

CITY OF SOUTH LYON
REGULAR CITY COUNCIL MEETING
September 23, 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, Dixon
City Manager Murphy, City Attorney Wilhelm, Chief Kennedy,
Chief Collins, Department Head Martin and Deputy
Clerk/Treasurer Deaton

AGENDA

City Manager Murphy stated he would like to add an item #6 as road closure.

CM 9-1-13 MOTION TO APPROVE AGENDA AS AMENDED

Motion by Wedell, supported by Kivell
Motion to approve agenda as amended

VOTE: MOTION CARRIED UNANIMOUSLY

MINUTES

Councilman Kramer stated on page 4 in the last paragraph the word property should be party.

CM 9-2-13 MOTION TO APPROVE MINUTES AS AMENDED

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

VOTE: MOTION CARRIED UNANIMOUSLY

PUBLIC COMMENT

9/23/13

Carl Richards of 390 Lenox stated he wanted to let everyone know some good news. He stated there has been a leak for a very long time at McMunn and Lenox and it was fixed today. He further stated the fire hydrant was replaced. He also stated there is a possibility of getting a larger rebate from the ramifications of costs that have been incurred above the original estimates by HRC.

OLD BUSINESS

1. Knolls of South Lyon- First Reading

City Attorney Wilhelm stated this is before Council again due a motion to reconsider the motion made at the September 9th Council meeting. He further stated the motion from the previous meeting is still pending, and it is presented to Council again for discussion.

Mayor Wallace stated at the last meeting there were some misunderstandings. He further stated Council has some concerns regarding this, such as not having access from the north and northeast, as well as the footprint of the homes on the property.

Councilman Kivell stated he has done more research and there were only 5 properties that had to ask for a variance to install a deck in Charleston Park, not as many as we thought. He stated if all homes fall under the criteria in the example, we won't have many requests for variances regarding decks. He further stated there is a great deal of wetlands and wondered if it is regulated by the State. He stated he is also concerned about the grade variations, and there will need to be a water retention area somewhere. He stated HRC will have some input in regards to those issues. He further stated Council wouldn't be doing their jobs if we didn't discuss all concerns regarding this property and especially the safety of our residents. He further stated he would like to research the viability of another access point.

Councilmember Kopkowski stated she would like to know the square footage of the largest home the developer plans on building. Mr. Elkowe stated the largest home is the Wellington and it is 2236 square feet. Councilman Kivell stated that would be too large for the lot size. Mr. Elkowe stated this is a colonial; therefore it would fit on the building envelope.

Councilman Kramer stated it is his understanding that if Council approves the first reading, Council can set some conditions that need to be addressed by the Planning Commission before the second reading. City Attorney Wilhelm stated that is correct, the second reading will require two motions. One for the zoning and one for the stage one site plan of the Planned Development. He further stated Council will be able to put conditions on the site plan before it

goes back to the Planning Commission for the final site plan review. He stated you can keep this process moving and let the Planning Commission deal with the conditions Council would like to see addressed. Councilman Kramer stated if there are conditions Council would like to see placed, it can be discussed after the first reading. City Attorney Wilhelm stated he will be providing Council with the proposed language to address the factors that are identified in the planned development zoning. He further stated whether to approve or deny, you need to relate to factors in our Zoning Ordinance. In addition in the site plan approval process, you can deny, but need to state reasons why, and if approving you can place conditions in the motion. Councilman Wedell stated the first and second reading is just for the rezoning, not approving the current plans. City Attorney Wilhelm stated if you rezone the property, you cannot deviate from the plans that are approved. Councilman Kivell stated it is important for Council to discuss all concerns whether they are large concerns or incidentals. Councilman Kramer stated he wants to be clear that you do not have to impose conditions on the first reading. City Attorney Wilhelm stated no, you can impose conditions in the second reading and site plan review.

Discussion was held regarding the concerns of Council, such as drainage, setbacks, size of homes, and the need for more than one entrance. Councilman Rzyzi stated his concern is for the safety of the residents, and he asked Chief Collins if he could clarify his concerns for only one entrance. Chief Collins stated he is very much in favor of having two access points open to the public. He stated if one entrance is blocked, the residents have no way to leave, the morning peak traffic, school busses and patrol patterns are all reasons he is in favor of a second entrance. He further stated according to our zoning ordinance, the second access point is a requirement. Councilman Rzyzi stated the plan only has one access point which is contradictory to what Chief Collins is suggesting. He further stated for the safety of our residents he has to agree with the Chief that there should be two access points.

