

CITY OF SOUTH LYON
REGULAR CITY COUNCIL MEETING
October 28, 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
Clerk/Treasurer Deaton

AGENDA

CM 10-1-13 MOTION TO APPROVE AGENDA

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

VOTE: MOTION CARRIED UNANIMOUSLY

MINUTES

Councilman Kivell stated on Page 3 it should say "and if the soil erosion permits from the State of Michigan should be needed."

He further stated on Page 9, it should state Councilman Kramer, City Attorney Wilhelm, and City Manager Murphy stated a paralegal could not do the work.

CM 10-2-13 APPROVAL OF MINUTES

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

VOTE: MOTION CARRIED UNANIMOUSLY

PUBLIC COMMENTS- Bruce Nussbaum of 525 Willow stated there will be a concert November 9th for Injured Soldiers and everyone is invited. Dick Purtin will be the emcee. Tickets are \$75.00 and it will be a great evening. He stated information is available online people can contact Operation Injured Soldiers.

OLD BUSINESS

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1. Winter Emergency Parking

City Manager Murphy stated this is the second reading for the snow ordinance to be changed to a snow emergency ordinance. He further stated there have been no changes from the first reading. It will now strictly be a snow emergency.

CM 10-3-13 MOTION TO APPROVE SECOND READING OF SNOW ORDINANCE

Motion by Kramer, supported by Wedell

Motion to approve the second reading of the proposed amendment to the City Code Of Ordinances Section 90-1

VOTE: MOTION CARRIED UNANIMOUSLY

NEW BUSINESS

1. Council to carry out provision in City Manager's Contract

CM 10-4-13 MOTION TO TERMINATE DAVID MURPHY'S CONTRACT

Motion by Rzyzi, supported by Kopkowski

Motion to terminate effective immediately the City Manager's contract pursuant to the Provision contained in the City Manager's contract as follows; Article 6 Section b, this agreement may be terminated by City Council by a majority vote as provided in the City Charter; the employee agrees he will receive 6 Months pay and benefits then in effect commencing on the date of termination.

Councilman Kivell stated this is important and the public should be able to speak on this.

Councilman Kivell stated this is like going nuclear right out of the gate. We had a City Managers' evaluation on July 22nd. There were no comments made that elevated to the level that would even approach the idea there was a dismissal at hand. Councilman Kivell quoted some comments Council Members made at the July 22nd meeting. He further stated we are in very good fiscal shape, and everyone needs to be aware, we only have had one employee lost since the downturn. He stated everyone has held their job, and it has been quite an achievement. We have lost millions of dollars in revenue, and we are still able to fulfill the high level service our City employees supply. He further stated, we have struggled and we are on the brink of coming out of this. Councilman Kivell stated our City Attorney received a letter from Councilmember Dixons attorney stating that she does not need to give a reason to vote for the City Managers dismissal. He further stated although that may be true as a legal point, it

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doesn't speak to the idea that you don't have to justify how you vote. The residents of this community may not find that acceptable. He further stated no one has given any reason or corrective measures that would answer what the lost expectation would have been. Dave never had a chance to make any corrections. He further stated if this is a successful endeavor, the idea of trying to get a quality manager will take years.

Councilman Kramer stated 2 weeks ago he told Mayor Wallace he would not be at this council meeting. He further stated he knew nothing about the firing of the City Manager until last Wednesday. He asked why he was the last to know. Councilman Kramer asked the Mayor why he only contacted 3 Council Members and not the rest. Mayor Wallace stated he took a straw vote, of the first 3 he called; he already had a majority so he didn't need to contact the rest of Council. Mayor Wallace stated he called the 3 councilmembers individually. Councilmember Kopkowski stated she was contacted regarding the straw poll. She was asked about it going on the agenda. Councilman Kramer stated there was a violation of the Open Meetings Act. Councilmember Kopkowski stated there was not a violation; she told the Mayor he had the right to add this item to the agenda. Discussion was held regarding the right of each Council Member to add an item to the agenda. Councilman Kramer stated this should have been discussed with the full Council. Mayor Wallace stated this is not an overnight thing. Councilman Kramer asked why they are firing the City Manager tonight, two months after giving him a favorable review. Mayor Wallace stated it was time for it to be done. Discussion continued regarding why the full Council was not notified that the City Manager was going to be fired. Mayor Wallace stated he did not use the words that the City Manager was going to be fired; he stated he told City Manager Murphy that his severance in his contract will be fulfilled. Mayor Wallace stated he will not drag out the City Managers laundry list. He further stated it would have behooved him to do that at the time. Councilman Kramer stated the only time he received anything he thought about the City Manager was at the review 2 months ago. Mayor Wallace stated there were some events that took place since then. Councilman Kramer asked Mayor Wallace if he contacted Rod Cook regarding becoming interim City Manager, and if he had the permission of Council to do so. Mayor Wallace stated he did contact him. Mayor Wallace stated he asked Rod Cook two weeks prior to this meeting if he would be able to step in as interim City Manager. Councilman Kramer stated he contacted the MML regarding the cost of hiring a new City Manager. Mayor Wallace asked Councilman Kramer is he had council's permission to do so. Councilman Kramer stated this stinks of back room politics. Mayor Wallace stated that did not happen. He further stated it is time to move on. Councilman Kramer stated that the thing that bothers him the most is he only contacted 3 Council Members, and not the other 3. Mayor Wallace stated that it is being discussed now.

