

**CITY OF SOUTH LYON
REGULAR CITY COUNCIL MEETING
SEPTEMBER 10, 2012**

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: Dixon, Kivell, Kramer, Rzyzi, and Wedell
City Manager Murphy
City Clerk/Treasurer Zemke
City Attorney Wilhelm
Department Heads: Collins, Kennedy, and Martin

ABSENT: Councilman Kopkowski

CM 9-1-12 – EXCUSE ABSENCE

Motion by Kivell, supported by Kramer

To excuse the absence of Council Member Kopkowski

VOTE: MOTION CARRIED UNANIMOUSLY

APPROVAL OF MINUTES:

Councilman Kivell stated that he would like to not approve the August 13, 2012 minutes at this point. He believes there were some additional comments that should be added

CM 9-2-12 – APPROVAL OF MINUTES- AUGUST 27, 2012

Motion by Kivell, supported by Wedell

To approve the minutes of the August 27, 2012 Regular Council meeting as written

VOTE: MOTION CARRIED UNANIMOUSLY

APPROVAL OF MONTHLY BILLS:

Discussion was held on various bills

CM 9-3-12 – APPROVAL OF MONTHLY BILLS

Motion by Wedell, supported by Kivell

To approve the monthly bills as presented

VOTE: MOTION CARRIED UNANIMOUSLY

APPROVAL OF AGENDA:

City Manager Murphy stated that he would like to propose a discussion in closed session for possible purchase of real estate.

CM 9-4-12 APPROVAL OF AGENDA

Motion by Kivell, supported by Dixon

To approve the agenda as amended by adding a second item under Executive Session for discussion of possible purchase of real estate

VOTE:

MOTION CARRIED UNANIMOUSLY

PUBLIC COMMENT:

Mr. Carl Richards of 390 Lennox discussed the success of the Depot Days and the great job the Historical Society did. He stated that the street repairs are coming along nicely. He further stated that he has heard that there are two new businesses going in at the old Rose's Day Care, there is a new Pet Store going in next to Busch's and Emma's graphics has moved to the Kroger Plaza. Best wishes were given to Sweetwater

Mr. Blain Smith of 57440 Walker Way discussed some vandalism in the cemetery where his son's stone was pushed over. He stated that the Council should adopt something that says that kids should not be in the cemetery without an adult. He presented a picture of the damaged stone.

Discussion was held on security in the cemetery. The question was asked if there had been any additional vandalism within the last two weeks. Chief Collins stated that he is not aware of any. Discussion was held on posting a sign with the Police Department phone number in case anyone sees any mischief. Discussion was held on the police patrol of the cemetery. Chief Collins stated that they do patrol the cemetery during non-committed patrol time. Further discussion was held on security in the cemetery.

OLD BUSINESS: None

NEW BUSINESS:

1. Dedication of Utilities from Lafayette Woods Condominiums

It was stated that Lafayette Woods has completed the necessary documents for dedication of their water and sanitary sewer lines to the City.

Discussion was held on the notary page. Ms. Margaret Kurtzweil, Attorney for Lafayette Woods stated that this is a dual notary page and is acceptable. Both individuals would sign before the notary.

Ms. Kurtzweil discussed the process to get this completed. She stated that this has taken two years. She further stated that she has done this pro-bono and she does not feel that any other private development would have the money to hire an attorney to do the work necessary.

CM 9-5-12 – ACCEPTANCE OF DEDICATION OF UTILITIES – LAFAYETTE WOODS

Motion by Kramer, supported by Wedell

To accept the dedication of utilities from Lafayette Woods Condominiums as presented

VOTE:

MOTION CARRIED UNANIMOUSLY

2. First Reading – Amendment to Chapter 46 – Fire Prevention and Protection

Chief Kennedy stated that there was some discussion earlier this summer after the State passed legislation expanding the type and character of fireworks that can be sold in Michigan. That legislation put some strict limitations on what communities can do. We have attempted to develop an ordinance to be as restrictive as possible. It does not relate to sales or distribution, but rather ignition, discharge and use of fireworks. The biggest loophole is the holidays. The ordinance is congruent with what other communities are doing.

Discussion was held on how disturbing the noise can be, especially to those with young children. Discussion was held on the frequency of the activity and the duration.