Councilmember Kopkowski stated that her concerns are the entrances, drainage, the tree survey, wetlands and she would like to see the designs of the homes and she doesn't want 89 Wellingtons in this development.

CM 9-3-13 MOTION TO APPROVE FIRST READING OF KNOLLS OF SOUTH LYON DEVELOPMENT

Motion by Kramer, supported by Wedell to approve the first reading of Ordinance No 10-13 to amend the Official Zoning Map of the City of South Lyon rezoning property from the R-2 District (single family residential) to the PD District (planned development) subject to approval of a Preliminary (Stage I) Planned Development Site Plan for Knolls of South Lyon at second reading.

VOTE: MOTION CARRIED UNANIMOUSLY

9/23/13

NEW BUSINESS

1. 2012-2013 Audit Presentation

Brian Camillar of Plante Moran stated the City of South Lyon is a longtime and very important client of Plante Moran. He stated the financial statements are the property of South Lyon. He further stated the opinion letter belongs to the firm. He stated the opinion letter states that the financial statements are complete, accurate, it can be relied upon and it follows the rules. He stated this is the highest level of assurance an auditor can give, it is like getting an A on a report card.

Manju Patnaik of Plante Moran presented and discussed a set of graphs. She highlighted the revenues of the City's general fund. She stated the revenues have remained consistent since 2012. She stated the City has been cautious with expenditures which is a good thing. She discussed the taxable values, net assets as well as the revenue sharing. She stated the City has done a great job.

Brian Camillar of Plante Moran discussed the audit and stated the management of the City has done a great job. Councilman Kramer asked if the DWRF was included in the graph for the water and sewer. Mr. Camillar stated no, that graph just shows the ins and outs. Mr. Camillar discussed the Federal Awards Special Audit. The Federal Government sometimes gives money in form of grants but has special rules on how it has to be spent. There are many rules involved. He stated the auditors test the related rules with the Federal money. He stated 2.3 million expenditures occurred, and 2.2 million is all tied to the DWRF. He further stated it has been administered effectively and in compliance with all federal rules.

Mr. Camillar discussed the Management letter. He stated the City's finance department did a great job, and they found no major deficiencies. He stated the EVIP documents are due September 30th. He stated they only have a few minor suggestions, such as a credit card use ordinance, and passwords should be changed every month and using more complex passwords.

Mayor Wallace stated Plante and Moran always do a great job, and Lori Mosier our bookkeeper has always done a great job as well.

CM 9-4-13 MOTION TO ACCEPT 2012-2013 AUDIT REPORT

Motion by Wedell, supported by Kramer

Motion to accept the audit from Plante Moran for fiscal year 2012/2013 as presented

VOTE: MOTION CARRIED UNANIMOUSLY

2. MMRMA Renewal

9/23/13

City Manager Murphy stated it is time to renew our liability insurance with the Michigan Municipal Risk Management Authority. He stated this year there is a slight decrease in cost of \$672.00.

CM 9-5-13 MOTION TO APPROVE RENEWAL AGREEMENT FOR MMRMA

Motion by Kopkowski, supported by Kivell

Motion to approve the agreement with the MMRMA in the amount of \$112,734.00

VOTE: MOTION CARRIED UNANIMOUSLY

3. Homecoming Parade

Mayor Wallace stated there has been a change in the route. Niki Keene stated she is an art teacher for the South Lyon Schools, and also the Junior Class Advisor. She stated they just found out two weeks ago the parade route had to change because the owners of the land they used previously leased out the property and the people they leased it to are not willing to let the school use their property. She stated they are now asking Council to approve the parade to go east on Eleven Mile to the next subdivision then back to the parking lot. Mayor Wallace stated it is unfortunate we cannot have the parade the way they did in previous years going through the downtown area. Ms. Keene stated she would like to approach Council next year to move the parade route through the downtown area. Mayor Wallace asked if they could let the residents know of the change in the route.