Councilman Wedell stated each Council Member is a member of the MML and they do not need permission to contact them regarding a question or research. Mayor Wallace stated he

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does not need permission to contact someone as well. Councilman Wedell stated he does need permission if he is offering a job to someone. He further stated Mayor Wallace has not taken steps to keep the entire board informed. Councilman Wedell said this is a new low in South Lyon politics. Councilman Wedell stated City Council received a letter today from the business owners in our community, and he would like the letter recorded as part of the official minutes.

Councilmember Kopkowski stated she is under the impression a decision is not made until there is a vote. She further stated she would like to ask Mr. Murphy if he will have a problem working for the City in light of what is happening today. Mr. Murphy stated he doesn't believe it will come to that because it is obvious that Council is going to fire him, but absolutely, he is a professional. Councilmember Kopkowski stated she does not feel that statement was professional and she has not voted yet. Mr. Murphy stated he was told by Mayor Wallace that he was going to be fired at Monday's meeting because he has the votes. Councilmember Kopkowski asked if that is why he cleaned out his office on Saturday. Mr. Murphy stated yes. Councilmember Kopkowski stated Mr. Murphy has made his decision. Mr. Murphy stated he is reacting to a decision that was made. Councilmember Kopkowski stated a decision is not made until there is a vote.

Mike Tulio of 549 Graefield stated he feels David Murphy has done a great job. He further stated he is a very capable City Manager and a good guy. He has only heard good things about David and the job he has done for the City. He asked the question how much it will cost to buy the City Manager out of his contract for the next 6 months. Councilman Kivell stated it would probably be approximately \$135,000. Mr. Tulio stated he feels if Council is ready to spend that much of the taxpayer's money, he feels they should give a justification more than he delegates too many things. He further stated he does feel this stinks of back-room politics and it is dirty and cowardly.

John Galeas of 134 N Warren stated he just heard of this last week and he is embarrassed to say he was part of this Council at one time. He further stated is hard to believe what is happening here. Everything that is being said about the back room politics and everyone does have a right to bring something to the board for discussion, but this is not going down the way it should.

Marilynn Smith of 120 E Lake Street stated she is not a resident, but she is a local business owner. She stated as a business owner she was very upset that she had to hear from customers that the Mayor was firing the City Manager. She further stated she would appreciate it if Mayor Wallace would read the letter that was given to Council today. More business owners would have signed it, if they were open on Monday, but this was done too fast and low down.

Mike Dilworth of 319 Gibson stated he knows David Murphy and has for a long time. He stated he does not see any reason for this to be happening. He has only heard good things about Mr. Murphy and his job performance. He further stated this seems spiteful and possibly for personal reasons, and he thinks they are doing the wrong thing.

Gary Fagin South Lyon Business Owner stated he found out about this last week, and it has thrown him off. He has been a part of this community for the past 35 years. Very few things have been said that was meant from the heart, he is baffled because there are questions being asked and no responses of any kind of a proper answer. He further stated he would like to apologize to Mr. Murphy for the town. He stated he hopes for the community Councilmembers Kopkowski's vote will change. He is hoping they can discuss this as a unit. Mr. Fagin stated he does not know all the facts, but he does know the Council Members are all good people.

Kevin Bradford of 124 N Lafayette stated he heard Mr. Murphy was losing his job today, and he was surprised. He feels South Lyon is a better community with him here.

John Doyle of 9340 Peer Road stated he has been receiving many phone calls regarding the City Managers' firing. He thanked Mr. Murphy for all he has done for the City. He stated he is not sure if there is a good reason for this. We have had good leadership for many years. We had Rod Cook for many years, and Mr. Murphy for the last 5 years. He stated the City is in a good financial situation and the City is a wonderful place to raise a family. He further stated this is bush league and he would not expect this from this community. He stated he is hoping the Council will reconsider the firing of Mr. Murphy. It seems like the fix is in, and it is not right. If you truly care about South Lyon, don't do this, it will be a huge mistake.

Jenny Schiller of 975 Devon Court stated she is very devastated in the appearance of back room politics. She further stated she is very angry the Council wants to spend \$70,000 to fire him. She stated she is disappointed in our Mayor, and it will be a very big mistake, who will want to work here after treating our current City Manager this way. She is ashamed of this.