The question was asked if the noise ordinance can play a role in this. Discussion was held on the equipment needed to measure the limits. Discussion was also held on the need to be present at the time of discharge.

Councilman Rzyzi stated that this is a good thing to ultimately protect our citizens. He questioned how this is going to be enforced and how aggressively are we going to pursue this. Chief Collins stated that the Police Department would respond if a complaint is made. He discussed the difficulties in determining who or how someone is lighting fireworks.

Councilman Rzyzi asked what kind of recourse does one have if residue, etc. ends up on your lawn, etc. Discussion was held on the need for a witness.

Discussion was held on the restrictions on storage of fireworks as well as transport of fireworks.

Discussion was held on the role of volunteer firefighters and at what point are they acting in an official capacity. Chief Kennedy stated that he would not want the firefighters enforcing the ordinance. However, if they did observe something, they could then simply call dispatch.

CM 9-6-12 – APPROVAL OF FIRST READING – CHAPTER 46 – FIREWORKS

Motion by Kramer, supported by Kivell

That this be the first reading of an amendment to City of South Lyon Ordinance, Chapter 46, Fire Prevention and Protection, Article V, Fire Works Control, repealing existing Division 1, Sections 46-121 through 46-140, and existing Division 2, Sections 46-141 through 46-150, in their entirety and adopting a New Article V, Fireworks Control, Sections 46-121 through 46-127, in Chapter 46 of the City of South Lyon Code of Ordinances (see attached amendment as part of these minutes)

Councilman Wedell asked if some of these issues could be enumerated and send a letter to our State Representatives.

VOTE:

MOTION CARRIED UNANIMOUSLY

MANAGER'S REPORT: None

COUNCIL COMMENTS:

Councilman Kramer stated that he is thankful that we have had one community/development that was able to accomplish the task of dedicating their utilities, and he is hopeful that others will be able to do the same. He discussed the need to have new complexes done this way from the beginning so they are not in a similar situation

Council Member Dixon stated that Colonial Acres has been trying for three years to get the City to accept their utilities. City Manager Murphy stated that there has been correspondence back and forth. There are approximately nine items that still need to be taken care of.

Council Member Dixon discussed a water leak in Colonial Acres. City Manager Murphy stated that this is a service lead. He does not have the authority to authorize a repair on private property. Council Member Dixon stated that they simply do not have the money to fix the problem. Further discussion was held on repairs on private property.

Councilman Kivell stated that unfortunately he was unable to make it to Depot Days, but heard that it was a great event. Mayor Wallace stated that it was highly successful. It was great to see the people dressed in period costumes. etc.

Mayor Wallace asked if we are done with the roads project. Superintendent Martin stated that it has not yet been complete. but they are working on it.

3. Closed Session
 - a. Collective Bargaining
 - b. Possible Property Purchase

CM 9-7-12 – EXECUTIVE SESSION

Motion by Kramer. supported by Kivell

To enter into Executive Session for the purpose of discussing Collective Bargaining and possible property purchase

VOTE: MOTION CARRIED UNANIMOUSLY

Council entered into Executive Session at 8:37 p.m. and reconvened the regular meeting at 9:14 p.m.

4. I.O.U.E. Contract

CM 9-8-12 – I.O.U.E. CONTRACT

Motion by Wedell, supported by Kivell

To approve the contract between the City of South Lyon and I.O.U.E. Local 324 as presented

VOTE: MOTION CARRIED UNANIMOUSLY

CM 9-9-12 – ADMINISTRATIVE STAFF BENEFIT

Motion by Wedell, supported by Kramer

To extend to the administrative staff the same increase in longevity benefit as the I.O.U.E. with at least four year seniority

VOTE: MOTION CARRIED UNANIMOUSLY

ADJOURNMENT:

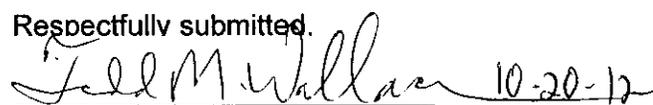
CM 9-10-12 ADJOURNMENT

Motion by Kivell, supported by Kramer

To adjourn meeting at 9:17 p.m.

VOTE: MOTION CARRIED UNANIMOUSLY

Respectfully submitted.


Tedd M. Wallace, Mayor

Julie C. Zemke, City Clerk/Treasurer