve, with conditions, the Preliminary (Stage I) Planned Development Site Plan of Knolls of South Lyon, May 2013, prepared by Washtenaw Engineering, Job No. 31064, File No. 9747, [*consisting of 7 sheets, and which was last revised October 11, 2013 – if the remains accurate*], which contains, depicts and shows the following:

- i. 89 detached condominium units;
- ii. Minimum lot sizes of 7,200 square feet;
- iii. 18.06 acres for residential use and development;
- iv. 15.78 acres of open space, including wetlands and preservation of stands of mature trees;
- v. 5.55 acres of proposed right of way within the proposed development;
- vi. A 20-foot buffer between the adjacent Eagle Heights Subdivision and the proposed development;
- vii. A paved pedestrian trail system throughout the proposed development that allows residents and the public access to the natural features in the development and connects to the City's rail trail adjacent to the western boundary of the Property;
- viii. A primary access road into the proposed development via North Mill Street;
AND
A secondary access point via a through road meeting City standards connected through Kestrel Court.

And subject to the following conditions imposed pursuant to the City's Zoning Ordinance and applicable state law:

1. City of South Lyon Ordinance No. 10-13.

2. Council approval of a Final (Stage II) Site Plan for Knolls of South Lyon on the Property pursuant to the City's Zoning Ordinance.

3. Any and all conditions on the Council approvals relating to the Property, the rezoning of the Property, the proposed development, and the Preliminary (Stage I) and Final (Stage II) Planned Development Site Plans for Knolls of South Lyon, as reflected in the official minutes and documentation of such approvals.

4. Submission of a full and complete application for site plan review including all required supporting documentation.

5. Compliance with the procedural requirements of Sections 102-381 through 102-392 of the City's Zoning Ordinance pertaining to submission, review and approval of a Final (Stage II) Planned Development Site Plan.

6. Submission of the proposed master deed and any other documentation to be recorded with the register of deeds with respect to all matters subject to regulation by the city, including, without limitation, ongoing preservation and maintenance of drainage, retention, detention, woodlands, wetland, open space, pathways, other natural areas and common areas in the development for review and approval by the city's Planning Commission and legal counsel prior to recordation.

VOTE: MOTION CARRIED – 1 OPPOSED

NEW BUSINESS

1. Winter Emergency parking Ordinance Amendment- First Reading

City Manager Murphy stated this was discussed at the last meeting changing the winter ordinance to a snow emergency ordinance. He further stated he is currently ordering new signs for the new ordinance. Mayor Wallace asked if the City will be responsible if any salt damages cars. Attorney Wilhelm stated there are already many provisions in our current language, and looking at other communities, they have tried to stream line this to accomplish what council is trying to accomplish. He further stated, you don't have to ticket or tow vehicles, the police can use discretion. Chief Collins stated they currently issue warning tickets before issuing parking violations. Councilman Kramer asked who will be calling the snow emergency, and can they do it whether it is snowing at 4 inches an hour or not. Department Head Martin stated the snow emergency can be called the day before based on the weather forecast. City Manager Murphy stated people will be notified by our digital sign, website, and we will notify the local news channels, as well as the local radio stations. Chief Collins stated the public can also be notified by Nixle.

CM 10-6-13 MOTION TO APPROVE ORDINANCE 90-1

Motion by Kramer, supported by Wedell

Motion to approve the First Reading of the proposed amendment to the City Code of Ordinances Section 90-1

VOTE: MOTION CARRIED UNANIMOUSLY

2. Resolution for Lake Street Road Project

City Manager Murphy stated he is asking Council to give him authority to sign contracts with MDOT as well as change orders regarding the Lake Street Improvement project.

CM 10-7-13 MOTION TO APPROVE RESOLUTION FOR LAKE STREET IMPROVEMENT PROJECT

Motion by Kopkowski, supported by Kivell

Motion to designate David Murphy, the City Manager as the authorized project Representative for the Lake Street Road Improvement Project for the City of South Lyon

VOTE: MOTION CARRIED UNANIMOUSLY

3. Trick or Treat Hours

City Manager Murphy stated he is asking Council to set the Trick or Treating hours for the City of South Lyon from 6:00p.m. to 8:00p.m. Mayor Wallace stated he feels one hour is enough, therefore he will be voting no on this motion.

CM 10-8-13 MOTION TO APPROVE TRICK OR TREATING HOURS

Motion by Kramer, supported by Rzyi

Motion to set the hours of trick or treating from 6:00 p.m. to 8:00 p.m. on October 31st for Halloween.

VOTE: MOTION CARRIED UNANIMOUSLY

4. Donation of Burial Plot

City Attorney Wilhelm stated this is a donation of a burial plot from the Vibbert family. This was originally started by Margaret Vibbert, unfortunately she became ill and passed. Her son would like to continue with her intention of donating this grave back to the City of South Lyon.

CM 10-9-13 MOTION TO ACCEPT DONATION OF GRAVE PLOT

Motion by Kramer, supported by Kivell

Motion to accept the donation of Grave 1, Lot 33A, Block 3 to the City from the Vibbert family trust, with thanks and condolences to the Vibbert family.