Councilman Kivell stated this will have some political ramifications no matter which way this goes, and he hopes it is worth it for the people that put us in this situation.

VOTE:

MOTION PASSED

Dixson Yes

Kivell No

Kopkowski Yes

Kramer No

Rzyzi Yes

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Wallace Yes

Wedell No

2. Mike Csapo- RRRASOC, Recycling of Clothing

Mr. Csapo stated he is asking permission to deploy a pilot curbside collection of clothing. He stated as a country we throw away a lot of clothes. Only 15% are donated. 85% ends up in landfills. He stated they have found a way to recycle those without costing the communities any money. Mr. Csapo stated the idea is to run a pilot collection to figure out how to best do this. It could be a weekly collection, but the pilot program will tell them if it should be weekly, bi weekly or monthly. He stated they will distribute bags to the residents at no charge to anyone, and the residents can put the clothes out for pick up. He further stated as the bags are used, Duncan can drop off replacement bags. Mayor Wallace asked if they will run the same day and route as Duncan disposal. Mr. Csapo stated it will be the same. He stated South Lyon was chosen because we like the two days of garbage collection and the City isn't too large. Councilmember Kopkowski asked if they would give Council the results of the pilot program. Mr. Csapo stated they would let the Council know how the program worked and they would also get the feedback from the residents as well. Councilman Wedell asked how they will advertise and let the residents know about this program. Mr. Csapo stated they will be going door to door, handing out the recycling bags, and letting the residents know about the program. More discussion was held regarding the donating process.

CM 10-5-13 MOTION TO APPROVE THE PILOT PROGRAM FOR A TRIAL PERIOD

Motion by Kopkowski, supported by Dixon

Motion to approve the pilot program for a trial period of curbside recycling with RRRASOC

VOTE:

MOTION CARRIED UNANIMOUSLY

3. Cool Yule Parade

Kim Thompson of the Chamber of Commerce stated she is here to ask Council to approve the road closure on December 7th from Whipple to the Historical Village.

CM 10-6-13 MOTION TO APPROVE THE ROAD CLOSURE FOR COOL YULE

Motion by Wedell, supported by Kivell

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 permits to conduct the Cool Yule Parade on December 7, 2013 from 5:30 p.m. to 6:30 p.m. and the related road closures: Whipple St. between Warren and Lafayette, Lafayette between Whipple and Dorothy St., Dorothy Street between Lafayette and McMunn.

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. Request by the Kiwanis Club to use McHattie Park to sell Christmas trees

Phil Wiepert 135 N Warren stated he is here on behalf of the Kiwanis Club to ask for use of the Historical Village/Depot Grounds to sell Christmas Trees. He stated the Council has been nice enough in previous years to allow them to use the grounds since they have been unable to use their previous location.

CM 10-7-13 MOTION TO ALLOW USE THE USE OF HISTORICAL VILLAGE FOR CHRISTMAS TREE SALES

Motion by Wedell, supported by Kopkowski

VOTE: MOTION CARRIED UNANIMOUSLY

COUNCIL COMMENTS

Councilman Kivell stated there was a correspondence from a Lynn Winny who is a member of the census team, and she stated Lori Mosier helped her a great deal understanding our local dog ordinance. Councilman Kivell stated that he is disturbed and saddened that the Council took such an irresponsible action tonight, and the only saving grace is the political careers of some people on council may have ended tonight and we will see where this goes.

Councilman Kramer stated 4 years ago he ran for Council because of some concerns he had about some back room politics that may have been going on. He wanted to make sure to put a stop to that. He further stated he is embarrassed about what happened tonight. This was not about the termination of the City Manager. This is about back room politics with things going

on without the full council knowing about it. He further stated there is an election next week, and he hopes the residents vote for the right people, and this issue will be addressed at a later time.

Councilman Wedell stated this is a sad day for the City of South Lyon, and we have lost a good man and City Manager. He was and is a good City Manager, regardless of what non issues were raised tonight.

Mayor Wallace asked if Council would like to approach Rod Cook to become the interim City Manager. Discussion was held regarding adding an agenda item to this meeting. Councilman Kivell stated if you would like to add an action agenda item, Council would have to approve it by a super majority.

CM 10-7-13 MOTION TO ADD AGENDA ITEM FOR DISCUSSION WITH INTERIM CITY MANAGER CANDIDATE

Motion by Rzyzi, supported by Kopkowski

Motion to amend agenda for discussion to have the ability to speak with Rod Cook regarding becoming the interim City Manager

VOTE:

MOTION FAILED

Dixson Yes

Kivell No

Kopkowski Yes

Kramer No

Rzyzi Yes

Wallace Yes

Wedell No

ADJOURNMENT

Motion by Wedell, supported by Kopkowski

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

VOTE:

MOTION CARRIED UNANIMOUSLY

Respectfully submitted,

Mayor Tedd Wallace

City Clerk/Treasurer Lisa Deaton