CM 9-6-13 MOTION TO APPROVE HOMECOMING PARADE ROUTE

Motion by Kramer, supported by Wedell

Resolved 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 permit to conduct the South Lyon High School Homecoming Parade on September 27, 2013 between 4:00 p.m. and 5:00 p.m. and the related street closures:

Eleven Mile Road between Pontiac Trail and Martindale Road, Eagle Heights Drive from Eleven Mile Road to Brick Lane, Brick Lane from Eagle Heights Drive to Stoney Drive, Stoney Drive from Brick Lane to Eagle Heights Drive.

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 CARRIED UNANIMOUSLY

4. Sale of Fire Department Vehicle

9/23/13

Chief Kennedy stated he was hoping to get at least \$3,000 for this car, but it has been on the internet for 14 days and no one has showed interest. He stated it is in running condition but it needs a lot of work. He stated he has received an offer for \$1,900.00.

CM 9-7-13 MOTION TO APPROVE THE SALE OF 2005 CROWN VICTORIA

Motion by Wedell, supported by Kramer

Motion to approve the sale of the 2005 Crown Victoria on MITN for a minimum price of \$1,900.00.

VOTE: MOTION CARRIED UNANIMOUSLY

5. Acceptance of Resignation/Appointment

Mayor Wallace stated he received a resignation from Jim Herman from the ZBA because he is relocating out of the City. He further stated he has received an application for the ZBA from Ron Morelli who has experience on the ZBA.

CM 9-8-13 MOTION TO ACCEPT RESIGNATION AND APPOINTMENT

Motion by Kivell, supported by Kopkowski

Motion to accept the resignation with thanks from Jim Herman and affirm Mayor Wallace's appointment of Ron Morelli to fill that seat.

VOTE: MOTION CARRIED UNANIMOUSLY

6. Road Closure

City Manager Murphy stated the water main contractor will be closing Lafayette and Lake Street on Monday at 6:30 a.m , so they have asked if we could just keep it closed, therefore they plan on keeping it closed for a day, but if needed they have a 3 day window.

CM 9-8-13 MOTION TO APPROVE ROAD CLOSURE

Motion by Kramer, supported by Dixon

9/23/13

Motion to continue the road closure of Lafayette and Lake Street for 11 ½ hours, from Sunday night at 7:30p.m. to Monday morning at 6:00a.m.

VOTE: MOTION CARRIED UNANIMOUSLY

MANAGERS REPORT

City Manager Murphy stated he would like to thank Lori Mosier for all her hard work. He stated he would like to remind everyone that Pumpkinfest is this weekend, and they are looking for volunteers. He also stated the last Movie in the Park is the 27th of this month and they will be showing the movie Cars. City Manager Murphy stated he will be bringing information to Council at the next meeting regarding the change in the Snow Ordinance. He discussed the need for updating the personal policy and asked if any Council members would like to be involved.

COUNCIL COMMENTS

Councilman Kivell stated he attended the Pumpkinfest meeting and they still need volunteers and explained if interested, people can go online to their website and see what positions they need filled. He further stated Kim Thompson of the Chamber of Commerce has added our movies in the park to their website calendar.

Councilman Rzyzi stated he would also like to let everyone know Pumpkinfest is in need of volunteers, and stated he will be volunteering as well.

Councilman Kramer stated he is also volunteering and if anyone else is interested you will get a very nice t shirt as well as some free tickets for some of the events. He stated he would be interested in receiving his Council packet by email as opposed the hardcopy. City Manager Murphy stated he will be happy to email the packets to him.

Councilmember Dixson stated she is looking forward to Pumpkinfest.

Mayor Wallace stated 50 Amp Fuse will be playing Saturday night at Pumpkinfest and they were actually the warm up band for Jimmy Buffet at Comerica Park. He further stated the reason Pumpkinfest is being held in September is because that is the only weekend the band was available. Mayor Wallace stated the Friday before the next meeting will be the 300th football game.

ADJOURNMENT

Motion by Kopkowski, supported by Kramer

9/23/13

Motion to adjourn the meeting at 8:50 p.m.

CM 9-9-13 MOTION TO ADJOURN MEETING

VOTE: MOTION CARRIED UNANIMOUSLY

Respectfully submitted,

Tedd Wallace Mayor

Lisa Deaton Clerk/Treasurer