VOTE:

MOTION CARRIED UNANIMOUSLY

5. Personnel Policy Revision

City Manager Murphy stated he has received a cost estimate from our attorney's office to revise our personnel policy. It has not been updated in many years. He further stated he would like Council to approve this. Councilman Rzyzi stated the cost is very high at \$130.00 an hour, and asked if this is something a paralegal could do? Councilman Kramer, City Attorney Wilhelm and Councilman Kivell stated no, it could not. Councilman Rzyzi asked if it could be less than 40 hours. City Attorney Wilhelm stated it could be less than 40 hours, but that is just an estimate. It depends on how much time is needed. Councilman Rzyzi stated he would like to minimize the time it will take. Councilmember Kopkowski asked if we should wait until the MERS and the union contracts are settled. City Attorney Wilhelm stated he thinks it makes sense for Council to approve this now, but it can wait until the MERS is settled. City Manager Murphy stated the union contracts take precedence over the personnel policy. Councilman Rzyzi stated he would like the motion to stipulate that it does not take longer than 40 hours. Councilman Kramer stated if you put a time limit on it, they may overlook some issues that are important.

CM 10-10-13 MOTION TO APPROVE AGREEMENT TO REVISE PERSONNEL POLICY

Motion by Kramer, supported by Wedell

Motion to approve the agreement with JRSJ for the review and update of the City Personnel Policy

VOTE:

MOTION CARRIED UNANIMOUSLY

MANAGERS REPORT

City Manager Murphy stated the 24th is the Downtown Trick or Treating, and the Cool Yule is coming up and needs volunteers. He stated we had two trees that died in front of City Hall and the schools removed them, he has asked the Arts Commission to put a couple of statues in their place. He stated Debbie Nogle has resigned and the 24th is her last day. He further stated he needs to replace her, but with the MERS situation, he is asking Council if we should wait to hire someone. Discussion was held regarding the timeline in regards to getting the MERS information. City Manager Murphy stated there is a 4 week time frame for the actuary. Discussion was held regarding the need to hire a part time person or full time person to replace Debbie Nogle.

COUNCIL COMMENTS

Councilman Kivell stated he enjoyed Pumpkinfest and the weather was perfect and the attendance was more than they could handle and he is looking forward to next year. He further stated the water project moves on, but he is having some concerns because it has gone very well to date, but he is seeing some indications they are not as focused or as motivated as they were at the beginning of the project. He was hoping they would get the alley way completed, but that seems up in the air right now, hopefully it will be completed soon.

Councilmember Kopkowski stated she would like the scare crows to remain up until after the Downtown Trick or Treating event is over.

Councilman Kramer stated the next recreation center meeting is the 21st at 7:00 p.m. here at City Hall. He further stated he attended Pumpkinfest and he is aware of the issues with the Beer tent at Pumpkinfest and the committee is looking into it.

Mayor Wallace stated the Pumpkinfest Committee does a great job every year. They have made every effort possible to make Pumpkinfest a successful event and he would like to publicly thank everyone involved. Mayor Wallace asked when the 35-40 holes on S Lafayette will be fixed. He further stated there are many areas with holes along Pontiac Trail and many other residential streets, but they will all be repaired. City Manager Murphy stated he is getting cost estimates for having that paved, but it will be repaired to RCOC standards.

6. Closed session in accordance with the Open Meetings Act Section 8c for

10/14/13

the purpose of collective bargaining negotiations/strategy.

CM 10-11-13 MOTION TO ADJOURN INTO CLOSED SESSION

Motion by Kivell, supported by Kramer

Motion to adjourn to enter into closed session, pursuant to MCL 15.268 (c) to discuss strategy and negotiations connected with collective bargaining agreements between the City and its several bargaining units at 9:35 p.m.

ROLL CALL VOTE: MOTION CARRIED UNANIMOUSLY

Council reconvened the regular Council meeting at 10:05 p.m.

7. Agreement of Police Officers Labor Council (P.O.L.C.)

Discussion was held regarding the negotiations that took place with the City Manager, Pat Alzeltine, and the Police Officers Labor Council.

CM 10-11-13 MOTION TO ACCEPT (P.O.L.C.) CONTRACT

Motion by Kramer, supported by Kivell

Motion to accept the Proposed Agreement with the Police Officers Labor Council beginning on October 15, 2013 with an ending date of June 30th, 2016.

VOTE: MOTION CARRIED UNANIMOUSLY

8. Sale of Assets

Chief Collins stated our mechanic told us to expect to receive between \$250.00 and \$500.00 for the 2003 Dodge Intrepid, but they have a serious bid for \$1,500.00 so he is asking Council to accept the sale of this car for the amount of \$1,500.00

CM 10-12-13 MOTION TO ACCEPT SALE OF ASSETS

Motion by Kivell, supported by Dixon

Motion to approve the sale of for a 2003 Dodge Intrepid VIN 2B3HD46V04H663413 for the amount of \$1,500.00

VOTE: MOTION CARRIED UNANIMOUSLY

10/14/13

ADJOURNMENT

Motion by Kivell, supported Kopkowski
Motion to adjourn the meeting at 10:10 p.m.

VOTE: MOTION CARRIED UNANIMOUSLY

Respectfully submitted,

Tedd Wallace, Mayor

Lisa Deaton Clerk/Treasurer